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From: Lisa Binning <lisa.binning@gmail.com>
Sent: Wednesday, May 22, 2024 8:52 AM
To: Plan
Subject: CUP Record 217-24-000020 PLNG - Dollar General

CROOK COUNTY
MAY 22 2024
PLANNING DEPT

I realize that the issue here is: Does the applicant meet the conditions of a CUP? However, I think it's also crucial to emphasize what the original applicant is inviting into our community and our backyard. Following are excerpts from the article originally submitted into evidence plus additional details not originally included. I would like to note that communities are fighting back against this corporation for good and obvious reasons. I hope that Prineville will take note and take a similar stand.

Source: <https://ilsr.org/articles/report-dollar-store-invasion/>
Source: <https://ilsr.org/articles/17-problems/>

A Louisiana Court Decision Opens the Door for More Communities to Reject Dollar Store Development



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Towns and cities have broad authority to reject dollar store development if they believe it is not in the best interest of the health, safety, and welfare of residents, according to a court ruling in a little-noticed case last November. This could be welcome news to communities pushing back against the explosive growth of dollar stores.

Chains like Dollar General, Dollar Tree, and Family Dollar are targeting communities all over the US, expanding at an unprecedented pace. The number of chain dollar stores has soared over the past decade, putting one within a five-minute drive of almost every American.^[1] As dollar stores have multiplied, the problems they create have multiplied, also. They attract violent crime.^[2] They put their

workers and customers at risk of physical injury.^[3] They siphon sales away from locally owned businesses – particularly from grocery stores, which are vital community anchors.^[4] They overcharge customers through chronic scanning errors.^[5] They sell expired food and medications.^[6] The [list of problems](#) goes on and on.

But communities are beginning to turn them away. Over 120 towns and cities have rejected proposed dollar store developments, and more than 60 have put laws in place that limit their expansion. Most of these battles have focused on whether a dollar store is or isn't allowed under a community's zoning code. But a district court's decision, in *Dorsey Development DG LLC versus Tangipahoa Parish Council–President Government and Tangipahoa Parish Planning Commission*, takes a broader view of a local government's authority. The court's decision recognizes a local government's responsibility to protect the community's well-being by, in this instance, refusing to allow development of a business model that exacerbates traffic congestion, attracts crime, endangers workers and customers, and harms local businesses, among other injuries. The court's ruling could open the floodgates for many more communities to prevent dollar store proliferation.

Here's what happened. In March 2023, Tangipahoa Parish, Louisiana's Planning Commission rejected a development application from Metairie-based Dorsey Development Group to construct a building for Dollar General on an unzoned, unincorporated parcel of land just outside the town of Ponchatoula, citing concerns for the "health and safety" of the Parish's residents.^[7] The Parish already had eight chain dollar stores, and, based on their observations and experiences, Commission members were wary of the traffic problems, stormwater runoff issues, blight, and harm to existing businesses that the proposed dollar store would likely create.^[8]

The developer's representative appealed the Planning Commission's decision to the Tangipahoa Parish Council, which heard his request at its next meeting. After public comments and discussion, no Council member offered a motion to grant the developer's appeal and to approve the application, so the Planning Commission's decision prevailed.^[9]

The developer then sued the Parish, arguing that the Planning Commission's decision to deny his development permit and the Council's tacit support of the Commission's decision had been "arbitrary and capricious" and had no rational basis, since the proposed development plan met all the Parish's technical site requirements. But Louisiana district court judge Brian Abels disagreed, supporting the Planning Commission's decision.

The Planning Commission's action was based on a local government's authority to use its "police power" to protect the health, safety, and welfare of its citizens.^[10] The police power (the term comes from "policy") derives from the Tenth Amendment to the U.S. Constitution, which states that, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."^[11] The federal government retains some police power for itself, then delegates the remainder to states which, in turn, retain some for themselves and delegate the rest to local governments.

At the local level, police power generally encompasses regulations that promote public health and safety and that discourage unhealthy or disorderly activities. Public health codes, building codes,

professional licensing requirements, and other regulations that protect the public good are all examples of local police power.

Judge Abels's November 14, 2023 ruling focused on whether Tangipahoa Parish was correct in using its police power to reject Dorsey Development's application. Abels's six-page decision explained that Louisiana's constitution gives localities the authority to regulate land use and that, even though the Parish had chosen not to zone the particular property in question, the Parish could nonetheless regulate land use through ordinances, as long as it does so with consistency and without prejudice.

