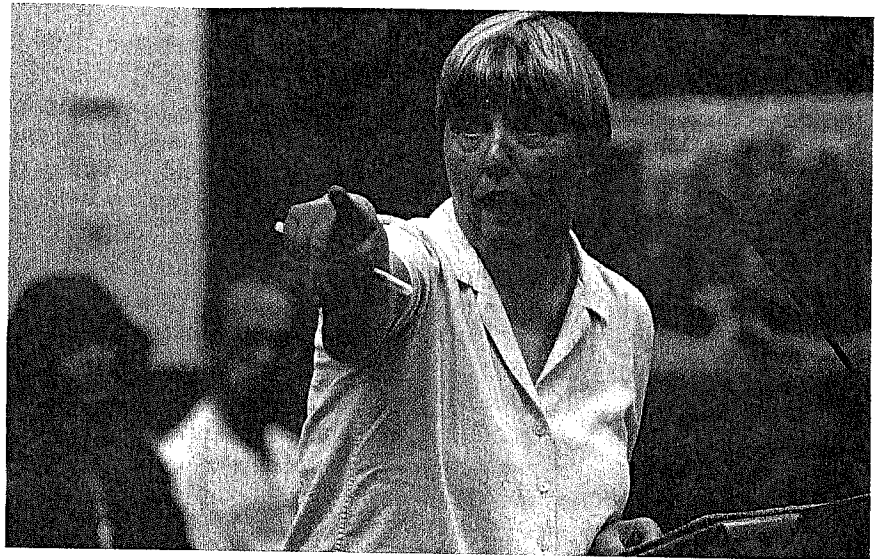


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Navigating the Political Challenges to Sustainable Development

By James E.A. Slaton

In political circles, 2010 is remembered as “the Year of the Tea Party,” a year in which a conservative populist movement demonstrated at the polls that its adherents were not a political minority comprised of separatists living at the fringe of society but a voting power to be contended with. It was a year that many elected officials learned the hard lesson that the Tea Party message of frustration with “big government” could be ignored only at their own peril. Since then, the power of the Tea Party—not an actual political party so much as a catchall descriptor for the politics of limited government and rugged individualism—has shown no sign of waning and instead its focus (to the extent a cultural movement can be said to have a focus) is expanding beyond national political issues, like federal budget debates, and into local issues, including zoning and land use matters. As a result, the Tea Party has become a force to be reckoned with in all arenas and forums of political life in the United States, from the 2012 presidential race to those most local of governing bodies, the planning and zoning boards of cities and towns all over the country.

Among other targets, the principles of “smart growth” (also referred to as new urbanism, sustainable development, and green building, among other names) and its proponents and practitioners have found themselves in the Tea Party crosshairs, which characterizes pro-smart growth policy as a government scheme to force an unwanted lifestyle on its citizens.

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Municipalities desiring to adopt master plans and zoning codes incorporating smart growth ideals and mechanisms and developers seeking to obtain approval for these kinds of projects are more frequently meeting with vocal and intense opposition, with projects experiencing opposition ranging from traditional neighborhood developments to mass transit initiatives. In these contexts, sustainable development is typically opposed on the grounds that it represents an attack on property rights, a curtailment of constitutional freedoms, and—more frequently—the execution of a vast, international conspiracy spearheaded by the United Nations and referred to as “Agenda 21.”

The following are examples of this vein of criticism from web sites of various Tea Party and similar organizations:

- From the “American Thinker” web site: “Smart Growth plans usurp property rights and constitutional rights. Local officials, at the behest of State Government, revise zoning laws to fit into a ‘smart code’ zoning template. A massive reshuffling of property rights ensues.” Scott Strzelczyk & Richard Rothschild, *UN Agenda 21—Coming to a Neighborhood Near You* (Oct. 28, 2009), www.americanthinker.com/2009/10/un_agenda_21_coming_to_a_neigh.html.
- From the “Freedom Advocates” web site: “Right now, in your

town and neighborhood, policies are being implemented that will ultimately eliminate your freedoms and destroy your way of life. You need to know what's going on to stop this process."

Freedom Advocates, *ICLEI Primer: Your Town and Freedom Threatened* (Aug. 4, 2009), www.freedomadvocates.org/articles/illegitimate_government/iclei_primer%3a_your_town_and_freedom_threatened_20090804364. According to this organization, sustainable development seeks the step-by-step abolition of private property, primarily through the implementation of the wildlands projects and smart growth; education of youth to prepare them for global citizenship; and the ultimate reduction of human population. Freedom Advocates, *Sustainable Development: A Brief Analysis*, www.freedomadvocates.org/documents/download/sustainable_development_a_brief_analysis.

