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Transcript of Hearing

Date: February 11, 2025

Case: Olney Boys & Girls Club, Administrative Modification (S-2385)

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WORLDWIDE COURT REPORTING & LITIGATION TECHNOLOGY

Transcript of Hearing
Conducted on February 11, 2025

1 (1 to 4)

1	3
1 BEFORE THE OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 A P P E A R A N C E S
2 FOR MONTGOMERY COUNTY, MARYLAND	2 ON BEHALF OF THE PETITIONER:
3	3 STUART R. BARR, ESQUIRE
4 -----x	4 LERCH, EARLY & BREWER, CHTD.
5 IN RE: OLNEY BOYS & GIRLS CLUB, :	5 7600 Wisconsin Avenue, Suite 700
6 ADMINISTRATIVE MODIFICATION : Case No. S-2385	6 Bethesda, Maryland 20814
7 -----x	7 (301) 986-1300
8	8
9	9 PETER E. CIFERRI, ESQUIRE
10 HEARING	10 McMILLAN METRO FAERBER, P.C.
11 Rockville, Maryland	11 7811 Montrose Road, Suite 400
12 Tuesday, February 11, 2025	12 Potomac, Maryland 20854
13 9:32 a.m.	13 (301) 251-1180
14	14
15	15
16	16 ON BEHALF OF THE OPPOSITION:
17	17 NIKKI KORSON
18	18 CARAGH FAY OWENS, ESQUIRE
19	19
20	20
21	21
22	22
23 Job No.: 570488	23
24 Pages: 1 - 377	24
25 Transcribed by: Jerome E. Harris, Stenographer.	25
2	4
1 Hearing, before HEARING EXAMINER KATHLEEN BYRNE,	1 ON BEHALF OF MONTGOMERY COUNTY OFFICE OF ZONING AND
2 ESQUIRE, held at the offices of:	2 ADMINISTRATIVE HEARINGS
3	3 NANA YAA JOHNSON
4 MONTGOMERY COUNTY OFFICE OF ZONING AND	4 100 Maryland Avenue
5 ADMINISTRATIVE HEARINGS	5 County Office Building, Room 200
6 100 Maryland Avenue	6 Rockville, Maryland 20850
7 County Office Building, Room 200	7 (240) 777-6660
8 Rockville, Maryland 20850	8
9 (240) 777-6660	9
10	10 ALSO PRESENT:
11	11 Via Zoom:
12	12 Allison Myers
13 Pursuant to Notice, before Brennan Plummer,	13 Caroline Taylor
14 Notary Public in and for the State of Maryland.	14 Cory Talcott
15	15 TJ Atkinson
16	16 Wendy Atkinson)
17	17 Jeremy Colville
18	18 Mike Scheffel
19	19 Stephanie Ferner
20	20
21	21
22	22
23	23
24	24
25	25

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<p>1 C O N T E N T S</p> <p>2 EXHIBITS Retained.) IN EV 14</p> <p>3 25 BOA Opinion dated July 26, 1999</p> <p>4 28 Letter from Dan Dionisio April 22, 2011</p> <p>5 31 BOA Resolution dated July 14, 2011</p> <p>6 32 Letter from Lucian Romano April 15, 2019</p> <p>7 36 BOA Resolution dated June 4, 2019</p> <p>8 37 Memo from DPS to BOA 1.3.23</p> <p>9 38 BOA Resolution dated January 27, 2023</p> <p>10 40 BOA Resolution dated June 21, 2023</p> <p>11 42 BOA Resolution dated July 26, 2023</p> <p>12 48 Request from the Olney Boys & Girls Club to the</p> <p>13 Board of Appeals for an administrative</p> <p>14 modification to special exception S-2385,</p> <p>15 Submitted 06/25/24</p> <p>16 49 Resolution from the BOA approving administrative</p> <p>17 modification 6/26/24</p> <p>18 50(a) Email from Caroline Taylor/Montgomery Countryside</p> <p>19 Alliance requesting a public hearing. 8/12/24</p> <p>20 50(b) Korson letter of opposition. 8/12/24</p> <p>21 50(c) Letter from C. Owens opposing the application.</p> <p>22 8/11/24</p> <p>23 50(d) Letter from R. Stadler opposing the application</p> <p>24 8/12/24</p> <p>25 50(e) Letter from W. Atkinson opposing the application</p>	<p>1 56 Emails between Sara Behanna and Nikki Korson re:</p> <p>2 Hearing notice. 12/30/24</p> <p>3 57 Entry of Appearance – Stuart Barr. 1/13/25</p> <p>4 58 Entry of Appearance – Peter Ciferri. 1/13/25</p> <p>5 59 Applicant’s Prehearing Statement with Exhibits.</p> <p>6 1/13/25</p> <p>7 60 Maryland Nonprofits Checklist. 2/4/25</p> <p>8 61 Lenny Smith Letter in Opposition. 2/5/25</p> <p>9 62 TJ Atkinson Letter in Opposition. 2/5/25</p> <p>10 63 Email Exchange between L Smith and OBGC. 2/5/25</p> <p>11 64 OBGC Sound Barrier May 11, 2023. 2/5/25</p> <p>12 65 DPS Field of Screams Report 10.18.24. 2/5/25</p> <p>13 66 DPS Field of Screams Report 10.3.24. 2/5/25</p> <p>14 67 DPS Notice of Violation 521003 12.2.24. 2/5/25</p> <p>15 68 Email Denial OBGC Winter Lights Special Event</p> <p>16 Permit. 2/5/25</p> <p>17 69 Case Summary Report 11.28.89. 2/5/25</p> <p>18 70 Case Summary Report 12.29.22. 2/5/25</p> <p>19 71 DEP Letter to OBGC 1.3.23. 2/5/25</p> <p>20 72 DEP Notice of Violation 1.3.23. 2/5/25</p> <p>21 73 Two Party Noise Complaint 12.28.22. 2/5/25</p> <p>22 74 Case Summary Report 9.23.24. 2/5/25</p> <p>23 75 Case Summary Report 10.2.24. 2/5/25</p> <p>24 76 Case Summary Report 10.31.24. 2/5/25</p> <p>25 77 County Air Quality Ordinance 42-01. 2/5/25</p>
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<p>1 8/12/24</p> <p>2 50(f) Letter from P. Lane opposing the application</p> <p>3 50(g) Letter from C. Owens requesting reconsideration.</p> <p>4 8/13/24</p> <p>5 50(h) Letter from N. Korson requesting reconsideration</p> <p>6 8/13/24</p> <p>7 50(i) Letter from T. Smith requesting reconsideration.</p> <p>8 8/12/24</p> <p>9 51 Letter from T. Smith requesting reconsideration.</p> <p>10 8/12/24</p> <p>11 51(a) Resolution from the BOA approving the requested</p> <p>12 administrative modification 7/24/24</p> <p>13 51(b) Order of Abatement, Field of Screams. 4/21/21</p> <p>14 51(c) State of MD Police Guidelines on Haunted</p> <p>15 Houses 10/4/22</p> <p>16 52 BOA Resolution Transferring Case to OZAH. 9/18/24</p> <p>17 Memo from Barbara Jay transferring case to OZAH.</p> <p>18 53 9/18/24</p> <p>19 Kensley Baker Opposition Letter 12/30/24</p> <p>20 54(a) Order of Abatement 4/20/21</p> <p>21 54(b) Tax Documents from 2022</p> <p>22 54(c) Transfer of Development Rights Easement 9/8/00</p> <p>23 55 Notice of Pre-Hearing Conference and Public</p> <p>24 Hearing. Sent 12/30/24</p> <p>25</p>	<p>1 78 OBGC Fire Code Compliance Permit 5.31.18. 2/5/25</p> <p>2 79 OBGC Fire Code Compliance Permit 9.30.21. 2/5/25</p> <p>3 80 OBGC Fire Code Compliance Permit 9.30.24. 2/5/25</p> <p>4 81 OBGC Fire Pit Emergency Action Plan 9.19.24.</p> <p>5 2/5/25</p> <p>6 82 OBGC Noise Abatement Plan. 2/5/25</p> <p>7 83 Video of Guidelines Horses Exposed to Wildfire</p> <p>8 Smoke. 2/5/25</p> <p>9 84 UC Davis Publication re Guidelines for Horses</p> <p>10 Exposed to Wildfire Smoke. 2/5/25</p> <p>11 85 Effects of Theatrical Smokes and Fogs. 2/5/25</p> <p>12 86 Wendy Atkinson Letter in Opposition. 2/5/25</p> <p>13 87 Aerial Photo A. 2/6/25</p> <p>14 88 Slide Photo D. 2/6/25</p> <p>15 89 Drinks Photo C. 2/6/25</p> <p>16 90 Polar Pub Photo C2. 2/6/25</p> <p>17 91 Light Photo F. 2/6/25</p> <p>18 92 Newspaper Photo G. 2/6/25</p> <p>19 93 Aerial Photo H1. 2/6/25</p> <p>20 94 Aerial Photo H2. 2/6/25</p> <p>21 95 YouTube Video – Winter Lights Traffic. 2/6/25</p> <p>22 96 YouTube Video – Outbuildings. 2/6/25</p> <p>23 97 Fall Signage 2024. 2/6/25</p> <p>24 98 October 18, 2024 Smoke 4 Photo. 2/6/25</p> <p>25</p>

