



## Viewing the Police State: New York and Vancouver Island Compared

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My two-week tour of Vancouver Island, British Columbia provided a compelling contrast of police-enforced social engineering in the USA and Canada. In Canada I observed a more progressive view of self-governance, a greater personal involvement in community affairs, and a federal structure that is more supportive of individual freedom.

My conclusions may not be surprising since Vancouver Island is Canada's most progressive region, and New York State is one of the least progressive states in the US. Yet even taking this into account the differences are startling.

For the last 20 years I have lived in New York's bucolic Hudson Valley 100 miles north of New York City. I'm involved in the Marletown Transition movement, lecture regularly at local libraries, and volunteer with the Rondout Valley Holistic Health Community. I first visited British Columbia when I was 16 and I returned on many climbing trips throughout the Canadian Rockies. I spent a month in Price George learning scribe-fit log home construction in 1984, and I have more recently taken four trips to the BC coast to explore ecology, demographics, and community structures.

This comparison is based on:

- zoning laws,
- intentional communities and the Transition Town movement,
- national health care,
- options for alternative education.

### Zoning Laws

Zoning is a primary mechanism by which the state controls community structure.

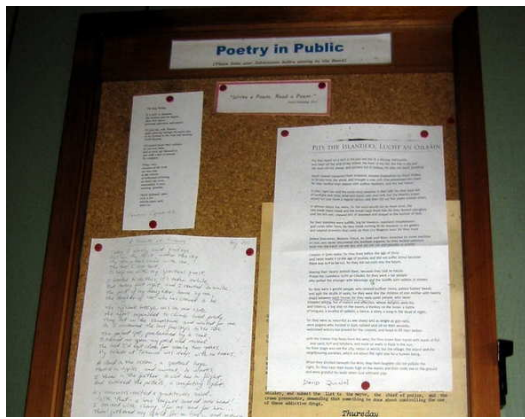
"Zoning ordinances have increasingly been employed as a mechanism for the control and exclusion of innovative domestic lifestyles such as the commune. Under the guise of residential single-family zoning ... municipalities have sought to achieve social conformity while ostensibly pursuing the more limited zoning objectives of land use regulation."

From "Excluding the Commune from Suburbia – The Use of Zoning for Social Control" by Anthony Klimberg, in *Hastings Law Journal*. V23, 1459 (1971-1972).

The health of communes is a proxy for the degree to which the state allows the alternative social structure offered by intentional communities. The general heading of "intentional communities" includes:

- Communes, where incomes and property are often shared.
- Religious groups. Historically, three-fourths of communes are in this category.
- Housing cooperatives, where people share housing and make decisions collectively.
- Ecovillages, which are dedicated to environmental sustainability.

Brandy Gallagher and friends established O.U.R. Ecovillage outside of Duncan in 1999. Brandy worked on legislation passed by the BC legislature that established the first "Rural Residential Comprehensive Development" zoning designation now in effect in the Cowichan Valley and adjacent Nanaimo districts, these being two of Vancouver Island's six regional districts. To date O.U.R. Ecovillage is the only group to have been granted this designation but others are sure to follow.



Public poetry at Community Co-op, Hornby Island, BC

Development Zone is a package of zoning permissions that allow for all the structures and services needed to support an Ecovillage. A group accorded this designation has the authority to create a community of family dwellings, a school, farm, clinic, restaurant, community structures, various businesses, water treatment, and burial arrangements. These permissions contain requirements for building codes, buffering woodlands,

setbacks, and road construction. Once approved for this zoning a group has the legal right to exist as an autonomous community.

### Co-Housing in the US



John Ingram, zoning enforcement officer in my town of Olive, says nothing like this exists in our area. If a group wants to create a commune or co-housing development, then they have to submit a plan to the zoning board. The plan has to be presented, explained, defended, and then it might be approved. The plan would be open for public scrutiny and the board would use its discretion

along with comments from the public in scrutinizing the plan, determining the burden of proof of feasibility, environmental, zoning, and building compliance.

In the US the burden of proof is on the group proposing the project, and their proposal is handled as a variance of established regulations. Such a proposal is assumed to be out of compliance until proven otherwise. Such "proof" relies heavily on the attitudes, experience, and prejudice of the community and zoning board. This process is extremely expensive, very time-consuming, unpredictable, and potentially unsuccessful as a zoning board makes its decision based on its own criteria and standards.

In my neighborhood a group called Legacy Farm Co-housing has been trying to build a co-housing community in the town of Rosendale. They have spent the last 10 years and over 1 million dollars in legal, zoning, and consulting fees and have not yet gotten approval. They own a piece of land but have built little infrastructure.

The group is unable to get a bank loan, because US banks do not recognize a collective as an entity to which they will loan money. Banks instead insist that a housing development be owned and managed by an established entity that is in the land development business. Legacy Farm is trying to raise an additional 1 million to build a common house.

