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## The Myth of Government Planning

For decades, various politicians, activists, and organizations have been pushing for Houston to develop and adopt a general plan. In September 2015, City Council did so.

When the city officially began the process in 2014, Mayor Annise Parker said that “planning does not mean zoning.” In the most literal sense, this is true. However, Parker and the advocates of planning were not and are not being honest about the purpose and intent of planning.

In this paper, we will examine the nature of planning and what it actually means in the context of a government plan. We will see that planning without land-use regulations (whether they call it zoning or something else) is an exercise in futility. We will see that the advocates of planning will ultimately have to call for more land-use regulations in Houston or abandon the entire concept of government planning.

In analyzing any political issue or policy, two factors must be identified and considered if we are to make good decisions: our standard of value (as well as that of the policy) and the full context. The standard of value serves as the measure of whether a policy is good or bad, and the full context gives us the big picture view of what will result from the policy, as well as alternatives that might be more likely to achieve our goal or purpose.

While this paper looks at the planning process in Houston, the principles are universal. Government planning means government control, and that is true in every city, state, and nation that engages in centralized planning.

### **The Planning Process**

One of the primary organizations behind the effort to create a general plan for Houston was Blueprint Houston. At the time, their mission was “to assure the creation of a general plan for the City of Houston based on citizens’ vision, values, and goals.”<sup>1</sup> On the surface, this ambiguous statement might sound like a good thing. But muddy waters often appear deep, and generally it isn’t good to dive into waters whose depth is unknown.

Houston is a city of more than 2.2 million people. Houstonians come from every state in the Union and most of the countries on Earth. Houstonians include Catholics, Protestants, Muslims, Jews, agnostics, and atheists. Some Houstonians are gay and some are heterosexual. Some like baseball and others like the ballet. Some Houstonians prefer shopping malls and others prefer mom and pop stores. Some want children and some don’t.

In short, Houstonians have a wide variety of values and goals. Houstonians have very different visions for their lives. While Blueprint Houston and its allies championed the cause of a general plan, they failed to address the real issue: whose vision, values, and goals would shape the general

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1. Mission Statement on Pledge Card, BluePrintHouston.org, [http://www.blueprintheouston.org/image/edWulfe\\_PledgeCard\\_inside.pdf](http://www.blueprintheouston.org/image/edWulfe_PledgeCard_inside.pdf), accessed November 15, 2017.

plan? And more importantly, what would happen to the disparate plans of millions of individual Houstonians?

The website for Blueprint Houston listed a number of meetings in which citizens had a chance to voice their thoughts on the general plan. As an example, a conference in 2017 was attended by “more than 100 people to refine and affirm citizens’ vision for Houston.” One hundred people—less than .005 percent of Houstonians—were asked to “refine and affirm citizens’ vision” for more than two million other Houstonians.

Undoubtedly, a multitude of visions were presented during that conference and at other gatherings. Indeed, the PlanHouston.org website listed more than one-hundred and thirty plans submitted by various organizations and government bodies. Even a small sampling makes it clear that many of these plans are at odds with one another. So again, which will prevail? Whose vision, values, and goals will shape a community? And how will that vision be chosen?

One doesn’t need to have a degree in political science to answer that question. Those with the most political clout will shape a community’s plan. Those who attend the most meetings, make the most noise, and have the best connections with policy makers will determine a city’s future. Their vision, values, and goals will become the city’s policy and all residents, including future residents, will be forced to abide by it.

But what if those policies conflict with your vision, values, and goals? Your vision, values, and goals will be made subservient to the group—the community.

### **Planning and the Standard of Value**

A plan is defined as “An orderly or step-by-step conception or proposal for accomplishing an objective.”<sup>2</sup> A plan without the means to take the steps required to accomplish the objective is an exercise in futility. Government planning ultimately requires laws, regulations, prohibitions, and mandates to implement the plan.

Despite the claims of its advocates, no government plan enjoys unanimous support. There may be a consensus, but there will always be a significant number of individuals who do not agree with the plan and find it contrary to their own personal vision, goals, and values. Yet, when the plan is given the power of law, an individual’s personal vision, goals, and values become irrelevant. The individual is forced to abide by the collective vision—the “will of the people.” In truth, “the will of the people” is actually the will of a small fraction of the population. The process to develop Houston’s General Plan is but one example.

As another example, planning advocates stress the need for improved mobility in Houston and light rail has been their favorite means of accomplishing this goal. In 2003, voters approved a bond referendum to finance light rail by a margin of 51.32% to 48.68%.<sup>3</sup> More than 356,000 votes were cast, and the referendum passed by just over 9,000 votes. In other words, a small majority of voters were able to force all Houstonians to financially support their vision, values, and goals. To this day, individuals, including those who had no voice in that decision, are forced to subordinate their values and goals to those of the collective decision made fifteen years ago. If we look at the full context, in 2003 less than one-hundred and ninety thousand voters determined the future of millions.

