



Date: October 6, 2024

To: Crook County Court

From: Ed Burgess

14813 SW Alfalfa Rd
Powell Butte, OR 97753

Crook County
OCT 08 2024
Community Development

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

Dear Crook County Court and Members of the Planning Commission:

Let me cut right to the chase: approving Sunshine Behavioral Health's application is not just a mistake—it's an outright disaster waiting to happen. I was against the approval of the Diocese's CUP to begin with, and now Sunshine thinks they can stroll in, expand their operation, and pretend it aligns with EFU zoning laws? This is beyond irresponsible; it's absurd. I'm tired of these commercial ventures bulldozing over the rules and pretending it's all for the community's benefit. It's not. It's for their bottom line, and they don't give a damn about the impact on Powell Butte.

1. EFU-3 Zoning: It's Not a Suggestion, It's the Law

EFU-3 zoning isn't a suggestion—it's a legally binding designation meant to protect farmland. But Sunshine seems to think it's a loophole for their for-profit ambitions. The original CUP was for religious retreats—a use that, while still questionable, at least didn't bulldoze over the zoning's intent. Sunshine's plan to house over a hundred clients and staff full-time completely ignores **ORS 215.203** and **ORS 215.243**.

Let's not kid ourselves. EFU zoning exists to preserve agricultural land and farming operations. Sunshine's plan? It's the exact opposite. They want to shove in a high-density facility that disrupts the area's agricultural character, a clear violation of the

regulations designed to protect our community's economic and environmental well-being. If the county lets this pass, you're basically telling us EFU zoning laws are meaningless.

2. 25 Acres of Land—Wasted Potential, Yet Again

The Diocese didn't use the 25 irrigated acres for farming, and now Sunshine has no intention of doing so either. They're ignoring the very foundation of EFU zoning, which, under **ORS 215.283**, requires any non-farm use to at least coexist with agriculture. But, of course, Sunshine isn't interested in that. Why would they be? They're too busy trying to build an addiction treatment facility instead of using the land for its intended purpose.

It's an insult that Sunshine gets to keep pretending they care about community and agriculture while they abandon any effort to use the land for farming. This is a blatant disregard for the agricultural intent of the land, and the fact that they've even proposed this demonstrates their utter incompetence.

3. Misleading “Community Center” Label—Call It What It Is

Sunshine's attempt to rebrand their facility as a “community center” is not just misleading—it's downright dishonest. I've lived here long enough to know what “community center” means, and it isn't a for-profit treatment center for people who aren't even from Powell Butte. Sunshine is hoping no one notices the difference, but we're not that gullible. They're trying to exploit **ORS 215.283(2)(b)** to push their commercial agenda.

The Diocese at least tried to offer retreats, which, while still not perfect for this land, weren't as invasive. But Sunshine's facility? It's the complete opposite of community-oriented. This isn't about serving Powell Butte. It's about making money, plain and simple. If the county approves this nonsense, you're setting a precedent that EFU land is open for commercial exploitation.

4. Oregon Statewide Planning Goals: Sunshine Clearly Didn't Read Them

If Sunshine took even a minute to read the statewide planning goals, they'd know their application is a joke. **Goal 3: Agricultural Lands** specifically prohibits developments like this in farmland. Yet, here they are, thinking they can set up shop in the middle of

Powell Butte as if the rules don't apply to them.

And let's not forget **Goal 14: Urbanization**. This isn't Bend. This is Powell Butte, an agricultural community. Sunshine's high-density, urban-style facility has no place here. It's an insult that they think they can just plop down a medical operation and expect us to be okay with it. What's next—chain stores and apartment complexes? Sunshine's plan is incompatible with the very zoning laws designed to protect our rural identity.

5. Manipulating ADA and FHAA—Sunshine's Pathetic Attempt

Sunshine's desperate attempt to misuse the ADA and FHAA laws is as transparent as it is pathetic. They claim that denying their permit would be discriminatory, but the courts have already made it clear that zoning laws designed to protect communities are perfectly legitimate.