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1	99 October 11, 2024 Photo Operating After 10 pm.	1	Examination of KEVIN McLAREN
2	2/6/25	2	By Mr. Barr 134
3	100 October 11, 2024 Photo Security Lighting after	3	By Ms. Owens 204
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7	102 October 26, 2024 Photo of Smoke 6. 2/6/25	7	
8	103 October 25, 2024 Photo of Smoke 5. 2/6/25	8	Examination of CARAGH FAY OWENS
9	104 October 19, 2024 Photo with Upward Light Sign.	9	By Mr. Barr 358
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13	106 November 18, 2024 Photo with Light Shining into	13	
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16	11pm 2/6/25	16	
17	108 December 7, 2024 Photo with cars parked on road	17	
18	shed 2/6/25	18	
19	109 December 18, 2024 Photo with non-downward	19	
20	lighting. 2/6/25	20	
21	110 December 7, 2024 Photo of Tour Busses. 2/6/25	21	
22	111 December 7, 2024 Photo of parking on front	22	
23	fields. 2/6/25	23	
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25	113 October Photo of Smoke. 2/6/25	25	
10		12	
1	114 YouTube 10/25/24 Video Leaving by Flashlight.	1	PROCEEDINGS
2	2/6/25	2	HEARING EXAMINER BYRNE: Good morning, everyone.
3	115 YouTube 10/18/24 Video Cars Exiting 11:12 pm.	3	My name is Kate Byrne, I'm the hearing examiner that's
4	2/6/25	4	been assigned this matter this morning.
5	116 YouTube 10/18/24 Road Noise. 2/6/25	5	We are here for Case Number S-2385, concerning
6	117 YouTube 10/12/24 Video Operating after 10 pm.	6	Olney Boys & Girls Club. There was originally a Special
7	2/6/25	7	Exception under the old code as approved by the Board of
8	118 YouTube 10/25/24 Video People Exiting in the	8	Appeals. This is a public hearing regarding the Request
9	Dark. 2/6/25	9	for Administrative Modification.
10	119 YouTube 10/26/24 Video Patrons Yelling/First	10	The Board of Appeals, pursuant to its
11	Responders 2/6/25	11	resolution effective September 18th, 2024, found that a
12		12	public hearing must be held regarding the Board's July
13	OPENING STATEMENTS	13	26, 2024 resolution to modify OBGC's Special Exception.
14	By Mr. Barr 25	14	Additionally, the Board referred the matter to
15	By Ms. Korson 43	15	OZAH for a public hearing for the inst -- issuance of a
16		16	recommendation to the Board pursuant to § 59-A-4.125(a)
17	Examination of BRAD SCOTT	17	of the 2004 Zoning Ordinance.
18	By Mr. Barr 49, 110	18	Because the Special Exception was issued prior
19	By Ms. Owens 79	19	to October 30th, 2014, it's reviewed under the old 2004
20		20	code, so those code numbers that I'm going to refer to
21	Statement of MATT QUINN 116	21	are going to be 2004 code numbers, just for reference.
22	By Ms. Korson 121	22	So as the hearing examiner, that means I will
23		23	listen to testimony, review evidence on the application
24	Statement of CAROLINE TAYLOR 126	24	pursuant to the standard evaluation set forth in
25	By Mr. Barr 130	25	59-G-1.3(c)(1).

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<p>13</p> <p>1 And the issue really before me is narrow. So 2 based on the evidence presented, I will make a 3 recommendation to the Board of Appeals on the action 4 taken by the Board on July 26th, 2024. Essentially to 5 determine whether the Administrative Modification 6 substantially alters the nature, character, and 7 intensity of the use or conditions originally granted. 8 Okay. So to kinda sum it up a little bit. Was 9 the Board correct in issuing the Administrative 10 Modification. 11 All right. This is a Zoom hearing, so we have 12 plenty of people here in-person, we have six to -- we 13 have sevenish -- 14 THE TECHNICIAN: Seven. 15 HEARING EXAMINER BYRNE: -- seven people. 16 THE TECHNICIAN: Eight. 17 HEARING EXAMINER BYRNE: -- eight people 18 participating by Zoom. 19 We have our court reporter here today. He will 20 be transcribing the entire event. This is not recorded 21 on Zoom. The only official transcript will be the one 22 that's generated by the court reporter. 23 We have our Zoom operator, Joey extraordinaire 24 here. Any exhibit that you want to refer to during 25 testimony, just let him know, he will pull it up, we can</p>	<p>15</p> <p>1 call them out for me? 2 THE TECHNICIAN: Yes. 3 HEARING EXAMINER BYRNE: And as -- as Joey calls 4 your name, if you could unmute and turn your camera on 5 so we can see you and make sure everything works. 6 THE TECHNICIAN: If I'll have chance to for the 7 gallery real quick actually. 8 HEARING EXAMINER BYRNE: Okay. That would be 9 great. 10 THE TECHNICIAN: Going down the list now. Could 11 Ms. Allison Myers please unmute and say your name and 12 spell it. 13 MS. MYERS: Good morning. I am Allison Myers. 14 A-L-L-I-S-O-N M-Y-E-R-S. I am an attorney with M-NCPPC. 15 I was just hoping to observe and not participate in 16 today's hearing. 17 HEARING EXAMINER BYRNE: Okay. So she's here to 18 observe. All right. Thank you, Ms. Myers. 19 THE TECHNICIAN: Next on the list we have a Ms. 20 Caroline Taylor, Caroline Taylor. 21 MS. TAYLOR: Thank you, good morning. Caroline 22 Taylor, C-A-R-O-L-I-N-E T-A-Y-L-O-R, on behalf of 23 Montgomery Countryside Alliance, and hope to provide 24 brief comment. 25 HEARING EXAMINER BYRNE: Okay.</p>
<p>14</p> <p>1 zoom in, we can zoom out, and do all of those fun 2 different things. There are also some videos that were 3 submitted. Just because there's been exhibit doesn't 4 mean you have to pull it up. Right? So we're going to 5 talk about exhibits. 6 We'll talk about those now, actually. Has 7 everybody had -- talked about this earlier -- an 8 opportunity to take a look at the exhibit list and the 9 exhibits online? 10 MR. BARR: Yes. 11 HEARING EXAMINER BYRNE: Are there any 12 objections to any of the exhibits? 13 MR. BARR: No, not from the Applicant. 14 HEARING EXAMINER BYRNE: All right. Then, 15 that's great. So at this point, I'm going to -- I'm 16 going to accept all exhibits into evidence. 17 So that means that you don't have to talk about 18 them or refer to them during the testimony. I have 19 those to look at, I have those to refer to, and they 20 will become our -- the record that gets sent back to the 21 Board of Appeals once I'm finished with my report and 22 recommendation. 23 Okay. So let's do some Zoom housekeeping. So 24 what I'd like to do now is we'll go to each person on 25 Zoom. I'd like you to as -- let's see. Joey, could you</p>	<p>16</p> <p>1 THE TECHNICIAN: Next on our list we have Mr. 2 Corey Talcott, Talcott. 3 MR. TALCOTT: Good morning. My name is Corey 4 Talcott, I'm with the Office of the County Attorney. 5 I'm the Chief of the Division of Zoning, Land Use, and 6 Economic Development. I'm here to observe only. 7 HEARING EXAMINER BYRNE: Okay. Thank you, Mr. 8 Talcott. 9 THE TECHNICIAN: Next person on the list is just 10 listed as iPhone with a telephone number. If you could 11 just say who you are, that would be -- that would be 12 great. 13 HEARING EXAMINER BYRNE: It's a 240 -- 14 MR. ATKINSON: Hello, hello. Yeah, this is -- 15 I'm sorry, this is TJ Atkinson. I'm having trouble. My 16 wife went in or she's hospitalized, we're in the 17 hospital room, so I don't want to use the camera. But 18 we're participating virtually here. 19 HEARING EXAMINER BYRNE: Okay. And Mr. 20 Atkinson, do you plan to testify today? 21 MR. ATKINSON: I submitted a letter. I'd like 22 to reserve the possibility of saying something if -- if 23 needed. 24 HEARING EXAMINER BYRNE: Okay. Thank you, sir. 25 MR. ATKINSON: Thank you.</p>

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<p>17</p> <p>1 THE TECHNICIAN: Thank you very much. Moving 2 right along. 3 We have a J. Colville, Colville? 4 MR. COLVILLE: Yes. This is Jeremy Colville. I 5 am observing only. I'm the Board Chair of Olney Boys & 6 Girls Club. 7 HEARING EXAMINER BYRNE: Okay. 8 THE TECHNICIAN: Moving on. Next person is Mike 9 Scheffel. 10 MR. SCHEFFEL: Good morning, everybody. Mike 11 Scheffel. M-I-K-E S-C-E-F-F-E-L. I'm with Montgomery 12 County Office of Agriculture. I'm here to observe only. 13 Thank you. 14 THE TECHNICIAN: Thank you. 15 Moving on. Stephanie Ferner. 16 MS. FERNER: Good morning. My name is 17 Stephanie, I'm here from the Office of County Attorney 18 just to observe. 19 HEARING EXAMINER BYRNE: Thank you. 20 THE TECHNICIAN: I think we have just somebody 21 here as TJ, and that would be it. 22 HEARING EXAMINER BYRNE: That was Mr. -- that 23 was Mr. Atkinson. So I think -- I think iPhone, if you 24 are calling in from a number 240620 is the start, if you 25 could unmute if you wish to testify.</p>	<p>19</p> <p>1 well. 2 THE TECHNICIAN: I'm happy to do it every time. 3 HEARING EXAMINER BYRNE: Thank you. 4 All right. So I think another elephant in the 5 room is the weather. What I'd like to do is just go, 6 right. So let's -- we're just going to go, and if 7 somebody needs a bathroom break, we can take a 10 or 8 15-minute bathroom break. I don't think public schools 9 have closed today or are closing early. I think 10 Community College said they were going to close at 1:00 11 I think that's the only thing that I've heard. So if 12 it's all right with everybody, let's just try to 13 continue, and hopefully we can wrap you today. All 14 right. 15 Okay. And for those of you who are 16 participating on Zoom, please note that the chat 17 function has been disabled, so those of you who wish to 18 speak, so when it comes to the Opposition time, Ms. 19 Taylor and Mr. Atkinson, we'll circle you in in turn. 20 Let's see. You -- no one can share screen 21 during this process. Again, Joey is here to pull up the 22 exhibits that we need to share. 23 Let's see. Other just housekeeping things is 24 try not to speak over each other. I will also try not 25 to speak over you all as well because it makes it really</p>
<p>18</p> <p>1 MR. ATKINSON: That's -- that's -- 2 HEARING EXAMINER BYRNE: Oh, that's you. Okay. 3 So you're in twice. Okay. Now -- 4 MR. ATKINSON: My wife is in on her phone too 5 so -- 6 HEARING EXAMINER BYRNE: Got it. 7 MR. ATKINSON: -- she's -- 8 HEARING EXAMINER BYRNE: I think -- I think 9 that's it. All right. Awesome. Thank you, sir. 10 So I think that that covers everyone. So we 11 only have Mr. Taylor and possibly Mr. Atkinson who will 12 be testifying via Zoom. 13 And a show of hands here how many people in the 14 gallery are planning on testifying? 15 1, 2, 3 4. Okay. All right. Sounds good. 16 THE TECHNICIAN: Just a little good 17 housekeeping. When you do come up to speak, see how the 18 microphone light is green, that means go. It's if it's 19 red, if it's off so when you come to speak, just make 20 sure you turn it on and off. 21 HEARING EXAMINER BYRNE: Thank you, Joey. 22 THE TECHNICIAN: Thank you. 23 HEARING EXAMINER BYRNE: I'm microphone impaired 24 personally so I completely understand on and off issue. 25 He has to remind me a lot of the times to do that as</p>	<p>20</p> <p>1 difficult for the court reporter to hear. 2 As far as order, everything that you say here 3 today will be under oath. You may be asked questions 4 about your testimony. I think the -- the best way to 5 handle this is -- well, actually, let me -- let me just 6 throw this out. I think after the pre-hearing 7 conference, we -- I asked if there was any kind of 8 organization to the Opposition. Is there any kind of 9 organization? Do you guys know who was going to speak 10 first? Do you have opening statements and closing 11 statements as well, or you just have an order of 12 testimony? 13 MS. KORSON: We have opening? 14 HEARING EXAMINER BYRNE: Okay. Excellent. Okay 15 all right. So we'll have opening statements from both 16 parties, so whoever the first person is that wishes to 17 give the opening and testify first, if they would like 18 to come up to the table, we can start there. I -- I'd 19 like for Applicant, OBGC, to go first to submit evidence 20 on regarding the Administrative Modification under the 21 coats. Then, how many -- how many witnesses do you 22 have, Mr. Barr? 23 MR. BARR: Good morning, Madam Hearing Examiner. 24 I'm Stuart Barr, with the law firm Lerch, Early & 25 Brewer, here representing the Applicant Olney Boys &</p>

