

CAN OUR ROCKLAND NEIGHBORHOODS BE SAVED FROM TINY HOUSE INFILL?

ROCKLAND, ME—TINY HOUSES, USA

Let's cut down all our trees and dig up all the grass in our yards. It's Tiny House, USA!

Having lived year around in Rockland for twenty years and paid property taxes in this city for thirty-two years, the City is at a turning point in its history. The fight over the horrific sweeping zoning changes (Ordinance #48) passed by three city councilors on January 15th is the tipping point. In one fell swoop the character of our neighborhoods has been changed and the value of our properties has been dramatically reduced. It's worth looking at how this change came about and the actions and motives of the councilors who voted for it. Backlash is occurring, including a law suit I filed on January 28th to have it voided. While many of us don't often pay attention to zoning, these changes are a warning of what can happen when a small number of people in power decide to instill their beliefs on the rest of us.

On January 7th at a working session of the councilors, I began by saying it is every city's duty to provide appropriate housing for all residents. I also stated there was a right way and a wrong way to do it. An example of the right way is the Habitat for Humanity project off of Camden Street. Habitat plans to build a cluster of twelve homes in an area that has deteriorated. That development is less than a mile from where I live and it will be a welcomed improvement to the area. And then there is the wrong way. Ordinance #48 doubles permitted densities by dramatically reducing lot sizes and setbacks. Ordinance #48 also allows erection of clusters of "Tiny Houses" as infill housing to all of our neighborhoods.

Tiny Houses cost as little as \$10,000—and your neighbors can use the land freed up by the significant density increases to put one or more of them on their properties. Here are the economics. Assuming a Tiny House costing \$25,000, conventional real estate financing at current rates would cost the owner as little as \$110 per month, meaning Airbnb monthly rental rates as low as \$150 or so would generate a nice cash profit. If you are thinking to yourself that none of your neighbors would do this, what happens when they sell their properties? Another example—what if a neighbor with a house in need of renovation sells his home to a developer who determines it economically better to tear down the house and erect a cluster of Tiny Houses? The result--Tiny House Villages and Communes.

Running for City Council does not require a real estate background, nor should it. In order to preserve conformity in zoning as the makeup of City Counsel changes, Rockland has developed a Comprehensive Plan to deal with issues like this. The Comprehensive Plan also allows for new home owners to understand how a neighborhood can change over time. Any real estate agent will tell you this is a critical factor in homeowner purchase decisions and long-term property values. Chapter 13, "Future Land Use", of the Comprehensive Plan repeatedly states that zoning changes must reflect the character of neighborhoods: **"encourages infill (housing) that reflects the existing character of neighborhoods and the minimum zoning to encourage new infill development to reflect the existing character of the neighborhood regarding setbacks, lot size and allowance for compact development, including with existing densities insuring any revisions are in keeping with the character of the affected neighborhoods and encouraging well-planned infill development affecting and enhancing the City's architectural heritage and enforcing the City's design standards to insure the new development is compatible with existing neighborhoods"**.

Infilling every neighborhood with Tiny Houses completely violates this language.

On January 15 this damaging Ordinance was **passed by a 3 to 1 vote** despite the following:

1. Proper notice to Rockland's residents was not given. Saying it politely, City Council hid from the public, as best it could, what was coming by hiding a vaguely-worded notice in the paper.
2. The entire process was without professional input. The City does not have a City Planner, an experienced professional who has spent years dealing with and advising on issues arising when a city-wide rezoning doubles density in all neighborhoods. Some of the issues:
 - a. Is there a housing crisis? If so, what are the causes?
 - b. What are possible solutions that will cause as little disruption as possible to the City's neighborhoods? Should the City target certain areas (like the Habitat project) to test a solution before introducing disruptive changes to existing neighborhoods?
 - c. How will doubling density impact water and sewer infrastructure?
 - d. How will doubling density impact the environment?
 - e. How will doubling density impact surface water runoff and drainage?
 - f. Has the DEP/EPA been consulted about the doubling of density?
 - g. How will doubling density impact traffic flow and congestion?
 - h. How will reducing setbacks to 8 feet impact fire safety?
 - i. How will doubling density impact the character of neighborhoods?
 - j. How will doubling density impact the market values of existing housing?
 - k. How will the presence of one or more Tiny Houses impact neighborhoods and housing values?

