

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

September 10, 2015 at 7:00 p.m.

Hayfork High School Library

Hayfork

MINUTES

1. **CALL TO ORDER**

Chairman Frasier called the meeting to order at 7:00 p.m. Members present: Commissioner Brown, Commissioner Frasier, Vice Chair Stewart, Commissioner Matthews. Staff present: Department of Public Works Director Richard Tippet, Environmental Specialist Jan Smith.

2. **PUBLIC COMMENT**

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward.

3. **MINUTES**

Upon motion by Vice Chair Stewart second by Commissioner Matthews and carried, the Commission approved the minutes of August 13, 2015.

OLD BUSINESS

4. **USE PERMIT AND VARIANCE TO SETBACKS FOR RETAIL STORE P-15-14**

Public Hearing: Proposed Use Permit and Variance to setbacks for the development of a 9100 square foot retail store. Setback variance is from County Road right of way. Located at 7610 State Highway 3, Hayfork. APN 014-140-07. Applicant: Cross Development.

Chair Frasier opened the item and asked staff to provide a rundown.

Director Tippet: I am going to have Jan Smith, our transportation specialist give the presentation for this item being that she is more qualified and prepared the environmental document.

Jan Smith: The project is a use permit and variance to the setback requirements for the development of a 9,100 sq. ft. retail store that will be a Dollar General store. The use permit is required because any store over 5,000 sq. ft. is required to get a use permit even in commercial zone, which this is. The variance is needed because the parcel is not square and by the time you put the building on there the back line is only going to

be 10 feet from the property line and it is supposed to be 20 feet, so a variance is needed for that. The project would be a Dollar General store, metal building, selling groceries, miscellaneous house wares and personal items at discounted prices. There will be two signs on the building and one sign out front on Highway 3 at the intersection of Manzanita. The back would be Humboldt Avenue. It is right across from Frontier Fuel. The store would be open 8:00 am to 10:00 pm, they expect to employ about 3 to 5 people, 2 to 3 people per shift. There are 30 parking spaces proposed. The entrance is on Manzanita Ave. a little way up from Hwy 3. Water and sewer will be provided by Hayfork water district, telephone and power are also available. There will be landscaping along Hwy 3, Manzanita Ave. and Humboldt St.

We did an environmental evaluation and a summary of the impacts and mitigation measures. The surrounding land use is retail commercial, as well as residential on the sides and in the back; it is right across from Frontier Fuel so it is in a commercial district already. Construction should be a fairly short period of time, and would start shortly after the permit is approved and should only take a few months. There will be standard measures to control dust, erosion and sediment; cutting nesting trees before nesting season; standard mitigation measures in place if encountering archaeological remains, they have to stop work and involve the county, archaeologist, and likely the Nor Rel Muk tribe. Construction will be allowed from 7:00 am to 8:00 pm to control the noise. During operation some of the impacts are permanent, outdoor lighting; the lights will be designed to direct the light downward reducing lighting glare to adjacent properties. There is a drainage issue, where are not drainage facilities along the adjacent roads. We had proposed for them to convey their drainage underground to Ewing Gulch, but they have designed a system to retain all water on site in retention basins that will percolate into the ground and they have demonstrated they can retain 100 year storm in their basins, so no offsite drainage facilities are needed. Trinity County Department of Transportation was concerned about internal circulation. The trucks are going to come in Manzanita Ave. to the store and then the trucks have to back around a corner surrounded by parking spaces to get back to the loading dock. At first we asked them to provide a back driveway on Humboldt St. near Manzanita Ave. so the trucks could pull straight through, however we realized the turn from Manzanita Ave. to the entrance on Humboldt St. was too tight for a truck to make, and then trucks would likely turn on Oak St. and travel down the length of Humboldt to get to the back entrance and we didn't want to do that because Humboldt St. is very narrow and Oak St. isn't set up for that. We didn't want truck traffic on those residential streets that are too narrow and don't have shoulders or sidewalks. So we are recommending now that the back entrance is eliminated and let them have their front entrance and their trucks will have to back around the corner. They have a template showing how this will be done; we would rather keep the problem internal to the site rather than external to the neighbors. This would also generate pedestrian traffic to the store from the Manzanita Ave. and Humboldt St. neighborhoods, so we are recommending that there be a sidewalk on Manzanita Ave. up to the driveway to go in.

We sent this to the state agencies and sent notices around to the adjacent property owners and received a few comments. Fish & Game commented that they wanted the trees cut out before the birds are nesting, so we incorporated that. We received a couple of comments from locals. One neighbor has concerns about the additional driveway and that putting traffic on Humboldt St would create traffic hazards, undue stress and increased noise for residents on Humboldt St. As long as we eliminate this rear access then we keep it internal to the site and don't put those issues on neighbors. Another concern is in regards to the retention pond on the west side, shaded in the drawing, he is

concerned people will loiter and/or litter there and that it needs to be secured somehow. There is security lighting on the site, I'm not sure if it will illuminate that area, I believe it is more towards the front of the building, but perhaps there could be some additional lighting back there. He is also concerned about property values, with having a store there, and general stress of living next to a retail store and having that activity there. We also received a late comment from Hayfork Fire District stating that Humboldt St. and Manzanita Ave. need to be widened to accommodate safety traffic and equipment. It would be nice to have those streets wider for emergency vehicles, but since we are eliminating the offsite issue and not affecting those streets with this project, it is not our responsibility to make the streets wider. In addition they also want the water line to the hydrant and service to the property to be a 12" main. There is a 12" main on the opposite side of the highway in front of Frontier Fuel; there is a hydrant over there as well off that 12" main. I talked to Craig Hair at the water district, he thought that would be enough pressure they could fight the fire from that side of the Hwy not a fire fighter, but thought it was adequate. Also an 8" main on the side of the Hwy Dollar General is on and a couple of 6" mains on Manzanita Ave. and Humboldt St. as well. They will not have a sprinkler system it is not required, and it is an all metal building, so it is not a highly flammable building. The water district would provide them with whatever water needs they want as far as the lateral, they would work the water needs out. They are also concerned about the increase in emergency calls due to traffic collisions at Hwy 3 and Manzanita Ave. Traffic study didn't indicate an issue for high risk at the intersection, there is good sign distance, and it wouldn't be particularly more hazardous than other driveways on Hwy 3.