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6 (21 to 24)

21	1 Girls Club. 2 This morning, I'm sure I will refer to our 3 client, Olney Boys & Girls Club, as either Olney Boys & 4 Girls Club, OBGC, or just the Club. 5 HEARING EXAMINER BYRNE: Okay. 6 MR. BARR: And I'm here with co-counsel, Peter 7 Ciferri, from McMillan Metro. I'll do most of the 8 talking -- 9 HEARING EXAMINER BYRNE: Okay. 10 MR. BARR: -- today. It's possible Mr. Ciferri 11 may jump in if -- if he needs to comment, but I expect 12 I'll do most of the talking. And we just have two 13 witnesses, two speakers, our client, Brad Scott, who is 14 the Executive Director of OBGC, and we also have Kevin 15 McLaren, Mr. McLaren with Steelhead Events. Steelhead 16 is the company that operates the two fundraising events 17 under a lease arrangement with OBGC. So there is a 18 distinction there between OBGC and Steelhead. 19 HEARING EXAMINER BYRNE: Okay. 20 MR. BARR: OBGC being the nonprofit 21 organization, the property owner, our client, and 22 Steelhead Events is the private company. When I use the 23 term, we, throughout the hearing today, I'm probably 24 referring to both -- 25 HEARING EXAMINER BYRNE: Okay.	23	1 handling opening and closing. 2 HEARING EXAMINER BYRNE: All right. Thank you. 3 I appropriate that. 4 MR. BARR: Just so I'm clear on the order, did 5 you say OBGC opening -- 6 HEARING EXAMINER BYRNE: Right. 7 MR. BARR: -- then -- 8 HEARING EXAMINER BYRNE: -- then -- 9 MR. BARR: -- opposition -- 10 HEARING EXAMINER BYRNE: Right. 11 MR. BARR: -- opening -- 12 HEARING EXAMINER BYRNE: And then -- 13 MR. BARR: -- then OBGC's speakers, and then, 14 opposing speakers or is that -- 15 HEARING EXAMINER BYRNE: Correct, that's it. 16 MR. BARR: Okay. 17 HEARING EXAMINER BYRNE: So halfway through, 18 halfway through the order. So opening -- 19 MR. BARR: Okay. 20 HEARING EXAMINER BYRNE: -- opening, speakers, 21 opportunity for cross-examination, speakers, opportunity 22 for cross-examination, OBGC as the Applicant has the 23 burden, right, so you guys could get the rebuttal. They 24 have the burden of showing that it was that the Board 25 should not have granted the Administrative Modification,
22	1 MR. BARR: -- OBGC and Steelhead, just for 2 simplicity, unless I note otherwise. But those -- 3 that's typically very collectively all of us. And I, 4 yeah, I would like to make an opening statement at the 5 appropriate time. 6 HEARING EXAMINER BYRNE: Okay. All right. And 7 I saw the collection of hands, so you guys are 8 organized, you do have your opening statement. All 9 right. 10 So -- so we'll do opening statements from both 11 parties. I'd like again OBGC to go first. Opposing 12 parties will proceed with their factual case. After the 13 completion of OBGC's case, we'll have an opportunity for 14 cross-examination. What I -- what I don't want us to 15 fall into is 20 people cross-examining the witnesses 16 asking the same questions. So that I would ask that 17 whatever the cross-examination is, again, it's a little 18 easier from OBGC's side because there's essentially, you 19 know, two lawyers who are asking questions, it's harder 20 sometimes when we have multiple individuals asking the 21 same question. So I would just ask that one or two 22 people ask those cross-examining questions and -- 23 MS. OWENS: I'll be doing cross -- 24 HEARING EXAMINER BYRNE: Cross-examination. 25 MS. OWENS: -- examination. Nikki will be	24	1 but as the Applicant, ultimately, that same question, so 2 you'll have the last word so you'll have rebuttal. 3 MR. BARR: Okay. And then, one clarification. 4 If -- 5 HEARING EXAMINER BYRNE: Sure. 6 MR. BARR: -- there are any, and I don't know if 7 there are or not, but if there are any speakers in 8 support of OBGC, when would you like those people? 9 HEARING EXAMINER BYRNE: They will come in 10 after. Like normally, I would -- it would be that kind 11 of other category would come in after the Applicant 12 after the Opposition -- 13 MR. BARR: Okay. 14 HEARING EXAMINER BYRNE: -- and then, other. So 15 we'll -- we'll -- 16 MR. BARR: Okay. 17 HEARING EXAMINER BYRNE: -- we'll do that. 18 MR. BARR: Okay. 19 HEARING EXAMINER BYRNE: There'll be like an 20 other opportunity. 21 MR. BARR: You'll tell us when. 22 HEARING EXAMINER BYRNE: I will. Hundred 23 percent, I will. 24 All right. And -- and another note, I noticed 25 yesterday in -- I didn't check our OZAH mailbox today,

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7 (25 to 28)

25	<p>1 but I noticed there were two letters of support for OBGC 2 that came in yesterday from community members, which I 3 will share with everyone. Sorry, just we're really 4 short-staffed and so I've had to learn how to upload 5 everything on the website, and I'm definitely not great 6 at it. So I will take those two letters essentially who 7 were that are in support, I will add them to the exhibit 8 list, and I'll share them with everyone. 9 All right. I haven't checked to today to see 10 if anything else has come in. 11 All right. And we have no objections to the 12 exhibits. 13 And just following up again, any report and 14 recommendation that I make will be based on that 15 criteria set forth in 59-G-1.3(c)(1). So all of that 16 testimony should be focused on that issue. 17 All right. Any other questions? 18 All right. I think we're good to go. All 19 right. Mr. Barr, Mr. Ciferri, if you'd like to start 20 with your opening. 21 MR. BARR: Thank you. And good morning. Again, 22 thank you, Madam Hearing Examiner for all the emails and 23 the coordination leading up -- 24 THE TECHNICIAN: (Inaudible.) 25 MR. BARR: Oh, thank you. Let's start over.</p>	27	<p>1 health, and teamwork. More succinctly, OBGC's mission 2 is to ensure that all children can enjoy sports. 3 Not surprisingly, as a nonprofit service 4 organization, OBGC depends at least to some degree on 5 fundraising, and in particular in years especially 6 during COVID, fundraising has been critical. 7 The hearing today will reflect that in 2002, a 8 seasonal fundraising event was created at the Club 9 during the Halloween season. It has ran each year since 10 then, and what is known today as the Field of Screams 11 seasonal fundraising event. I would say that throughout 12 the County in the month of October, you see a number of 13 different types of Halloween oriented community events. 14 Such as like haunted houses, fall festival, pumpkin 15 patches, corn mazes, hay rides, haunted trails, and so 16 forth are all popular during that time of year. For me 17 personally, my neighborhood does an Oktoberfest, for 18 example. 19 For the Olney community, it's Field of Screams, 20 a Halloween-oriented event that brings the local 21 community together to celebrate that time of year with 22 holiday theming, concessions, fire pits, games, a 23 haunted house, and a haunted trail through the woods 24 with actors and theming. In some years, it has won 25 awards for its quality. It has operated on a portion of</p>
26	<p>1 Thank you again, for all the emails and the 2 coordination leading up to today's hearing. Thank you 3 in advance for conducting the hearing today. And thank 4 you for the opportunity to provide this opening 5 statement, which I believe or I hope will explain some 6 of the context of this matter and build from the record 7 that has been created already, and hopefully will 8 preview what we expect to hear and what we expect to 9 happen at today's hearing. There is a lot of context 10 and background information with this matter and I 11 appreciate the time to go through it. 12 This matter concerns fundraising events, and in 13 particular two seasonal fundraising events located on 14 the Olney Boys & Girls Club property at 4501 Olney 15 Laytonsville Road in Olney. As the testimony today and 16 the record will reflect, OBGC purchased its property in 17 1999, a 118 acre property northwest of Olney Town Center 18 off Route 108, also Olney Laytonsville Road. 19 And the Board of Appeals approved OBGC as a 20 service organization special section use in 1999. For 21 the past 25 years, OBGC has conducted its underlying 22 operations on the property, with a mission of providing 23 children with safe after-school sports programs that 24 emphasize physical and emotional development, build 25 self-esteem and cultivate a lifelong interest in sports,</p>	28	<p>1 the property for over 20 years, and during some of those 2 years, it operated using portions of some of the 3 neighbors' properties. 4 As a fundraiser, it supports scholarships for 5 youth to participate in sporting activities, and beyond 6 the benefits to OBGC, it provides seasonal employment 7 and supports the broader Olney local business community. 8 Again, it's operated by a company called Steelhead under 9 lease arrangement with OBGC. And this past 2024 season, 10 the Field of Screams event ran for approximately 18 or so 11 evenings mostly during the month October. 12 In 2022, another seasonal fundraising event 13 with similar characteristics but with a different theme 14 was created at OBGC called Winter City Lights. And that 15 has operated each of the last three seasons essentially 16 during the month of December. 17 Again, you see these types of events with 18 holiday lights in the County and I imagine throughout 19 the country. For me personally, my family goes to 20 Seneca Creek State Park because that's up near where I 21 live. There's also like Brookside Gardens, for example, 22 with lights displays. I've been -- I've been there 23 multiple times. 24 But a lot of people just enjoy that type of 25 event that time of year. In Olney, Winter City Lights</p>

