

DECEMBER 8, 2016

RECEIVED

DEC 06 2016

LAKE COUNTY COMMUNITY
DEVELOPMENT DEPT.Kimberly Haynie
P.O Box 1129
Middletown, CA 95461

Dear Planning Commissioner Joseph Sullivan,

It is my understanding that a number of individuals in the Lake County, California Planning Department, and members of the Lake County Board of Supervisors (BOS), have asserted that the Middletown Area Plan (MAP) is only a suggested guide, and that compliance with MAP directives are not legally required. It appears this assertion is in conflict with Lake County, California zoning ordinance law:

Article 51, SEC. 21-5 MAJOR USE PERMIT

51.4 Findings **required** for approval states:

(a) The Review Authority **may only approve** or conditionally approve a major use permit if **all** of the following findings are made:

5. That the **project is in conformance with** the applicable provisions and policies of this Code, the General Plan and **any approved zoning or land use plan.**

(emphasis added)

Article 56, Sec. 21.56, DEVELOPMENT REVIEW PERMIT

56.5 Findings **required** for approval: (Ord. No. 1749, 7/7/1988)

The Review Authority **shall only approve** or conditionally approve a development review permit if **all** of the following findings are made: (Ord. No. 1749, 7/7/1988)

(d) That the **project is in conformance with** the applicable provisions and policies of this Chapter, the Lake County General Plan and **any approved zoning or land use study or plan.** (Ord. No. 1749, 7/7/1988)

(emphasis added)

Both ordinances state that the project must be in conformance with "any approved zoning or land use plan."

These ordinances do not indicate compliance with land use plans is optional. The articles state that a compliance is a required finding for approval: The Review Authority "**shall only approve**" and "**may only approve,**" or conditionally approve a development review permit if the project is in compliance with "**any approved zoning or land use or plan.**"

The MAP is an approved land use plan and therefore compliance is not an option; it is a requirement under our Zoning Ordinance law.

The Dollar general project does not comply with the MAP in numerous ways and this fact has been previously brought to the Lake County Planning Commission attention multiple times (by multiple individuals in letters and during a public hearing on the

EXHIBIT J

project). It therefore does not fulfill the requirements set forth by Lake County zoning ordinances Article 51, SEC. 21-5 MAJOR USE PERMIT (a) and Article 56, Sec. 21.56, DEVELOPMENT REVIEW PERMIT (d).

Some individuals hold personal views that are pro-business and/or pro land use rights and that is understandable. Potentially not following our County's stated zoning ordinances, however, seems like it would be problematic for all County employees and officials involved for both ethical and legal reasons.

I implore our Lake County Planning Commission, (and County Board of Supervisors), to follow Lake County zoning ordinance law. Specifically, to follow the Lake County planning ordinances which requires that any approved land use plan (including the MAP) be honored in their decision making processes in relation to the proposed Middletown Dollar General project. Please respect the Lake County California Zoning Ordinances, the MAP, and the Middletown Area Community desire that these be followed.

Sincerely,

Kimberly Haynie

Michalyn DelValle

From: Lisa Kaplan <liskaplan@gmail.com>
Sent: Wednesday, December 07, 2016 4:58 PM
To: Joe Sullivan; Michalyn DelValle; dgCDD
Subject: Petition:Reject the Dollar General In Middletown: Respect the Middletown Area Plan

Dear Lake County Planning Commission:

Community Members below would like to reaffirm their contention that the Dollar General as currently proposed does not comply with the Middletown Area Plan (MAP) or the intent of the MAP. We respectfully request that the Dollar General be rejected as currently proposed.

We have submitted two petitions which referenced numerous MAP guidelines that the current design does not conform to. Each of these petitions were signed by hundreds of local residents and submitted to the Board of Supervisors and Planning Commission in meetings in July and August of 2016. You have records of these. Likewise the project was rejected by community members at public meetings at the Middletown Area Town Hall (MATH), the community forum for discussing such matters, by a vast majority of between 90 -95% of attendees who voted against the store in the current location with current design. The majority (80%) of these citizens are also against the store brand being present in the greater MAP area. We have come Planning Commission and Board of Supervisors meetings to ask you to reject this project. We have presented more desirable options for designs that the Dollar General itself implemented in other locations. We have written and are aware of others numerous letters opposing the design and location submitted to you.

