



Crook County

OCT 08 2024

Community Development

Date: October 6, 2024

To: Crook County Court

From: Brenda Gangwer
14908 SW Alfalfa Rd
Powell Butte, OR 97753

Re: Appeal Record Number 217-24-000047-PLNG Sunshine Behavioral Health

Dear Crook County Court and Members of the Planning Commission:

This appeal isn't just about stopping a facility; it's about stopping a disaster. Sunshine Behavioral Health's application is riddled with holes, unanswered questions, and a lack of any real responsibility. Let's ask some questions, shall we? What is their plan for this community? What's their strategy to fit into the existing zoning laws? And most importantly—what are they hiding? I demand answers. This application is a joke if not outright malpractice.

1. EFU-3 Zoning: How Does Sunshine Intend to Legally Justify This Move?

EFU-3 zoning exists for one reason: to protect agricultural land. ORS 215.203 clearly outlines that this land is reserved for farming, not commercial ventures masquerading as community service. So, how exactly does Sunshine plan to justify placing a high-density addiction treatment facility on farmland?

Is it pure ignorance, or do they think the county's zoning laws don't apply to them? How do they plan to preserve agricultural activity on this land, as ORS 215.243 demands? If they don't intend to farm the land, what's their reasoning for not adhering to the foundational purpose of the EFU zoning?

- What are they planning to do with the agricultural aspect of this land?
- If nothing, then how can they possibly justify their proposal under EFU-3 zoning laws?
- How can the county possibly approve this when Sunshine has no plans for agricultural integration?
- Is this blatant disrespect for local zoning intentional, or are they just incompetent?

2. 25 Acres of Irrigated Land– What's the Plan Here?

Sunshine Behavioral Health is proposing a facility on a property with 25 acres of irrigated farmland, yet their proposal includes no agricultural plans. Why? ORS 215.283

allows for non-farm use, but only when it coexists with agricultural practices. How does Sunshine justify ignoring the agricultural mandate?

What are they planning for this land, or are they just going to let it sit there while they run a high-density medical facility? Do they understand that EFU-3 zoning isn't a suggestion but a requirement? And if they don't, what does that say about their commitment to respecting our community and its laws?

- Why does the plan include no agricultural development for these 25 acres?
- How do they justify abandoning the agricultural use of this land?
- What do they propose to do with the land—leave it idle?
- Why should we trust them when they're ignoring the very essence of the land's designation?
- Is this negligence or a deliberate attempt to sidestep zoning laws?

3. "Community Center"? Or Just a Thinly Veiled Profit Scheme?

Sunshine's attempt to pass off this for-profit addiction center as a "community center" is a farce. According to ORS 215.283(2)(b), a community center must serve the community. But let's be honest—how is bringing in transient clients from outside Powell Butte a "community service"? How many of their clients will be from our local community, and how will our residents benefit from this facility?

Are we supposed to believe that Powell Butte is the primary beneficiary of this? Or is this just another case of Sunshine profiting off the backs of communities who get nothing in return? What percentage of the facility's operation will be geared toward actual community service? Do they have any plan whatsoever to show how this facility benefits Powell Butte residents?

- What percentage of their clients will be from Powell Butte?
- How does this facility serve our local community in any measurable way?
- What percentage of profits will remain in Powell Butte to benefit residents?
- Is this really a community center, or just a profit-driven operation using loopholes?
- Why should we believe this isn't just a cash grab?

4. Ignoring Oregon's Statewide Planning Goals—How Convenient

Sunshine's disregard for Oregon's Statewide Planning Goals is alarming. Goal 3 is all about preserving agricultural land, and Goal 14 is intended to keep urban-style developments out of rural areas. So, what is their justification for bringing a high-density medical facility into a rural zone? Do they have any plans to minimize the impact on the

surrounding agricultural land, or are they just hoping no one notices?

If Sunshine was serious about fitting into Powell Butte, why aren't they addressing these goals head-on? Why should we even consider approving a facility that clearly violates the intent of both goals? And why does Sunshine think it's acceptable to bring in urban-scale infrastructure and operational demands into a farming community?

- How does Sunshine plan to comply with Goal 3 and preserve agricultural land?
- What's their strategy to minimize urban-style disruption to our rural community under Goal 14?
 - Why should we believe they've given any real thought to Oregon's planning goals?
 - What specific steps are they taking to ensure they don't disrupt the farming community?
 - Is their silence on these planning goals a sign of incompetence or something worse?

5. Misusing the ADA and FHAA—A Desperate, Dishonest Tactic

Sunshine thinks they can invoke the ADA and FHAA to bulldoze over zoning laws. Well, guess what? Courts have already ruled against this nonsense. In *Pacific Shores Properties v. City of Newport Beach* and *Baltimore City Substance Abuse Directorate v. Mayor and City Council of Baltimore*, the courts upheld zoning laws despite ADA claims. How does Sunshine intend to circumvent these rulings?

How are they justifying this ridiculous claim that EFU zoning doesn't apply to them? What legal precedent are they using to assert that they have the right to place a medical facility in an agricultural zone? If they can't provide one, why should this application be entertained? If they're hiding behind the ADA to avoid zoning laws, how can they claim to be operating in good faith?

