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The "Tragedy of the Community"

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BOOK REVIEWS

THE STATE OF THE NATURAL RESOURCES LITERATURE

Lora A. Lucero* on The "Tragedy of the Community"

Books (and one video) included in this review:

David L. Callies, Daniel J. Curtin, Jr., & Julie A. Tappendorf, *Bargaining for Development: A Handbook on Development Agreements, Annexation Agreements, Land Development Conditions, Vested Rights, and the Provision of Public Facilities* (Washington, DC: Environmental Law Institute, 2003).

Tom Daniels & Katherine Daniels, *The Environmental Planning Handbook for Sustainable Communities and Regions* (Chicago: Planners Press, American Planning Association, 2003).

Hank Dittmar & Gloria Ohland, eds., *The New Transit Town: Best Practices in Transit-Oriented Development* (Washington, DC: Island Press, 2004).

Christopher J. Duerksen & James Van Hemert, *True West: Authentic Development Patterns for Small Towns and Rural Planning Areas* (Chicago: Planners Press, American Planning Association, 2003).

Gregory Greene, director, & Barry Silverthorn, producer, *The End of Suburbia: Oil Depletion and the Collapse of the American Dream* (Ontario: The Electric Wallpaper Co., VisionTV, 2004).

James M. McElfish, Jr., *Nature Friendly Ordinances* (Washington, DC: Environmental Law Institute, 2004).

Kent E. Portney, *Taking Sustainable Cities Seriously: Economic Development, the Environment, and Quality of Life in American Cities* (Cambridge, MA: The MIT Press, 2003).

Stephen M. Wheeler & Timothy Beatley, eds., *The Sustainable Urban Development Reader* (London: Routledge Urban Reader Series, 2004).

Although the world's population growth is falling (the rate of growth peaked 40 years ago according to the U.S. Census Bureau), we can expect to see nearly 3 billion more people by 2050 over and above the 6.2 billion who called the Earth home in 2002. That should give people reason to pause. Where are these people going to be living, working, shopping, and recreating? What kind of transportation systems will be needed? What will our communities look like? What kind of resources

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will we need to support this growth and what ecological footprint will we leave?¹

Garrett Hardin opened the door almost 40 years ago to a new way of looking at these issues when he shared his "tragedy of the commons" thesis.² The thesis goes like this. Picture an open pasture shared by all the herdsman. In the early days when there are very few herdsman, they all graze their cattle in the pasture without a care. This works well for many years because poaching, disease, and tribal wars keep the numbers of both the herdsman and cattle below the carrying capacity of the pasture. But one day the picture changes. With increasing numbers and competition for the limited open pastureland, each herdsman begins to ask himself "What is the benefit to me if I add one more head of cattle to my herd?"

Hardin answered the question by showing that there is both a positive and a negative factor for the herdsman to consider. He will, of course, receive all the proceeds from the sale of the additional animal, while the impacts of the additional overgrazing of one animal will be shared by all of the other herdsman. So logic would suggest that the herdsman act in his own self-interest and add the extra animal, regardless of the consequences of potential overgrazing of the common pastureland. The pain will be spread among all, but the gain will accrue to the herdsman alone. "Therein is the tragedy," Hardin says.

Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all.³

Our sprawling communities might be considered today's pasturelands. Substitute the "developer" for "herdsman" and "rooftops" for "cattle," and Hardin's "tragedy of the commons" quickly shows where we are headed. As our communities struggle with their ability to grow and serve an ever-expanding population, we coin phrases such as "smart growth." But isn't the developer only acting logically and very sensibly to maximize his gains while spreading the burdens of the impacts on others in the community? More rooftops increase traffic congestion, air pollution, water resource depletion, and land use

1. Redefining Progress, *Calculate Your Ecological Footprint*, at <http://www.lead.org/leadnet/footprint/intro.htm> (last visited Nov. 23, 2004).

2. Garrett Hardin, *The Tragedy of the Commons*, 162 *Sci.* 1243 (1968).

3. *Id.*

consumption, especially if the rooftops are scattered on one-acre lots at the edge of the community rather than higher density development inside the community.

