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# SEQUIM GAZETTE

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## Court ruling goes in favor of MAT clinic

Community groups, leaders call for unity

BY MATTHEW NASH  
Sequim Gazette

More than a year-and-a-half after the project was announced, litigation over the Jamestown S'Klallam Tribe's medication-assisted treatment (MAT) clinic appears to be over.

Judge Brent Basden ruled on Feb. 10 in Clallam County Superior Court to dismiss the Save Our Sequim (SOS) group's Land Use Petition Act (LUPA) appeal of the clinic's application, writing that the "court concludes that SOS does not have standing to file this LUPA petition."

Basden's decision follows appeals of an Oct. 8, 2020 Interlocutory Order from City of Sequim-appointed hearing examiner Phil Olbrechts — ruling that SOS, Jon Gibson, owner of Parkwood Manufactured Housing Community, and Sequim resident Robert Bilow lacked standing for their appeals.

Basden wrote that SOS "... has not shown that it 'has (been) prejudiced or is likely to be prejudiced by the decision, and hence is not an aggrieved or adversely affected party."

Formed in July 2019, SOS leaders said they opposed the MAT clinic's location in Sequim's retail

core without their knowledge, and sought a new review of the application with further public input.

Despite pending litigation, a building permit was issued by city staff on June 29 for the 16,806-square-foot facility off South Ninth Avenue, where doctors would dispense daily doses of methadone, Suboxone and Vivitrol for patients with opioid-use disorder while offering wrap-around services.

Construction began in November 2020.

"We're feeling very good and relieved," said Brent Simcosky, the tribe's health services director, in

See RULING, A-9



Groups and agency leaders for and against the location of the Jamestown S'Klallam Tribe's MAT clinic off South Ninth Avenue call for unity and to come together after more than a year of divisiveness. Judge Brent Basden dismissed the final appeal against the clinic in Clallam County Superior Court on Feb. 10. Sequim Gazette photo by Matthew Nash

## WELCOME BACK, TIMBERWOLVES!



Sequim Middle School students line up on Tuesday, Feb. 16, to go back to class for in-person instruction, for the first time in about 11 months. SMS students will, like their cohorts at the Sequim elementary schools, be on an AA/BB hybrid schedule, with half of each grade back in classrooms on Mondays and Tuesdays, and the other half in class on Thursdays and Fridays. Sequim High School students are expected to return to in-person instruction on March 1. Sequim Gazette photo by Michael Dashiell

## Voters OK both Sequim School District levies

4-year plans bolster maintenance projects, basic education

BY MICHAEL DASHIELL  
Sequim Gazette

Sequim School District's two levies earned passing grades last week, as the school leaders seek funding for basic education services as well as supplemental funds for technology and infrastructure projects.

The district's Educational Programs and Operations (EP&O) levy received 7,642 yes votes out of 13,500 ballots cast for 56.6 percent (as of Feb. 12).

Voters also approved the school district's capital projects levy, with 7,905 of the 13,542 ballots cast (58.4 percent) as of Feb. 12.

The next ballot count is set for Feb. 17, with the election certified on Feb. 19.

The four-year, \$29.7 million EP&O levy replaces Sequim's current local tax and pays for core learning functions not supported in the state's basic education formula, while the four-year, \$15 million capital projects levy addresses a number of building

issues at each school campus and provides an overhaul of the district's technology infrastructure.

"We want to thank the community for A, getting out to vote, and B, voting in favor for both (levies)," interim superintendent Jane Pryne said.

Taxpayers in the district would pay between \$1.87 (\$1.24 for the EP&O levy, \$0.63 for the capital projects levy) and \$1.89 (\$1.26/\$0.63) per \$1,000 of assessed value starting in 2022, district officials said.

Clallam County election officials estimate the county office has about 900 ballots to count.

"I didn't have a doubt that we would pass," Sequim School Board president Brandino Gibson said. "I didn't think we'd blow this out of the water (but) the numbers were kind of about what I expected."

The EP&O renewal levy accounts for about 17 percent of the district's



PRYNE



GIBSON

See LEVY, A-5

## River Center expansion takes shape

Fundraising still key as building cost increases create shortfall

BY MICHAEL DASHIELL  
Sequim Gazette

The most significant expansion to the Dungeness River Audubon Center since it opened in 2001 continues to take shape, with a series of 3,000-pound trusses that echo the nearby historic railroad bridge set in place last week.