Staff recommends approving the project with the changes to eliminate two conditions; number 8 regarding offsite drainage and number 10 regarding the rear access.

Chair Frasier: Thank you. Now we'll open to public comment. Anyone that wishes to speak will walk up to the podium and state your name for the record and we'll give you a couple minutes. Please keep it civil and orderly.

David Gooding: Thank you for coming to Hayfork instead of making all of us drive to Weaverville. I am the owner of the residence at 5200 Humboldt St. My parcel is adjacent to the proposed location of the Dollar General store and I've reviewed application P-15-14, I have concerns, some of which have been addressed by the staff report. The driveway on Humboldt St. is no longer an issue. Another concern is additional vehicle and pedestrian traffic will bring more litter and trespassing to nearby properties. The other concern is the area behind the building, between the building and my fence, where I was concerned there would be loitering, litter and drug paraphernalia. You did address that and I've also talked to Joe Dell about that to install security fencing and lighting to reduce the number of people hanging out there. I think Dollar General can be a welcome addition to our community as long as they are a good neighbor, consider our concerns, and help preserve the peaceful use and enjoyment of our homes. If you haven't already please take a drive down Humboldt St. and you will see what I was talking about in terms of the narrow street and traffic.

Brian Gossman: Business owner in Hayfork. Read the mission statement from Dollar Generals website calling them fast words with no content; stated Dollar Generals vantage is their customer's lack of knowledge. Stated, studies find within the first five years of chain stores opening in small, rural communities, an average of three to five other local businesses that sell similar goods are forced to downsize, lay off employees and

eventually close. Dollar General will cost taxpayers in Hayfork more than they will produce in revenue; studies show that chain stores create a net deficit of \$500 per 1,000 sq. ft. In contrast small-scale, main street businesses have a positive impact on public revenue of \$350 per 1,000 sq. ft. The two main factors between the costs of chain stores and specialty retail shops are higher road maintenance costs and greater demand for public safety services. Continued with a side note; 2014 study shows 52-79% of revenue from local businesses re-circulated back in the community compared with just 14-30% with Dollar General. Cheap imports from low wage countries along with stagnant wages for U.S. retail workers are why you pay less for Dollar General's goods. A recent lawsuit against Dollar General showed that the hours that the Dollar Store general managers are allowed to assign rarely cover the work that is needed to be done; the store operates on a skeleton staff, leaving employees overworked, underpaid and sometimes injured. Budget payroll hours based on sales, geography and other metrics, it's up to store managers to come in under their payroll ceiling. On average Dollar General stores hire 8 to 10 employees, but pay their cashiers close to minimum wage, allowing little of the money the store takes in to circulate back into the local economy. California is filled with successful business persons, why is someone from Texas and Tennessee coming here to open a chain Dollar Store. Are you going to go to them if you have a grievance. Does an out of town entrepreneur have Hayfork's best interests at heart in running a business. Dollar General is bad business to have here. Hayfork will be the next fish on their hook.

Jim Bayley: Stated he and his wife operate Bayley's lumber and hardware in Hayfork, and have just closed escrow on the Discount Store. Carry almost everything Dollar General will carry. We also have two grocery stores here in town. We've been very blessed, this community has supported us. We have 14 employees, some of them are managers and earn living wages and have families that live here. Hourly employees make \$10 to \$14, for Hayfork, a living wage. Concerned about what these part-time positions are going to provide. Hayfork has two grocery stores, both those families have been here for decades, they are part of the community; their kids have been raised here. They give to the community constantly, our business gives to the community because I feel that we should support the community the way the community supports us. We rarely say no, we probably give between \$15,000 to \$20,000 a year for fair, buying livestock animals, booster club, school projects, clubs and organizations, personal fundraisers for people who are sick. I have a real question whether Dollar General will do that, in fact they won't. Every dollar you take away from local businesses that gives back to this community, that goes to Dollar General, besides the meager wages, they leave this valley, they're gone. When you shop at one of the local businesses there's a very good chance that some of it is going to stay here. We shop at the local grocery stores, we buy gas here, tires, local construction contracts, those dollars for the most part stay here. Dollar general dollars are gone, never to come back to this community. It's ironic that we're starting this new business right now and competition is around the corner. And we're not afraid of competition, but we're not comparing apples to apples here, and businesses that support the community and are for the community versus whatever else we are getting. Thank you.

Melanie Tibideau – I'm here today to ask that you deny the special variance and permit for the Dollar General store. In keeping with your own mission statement to assist in maintaining and enhance the economic and aesthetic viability and physical function of the County. I don't believe the Dollar General store is in line with the statement. Chain stores do not re-circulate dollars back into the community like local businesses do. A dollar spent at a chain store is sent out of the community to that store's headquarters.