We remind you of these letters now in public record rather than rewrite them: We are concerned about the store's proximity to our public schools; we are concerned about pedestrian safety and increased traffic impacts; we are concerned about a negative impact on local business and adjacent residences; and we are concerned about the many ways the Dollar General design does not comply with the Middletown or General Area Plan (please see letters by MAMA, Kimberly Haynie, Victoria Brandon and others).

The Middletown Area Plan (MAP) states: "There will continue to be a high level of community participation in planning for future development. The design review process for new development projects will include higher standards and include more public involvement (Section 2-17, page 31)." Please respect this directive, as the document was approved by the Board of Supervisors in 2010 after much investment of funds, time and energy in the difficult task of community members of various opinions and visions for the future of Middletown reaching an agreement.

Also in the minutes of the Planning Commission meeting 8/25 is a quote by Mr. Dell (speaking on behalf of Dollar General) expressing a "commitment to work with community". But real dialogue between community members and Mr. Dell did not occur following the August meeting. Rather a proposal was submitted and rejected, with no further conversation with a group of local citizens or the committee advised by the Planning Commission.

As former Supervisor Ed Robey stated: The intent of the Middletown Area Plan is to "avoid big box and chain stores", of which there currently are none. The Dollar General would set an unusual and contentious precedent. Of note is the fact that the road into the store paves the way for additional strip mall development. Strip Mall development is also in conflict with the intent of the Middletown Area Plan.

Thank you for your consideration.

The petition was initiated on 12/4. By 12/7 @ 4:50pm there were 111 signatures.

Here are some of their additional comments:

Vickie A.

Please keep Middletown a town with it's own style and heart!

Ariana S.

This will ruin Middletown. .

name not displayed

Please, no to Dollar General

Bryan R.

California

Does not conform with the area plan nor our small town vision for south county.

Laura H.

There are many sections of the Middletown Area Plan that this proposed project does not match up with, including parking in the rear of the building, no metal buildings, no blank walls facing the road, etc.

Anon

I support this petition because this development needs to comply with the pre-existing Middletown Area Plan.

Ariel C.

The town has already made their wishes known. We do not want Dollar General in Middletown! As our supervisors and members of our Planning Commision, it is your job to represent our best interests and wishes. Keep them out!

David A.

California

We do not need this.

Sophie L.

Doesn't belong here!

Kyle N.

Not over my back fence/Not in Middletown

Jonathan M.

The idea of having a dollar store that only sells Chinese garbage in our small American town is absurd and downright that fence

send

anna o.

California

2 days ago

Our little community does not need this store in Middletown!

send

Caroline G.

California

2 days ago

We are a small community. We don't need such a big corporation to come in here. We need to focus on our own small businesses. Help them thrive!!!

[send](#)

Carrie C.
California
2 days ago

I have lived in Middletown, and the immediate area, my whole life. I have chosen to raise my own family here, and never imagined this to be something our town would allow. Please, do not allow the Dollar General store in our town.

[send](#)

Kathleen B.
California
2 days ago

Please, no Dollar General to mar the historic character of Middletown.

[send](#)

Nicholas H.
California
2 days ago

Please consider the dangers of chain store blight on what is now Avery pleasant town to live in and for tourists to visit. Let us be guided by the example of Calistoga and not Clearlake.

[send](#)

Elizabeth M.
California
2 days ago

The Dollar General proposal is not in keeping with the Middletown Area Plan. Keep Middletown the charming gem that it is, free of big box chain stores.

[send](#)

Heather K.

No need for the DG in our town.

name not displayed

This building does not belong in Middletown, which is a historic small town with mom-and-pop shops and buildings with character. Not only will this store aesthetically detract from Middletown's small town feel, but the roads will not support the additional traffic. It should go in a larger town that has the roads and populace to support it.

wade s.