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<p>29</p> <p>1 provides that opportunity. Winter City Lights share 2 similar characteristics as Field of Screams, but with 3 some differences. It's located on the same portion of 4 the OBGC property as Field of Screams. In our 5 pre-hearing statement, Exhibit 59, we submitted a simple 6 aerial that reflects the general layout of both events. 7 The Winter City Lights fundraising event used 8 the same general layout as Field of Screams with holiday 9 theming, decoration, concessions, fire pits, games, and 10 a trail through the woods with light displays. Unlike 11 the Field of Screams event, Winter City Lights typically 12 begins and ends earlier than Field of Screams each 13 evening because it gets darker earlier in the winter, 14 because of the types of guests and the nature of the 15 event. Winter City is more of a family oriented event 16 with the younger children; whereas, Field of Screams is 17 aimed at older children and adults. Like the Field of 18 Screams event, the Winter City is an important 19 fundraiser for the Club, which also brings local 20 community to celebrate that type of year. 21 Today, while recognizing the concerns from some 22 of OBGC's neighbors, which we'll certainly discuss 23 today, generally speaking, OBGC is very proud of the 24 both events and the positive impacts they create 25 especially for youth scholarship. They are not run</p>	<p>31</p> <p>1 time and effort. 2 That said, anyone reading the record for this 3 hearing can tell that there is a lot of history here and 4 feelings about compliance and the approval process are 5 strong on both sides. We Olney Boys & Girls Club, and 6 Steelhead, acknowledge that in years past, not all 7 approvals have been obtained in a timely way, and the 8 overall effort has been complicated and taken far too 9 long. Notably, there was a multiyear effort with Park 10 and Planning to address Forest Conversation approvals, 11 for example, which took something like three years, far 12 longer than anyone anticipated. 13 Now, I'm sure some members of the community and 14 some County officials will say correctly that we created 15 the circumstances, and that is fair. Not in any way 16 intended as an excuse, but the OBGC fundraising events 17 were largely volunteer driven at least at the outset, 18 and mistakes were certainly made along the way. We are 19 definitely not trying to sweep that history under the 20 rug and ignore it. Quite the opposite. At this point, 21 we are working as hard as we possibly condition to 22 obtain all remaining approvals as quickly as possible. 23 Understanding and obtaining all necessary 24 approvals over the years in order to run the full events 25 has been a challenge. It's also been an expensive</p>
<p>30</p> <p>1 unless they are safe, well -organized, and professional, 2 and they've operated successfully over the years. It's 3 fair to say that, and I'm sure we'll discuss it today, 4 that the events have grown in popularity since their 5 inception. 6 A few years after Field of Screams started, it 7 became clear that OBGC could not manage the Field of 8 Screams event itself with its volunteers, so it leased 9 to a private company called Steelhead Events to operate. 10 As the hearing today will reflect, these are 11 elaborate events, they require lot of planning and 12 preparation, they are months in the making, they require 13 extensive arrangements with purchasing equipment, set up 14 employees, food and beverage purchasing, selling 15 tickets, and so forth. They also require a wide range 16 of various types of approvals. Multiple approvals from 17 multiple agencies, from the County and state agencies, 18 various licenses and permits, use and occupancy, 19 concessions, health inspector, fire marshal, and so on. 20 OBGC is committed to understanding and 21 obtaining all necessary approvals and operating the 22 events in full compliance. There's been a lot of work 23 over the past few years to obtain approvals from 24 Maryland National Capital Park and Planning Commission, 25 County and state agencies. This has taken significant</p>	<p>32</p> <p>1 process, but we are accountable for the overall cleanup 2 effort and for completing the remaining process. 3 As noted in the record, the District Court 4 Abatement Order was issued for the Field of Screams 5 event to reinforce that in order to operate the full 6 Field -- Field of Screams event, all the necessary 7 approvals are needed. Because of that order, the Field 8 of Screams event was modified this past 2024 season and 9 operated in a more limited fashion. And we can get into 10 the specifics of that if we need to during the hearing. 11 I also want to emphasize, and as the testimony 12 today will reflect, that out of all the necessary 13 approvals, the vast majority of approvals are in place 14 in order to run the full events, but not all approvals. 15 And I want to emphasize that each year, the State of 16 Maryland inspects the events for safety, and the events 17 would not operate without, in fact, being safe and 18 without the safety inspections. 19 So while a significant amount of progress has 20 been made over the years, there is still work to do, and 21 we are committed to completing that work. And this 22 hearing today is a very important step towards full 23 completion of all of the necessary approvals. 24 Which brings us to today. When it comes to the 25 Special Exception approval, or just using the general</p>

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<p>33</p> <p>1 term, zoning approval, these fundraising events have 2 been recognized previously in the Board of Appeals 3 Special Exception record at Exhibits 28, 31, 32, 36, 37, 4 38, 48, and 49. Collectively, those exhibits are the 5 three relevant Special Exception Modification Requests, 6 and Board of Appeals' approvals of those requests, and 7 the 2023 DPS inspection of the events, and Board of 8 Appeals reopening of the record in 2023 to accept that 9 inspection report.</p> <p>10 Taking them in chronological order, both in 11 2011 and 2019, Exhibits 28, 31, 32, and 36, OBGC 12 requested Special Exception Modification for the 13 seasonal fundraising events. The Board approved those 14 Modification Requests and notably, the Board also 15 specifically referred to the trail in the woods in its 16 June 4th, 2019 Special Exception Modification 17 Resolution.</p> <p>18 In 2023, Exhibits 37 and 38, the Department of 19 Permitting Services, I'll probably just use DPS, the 20 acronym, from hereon, conducted an inspection of the 21 fundraising events which referenced both Field of 22 Screams and Winter City Lights, and the Board reopened 23 Special Exception record to include that DPS inspection 24 report.</p> <p>25 HEARING EXAMINER BYRNE: I'm sorry, which one</p>	<p>35</p> <p>1 activities be clearly defined and limited. Phrases like 2 that.</p> <p>3 Also as reflected in some of the letters, some 4 of the neighbors, you know, wanted advanced notice of 5 Modification Request from OBGC for the neighbors' 6 information and so that they were aware, which is also 7 understandable. And we will certainly work on that 8 going forward.</p> <p>9 Again, I don't want to speak directly for DPS 10 because they're certainly here and can do so at this 11 hearing, but I think it's fair to say that DPS has 12 wanted more specific operational characteristics to be 13 included with the approvals. DPS is the enforcement arm 14 of Special Exception Approvals, and I imagine it's 15 challenging for them to understand and enforce without 16 knowing more specifically what they are enforcing.</p> <p>17 Just for some context of perhaps how we got to 18 this point. For this type of Special Exception 19 Approval, the nature of a Special Exception 20 Administrative Modification process is such that an 21 Applicant submits the request, the Board of Appeals 22 considers the request at a Board of Appeals work 23 session, often without advanced notice to neighboring 24 properties, property owners. And oftentimes, the Board 25 has a dialogue with the applicant concerning specific</p>
<p>34</p> <p>1 was that again?</p> <p>2 MR. BARR: 37, 38, the 2023 DPS inspection, and 3 then, the Board of Appeals --</p> <p>4 HEARING EXAMINER BYRNE: Okay.</p> <p>5 MR. BARR: -- reopening the record to accept the 6 inspection report.</p> <p>7 HEARING EXAMINER BYRNE: Okay.</p> <p>8 MR. BARR: 2024, last summer, this if Exhibit 9 48. OBGC submitted a Special Exception Modification 10 Request to the Board of Appeals, and the Board approved 11 that request, Exhibit 49, which was then suspended 12 because of the request for this hearing that we have 13 today. When these exhibits are taken together 14 collectively, it's clear that the fundraising events 15 were established in the Special Exception record and the 16 Board of Appeals approved them.</p> <p>17 At the same time, the approvals are short on 18 specifics. Without speaking for some of the neighbors 19 or County DPS, I think it's fair to say that the lack of 20 specifics has created some challenges. There is, 21 certainly when I read the letters, there is certainly a 22 theme running through many of the letters in opposition 23 with things like there they need to be specific, or it's 24 too big, or it needs limitations. And that's 25 understandable, those comments. Or phrases, we ask that</p>	<p>36</p> <p>1 questions and information to enable the Board to 2 understand the request and to make sure that the Board 3 is comfortable approving the Modification Request 4 administratively. The applicant's answers and 5 information provided in that dialogue with the Board is 6 binding but is often verbal. If the Board approves the 7 request, an approval resolution is sent. That 8 resolution does not necessarily always capture the 9 dialogue that the Board has with the applicant.</p> <p>10 In other words, even if the Board is 11 comfortable approving the Modification Request 12 administratively under that standard, the approval 13 resolution does not always reflect all the specifics as 14 to why, it does not always capture the information as 15 binding on the applicant.</p> <p>16 Which is why as we mentioned in our pre-hearing 17 statement for today's hearing, in light of the neighbor 18 responses contained in Exhibit 50 and the other letters 19 leading up to today's hearing, and in light of DPS 20 asking for specifics, we are prepared to discuss 21 specific operational characteristics with the events, 22 which can then be integrated into the Special Exception 23 record going forward. We think this is an appropriate 24 thing to do.</p> <p>25 Back to the specific request from last summer,</p>

