

Open Letter to the City of Colville Planning Commission

October 17, 2024

Members of the Planning Commission:

We are at a fork in the road here. Either we resist the latest tyrannical attempt by Olympia to fundamentally alter the character and culture of our small town or we lose our town as we know it. There is no middle ground.

I say this because there is no possible way of complying with the latest round of Growth Management Act mandates without destroying this community. At some point you're going to have to either refuse to comply and let the chips fall where they may, or watch this town die a slow and painful death.

Our state policymakers in Olympia could not be clearer about what they are trying to accomplish with this latest assault on the autonomy of local government. The plan is to redistribute the "big city" problems spawned by decades of failed liberal policymaking by dispersing large numbers of seriously troubled people--mentally ill, criminal offenders, sexual predators, and derelict homeless--across small rural towns throughout the state. And we are being told that we have no choice but to plan for and accommodate them.

Considering the billions in taxpayer dollars that are being lavished upon local governments, NGOs and nonprofits to carry out this plan, there can be no doubt that within a very short time our town will be inundated with so-called "essential public facilities" designed to accommodate this mass migration. You'd have to be living under a rock not to recognize the real agenda at play: Our state policymakers in Olympia have a fundamental contempt for the values of small rural communities, and for everything that is traditional, meritorious, respectable, and good. "Social justice," that great leveler, requires that it all be brought down.

You think I'm exaggerating? Look at the list of "essential public facilities" that they say we have no choice but to accommodate--and that has been incorporated verbatim into the draft ordinance that is expected to be voted upon by the Planning Commission in its upcoming November 4 meeting. These facilities include "harm reduction programs," which are programs that promote, under the rubric of "social justice," the right of people to use drugs--and that are designed to provide a safe and affirming space in which they can do so.

Also on the list of "essential public facilities" that has been incorporated into the ordinance are "secure community transition facilities." These are, according to the state's own definition, facilities designed to house "sexually violent predators." Again, these are facilities that, we are told, we have no choice but to accommodate.

As usual, I don't see the slightest bit of push-back from this Commission, and not even an attempt to make creative use of the small bit of wiggle room that the state has left us. All I see is weak-kneed capitulation.

Significantly, the draft ordinance prepared by this Commission (and that is destined to be presented to the City council as a formal recommendation for action) expressly recognizes as an "essential public facility" each and every one of the facility types described in Olympia's burgeoning encyclopedia of mental health. *Nothing required you to do that.* When a state statute tells you that the city "should" do this or that, the word "should" is precatory, not mandatory. Ten out of ten attorneys will agree with me on this. So given this very obvious out, you could have simply ignored much of what is set forth in the state statute and regulations.

But that's not all. The draft ordinance goes on to provide that each and every one of the high-impact behavioral health facility types recognized as "essential public facilities" may be sited virtually anywhere within the downtown commercial core. Nothing in the state statutes or regulations compelled you to do that, either.

Finally, the ordinance allows emergency homeless shelters and transitional homeless housing to be sited in primarily residential, mixed-use zones. Notably, there are individuals and organizations in this town--right here and now--who are prepared to realize their vision of a fully integrated society in which indoor versions of the city's problem-ridden homeless encampment take up residence just a matter of yards from homes and businesses.

You had choices here. For starters, you could have come up with an entirely new zoning classification specifically designed for the siting of high-impact social service facilities. And you could have rezoned an area for that use well away from residences, businesses, community centers, churches, and schools. Notably, that very thing was done without any apparent difficulty when a new "neighborhood mixed use" zone was created and a portion of the Buena Vista area rezoned to accommodate the 72-unit Catholic Charities development.

Or you could have exercised some actual courage and simply said to Olympia, "No, we are not going to allow you to destroy our town." And you know what? You would have had 32 other counties immediately lining up behind you saying, "We're not going to comply either."

You could have packed the ordinance with reasonable requirements designed to preserve the character and culture of this community and to protect its citizens. Like requiring a preliminary showing of justifiable need for the type of facility in question. Like requiring that facilities involving high-impact uses be located in areas "optimally suited" for those uses. Like requiring a showing that the facility will not create a substantial additional burden on law enforcement or emergency services. Like requiring that the asserted need for the facility be balanced against the community's standards, values, and goals.

You could have recommended meaningful changes to the city's conditional use ordinance which, as it stands, is nothing more than window dressing. At the very least, the conditional use

process should require an affirmative showing that all detrimental impacts--including intangible, socially resonant impacts on the community--can and will be effectively mitigated.

Finally, you could have recommended to the City Council that it reconsider a moratorium on the siting of any new behavioral health facilities. This option makes all the sense in the world given the fact that the next few months may bring a sea change in the political landscape across the country that fundamentally rearranges the relationship between the people and the state and that gives renewed vitality to the constitutional protection of individual property rights.

The whole idea of making social service facilities for people with behavioral problems a sacred cow, largely immune to local regulation and endowed with "super rights" that preempt and trample the property rights of everyone else, is a legal quagmire that most assuredly will give rise to a barrage of litigation. For that reason, I have to ask why this Commission is not actively shoring up this city's land use code to reap the benefit of a favorable judicial ruling by pushing the envelope just as far as it can.

My final comment relates to the procedure by which this revised ordinance has taken shape. I am troubled by the fact that on such a critical issue of far-reaching significance to the future of this town our City Council is nowhere to be seen.

The members of the City Council are elected officials responsible, as the town's legislative body, for making the basic policy decisions that will chart the future of this community. Their role, at its very core, is to grapple with the pros and cons of various policy decisions, to balance competing interests, and to vigorously defend the rights of the community against infringements by a tyrannical state. With all due respect to this Commission, the role of the City Council is not to merely "rubber stamp" your work--much less the work of a hired consultant who has no allegiance to this community, who quite obviously does not share in its values, and who, it would appear, isn't at all bothered by the prospect of selling out this town.

In sum, we desperately need to see some courage and initiative from this Commission, and some decisive leadership from the City Council. We also need to seriously evaluate whether the interests of this town are being served by delegating vitally important policy decisions to a contract planner whose agenda is fundamentally and irreconcilably at odds with the values and priorities of this community.

Sincerely,



Lisa Gallagher

cc: Colville City Council
Mayor Jack Smith