The individuals in the group are getting older and the cost of buying in to this community is becoming prohibitive for younger families. The group to establish itself as a viable, sustaining community and is struggling to avoid becoming a retirement community.

I researched US national zoning legislation by searching the entire Washington University Law Library index and found little beyond precedents from the 1970s. Commentary on the 1972 Palo Alto Tenants Union v. Morgan states:

*"Were a court to ... hold that an inferred right of any group to live wherever it chooses might not be abridged without some compelling state interest, the law of zoning would be literally turned upside down: presumptions of validity would become presumptions of invalidity and traditional police powers of a state would be severely circumscribed ..."*

*"... Palo Alto Tenants Union v. Morgan reaffirms the constitutional reasonableness of excluding non-families from single-family neighborhoods and rejects an attempt to change the standard of review of zoning ordinances by extending the doctrine of substantive equal protection to communal living groups".*

### PocketNeighborhoods



A book by Ross Chapin from Taunton Press:

**Pocket Neighborhoods: Creating Small Scale Community in a Large Scale World**

All about Pocket Neighborhoods: [www.pocket-neighborhoods.net](http://www.pocket-neighborhoods.net)

Commenting on the 2002 demise of a commune north of Seattle, an article in the New York Times says:

"After surviving decades of internal turmoil and years of battling with the county government here over plans to create a self-sustaining village near this town 60 miles north of Seattle, the Love Israel family has run out of money and is closing down. The looming demise of the group, which once had more than 300 members, marks the end of an era in the Puget Sound region. The area has a long tradition of communal living, beginning with the large socialist utopias of the late 19th century and peaking again in the wild, heady days of the late 1960's and early 1970's. One by one, they have disappeared."

From "Commune to Close, After Years of Strife and Striving" by Sarah Kershaw, *New York Times*. December 25, 2003. Online at: <http://www.nytimes.com/2003/12/25/us/commune-to-close-after-years-of-strife-and-striving.html>

### Co-housing in Canada



Free sidewalk library kiosk, Victoria, BC

British Columbia's zoning laws reveal an acceptance of communal governance without equal in the US. While Ms. Gallagher's work has spurred interest in revising zoning laws, it does not yet appear to have set anything in motion here in the USA.

The Canadian comprehensive development zone provides a guideline that gives any group applying for this designation a clear standard and the benefit of the doubt if they meet that standard. This difference is as significant as the difference between presumed guilt and presumed innocence in a court trial.

Canada's approach simplifies the planning and approval process for constructing a commune or collective by providing an approved formula. The American approach requires the process be reinvented with each project and each planning board, with the planners lacking rights to establish a community.

## Intentional communities and the Transition movement

Another measure of the interest in community self-governance is the support within each region for intentional communities.

The Fellowship For Intentional Communities Directory (<http://directory.ic.org>) lists 16 intentional communities on Vancouver Island and 94 in New York State. While New York has nearly eight times as many such communities, the population of New York State is 25 times that of Vancouver Island. Adjusting for the difference in population shows intentional communities to be 4.5 times more common per capita on Vancouver Island as it is in New York State.



Community run recycling center, Hornby Island, BC

To get a feel for what this difference means imagine that you live in a town that has four towns adjacent to it on each of the four compass points. If you lived in New York state and your town did not contain an intentional community, then one of the four adjacent towns likely would. In contrast, if you lived on Vancouver Island, chances are that your town as well as each of the four adjacent towns would all have an intentional community.

The Transition Town Movement

The Transition Town movement started in 2005 and now includes over 400 towns world-wide. Relative interest in the Transition Town movement provides another measure of community self-reliance. According to the US Transition Town website:

*"The Transition Movement is comprised of vibrant, grassroots community initiatives that (engage) their communities in home-grown, citizen-led education, action, and multi-stakeholder planning to increase local self reliance and resilience."*

From <http://transitionus.org/transition-town-movement>

According to the Transition Vancouver Island website (<http://transitionvancouverisland.wordpress.com/transition-towns-in-our-region/>) the island's population of 0.75 million supports eight town movements. In addition, each of the larger satellite islands support well-established cohesive, independent communities. The eight Transition Town movements do not include the non-government collective structure in the islands of the Georgia Straits. The US Transition movement (<http://transitionus.org/home>) lists seven Transition Towns for the state's 20 million population.

For a list of 15 island collectives not included in the Transition Town movement, see *Islands in the Salish Sea, a Community Atlas*, by Sheila Harrington and Judi Stevenson, Eds. (The Land Trust Alliance, 2005).