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<p>37</p> <p>1 2024, which is Exhibit 48, and it's the subject of this 2 hearing. OBGC submitted a Special Exception 3 Modification Request to the Board of Appeals. The 4 request was submitted for two main reasons and concerned 5 two main items. First, OBGC and Maryland National 6 Capital Parking and Permitting Planning Commission 7 Planning Department, worked collaboratively over a 8 significant period of time to amend Forest Conservation 9 Easements and the Forest Conservation Plans for the 10 property. That was a multiyear process. Those plans 11 that resulted specifically identified the locations of 12 the trails structures located in the woods. About 29 or 13 so structures. 14 Even though the Board of Appeals knew about the 15 trail previously as reflected in its Special Exception 16 record, it does not appear that the Special Exception 17 record included a plan with the specific footprints of 18 the trail structures identified. Given the completion 19 of Forest Conservation Easement process, and with the 20 trail structures specifically identified at that point, 21 it made sense to submit that plan into the Board of 22 Appeals records. And that plan is attached to Exhibit 23 48. And -- let's see. What is this? 24 HEARING EXAMINER BYRNE: You want him to pull up 25 anything, you --</p>	<p>39</p> <p>1 understanding is that DPS wanted confirmation or 2 clarification from the Board of Appeals on operating the 3 events. 4 Again, the Board's approval of that request was 5 not surprising and was correct because these were not 6 new requests. These events operated for many years 7 previously, and the Board of Appeals recognized these 8 events in prior approvals. 9 Again, prior to the summer -- prior to summer 10 2024, the modification request fundraising events had 11 existed on the OBGC property for many years. These were 12 not new proposals for new fundraising activities. 13 Fundraising events were previously established in the 14 Special Exception approval under prior Board of Appeals 15 resolution, at least to some degree, and because of the 16 prior request in 2011 and 2019, when the Board 17 considered the Modification Request last summer in 2024, 18 based on the Special Exception record, it was the third 19 the Board of Appeals considered structures in connection 20 with fundraising events. 21 Given that it was the third time the Board of 22 Appeals considered fundraising events, it was not 23 surprising that the Board of Appeals approved the 24 modification request under the Administrative 25 Modification standard.</p>
<p>38</p> <p>1 MR. BARR: It's okay. 2 HEARING EXAMINER BYRNE: Okay. 3 MR. BARR: Additionally, DPS generally requires 4 a Board of Appeals approved plan with building 5 footprints prior to issuing building permits, and DPS 6 made it clear to OBGC that DPS would not finalize 7 building permits for the trail structures until that 8 happened first. 9 Not surprisingly, given that the Special 10 Exception record previously acknowledged the trail, and 11 given that the trail structures that were ultimately 12 small, given that many, if not most, of the trail 13 structures had existed for many years, and many, if not 14 most are tucked into woods, and given that the Forest 15 Conservation Plan process approved the specific 16 locations, the Board of Appeals added that plan into the 17 Special Exception record. And for those reasons, the 18 Board of Appeals' approval was correct under the 19 Administrative Modification standard. 20 The second purpose of the December 2024 21 modification request is a general request for approval 22 of fundraising activities, and essentially a request to 23 clarify fundraising events under the originally granted 24 Special Exception. Even though fundraising events 25 operated on the property previously for many years, our</p>	<p>40</p> <p>1 Additionally, in its approval, the Board noted, 2 we believe correctly, that fundraising events are 3 generally associated with nonprofit organizations, and 4 in particular with this type of Special Exception used 5 as a service organization, we think that's generally 6 known and understood. And related to that, we submitted 7 Exhibit 60 into the record, which is just simply a 8 checklist for starting a nonprofit organization in 9 Maryland, which reflects as one of the checklist items 10 that nonprofits need to develop a fundraising plan 11 simply to reflect that fundraising events is generally 12 expected of a nonprofit organization. 13 Now, does that mean that in furtherance of 14 fundraising, nonprofit organizations can do whatever 15 they want, whenever they want, as long as they call it 16 fundraising? No, of course not. 17 As we're all aware, after the Board of Appeals' 18 approval, a handful of OBGC neighbors submitted the 19 letters that are reflected in Exhibit 50. Obviously, we 20 read those letters very carefully, we take those letters 21 very seriously, and those letters were helpful to 22 further inform the OBGC and Steelhead about concerns 23 about the events when they were planning on operating 24 the 2024 events. 25 The 2024 events are now over, we are looking</p>

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11 (41 to 44)

<p>41</p> <p>1 ahead to 2025 events, and we have an opportunity now 2 with this hearing and going forward to establish 3 reasonable parameters in the Special Exception record. 4 During our presentation today, we will explain 5 further background information on how the fundraising 6 events are conducted. And again, in light of the 7 neighbor responses and -- and DPS asking for specifics, 8 we are prepared to discuss operational characteristics. 9 At the end of this hearing, we believe the 10 record will reflect that the Board of Appeals correctly 11 approved the 2024 Special Exception Modification 12 Request. But at the same time, that approval can be 13 enhanced with additional information that can be helpful 14 to everyone going forward. 15 So that's a long way of saying that we welcome 16 this public hearing today. This hearing is an 17 opportunity to continue to hear from our neighbors about 18 what is the positive about the events and what needs to 19 be improved, and perhaps to identify ways to improve 20 communication going forward. Our testimony will reflect 21 that we believe the events have improved operationally 22 over the past few years, but we certainly recognize that 23 there is ample room for improvement. 24 Unless there are any questions, I thank you for 25 the time and the opportunity to present this opening</p>	<p>43</p> <p>1 MS. KORSON: We are. Thank you, Hearing 2 Examiner. 3 HEARING EXAMINER BYRNE: Sure. 4 MS. KORSON: So my name is Nikki Korson, I'm one 5 of the neighbors to this property and -- yeah, green 6 button. 7 MR. ATKINSON: I'm sorry, we can't hear 8 anything. 9 HEARING EXAMINER BYRNE: She just -- 10 MS. KORSON: Hi, TJ, I just turned my microphone 11 on. 12 THE TECHNICIAN: She forgot to press her 13 microphone -- 14 MR. ATKINSON: Okay. Thank you. And we also 15 can't hear clearly Examiner Byrne after Mr. Barr 16 finished his opening statement. 17 HEARING EXAMINER BYRNE: Sorry about that. I'm 18 also microphone challenged. And it -- 19 THE COURT: I'm not going to interrupt you. 20 HEARING EXAMINER BYRNE: I really appreciate 21 that. Joey, go ahead and continue -- 22 MR. BARR: The thing is the red light sometimes 23 suggests that it's on versus no light. 24 HEARING EXAMINER BYRNE: Right, and this where 25 our hearing room is set up in opposite to the council</p>
<p>42</p> <p>1 statement. 2 HEARING EXAMINER BYRNE: I think I have a couple 3 questions, and maybe it will be covered in testimony. 4 When did Steelhead Production take over the operation of 5 the Field of Screams? 6 MR. BARR: Approximately 2011. 7 HEARING EXAMINER BYRNE: Okay. And are you 8 going to talk about the status of the approvals, what's 9 still pending, what's been approved as far as permitting 10 goes -- 11 MR. BARR: We certainly can. 12 HEARING EXAMINER BYRNE: -- with your witnesses? 13 MR. BARR: We certainly can in direct. Uh-hum. 14 HEARING EXAMINER BYRNE: Yeah. So if you could 15 kind of give me that -- that where you stand, where does 16 it stand now. 17 MR. BARR: Sure. 18 HEARING EXAMINER BYRNE: As far as what's been 19 approved, what's outstanding, and what's required. 20 MR. BARR: We will. 21 HEARING EXAMINER BYRNE: Okay. And yeah, so all 22 right. That that -- I think that covered that for what 23 I have for that. 24 All right. Thank you. 25 You guys are ready for your opening?</p>	<p>44</p> <p>1 hearing room, so the council hearing room, the red light 2 is on, it means you're speaking. 3 MR. BARR: Yeah. 4 HEARING EXAMINER BYRNE: So it would be easy if 5 everything worked the same, right, but it just doesn't 6 work that way, so I do apologize. 7 Mr. Atkinson, basically, I asked when Steelhead 8 took over operations, Mr. Barr said 2011, and then, I 9 asked for status of approvals, and they were going to 10 get into that during their direct testimony. And that 11 was it. 12 Okay. So now I'm going to turn my light off, 13 Joey, you know, stay on me. 14 THE TECHNICIAN: Yes, ma'am. 15 HEARING EXAMINER BYRNE: All right. Thank you. 16 THE TECHNICIAN: Got it. 17 MS. KORSON: Okay. Thank you, Hearing Examiner 18 Byrne. My name is Nikki Korson, I'm one of the 19 neighbors to this property. And at the direct request 20 of this tribunal, we've, as a community, tried to 21 aggregate our thoughts and concerns into the -- the form 22 of this opening, future testimony, and cross. I'm 23 reticent to speak on behalf of others, but at the same 24 time we appreciate that we can't be here all day. 25 So having said that, before we get started,</p>

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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 there are a few abbreviations that we'll probably use 2 throughout the day consistent with our testimony. So 3 the Agricultural Reserve or Agricultural Zoning, we will 4 refer to as AG; the Department of Permitting Services 5 Building, we will refer to as DPS; and the Department 6 of Permitting Zoning Division, we'll just refer to as 7 Zoning, just to differentiate those two agencies. 8 So first and foremost, thank you for the 9 opportunity to talk about our community's concerns with 10 respect to the June 25th request to administratively 11 modify the existing Special Exception. I think we can 12 say that those in opposition to this are a series of 13 neighbors that compromise adjoining, abutting, and 14 adjacent property owners, in addition to a historic and 15 well-informed community association. Some of the 16 neighbors here predate the inception of this 17 organization, have lived in their homes well before OBGC 18 was established and/or the Special Exception. So the 19 ever expanding operations that's at issue here is 20 something that has come over a slow period of time and 21 has been a growing point of frustration for many people 22 in our Olney community. 23 It should be noted that the neighbors that have 24 aggregated here are part of the Olney community. When 25 counsel and/or OBGC articulate the perception and the</p>	<p style="text-align: right;">47</p> <p>1 The Field of Screams was formed 15, 20 years 2 ago. It's kind of hard to tell because the organization 3 was so small at that time, it was really materialized in 4 the form of a neighborhood hay ride that catered mostly 5 to the local community. The chair of OBGC at that time 6 spun this organization off into a for-profit entity, 7 from its nonprofit role into a for-profit entity, and 8 has been providing a percentage of sales via a lease 9 agreement to this nonprofit in some form, shape or form 10 since the inception. 11 Winter City Lights was also an event that spun 12 out of Steelhead Productions. The same for-profit 13 entity that's operating under a lease agreement on this 14 property. They began about three years ago in the 15 throes of this frustration that was growing and rising, 16 and was communicated with -- with visceral consistency 17 to them. The organization has a history of 18 noncompliance, arguably intentional, taking in requests 19 forgiveness versus approval stand on all basically 20 majors of approval throughout County agencies. 21 Our community has taken a significant amount of 22 time, resource, and energy to bring all of ourselves up 23 to legal snuff to understand the complexity of this 24 process in order to present a compelling record and 25 history to this tribunal in order to engage all the</p>
<p style="text-align: right;">46</p> <p>1 reverence for their organization by the quote, Olney 2 community, they ignore the sentiments clearly expressed 3 by this constituency, both directly to them and to other 4 agencies within the County. And it underscores the 5 theme of ignoring opposition to their operation in 6 general. 7 I think can confidently state at all neighbors 8 on record in opposition are supportive of OBGC's 9 sporting organizations, sporting use, and have no issue 10 with supporting local Olney sports. Issues raised and 11 presented by this group are in opposition to the 12 ever-expanding scope and rising intensity of operations 13 driven by events on their property like Field of 14 Screams, Winter City Lights, Cropdusters Baseball, the 15 Halloween Havoc, Lacrosse Regional Tournament, and any 16 other regionally advertised tourism and tournament 17 related events. 18 Most of our legacy neighbors are contributing 19 members of Montgomery County, some of which contribute 20 to the agricultural community, and are not legal 21 specialists, or do not have legal resources to 22 understand the labyrinth of County agencies' approval 23 and unique court systems who must be involved to bring 24 this organization into compliance. So this has created 25 an environment of growing frustration.</p>	<p style="text-align: right;">48</p> <p>1 appropriate County approval processes. Our testimony 2 today will reflect a reverence and expectation that this 3 decision will be reached while considering the value and 4 integrity of the AR Zone, the Olney Master Plan and 5 Agricultural Reserve Master Plan, the governance of TDR 6 or Transfer Development Easements, as well as overview 7 the obvious and apparent overstretch and mission creep 8 associated with this Special Exception. 9 We believe that administrative modification is 10 inappropriate. The variance here has a forum which 11 would be in the form of an expanded operation asking for 12 a major modification before the appropriate tribunal. 13 Our ask for this group is to appreciate the complexity 14 of this ask and engage the major modification process. 15 If that can't be considered, we are prepared to 16 illustrate the impropriety of this expansion and the 17 operation given its disregard for law, compliance, 18 safety, wellness, community welfare, and most 19 importantly, the clear expansion of scope and intensity. 20 We are in direct opposition to the June 25th 21 request for modification, and our ask is that all 22 nonsporting events be shut down regardless if for 23 fundraising or not. Thank you. 24 HEARING EXAMINER BYRNE: Okay. Thank you. 25 Mr. Barr, if you'd like to call your first</p>

