



Hannah Elliott

From: Lisa Binning <lisa.binning@gmail.com>
Sent: Friday, May 3, 2024 3:10 PM
To: Plan
Cc: Brad Binning; Samantha Vinson
Subject: One Final Note of Opposition to Dollar General Placement in Juniper Canyon
Attachments: Lisa Deadline Memo.docx

CROOK COUNTY
MAY 03 2024
PLANNING DEPT

To: Crook County Community Development Planning Division

I have attached a final argument in opposition to the Conditional Use Application submitted by Julie and Ariana Mayers. Please let me know if you are unable to open the Word Document.

Thank you in advance for taking the time to review.

Sincerely,
Lisa and Brad Binning
Samantha Vinson Binning

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May 3, 2024

Some additional thoughts and notes about why I don't believe that Ms. Julie and Ariana Mayers have met the criteria for a conditional use permit for a retail store in Juniper Canyon.

I also question regarding their personal research analysis to support their case given so few people even know about it.

I am sorry for the length of this message, but our very way of life depends on your decision and it's important to point out some inconsistencies and provide additional details to support our claim that this request does not support a conditional use permit for RR(M)5 zoning.

Kimley-Horn: 1.1. Scoping of Analysis: The analysis has been performed for the 2023 existing, 2026 baseline, and 2026 future with development conditions to account for full build-out of the site. The level of service analysis has been performed at the following intersections during the PM peak-hour based on scoping discussions with County staff:

This is a 2-3 year project? 2026 future w/development conditions?

- This kind of disruption to our rural lifestyle cannot be understated. First 2-3 years of building and then the constant noise of a commercial business.

Appendix D - Site Plan

- Septic Tank and Dumpsters border residential. This is an avoidable impact to our community.

Kimley-Horn: 5.1. Seasonal Adjustment Factor: The 2023 existing traffic counts were modified to current 30th highest hourly volume (30HV) conditions by applying a seasonal adjustment factor consistent with ODOT's Analysis Procedures Manual (APM). The seasonal adjustment factor was calculated using data collect at Automatic Tracking Recorder (ATR) #07- 001, Ochoco. ATR #07-001 is located along Ochoco Highway No. 41, 2.03 miles west of Ochoco Dam.

- They are using an Automatic Tracking Recorder located along Ochoco Highway and Ochoco Dam – NOT Prineville Res.
- Traffic Control at site: The fact is that many go over 55 up this canyon. Once you are through the passing lane and hit Ridgeview, the road is flat and speeds increase. This will be exacerbated by the fact that traffic will now be disrupted by trailers and campers suddenly coming out of Dollar General heading to/from the reservoir. This would occur in both directions of travel.
- Accident potential would dramatically increase. Sadly, road rage would not be an uncommon result.
- Note that Appendix A-2 shows count stations on Paulina Highway - not Juniper Canyon.

Narrative Statement for Conditional Use Permit for a Dollar General:

18.40.020(6)

(2) An application for a conditional use in the RR(M)-5 zone may be denied if the applicant fails to demonstrate that a location in close proximity to the recreation resource to be served is essential to the public interest and to the full development of the recreation resource.

- I don't believe they've demonstrated that this is essential to public interest. Testimony has proven otherwise.
- They've done no real "public interest" research. This is evident also by the fact that approximately 13 households were given notice out of thousands of residents living in this vicinity.

(3) In approving a conditional use in the RR(M)-5 zone, the commission shall be satisfied that the applicant is fully apprised of the county's policy relative to development or maintenance of access improvements to recreation-residential areas, and may attach the following as a condition of approval: The granting of this permit in no way obligates Crook County to the provision, development or maintenance of access, required or otherwise to the property for which this permit is issued.

- Without the County's involvement to ensure compliance, additional security, garbage control, overnight RV parking to mention a few, this is concerning to the residents of Ironwood Estates in particular.

Applicant states - It will provide affordable grocery and general goods items for nearby residents. Centrally located between Ochoco Reservoir, Prineville Reservoir, and multiple other outdoor recreational activities, this Dollar General is conveniently located to serve as an amenity to the local population as well as transients commuting between these recreations. Dollar General's products cater to the community both in rural and populated areas by providing reasonably priced goods for all.

From the "Conditional Use Narrative Statement: Applicant states: Centrally located between Ochoco Reservoir, Prineville Reservoir, and multiple other outdoor recreational activities, this Dollar General is conveniently located to serve this recreational enthusiast community visiting the parks, lake Ochoco, Haystack Reservoir, RV parks, trails, and campsites. These in-state and out-of-state customers will have a convenient option to source required necessities for these recreational activities while keeping sales dollars local (and indirectly keeping property tax dollars local) that will be further reinvest in in Crook County and preserving and enhancing its natural resources.