- From the "My Tea Party Chronicle" blog: "The phrase Sustainable Development became the popular term in America to define Agenda 21. It is a political ideology being infused into every level of government in America. In short, it's a Marxist plan for global control of everything . . . with the United Nations at the head of central planning." Cheryl Pass, My Tea Party Chronicle, <http://myteapartychronicle.blogspot.com/2011/06/tea-party-onto-agenda-21.html> (last visited Mar. 8, 2012).

"Smart growth" is the popular term for an approach to development that seeks to incorporate 10 guiding principles into the planning process, such as favoring mixed land uses and compact building design, preserving open spaces, creating walkable communities, and providing a variety of transportation choices. Its supporters say that these principles are intended to result in a development

that is economically viable, environmentally sound, aesthetically pleasing, and convenient to use. The Smart Growth Network, the International City/County Management Association and the U.S. Environmental Protection Agency developed the following definition: "Growth is 'smart' when it gives us great communities, with more choices and personal freedom, good return on public investment, greater opportunity across the community, a thriving natural environment, and a legacy we can be proud to leave our children and grandchildren." Smart Growth Network, *This Is Smart Growth 1* (2006), available at www.epa.gov/dced/pdf/2009_11_tisg.pdf (last visited Apr. 23, 2012). For example, by

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encouraging high-density development in population centers and discouraging development in rural areas, supporters believe that smart growth preserves both the urban and rural ways of life and uses land and other resources more efficiently.

Its opponents, however, see a different goal in mind. Some view the principles as an unwanted attempt by the government and others to dictate how and where they live. Ann Shaneyfelt, a resident of Ascension Parish, Louisiana, heard many of these complaints and concerns in 2010 when she served as a citizen member of a master plan support committee for her home parish. During a two-month, 11-meeting-long series of community meetings to receive comments to an initial draft of the proposed comprehensive master

plan, Ms. Shaneyfelt heard a variety of complaints, but most amounted to the same concern: "They were claiming we were trying to urbanize the parish and kill their way of life." Attempts to disabuse those concerned were ineffective, she says.

Distrust of Government

Rosa Koire, executive director of the Post Sustainability Institute, shares an innate distrust of government and believes it is well-founded. According to its web site mission statement, the Post Sustainability Institute is an organization formed to "study the impacts that United Nations Agenda 21/Sustainable Development [] and Communitarianism have on liberty." The Post Sustainability Institute, *Our Mission*, www.postsustainabilityinstitute.org (last visited Apr. 23, 2012). Ms. Koire believes that smart growth is the implementation of a United Nations plan, the ultimate goal of which is to "inventory and control all resources . . . and all means of production in the world." The resources, she says, include human resources. Ms. Koire says the United Nations' plan is spelled out clearly in the document known as "Agenda 21," which was adopted, along with the Rio Declaration on Environment and Development and the Statement of Principles for the Sustainable Management of Forests, by more than 178 governments at the United Nations Conference on Environment and Development held in Rio de Janeiro, Brazil, in 1992. As set forth in its preamble, Agenda 21 is a call for a "global partnership for sustainable development" and a statement of policy that "integration of environment and development concerns and greater attention to them will lead to the fulfillment of basic needs, improved living standards for all, better protected and managed ecosystems and a safer, more prosperous future." United Nations, *Agenda 21* (2009), www.un.org/esa/dsd/agenda21/res_agenda21_01.shtml. Although Agenda 21 is not law nor is it binding on any state or local governments or their planning bodies, Koire says that its influence is

nevertheless spreading to these bodies through, among other means, the promotion of smart growth ideals by planning organizations, civic organizations, and planners who have been trained in these techniques. Ms. Koire, who often speaks before Tea Party and similar organizations, is not alone in these beliefs. The Atlantic Cities reports: "Across the country, Tea Party activists have been storming planning meetings of all kinds, opposing various plans by local and regional government having anything to do with density, smart growth, sustainability or urbanism . . . [a]nd in almost all instances, the Tea Partiers link local planning efforts to the United Nations' Agenda 21." Anthony Flint, *How the Tea Party is Upending Urban Planning*, Urban Wonk (Dec. 14, 2011), www.theatlanticcities.com/politics/2011/12/how-tea-party-upending-urban-planning/718.

Although many elements of smart growth planning might seem innocuous or even beneficial—such as creating bike lanes or aesthetically appealing parks—Ms. Koire says that what makes them objectionable is that they are individual parts of an overall plan of re-designing how people live their lives. "I think that the ideology is so pervasive at this point that you can't tease out of it anything that is supportable," she says. She points out that as smart growth plans re-allocate resources in accordance with smart growth principles, those currently using the resources being re-allocated will suffer. She cites decisions to close rural post offices and to discontinue maintaining rural roads as examples of policy decisions consistent with smart growth principles that favor urban living over rural living.