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13 (49 to 52)

<p>49</p> <p>1 witness. I think it might be easier if -- you guys have 2 a chair there? Okay. 3 THE TECHNICIAN: Kathleen (inaudible) -- 4 HEARING EXAMINER BYRNE: Damn. All right. So 5 I'm turning -- turning my microphone back on. All 6 right. So all right. Excellent. And we have to use 7 that microphone there as well. 8 MR. BARR: My first speaker is Executive 9 Director Brad Scott. 10 HEARING EXAMINER BYRNE: Mr. Scott, could you 11 raise your right hand for me. 12 Whereupon, 13 BRAD SCOTT, 14 being first duly sworn or affirmed to testify to the 15 truth, the whole truth, and nothing but the truth, was 16 examined and testified as follows: 17 HEARING EXAMINER BYRNE: And could you spell 18 your first and last name for the court reporter. 19 THE WITNESS: B-R-A-D S-C-O-T-T. 20 HEARING EXAMINER BYRNE: Thank you. 21 THE WITNESS: Yes. 22 EXAMINATION BY COUNSEL FOR THE APPLICANT: 23 BY MR. BARR: 24 Q And what is your professional address? 25 A P.O. Box 2, Olney, Maryland 20830.</p>	<p>51</p> <p>1 Q Generally describe the property? 2 MR. BARR: And if you want, if it's helpful, I'm 3 showing Mr. Scott the attachment to Exhibit 59, the 4 Applicant's Pre-Hearing Statement, which is just an 5 aerial which has notes about the fundraising events, but 6 it also can be used to just describe the property to 7 orient everyone about the OBGC. 8 A So we have seven -- 9 HEARING EXAMINER BYRNE: You can scroll down, 10 Joey. 11 A So we have seven different sports field, we 12 have soccer, Lacrosse, football games on those fields. 13 We have five baseball and softball fields. So that's 14 kind of primarily the field space that we use for our 15 games and practices. 16 MR. BARR: One more down, please. There. 17 Q So does -- does this accurately depict at least 18 a portion of the OBGC property and the layout of the 19 fundraising events? 20 A It does. 21 Q Let's talk about fundraising in general at 22 OBGC, just broad stroke, and then, we'll get to the 23 specific events. 24 A So it's a nonprofit organization. Obviously, 25 we have to fundraise in order to, you know, make things</p>
<p>50</p> <p>1 Q And your title and occupation? 2 A I'm the executive and athletic director of 3 Olney Boys & Girls Club. 4 Q How long have you been with Olney Boys & Girls 5 Club? 6 A I started at Olney Boys & Girls Club in 2017, 7 ran all the sports programs, and then, in 2021, middle 8 of 2021, became the executive director on top of running 9 the sports programs. 10 Q What is OBGC just generally? 11 A OBGC is a nonprofit sports organization that 12 has house travel, lots of different teams, sports, 13 football, baseball, Lacrosse, soccer, and mostly serving 14 the Olney community. 15 Q What's the mission of OBGC? 16 A Basically we provide after-school programs, 17 after-school sports programs, for kids in the area, and 18 emphasize emotional and physical development, and then, 19 hopefully instill a lifelong love of sports. 20 Q What are OBGC's underlying operations? Beyond 21 what you just said, if there is any additional? Running 22 sports? 23 A Running sports. I mean, we have, you know, 24 games and practices, and sports and teams, and I mean, 25 different events.</p>	<p>52</p> <p>1 work. It's -- it's evolved over the years. I took over 2 at OBGC as a director in 2021. It was a -- it was a 3 pretty difficult time coming off of COVID financially. 4 At those points, the event, the fundraising events that 5 we specifically ran kind of kept the doors open. 6 Over the -- over the last couple of years, 7 we've done a lot better, we've gotten additional 8 sponsorship revenue coming in, we've had a good number 9 of participants in our sports, so now we're able to kind 10 of funnel all of that money into our scholarship 11 program. And then, obviously, you know, we are taking 12 care of these issues and the expenses that are -- that 13 are coming along with this, but we also like to be able 14 to improve the park, improve the facilities with the 15 money that we get from the fundraising events. 16 Q When you joined OBGC, was fundraising a part 17 the of organization at that time? 18 A It was, yes. 19 Q And what -- do you need fundraising in some 20 form or another to continue to operate? 21 A So our scholarship program is a hundred percent 22 reliant on the fundraising events that we run. We 23 typically give 45 to \$75,000 a year in different 24 scholarships to kids that otherwise wouldn't be able to 25 play. So that would be a huge, you know, impact with</p>

<p>53</p> <p>1 the -- with the events potentially not happening.</p> <p>2 Q Okay. So you mentioned your youth scholarship</p> <p>3 program. Is there anything else you want to add about</p> <p>4 how that works or who that serves?</p> <p>5 A It's need based, so basically you would qualify</p> <p>6 for scholarship in OBGC if you're on the free or reduced</p> <p>7 lunch program, then you're eligible to get a scholarship</p> <p>8 with us.</p> <p>9 Q How does fundraising support the mission and</p> <p>10 scholarship program? Well, we've pretty much covered</p> <p>11 that, but is there anything else you want to add about</p> <p>12 how the fundraising --</p> <p>13 A No, I just -- I just think at the end of the</p> <p>14 day, we don't want anybody to be left out from being</p> <p>15 able to play.</p> <p>16 Q Are Field of Screams and Winter City Lights</p> <p>17 your two primary fundraising events?</p> <p>18 A They are.</p> <p>19 Q And for those two events, Field of Screams and</p> <p>20 Winter City Lights, does OBGC have a lease arrangement</p> <p>21 with the operator?</p> <p>22 A We do.</p> <p>23 Q And the question was asked about when that</p> <p>24 operator was brought on, and I said 2011. Is that</p> <p>25 correct?</p>	<p>55</p> <p>1 coach. So that the event, it became difficult to run</p> <p>2 the event with a lack of volunteers. So in order to</p> <p>3 ensure that the fund -- the money would continue to come</p> <p>4 in fundraising-wise, the events were basically</p> <p>5 outsourced so that we could have a company run it on our</p> <p>6 behalf and ensure that the events could continue with</p> <p>7 lack of volunteers.</p> <p>8 Q Turning to Field of Screams, are you familiar</p> <p>9 with the location and operation of the Field of Screams</p> <p>10 event?</p> <p>11 A I am.</p> <p>12 Q Have you personally attended Field of Screams?</p> <p>13 A I have.</p> <p>14 Q Generally speaking, how would you describe the</p> <p>15 Field of Screams seasonal fundraising event if you want</p> <p>16 to use again the attachment to 59, Exhibit 59.</p> <p>17 A Yeah, so there is an area when you first arrive</p> <p>18 on site that there is -- there's bonfires, there's</p> <p>19 concessions, people kind of gather, they roast a s'more,</p> <p>20 have concessions. And then, there's the trail that you</p> <p>21 walk through, along with a -- and there's also in that</p> <p>22 maiden area, there's also a haunted house. And then,</p> <p>23 there's a trail that you walk through that has various</p> <p>24 structures on the trail. Houses, scare -- people jump</p> <p>25 out and scare you. It's, you know, it's a Halloween</p>
<p>54</p> <p>1 A I believe it was, it predates me being in the</p> <p>2 organization, but 2011 is the date that I believe that</p> <p>3 occurred.</p> <p>4 Q Okay. So is it fair to say that Steelhead</p> <p>5 Events operates the events, but does OBGC certainly have</p> <p>6 involvement and -- and monitors how they are operating?</p> <p>7 A Yeah, we are in contact, especially over the</p> <p>8 last couple years as I've gotten there and you know,</p> <p>9 changed some of the relationship aspect between</p> <p>10 Steelhead and OBGC. So we're in contact on what's</p> <p>11 happening and where we are with different approvals,</p> <p>12 where we are with statuses for the events, you know,</p> <p>13 what it's looking like in terms of weather. So Kevin,</p> <p>14 Dan, and I are in contact about a lot of that stuff.</p> <p>15 Q And Kevin is Kevin McLaren, and the Dan is Dan</p> <p>16 Dan --</p> <p>17 A Dionisio.</p> <p>18 Q -- Dionisio?</p> <p>19 A Yeah.</p> <p>20 Q What -- I know it predated your involvement</p> <p>21 with OBGC, but what is your understanding of why</p> <p>22 Steelhead was brought on to run the events?</p> <p>23 A It was my understanding that it became, and</p> <p>24 I've experienced this as well, it's become tougher and</p> <p>25 tougher to get volunteers into the organization even to</p>	<p>56</p> <p>1 type event.</p> <p>2 Q Is it generally run in October?</p> <p>3 A It is typically run in October.</p> <p>4 Q And what's your understanding of the general</p> <p>5 history of the creation and the evolution?</p> <p>6 A So my understanding was that the event was</p> <p>7 created back all the way in 2002 on some level to</p> <p>8 fundraise. I believe when the park opened, we got -- we</p> <p>9 had some County money in order to kind of start the park</p> <p>10 up, but we were told by the County Executive at that</p> <p>11 point, you know, you guys have to go out and drive in</p> <p>12 the money you need to run the organization from here.</p> <p>13 So they went out and created this as one of the</p> <p>14 fundraisers to help -- to help do that.</p> <p>15 At one point, I understand that we used</p> <p>16 adjoining property owners' property for a hay ride for a</p> <p>17 number of years, I'm not sure exactly how many, but we</p> <p>18 did partner with some of the neighbors at some points on</p> <p>19 a hay ride that took place I think over about six acres</p> <p>20 of land, and kind of worked together on some level at</p> <p>21 that point.</p> <p>22 But that's kind of what -- and then, and then,</p> <p>23 you know, we've kind of moved forward as we are today.</p> <p>24 So that's kind of how the event has kind of evolved.</p> <p>25 HEARING EXAMINER BYRNE: So quick question. So</p>

