

A Nose for NIMBYs

by Chris Robbins

Don't worry if you are missing your favorite science-fiction show to conduct a public hearing at the Planning Commission. You may be lucky enough to see shape-shifters in real life. If you are considering a land use change that will affect a residential neighborhood, perfectly normal, rational people will grow fangs and acquire the ability to spit fire. Changes in the neighborhood spark a primitive reaction in defense of home and family. As a planning commissioner, you need to keep your cool when confronted by angry neighbors, and recognize the difference between legitimate concerns and irrational fears. You need a nose for NIMBYs.

Here are some points to remember:

1. *NIMBYism (Not In My Back Yard) is human nature, but sometimes you need to rise above it.* The most common neighborhood concerns are: "Don't increase traffic past my house. The children will be at risk." "Don't allow smaller lots or smaller homes in my neighborhood. My property value could decline." "I was told that this street would never go through, this land would never be developed, etc. How can you betray these promises?"

Concerned citizens are right to be alert to neighborhood threats, but NIMBYs carry it to an extreme, exaggerating the threats or refusing to accept

something that's a normal part of community life. Perhaps they are beside themselves because they moved to their current location to escape development that is now inexorably following them. Perhaps they are secretly panicking at the idea of outsiders in their territory, whether it be "those people" moving in down the block, or motorists driving past their homes to get to another destination.

AS A PLANNING COMMISSIONER, YOU NEED TO KEEP YOUR COOL WHEN CONFRONTED BY ANGRY NEIGHBORS, AND RECOGNIZE THE DIFFERENCE BETWEEN LEGITIMATE CONCERNS AND IRRATIONAL FEARS.

Your job is to look out for the whole community: townhouse and apartment dwellers as well as single family residents, and people living on through streets as well as those who want to live on dead-ends and force the traffic onto other streets. Ask questions or have staff find the information you need to evaluate the concerns. Is the traffic going to be greater than the standards for the street? Is the proposed land use so noxious that it would reduce property values, or is it simply something different from what's there? Were the "promises" made by a city representative or by a realtor? If the concerns don't hold up, don't feel guilty about voting in favor of the project.

2. *NIMBYs can have their positive side.* No one else is so highly motivated to do research into the issues and the history of the area. Sometimes in their quest to stop a project, people will uncover information that does help your

decision-making, for example: a previous owner put a covenant on the land that restricts its use, or the project would damage a unique environmental resource. Sometimes there's an alternative that makes more sense. If these concerns have substance, respond to them; don't treat a project as a "done deal."

3. *Address concerns in a realistic way.* The usual outcome of contentious projects is that the objections are addressed through conditions or modifications to the project. This may not satisfy the opponents, but it shows respect for their concerns. You should insist on an enforceable way to ensure that the conditions or modifications are actually put into place. Too often a bone is tossed to the concerned citizens, only to be pulled away again as soon as the project is under way.

4. *Don't let your own emotions get the better of you.* It's easy to feel sorry for the beleaguered neighbors and do something that's not in the interest of the community as a whole. It's also easy to react the other way and dig in your heels in response to annoying and pushy people, just to show them you can't be bullied. Try to separate the personalities from the substance of what they're saying.

With a good nose, you will be able to tell when people cease making legitimate points and slide into NIMBYism. Make a note of the good points, and ignore the rest. ♦

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Glossary:

 NIMBY: Not in my back yard

LULU: Locally unwanted land use

NOPE: Not on planet earth

GOOMBY: Get out of my back yard

NIMEY: Not in my election year

BANANA: Build absolutely nothing anywhere near anything

Dealing With NIMBYs

Be a Leader

“The most important point in dealing with NIMBYs is to look at the big picture and what’s in the best interest of the community as a whole. It all boils down to appointing and electing ‘leaders.’ Too often NIMBYs get their way when it wasn’t in the best interest of the whole just because people without conviction are making the decision.”

– Maureen France, City Commissioner, City of DeLand, Florida

Opportunities

“Sometimes NIMBYs are the citizen’s first exposure to planning and zoning. While the best time to be first involved would have been back when the community plan was being developed, NIMBY situations can nevertheless be viewed as an opportunity for citizen involvement.

Quite often, interested citizens will stay involved after the issue involving the NIMBY goes away. If they are reasonable people, an attempt should be made to recruit these interested citizens into the system. Also, bear in mind that planners don’t have a monopoly on common sense. We should at least make an effort to listen to those citizens who take the time to appear before us.”