Social Engineering

Whether smart growth opponents believe the threat to their property rights, liberty, or way of life is coming from the local planning department or an international body, they share the common objection to major decisions being made without meaningful participation by those being affected.

Although smart growth objectives are typically touted by their promoters as being for the common good, that is cold comfort to Ms. Koire, who says that "the point is, you don't get to decide what the common good is."

Smart growth proponents counter that community input is part and parcel to the sustainable development movement and that one of the 10 smart growth principles is to "encourage community and stakeholder collaboration in development decisions." Even opponents concede that the typical smart growth process includes numerous public

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meetings—including town hall-style meetings, interactive workshops, and design charrettes—to get citizen input and feedback on the proposed smart growth plan.

Although Ms. Koire and other opponents might agree that this is the practice, she says it does not amount to a meaningful opportunity for input: "The public is invited, but the outcome is already determined." Ms. Koire alleges that the process is manipulated by smart growth supporters using thought control techniques so that there is no real opportunity for a contrary voice to be heard.

Phillip LaFargue, director of communications for the Baton Rouge, Louisiana-based Center for Planning Excellence, describes such claims as "preposterous." The Center for Planning Excellence, known as CPEX, is a nonprofit organization that, among other things, helps facilitate the smart

growth planning process for municipalities, agencies, or other community groups that seek to take on a sustainable development project but need help with the process. As director of communications, Mr. LaFargue has seen firsthand what goes into the planning and input meetings. But he also understands the misconceptions about the process and the mistrust by those who have received what he believes to be bad information.

Perception and Communication Problem

The question of how to alleviate public concern and communicate the benefits of proposed planning reforms is a question the planning industry has been asking itself a lot lately in the wake of growing and vocal opposition by the Tea Party and other similar groups to sustainable development proposals. It is also a question relevant to lawyers who represent parties involved in the planning process, whether representing planners, governmental agencies, developers, or others. The answer, say experts, lies in re-thinking how the industry engages with the public. Robin Rather is the chief executive officer of the Austin, Texas-based consulting firm, Collective Strength, and acts as a communications consultant to the smart growth planning industry. She estimates that smart growth projects in 30 states have experienced strong opposition from political movements such as the Tea Party, some of which have been successful: "They've been effective in deleting or canceling 10 years of work that had a lot of community consensus." She says that many of these attacks include allegations that the proponents of the smart growth plan being proposed are trying to implement Agenda 21. Although opposition to planning efforts is not new, Ms. Rather says the tactics of the current crop of smart growth opponents are.

"What's new is the use of Agenda 21, the use of the surprise factor, because nobody's ever heard of Agenda 21," Mr. Rather says. "The difference between this issue and many other [public issues] is that it

isn't just a couple of cranky stakeholders. It's a well-orchestrated, well-funded, and well-trained campaign." Even when not making claims specifically about Agenda 21, she says that smart growth opponents are employing disruptive tactics in the meetings with no aim other than to derail any productive discussion or to make the meeting leader look "buffoonish." In doing so, she says, they are able to take advantage of the typically less formal format of public comment meetings, intended to allow a free flow of comments from the public so that planners can hear and respond to their input and concerns. The unstructured format, however, can also provide an easy way for opponents to dominate the meeting. "Planners are trained to take community input very, very seriously . . . if you're speaking to these highly trained disruptors, they're trained never to get to the point of what they want," she says. "Planners are troubled by this disruption because they can't get what they're looking for, which is issue discussion and issue consensus."

Instead, the opponents may use the floor to discuss Agenda 21, read prepared statements, or even personally attack the meeting leaders. Ms. Shaneyfelt experienced this in 2010. "They'd get up and talk to the crowd and work the crowd up into a froth," she says. Opposition voiced at the meetings ranged from intelligent, thoughtful commentary to angry rants that included insults (some even directed at Ms. Shaneyfelt) and rambling non sequiturs on a variety of topics. Some audience members became so emotional they wept. Shaneyfelt says it was not uncommon for an opponent of the plan to "sermonize" or launch into discourses about seemingly unrelated issues, such as religion or the U.S. Constitution.

Impact on Planners

Often, the planning professionals in charge of leading these meetings are ill prepared to deal with such situations. Many have trouble even understanding the animosity

toward the smart growth proposals or the allegations that smart growth planning amounts to the robbing of personal liberties. "To us, hating sustainable development is like hating kittens," Mr. LaFargue says. "It's been hard for [planners] to say this is something we need to deal with because they didn't see the connection."

Perhaps more importantly, planning professionals are often not trained in managing the kind of conflict they are now experiencing and how to effectively advocate for a viewpoint. In fact, the concept of advocacy traditionally has been anathema to many planners, says Dawn Jourdan, division director of City and Regional Planning at the University of Oklahoma in Norman. She says that planners usually see their role in the process as receiving input from all parties and synthesizing it into a final product. In the current environment, she says, that will change somewhat.

