

Hannah Elliott



From: Lisa Binning <lisa.binning@gmail.com>
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To: Plan
Subject: CUP Record No. 217-24-000020-PLNG - Dollar General

CROOK COUNTY
MAY 20 2024
PLANNING DEPT

Good afternoon,

First, I wanted to thank the committee for respectfully listening to our testimonies. As you know, there is much frustration and emotion around the possibility of a big box store being placed in Juniper Canyon and specifically in our neighborhood.

The majority of the following comments are related specifically to the County Staff Report dated 5/8/24. Some of my remarks may seem of little concern, but given the importance of this decision and its impact, I feel it's worthy of noting again; however, some are new thoughts and insights. But first:

I'm wondering why DG would even be interested in putting a store on a one way road to one destination instead of main roads into Prineville. Seems financially stunted given that its financial gain would be limited to 3-4 months of recreationists - unless it's a dry run to add more future stores in Prineville. I recently read an article in "The Press" that read: "The applicant (DG) does not want to be at battle with either the city or the residents in that area." And, "They want the public to support the stores, and "hoped to be welcomed."" I would think that given the opposition and direct impact to the specific neighborhood, that if that were the case, they would pull their application out of respect for this community in rural Juniper Canyon. You have to wonder if they've conducted any research or visited the site, or if they just took Julie Mayers word for profit.

I've noticed that the applicant has requested multiple exceptions to the conditions:

- Page 23: The Applicant seeks an exception to the approach and driveway standards.
- Page 25: "The proposed development requests an exception to 18.176.010(4)(b). This is related to driveway approaches at 500' apart.
- Page 26: The Applicant proposed an access that requires a spacing exception.

If exceptions must be made to accommodate DG for Conditional Use, then they have not met the conditions.

There are many areas yet to be defined by the applicant that they will disclose at the "site plan review" (i.e, bicycle parking, retail floor square footage, loading berths, ...). While I understand waiting if approval is granted, it makes it difficult for the opposition to review and

comment. Also, I do not recall Ms. Stutzman commenting on septic, drain field, or well plans. I may have missed it, but would be interested to know.

Staff Report - May 15, 2024

Page 2: II. Summary of testimony as of May 3, 2024

First paragraph:

- *Should add to list of concerning issues: Increase noise, potential trespassing, vagrancy, and crime. With a commercial business such as this placed in the middle of a rural environment with little police presence, is an invitation for crime and vandalism that will spill over into our neighborhoods.*

Third paragraph:

- *Don't intend to be insensitive, but we are outside of the UGB and those that chose to live up here already realized and accepted these inconveniences. Having said that, maybe a county committee could be formed to address transportation or errand assistance.*

Page 3: 18.40.020 Conditional uses permitted

"(6) Commercial activity directly related to recreation "

Applicant has clearly stated that this is not directly related to recreation.

Proposed Finding:

Third Paragraph:

... "centrally located between Ochoco Reservoir, Prineville Reservoir, and

- *This is only as the crow flies. No one recreating at Ochoco is going to go over 7 miles out of their way to shop.*
- *This store is not financially sustainable if it is relying only on "recreationists. Maybe 4 months of the year will see non-residential recreationists up JC.*

Page 4: 18.40.040, 050, 060

- *While the applicant may be able to meet some of the conditions set forth, the negative impact to "liveability" to this community of residents cannot be denied or understated. You can't hide the lights, smell, building, noise, etc. by a 6' fence - or any fence for that matter.*

Page 5: 18.40.100 Proposed Finding - 4th and 5th paragraphs

The committee states several recreational resources for the County: "These include, but are not limited to open space and scenic landscapes,"

- *This type of store would be in contrast to the environmental factors listed.*
- *What winter sports are they referring to that brings winter recreationists to this area?*

Also noted that "This is discretionary and when looking at the general definition of 'sufficiently dependent' our County Code does not provide a definition".

- *This is convenient for the applicant and needs to be vetted out. In my opinion this store can not be sufficiently dependent upon the recreational resources if those financial resources are only constant for 3-4 months of the year. That would make it dependent on the residents to financially support the store for the other 8-9 months of the year . That is evident by the months that "recreation" would be "serviced" and the store cannot financially make it if it is solely based on "recreational income".*

Page 6: Applicant response in 1.