– Tim Anderson, AICP, Principal Planner, Region 2 Planning Commission, Jackson, Michigan

“Some of our most dedicated and educated planning commission members and activists became involved originally because of neighborhood issues. One thing about having something in your backyard is that it forces you to become well versed on all sides of the issues. You get to see how your government really operates. Einstein once stated that ‘In the middle of difficulty lies opportunity.’ I like to think that NIMBYs have ultimately led to improved governmental processes for citizens in my county.”

– Chris Mueller, Dearborn County, Indiana

“An old timer in the ways of local politics once offered me some simple advice: ‘I want my enemies right next to me and my friends in the audience.’ Sometimes, when time permits, a challenge to the NIMBYs to become involved in the process can help. Once involved they sometimes are able to see things from a wider perspective. Not something that can be done every time, but occasionally it works.”

– James Q. Gulnac, AICP, Planning Director, Sanford, Maine

Consistency

“As a County Commissioner I faced a lot of NIMBYism. What I’ve found most important is that the process for including public opinion must be fair and consistent with past policy. You’ll find that people will accept a disagreement in the end, but if they feel like it was shoved down their throats, it will be a disaster.”

– State Representative Bill Hinkle, Cle Elum, Washington

NIMBYs are Not Environmentalists

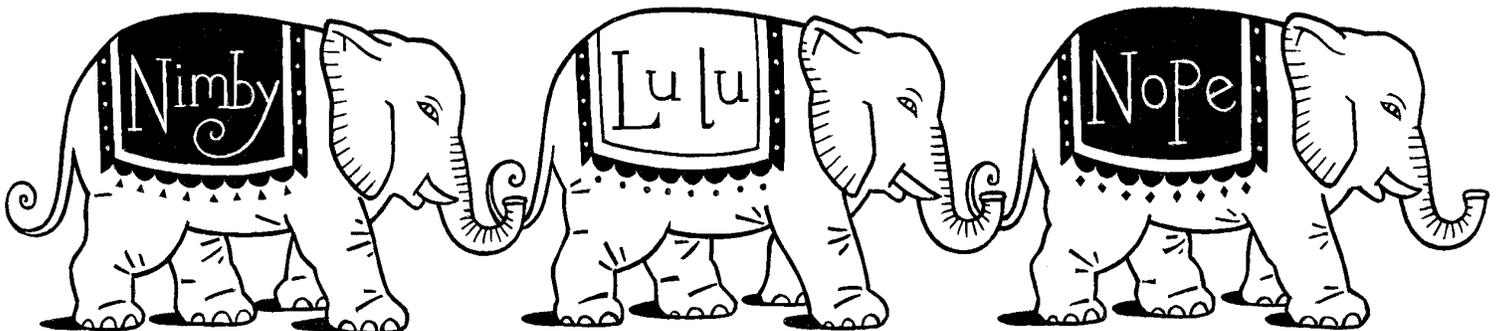
“I’ve been in planning for 33 years, including a few years as a planning commissioner. The media has a tendency to call all NIMBYs ‘environmentalists.’ My experience has been that many NIMBYs are people who do not wish to see any form of change in their immediate environment, especially if the change represents a threat to their property’s value or to their personal ‘quality of life.’ They use environmental arguments to support their primary opposition to a particular project, but I would hardly consider them environmentalists. The real environmentalists are those citizens who appear before public bodies to debate issues related to community-wide planning policies.”

– Paul Wack, AICP, San Luis Obispo, California

Legitimate Concerns v. NIMBYism

“My background is as a non-profit affordable housing project coordinator and currently as a child care facilities development consultant. In affordable housing circles there has been a move to avoid using the NIMBY phrase. It is instantly accusatory and tends to put people on the defensive rather than opening up the door to real communication.

My second thought is that there should be a distinction made between neighbors who have legitimate concerns related to traffic, parking, drainage, etc. and those who are basically objecting to ‘those kinds of people’ moving in next door. For people



Not in my back yard

Locally unwanted land use

Not on planet earth

with legitimate concerns the task then becomes a balancing act to look at both immediate local negative impacts of a project and the greater community good of providing the housing or services that will help build a stronger more sustainable community.

There is often a very strong contingent of neighborhood opposition that very transparently is simply opposed to the particular population that will be living in the proposed project. In public hearings that are addressing these kinds of projects it is important that some house rules are outlined early on that make it clear that legitimate concerns about impacts will be the focus of the meeting and that derogatory language or statements about the kind of people who will be living in the project will not be tolerated. Again this is an educational process that is challenging our often still strong belief that neighborhoods have the right to be exclusionary.”