In **Pacific Shores Properties v. City of Newport Beach** and **Baltimore City Substance Abuse Director v. Mayor and City Council of Baltimore**, courts ruled that maintaining the character and safety of communities takes priority over ADA and FHAA claims. Sunshine isn't the first to try this tactic, and they won't be the last, but they need to know that the law doesn't bend just because they want to make a buck. The county has every right—and duty—to deny this permit without violating any civil rights.

6. Emergency Services—Or Lack Thereof

And now we get to the most reckless part of Sunshine's plan—emergency services, or rather, the complete lack thereof. Sunshine wants to treat opioid and heroin addicts, which inherently comes with high medical risks. The nearest hospital is over 20 minutes away. But that's not even the worst part—they think they can manage this with call nurses instead of on-site professionals. Are you kidding me?

In an emergency, especially with opioid overdoses, those 20 minutes can mean the difference between life and death. But Sunshine's brilliant solution is call nurses—people who respond remotely, not on-site. This isn't just incompetent; it's criminally negligent. Facilities of this type demand 24/7 on-site medical personnel. Anything less puts lives at risk. And when things go wrong, it's not Sunshine who will be blamed—it'll be our community's emergency services, already stretched thin. We don't have the resources to pick up the pieces of Sunshine's reckless decisions.

7. Gun Range Next Door—Unbelievably Irresponsible

Let's get real for a moment. Sunshine thinks it's a great idea to set up an addiction recovery facility within earshot of a gun range. Seriously? We're talking about people in recovery—some of whom are battling serious mental health issues—and they want to expose them to constant gunfire. Brilliant move.

And what's the plan when a patient, struggling with recovery, wanders off the property and heads toward the range? Sunshine's negligence here isn't just a matter of poor planning; it's a catastrophe waiting to happen. The facility's location is an embarrassment to whoever thought this was a good idea.

8. Wastewater—Because Sunshine Doesn't Have a Plan

As a plumber, I've seen my share of bad ideas, but Sunshine's lack of planning for wastewater management takes the cake. We're talking about a facility that will produce medical and pharmaceutical waste, and their plan is vague at best. Our irrigation system isn't built to handle that kind of load, and the potential for contamination is high.

Once pollutants enter the groundwater, they're not coming out. It's our community that will pay the price for Sunshine's lack of foresight, not them. If they had any real concern for their clients—or the environment—they'd have a concrete plan. But clearly, they don't.

9. Financial Fallout—Who's Really Going to Pay? (Hint: It's Us)

Sunshine's facility is going to devastate our property values. Properties near high-risk treatment centers like this one drop by as much as 17%, and insurance premiums will go through the roof. We'll be forced to secure our properties against theft, pay higher taxes for infrastructure, and foot the bill for additional emergency services. Sunshine won't be the one paying—every single one of us will. And for what? To accommodate a facility that shouldn't even be here.

Conclusion

Sunshine's proposal isn't just misguided; it's reckless, negligent, and entirely incompatible with EFU zoning regulations. They don't care about our community, they don't care about their clients—and they certainly don't care about the integrity of

Oregon's zoning laws. The county must reject this application to protect Powell Butte's land, its people, and its future.

Sincerely,

Ed

14550 SW Alfalfa Rd

Powell Butte, OR 97753

References

- ORS 215.203 - Exclusive Farm Use (EFU) Zoning Requirements
- ORS 215.243 - Policy for the Conservation of Agricultural Land
- ORS 215.283 - Conditional Uses in EFU Zones
- ORS 215.296 - Limitations on Non-Farm Uses in EFU Zones
- Pacific Shores Properties v. City of Newport Beach, 730 F.3d 1142 (9th Cir. 2013)
- Baltimore City Substance Abuse Directorate v. Mayor and City Council of Baltimore, 863 F.2d 460 (4th Cir. 1988)
- Recovery Research Institute, Study on Substance Abuse Facilities and Emergency Service Needs
- KFF - Healthcare Staffing Shortages: Implications for Community Services
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A handwritten signature in black ink, appearing to read "Ed", written in a cursive style.