There are 41 First Nations groups on Vancouver Island, each with their own community and tribal lands (see [http://www.gov.bc.ca/arr/firstnation/maps/map\\_1.htm](http://www.gov.bc.ca/arr/firstnation/maps/map_1.htm)). There are eight federally recognized Native American tribes in New York State ([http://en.wikipedia.org/wiki/List\\_of\\_federally\\_recognized\\_tribes\\_by\\_state#New\\_York](http://en.wikipedia.org/wiki/List_of_federally_recognized_tribes_by_state#New_York)).

Based only on the number of Transition Town movements, and adjusting for the difference in population, Vancouver Island hosts a population that is 45 times more interested in community self-reliance. You might say that the average person on Vancouver Island has a 4,500% greater interest in community self-reliance than the average resident of New York State. This is an astoundingly large estimate, and the actual number is probably twice as large!

## Implications of national health care



Dr. Laura Chalfin, Hornby Island, BC

On Hornby Island I spoke with Dr. Laura Chalfin, one of the island's two local doctors. I'd been involved with Canada's health care system since I gave a keynote speech at the island's Addiction Medicine for Family Physicians conference in 2010

([http://www.tengerresearch.com/Bio/Works/NFGrowth\\_HabitTALK.pdf](http://www.tengerresearch.com/Bio/Works/NFGrowth_HabitTALK.pdf)). Linda points out that national health care enables members of a community to offer the part-time services necessary to support the community, and that people would not be able to provide these services if they had to limit themselves to full-time employment.

\_"In the U.S., people have to stay in jobs they hate because they will lose their health insurance. I see people here and I think, 'This is what freedom is.' If you want to scrape together a living where you don't have to worry if you get sick or . . . have a kid with a chronic problem, (health coverage) is a given."\_ — Dr. Laura Chalfin

From *The Medical Post*, p. 23. April 2006. Downloaded from <http://stephanieholmes.com/images/Profile.pdf>

Under the Canadian health care system a small community can exist because people can provide the required part-time supporting services and still have health care provided by the state. Because of this, these communities do not rely on corporations whose health benefits require narrow specialties and full-time employment.

Being free to engage in part-time employment allows people to engage in a variety of season occupations including a combination of farming, crafts or artistry, and service professions.

Canada's national health care supports small, independent communities in a way that is absent in the US.

To engage in the same lifestyle a US citizen would bear a steep cost for private health care. This lowers the attraction, safety, and sustainability of both an independent lifestyle and of small, independent communities. The lack of national health insurance pressures a society to be more dependent on full-time workers, corporations, fiat money, and central government control.

## Options for alternative education

Since the health of a community can be measured by the way they treat their children, I was interested in options for alternative education on Vancouver Island. I found four alternative schools in the Vancouver area and queried their directors, asking to be connected with other people interested in starting schools based on alternative educational philosophies. In every case I was told they knew of no one who shared my interests.



Seaside shrine on Grassy Point, Hornby Island, BC

From this I concluded that either traditional K-12 education must be good enough to satisfy most Canadians, or Canadians were oblivious to the failures of traditional education.

By coincidence my host on Salt Spring island, whom I found through the Couch Surfing network (<http://www.couchsurfing.org>), was working to start a new school in her community. My conclusions about Canadians were wrong. She said that Canadians do see the failure of traditional education and are dissatisfied with their options, but they don't know how to create alternatives.

To introduce her to democratic, student-run schools, we watched videos of the Sudbury Valley School in Sudbury, Massachusetts (<http://www.sudval.org/introvid.html>). Sudbury Valley has developed a method by which parents without experience in organizing a school can create and maintain a school of this kind. I also directed her to the Alternative Education Resource Organization website that offers on-line courses in how to start your own school (<http://www.educationrevolution.org/store/resources/startanalternative/>).

My host commented:

*"I had a chance to read some of the info from the links to alternative education. So inspiring! I sent them to the families I have been meeting with to look at. Sudbury school blew open all my confined ideas of what school should be. Thank you so much for this. A bit of synchronicity in connecting with you."*

Canada has lax home schooling regulations that enforce no standards on what parents teach at home. In contrast New York State home school regulations subject home school curricula to standards, reporting, and review. In spite of this homeschooling freedom and progressive community structure Canada lags the US in alternatives education.

## A Different Feeling

Community is palpable in many Canadian locales. In the provincial capital of Victoria, people leave their keys in the back door, urban neighborhoods have free book exchange kiosks, and payment for parking is done on the honors system. In Canada no one runs a yellow light.

Arriving on Hornby island on a foggy winter Sunday I found the island deserted. No open stores, shops, restaurants, coffee shops, or pubs. No town center and no signage of any kind. Responding to my comment of how dead the island seemed, my hosts responded to the contrary. "On any day there are concerts and community events at different people's homes. We don't need a newspaper or bulletin board. Everyone knows where things are happening."

That afternoon I was taken to the community sauna located in a handmade structure beside an unmarked lake. A dozen naked people met to welcome me and exchange island news.



*Community sauna, Hornby Island, BC*

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