


EDC supes side with developer, not residents

 laketahoenews.net/2016/04/edc-supes-side-with-developer-not-residents/

Published: April 7, 2016

This is a rendering of Dollar General that will face Main Street in Georgetown, though there is no entrance here.
This is a rendering of Dollar General that will face Main Street in Georgetown, though there is no entrance here.

“Like sex on an elevator, this project is wrong on so many levels.”

–Ron Sheckler,

engineer

By Joann Eisenbrandt

PLACERVILLE – The El Dorado County Board of Supervisors chambers was filled April 5 with residents of Georgetown and surrounding communities who had come to show their disapproval of the project that would allow construction of a Dollar General store on Main Street in downtown Georgetown.

They left even more frustrated after the board voted 4-1 to allow the store to move in.

Who is Dollar General?

Dollar General is a national chain offering lower-priced general merchandise and groceries in thousands of stores throughout the country, many of them situated in small rural communities like Georgetown. Their proposal to construct a 9,100 square-foot store on three combined parcels on Main Street reached the final step in the county approval process Tuesday. It was originally approved at staff level by El Dorado County Development Services Director Roger Trout. That approval was appealed to the Planning Commission. When the Planning Commission denied the appeal, that decision was appealed to the Board of Supervisors.

Does it fit in historic Georgetown?

There are several distinct layers to this controversial project. First, as evidenced by the impassioned pleas of residents to the board this week, is the appropriateness of the project at the proposed location. Georgetown is a historic former mining community located in one of the county’s Rural Centers between Placerville and Auburn. Board-adopted Historic Design Guidelines say that new buildings in historic areas such as Georgetown should “generally conform to the types of architecture prevalent in the gold mining areas of California during the period of 1850 to 1910.”

County planning staff found that the Dollar General project did “substantially conform to the HDG and would be compatible with the surrounding residential, community, park, and

commercial uses within the Georgetown Main Street commercial area.” Dollar General responded to citizen concerns about the building design, changing it a number of times.

For many in Georgetown, however, that wasn’t enough. Dave Souza, of the Georgetown Preservation Society, who filed the appeal of the Planning Commission’s approval of the project, expressed the view of many when he said, “Put it somewhere else, just not on Main Street.”

One area resident characterized the design changes this way: “It’s like putting lipstick on a pig.”

At 9,100 square feet, the building is almost twice the size of the largest building in the area, the Georgetown Post Office located directly behind the site. The remainder of Main Street is dotted with a mix of historic buildings and residences from the Gold Rush era.

May Harms of Garden Valley said emphatically, “We don’t want Dollar General housed in its fake Gold Rush building.”

Because of its size the building had to be configured with its public entrance on the side of the building, unlike other existing buildings that open directly onto Main Street. A loading dock, trash enclosure and truck turnaround area will face Main Street.

Janie Johnston expressed the concern that, “many residents might not realize that we will be looking at a loading area and a trash collection area.”

Speakers told the board this project would forever alter the historic Gold Rush ambience and character of Georgetown; those things that make it a special place to live and which draw tourists to come and visit. Kat Mendenhall, an active member of what’s known as the Divide community, acknowledged that Georgetown has struggled economically but felt Dollar General would not be a positive economic addition. She told the supervisors, “People don’t come here to see what is new. They come here to see what is old.”

A number of speakers referenced the generations-long residency of their families in the area. “It’s a matter of the heart. The project may be legal, but for all the commenters it’s like stabbing all their relatives in the heart,” Ken Deibert of Garden Valley told the board.

Another tearful commenter said, “It would break my heart if this went into our town.”

Economic impacts of the project

Sabrina Teller, an attorney from Remy, Moose, Manley who represents the project applicant Simon CRE, pointed to economic studies done by Dollar General that showed it will be an economic boost to the community, saying, “It won’t (negatively) affect the economy of the community.” Seven to 10 full- and/or part-time jobs will be created.

Leon Alevantis, who owns the historic Schmeder House and American River Inn properties directly across Main Street from the proposed site, disagreed, saying these properties will be most affected. His home and others in the area are currently being used as residences, but are actually zoned commercial.