With an eye on a fall 2021 opening, the multi-million dollar project continues to transform the community park into what partners from the center

and Jamestown S'Klallam Tribe hope will become a destination location and tourist draw.

"(It's) lot of hard work to see come through in a physical form," center director Powell Jones said last week. He said he's had a number of conversations with fellow Sequim natives who are local contractors working on the project, as they help construct "a building that interprets a river they grew up with and knew and love."

While Sequim's relatively mild winter

weather hasn't much slowed the expansion's progress, the unexpected rise in buildings costs and scarcity of materials during the COVID-19 pandemic has created a bit of a funding gap, said Annette Hanson, chair of the "Inspire Wonder" capital campaign.

"We thought we are at our goal a year ago and then COVID hit," she said last week. Delays in shipping coupled with large increases in lumber and other

See RIVER CENTER, A-8



Crew workers with T&D Contracting last week set in place massive trusses as part of the expansion of the Dungeness River Audubon Center. Construction site superintendent Pete Nesse said the project is still on target for a fall 2021 opening date. "Just a matter of putting the pieces of the puzzle together," he said last week. Sequim Gazette photo by Michael Dashiell

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## Clallam, Jefferson counties move into Phase 2

BY ZACH JABLONSKI  
Olympic Peninsula News Group

Clallam and Jefferson counties moved into Phase 2 of the state's Roadmap for Recovery this week.

That means indoor dining is allowed at 25 percent capacity with a maximum of six people per table; gyms and indoor fitness centers can open at 25 percent

capacity; outdoor sporting competitions can resume with limited spectators; and weddings and funerals can increase capacities.

Retail stores are limited to 25 percent capacity, according to the Roadmap plan.

County health officials, however, urge restraint and caution to avoid the reopening being only for the short term.

All but six of Washington state's 39 counties are in Phase 2 of the state's economic reopening plan as of Monday, with five new regions meeting the requirements necessary to join two other regions that already had seen a loosening of COVID-19 restrictions, including limited indoor dining.

Clallam and Jefferson counties are included in the North-

west Region, which also contain Kitsap and Mason counties, a situation roundly condemned by local health officers and District 24 legislators, given the smaller number of COVID-19 cases on the North Olympic Peninsula.

Gov. Jay Inslee announced on Feb. 11 that the Northwest, East, North, North Central

See PHASE 2, A-13

# Ruling

From page A-1

phone interview about Basden's decision.

"We feel that everything was done properly by James-town and Sequim city staff. The hearing examiner said this and the judge reaffirmed that."

City of Sequim staff issued in a statement following last week's decision, noting, "We appreciate the judge's decision and hope this will put the matter behind us."

Olbrechts dismissed five of six appeals against the MAT application, including SOS's appeals, for a "lack of standing."

The only appeal Olbrechts heard was the tribe's challenge of the Mitigated Determination of Nonsignificance, in which the tribe challenged the city's imposed conditions, saying they were not necessary or lawful. However, the city and tribe later agreed upon conditions such as a shuttle service to and from the facility and establishment of a Community Advisory Committee. Olbrechts approved the conditions on Dec. 21, 2020, along with adding a monitoring program for the clinic.

## Standing

Basden recognized SOS's 2,600 members writing that, "there is no doubt that a large number of individuals in the Sequim community support and advocate for the position that (the) Tribe's clinic should not be located as planned."

He added that "they do not oppose placement in another location, although much of the public comments as to why the current placement is inappropriate would not be alleviated by a different placement within the Sequim community."

According to testimony and briefs, Basden felt there was "no competent evidence ... by an individual who at-tests to be a member of SOS and claims some particularized prejudice which would qualify him or her to be considered an aggrieved or

adversely affected party."

Basden wrote, "(SOS must show) that there is a genuine issue of fact for trial. Bare assertions are not sufficient — there must be actual evidence."

To do so, he said they must've shown a specific injury, a unique right or interest that is being violated in a manner special and different from the rights of other taxpayers.

He said evidence of prejudice or being adversely affected was not shown during calls for the tribe/city attorneys' call for summary judgments, and when Olbrechts asked it to be presented.

