

NIMBY^{*ism*}

Navigating the Politics of Local Opposition

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Introduction

N.I.M.B.Y.—Not In My Back Yard—the very name elicits scorn on all sides. Even the most radical NIMBY group denies that it deserves this title, and for good reason. The NIMBY movement is known to be a negative force in land use and local politics.

In preparing to write this book, I tried to contact a few members of a neighborhood group where I used to live in Washington state. The group had opposed a rezone that I and several other residents had applied for. Over the course of more than two years, we owners went through a series of hearings with this small but organized neighborhood group. Although this dispute took place several years ago and I no longer own the land, I was surprised at the hostility I encountered. I told each of the three people I contacted that I was writing a book about the relationship between neighbors and developers, and wanted their perspective on the topic. The first gentleman I spoke to, who was not only an ex-member of the group but also the pastor of his church, told me, “As far as I’m concerned, you can eat s**t and die.” The second person I called was even more hostile. “You are not welcome back here,” he told me. When I informed him that I no longer lived in the area, he said, “Don’t ever come back.” The third call went to a man who worked for the only significant employer in the area. He said, “I have nothing to say to *you*,” and then he hung up.

These experiences demonstrate how damaging a land use fight can be to a community. I never said anything personal about them or their group. Even so, the extent of anger and hostility that developed as a consequence of the land use conflict was permanent. Even for those who, like myself, have left the area, the hostility remains. My approach to the conflict was to try and remain oriented to the issues. We had disagreements and a system was in place to decide those conflicts according to the law. This involved local political and quasi-judicial hearings, state growth management board hearings and, finally, Superior Court. My fellow landowners and I eventually got approval for the rezone, but the process tore apart an entire community.

When local landowners, developers, and builders find themselves in conflict with a NIMBY group, the polarization between the two sides can become extreme and take months of battles to resolve. In my community, both sides spent in excess of \$100,000 in legal fees. Fortunately for the smaller-lot owners like myself, the entire legal cost was borne by the developer who owned approximately 85% of the total land area. The opposition, however, had to depend on their own members and community supporters to fund the six-figure expense. It makes no sense to spend such huge amounts, take up the time of the courts and hearing boards, and create the paperwork involved, if the end result is animosity between the two sides. There are solutions, of course. Builders and others who want to change zoning, gain approval for new construction, or take up any other course of action that is likely to run into opposition, can avoid much of the NIMBY problem by improving communication and by attempting to elicit ideas from neighborhood groups.

There may always be a small minority of very vocal opponents who will never be pleased. They simply want to stop you from doing anything on land near where they live. The reasons are not always logical. Envy and resentment plays a big role in NIMBY groups. People also allow themselves to believe exaggerated claims of traffic impact, high crime, and even the complete destruction of their quality of life—all in the interest of stopping a project from going forward. NIMBY groups cite environmental concerns to support their cause, make personal accusations about builders and developers, and will sometimes go to extremes to win their fight. Human nature often leads to an equally personal and confrontational fight on the other side and the battle escalates to the point that communication is impossible. No matter which side prevails, there will be no winners, with the possible exception of attorneys on both sides.

In order to avoid an expensive legal battle and defuse local opposition, strategic communication is needed. The most important among these is an early and continual attempt at direct communication; this is the key, because NIMBYism feeds on unknown and unchallenged assumptions about a project, most of which are false. So when you make an effort to get in touch with the leaders of an opposition group, you prevent many problems before they even develop.

Conflict in any land use issue is likely to be volatile. More than most types of public debate, land use is very personal to citizens, who want a sense of control over what happens to the nearby land. In comparison, when a city or county decides to change the zoning on remote land many miles from someone's home, they are far less likely to care. One study concluded that "the bottom line in gauging community opposition is proximity: the closer a neighbor, the more likely he or she will object."¹

Some builders have concentrated solely on applications for building permits, environmental compliance, and meeting the basic rules for getting a plan approved. But you have to also remember the political aspects of the process. Numbers matter. If an opposition group is able to fill a hearing with opponents, officials—especially elected officials—are going to pay attention and take that opposition seriously. This occurs even if the arguments are strictly emotional and the law is on your side.

There are as many solutions to these problems as there are basic problems. The mistake begins when you ignore the problems and don't take action to offset them. The solutions are found in the genesis of the NIMBY movement itself: fear of change. By demonstrating how the changes you propose are going to be beneficial rather than harmful, you can turn enemies into allies or, at the very least, neutral observers. If you don't want people to remain angry at you many years after you first propose development, you will have to avoid the mistakes made by so many builders: concentrating on the logical and practical, but forgetting the importance of local residents' emotional fears.

A well-organized group understands the power of getting the upper hand politically, so you need to defuse not only emotional opposition, but political positioning as well. If elected leaders are against your development plans, you face a difficult fight, but that does not mean you are destined to lose. Even elected officials have to follow the law and if they don't, appeals may be necessary. However, it is always desirable to defuse the problem before it gets to that point. The intangible political forces at work in your community are further affected by the local planners and public works departments—the bureaucracy. The degree of support or opposition to your plan in these departments also affects how you should proceed. Finally, you need to be able to identify the unofficial leaders in your community, those who head up neighborhood

¹ Cited in "Overcoming Exclusion in Rural Communities: Nimby Case Studies," Housing Assistance Council, November, 1994, Conclusion

groups, are active politically and who champion causes. Among these popular causes are preventing any further growth in an area, opposing chain stores, protecting property values, saving the environment, and keeping “undesirable uses” (halfway houses, drug rehab, AIDS treatment, troubled teen facilities) out of the area.

While growth is rarely prevented by way of these efforts, the people who head up and organize groups are often effective in gaining local attention and support. So you have to deal with political, bureaucratic, and community forces, as well as the many agencies—fire, police, utilities, child advocates, health and human services, housing—and non-governmental interested parties like the Chamber of Commerce, Economic Development Councils, tourism groups, and many more. The wider your communication net, the more effective you will be in effectively coordinating your development plans with the desires of the community.

Navigating local opposition is not as difficult as it may seem. In fact, the purpose of this book is to show you how you can save yourself time, money, and reputation by being aware of the first steps you need to take. Even when the process begins with character accusations made against (i.e. “greedy out-of-town developer”), you can convince people that to the contrary, you are invested locally and you are a good neighbor.