“My property would have to be changed to commercial (use) because I could no longer use it as residential,” he said, adding, “This is probably the best looking Dollar General in the country, but the footprint is not consistent with the size of the surrounding historic buildings.”

The only speaker during the public comment portion of the meeting that spoke in favor of the project was El Dorado County Chamber CEO Laurel Brent-Bumb.

“Dollar General is trying to make the project fit into the surrounding area,” she told the board. “It provides new opportunities for the community – jobs and the availability of products.”

An audience member responded vocally to Brent-Bumb’s comments, “Do you own property in Georgetown?”

Environmental issues

In addition to the emotional “compatibility” issue, there is a second, more technical layer. Were the environmental impacts of this project adequately examined and were sufficient mitigation measures proposed for such impacts that would reduce them to “less than significant”? The California Environmental Quality Act (CEQA) lays out the requirements for studying the environmental impacts of projects. The more significant the potential impacts, the more complex environmental documentation that is required. The county prepared a mitigated negative declaration saying that environmental impacts were reviewed and all of them could be reduced to “less than significant” through a variety of mitigation measures.

If such impacts cannot be reduced to insignificance, then CEQA requires that a more intensive environmental impact report be prepared. At the beginning of the meeting, Trout addressed this question saying that that county staff believes all CEQA questions had been adequately addressed and that everything was “done appropriately.” He recommended that the board adopt the Mitigated Negative Declaration and mitigation measures, the mitigation monitoring program and deny the appeal. (The entire Dollar General project approval process is explained in more detail in put in link to former article here if you want.)

While CEQA does not address economic impacts of a project per se, it does address the environmental consequences if negative economic impacts of a project then lead to actual blight such as empty abandoned buildings.

Carolyn O’Conner told the supervisors, “It’s ludicrous for you to rubber stamp this blight in that beautiful area. It will bring down property values. It’s imperative to consider that we don’t want it. Take into consideration what we think should be done.”

Ron Sheckler, who filed an earlier complaint with the federal EPA Wetlands Division and a complaint with the U.S. Army Corps of Engineers, stated that the size of the wetlands was inaccurately described in the mitigated negative declaration, being larger than the size allowed for an automatic exemption. Wetlands on the property will be filled in as part of the project. They drain from the property into Empire Creek, which then drains into the American River. Sheckler, an engineer, who also contacted the California State Division of Mines and Geology,

raised concerns about a mine ventilation shaft that opens just outside the property line, but which might lead to other mining tunnels underneath the property. He asked for a mine engineering study to be done to determine exactly what is underneath the property.

Ed Hawkins referenced the water that runs through the property which he says the county documents referred to as “storm water,” but which is actually part of Empire Creek. In addition to concerns over excessive runoff from the large roof and the additional impervious surface of the parking lot, Hawkins noted that under the project design, sewer effluent will be dripping into the soil just feet above the creek. He asked the board to come down on “the side of caution” and require a full EIR to analyze this and all the other potential environmental impacts.

The adequacy of the septic system was brought up at earlier meetings on the project and was raised again on April 5. Sue Taylor of Save Our County pointed to the fact that the project requires an advanced septic system. Taylor added that Greg Stanton, county Environmental Health Division director, had said the proposed system had not yet been approved and she thought that if the project is approved now, it will be a violation of General Plan requirements. Stanton told the board that effluent will be distributed by a drip irrigation field and, “will be disposed of properly and is a cleaner effluent.” The county will monitor the system once a year.

Ron Crone, former postmaster of the Georgetown Post Office, noted that when the post office was moved to its current site in the mid-1980s a full EIR was required. “They found that the wetlands were a possible red-legged frog habitat, which is a federally-protected endangered species.” The post office, he added, “Had to put in a mound waste system with no leach lines. I can’t understand how this (Dollar General) septic would comply.” The mine ventilation shaft was also addressed in the post office EIR. Crone believes it was “part of the Woodside Mine. I think some of the shafts go under Dollar General.”