Planning advocates have established a number of goals as a part of their vision for Houston. No matter the particular goal, they will follow a process and tactic similar to what they have done with

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2. “Plan,” The Free Dictionary, <https://www.thefreedictionary.com/gone+according+to+plan>, accessed August 21, 2018.

3. “Election Results,” [http://www.harrisvotes.com/HISTORY/031104/Cumulative/031104\\_cumulative.htm](http://www.harrisvotes.com/HISTORY/031104/Cumulative/031104_cumulative.htm), accessed November 15, 2017.

light rail. They will assemble like-minded people to make a lot of noise and pressure policy makers. And at some point, they will attempt to impose their vision, values, and goals on everyone else. The very nature of government planning requires individuals to subordinate their own personal choices to the demands and dictates of the group. They will tout the benefits of their proposals while casually dismissing any negatives raised by opponents.

Given that the general plan involves many issues involving land use, it is inevitable that planning advocates will ultimately call for more land-use regulations. They will likely avoid another attempt at comprehensive zoning, but instead will take a more piece-meal approach. And this is consistent with what they have done for decades.

When the city started the planning process, its website described the goal of the plan:

The Plan will consolidate and coordinate a vision and strategies to address neighborhood enhancement and development over the coming years....

Once complete, the General Plan will provide for a collective Vision Statement that represents the community's view of its future. It will clearly articulate goals, priorities, and policies upon which to make decisions.

From the beginning, the city made it clear that the General Plan would be a collective plan. And that is precisely what was adopted in 2015—a plan that establishes the group as the standard of value.

A collective plan is founded on the premise that individuals must subordinate their individual plans to that of the collective. If your vision, values, and goals conflict with those of the collective, you will be required to cast them aside in deference to the community. And this is precisely what happens in practice.

With this context in mind, let us consider just a few of the ordinances founded on the same principle that were passed by City Council during the past three decades.

The City passed a landscaping ordinance that dictates the types of trees and shrubs that must be planted. Community values were used to dictate what types of landscaping property owners would be legally allowed to install. The preservation ordinance and later amendments imposed restrictions on the owners of historical properties, forcing property owners to abide by the community's values in regard to certain buildings. For decades, City Council has been at war with the sign industry, imposing numerous restrictions on billboards, "attention getting devices," and other outdoor promotions. The community's dislike of "visual pollution" led to prohibitions and mandates on individuals and businesses.

In each of the above examples (and many others), the community's vision, values, and goals superseded the individuals involved. In each of the above examples, the individual was forced to submit to the vision, values, and goals of the collective. And that is what planning will do to every Houstonian present and future, including you. This is what occurs in every community that adopts a General Plan.

No matter your personal vision, values, and goals, you will be required to act in accordance with the General Plan. If your vision, values, and goals conflict with the collective plan, you will be denied permission to act as you judge best for your life.

This may seem like hyperbole, but that is the very nature of government planning. It is true of all government planning, whether then plan is drafted in a distant capital or a nearby City Hall.

### **Planning and Zoning**

During Houston's last debate over zoning in the 1990s, zoning advocates wanted us to believe that Houstonians want planning and planning means zoning. Councilman Jim Greenwood, who lead the

pro-zoning efforts, named his organization the Ad Hoc Task Force on Planning and Zoning. He and his allies stressed the fact that zoning would allow for planning.

But when the city launched its most recent project to develop a General Plan, then-Mayor Annise Parker stated that “planning does not mean zoning.” So, who is correct? Greenwood and the advocates of zoning, or Parker and the advocates of planning? An examination of the plan adopted by City Council will answer these questions.

While the General Plan adopted by City Council in September 2015 does not explicitly mention zoning or other land-use regulations, it does include strategies, goals, and actions for achieving the plan. These include:

- Enhance tools that protect and preserve neighborhoods
- Encourage targeted development and redevelopment that support the City’s vitality
- Use localized planning to help neighborhoods improve and maintain quality of life
- Encourage development that fosters healthy lifestyles for Houstonians of all ages

We don’t need to guess what kind of “tools” will be used to protect and preserve neighborhoods. A cursory survey of Houston’s history over the past twenty-five years reveals many examples of land-use regulations being proposed and/or passed to protect and preserve neighborhoods. Protecting neighborhoods was one of the mantras of zoning advocates in the early 1990s. It was, and has remained, the justification for the preservation ordinance and later amendments. More recently, it has been the rallying cry of those opposed to the Ashby High Rise near Rice University.

