



THIS APPEAL TO PLANNING FILE # 217-24-000047-PLNG OF THE CROOK COUNTY DEVELOPMENT PLANNING DIVISION, 300 NE 3RD STREET, ROOM 12, PRINEVILLE, OR, IS BASED ON FEDERAL AND COUNTY EXCLUSIVE FARM USE (EFU) ZONING LAWS THAT WERE MODIFIED FOR THE CATHOLIC CHURCH’S RETREAT CENTER, A CONDITIONAL USE PERMIT (CUP) MODIFICATION OBTAINED IN 2007.

BASED ON FEDERAL STATUTE RLUIBA, NONE OF THE RELIGIOUS EXEMPTION LAND USES MODIFIED FOR THE CATHOLIC CHURCH APPLY NOW FOR SUNSHINE BEHAVIORAL HEALTH’S PROPOSED OPERATION AT 14427 SW ALFALFA ROAD, IN CROOK COUNTY, OREGON.

As stated in their letter of September 27, 2024 sent to nearby local residents, “Sunshine Behavioral Health submitted an application for a “Modification of Conditional use” associated with the property located at 14427 SW Alfalfa Rd, Powell Butte, OR 97753 (the “Property”) that is currently owned by The Roman Catholic Bishop of the Diocese of Baker.”

The letter then states “The Church received a land use permit to use the Property as a “Community Center” in 2007 (Permit No C-CU-2337-07). In addition to the Church’s staff, the current permit specifically allows the Property to be used by approximately 225 overnight visitors (either staying in bunk-houses or camping on the Property) and attending retreats, gatherings etc. There is no limit to the number of such events the Church can host on the Property in any given year. The County also approved a small chapel and residence for the Bishop to be built on the Property.”

This letter also states, “Our modification application (which the church also authorized) **will allow the Property to be used by us as a substance use disorder (“SUD”) treatment center** serving patients who voluntarily choose to participate in treatment services where patients stay an average of 30 days receiving services to facilitate their recovery from addiction....

Our proposed use still generally falls under the Community Center category.”

SUNSHINE’S PURPOSE [FOR PROFIT] IS SPECIFICALLY EXCLUDED:

ORS 215.283, Uses permitted in exclusive farm use zones in nonmarginal lands counties, Section 2 (e):

“Community centers owned by a governmental agency or a nonprofit community organization [SUNSHINE IS FOR PROFIT] and

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operated primarily by and for residents of the local rural community. A community center authorized under this paragraph may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, *only in a facility that is in existence on January 1, 2006.* **The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.**”

Let it be noted that the Catholic Church applied to add an office building to its retreat center in Powell Butte, but the Crook County Court opposed this as not applicable under **RLUIPA**, the federal statute providing religious freedom for people and places of worship. When Crook County denied this application, **their denial was upheld by the Land Use Board of Appeals (LUBA) of the State of Oregon, with the Catholic Diocese of Baker as Petitioner and Crook County as Respondent in 2009. Please refer to LUBA No. 2009-071.** This appeal should stand as an example that the proposal from SUNSHINE BEHAVIORAL HEALTH cannot slip its non-conforming medical detox plans under the radar without a new land use process.

In conclusion, Powell Butte is a sensitive, rural, unincorporated farming community. We work hard to preserve our way of life here, in relative safety, thus far, from the crime and problems of more urban areas. The character and lifestyle we enjoy here reflect our American values.

Looking at legal issues alone, SUNSHINE BEHAVIORAL HEALTH cannot purchase and use the property at 14427 SW Alfalfa Rd., Powell Butte, OR, for their intended purpose, ***drug addiction recovery services***, by simply slipping into the use permit obtained by the Catholic Church in 2007 under RLUIPA, a religious exemption to the EFU zoning laws that does not apply in any aspect to their current application.

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