Every dollar spent at a locally owned store is going to re-circulate around the community six to 16 times before it leaves the community. Every dollar spent creates \$5 to \$14 dollars of value, the multiplier effect. In Hayfork I know from personal experience and observation that local businesses support local people and they are especially generous to the kids in our town providing them with opportunities that they don't otherwise have. I'm a parent, an active volunteer in our school system, and a Girl Scout troop leader. I know how much Wiley's contributes to the school and that money helps these kids pursue endeavors that they would not otherwise have the finances to do. I go to Ernie's and I mention to Larry and Diane that we are doing a craft project for our girl scout troop, and I don't even have to ask them to donate. That's community. All of this is done with a smile on their face, and that is a big deal. Our snack shack at the ball field has healthy snack options because Nor Rel Pom donated. Dollar General is not going to do that. Local business supports our FFA to a phenomenal degree. Is Dollar General going to spend thousands of dollars on local livestock? Local businesses play a crucial role in our community where our resources are scarce. Support of our community by local businesses is one thing that makes our community special and helps increase the quality of life here. I believe Dollar General is a direct threat to that spirit. We already have four stores, Wiley's, Discount, Nor Rel Pom and Dairy Store that offer consumables to the public. According to their stock folder Dollar Generals sales are over 70% from consumables. There is a case in Maryland where a Dollar General came before the planning commission and there was an issue about local competition. Dollar General committed to doing only 13% of their floor space to consumables, after opening they were stocking 60-70% of consumables with no recourse for the community. Our community is isolated and our customer base finite. Money spend on consumables at the chains is not money spent in the local retailers. I don't think we're going to increase our tax revenues, it's the same amount of dollars redistributed. I see nothing but negative economic impacts on our community. I respectfully disagree with the 2nd findings of fact in staff report, I believe allowing Dollar General to operate in Hayfork is injurious, detrimental to the public health, safety and welfare. Concludes that Dollar General has been cited/fined for selling unsafe products. Dollar General sells products mostly to low-income people of color; that is who they target. Are we faring well when our businesses can't compete with this unethical, void of integrity business model. I hope that you will take that into consideration and that the health of our community will come first and foremost in your decision. Thank you.

Iris: I live across the street from where you want to put Dollar General. This is the first time I've lived in a neighborhood. I just got a dog and I walk her every day in front of my house. If you put a Dollar General in I will not be able to walk my dog or ride my bike anymore. I want to be able to have fun in front of my house as long as I live in Hayfork. My family won't shop there. In front of my house there will be trucks pulling in and out all the time, I won't be able to sleep with all of the shining lights. These are the reasons I think you should not have a Dollar General in town. This will also affect my friends and teachers, please do not allow the Dollar General. Thank you.

Lisa Hammell: Business owner, on the volunteer fire department, work for the ambulance, and we live directly across the street from where the proposed site of the Dollar General is. Aside from the economic issues that will affect our local economy for bringing in Dollar General into a town that has businesses run by local owners, we are concerned about the large impact on our small neighborhood. Because of the large amount of traffic to get to the store our street will be overused, it is ridiculous to say that the traffic will not affect us, we live hundreds of feet from the site. This directly affects

my family. My children ride our bikes in front of our house in our neighborhood, walk the dog in the street. My kids wait for the bus right at the corner of Humboldt St. and Manzanita Ave. right where the parking lot will be. This is going to create too much traffic for our area. This is also going to create a hazard for other people on my street for children, disabled people, people with pets; being on the volunteer fire department and the ambulance I show up to hazards. Aside from the noise and light pollution that will be brought into our living environment, we are concerned about loitering, people camping next to the store, concerned about our safety, our neighbors safely our home and children, because we will have such a high traffic area. Humboldt St. is a very quiet, slow, narrow street. It is sad to think that we will have to view a metal building instead of the mountains. We have four grocery stores, we have all the products they want to bring, we don't need it. The proposed building site for this project is not where it belongs, it has houses on three sides of it, it is going directly into our neighborhood. Would you want trucks and extra traffic on your small street, if it was your neighborhood how would you feel about it. Thank you.

JD Hudman –It is a very tight knit community, every business has supported everyone in this community one way or another. We don't want it. I haven't heard anybody that supports this and I don't know how it has even come about to give a permit to a corporation that does such dirty business into our little town. We're proud to be little, we like it that way, we like knowing our neighbors, knowing where our money is going, circulating in our businesses. I don't even drive to Redding; I shop here at our little stores, just so they get a little pinch of my money. Please, from my personal opinion, we do not want this in our town.

Ryan Howell: Speaking on behalf of neighbors John and Connie Brown – We live at 53 Humboldt St. We don't think it is a good idea, for one Humboldt St. is not big enough for big trucks to be going in and out. Also that lot is small how do they plan on putting a store and parking lot in without affecting the people that already live around it. We as a neighborhood would not be happy with it. There are too many negatives compared to the positives. It will take away from the other businesses in town. We don't need it.

Louise Norgaard: I am for and I know a number of other people who are for a Dollar General store. When I first moved here the first thing they told me is once a month you go to Redding, you go to Winco, Costco; you buy all your groceries there because they are too expensive here. I have found that they are very expensive here. I shop at the Dollar General in Weaverville, I buy the name brand products, and all of those products are there. The same things you can buy at Dollar General you can buy at Wiley's for \$2 to \$4 more, the same name brands. A lot of people in this town are on welfare or social security and the prices in the Dollar General are within reach of most people who have a limited or set monthly income. I don't think that the place is a good place for the reasons that others have stated; I thought it would be on Oak at Hwy 3 because it is accessible from Hwy 3. I would agree that it should be moved to a different location, it would be more practical for everyone if they could do that. But if they don't then I still think we need a Dollar General. Bayley's says they will be carrying the same products, but I don't think they will be carrying as much or as inexpensively. I want it, and I have spoken to others who also do. Thank you.

Paul Kline: Wife grew up in Hayfork and I've been here last 10 years. I love the businesses here, I've spent thousands of dollars, but I also believe in our free market society and our system of government. And I personally would buy from Dollar General.

The things I would buy from Dollar General are things I don't buy currently from businesses that exist here, because I don't want to pay higher prices. I don't see how a store that small can create that much traffic, this isn't a Walmart. Hayfork used to be a lot bigger, used to be more congested than it is now. In terms of buying corporate things, yes you can buy from the local stores, but they are still selling corporate products. The products we are buying locally are not made here. As far as where it should be located, if it's zoned for commercial then they have a right to build there. When I bought my house I looked at the zoning on the adjacent properties. I don't see Dollar General putting every business in town out of business. I think it will be good because it will create more competition for the local businesses to reduce their prices. I think it will be a benefit to low-income people here, and it will create jobs, yes they are low paying jobs, but the jobs we have here are low paying. The jury and the verdict will be on the people that are here. Whether they purchase and keep that business afloat, if it's not good for Hayfork then it's not going to stay, people won't shop there. I don't think it's that big a deal.

