

# Take Action El Paso County, LLC

P.O. Box 3581 • Monument, Colorado • 80132

December 7, 2018

El Paso County, Colorado Board of Commissioners  
200 South Cascade Avenue Suite 150  
Colorado Springs, Colorado 80903

Dear Commissioners Glenn, Waller, VanderWerf, Gonzalez Jr., and Littleton:

On behalf of the Affected Party: "Take Action El Paso County LLC" (registered with Colorado Secretary of State), submits an administrative appeal of the El Paso County Commissioners' determination that the former Ramada Inn, located at 1865 Woodmoor Drive (legal description included), be used as a drug and alcohol addiction inpatient treatment facility called Mountain Springs Recovery.

## 1. Public Health & Safety:

- a. Proximity to middle, elementary, and preschools, daycare, school bus stops, and a Safe Path for student walkers & bicyclists on the periphery of the facility presents an imminent danger to the Community's children. The facility's 7-foot cedar fence will neither deter the curious middle schooler nor the mal-intended recovering addict.

**Attachment 1:** Affected Area Map

- b. Proximity to I-25. I-25's intersection with Monument, in particular, the truck exit between County Line & Highway 105, is a magnet for drug trafficking.

**Attachment 2:** Nov 17, 2018 KOAA News 5 "Heroin and Drug Crimes on the Rise in Monument"

- c. Patient Egress. Patients are not restricted to the facility grounds – day or night. Ease of egress to surrounding Community is problematic.



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- d. Sober Living Homes. Sober living homes are natural occurrences surrounding addiction treatment facilities. They house 10-20 recovering addicts at any time and propagate in residential neighborhoods. Sober living homes are currently unregulated – HOA and/or City & County ordinances are unable to control their existence. These homes present a clear and present danger to the Community.

**Attachment 3:** March 11, 2018 Denver Post: “Police found fraud, sex crimes in a Colorado sober-living empire. The state doesn’t regulate the industry.”

**Attachment 4:** 2018 The New York Times: “The City of Addict Entrepreneurs”

- e. Waste/Contaminated Water: Currently, there is no way to remove prescription and illegal drugs from waste water and primary sources of water. The EPA has designated this issue Contaminants of Emerging Concerns (CEC). The Affected Community remains concerned.

**Public Health & Safety Summary:** Government authorities prioritize the safety of its citizens, especially the most vulnerable – our children. The Trilakes Community currently has an inpatient treatment facility, The Recovery Village at Palmer Lake (443 S. Highway 105), also a converted inn. In stark contrast to Mountain Springs Recovery, The Village is miles & miles away from children and the I-25 exit.

The El Paso County Board of Commissioners (BOCC) has already deemed marijuana and fracking setbacks important to protect our children. We request the BOCC apply a 5-mile setback to protect children in schools, daycares, and Safe Paths from drug addiction inpatient treatment facilities.

## **2. Regulatory Compliance:**

- a. Americans Disabilities Act. Medical care facilities must comply with the 2010 standards of 42 U.S.C. 3601 at seq. Sections 223 & 805 require mobility features that apply to fixed or built-in elements of buildings, structures, site improvements, and routes or vehicular ways located on site. The current design – based on approved renovation plans – does not meet

standards, specifically, it does not include roll-in showers in ADA compliant rooms.

b. Fair Housing Act. Mountain Springs Recovery does not require patients to have background checks prior to entering the inpatient treatment program. The facility will house 150 patients, mostly out-of-state transients, for a 30-day period in a co-ed group living environment. Under the Fair Housing Act, determining whether or not someone poses a direct threat to persons or property of others is a requirement. Persons convicted for illegal manufacture or distribution of a controlled substance and sex offenders are not considered disabled and therefore would not be covered under the Fair Housing Act. Without a background check, there is an increased threat to the safety and security of the Community.

c. Business Violations.

**Attachment 5:** Lawsuit – City of Dana Point Plaintiff, Sunshine Behavioral Health LLC Defendants

**Attachment 6:** California Secretary of State FTB Suspended FTB Suspended or FTB Forfeited: The business entity was suspended or forfeited by the Franchise Tax Board for failure to meet tax requirements (e.g., failure to file a return, pay taxes, penalties, interest).

**Attachment 7:** OSHA Violations

d. Business Practices. The US Congress continues to examine concerns with patient brokering and addiction treatment fraud. Per testimony of US Congresswoman DeGette of Colorado, high quality evidence-based treatment is the key to successful addiction recovery. We could not find any evidence-based statistics for Sunshine Behavioral LLC – the parent company of Mountain Springs Recovery.

<https://www.youtube.com/watch?v=ITD1BZnRAsY&feature=youtu.be>

*Examining Concerns of Patient Brokering and Addiction Treatment Fraud  
The House Energy and Commerce Committee*

**Regulatory Compliance Summary:** Parent company, Sunshine Behavioral LLC, has a documented record of not following rules, regs, laws, or ordinances.

