

**BOCC (cont. from 1)**

that they have submitted, and I am concerned with regards to statements that may be made by the public that you will hear." He continued, "... The concern is that if those discriminatory statements are made and you take them into account in your decision-making, then the case law indicates that those discriminatory statements, discriminatory evidence can be attributed to you."

Emmons had identified some evidence presented by the applicant as discriminatory and therefore advised that it should not be considered. This included statements in the applicant's appeal, some attached news items, and the petition statement. He cautioned that testimony should focus on the narrow issue of whether the use is that of a rehabilitation facility.

Schafer opened the appellant's presentation, moving first to strike the language of the appeal as it stood and replace it with statements relating to definitions within the land development code. She stated that the definition of a rehabilitation facility within the code does not mention private entities and instead specifically states "an institutional use type facility" which is also defined in the code as not including private entities. She said the BOCC should restrict the definition of a rehabilitation facility to only those entities

that fall within the definitions listed in the code, arguing that MSR, as a private, for-profit facility, does not meet that definition.

Schafer requested that the board direct the Planning Department to look into the zoning requirements of rehabilitation facilities and place a moratorium on all applications for such facilities until the department had reported its findings.

In the public comment part of the hearing, opponents once more voiced safety concerns, stating the proximity to local schools and fears that the facility would attract criminal activity. They also questioned the reputation of Sunshine Behavioral Health (SBH), MSR's parent company, and pointed out that the facility's proximity to a popular local bar was unsuitable for recovering addicts.

Brian Connolly, attorney for SBH, stated that the appeal statement contained no legal basis whatsoever for the appeal and was discriminatory. He argued that the language of the definitions in the code was explanatory, not limiting, and did not therefore exclude any particular entity. He stated that under Colorado law relating to zoning, zoning cannot regulate the ownership of property, only the use of it.

Jared Raymond from SBH said his firm was currently working on the licensing process for the facility, that it

would be fully licensed when it opened and would far exceed the minimal licensing standards. He stressed SBH was not a sober living provider nor would the facility be licensed for methadone treatment. It would provide inpatient rehabilitation services only to clients who voluntarily admitted themselves. He ended by saying, "We honestly look forward to being a lasting community resource for this area."

Commissioner Darryl Glenn said that he didn't believe the appellant had met the burden of proof for the appeal to be upheld. He said, "I find it hard to believe that the appellant, and I'm saying this respectfully, wants us to be able to take testimony that was not presented in the [written] appeal and use that as a basis for approving the appeal." He then made a motion to deny. Seconding this, Commissioner Stan VanderWerf said he also felt the fact that the property was zoned commercial implied for-profit was a possibility.

Commissioner Peggy Littleton said it was a very difficult decision that was based on interpretation of the code. She urged SBH to take into consideration some of the points that were said during the hearing and to ensure that the neighbourhood and children were protected.

Commissioner Mark Waller voted against denying the appeal. He said that while he appreciated his colleagues' interpretation of the code, he also thought "it reasonable to interpret that it [for-profit] isn't contemplated in the code and that a for-profit entity doesn't meet the definition of a rehabilitation facility."

**2019 budget approved**

At its Nov. 29 meeting, the BOCC

unanimously approved the 2019 budget of \$374.5 million. This is an increase of slightly more than \$11 million from the 2018 budget.

Presenting it to the commissioners, Sherri Cassidy, the county's chief financial officer, said, "the daily cost per citizen is about 48 cents."

The budget includes money for additional staff for the Board of Health, Coroner's Office and District Attorney's Office, sets aside funds for neighbourhood and homeless camp clean-ups, and allocates money for transportation and high-impact road projects. The BOCC will be responsible for determining how the money for the high-impact road projects is allocated.

Commissioner Gonzalez said, "The decisions are hard, but I was very pleased to see that we are taking care of our roads budget. That's one of the things that I think for constituents is a big priority and definitely the thing I get a lot of calls on."

Commissioner Waller thanked county staff and the citizens of El Paso County, remarking that the last recession had caused tremendous cuts to county services. He said, "We wouldn't be where we are today, being able to put more money towards personnel, being able to put more money towards roads and bridges, had the voters not approved the TABOR retention in 2017 and so I think certainly the citizens of El Paso County ... should be commended for their support."

**Gleneagle Golf Course****redevelopment moves forward**

The commissioners approved the final release of two letters of credit pertaining to grading and erosion control and public improvements at the Gleneagle

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