Scott Madvig: There will be nothing fair in the competition with the local stores. People say I have to pay \$2 more, well Jim and Wiley's don't buy in bulk. I don't know how this works but why or is it not possible to have the residents of Hayfork vote on it. I have to agree with Jim as far as putting back into the community. That's not going to happen with Dollar General, and I don't think it's going to be fair business competition.

Tyler Crow: Owner/operator of Nor Rel Pom foods. I came up here from Santa Rosa, and I moved up here to escape the urban sprawl and escape the chain stores and things of that nature. One of the wonderful things about Hayfork is I know all of the business owners here. We all start our employees well above the minimum wage. I support the \$15 an hour minimum wage, I am incrementally moving my employees up to that. Right now my lowest paid employee is \$13 an hour. Dollar General's assistant manager's average pay is \$10 an hour. That is not a living wage in my opinion and I don't see them moving their employees up anywhere near to \$15 an hour. They will have 2 to 3 employees, I have 7 employees. I don't see the benefit of hiring 2 to 3 part time, minimum wage employees.

Kenny Wiley: 3rd generation of the Wiley family to be fortunate to serve this community with the family business. Can't stress enough how important the community aspect is. We've been talking the last few days about what is Hayfork, what's the plan, where are we going. People come and see a quaint little town with friendly people. Other towns in the North state have gone full fledged corporate, you talk to these people and ask how they are doing and they don't have mom and pop stores, they have all the chain stores. It seems once you hit the 3,000 population mark corporate wants to come in. There is example after example of when a corporate company comes into a small community, they have corporate buying power and you cannot compete with that. Small businesses in other towns are selling products at zero profit to try to compete with chain stores. This community hasn't let corporate businesses come in so far and we've done well. Do we want to thrive or do we want to survive? Everyone knows that we are booming now; there is an industry here that is providing extra cash flow. We are a town of 2,400 residents now, year round, population dies off during the winter. A few years ago we had 1,800. This is a small community and I do not think the Dollar General will be entertaining a town of 1,800 that has no booming industry. Now we have a very unstable industry and Dollar General is jumping on the bandwagon. We've made this extra money thankfully because people are coming to our business and because we make improvements to our business. A lot of people were talking about economic impact, and

I'm going to throw out some numbers here, while it's not a practice of mine to throw out what we give to the community but this is educational. People need to know how generous people in this community are. Wiley's has given to the community. Support reasonable, fair and honest prices, that is what our philosophy has been for 53 years. The difference between these affordable prices is the corporate buy in. You can't compare that, you can't compare to bulk. We pay 8-10% freight charges. People have said we are robbing the community, this is what goods cost to live in this community. This is what it costs our store at our level of buying power. You can't compare a box store. They are building a bigger store than Wiley's and going to sell at box store prices. Going to seriously affect all five stores in town. All of us are on a different purchasing scale, you cannot compare us to that, it is unfair. The amount of money that comes out of these businesses is ridiculous. \$75,000 on twelve beef. These businesses save all year long to buy from the 4-H kids at auction. When families are in need they all donate, don't have to sent it to corporate or send a letter. According to Dollar General's website they will not consider giving a donation unless it is a 501c3 organization. Thrive not survive. We give on average \$15,000-\$20,000 on average every year. Last year we gave \$25,000 out of our pockets, we chose to give that to the community. Do you want that to stay in the community or do you want it to go. We employ 14 people, we want to encourage our people to stay, we want them to have a healthy lifestyle in Hayfork. We want them to be able to afford a house. We pay our key people \$15 to 20. If I look around this room, \$55,000 a year businesses give back to this community. If a box store comes in and undercuts our prices, and we don't have any gravy on top, that's going to take away \$55,000 year to this community. If we had 1,800 people here I don't think Dollar General would be here. If we had 2,400 people here and no industry that's booming I don't think they'd be here. It's a cash crop that they are taking advantage of. The local businesses can thrive on that and give it back to the community. What is the philosophy and where do we want to go with Hayfork. I have the understanding that in the Hayfork community plan strategic plan Hayfork is designated a village. What is a village? A village is a community that keeps themselves strong. If that is the philosophy of Hayfork, to keep it a village, to support each other, if they come to town we might be surviving and that would be a sad thing.

Mike Ware: I participate in a lot of meetings. These folks here tonight, these are our owners, they come seldom to make a point. They are here in force. We have an issue with marijuana. How is it that that lot is zoned commercial? Everything else around that is residential. Frontier is the only one. It is a residential area and should never have been zoned commercial. You are making decisions here that don't make sense. Zone here, zone there. This is a major problem much greater than what marijuana is. You hear people say marijuana has supported a lot in this town, and it will continue to as it grows. But you don't hear anyone saying that Dollar General is going to grow our community. And that is what we should care about, growing our community and making it stronger. We don't have jobs here and I think this will take away from jobs. Environmental impact report, did you do it during sunrise/sunset. You can't see traffic coming to pull out on Hwy 3 at sunrise. This is going to put extra tax on law enforcement, on our community aid. If the one law enforcement officer is constantly tied up in accidents, what is he going to do? Please take a step back and take a look at the issues, and don't make a decision tonight. I appreciate what you've done here, by having it in Hayfork. We are a small community and a small county, and to take dollars out of this county is not a good idea.