While Hardin says there is no technological solution to the problem, he does argue for a form of “mutual coercion, mutually agreed upon by the majority of the people affected.”⁴ In terms of building communities, the mutual coercion he speaks of can be found in the adopted community plan (also known as a comprehensive plan). Most communities prepare and adopt a plan for growth and development. Some states require such plans. In this day and age, it is not uncommon for community plans to recognize and address issues of sustainable growth—where, when, and how should the new rooftops be added without compromising the “commons.” These community plans, assuming they are prepared in an open and participatory manner, might be the “mutual coercion” that Hardin had in mind. Unfortunately, the lack of political will in many communities to implement the adopted plans is our present-day “tragedy of the community.”

The following seven books and one video all address sustainable growth and development in different ways. Although they do not suggest any quick fixes, they do recommend measures that the land use practitioner (whether developer, planner, attorney, or city councilor) will find useful in fashioning an appropriate type of “mutual coercion” to hopefully avoid the “tragedy of the community.”

The wild, wild west is in danger of losing its special qualities within a maze of mindless, low-density, suburban sprawl that doesn't fit the western landscape. A planner and an attorney from the Rocky Mountain Land Use Institute in Denver wants to provide some analytical tools to small towns and rural counties in the west to reverse this trend. Christopher Duerksen, Esq. and James van Hemert, AICP, have worked in the west for a number of years and have a special affinity for the western landscape.

They write, “Despite all of our knowledge, wealth, and resources, we are developing ugly places that destroy the natural beauty and do irreparable harm to the natural environment. Somewhere we lost the common DNA of appropriate development.” *True West: Authentic Development Patterns for Small Towns and Rural Areas* is their response to this loss, an attempt to recreate the DNA.

The authors say their goal is to establish a systematic approach for reviewing development proposals that reflects greater sensitivity to the historic, traditional western development patterns. I believe they

4. *Id.*

have accomplished their goal. Not only do they explore historical western development patterns (from the Native American communities, to the Spanish colonization, to the American settlement patterns in the old railroad towns), but they also examine and critique recent development in rural areas and small towns and discuss examples of regulations, incentives, and implementation tools that appear to be working.

What Westerners may take for granted in their landscapes, the authors "see" and describe with great clarity. Their illustrations (including photographs and sketches) vividly make their points. The book organizes the development patterns by elements—public places, streets/access, public realm, architectural design, site design, and others—examining seven case studies in greater depth (Douglas County, Colorado; Fremont County, Idaho; Santa Fe County, New Mexico; Teton County, Wyoming; Larimer County, Colorado; Santa Cruz County, Arizona; and the City of Claremont, California). A number of focused case studies address development issues such as ranch architecture and preservation, agricultural land and water resource protection, slope protection, rural scenic corridor protection, high desert preservation, and even wildlife-friendly fencing.

Duerksen and van Hemert urge us to "re-establish an appropriate land and development ethic that fits the western landscape." If *True West* helps people who are involved in the development process "see" the impacts of their decisions on the western landscape in a different way, the new ethic may take hold.

Another title from the American Planning Association published last year is *The Environmental Planning Handbook for Sustainable Communities and Regions* by Tom Daniels and his wife Katherine Daniels, AICP. Professor Daniels teaches at the Department of City and Regional Planning at the University of Pennsylvania and his wife works for the New York Planning Federation. Both have very strong credentials in the environmental planning field, as academics and practitioners, and so it should come as no surprise that this 500-plus-pages treatise might be considered a heavyweight in its field.

The *Environmental Planning Handbook* flows logically from planning process to sustainable public health concerns (water quality and quantity, air quality, solid waste and recycling, and toxic waste), to planning for natural areas (landscape protection, wildlife habitat, managing wetlands, coastal zone management, and natural hazards and disasters), to planning for the working landscape (farms and ranchlands, forestry and mining), to the built environment (transportation, energy, greenfield development, and site design).