Further, what does “encourage” mean? In the context of government, it means using ordinances and regulations to “discourage” undesired development, which means prohibiting development that city officials don’t like. Or it could mean using tax breaks to provide incentives for development where and how the city wants it. Either way, the city intends to control development, and it is willing to use either a carrot or a stick to do so.

Planning by itself won’t accomplish anything without action. As previously noted, advocates of neighborhood protection invariably turn to City Council to enact land-use regulations. What is being proposed is not comprehensive land-use regulations, but regulation on a case-by-case basis, such as what happened with the Ashby High Rise and what has happened with the historic districts created through the preservation ordinance.

The advocates of planning may not explicitly call for land-use regulations to implement their plan. At least they aren’t doing so today. But give them a few years. Slowly and incrementally, they will demand more and more land-use controls for the purpose of implementing the general plan. We need more land-use regulations, they will claim, in order to implement the plan. Without those “tools,” they will argue, they won’t be able to “encourage” the development they desire.

The advocates of planning failed in their attempt to impose zoning on Houston in the 1990s. They have taken a different approach to land-use regulations. Instead of comprehensive regulations, they seek to get the same result through planning, one neighborhood at a time.

### **Planning Vs. Planning**

You can tell a lot about a person by what he chooses to complain about. Critics of Houston’s lack of zoning stand as an example. They claim that Houston has developed without a plan. What they are really denouncing is the fact that Houston has developed without a central planner—the city government.

Complexes like Greenway Plaza, the Galleria, the Medical Center, and the Energy Corridor did not magically spring up. Rice Military and Midtown were not re-developed with the wave of a wand.

These projects, and countless others, took meticulous planning. But that planning was done by private individuals and businesses, and that is what critics of Houston despise. It is a form of planning that requires the voluntary cooperation of thousands of individuals and businesses.

These critics believe that unless all Houstonians are marching to the same plan, then no plan exists. They believe that unless everyone is working to achieve some government defined vision, then no vision exists.

In truth, Houston's development has been guided by millions of plans and visions. Each individual has his own plan and vision. Through the lack of zoning, Houston has protected the freedom of its residents to pursue their personal plans and visions. The critics resent the fact that Houstonians have this freedom.

To understand this, consider the nature of zoning. Under zoning, all land use is controlled by government officials. An individual may not use his land by right—as he chooses—but only as permitted by zoning bureaucrats. And if your desired land use does not conform with the central plan, you will be denied permission to use it.

It is bad enough that some individuals desire a central authority to plan and dictate their lives. It is a monstrous evil to seek to force others to sacrifice their personal ambitions and submit to that authority. And that is what the advocates of planning seek to do.

In February 2017, Joe Webb, chairman of Blueprint Houston, an organization that helped draft the city's General Plan, repeated the mantra that planning isn't the same as zoning.<sup>4</sup> At the same time, he noted that the plan will help the city control development and make neighborhoods better.

Technically, Webb is correct. Planning is a process of identifying goals and the means for achieving them. Zoning is a means used by government to control land use and development. While zoning seldom exists with planning, planning can exist without zoning.

However, a plan without the means of implementation is useless. If the city is going to use the plan to control development and make neighborhoods better, at some point land-use regulations will be required. Whether those regulations consist of something comprehensive like zoning or a more piece meal approach is merely a detail. The end result is the same—the city will assume the power to regulate development. And that means more controls and regulations on land use.

In principle, the city has already assumed this power. The preservation ordinance is the most obvious example. That ordinance gives the city the authority to completely control development within historic districts. It is only a small step to expand that power throughout the city.

Webb explained that the General Plan is simply a way for Houston officials to coordinate the plans of the city's various departments to improve efficiency:

The city of Houston is a \$5 billion corporation. We don't have a business plan. Think of the general plan as our business plan. It helps us make decisions, policies, move forward. How do we grow the city. How do we build the city? We're building it for not just for us but for future generations, so we want to do it well.

Government is not a business, nor can it be operated like one. A business depends on the voluntary choices of its customers. Government is an agency of force. A business cannot compel you to purchase its products. Government regulations compel you to act as it deems appropriate and pay whatever it desires. You have little choice in the matter.

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4. "Houston, We Have a Plan. Now What?" Houston Chronicle, February 27, 2017, <http://www.houstonchronicle.com/business/real-estate/looped-in/article/Houston-we-have-a-plan-Now-what-10957288.php>, accessed November 15, 2017.

And if we are going to consider the future, shouldn't we also discuss and consider the negative consequences of centralized planning?

There is nothing wrong with improving the efficiency of government, so long as government is limited to the protection of individual rights, including property rights. But making government more efficient in violating our rights is not something to applaud or desire.