- Ochoco and Haystack Reservoirs are not centrally located to this site and would not be a "convenient" location for them.
- I don't believe the sales dollars are kept local.
- Appears more like they are putting in a community grocery vs "recreation" for conditional use.
- Convenience does not equal necessity.

18.40.080 - Site Plan Review:

In considering a site plan for a proposed use in an RR(M)-5 zone, the planning director shall take into account the impact of the proposed use on nearby residential and commercial property, on the capacity of the street to carry traffic and serve its function and on the appearance from or along a street. The planning director may require as a condition of approval:

Applicant Response:

- (1) An increase in the required yards. - the amount of buffer between the property lines and the nearest structures are adequate and there would be no need for increased required yards.
- (2) Additional off-street parking. – the tenant has determined that the 41 parking spaces plus space for oversized vehicles is more than sufficient for their use.
- (3) Screening of the proposed use by a fence or landscaping. – there will be a 6' high wooden privacy fence on the rear two property lines to screen from neighboring properties
- (4) Limitations on signs or lighting. – the parking lot lighting will be limited to the parking lot areas for safety only. Tenant does request that these stay on during the evening hours for security. Wall packs will be on the building. A photometric plan will be submitted with our land development drawings showing foot candles at the property lines. Code will be met.

- Who is to say what is adequate to the neighboring properties other than those neighboring properties. While there are some county conditions that can be met, this does not substantiate the intrusion and disruption caused by a commercial business placed in this vicinity.
- Should there be parking over-flow, do they park on the street? Side streets?
- A 6' fence does absolutely nothing to obscure the 24/7 lighting, noise, pollution, garbage, etc.
- Lighting is an issue for abutting residences and removes our "dark sky" status - which by the way, also brings tourists.

18.40.100 - Limitations on Conditional Uses

(1) An application for a conditional use in the RR(M)-5 zone may be denied if, in the opinion of the planning commission, the proposed use is not related to or sufficiently dependent upon the recreational resource of the area.

- In their own comments in 18.40.020(6), they are providing affordable grocery and general goods items for nearby residents and amenity to the local population as well as transients commuting between these recreations. Does not seem to be sufficiently dependent upon the recreational resource of the area - especially given that the recreation is seasonal; 4 months at best for summer recreation.
- Does not appear to be a good financial investment for Dollar General.

(2) An application for a conditional use in the RR(M)-5 zone may be denied if the applicant fails to demonstrate that a location in close proximity to the recreation resource to be served is essential to the public interest and to the full development of the recreation resource.

- This recommended Dollar General resource has not been "essential" to the public interest or recreation resource in the past. What makes it different now?
- Convenience for a few does not equal a necessity.

18.40.110 - Wildlife Policy Applicability

The residential density limitations and the lot and parcel size limitations found in Wildlife Policy 2 of the Crook County comprehensive plan do not apply to any nonresource zones.

Applicant Response - The Wildlife Policy 2 in the Crook County Comprehensive Plan states "Density with a Crucial Wintering Area for deer shall not be greater than one residence per 160 acres and for the General Winter Range not more than one residence per 80 acres." The proposed development is not residential; therefore, this section does not apply.

- Even though it states "Residential", I'm not sure I understand why it wouldn't apply because it's commercial? Seems even a greater threat to wildlife given the amount of suspected traffic and hours of operation.

18.128.030 - Design and Improvement Standards for Parking lot

(4) Artificial lighting, which may be provided, shall not shine or create glare in any residential zone or on any adjacent dwelling.

- With a 6' fence, lighting will absolutely be an issue for abutted residences. There is no way to avoid light intrusion from this business.

18.160.020 - General Criteria

(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.

Applicant Response: Based on the applicant's research, the only applicability of the comprehensive plan to this site is the recreational use, which is the purpose of this Conditional Use Permit.

- Applicant does not define what research they conducted.
- Applicant keeps referencing "recreational use", but again, the recreational users are seasonal and would not sustain this store financially.
- As they've stated before, this is as much a grocery store for JC residents as recreational users and therefore does not comply with a Recreational Conditional Use Permit.

Applicant Response - The comprehensive plan states that "the county's economic base is almost totally dependent on its natural resources, with agriculture, forestry and recreation being the primary enterprises." This tells us that the County heavily relies on the economic impact of the recreational use. Dollar General will serve these customers

- How does a Dollar General serve and protect these natural and scenic resources by serving groceries?
- This store would not be advantageous to protecting these natural resources.

(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 and the surrounding area compared to the impact of development that is permitted outright.

