

New Urbanism has been around for quite a long time

by Randy Bright <http://www.tulsabeacon.com/?p=2225#more-2225>

I've been studying one of my old college textbooks, *The Use of Land - A Citizens' Policy Guide to Urban Growth - A Task Force Report Sponsored by the Rockefeller Brothers Fund*, to see what planners were thinking over three decades ago when I was a student at the University of Illinois.

When I began to discover the depth of the New Urbanism movement several years ago, what I did not realize was just how old the movement actually was. This book was written in 1973, and its writers were talking in the future tense about many of the policies that are in place today. They simply had not developed the vocabulary that planners currently use.

The book betrays the writers' confusion, because in the early portion of the book they spoke about how government was not the remedy to urban development problems. However, not far into the book the writers begin making strong suggestions as to how government could indeed be the solution, if local, state and federal governments simply would pass the correct laws.

They wrote, "There is a new mood in America that questions traditional assumptions about urban growth and has higher expectations of both government and new urban development...not no growth but quality growth... It is time to change the view that land is little more than a commodity to be exploited and traded..."

Then they wrote that in legislation was "...the largest opportunities in directing land use and urban growth lie with that level of government constitutionally empowered to tax, regulate, and condemn land."

Though they did not call it sustainability, they wrote that we should exhibit more responsibility in regard to the land, so as to respect "...the legitimate rights of others to move to the places they value just as our parents or we have done; and in leaving to those who will come after us an environment that will endure and enrich."

It did not take long for the writers to suggest the heavy hand of government to force the preservation of open spaces in urban areas. They wrote that one way to protect open areas was for "owners of open spaces to give up or sell part of their property rights... In time, we believe, ownership of open spaces without urbanization rights should become as commonplace as ownership of land without mineral rights... A changed attitude toward land - a separation of ownership of the land itself from ownership of urbanization rights - is essential."

The writers eluded to the eminent domain issue, eerily prophetic of *Kelo vs. New London*, when they wrote, "The interpretation of the "takings clause" (which has sometimes been construed to prohibit governmental restrictions on the use of privately owned land)...is therefore a crucial matter for future land-use planning and regulatory programs...It is time that the U.S. Supreme

Court re-examine its precedents that seem to require a balancing of public benefit against land value loss in every case and declare that, when the protection of natural, cultural, or aesthetic resources or the assurance of orderly development are involved, a mere loss in land value is no justification for invalidating the regulation of land use.”

It was not long after this book was written that the United Nations began to formulate their land development policies. At the 1976 U.N. Conference on Human Settlements (Habitat I), property rights were redefined:

“Land...cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principle instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. The provision of decent dwellings and healthy conditions for people can only be achieved if land is used in the interests of society as a whole. Public control of land use is therefore indispensable...”

It is a testament to the strength of the Constitution, but not of great comfort, that it has taken so long for the assault on property rights to become so successful. However, Americans have become so accustomed to property rights abuse disguised as good civics that they no longer recognize it for what it really is - an assault on their Constitutional freedom.

What is clear is that those who wished to reduce or even eliminate our property rights have been telling us all along exactly what they want to do. The question is, are we Americans going to continue to ignore the abuse, only to wake up and find out that our property rights are gone? Ask those car dealers who had their businesses taken and given away to other dealers what it's like.

More next week.

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Randy W. Bright, AIA, NCARB, is an architect who specializes in church and church-related projects. You may contact him at 918-664-7957, rwbrightchurcharch@sbcglobal.net or www.churcharchitect.net.

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