In his ruling, Abel carefully outlined each step in reaching his conclusion. He began by citing Tangipahoa Parish's development ordinance, which specifically gives the Parish the authority to "promote the public health, safety and general welfare." He then explained that, even though a proposed development might conform with applicable ordinances, the Parish can still reject a proposal if it is "rationally related to legitimate governmental interests like public health, safety, and the general welfare."^[16] Finally, he carefully evaluated the credibility of each of the Parish Planning Commission and Council members who testified in the trial, concluding that each of them had legitimate, credible concerns about the negative impacts the proposed store would likely have.

Judge Abels's decision is significant for the many towns and cities pushing back against the rapid growth of chain dollar stores. Communities may now be on firmer ground in rejecting dollar store development proposals, and courts now have a solid precedent for supporting local government decisions to turn away dollar stores. Tangipahoa Parish could be paving the way for countless other communities to stop dollar store proliferation.

Communities are in Revolt, But the Chains' Predatory Tactics Also Demand Federal Action

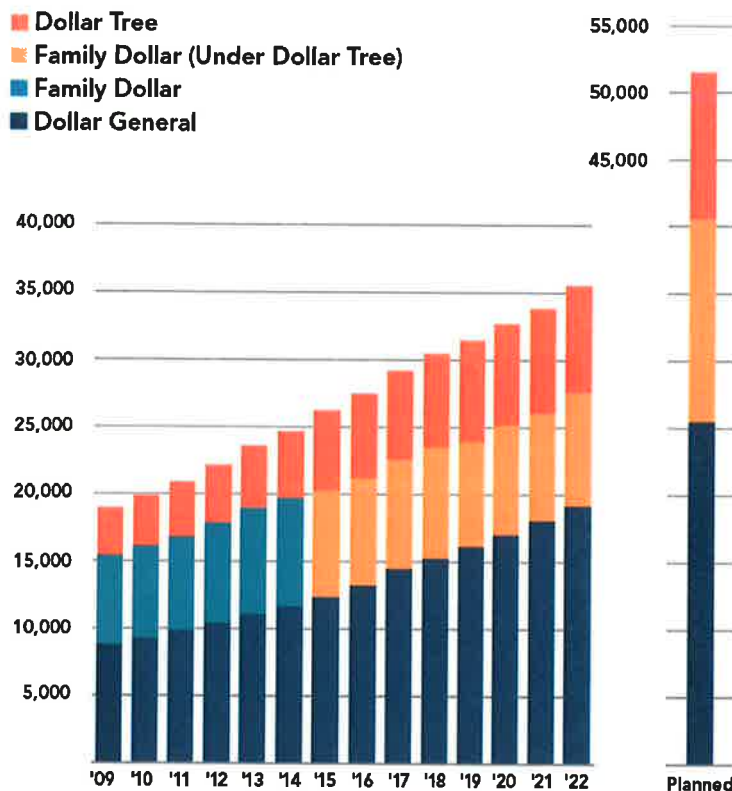
Dollar General, Dollar Tree, and Family Dollar are targeting vulnerable communities, opening stores at a breakneck pace in urban and rural areas alike. It's tempting to assume that these chains simply fill a need in cash-strapped places. But the evidence suggests that dollar stores are not merely byproducts of economic distress; they are a cause of it. Through predatory tactics, the dollar chains are killing off grocery stores and other local businesses, leaving communities with fewer jobs, diminished access to basic goods, and dimmer prospects for overall well-being.

As these losses mount, dollar stores are facing a rising tide of grassroots opposition. Over the last couple of years, scores of cities and towns have blocked the chains from opening new stores. Local action alone is not enough, however. Federal policymakers also need to address the ways in which misguided policies, particularly those governing antitrust and finance, are fueling the destructive proliferation of dollar stores.

The report's findings were featured on [*NBC Nightly News*](#), [*New York Times*](#), [*USA Today*](#), and [*NPR*](#).

Number of Dollar Stores by Year and Planned Stores

"Planned" stores are based on identified opportunities for new locations, as reported by the major dollar store chains.



Sources: Dollar General, Dollar Tree and Family Dollar Annual Reports and Dollar General's "2020 Vision: Invest for Growth" presentation.

Dollar General has added about 3,500 locations— opening more than 100 new stores across New York, nearly 200 in Ohio, and 300 in Texas — bringing its roster to more than 18,000 stores and cementing its status as the largest retailer in the U.S. by number of locations.⁸ This year, Dollar General and Dollar Tree together are on track to open 1,700 new stores.⁹ And both report that they have identified many more locations; in the coming years, they plan to grow their combined empires to more than 51,000 outlets.¹⁰

One might assume that the dollar chains are simply filling a need, providing basic retail options in cash-strapped communities. But the evidence shows something else. These stores aren't merely a byproduct of economic distress; they are a cause of it. As this report shows, in small towns and urban neighborhoods alike, dollar stores drive grocery stores and other retailers out of business, leave more people without access to fresh food, extract wealth from local economies, sow crime and violence, and further erode the prospects of the communities they target.