Joe Dell: Representing Cross Development. We're the development company looking at

the site and have applied for the use permit. Thank you for coming here tonight I know it isn't east. It's difficult hearing from both sides of the story and trying to make a decision that weighs in the community and weighs the growth of the county. I resonate with both sides, I'm from a small town, was opposed to growth at first and saw how growth makes communities thrive and provides convenience and service to areas that don't have that. It's good to see everyone coming out to voice their concerns, and good to hear those that support the project. Unfortunately a lot more people show up in opposition than voting for projects like this. Projects like this are greatly needed in rural communities, where there are more options for choice and convenience. I can't address everything tonight, but I'll try to address them at a higher level. Most of the concerns I heard deal with traffic and safety, and trash. Security is a major issue in any type of building. I believe given the site plan you have seen with the removal of the drive approach on Humboldt Street, and the improvements on Manzanita Ave. will help. You can see on the plans that the Manzanita Ave. approach had been widened and more visible, has greater ability to handle the traffic. For Dollar General, typically delivery is once a week in the morning hours. We keep the truck turning on the property so trucks are not turning on side streets and creating congestion. Concern about trucks driving down Manzanita Ave. or Humboldt St. is negated 100%, the truck cannot drive down Humboldt St. We've done multiple traffic studies. It wasn't warranted on this particular project from CalTrans or Trinity County Department of Public Works. We'd be happy to do a traffic study as well if the commission finds it necessary to determine the amount of traffic that is there. Average number of cars is 8 to 10 cars per hour during peak hours and about 8 cars throughout the day every hour. Majority of traffic is already traffic in the area. It will draw people into the community, and that is a positive thing for bringing a Dollar General into the community. It is going to bring revenue into the city of Hayfork and Trinity County. It is going to allow people to buy staple goods here in Hayfork, they will save money and then they are able to buy the locally grown beef and other products that Dollar General doesn't carry but the local stores have. Dollar General does not have fresh cuts or the produce that these other stores have, will they compete on a different level yes, absolutely. Competition is how the country has grown; it is good for development and is good for the people and the communities. We have done economic studies and competition always tends to prevail. In the short term it hurts, in the long run it promotes growth, convenience and things in a community that typically aren't there at the time. It will compete; I'm not here to tell you Dollar General won't compete. A big thing tonight was the community, I agree, I'm from a small community and businesses that give back. In fact Dollar General does give back to the communities they are a part of. Dollar General has a literacy fund since 1993. Every community Dollar General is in has ability to get funds from this literacy fund. To date \$100 million have been given back to communities. This program supports reading for children, adults, those who struggle reading. Dollar General being in Hayfork, in Trinity County opens the school district to get money from Dollar General through the literacy fund, including countless other opportunities. Examples of ways Dollar General has given back to communities: Medina County, Dollar General was the center for back to school push for people who could not afford school supplies. Dollar General does give back to the communities they are in. Dollar General is a large corporation, yes, but so are gas stations and other companies in Trinity County. People go to shop at Redding to get certain staple items they need often for cost. Dollar General will give them the convenience to save, while staying close to home, save them money and allow them to spend more money on other premium items they can purchase from the other businesses in town. The property is zoned commercial; this is a permitted use, other than the size of the building, which is what the use permit is for. So we would ask that you approve the use permit and variance for Dollar General.

Dollar General is going to hire people from Hayfork, your neighbors, your family, people you know to run the store. Employees run 6 to 10. 40% full-time, 60% part-time. Full time employees are offered benefits. Dollar General offer wages that are competitive to the market they are in. As far as what they pay and how they operate I cannot answer that. I don't work for Dollar General; I work for the development company that is building the building. Dollar General does not own the property/building. Cross Development are the owners of the property/building for the foreseeable future. If Dollar General leaves it's our responsibility to maintain the property, find a new tenant, to make sure it stays not an eyesore. We are the actual owners of the building. A few people have said let the dollars speak. I agree whole heartedly with that, to not approve a use permit simply because there's competition with local stores is not a valid reason to not approve it. Truly if the people in Hayfork don't want a Dollar General store, the other stores won't be impacted if people decide to continue to shop at those stores. I encourage you to think broader on the task at hand, convenience is needed, lower prices on certain products is needed, there are countless other people in the community that will benefit from the Dollar General. Last thing on lighting, all lights go off at 10:00 pm except for one security light over a door. We can continue to light the side of the building where there is a concern about loitering. No problem putting up a fence on the east side of the building. We are 100% open to meeting the needs of the community within reason. Mr. Gooding's request to fence the building to the property line to block off that area is a reasonable request and I have no problem accommodating that request. If the county has certain guidelines for lighting and it being directed downward, if the county would allow us to keep the lights on that section to make Mr. Gooding feel more secure we would do that. I do ask that you approve the use permit and variance for the Dollar General. I believe it will be a valuable asset to the community, I do not believe it is going to be a detriment to human health. It is quite clear from the staff report and the CEQA review that it is not going to be a detriment to human health. Thank you for your time and I ask that you vote to approve the use permit and variance request. Happy to answer questions you have about the site layout, building, property.

Chair Frasier: Would there be any practical way to realign your parking spaces so you would have access from Manzanita Ave. with parking in the back so you would get that 20ft setback from Humboldt St? And if someone was to drive off Humboldt St. they would be going into a parking lot instead of the back of the building.

Joe Dell: We looked at that in countless ways. Restriction of the size of the site restricts us from pushing it all the way forward to allow parking. But I think the variance is for the 40 ft. setback from the centerline from Humboldt St. not the property line. The actual variance request is for the setback to the centerline of Humboldt St. to the building, not the property line. To answer your question, it's not big enough to maneuver a truck in. We're in for building permits as well and they've been reviewed. The actual look of the building is much nicer than a big metal barn. We've identified that area where traffic could run into the building, so 6 ft. concrete bollards are being installed on that side of Humboldt St. to prevent traffic from going into the building until they get clear of that setback. They will be placed on that side of the building, painted bright yellow, to protect that side of the store.

From audience: Will there be landscaping along Hwy 3?

Joe Dell: There is. There is a landscape plan and the county has the plans. There is landscaping on Hwy 3, Manzanita Ave. and Humboldt St. as a condition of approval.

You can approve projects with additional conditions of your own. If you want additional landscaping if you want additional lighting, specific things, you can request that. That is why we are here, to discuss those and to possibly entertain those conditional approvals, where we can work with county staff tweaking site plan and layout, the look of the building. Whatever is going to make the community feel it will be a better fit or layout for Hayfork. I'm not sure if that was mentioned, you can approve with conditions correct?

Vice Chair Stewart: Yes.

Audience: What is the proposed water consumption for landscaping?

