

OZAH Hearing Examiner:

I am writing in regard to Case No. S-2385. As a neighbor living on property abutting OBGC, I support youth sports, but I have concerns that the proposed modifications regarding fundraisers and hours do substantially change the nature, character and intensity of the use and do change the effect on the immediate neighborhood.

1. The modification seeks to allow security lighting past 10:30 that is “reasonably necessary for volunteers and staff to safely clean-up the property, shut down events, and for guests to depart from the site.” Seeking to extend the hours past 10:30 is very concerning for several reasons:

A. The changes to the hours do not account at all for the rules of the Agricultural Zone. The SE for a park for youth sports was reasonable and thoughtful for the children of our community. When the SE was created in 1999, the Board found “that this special exception use of the use of the property will not adversely affect the health, safety, security, morals or general welfare of the residents, visitors or workers in the general area.” Growing numbers of changes to the scope of the fundraising events over the years have changed the use of the property from a youth sports facility into an amusement park with an estimated 2000 patrons allowed to attend when the event is open; even Google Maps identifies the property as an amusement park. These incremental changes over the years have morphed the use of the property into something much different than the original SE intended. **See attachments A and B: Google maps image, traffic video**

B. At the time of the 1999 SE, alcohol being served on the property was not a factor. Alcoholic beverages, including hard liquor, are served at these “fundraising” events. **See attachment C: images of “pub”**

C. “Reasonably necessary” is far too unclear; there is no regard for how long it would take to clear out after the event has technically ended. Volunteers and staff are not quiet in their shutting down of the property. Cars leaving the parking lots often honk loudly and frequently. While attractions are open for Field of Screams, is intentionally scary screaming, shooting sounds, chainsaws, banging, loudspeakers, music, cars honking and every other sound associated with a large, party-atmosphere event, including on school nights. No where in the SE are amusement park rides accounted for. It is impossible for our children to enjoy family bonfires, have friends over for dinner outside, or allow our Scout kids to camp out in the backyard during some of the best weeks of weather of the year. The sounds often impact sleep because they are scary. Winter City has a sledding ride that accounts for hours of screaming every night the event is open. On page 3 of the letter, it states that a Board question was asked about a finite time, and there is no clear answer given. Allowing any and all “fundraising activities” with no enforceable limit seriously impacts our family’s welfare. There is no reason for a facility focused on youth, existing in a community with neighbors, to engage in party-like activity of any kind past 10:30 PM on a regular basis. It is a reasonable metric to have quiet hours that treat neighbors with respect and honor the health and wellbeing of all in the community.

See attachment D: image of sledding ride (see also above video of traffic, where ride is also shown)

D. OBGC is well aware that the late hours of their “fundraising events” have caused frustration and contention within the community. After years of unanswered concerns about sound extending past midnight, we submitted a two-party noise complaint in 2022. OBGC was required to provide a noise abatement plan. OBGC decided to move forward with a dirt berm, without a soil permit. Due to the placement of a building on their property line, in the process

a large amount of poor quality fill dirt was dumped on our property without our approval or consent. We asked OBGC to remove the dirt that is on our property and they refused, even after being shown how the dirt was affecting the drainage of our crop field. The berm has not changed the nature of the sound, but has affected drainage for our crop field. No dirt has been removed from our property. **See attachment E: emails**

E. The nature of the “security lights” is undefined. The security lights in the parking lot are massive, generator-run spotlights that shine a very far distance, including into our bedroom windows. The lights are required to be hooded. **See attachment F: example photo of lights**

F. OBGC continually disregards permitting and abatement orders. This is extremely concerning as a neighbor. Giving exceptions to an organization that is not being diligent and respectful in regard to rules and laws in their community puts many at risk. **See attachment G: image of news article, burning during burn ban.**


2. The modification seeks to confirm placement of structures as existing for 22 years; they have not. This is concerning because:

A. As a neighbor for the last 10 years, and as the son-in-law of other adjoining property owners for 17 years, I can attest that these buildings have not existed as they are for the time I have known them. **See attachment H: images of 2016 and 2022**

B. The SE does not specify or limit the use of the buildings, or require that they be temporary. The buildings can be seen from our property. They, as well as scary decor (such as a large wooden skull-shaped structure), are left up year-round and make the back of my property frightening for my young children. This affects our use of our property as a family and our well-being. Adding conditions to make these structures permanent, with no restraints on future size or conditions for environmental impact concerns us. **See attachment I: home video.**

As parents and coaches in other sports organizations ourselves, *we remain absolutely and fully supportive of OBGC as a youth sports organization.* However, we have concerns that the nature of these newest modification to the SE are intentionally vague. These late hours with late noise and lights and continued, excessive modifications to the SE are not upholding either the original intention of the 1999 SE or neighborly respect- a good sportsmanship lesson OBGC should be first to value. We ask that “fundraising activities” be clearly defined and limited, with a focus on actual fundraising and instead of business commerce. We ask that the structures not be confirmed as part of the SE due to concerns with safety, environmental impact, and future size and scope.

Thank you,


Leonard J. Smith