With dollar stores continuing to multiply at breakneck pace, communities across the country are grappling with the fallout, and a growing number of citizen groups and local officials are rising to turn them away. Since 2019, at least 75 communities have blocked proposed dollar stores, with more than

50 of those defeats occurring between January 2021 and the end of 2022, according to our tally. At least 54 cities and towns — including Birmingham, Ala.; Fort Worth, Texas; Kansas City, Kan.; and Plainview, Neb. — have gone further. They've enacted laws that sharply restrict new dollar stores, typically by barring them from opening within one to two miles of an existing dollar store. At least one town, Stonecrest, Ga., has imposed a total ban on new dollar stores. These laws are often adopted in conjunction with measures designed to support the retention and development of grocery stores.

Yet, as widespread as this backlash has been, it's not enough on its own. Communities need reinforcements to stop the encroachment of dollar stores. They need action at the federal level, where a negligent approach to antitrust has allowed Dollar General and Dollar Tree to flex their market power unfairly and overrun their less powerful competitors, especially independent grocery stores.¹⁶ We need to invigorate our antitrust laws, especially the long-dormant Robinson-Patman Act, to block dollar chains' predatory tactics and create fair markets in which independent retailers can thrive. We also need stronger financial protections that put limits on Wall Street's ability to underwrite those tactics while also making capital available for the development of local grocery stores.

Chain dollar stores also rely heavily on taxpayers to subsidize their employees' healthcare. A 2020 study by the US Government Accountability Office found that the major dollar store chains were among the companies with the greatest numbers of employees receiving SNAP and non-disabled, non-elderly Medicaid benefits.^[11]

Chain dollar stores' poor labor practices have gotten Congress's attention. In April 2022, Sen. Patty Murray, chair of the Senate Committee on Health, Education, Labor, and Pensions, asked the CEOs of Dollar General and Dollar Tree/Family Dollar to turn over documents about their labor practices and policies, demanding that they explain their "shameful labor practices" and commit to making significant improvements

A level playing field encourages robust competition and ensures that local businesses have an opportunity to compete and meet the needs of their communities. For that reason, there are multiple federal and state laws, including the Robinson-Patman Act, that prohibit big corporations from using their market power to gain unfair advantages over smaller competitors. These laws have not been enforced since the 1980s, but with corporate abuses of market power multiplying, advocacy organizations and government officials are actively exploring ways to reinvigorate and strengthen them.

Locally owned businesses spend a large percentage of their profits locally. They pay rent; buy supplies; hire accountants, lawyers, and other professionals; engage cleaning and trash collection services; buy advertising; buy utility services; pay property and sales tax; support local school, civic, and charitable groups; hire staff; and much more. They also support their owners' households, their staffs' households, and the many local businesses from which those households pay for housing, transportation, food, clothing, personal and professional services, entertainment, education, and many other things.

By contrast, only a modest percentage of a dollar chain's profits remain in the community. They flow back to the corporation, and the corporation then spends the profits on expansion, shareholder

dividends, stock buybacks (to beef up their share price), and directors' compensation. Even their rent payments usually go to out-of-area developers who specialize in developing and leasing buildings to dollar store chains. The only portions of their profits that typically remain local and benefit the community are utility payments, property tax, and salaries — all of which are also paid by locally owned businesses. The community ultimately loses local wealth and gains nothing in return. Numerous studies have shown that roughly 45-60 percent of a dollar spent in a locally owned business remains and recirculates in the community, versus only 14-30 percent spent in chain stores.[\[16\]](#)

Because chain dollar stores maintain a relentless focus on minimizing their costs, they fail to invest in adequate store security. Understaffing, inadequate security equipment, and a high volume of cash transactions make them easy targets for robberies and other crimes. In a 2020 *CNN* report, police officers, crime experts, and former dollar store staff and executives cited several other reasons for dollar stores' high crime rates, including using security cameras to monitor stores remotely rather than putting security officers in stores, and placing a higher priority on catching shoplifters than on preventing cash register robberies. A Georgia sheriff told *CNN*, "We don't call them dollar stores. We call them stop-and-robs."[\[21\]](#) In Dayton, Ohio, where more than one-quarter of all commercial robberies in 2019 took place at Dollar General stores, a police detective called dollar stores "robbery magnets." A 2022 study by Clemson University researchers for DeKalb County, Ga. found that chain dollar stores are more likely than any other store type to attract crime and are significantly correlated with public order crimes, property crimes such as vandalism, and violent crimes.