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15 (57 to 60)

<p>57</p> <p>1 let's go 2023. When -- when does Field of Screams open?</p> <p>2 When did it open? When was like the first weekend?</p> <p>3 THE WITNESS: It was either the very end of</p> <p>4 September or the first weekend in October --</p> <p>5 HEARING EXAMINER BYRNE: Okay.</p> <p>6 THE WITNESS: -- in all likelihood.</p> <p>7 HEARING EXAMINER BYRNE: And is it a daily event</p> <p>8 or is it --</p> <p>9 THE WITNESS: It's --</p> <p>10 HEARING EXAMINER BYRNE: -- like Thursday,</p> <p>11 Friday, Saturday, Sunday?</p> <p>12 THE WITNESS: -- it's typically run -- I'm</p> <p>13 sorry. It's typically run like Friday, Saturday, Sunday</p> <p>14 early in the season, and then, it picks up like a</p> <p>15 Thursday as it goes along.</p> <p>16 HEARING EXAMINER BYRNE: Okay. And is it</p> <p>17 routinely over after like the -- like is October 31st</p> <p>18 your last day.</p> <p>19 THE WITNESS: Typically, it ends around the</p> <p>20 31st. Depending if there's ever some rain or things</p> <p>21 like that that come along that cancel some days, it</p> <p>22 could go into like a weekend. If it fell like November</p> <p>23 1st, it may run in over a weekend there too.</p> <p>24 HEARING EXAMINER BYRNE: Okay. Thank you.</p> <p>25 THE WITNESS: Yeah.</p>	<p>59</p> <p>1 need examples of those.</p> <p>2 HEARING EXAMINER BYRNE: Approximately how many</p> <p>3 structures would you say?</p> <p>4 THE WITNESS: If you're talking specific</p> <p>5 buildings, like it's all termed when you're saying</p> <p>6 there's 29 structures in the wood, that counts like</p> <p>7 decorated buildings that you walk by, but it also counts</p> <p>8 the actual buildings you walk into. Mr. McLaren will</p> <p>9 probably be the best --</p> <p>10 HEARING EXAMINER BYRNE: Okay.</p> <p>11 THE WITNESS: -- to describe exactly what is of</p> <p>12 each one along the trail.</p> <p>13 HEARING EXAMINER BYRNE: Okay. I'll -- I'll</p> <p>14 wait and ask --</p> <p>15 Q Does that --</p> <p>16 HEARING EXAMINER BYRNE: -- him these --</p> <p>17 Q -- and that includes --</p> <p>18 HEARING EXAMINER BYRNE: -- specific --</p> <p>19 Q -- bridges too, correct.</p> <p>20 A Correct. Steps, bridges.</p> <p>21 Q Approximately 29.</p> <p>22 HEARING EXAMINER BYRNE: Okay.</p> <p>23 Q And to your knowledge, how long have those</p> <p>24 trail structures existed?</p> <p>25 A I believe a lot of them have been in place for</p>
<p>58</p> <p>1 Q And would you say that throughout the years,</p> <p>2 the average number of evenings Field of Screams has</p> <p>3 operated is how many?</p> <p>4 A 18ish.</p> <p>5 Q Okay. So Field of Screams ran this past 2024</p> <p>6 season. How would you characterize how the event</p> <p>7 operated this past season?</p> <p>8 A So the event was run this year on a lot limited</p> <p>9 basis as a lot of the structures were actually closed,</p> <p>10 the buildings were closed so that we could follow the</p> <p>11 abatement order that was in place. It was safe. There</p> <p>12 was no issues. We did get hammered on some of the</p> <p>13 reviews because of the buildings and were closed</p> <p>14 throughout the season, so people weren't happy about</p> <p>15 that.</p> <p>16 Q The structures along the trail through the</p> <p>17 woods that are used for the fundraising events,</p> <p>18 generally describe those?</p> <p>19 A Special amusement buildings, decorations props.</p> <p>20 Some of the structures are walkthroughs. Some guests</p> <p>21 walk next to them. They are within the woods. Some of</p> <p>22 them are small, some of them are a little larger. Some</p> <p>23 of them are shed like structures.</p> <p>24 MR. BARR: And I think, Madam Hearing Examiner,</p> <p>25 there are probably photos in the -- in the record if you</p>	<p>60</p> <p>1 20 years at this -- between 15 and 20 years at this</p> <p>2 point.</p> <p>3 Q And are you asking -- is OBGC asking for those</p> <p>4 specific trails structure locations as reflected in the</p> <p>5 plan in Exhibit 48 to be added to the Special Exception</p> <p>6 Approval?</p> <p>7 A We would like to have those buildings approved</p> <p>8 and added into the Special Exception.</p> <p>9 Q Was there a Forest Conservation Plan processed</p> <p>10 that OBGC went through that identified the specific</p> <p>11 locations?</p> <p>12 A They did. We did.</p> <p>13 Q Okay. The closest residential neighbors, let's</p> <p>14 -- let's just focus on Brookeville Road, approximately</p> <p>15 where are those neighbors in relation to operating the</p> <p>16 two fundraising events?</p> <p>17 A The actual homes I believe are roughly 2,000</p> <p>18 feet away.</p> <p>19 Q And I'm going to show you another attachment to</p> <p>20 Applicant's Prehearing Statement, the one right above</p> <p>21 where you are on the screen. There we go. To your</p> <p>22 knowledge, does -- does this aerial reflect correctly</p> <p>23 approximate distances from that particular point on the</p> <p>24 OBGC property to some of the closest neighbors on</p> <p>25 Brookeville Road?</p>

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16 (61 to 64)

<p>61</p> <p>1 A To my knowledge, yes, it does.</p> <p>2 Q Okay. Talk about your relationships with some</p> <p>3 of the neighbors. Have you gotten to know them over the</p> <p>4 years?</p> <p>5 A Yes. So when we went for a modification to the</p> <p>6 -- into lights with our baseball field, I met the Smiths</p> <p>7 and Atkinsons, and -- and you know, met with them and</p> <p>8 talked through some of the concerns and issues that at</p> <p>9 that point mostly focused on the fundraising events. We</p> <p>10 actually worked through with Mr. and Mrs. Korson on the</p> <p>11 Cropdusters Baseball Team. Mrs. -- Mr. Korson was the</p> <p>12 president of the Cropdusters when it formed, and</p> <p>13 approached me about working together on having a team in</p> <p>14 Olney, which we did for a couple of years. Tony left</p> <p>15 the Board.</p> <p>16 Q Tony Korson?</p> <p>17 A Tony Korson left the Board and turned the</p> <p>18 organization over to the Olney Boys & Girls Club at the</p> <p>19 end of the '23 season before it went into the '24</p> <p>20 season.</p> <p>21 MR. BARR: And would it be helpful to for Mr.</p> <p>22 Scott to briefly explain what Cropdusters is or does</p> <p>23 that --</p> <p>24 HEARING EXAMINER BYRNE: No, that's okay.</p> <p>25 Is it a -- is it a wood bat league?</p>	<p>63</p> <p>1 concern from the Atkinsons, like typ -- or the Smiths, I</p> <p>2 typically get like an email from them that I try to</p> <p>3 respond to within a few hours. Ms. Owens has my phone</p> <p>4 number, and we've corresponded up till 11:30, 12 o'clock</p> <p>5 at night about some different issues. So you know, I</p> <p>6 try to be as responsive as I could via email with some</p> <p>7 and via phone with others.</p> <p>8 Q Are you generally aware of some of the -- I'll</p> <p>9 use the term, improvements or modifications, not in the</p> <p>10 Special Exception sense, but adjustments to the events</p> <p>11 that Steelhead has conducted over the years to try to be</p> <p>12 responsive to concerns?</p> <p>13 A I have. Steelhead has done a number of</p> <p>14 different things to try to alleviate everything from</p> <p>15 traffic flow to people at the park at one time. We have</p> <p>16 spaced out ticket entry times. Closing timely in a</p> <p>17 timely manner. We have eliminated chainsaws. We got</p> <p>18 feedback from the -- from the Atkinsons and Smiths</p> <p>19 during the meeting I referenced before that they had</p> <p>20 concerns about the chainsaws, so we had removed those.</p> <p>21 We've had small scale fire pits to reduce smoke. And</p> <p>22 then, we tried to put additional signage into the park</p> <p>23 to include to help with traffic flow so people could get</p> <p>24 in and out of the facility quicker rather than backing</p> <p>25 up the driveway coming in.</p>
<p>62</p> <p>1 THE WITNESS: It's a collegiate baseball --</p> <p>2 MR. BARR: Okay.</p> <p>3 MR. BARR: -- wood bat team that plays in the</p> <p>4 Ripken League.</p> <p>5 MR. BARR: Okay.</p> <p>6 HEARING EXAMINER BYRNE: Okay.</p> <p>7 My son-in-law played D1 baseball and did with</p> <p>8 that league, so --</p> <p>9 MR. BARR: Okay. So we don't need --</p> <p>10 THE WITNESS: So you understand.</p> <p>11 HEARING EXAMINER BYRNE: I do.</p> <p>12 MR. BARR: Okay.</p> <p>13 HEARING EXAMINER BYRNE: I do. I understand all</p> <p>14 that.</p> <p>15 Q You're familiar with the record, right?</p> <p>16 A Yes.</p> <p>17 Q Okay. There are some references to, in some of</p> <p>18 the letters, references to personal attacks. Do you</p> <p>19 condone any personal attacks on any of our OBGC</p> <p>20 neighbors?</p> <p>21 A Absolutely not. We would do everything we can</p> <p>22 to ensure that that would not happen.</p> <p>23 Q When there's been a concern about a fundraising</p> <p>24 event from a neighbor, how have you handled that?</p> <p>25 A It depends on the neighbor. When there's a</p>	<p>64</p> <p>1 Q That is just some examples.</p> <p>2 Does OBGC have other direct residential</p> <p>3 neighbors other than on Brookeville Road?</p> <p>4 A We have a group of neighbors right off of 108</p> <p>5 that's right next to our property.</p> <p>6 Q Have you received any feedback about the</p> <p>7 fundraising events from those other nearby neighbors?</p> <p>8 A I have not.</p> <p>9 Q Mr. Scott, are you generally willing to</p> <p>10 continue to work with OBGC neighbors on Brookeville Road</p> <p>11 to address any further concerns with the events going</p> <p>12 forward?</p> <p>13 A Absolutely.</p> <p>14 Q All right. Winter City Lights, are you</p> <p>15 familiar with the location and operation of the Winter</p> <p>16 City Lights event?</p> <p>17 A I am.</p> <p>18 Q Have you personally attended Winter City</p> <p>19 Lights?</p> <p>20 A I have.</p> <p>21 Q And generally speaking, what is the Winter City</p> <p>22 Lights seasonal event?</p> <p>23 A It's a seasonal fundraising events similar in</p> <p>24 nature to kind of how we have Field of Screams laid out.</p> <p>25 There is a -- there is trees, there is a slide, there is</p>