Each topic is tackled in a similar fashion—starting with the environmental science characteristics (*i.e.*, Types of Water Pollution), to the federal, state, and local laws and regulations that apply, to local planning considerations replete with appropriate checklists and case studies. The checklists of issues that should be addressed in development review processes will very likely be highlighted and incorporated in the next generation of development review regulations drafted in the next few years. The Daniels conclude on a positive note, sharing the positive environmental trends in the United States and abroad.

What fooled me perhaps is the term “handbook” in the title. This might be a misnomer considering the depth and range of topics the authors have covered. The *American Heritage Dictionary* defines “handbook” as “a concise manual or reference book providing specific information or instruction about a subject.” Another dictionary considers a “handbook” capable of being conveniently carried as a ready reference. The *Environmental Planning Handbook* is neither concise nor conveniently carried. However, another definition of “handbook” is “a book in which off-track bets are recorded.” My bet is on the *The Environmental Planning Handbook* to win an award as an indispensable resource for planners and anyone else with an interest in “expanding the capacity of communities and regions to plan for environmentally sustainable development” — the authors’ fundamental goal for the book.

Most of us who profess to be sustainability advocates probably come to this work from a faith base or intuitive sense that the status quo cannot continue if our children and the planet are going to survive. Few of us know of the rich research, thought, and writing that have laid the foundations for this thing we call “sustainability.”

The Sustainable Urban Development Reader, published in 2004, is the book I wish I’d had when I was a student in the early 1970s just beginning to get my arms around this subject. I’m glad I have it now. Stephen Wheeler, an Assistant Professor of Community and Regional Planning at the University of New Mexico, and Timothy Beatley, the Teresa Heinz Professor of Sustainable Communities in the School of Architecture at the University of Virginia, have pulled together a collection of thought-provoking writings from books, academic journals, and general-interest magazines that include some of the well-known and perhaps not-so-well-known writers on this subject.

I looked for Aldo Leopold (“The Land Ethic,” 1949), Ian McHarg (“Plight and Prospect,” 1969), and Herman Daly (“The Steady-State Economy,” 1973) and found them. I also found authors I was not familiar with, such as Anne Whiston Spirn (“City and Nature,” 1984), Herbert Girardet (“The Metabolism of Cities,” 1999), and Virginia Maclaren

("Urban Sustainability Reporting," 1996). The editors introduce each article they have selected by setting it in the context of the times in which it was written and suggest other authors that might be consulted. *The Sustainable Urban Development Reader* is a time capsule on the topic, with the editors pulling together a strong representative sample of the writings from the past 40 to 50 years.

What knocked me off my feet, however, was an article about half way into the book titled "A Progressive Politics of Meaning" by Rabbi Michael Lerner (1993). Finally, a book about sustainability that weds the politics and (dare I say?) radical ideas about the profound transformation we must make with the more established science and urban planning concepts.

While much has been written on the topic of sustainability, do we really know if communities are taking sustainability seriously? Kent Portney, Professor of Political Science at Tufts University, asks that question and others in his book, *Taking Sustainable Cities Seriously: Economic Development, the Environment, and Quality of Life in American Cities*. There has not been a systematic comparison of cities and why some embark on sustainability initiatives and others do not. Portney says we don't know what are the most effective sustainability programs or even if communities are better off when they do implement such programs. He begins to lay out the research agenda that might help us understand what works and what does not work, hoping that sustainability advocates will "take a hard, critical look at what has been tried so far...and will adopt an even more empirically grounded validation of what they wish to accomplish."

The premise behind *Taking Sustainable Cities Seriously*, that we need clarity and the ability to objectively measure sustainability programs, is probably the essential next step for both researchers and advocates to explore. Portney examines the different sustainability indicators, plans, and programs that communities have adopted around the country and then suggests an index of 34 elements that should be reviewed—what he calls the "Taking Sustainable Cities Seriously Index"—and he then rates 24 cities against his index. The results might surprise some readers. Portney goes further to profile eight cities—Austin, Boulder, Chattanooga, Jacksonville, Portland, Santa Monica, San Francisco, and Seattle—that he believes are taking sustainability seriously.