"Planners are going to have to stop acting as mutual technocrats and advisors [and] . . . facilitators of dialogue and consensus," Ms. Jourdan says. Instead they will need to become what she calls "advocate planners," prepared and equipped to explain, defend, and promote their planning ideas. Public input would remain an important part of the process as one of the 10 smart growth principles, but the advocate planners would play a less passive role in the discussion.

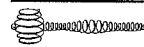
To do this, planners need to learn a new set of communication skills. Enter Ms. Rather, who advises her clients about how to respond to opposition and effectively communicate their message in planning meetings and other public forums. She educates them on the allegations they might face, such as Agenda 21, and teaches them strategies and techniques for effective meeting management. In the same vein, the American Planning Association has made available to its members a series of webinars entitled "Communications Boot Camp" with topics such as "Responding & Reframing

Planning" and "Successful Public Meetings and Managing Contentious Situations."

Indeed, proper meeting management is key, Ms. Rather says. She recommends several strategies for maintaining control of a meeting in the face of disruptive opposition, including

- establishing clear rules at the beginning of the meeting for how the meeting will be conducted (for example, length of time for each speaker) and

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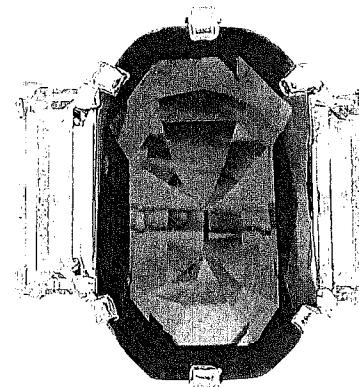


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- following them;
- focusing the meeting on the purpose and benefits of the project being discussed and practicing “message discipline” by staying on topic to avoid getting into debates about issues such as Agenda 21 (if such discussions or questions arise, acknowledge the off-topic point and return the discussion to the benefits of the proposal at hand—Ms. Rather calls this

- technique “the pivot”);
- training staff to deal with disruption through role-playing exercises;
- staying professional and calm;
- adjourning the meeting if it appears to be getting out of hand and informing the public that further input will be taken through alternative means, such as one-on-one meetings or written input; and
- communicating to attendees that all feedback will be incorporated and is valid and valuable, but that it is not valid or valuable for one group to shut down a meeting.

that might have the wrong political flavor to a portion of the public can “demonize” a project. He gives the example of avoiding referring to something as an “environmental project” and instead simply describing the desired benefit. “Use clean air as a goal instead of a buzz word from someone else’s plan.” Mr. LaFargue echoes this sentiment: “Reframe planning as less about words and more about what things people are interested in.”

Despite all of the hand-wringing in the planning profession over these issues, though, Ms. Jourdan believes that ultimately this controversy will prove to be beneficial to both the American people and even the planning profession itself.

“It’s amazing that we live in a time when people are interested in planning,” she says. In recent history, she says, citizen participation in the planning process has been low for reasons ranging from a lack of understanding of the process to a sense of powerlessness resulting from a perception of developer control and lack of transparency to, in some cases, public corruption.

“I think it’s very easy to have sympathy for the Tea Party and where they’ve been coming from. Often decisions are borne by private property owners for the greater good [but] sometimes the greater good gets lost in the public process. . . . The Tea Party has been outspoken, but I would say [all of] the American public has some of the same concerns. We’re all concerned about property rights,” Ms. Jourdan says. “People are talking, so it’s an opportunity. I think it’s a good chance to bring folks back together and engage in civics.”

Conclusion

Thanks to the Tea Party, “smart growth” principles are no longer unassailable in public discourse, but planners and opponents alike are hopeful that this rigorous debate over local planning policies will ultimately serve to improve the planning process and benefit the public at large. ■

Mr. LaFargue believes this last point is critical. “It’s important to balance listening to these people as stakeholders . . . [but] not allow them to sabotage or monopolize the microphone,” he says. “A mistake we’ve seen [made by planners] is alienating concerned citizens that speak up. Just don’t let them take over.”

Ms. Rather also recommends engaging the public well before the meetings ever take place and even seeking out those likely to be in opposition. “I don’t think you can effectively deal with a community if you don’t understand all the elements of the community, even this one.” She said the intent is not to change their minds, but to get to know them. “Issue resolution is not an option. What we’re shooting for is a deep understanding. The more you understand them, the more you can empathize with them and avoid losing your cool.”


It is also critical, she says, to identify and work with citizens who are supportive of the proposals so that they are prepared to express their opinions about the project at the meeting.

Craig Call, the executive director of the Utah Land Use Institute and the former property rights ombudsman for Utah, says it is important for planners and other officials to pay attention to the language they are using to describe their proposals. Using jargon or other words

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