"The applicant argues that the proposed retail store supports recreational use by offering"

- *Not based on 12 months usage.*

Proposed Finding:

- *Applicants revised their narrative to state: "... store offers recreational users ...*
- *It's very intriguing to see the Applicants change their narratives as testimony is given.*

Speaks of many exhibits submitted speak to the proposal as not needed.

- *Exhibits 37, 77, 86, 91 and 92 were missed in this report.*
- *The location of the proposal would not serve Ochocho or Haystack.*

Page 7: Second Proposed Finding states:

"The proposed development will minimize earthwork disturbance to "the greatest extent feasible".

- *I understand what they are saying, but this would be determined by who?*
- *Earth movement also moves all the underground critters to the neighboring properties. This is acceptable when a home dwelling is being built, but when a commercial building is being erected, we are talking about a lengthier and steady "earth disturbance".*

Page 8: 18.40.110 - Wildlife policy applicability.

Finding says this section does not apply?

- *I am not sure I understand this section.*
- *Why does it not apply? We have seen herds of elk come through Ironwood Estates plus deer population.*

Page 9: 18.124.040 - Signage - Third Proposed Finding (5)

- *There will be light pollution just due to the extra 24/7 lighting. It will impact neighbors and the dark sky.*

Home occupation section: ... a lot adjacent to or across from a residential use or lot in a residential zone, there shall not be any odor, dust, fumes, glare, flashing lights, noise, or other similar types of possible nuisances which are perceptible more than 200 feet in the direction of the affected residential use or lot in a residential zone."

- *The wind alone in this area will float odor, dust, and fumes.*
- *None of the nuisances listed can be removed regardless of fences, downlighting, or other recommended barriers. This can't be realized in this location.*

Page 14: 18.160.020 - General Criteria: commission shall weigh the proposal's appropriateness and desirability or the public convenience or NECESSITY to be served against any adverse conditions

Applicant states that based on the applicant's research, the only applicability of the comprehensive plan to this site is the recreational use.

- *So, there it is. The applicant absolutely does not care about the residents and who they affect. What research; they have yet to elaborate.*
- *Much testimony has been given about this store NOT being a NECESSITY.*

Page 15:

Economics

- *This area is not suitable for economic development.*
- *We are outside the UGB and are deemed Rural.*
- *Liveability is affected even if it can't be "quantified".*

Recreation:

Applicant added "persons of limited mobility, and handicapped individuals.

- *Good one - pulled right out of a submitted exhibit in favor of DG and not even considered initially.*
- *No one is trying to be insensitive to the needs of handicapped or elderly individuals, but this is not the answer. Most of us try to take care of our neighbors that are in those situations to the best that we can.*

(2) Taking into account location, size, design, and operation characteristics, the proposal will have minimal adverse impact on the (a) livability (b) value and (c) appropriate development of abutting properties

- *This cannot be accomplished as is evident to 100% opposed in the Ironwood Estates development.*
- *Their exhibits will attest to the degradation in livability, value and appropriate development of abutting properties.*

Page 16: We are beating a dead horse on this whole page.

The impact to this neighborhood is obvious, apparent, and backed by research alongside the residents' statements.

Page 17: Applicants Narrative Statement: Applicant: While we intend to do the best we can to integrate into the community nearby, we understand that residents may not prefer having this particular use in the area due to traffic and lighting.

- *There is so much more than those two issues.*
- *Applicant states 9 points of uses permitted outright; these are in no way, shape or form equal comparisons.*

Applicant finishes this page with: "In theory public parks, recreations areas, etc could have similar impacts."

- *We have none of those noted in this location so this argument is moot.*

Page 18: Proposed Finding

(3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant.

- *A big brick building with bright yellow signs and asphalt is not consistent with the environment and nature of the location.*

(4) The proposal will preserve assets of particular interest to the county.