Joe Dell: Water consumption generally for Dollar General is an average of 250 gallons per day both building and landscaping. It's actually less than a single family residence. We'll work with the fire dept about 12 inch main. Typically national fire protection codes don't require a 12 inch main to feed a system of our size; technically they don't require fire suppression. The building does have fire suppression, there will be sprinklers, and there will be a 6 inch main that will feed the suppression system. And probably install a fire hydrant on our side of the highway. I believe our plans call out a fire hydrant on our size of the street, if the fire department doesn't want it they dictate what we should or should not do. Usually the fire department will check the hydrant flow rate and if it flows properly it should suffice for fire suppression. We will have sprinklers in the building to fight any fires on site. Any other questions?

Chair Frasier: I think we're good, thank you.

Heather Gossman – Says a lot the Dollar General didn't send anyone here to talk about the company. They sent the person who is building the building.

Chair Frasier: Can I stop you real quick. We're not really putting Dollar General on trial. This is the guy we're dealing with, he is the guy building the building and that is where our jurisdiction is. Our jurisdiction is whether or not we can approve a building with this setback, not whether or not we can approve Dollar General. That's not for us to decide as the Planning Commission. Our job is to decide whether the building is compatible with the general plan and the Hayfork community plan. As the planning commission is more to do with safety and setback, all that. I do realize that a lot of people are upset that don't want a Dollar General in Hayfork. I do want to let people know this is more about the lot plan and the zoning rather than about Dollar General.

Audience: It's also about economic viability isn't it? That is in your mission statement.

Vice Chair Stewart: It's part of the land use.

Heather Gossman: If we're not here to talk about the type of business going into the building then I don't understand why we're here. And why we don't have a right to speak our minds.

Chair Frasier: You do have the right and I'm not trying to shut you down on what you say about Dollar General. Just so people are clear it's about land use. As the Planning Commission we don't get to pick and choose the businesses that come into Hayfork. The people of Hayfork get to choose the businesses that come into Hayfork.

Heather Gossman: How? Everything shifted, we were talking about Dollar General and now we're just talking about a huge building.

Christine Seronello: This conversation is surprise to me. If you are here just to talk about zoning, setbacks, and as far as your concerned if the zoning is right anyone come in and do what they want. What kind of recourse do we have as a community do decide what kind of businesses come in here?

Commissioner Brown: The general plans and community plans are out of date, the issues that are brought up, especially issues of mixed commercial and residential, are legacies of decisions that were made in the 1960's, 1970's it is up to this community to put pressure on their board of supervisors.

Christine Seronello: Our strategic plan has been finished for quite some time. The impression I'm getting if the zoning is right and the planning commission is okay with it, anyone can bring in any legal business regardless of whether the community wants it?

Chair Frasier: Just to answer that in a simple way. Would you like *me* to determine what businesses are in town? They way you vote on it is by not going into that store.

Christine Seronello: I would like the community to vote on it. Why can't we have a vote.

Audience: We need someone to represent us as a community.

Chair Frasier – They way you vote on it is by not going into that store. There is no form of government that determines that in our county. Who would enforce that. Once you start voting on what retail business are allowed are you going to go back in time to see if Bayley's is allowed, Wiley's is allowed? There's a hard line there somewhere you have to decide.

Christine Seronello: We did decide to be a village. And a village is not one that has big box stores.

Vice Chair Stewart: The purpose of the planning commission is to deal with land use issues. You can deal with stores like Dollar General with part of your land use decisions; economics plays a part in land use, environmental impacts plays a part in land use. And the Hayfork Community Plan plays a part in land use. If we finish this up and get to the point where the commissioners say things, I have some things to say. But we need to finish the public comment.

Tiffany Therman: I haven't seen a picture of the building, only a drawing, looks like it does not coincide with the feel of Hayfork town. I think you as Planning Commissioners we entrust you to provide buildings that fit in with the feel and are not an eyesore or eye pollution. I've seen the Dollar General in Weaverville and it's very unattractive. Is it the same model here in Hayfork? Community deserves to see at least an architectural sketch. It's right when you come into town, it's the hallmark of what you see when you get into the main part of town. I think you need to inform the community a little more as far as what's going to be there as far as the building goes. Thank you.

Scott Murrison: I thought that more people understood that this country is founded on

capitalism, you can't pick and choose. The way you pick and choose is to not shop there. They cannot make the decisions of who can build and store and who cannot build a store. Or you, or I, or anyone. That is the way it works. You don't want it there, don't take your dollars there. This is a free enterprise system, that is originally what made this country great.

Audience: Scott is a multiple business owner in this town, what is your personal opinion?

Scott: You think I want to compete with them?

Jim Bayley: I feel like we've been down a rabbit hole talking about the type of business. Let's turn back to variance, black and white does it fit. It sounds like there is an exception being made here. It sounds like this store is going in with a shoehorn. You can make a decision based on the appropriateness; is this the right business to make an exception for, is it good because it's surrounded by all these residential houses. You have the ability to stay within the letter of the law and look at it whether it is a good idea to give all these exceptions and variances.

Christine Seronello: A piece from the Hayfork Community Strategic Plan, the one that has been adopted by the Board of Supervisors. On the subject of businesses: objective 4.1 states, consider the goals and desires of the residents, community groups, and land area as a whole when evaluating the economic opportunities and the needs of businesses.

Chair Frasier: I'm going to close down the public comment unless someone hasn't had a chance that has something new to say. I'll bring this back to commission.

No one came forward.

Vice Chair Stewart: I have things to say.

Director Tippet: Just to remind the commission first we have to have questions answered, discussions about the project, then what we need is a motion on the floor and then you can make personal judgments or comments on the project itself.

Chair Frasier: Can't we just make a motion to discuss the project? Before we discuss it instead of a motion to approve or deny?

Director Tippet: You can discuss questions and things like that. You must have motion to discuss merits of the project.

Chair Frasier – You have to have a motion to approve or disapprove?

Director Tippet: Yes.

Vice Chair Stewart: I have no questions.

Chair Frasier: Commissioner Brown do you have questions?

Commissioner Brown: A lot of criticisms centered around transportation and safety along Hwy 3. I think safety on Humboldt was dealt with removing the driveway. I guess this is

a question for Jan, how was the traffic study conducted?