What is the relationship between people and their environment? Or, as Portney asks, what is the connection between civil society and the biophysical environment? In his chapter, "The Communitarian Foundations of Sustainable Cities," the author pursues another line of potential research that is needed. He posits that the social and political

fabric of the community impacts the degree to which the community will take sustainability seriously. While acknowledging that skeptics may find it unreasonable to expect public participation to transform governance, there is promising empirical data that suggests hope for sustainability advocates.

Who has the upper hand in the urban development process, the government or the developer? Ask anyone involved in the process and they most likely will point to the other side. City officials, planners, and neighborhood advocates express concerns about the impacts of new development on the community. Developers are chagrined at the ever-changing rules and regulations under which they must operate.

Bargaining for Development is a valuable resource for both sides. David Callies, Daniel Curtin, Jr., and Julie Tappendorf present a very thorough and balanced discussion on the topics essential to the development process—land development conditions, development agreements, annexation agreements, and vested rights. Nearly half the book is devoted to appendices that some might consider a gold mine for land use planners and legal practitioners, including sample local ordinances and state statutes for impact fees, development agreements, and annexation agreements (as well as a checklist for drafting such agreements).

The strength of this handbook is how it has taken a fairly complicated subject and digested it into a readily accessible discussion without losing the “meat.” The authors focus on the problems that arise in drafting and negotiating development and annexation agreements, from both sides of the bargaining table. They also discuss the fundamental legal issues involved and some insights on how to address or avoid the problems. While it might be easy to show their personal biases (private versus public sector) in a book of this nature, they have managed to pull off the nearly impossible task in this day and age—an even-handed, neutral discussion that will benefit anyone who picks it up.

Many land use planners, as well as the development review and approval processes they use, are missing something important—consideration of the long-term health and function of the landscape! James McElfish, Jr., Senior Attorney at the Environmental Law Institute, has written a new book that ties many traditional and non-traditional land use regulatory tools to biodiversity goals in *Nature-Friendly Ordinances*. As the title implies, the focus is on preservation of ecological communities (the plants, animals, and ecosystems that support them) and how traditional (and not so traditional) land use regulatory tools can be adapted to address biodiversity principles.

None of the land use regulatory tools or programs described in the book are new, and the message about connecting these dots is not new either. More than 30 years ago, Ian McHarg's *Design with Nature* opened many eyes in the planning profession, bridging the natural landscape and the way it functions with the human landscape and the way we develop. But what *is* new, perhaps, is the way McElfish takes the planner's arsenal of land use tools and programs and shows him or her how to refashion them in order to protect the natural landscape.

McElfish begins with eight principles that should guide the preparation of land use ordinances and then states the obvious, but so often-overlooked, step of gathering good baseline ecological information. Chapter Three (and especially the endnotes) provides a wealth of resources where such baseline information can be found.

Principles that should guide the preparation of "Nature-Friendly Ordinances":

1. Maintain large areas of contiguous habitat and avoid fragmenting these areas
2. Maintain meaningful connections between habitat areas
3. Protect rare landscape elements, sensitive areas, and associated species
4. Allow natural patterns of disturbance to continue in order to maintain diversity and resilience of habitat types
5. Minimize the introduction and spread of non-native species and favor native plants and animals
6. Minimize human introduction of nutrients, chemicals, and pollutants
7. Avoid land uses that deplete natural resources over a broad area
8. Compensate for adverse effects of development on natural processes. (pg. 10)

The remaining chapters describe the myriad of traditional land use tools for the uninitiated and then provide examples of how these tools have been used successfully in communities around the country to protect biodiversity. Both the research and the examples McElfish shares are well grounded in reality. He seems to be saying, "You too can put these principles to action in your community."

Nature-Friendly Ordinances should be required reading in most natural resource classes if the goal is to send graduates out into the world armed with the arsenal of land use tools and the "know-how" to use them effectively.

Transit-oriented development (TOD) is in the lexicon of most planners and urban designers these days. But the editors of a new book on the subject say the "amount of hype around TOD far exceeds the progress to date" in implementing the TOD principles. *The New Transit Town: Best Practices in Transit-Oriented Development* takes the hype out and puts the facts back into the discussion by examining the first generation of TOD projects, sharing lessons for the next generation, and explaining how demographics, investment trends, and the market support TOD.