The City has not retained any professionals to answer these issues. Residents need to see studies and factual data from seasoned professionals who have worked on these types of sweeping zoning changes.

Why did the City fail to hire any professionals? It very well could be the three councilors behind this were afraid of what they would be told. Now they will have to hire an expensive Portland law firm to defend what they have done.

3. In a December 27, 2018 letter from the Comprehensive Planning Commission to City Counsel, the Commission stated that it could not reach a consensus because the changes threaten the "existing character of neighborhoods". The three councilors completely ignored every recommendation the Commission made.
4. The three councilors completely ignored the comments of a large number of Rockland residents, including several former mayors and City Council members and a state representative, all of whom expressed concern over infrastructure problems, loss of property values and the changing character of neighborhoods.

In an effort to understand the motives of the three councilors, I went back to interviews that appeared in an October 17, 2017 Courier Gazette article. Here are some excerpts from what Mayor Westkaemper had to say:

- We create tools for Historic Preservation that are not weapons but are aids for property owners.
- We embrace the unique qualities of each neighborhood and we focus on keeping those qualities.
- My role as a City Councilor would be to proactively address issues, by inviting voices to be heard, listening to those voices, researching to ensure accurate information comes to the table, and taking action based on the needs of the majority of the citizens of the community.

Councilwoman Geiger had served as the Chairwoman of the Comprehensive Planning Commission before her election to City Council. In that same Courier Gazette article, she had the following to say about both roles:

- I believe that the city is better served when all voices are at the table. That is why, as Chairwoman of Comprehensive Planning Commission, I worked hard to make sure the commission had renters and home owners, locals and new residents, young and old and an equal balance of men and women.
- That said, as an individual councilor, I see myself as both leader and listener. I meet with citizens, home owners, anyone with an issue that involves the city. I do my own research, but also look to citizens and public employees to give advice and recommendations.
- We (Rockland) have affordable housing, beautiful neighborhoods,
- ...we have a housing crisis...

At a City Council working session where this ordinance was discussed, I watched Ms. Geiger's body language while those opposed spoke. She was disinterested; her mind had been made up long ago.

The third councilor who voted for the Ordinance was Amelia Magjik. My understanding is that Ms. Magik has lived in Rockland for about three years, after having lived in California for fifteen years (in her words a self-described "surfing chick" from Southern California). She had a psychotherapy practice in Los Angeles, then moved to Seattle and then to Rockland. She is an artist. She does not own a home and supports affordable housing initiatives.

With all due respect to the three councilwomen's beliefs, their methodology to pass Ordinance #48 is hard to reconcile with their above comments. Their refusal to respect the objections raised by the Comprehensive Planning Commission and the many residents who spoke against these changes is disturbing. It is easy to understand the backlash and why many have come to believe these three people do not even care about Ordinance #48's destructive effects on the character of our neighborhoods and our property values. They have not even acknowledged our concerns.

People who preach about housing crises often mean well. However, promoting ideas that disrupt the character of every neighborhood in the City and destroy housing values, makes the rest of us suffer the negative consequences as sacrificial lambs for their noble causes.

As I said in my opening comments, there is a right way and a wrong way to provide affordable housing in Rockland. Habitat's project is one of the right ways. The rest of Ordinance #48 is the wrong way.

Three people have callously reshaped all of Rockland's neighborhoods. Now the fight begins.

Thank you.

This paper was written by James C. Ebbert and reflects his views only. It is not meant to reflect the views of others working to have Ordinance #48 overturned.

January 28, 2019