Jan Smith: Not a formal traffic study. We projected numbers from Dollar General of how many vehicles per day they anticipated and compared that to existing traffic on the Hwy assuming that most of traffic stopping at the Dollar Store would be stopping anyways. It did not lead to congestion on the Hwy. We did not do a detailed study of the safety of pulling out of the intersection in particular because it had plenty of sight distance. I did not realize in the morning and evening the sun may hit you in the face. That's not something that usually gets picked up in a traffic study. Not a formal traffic study done.

Director Tippet: I would also like to add that Hwy 3 is a state highway; I don't have any jurisdictional authority to tell Caltrans what to do. Caltrans would need to request a traffic study. I can request a traffic study on Manzanita Ave.

Chair Frasier: Their encroachment would need to be approved by Caltrans?

Director Tippet: Yes. The right of way line is within Caltrans. Caltrans is the common authority on that part of the project.

Joe Dell: I can speak to the technical aspects of that. We do need to have an encroachment permit from Caltrans.

Jan Smith: The project was routed to Caltrans for comment and they did not comment on the project.

Chair Frasier: Ok. Any other questions? My main question was answered by Joe.

Vice Chair Stewart: Move to deny the variance and use permit. I do not find it consistent with Hayfork Community Plan, specifically because of 5.2-E on pg. 9-12, "avoid locating incompatible land uses adjacent to one another". A small retail establishment might be ok on that plot of land. A 9,100 sq. ft. retail store is too large to put into a residential area that is surrounded on three sides by houses. I don't feel it's an appropriate location for a business of that size. They also state that we should discourage leap-frog or strip-tight development. They don't specifically say big box or small box store but certainly a small box store is closer to a strip-tight development than a small retail store would be, and I don't feel it's appropriate there. The finding where it says it is "not detrimental to public health, safety and welfare and will not create a public nuisance". I feel that it will create a public nuisance to the area surrounding it, it's all residential. Even though there will not be traffic going into the store any place but Manzanita Ave., I can't believe that there won't be increased surface traffic all around the store, because people will get to it other ways besides Hwy 3. That the use permit complies with objective of the General Plan for the area in which it's located, it's too large for C-1 zoning. I don't believe we should put something that's almost double the size of the recommended 5,000 sq. ft. for C-1, and those are my reasons.

Director Tippet: The legality of citing Hayfork Community Plan as a finding toward a motion of denial may not be able to be done, not sure if it was adopted by the Board of Supervisors. I need to talk to county counsel about that finding. The problem is that a community plan has to be done certain ways, follow a certain process, and sent out to certain agencies and I'm not sure how that process went.

Jan Smith: Is it the Hayfork Community Plan or the Hayfork Strategic Community Plan?

Vice Chair Stewart: It's the Hayfork Community Plan that is on the website.

Director Tippet: Adopted in 1996?

Vice Chair Stewart: Whatever one is on the website is the one I'm using.

Jan Stewart: This is the Hayfork Community Plan (holding it up) the Hayfork Strategic plan that Christine Seronello was referring to I'm not sure if that was adopted.

Vice Chair Stewart: It's from the website from the link that Naomi sent me.

Director Tippet: I remember Frank and I had a discussion about Community Plans out there that aren't accepted into the General Plan as part of that document. These are the type of problems come in; you can have General Plan inconsistencies within the Community Plan that need to be vetted. This is why they wanted to do the whole General Plan for the county rather than each community being different. Findings that you make on the General Plan are the correct findings that we can go with. But if we start with the other ones we might end up with technical legalities that might make the vote or findings problematic down the road.

Vice Chair Stewart: Strike number one and I find number 2 not correct and number 3 not correct as I stated previously.

Chair Frasier: Public comment is closed right now.

Christine Seronello: Is what is on the county website not valid information? Is that what we need to know now?

Chair Frasier: At this point none of us know if that's valid. We have a motion and we should.

Director Tippet: Jan did find something in the adopted plan in 1996, policy 5.2-E is "avoid incompatible land uses adjacent to one another".

Chair Frasier: That's the same wording.

Jan Smith: That is the same policy number.

Director Tippet: That is adopted by the board.

Chair Frasier: We have a motion.

Commissioner Graham: I have a question. Regarding the 5,000 sq. ft. recommended building size in a C-1 zone, can anyone clarify that? Seems like the significant issue, if that is the case it makes it clearer to me it would be incompatible. If you're almost doubling the size the recommended footprint of the structure, that's a significant issue.

Director Tippet: It did come up. 30-M on the zoning code, pg. 157, commercial building

size states, a use permit shall be required for any building over 5,000 sq. ft. of any building or such construction that result in over 5,000 sq. ft of floor on any parcel zoned C-1 or C-2. I think the intention on that was to give the commission a voice on the larger buildings that get proposed.

Vice Chair Stewart: And my voice is we don't do it.

Audience: You've got a motion.

Commissioner Matthews: Obviously this is a challenging issue and I'm torn. It's unclear to me that we have enough information to make a decision. This issue with the General Plan and the Hayfork Plan seems to be unclear. The community is unclear, we're unclear. I'm tempted to suggest we delay this until we have information from council. But obviously I have to respond to the motion.

Chair Frasier: We haven't had a second yet.

Vice Chair Stewart: Quick question, we don't need advice from council because the findings were drawn from the 1996 adopted plan?

Director Tippett: The 1996 Hayfork Community Plan was adopted and it did make the finding she was looking for. So you are making it on approved documentation.

Chair Frasier- One of my concerns with 5,000 sq. ft. size, I have to admit I kind of skipped over that. When I was reviewing the staff report the biggest issues seem to be the road easement, the setback from Humboldt St. and that is what I was concentrating on. The building size didn't seem that big of an issue. Seems like any building of that size will require a use permit.

Vice Chair Stewart: In C-1 or C-2.

Chair Frasier – Honestly I didn't put that much time or energy into the building size.