What is TOD? That may be the crux of the book. The problem is that there has not been a clear definition or standards to guide successful TOD projects. Many, if not most, of the first generation TOD projects are really *transit-adjacent* developments or *transit-related* developments. The editors acknowledge that "[w]ithout a concerted effort to develop standards and definitions, to create products and delivery systems, and to provide research support, technical assistance, and access to capital, TOD will remain just a promising idea." They want to "set the bar high and describe a vision of TOD that is ambitious without being unrealistic."

Let's establish performance benchmarks, they argue, so we know a real TOD project when we see one. By redefining transit-oriented development and then pulling together commentaries on topics such as zoning regulations, financing, and the people and processes involved in making TOD work, *The New Transit Town* provides new hope for creating livable, pedestrian-friendly, transit-oriented communities.

The editors are unabashedly transit boosters. Hank Dittmar, previously the executive director of the Surface Transportation Policy Project, is currently president and CEO of Reconnecting America, "a national organization that seeks to build connections between and among transportation networks and the regions and communities they serve." Gloria Ohland is a national journalist and senior editor with Reconnecting America. Both have been involved with transportation policy issues for many years and probably represent the cutting-edge thinking in the country today about the links between transportation, land use, and community equity issues.

As a finale, a new documentary film should be added to any natural resources library. "The End of Suburbia: Oil Depletion and the Collapse of The American Dream" is an excellent Canadian film produced this year to provoke discussion about the coming oil crisis and what can be done about it. And provoke it has! There are screenings and discussion groups organizing around the United States, Australia, and Canada. (See the film's website at [http://www.endofsuburbia.com/.](http://www.endofsuburbia.com/))

The premise is that we have peaked or are very close to peaking in our global oil supplies and production. As we slide down the other side of the bell-curve, the consequences will be profound and, for the most part, unimaginable to many. As the name implies, the end of sprawling suburban subdivisions is inevitable. Does it sound far-fetched? The commentators make a compelling argument for why the post-World War II American Dream of a single-family home on a cul-de-sac out in the middle of suburbia is unsustainable and ultimately a dead-end.

Barrie Zwicker, a broadcaster, writer, and media critic since the 1970s, hosts a cast of very credible guests, including: James Howard Kunstler, new urbanist and author of *Home from Nowhere* and *The Geography of Nowhere*; Peter Calthorpe, urban designer and founder of the Congress for the New Urbansim; Michael Klare, a professor of Peace and World Security Studies at Hampshire College and author of *Resource Wars: The New Landscape of Global Conflict*; Colin Campbell, author of *The Coming Oil Crisis* and former geologist for Texaco, British Petroleum, and Amoco; Kenneth Deffeyes, petroleum geologist and researcher for Shell Oil; and Matthew Simmons, CEO of the world's largest Energy Investment Bank, counting Haliburton as a client.

The film is about one hour and 15 minutes long, with great footage from the 1940s and 1950s showing how The American Dream evolved. The viewer might be left with any number of impressions—a feeling of doom and helplessness, a sense of loss of a way of life that many may assume is indestructible, or anger that the media and government and others “in-the-know” are not informing the public about the potential consequences, or hope. We can re-invent a new American Dream, walkable, more compact communities that focus on multi-use neighborhoods connecting people together—a more sustainable future, less dependent on oil supplies. If nothing else, *The End of Suburbia* will provoke discussion, so it is best not to view it alone.

REVIEWS

Capturing the Commons: Devising Institutions to Manage the Maine Lobster Industry. By James M. Acheson. Lebanon, NH: University Press of New England, 2003. Pp. 284. \$29.95 cloth; \$19.95 paper.

Impressively spanning the academic disciplines of anthropology, economics, political science, and marine biology, *Capturing the Commons*, by James M. Acheson, is a formidable scholarly study of Maine lobster fishery management. Public choice theorists will find *Capturing the Commons* especially valuable, as an array of abstract public choice constructs come to life in Professor Acheson's explanation of