The board reviews the process

Following the public comment session, the board asked questions of staff regarding the process that led up to this point. District 2 Supervisor Shiva Frentzen asked, “What standards are we using for approving this project?” Frentzen expressed her concerns over the possibility of extensive mining tunnels under the property. “We need to dig deeper into that issue,” she said, “An EIR would address those concerns.”

District 5 Supervisor Sue Novasel asked Roger Trout four questions: Does the project violate CEQA? Does the project violate the General Plan or the Zoning Ordinance? Have all the comments to the project been addressed? Did (Planning Commissioner Brian) Shinault have a conflict of interest?

Shinault, an architect, assisted the project proponent with the redesign of part of the building roofline, which the latest appeal termed a “conflict of interest.” Trout answered no to all four questions.

Novasel responded, “The emotional testimony is different than what the appeal is about. It is about the technical issues.”

Board chairman Supervisor Ron Mikulaco of District 1 asked Trout to go over the entire county approval and subsequent appeals process. Following Trout's explanation, Mikulaco said, "This (project) was contemplated as part of the 2004 General Plan. (The site) is zoned commercial ... this is a commercial project and I'll look at it that way. I'm not a social engineer." Mikulaco later added, "Right now there are three empty lots with nothing there. If we denied this, there's going to be nothing there on one of the few commercial properties in the area. If you deny this, in 10 years you will still have nothing."

Almost as one, the audience responded, "That's fine with us."

The last supervisor to speak was District 4 Supervisor Michael Ranalli. Georgetown is located in District 4. Ranalli asked project proponents a series of pointed questions he said "need to be asked and answered even if they are outside the scope of our decision." "Why is Dollar General proposing this site," Ranalli asked Sabrina Teller. "How did we get to this point? What role did government play?"

Teller responded that she didn't represent Dollar General, but represents "the buyer that will be the landlord for Dollar General. I am a CEQA attorney." Teller did note, however, that Dollar General saw an "untapped economic niche and demand," adding that Dollar General "is not a Dollar Tree. It's not a trinket store. It's a grocery store."

Ranalli noted that the location was selected as early as 2012. Asked later by *Lake Tahoe News* if the process could have been stopped sooner before Dollar General became so "invested," he responded, "Only if prior policymakers knew it was being contemplated. I was sworn in in January 2015, and Dollar General already had a contract for the property and had done all their environmental reports. Policymakers wouldn't have known until an application was actually given to planning." Ranalli asked Deputy County Counsel David Livingston about the option of a new location.

"Do we have the latitude to require them to move?" Livingston replied, "The short answer is no ... if (the project) is consistent with the General Plan, it is not for you to play favorites on who uses the site."

Asked if the applicant would consider doing a full EIR, Teller responded, "No, we won't voluntarily do one. The documents show that nothing more than the mitigated negative declaration is required."

The board decision

Supervisor Novasel commented that she was "comfortable with the design," and moved approval of the project and denial of the appeal. District 3 Supervisor Brian Veerkamp seconded the motion. Supervisor Frentzen commented, "I don't see a single person here to support this including the Divide chamber. We need to bring tax dollars, but this could also put smaller stores out of business and will totally change the environment of the small community. There are some areas where you need to honor the locals."

Novasel's motion passed 4-1 with Frentzen voting no.

After the meeting, many present expressed surprise that Ranalli had not "stood up for Georgetown" and joined Frentzen in voting no. Ranalli later told *Lake Tahoe News*, "I believe we are facing a lawsuit on either side. I swore to follow the law. In my research I found legal precedents that say a county can't arbitrarily exclude a specific retail store. I could have hidden behind three other votes and copped out, but I didn't. I am proud of them standing up for their community. I didn't think (voting no) was the right thing to do based on the information they gave us. If I had guessed wrong, I would have obligated the citizens of the county to a lawsuit with a national firm. Most everybody said we don't want it here, but based on the law that's not a legal defense."

Those not satisfied with the board's decision have 30 days from the filing of a notice of determination to file a lawsuit based on the project's specific failures to meet CEQA requirements.