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### 3. Economic Impact:

**Attachment 8:** Homeowner Diaz Statement

**Economic Impact Summary:** Mountain Springs Recovery has not yet opened. With a single example, we begin to understand the economic toll the facility's presence will have on homeowners.

**4. Citizen Petition:** The Affected Party/Take Action El Paso County LLC submits both paper and on-line petition signatures for affected residents in El Paso County.

Immediate action at the County & State levels is crucial and imperative. **We are asking for acknowledgement and imminence with regard to our stated concerns, but not limited to those listed.**

We are seeking to:

- 1 Require a 5-mile setback to be enacted. Amend State & County Legislation to allow for more local zoning control and oversight of these commercial facilities that are nested inside of residential areas and schools. They are currently attempting to reside within feet of pre-schools, elementary schools, middle schools, high schools, day cares, libraries, parks, safe paths & school bus stops where children are guaranteed to be protected based on National Drug Free School Zones.
- 2 Require a special use permit in C2 zoning. We want legislation to return to special use permit requirement for all rehabilitation facilities when in El Paso County C2 zoning and or any zoning areas which would potentially endanger children.

Sincerely,



Sharon Schafer

Chairperson, Take Action El Paso County, LLC

**EXHIBIT A  
LEGAL DESCRIPTION**

Commitment No.: 35100-18-10210 Revision No. 3

THAT PORTION OF THE NORTHWEST ONE-QUARTER IN SECTION 14, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 14 BEARS NORTH 21 DEGREES 17 MINUTES 56 SECONDS EAST, A DISTANCE OF 1,161.84 FEET; (ALL BEARINGS IN THIS DESCRIPTION ARE RELATIVE TO THE EAST LINE OF THE NORTHWEST ONE-QUARTER OF SECTION 14, WHICH LINE WAS ASSUMED NORTH 00 DEGREES 14 MINUTES 49 SECONDS WEST); THENCE SOUTH 22 DEGREES 29 MINUTES 22 SECONDS EAST 75.00 FEET; THENCE SOUTH 40 DEGREES 29 MINUTES 22 SECONDS EAST 137.61 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 03 SECONDS EAST 167.25 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 65.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 03 SECONDS EAST 60.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 50.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 03 SECONDS EAST 30.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 60.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 03 SECONDS EAST 15.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 130.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 03 SECONDS WEST 15.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 165.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 03 SECONDS WEST, 90.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 50.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 03 SECONDS WEST 180.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 57 SECONDS WEST 45.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AND AN ARC DISTANCE OF 62.83 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 03 SECONDS EAST 40.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 70.92 FEET, A CENTRAL ANGLE OF 95 DEGREES 27 MINUTES 16 SECONDS AND AN ARC DISTANCE OF 118.70 FEET TO A POINT OF TANGENCY; THENCE NORTH 84 DEGREES 43 MINUTES 47 SECONDS WEST 57.60 FEET TO INTERSECT THE EASTERLY RIGHT OF WAY LINE OF WOODMOOR DRIVE AS PLATTED IN PLAT BOOK M-2, AT PAGE 26 OF THE RECORDS OF THE EL PASO COUNTY, COLORADO; THENCE NORTHERLY ON THE EASTERLY RIGHT OF WAY LINE OF SAID WOODMOOR DRIVE ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 1000 FEET, A CENTRAL ANGLE OF 2 DEGREES 17 MINUTES 30 SECONDS AND AN ARC DISTANCE OF 40.00 FEET; THENCE SOUTH 84 DEGREES 43 MINUTES 47 SECONDS EAST 57.60 FEET, TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 30.92 FEET, A CENTRAL ANGLE OF 95 DEGREES 27 MINUTES 16 SECONDS AND AN ARC DISTANCE OF 51.75 FEET, TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 11 MINUTES 03 SECONDS WEST 40.00 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET, A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AND AN ARC DISTANCE OF 125.66 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 48 MINUTES 57 SECONDS EAST 45.00 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 03 SECONDS WEST 140.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 57 SECONDS EAST 394.97 FEET; THENCE SOUTH 22 DEGREES 29 MINUTES 22 SECONDS EAST 19.91 FEET TO THE POINT OF BEGINNING, IN EL PASO COUNTY, COLORADO.

A-1

4845-2287-2943.v1-8/5/18

Exhibit A (Legal Description)

35100-18-10210

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## **Attachments:**

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6. California Secretary of State FTB Suspended FTB Suspended or FTB Forfeited: The business entity was suspended or forfeited by the Franchise Tax Board for failure to meet tax requirements (e.g., failure to file a return, pay taxes, penalties, interest).
7. OSHA Violations
8. Homeowner Diaz Statement