Basden wrote that SOS relies upon generalized comments and concerns such as loitering, drug use and littering and more as a result of the facility going in, and that "unsworn testimony in a public hearing, or arguments or statements contained in news reports, about hypothetical or conjectural harm, is not competent testimony."

## Reaction

In weeks and months prior to COVID-19 restrictions, residents packed and overflowed city council and planning commission meetings at the Sequim Civic Center and two forums at the Guy Cole Event Center before any decision on the MAT application was made by city staff.

Following Basden's decision, community groups and leaders expressed an interest in coming together after months of online and public debate.

SOS chair Jodi Wilke said in a phone interview, "We really do want to see our community pull back together."

We want to encapsulate that we want to be a positive influence on the community."

In a press release, SOS's board of directors said they are disappointed in the court ruling but respect the rule of law.

"If nothing else SOS has played a role in bringing to light certain ambiguities in our land use codes, and the importance of a transpar-



**Barry Berezowsky, Sequim's director of community development, addresses a crowd of more than 150 people on July 8, 2019 during a Sequim city council meeting, saying that there's no proposal before city staff about the much talked about medication-assisted addiction treatment (MAT) facility.** Sequim Gazette file photo by Matthew Nash

ent, accessible process," they wrote.

"It is now up to our city leaders to remedy these concerns."

SOS leaders continued, "Despite the disagreement between factions of the Sequim community for or against this project, it is our hope that we can embrace this common ground and make a concerted effort to bind the wounds that divide us. It is clear that we are not indivisible as long as factions work to separate our beloved community and marginalize those who simply wish to express their voice."

"SOS renounces any ongoing effort to further divide us — whether socially, politically, or philosophically."

SOS leaders encouraged residents to embrace the city's proclamation of 2021 as a "Year of Kindness."

Simcosky said he welcomes the opportunity to unify and be kind to one another because it's "been a departure from what it's been the last year."

He said there's been a lot of name calling and anger toward the tribe and city staff.

"People have to understand that there's been a lot of pain put under some people," Simcosky said.

"I do welcome healing. I'm a person who doesn't look in the past and hold a grudge."

Simcosky said to unify, he's willing to listen but people

city staff "followed the law and regulations" and was transparent.

"The Tribe's medication-assisted-treatment (MAT) facility is based on solid medical science, treating Opioid Use Disorder (OUD) as a brain disorder," they wrote. "It is state-of-the-art health care on par with Johns Hopkins Medical Center. That kind of health care normally does not find its way to rural communities."

League leaders wrote that it was unfortunate the facility became so divisive.

"Vulnerable groups of people were stigmatized. The Tribe was attacked as being greedy and insensitive to the well-being of Sequim," they wrote.

"It is our neighbors, members of our community, who struggle with drug addiction, housing insecurity, income insecurity, and mental fragility. Those problems are neither new nor unique to Sequim. They are human struggles."

"It is time to put aside the divisiveness. A state-of-the-art medical facility will not ruin Sequim. Divisiveness and stigmatization of others will."

Simcosky said coming together is important, particularly in the health of the community, such as with the tribe helping with COVID-19 vaccinations.

"We couldn't do that by ourselves," he said. "We've got the fire department and the city, Community Emergency Response Team, 60-plus volunteers, the Methodist church and more. It's been a wonderful collaboration."

He said he hopes "people keep an open mind and trust."

"The most disappointing thing to the tribe is that in all the good things they've done in health care, why would it do anything to hurt the lands?" Simcosky said.

## Going forward

Completion of the MAT clinic is tentatively set for January 2022, Simcosky said.

The project is about six months behind on construction because of the pandemic and court appeals, he said.

"Six months is not the end of the world," he said. "We're looking at the long picture."

"People forget that opioid use has gone up and overdoses have gone up and suicides have gone up nationally and locally."

Simcosky said interest in the tribe's opioid treatment has gone up significantly in the last six months.

As for SOS's future, Wilke said board members are considering their next options but it's "too early to tell" what that entails.

"Every community out there has to figure out how to deal with homelessness and addiction," she said.

"We need to get our arms around it in a proactive manner. We need to look around at communities that have adopted it better, like Burien and Bellevue opposed to Seattle or Tacoma."

Sequim's policies could be derived from those more successful cities, she said, but it's unclear if SOS will participate in that role.

Simcosky said community members must find things they agree on if they're to sit down together.

"There's plenty of things that's common ground to work on in our community," he said.

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