The design for this building is simply horrible, as a windowless box wear house, and the site plan is literally paving the way for a strip mall along the highway. These developers of this project do not care about our community, but simply about profit, and then they will sell and move on. About the cheapest, most thoughtless architecture on the planet, and this business model is simply sad. Our town deserves better!

Ginny K.

The biggest mistake that will impact the community for many years. It is obvious that our representative on the Board of Supervisors could care less about the people he represented.

Russ R.

Keep this UGLINESS out of our town!

Hedy M.

This project is not in keeping with our Middletown Area plan. Keep Middletown with its particular small town rural ambiance just that.

Alexandra M.

I grew up in Middletown and love this town. Don't kill it with plastic nonsense.

George N.

Our area needs local sustainable development with environment consciousness.

Greta Z.

As a former member of the Advisory Committee for the Area Plan, I can say unequivocally that we never wanted to have a store like Dollar General in our community. It is a travesty to permit this to happen.

Laura D.

Support small local business and not corporate box stores.

Debbie S.

Please don't allow Dollar General. Haven't we been through enough???

Patrick W.

We do not need nor want a dollar general store!

John S.

Keep true to the Middletown Area Plan. No chain stores. Long live local merchants!

Jocelyn H.

We have the opportunity to become a thriving town like Calistoga, if a Dollar General is put in our town we will NEVER get the type of growth. If I saw a DG in Middletown when we first moved to the area 6 years ago, we would not have felt the same about living here. The towns that have DG evoke poverty and non-growth. Middletown has the opportunity to bring in revenue and tourism from Napa and a DG will clearly hinder that. Dollar General is not what Middletown needs. We will recover from the fire but not by bringing in chain businesses from out of state that detract from the unique quality of our charming small town. Vision a future for Middletown of economic growth, not poverty.

Christina H.

Dollar store sells cheap of toxic products mostly made in China that will destroy local businesses and the local economy. Not to mention it will be a huge eyesoar.

Anonomous

Wrong store for Middletown, I won't shop there. Leaders, don't sell us out! Facilitate Harbin's permits to regain our tax base and recreate our community before there's no one left to support ANY business!

Bridget L.

I am a long time resident and a HVL home owner. I believe that a dollar general store would ruin the quaint country feel of our little town. Lets build our town up in a way that is charming and beautiful following the examples of Calistoga and St Helena...with the right planning we could potentially attract a lot of weekend visitors and really increase the value of this area. Lets make Middletown beautiful....the locals are ready.

Ashley C.

Middletown wants to stay FREE of chain stores, box stores etc. do not put this here!

Brenda Q.

BIG MISTAKE!!! Keep DG out of Middletown!!! We are an international destinations and a beautiful gateway town from the very famous Napa County. IF we are SMART, we will add parks and beautiful little creek-side cafes. TURN DOWN BIG BOX STORES and keep our town's Spirit Alive!!! From the founder of Middletown Community Farmers' Market!!

Lia J.

We want a thriving locally based downtown. Our small town values will attract tourists who value what Lake County has to offer. Middletown is the southern gateway into the county and must represent the very best that we offer: open spaces, clean air and water , and the people who watch over these important, rapidly disappearing resources.

Amanda B.

Please consider why our County needs this chain store in every city and and unincorporated area in the County. It does not make since.

Bridget K.

Keep Middletown businesses locally owned!

Kathryn H.

I just moved here from the East Bay a year ago, and I love it! So beautiful. I never expected the East Bay to follow me here. I thought I had left all the urban blight and suburban eyesores behind.

Julee Anne J.

No Dollar General in Middletown!! We don't want a cheap junky store located in our town!!

--

Lisa Kaplan

www.LisaKaplanArt.com

Art / Education / Digital Media and Design

Tel: 707-987-9095

Cell: 707-295-6663

FROM: LISA KAPLAN

Anon

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PLANNING COMMISSION

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