– David Foster, Planning Commissioner, Santa Cruz, California

“NIMBYism is a serious problem as communities seek to allow infill development in or near established neighborhoods. Protesters will often speak in favor of infill as a desirable planning practice but, for a host of reasons, not in their neighborhood.

A legitimate reason for opposing infill is that the neighborhood infrastructure is insufficient to handle additional growth. The proposed area may be lacking curbs, gutters and sidewalks, have drainage prob-

lems, existing traffic congestion, chopped up streets, and so on. As a trade-off for increasing the density under less than favorable conditions, the municipality should be prepared to give something back to the neighborhood such as upgraded infrastructure, additional street trees, more intense code enforcement, or the imposition of stringent design review and landscaping requirements for the new housing.

A less legitimate reason for infill NIMBYism is the assertion that the neighbors were given an express or implied promise by planners or council members that their existing zoning would not be revised and there would be no changes to their present living environment. Increasing the density in such neighborhoods is often viewed as nothing less than treason. But one council cannot tie the hands of another and local governments have neither a legal nor ethical obligation to uphold expectations of continued low density zoning.

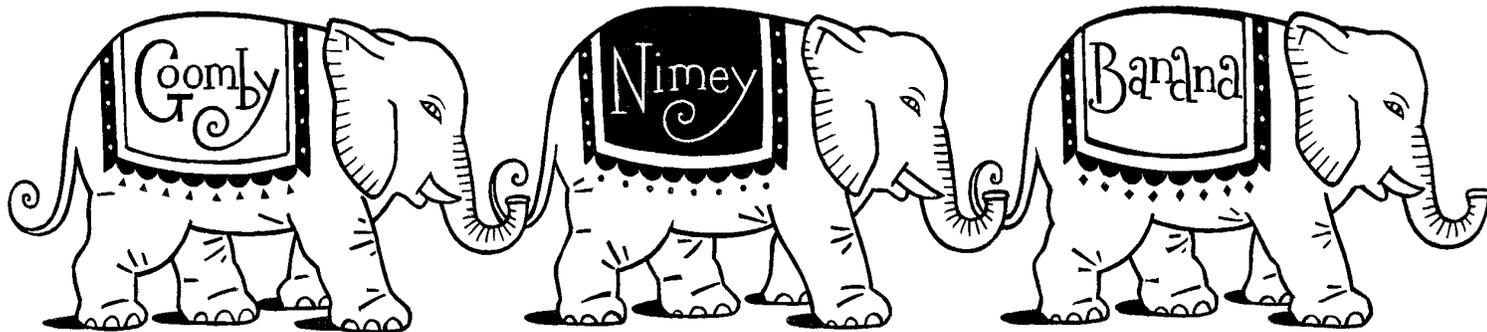
In implementing public policy, planners and council members must take into account changing demographics, values and needs. Indeed, the underlying justifications for infill development, such as the avoidance of sprawl and the provision of affordable housing, are real and, one might say, ethical concerns that override any express or implied promise that existing zoning standards will be forever maintained.”

– Irv Schiffman, Professor of Political Science, California State University - Chico & Planning Commissioner, City of Chico.

... and Call Your Lawyer

“I’m sure you’ve all heard of the phenomenon of NIMBYism – Not In My Back Yardism. Every time a new building is proposed absolutely anywhere in America, you can guarantee that somebody or some group, will file a lawsuit against it. Nobody wants anything new. Well, sure. Every new thing we’ve gotten over the last 50 years has made our lives worse: the new housing development down the road, the new strip mall, the highway improvements that turn a two-lane road into a six-laner, the corporate office that looks like the mother ship from a UFO movie. The new school that looks like an insecticide factory. The new motel that looks like a medium security prison. The new mall with a parking lot the size of Rhode Island. We don’t want anymore of this. And isn’t it understandable? Look at the misery these things have produced. It’s perfectly reasonable – given our experience over the past half-century. You see the guys with the yellow hard-hat out in the cow-pasture and, by reflex, you reach for the phone and call your lawyer.”

– James Howard Kunstler, author of *The Geography of Nowhere* [the above is excerpted, with permission, from an address delivered by Kunstler, available at: <www.kunstler.com/spch_FL_AIA.html>.



Get out of my back yard

Not in my election year

Build absolutely nothing anywhere near anything