### **A Free Market Alternative**

While Houston certainly has an abundance of land-use regulations, the city has retained a freer market in land use than any other major city in America. The absence of onerous regulations and controls on land use makes housing and the cost of doing business much more affordable, and this is the primary cause of the city's continued economic vibrancy.

A free market allows developers and builders to quickly respond to changing consumer desires and interests, and they don't have to grovel at the feet of government bureaucrats in order to obtain permission to do so. The rapid redevelopment of neighborhoods such as Rice Military and Midtown are just two examples.

Planning advocates would have us believe that government officials are more responsive to consumers than developers and builders. But government officials do not respond to consumer demand; they respond to noisy constituents. On the other hand, developers and builders must respond to consumer demand, or they will go out of business. Government officials offer prohibitions and mandates that must be obeyed, or else. Businessmen and developers offer values, and you are free to accept or reject their offer.

Planning advocates would have us believe that a plan developed through a consensus is inherently good, while the plans developed by individuals are flawed. Yet, planning advocates must implement their plan through coercion, while individuals must rely on the voluntary cooperation of others. Disobey the General Plan and you will be fined or go to jail. You can disobey a private plan without such penalties.

Planning advocates would have us believe that they know what is best for millions of people, including future generations. In order to implement their plan, they want to impose financial obligations on every Houstonian, including those not yet born.

The alternative to government controls, regulations, and coercively imposed plans is a free market.

A free market allows each individual to choose his own values and pursue them without interference from others. It is founded on the voluntary choices of individuals and recognizes their right to produce and trade on terms that are mutually acceptable to all involved.

A free market is a dynamic market. It is constantly evolving as technology, tastes, and interests change. Businessmen anticipate and respond to changing market demands and conditions. Government officials respond to noisy constituents and pressure groups.

Two of the stated purposes of zoning are preventing "incompatible" land use and protecting neighborhoods. Both of these issues can be addressed without the coercive means of zoning. Deed restrictions (or covenants) provide the means to limit land uses through voluntary, contractual means—by respecting property rights.

Deed restrictions attach to the deed for a parcel of property, and thus become binding on subsequent purchasers of the property. Deed restrictions can be used to establish land use requirements, such as establishing minimal home sizes and architectural features. Many subdivisions use deed restrictions to prohibit commercial activities within residential areas.

Many see no difference between zoning and deed restrictions. However, zoning is mandatory and coercive, while deed restrictions are voluntary and contractual. If an individual does not like the

deed restrictions attached to a particular home, he can purchase a home with less restrictions. Deed restrictions respect property rights allowing individuals to act on their own judgment, rather than being forced to act as government officials decree.

Most deed restrictions contain provisions for amending or even abolishing the covenants. Thus, the property owners who are party to the contractual agreement with their neighbors have the means to make changes to what is prohibited or required. As an example, one neighborhood in Houston—Lamar Terrace—voted to abolish their deed restrictions to allow commercial development after they concluded that their land was more valuable for that use, rather than the single-family homes the covenants required. The property owners in the neighborhood, not non-owners and government officials, were able to use their property as they thought best.

Deed restrictions allow both developers and property owners to quickly respond to changing market conditions. Lamar Terrace had originally been a suburb of Houston when it was built in the 1950s. But as the city expanded, and particularly after the construction of The Galleria nearby, property owners believed that the area had more valuable uses.

Interestingly, many areas of Houston do not have deed restrictions and commercial uses exist in close proximity to homes and apartments. While this decreases the property values of homes, it also makes homes more affordable in those areas. Houstonians have choices—deed restrictions and higher housing costs, or no deed restrictions and lower housing costs. Each individual is free to choose which best meets his needs, desires, and budget.

In most communities, deed restrictions are enforced by a homeowner's association (HOA). In contrast to the almost unlimited powers of zoning officials, the HOA has very specific and limited powers. In short, the difference between deed restrictions and zoning is the difference between voluntary choice and coercive imposition, between the private agreements of individuals and the dictates of public tribunals. It is the difference between respecting property rights and their wholesale violation.

### **Conclusion**

If we want to make good decisions about government planning, then we must identify and consider both the standard of value and the full context.

As we have seen, the standard of value underlying government planning is the group. The individual must subordinate his values, goals, and vision to the community. And as we have also seen, a small number of individuals determines those values, goals, and vision.

The policy decisions made today impact not only current residents of a community, but also future residents, including our children and grandchildren. If we are to consider the full context, we must remember that future generations must live under the controls and restrictions that we enact today.

Undoubtedly, some who support a General Plan for a community have good intentions. But good intentions do not guarantee good results. Nor do they guarantee the results that we desire.