- *We need to understand what those assets are that are of particular interest to the county. The assets I would be concerned about are keeping our rural environment natural and this proposal is 100% counter to preserving anything natural. Exception would be a home dwelling which is not comparable to a commercial business.*

(5) Applicant states: The applicant has a bonafide intent and capability to develop and use the land as proposed

and is not motivated solely by such purposes as the alteration of property value for speculative purposes.

- *Their intent cannot be guaranteed and, in fact, according to research previously submitted by the Institute for Local Self-Reliance, which cites a recent study by Clemson University, found that the presence of a nearby dollar store diminished property values by 16-21 percent (2016-2019). In addition it states: Chain dollar stores also increase municipal expenses, such as the costs of increased police, fire, sewer, and other municipal services to these traffic-intensive, crime-vulnerable stores.*

Pages 18/19: 18.160.030 General Conditions

(1) Limiting the manner in which the use is conducted minimize such environmental effects as noise, vibration, air pollution, glare and odor.

- *I don't believe that limiting use or restricting time/activity will result in any positive affect to the neighborhood or environment as a whole. This establishment will be a loitering ground creating further nuisances which will in turn create noise, garbage, crime etc.*

(2), (3) Open space, limiting height, size, location, etc.

- *There is no condition that will ease the impact on the neighboring properties around/within the Ironwood Estates.*

(4) vehicle access points

- *There are some concerns about traffic coming off of Banta, Viewpoint, and Ridgeview. Visibility can be a challenge at Banta and Viewtop so adding traffic coming out of the proposed location would add additional hazards.*

(7), (8) Signage and lighting

- *I don't think I have to go into detail and repeat our concerns on signage and lighting. Bottom line is there will be an impact on these two issues regardless of meeting the conditions. We can't express enough the intrusion of these two issues.*

Page 20

(10) Fencing

- It could be 6' or 10' and it wouldn't provide the privacy that we are accustomed to. This is a definite intrusion to our environment and violates everything we hold valuable to our way of living and is in direct contrast to our Ironwood Estates Declaration of Covenants, Conditions, and Restrictions Document.

Page 21/22: 18.160.050 Standards governing conditional uses

(a) A sight-obscuring fence ...

- Applicant is proposing a 6' fence. As stated earlier, this does nothing to protect privacy, light intrusion, noise, smell, etc.

(b) Signs ..

- As stated earlier, a sign such as this will disrupt our distinct dark sky, illumination, etc.

18.176.010 Access management standards. Traffic safety in particular at the proposed access is a concern included in many of the exhibits.

- Exhibits: 2, 4, 6, 7, 10, 22, 24, 26, 27, 31, 34, 37, 39, 43, 45, 48, 49, 50, 51, 54, 55, 56, 58, 59, 68, 71, 74, 75, 76, 78, 79, 80, 83, 84, 85, 86, 87, 91, 92, 94, 98 were missed in this record.
- **Winter conditions:** How do they propose to get their delivery trucks (semi's) up this grade in the winter. There are no chain up areas until the top of the grade.
- The impact of a semi not being able to navigate the winter conditions going up or coming down (no runaway ramps) would severely put residents at risk.
- Semi's would also add to the degradation of the road thus increasing the cost of road maintenance.

Page 23:

The applicant seeks an exception to the approach and driveway standards (from Banta) for the required one-half mile.

- Why would we allow an exception if it's against the required conditions.
- Should be an automatic no.

Page 25: Again with the exception on traffic 18.176.010 (4) (b)

- If an exception is required for approval, then the applicant did not meet the conditions.
- Should be an automatic no.

Page 26: 18.180.010: Proposed Finding

(d) The development is expected to significantly impact adjacent roadways

- Applicant again has proposed an access that requires a spacing exception.

Page 29: Proposed Finding (8)

- Just curious as to why Monday and Friday are not included in the TIA. Those days would seem to fall under the "highest degree of network travel" given the days of the week that recreationists would be visiting. Maybe I'm not understanding "network travel" correctly.

Page 32: Proposed Finding (14), (a), (b), (c), (d)

a-d are conditions that may be set forth for the only purpose of this development.

- *This does not seem reasonable to the residents to have to endure road projects to accommodate this store.*

Thank you,
Lisa Binning
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