- What legal grounds do they have to invoke the ADA or FHAA in this context?
- How do they plan to sidestep the rulings in *Pacific Shores* and *Baltimore*?
- Are they counting on the county to ignore these precedents?
- Why should we trust any claim Sunshine makes about adhering to the law when they're misapplying civil rights legislation?

6. Emergency Services—Where's the Plan to Handle the Inevitable Crisis?

Sunshine's proposed facility will inevitably strain our already limited emergency services. How does Sunshine intend to handle medical emergencies in a facility dealing with opioid detox patients when the nearest hospital is 20 minutes away? How will they

address the fact that every minute counts in an overdose situation?

Sunshine's brilliant plan involves using call nurses—who aren't even on-site. How can they justify this, knowing that remote nurses won't be able to respond fast enough in a life-or-death situation? Where's their emergency response plan? What's their protocol for dealing with emergencies? If they don't have one, what does that say about their commitment to client safety and community welfare?

- How will Sunshine handle opioid overdoses when the hospital is 20 minutes away?
- Why do they think call nurses are sufficient for high-risk emergencies?
- What's their emergency response protocol for life-threatening situations?
- How will they ensure they don't overwhelm our volunteer fire department?
- Is Sunshine willing to accept responsibility for any fatal incidents resulting from their lack of emergency preparedness?

7. Gun Range Next Door—Have They Lost Their Minds?

Let's talk about location. Sunshine wants to place a high-risk addiction facility next to a gun range. What could possibly go wrong? How do they plan to keep recovering patients safe when they're within earshot of gunfire? What's their contingency plan for a patient wandering off-site and encountering a gun range?

Who thought this was a good idea, and how does Sunshine propose to mitigate the glaring safety risks involved here? If they don't have a plan for this, why should we trust them to run a facility that prioritizes safety at all?

- How will Sunshine ensure patient safety next to a gun range?
- What's their plan to prevent wandering patients from getting too close?
- How do they intend to create a safe, supportive environment within earshot of gunfire?
- Who approved this location, and do they actually care about the patients?

8. Wastewater Management—Where Are the Details?

Sunshine's plan for wastewater management is vague, to say the least. They're going to be handling pharmaceuticals, medical waste, and other contaminants. So, where's their detailed plan for ensuring these hazardous materials don't contaminate our irrigation system or groundwater?

What measures will they put in place to prevent environmental disaster? If they have no plan, how can we trust them to manage anything responsibly? What guarantees can they provide that the community won't end up paying for their environmental negligence?

- How does Sunshine plan to handle the medical waste from this facility?
- What safeguards will they implement to protect Powell Butte's irrigation and groundwater systems?
 - Why haven't they provided a detailed wastewater management plan?
 - What contingency plans do they have in place for potential contamination?
- If they're unable to guarantee safety, why are they even applying for this permit?

9. Financial Burdens—How Will Sunshine Compensate the Community?

Sunshine's facility is a financial burden waiting to happen. How do they plan to address the inevitable drop in property values? What compensation are they offering local residents who will see their home equity diminish?

What measures will they implement to prevent insurance premiums from skyrocketing due to the increased risk of theft and crime? And how do they plan to manage the infrastructure costs they will undoubtedly cause? If they can't provide concrete answers, why should the county accept this proposal?

- What is Sunshine's plan to compensate for the drop in property values?
- How do they propose to manage the rise in insurance premiums for nearby residents?
 - How will they fund the necessary infrastructure improvements?
 - Why should Powell Butte residents be financially burdened for Sunshine's expansion?

Conclusion

Sunshine Behavioral Health's proposal is a catastrophe in the making, and they have no adequate answers for any of these questions. If they can't provide real plans, concrete solutions, and evidence of compliance with zoning laws, then they have no business operating here. I demand the planning commission hold Sunshine accountable and reject this application unless they can prove they are ready to take responsibility for the community they claim to serve.

Sincerely,
Brenda Gangwer

References

1. ORS 215.203 - Exclusive Farm Use (EFU) Zoning Requirements
2. ORS 215.243 - Policy for the Conservation of Agricultural Land

3. ORS 215.283 - Conditional Uses in EFU Zones
4. ORS 215.296 - Limitations on Non-Farm Uses in EFU Zones
5. Pacific Shores Properties v. City of Newport Beach, 730 F.3d 1142 (9th Cir. 2013)
6. Baltimore City Substance Abuse Directorate v. Mayor and City Council of Baltimore, 863 F.2d 460 (4th Cir. 1988)
7. KFF - Healthcare Staffing Shortages: Implications for Community Services
8. Recovery Research Institute, Study on Substance Abuse Facilities and Emergency Service Needs
9. Impact of Property Values Due to Proximity to Substance Abuse Facilities, Recovery Research Institute
10. Bay Area Addiction Research & Treatment v. City of Antioch, 179 F.3d 725 (9th Cir. 1999)

This appeal holds Sunshine Behavioral Health accountable by posing critical questions and demanding detailed plans for every concern, highlighting their lack of preparation and inconsistency with zoning regulations.