Chain dollar stores look for inexpensive locations. Dollar General founder Cal Turner, Sr. famously refused to pay more than \$1.00 per square foot in rent, saying that, at the low prices the company offered, customers would find its stores wherever they were. Because of this corporate ethos, Dollar General stores tend to locate (apart from urban areas) on the edges of communities, where their developers can buy cheap land. They often choose sites zoned for agricultural use or bordering on low-density residential neighborhoods, whose roads are rarely designed to accommodate the traffic volume a chain dollar store generates or to support the weight of dollar store delivery trucks.

Dollar Tree and Family Dollar stores similarly tend to locate in places where the rent is low and transportation infrastructure may not be adequate. And all the major dollar store chains need a big turning radius for their delivery trucks, which are typically longer than 50 feet and weigh close to the 80,000-pound federal highway limit. In February 2022, for example, Salisbury, N.C. residents persuaded the City Council to reverse its decision to permit the development of a new Dollar General store on a rural road that had already experienced three traffic fatalities in the past two years.[\[24\]](#)

The Occupational Safety and Health Administration (OSHA) fined Dollar Tree more than \$9.3 million between 2017-2022 for piling boxes in aisles



At a dollar store in Conway, NH, aisles are blocked by carts of additional stock. Photo: Luke Gannon

and storage rooms, blocking emergency exits and creating trip hazards for workers and shoppers. In an OSHA statement, an agency official said that “Dollar Tree Stores have a history of not taking the safety of its workers and customers seriously.”^[25] In 2019, the Food and Drug Administration (FDA) sent a warning letter^[26] to Dollar Tree for sourcing over-the-counter medications, sold under Dollar Tree’s Assured Brand label, from foreign companies that significantly violate Current Good Manufacturing Practice (CGMP) regulations.

Dollar General stores have been cited multiple times for safety violations. For example, the store in Baldwin, Wis. faced more than \$400,000 in fines from OSHA in June 2022 for a variety of safety violations, including padlocking the exit doors.^[27] This was the sixth time the store had been closed within the past year because of hazardous conditions. In 2021, the Department of Labor issued a press release stating that Dollar General continues to put its workers in danger, despite being fined \$3.3 million for safety violations since 2016, including obstructed exits, sanitation violations, blocked electrical panels, and slip-and-trip hazards.^[28] “Dollar General has a long history of disregarding safety measures to prevent serious injury or death in the event of a fire or other emergency,” according to Doug Parker, Assistant Secretary for OSHA.

Family Dollar has been the target of at least several Americans with Disabilities Act-related lawsuits because of blocked aisles. In July 2022, OSHA fined the company \$330,000 for keeping an emergency exit door locked at an Orlando, Fla. store, resulting in an employee’s death when he tried to stop a shoplifter.^[29] And it was the subject of numerous lawsuits, including one filed in April 2022 by the State of Arkansas, for failing to address a massive rat infestation in one of its distribution warehouses that ultimately triggered product recalls at more than 400 stores, including recalls of human and pet food. The lawsuit also states that Family Dollar knowingly sold contaminated food products to shoppers.^[30]

To keep prices low, dollar stores sometimes reduce the amount of the product in a package while keeping the price the same, a practice sometimes called “shrinkflation.” For example, a box of cereal

that once contained 18 ounces of shredded wheat might now contain 17 ounces, or a three-bar bundle of soap might now just have two bars, but still sell for the same price as before the “shrink.”

All three major small-box discount chains have been fined for scanner errors, selling products for prices higher than advertised on the shelf. In 2019, for example, Dollar General paid \$1.65 million in penalties to the State of Vermont for 362 overcharge errors, despite being told by inspectors at least 50 times to fix the problem. In 2024, former Ohio Attorney General Marc Dann estimated that Dollar General alone may be making millions of dollars annually from scanner errors.^[32] Chain dollars have also been cited or sued for selling expired products, ignoring bottle deposit laws, selling obsolete motor oil, and other illegal practices.

Dollar store chains can create or exacerbate stormwater runoff problems. Dollar store developers seek out inexpensive land, which means they often buy parcels with inadequate natural drainage or stormwater management infrastructure. Their asphalt-paved parking lots shed stormwater — roughly 27,000 gallons per inch of rainfall on a typical one-acre dollar store parking lot.

Chain dollar store development sometimes destroys important natural and historic resources. Chain dollar store developers usually conduct only the minimum research required for a building permit, and sometimes this means that communities lose valuable resources. Losing historic sites, rural landscapes, endangered species, and other distinctive characteristics crucial to community identity can have a devastating impact on a community and its marketability.

Chain dollar stores are purpose-built and challenging to reuse. When a dollar store moves out, the building sometimes sits vacant indefinitely, attracting trash and becoming an eyesore.^[36] Sometimes this is because the buildings aren't a good fit for other types of businesses; in at least one instance, a restrictive covenant prevents the building from being used by a competing business.

Thank you,
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