Applicant Response: The proposed improvements are situated in approximately the center of the triangular lot. It is the intention of the applicant to leave the southern and northern portions of the triangular lot undisturbed to both minimize earthwork disturbance and also provide adequate buffer from adjacent properties. A screening fence is proposed to run the entire length of the northwestern and southwestern property lines as an additional buffer between existing properties and the proposed use. The proposed use as a general store provides an additional amenity of affordable groceries to nearby residents. Based on the overall lot size relative to the proposed developments, ample setbacks, addition of a screening fence, and the offer of grocery use to residents, the property will not affect the livability, value, or appropriate development of abutting properties or the surrounding area.

- I don't even know how to respond to the lunacy of the Applicant response. First, they cannot guarantee what they are stating above. This store would absolutely negatively impact the livability and value to and of the residents that live in the general proposed area - especially those whose property is abutted.
- The additional, lighting, noise, pollution, 2-3 years of construction, traffic increase in a vulnerable area, garbage, property value decrease - refer to given research to support these arguments.

(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.

Applicant Response - The county and its recreation resources have become a prime attraction for both out-of-state visitors and Oregonians from all over the state." It is important to note that even in 1978 when the comprehensive plan was developed, that recreation was a prime attraction in the Prineville area, and that continues today. Dollar General will serve these customers.

- Applicant responses make no sense at all. Dollar General will not be a "savior" to recreational enthusiasts in Crook County. Crook County has many other options now and in the past to support residents and recreationists alike.
- No way to avoid the eyesore in our natural environment. It would be a blackeye to the natural aesthetic of our rural environment. It will take away our scenic beauty, not add to it in a positive way.

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

Applicant Response: The proposed building will comply with all Crook County requirements for appearance. The applicant will keep the building and property adequately maintained to ensure its continued appearance.

- Applicants' response does not answer nor can guarantee preservation of assets in Rural Juniper Canyon. The whole proposal is a contradiction of this point.

18.160.030 - General Conditions

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

Applicant Response: Typical Dollar General hours are established and change based on the market they serve. 8am to 10pm are typical hours to expect.

- Applicant does not address noise, vibration, air pollution, glare and odor - just states their hours. Their presence would, without a doubt increase these environmental effects and issues.

(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.

Applicant Response: permanent signage will be wall signage and a pole sign.

- Applicant does not address that a 20' pole sign is an eyesore and can be seen by neighboring properties regardless of their 6' privacy fence.

(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.

Applicant Response – the parking lot lighting will be down lights and a photometric plan will be designed during permitting.

- The lighting will be an issue for neighbors regardless of the type and would be 24/7.
- This is also an assault on our "Dark Sky" status which we value.

(10) Designating the size, height, location and materials for a fence.

Applicant Response – 6' high wooden fence. See site plan for location along rear property lines.

- A 6' fence has no effectiveness to ensure no disruption to residences whatsoever and is a complete joke to the size of the building and on-going activities from the store.
- Does not shield from noise, smell, lighting, etc.

(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

Application Response - the parcel does not include any of these features that we know of at this point.

- I believe it will affect our water resources, wildlife habitat, and natural resources. The smog/pollution from cars, loading trucks, etc.

18.160.050 - Standard Governing Conditional Uses

(a) A sight-obscuring fence of evergreen hedge may be required by the planning director or planning commission when, in the director's or its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.

(b) In addition to the requirements of the applicable zone, the planning director or planning commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise or other distractions; or to protect the aesthetic character of the neighborhood or vicinity

Applicant Response - 1. The proposed commercial use on the site will be wholly enclosed within the proposed building. However, as an additional measure to protect the aesthetic character of the neighborhood and adjacent properties, a screening fence is proposed along the entirety of the northwestern and southwestern property lines, which abuts a residential use. 2. The proposed location of the lighted pylon sign is shown on the Plot Plan for review by the commission. It is understood that the commission may require a relocation of this sign; the applicant may be able to accommodate this, pending review of the suggested relocation.

- There is absolutely no way the proposals above will protect the nearby properties from glare, noise, distractions or protect the aesthetic character of the neighborhood or vicinity. It cannot be realized with such a store - it is impossible.

18.176.010 - Access Management Standards

- While a traffic study has been completed, there are still issues:
 - Traffic in/out of this store will be disruptive to the traffic flow on this section of Juniper Canyon highway known as "the flats". This could cause accidents in addition to other traffic related incidences.
 - If traffic increases to such a point that requires some level of traffic control device, the same would apply from above - adding unnecessary frustrations to the residents of Juniper Canyon.

In summary, I (we) sincerely believe that the required conditions for a Conditional Use Permit for the placement of a Dollar General in rural Juniper Canyon have not and cannot be met based on the review and comments above. We thank the Community Development Planning Division for the opportunity to voice our opinions and provide the research backup to validate our findings.

Sincerely,
Brad and Lisa Binning
Samanthan Vinson Binning