Commissioner Brown – I didn't either. My thought process was looking at, it's unfortunate that it's zoned the way it is. A couple questions I have would be, are the adjacent properties, I thought I read they are both C-1 on either side.

Chair Frasier: On the East and West is C-1, and on the South side, across Humboldt St. is residential.

Vice Chair Stewart: There are homes on all three sides.

Commissioner Matthews: Except the North.

Commissioner Brown: My dilemma gets back to the issue that that was originally zoned that way and a retail store is an allowed use on the property that it is zoned for. I tend to side with the folks. I hate the Wal-Mart effect and that makes it difficult for me, but I feel that the onus is on the people not to shop there if they don't want to spend their money there.

Audience: County says on a C-1 you can't have anything bigger than a 5,000 sq. ft.

building.

Director Tippet: I'd like to add to that discussion. One of the things I didn't talk about is ratios. There is also a ratio on a lot of commercial properties the building cannot occupy more than 40%.

Commissioner Brown: What is it for C-1?

Director Tippet: C-1 maximum lot size is 40%. For a retail commercial or C-1 district section 20-K, maximum lot coverage: the total lot area covered by the structure shall not exceed 40% of total area of the lot.

Joe Dell: It covers under 20% of the lot.

Vice Chair Stewart: It doesn't matter because there's the 5,000 sq. ft. limit. We can deny the variance based on the fact that it's over 5,000 sq. ft.

Director Tippet: You have to be careful on variances. A variance has to be something that you are willing to do on all actions that are similar in nature to the action you take now.

Chair Frasier: The variance in question isn't the size of the building it's how close it is to Humboldt St. The use permit is for the building. We still have a motion floating around out there. Does anybody want to second it?

Commissioner Matthews: I'll Second.

Chair Frasier: We have a motion and second to disallow the use permit on Stewarts findings. We have a motion and a second, all in favor?

Vice Chair Stewart: aye

Commissioner Matthews: aye.

Chair Frasier: I have a hard time denying something that we can make legal, that we can make work. My other issue is I know how people feel and it's tough.

Commissioner Matthews: Either way it's going to get appealed to the Board of Supervisors. It may end up being litigated or something else. We are not the final say.

Chair Frasier: I take this very seriously. I have a hard time denying a project, there are definitely issues with this project. [reviewing Hayfork community plan].

Audience: Dollar General will be fine. They'll recover. 5,000 sq. ft., it's simple.

Chair Frasier: It's not that simple.

Vice Chair Stewart: We need to make a decision.

Chair Frasier: What do you think Kyle?

Commissioner Brown: I feel like if I'm denying it, I'm denying it because it's Dollar General and I don't know that I would make the same choice for a mom and pop store that was coming in and wanted a variance.

Vice Chair Stewart: I would. In all honesty I would make exactly the same choice because the people in that neighborhood don't deserve to see a store that large.

Commissioner Brown: I agree with that, the zoning is there.

Vice Chair Stewart: The zoning is there for 5,000 sq.ft.

Commissioner Brown: With a use permit any C-1 that somebody wants to put a bigger building on.

Vice Chair Stewart: But we don't have to let them.

Commissioner Matthews: Call a roll call vote.

Chair Frasier – We'll start with Kyle, we'll do a roll call vote. We'll vote up or down and if we don't have a vote we're going to have to recess this and try again at a later date I guess.

Director Tippett: You could make a second motion.

Chair Frasier: Or make a second motion. Remember the motion is to deny.

Commissioner Brown: So I either say yay or nay?

Commissioner Brown: Nay.

Chair Frasier: Nay.

Vice Chair Stewart: Yay.

Commissioner Matthews: Yay.

Motion fails for lack of support, vote 2-2

Chair Frasier: Anyone want to entertain a second motion?

Vice Chair Stewart: It will be the same.

Chair Frasier: Brown do you have a motion?

Commissioner Brown: I don't, like Commissioner Stewart said. Morally, like I said I have problems with this, but in terms of what I'm here to do, I will make a move that we accept staff's recommendations for the stated findings.

Chair Frasier: We have a motion, do we have a second?

Vice Chair Stewart: The motion dies with a lack of second.

Chair Frasier: Director Tippett you're going to have to give me guidance on this because I haven't been through this yet before. What do we do now?

Director Tippett: I believe that since nothing has happened, we adjourn.

Commissioner Matthews: We need to have our full board.

Director Tippett: Yes. What you have to do is Commissioner Stewart and Commissioner Brown have to make their motions again, when you have a full board.

Commissioner Matthews: At this point no action can be taken, it's not approved.

Director Tippett: That is my understanding. I will be checking with county counsel.

Chair Frasier: When you do bring this up can we bring county counsel on the phone at the next one to ask questions.

Director Tippett: My recommendation for tonight would be to continue the item to the next meeting so we still keep the item alive.

Chair Frasier: Next question, are we going to be back in Weaverville? Or are we going to come here?

Audience: No.

Director Tippett: I leave that to you to decide.

Vice Chair Stewart: The other question is are we going to go through public comment again?

Audience: Yes.

Director Tippett: I would defer that to county counsel.

Commissioner Matthews: Public hearing is closed. Unless the chair reopens it it's a done matter.

Chair Frasier: It will be old business, so we will take it up and it will be a roll call. We're going to need a motion to continue aren't we?

Director Tippett: Yes.

Vice Chair Stewart: I motion to continue this item until our next meeting.

Commissioner Matthews: I'll second that.

Motion Carries unanimously.

Chair Frasier: We will continue this until our next meeting.

NEW BUSINESS

None

10. **MATTERS FROM THE COMMISSION**

None

11. **MATTERS FROM STAFF**

Director Tippett: There is free hazardous waste and debris removal program for anyone affected by the fires. Contact Director Tippett for information. The opportunity is only for the first month or two after the fire, so he encouraged people to take advantage of it.

Audience: Is it available in the pines?

Director Tippett: Yes, available to anyone in Trinity County affected by the fires.

Chair Frasier: Anything else from staff.

Director Tippett: No.

12. **ADJOURN**

The hearing was adjourned by the Chair at 9:05 pm.