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17 (65 to 68)

<p>65</p> <p>1 a walk through the woods with light displays and 2 Christmas type lights, holiday music. It's a little 3 younger demographic. We add -- we added the event 4 because we had, you know, more -- more younger families 5 looking for something that don't come with Field of 6 Screams, so Winter City Lights was kind of created out 7 of that.</p> <p>8 Q And what's your understanding of the general 9 history since you've been with OBGC throughout that, the 10 creation of that event, correct?</p> <p>11 A No, right, so like you said, it was created 12 just because it gave families that otherwise couldn't 13 attend one of our other events a chance to come enjoy 14 the holiday season. It started in 2022. Obviously, 15 another fundraising opportunity for us as well to help 16 with our scholarship program.</p> <p>17 Q Winter City Lights ran this past 2024 season. 18 How would you characterize how the event operated this 19 past season?</p> <p>20 A Again, like Field of Screams, it was a safe 21 event. I don't know that we had any issues in terms of 22 any -- anything. Other than we had some challenges. 23 Typically, the police are able to work the events for 24 us. We hire police off duty to work. Because of the 25 issues with the abatement order, we weren't able to have</p>	<p>67</p> <p>1 THE WITNESS: Correct.</p> <p>2 HEARING EXAMINER BYRNE: -- the number of 3 tickets? Okay. Thank you.</p> <p>4 Q Describe the structures along the trail in the 5 woods for Winter City Lights, are they similar to Field 6 of Screams -- Field of Screams?</p> <p>7 A They are similar. There's fewer that are 8 actually used just because it's a different type of 9 event than on a normal year walking through buildings 10 and Field of Screams.</p> <p>11 Q And are you asking for those specific trail 12 structure locations to be added to the Special Exception 13 approval for the same reasons as --</p> <p>14 A Right.</p> <p>15 Q -- Field of Screams?</p> <p>16 A Yes.</p> <p>17 Q Okay. Let's talk about compliance and 18 approval --</p> <p>19 HEARING EXAMINER BYRNE: Let me ask you a 20 question. Is this the first time that you've asked -- 21 this Administrative Modification, is this the first time 22 that you asked the Board for approval of the Winter City 23 Lights structures?</p> <p>24 MR. BARR: So the structures are very similar. 25 The structures that have existed for many years are the</p>
<p>66</p> <p>1 the police on site this year, so that posed a little bit 2 of a challenge in terms of traffic and things that had 3 come up along the way. Other than that, I believe it 4 went very well.</p> <p>5 HEARING EXAMINER BYRNE: How many nights does 6 the Winter City Lights operate?</p> <p>7 THE WITNESS: Was it 25 this year, roughly?</p> <p>8 MR. BARR: I think 23.</p> <p>9 THE WITNESS: 23.</p> <p>10 HEARING EXAMINER BYRNE: 23. And it's another 11 Friday, Saturday, Sunday --</p> <p>12 THE WITNESS: It's Friday --</p> <p>13 HEARING EXAMINER BYRNE: -- situation?</p> <p>14 THE WITNESS: -- Saturday, Sunday. Again, it 15 starts like Saturday, Sunday, and as the season goes on, 16 it gets closer to the end of the year, it expands to 17 like Thursday, Wednesday, and goes that way. So it's 18 pretty much most of the month of December. Starts -- 19 starts the day after Thanksgiving.</p> <p>20 HEARING EXAMINER BYRNE: And how many -- how 21 many tickets are available per night?</p> <p>22 THE WITNESS: Mr. McLaren would be best --</p> <p>23 HEARING EXAMINER BYRNE: Okay. And he would 24 answer the same for Field of Screams, be able to tell me 25 --</p>	<p>68</p> <p>1 same as used for Field of Screams and Winter City 2 Lights. There were not new structures built for Winter 3 City Lights.</p> <p>4 HEARING EXAMINER BYRNE: Great. Because when I 5 go back and I looked at the resolutions, the 2011 6 resolution talked about a shed and a structure.</p> <p>7 MR. BARR: Um-hum.</p> <p>8 HEARING EXAMINER BYRNE: The 20 -- it was the -- 9 I'm just trying to get a handle on like the history of 10 the structures and when and how they were before the 11 Board.</p> <p>12 MR. BARR: Uh-hum.</p> <p>13 HEARING EXAMINER BYRNE: And I might be 14 hijacking you, I'm sorry, Mr. Barr.</p> <p>15 MR. BARR: No, no.</p> <p>16 HEARING EXAMINER BYRNE: So the Special 17 Exception, it was Exhibit 36, it said, Administrative 18 modification special to add structures to cover queue 19 lines in fundraising events, additional structures for 20 future attractions to support the fundraising. And it 21 talked about specifically queue lines for haunted house 22 queue, for the haywire queue, on a trail queue line and 23 three additional structures similar to queue line 24 structures.</p> <p>25 And then, we have the lighting for the</p>

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18 (69 to 72)

<p>69</p> <p>1 baseball, right --</p> <p>2 MR. BARR: Um-hum.</p> <p>3 HEARING EXAMINER BYRNE: -- Exhibit 40. And</p> <p>4 talked about that. But the -- the very specific plan,</p> <p>5 the identification of the 29 structures, and not to be a</p> <p>6 super nerd, but I know structure is defined as something</p> <p>7 that is built or can be built, right. Hence the</p> <p>8 bridges, the queues, you know --</p> <p>9 MR. BARR: Um-hum.</p> <p>10 HEARING EXAMINER BYRNE: -- a full on roof, four</p> <p>11 walls, all of that. So is this Administrative</p> <p>12 Modification the first time the identification of all 29</p> <p>13 structures was before the Board?</p> <p>14 MR. BARR: You mean the 2024 --</p> <p>15 HEARING EXAMINER BYRNE: Correct.</p> <p>16 MR. BARR: -- request? Okay.</p> <p>17 HEARING EXAMINER BYRNE: Correct.</p> <p>18 MR. BARR: So the -- the request in 2024 last</p> <p>19 summer --</p> <p>20 HEARING EXAMINER BYRNE: Um-hum.</p> <p>21 MR. BARR: -- is the subject of this hearing --</p> <p>22 HEARING EXAMINER BYRNE: Right.</p> <p>23 MR. BARR: -- was to confirm the footprints of</p> <p>24 the trail structures that had existed for, as the</p> <p>25 testimony indicated, for significant period of time.</p>	<p>71</p> <p>1 addressed over the last few years is that the -- there</p> <p>2 was -- there were Forest Conservation problems, there</p> <p>3 was a multiyear effort to update the plans and the ease</p> <p>4 -- Forest Conservation Easements, and only until that</p> <p>5 part of the process could be completed could the</p> <p>6 specific footprints of the trail structures be</p> <p>7 identified and be essentially approvable under Forest</p> <p>8 Conservation.</p> <p>9 HEARING EXAMINER BYRNE: Okay. So then what I</p> <p>10 -- I know -- I totally don't want to hijack you here,</p> <p>11 Mr. Barr, so I want you to go ahead and finish with Mr.</p> <p>12 Scott. But then, what I'd like Mr. McLaren to walk me</p> <p>13 through the history of the structures, what's been</p> <p>14 before the Board, what the Boards know, what they</p> <p>15 haven't known, because it looks like Mr. McLaren did --</p> <p>16 did testify at the work session in 2019. So I think</p> <p>17 he's probably the person that can -- can give me like I</p> <p>18 need to know what the Board know.</p> <p>19 MR. BARR: Right.</p> <p>20 HEARING EXAMINER BYRNE: Really.</p> <p>21 MR. BARR: Understood.</p> <p>22 HEARING EXAMINER BYRNE: Okay.</p> <p>23 MR. BARR: Understood.</p> <p>24 HEARING EXAMINER BYRNE: Okay.</p> <p>25 MR. BARR: I'll just add, though, that there's</p>
<p>70</p> <p>1 Some as many as 20 years, probably some -- they probably</p> <p>2 were not installed all at once, but all of them had</p> <p>3 existed for many years. So my -- we'll have Mr. McLaren</p> <p>4 address this --</p> <p>5 HEARING EXAMINER BYRNE: Okay.</p> <p>6 MR. BARR: -- but my understanding is that in</p> <p>7 2019 when the Administrative Modification request was</p> <p>8 submitted, all the structures, the 29 or so that are</p> <p>9 requested for formal submission into the Special</p> <p>10 Exception record already existed. They just weren't</p> <p>11 reflected on a precise plan with the precise footprints</p> <p>12 at that .</p> <p>13 HEARING EXAMINER BYRNE: Okay. So what -- I</p> <p>14 mean, when we talk about the 2019, we're talking about</p> <p>15 specifically Exhibit 36, and that's the one that I kind</p> <p>16 of just referred to for queue lines and three additional</p> <p>17 structures.</p> <p>18 MR. BARR: So yes, I think what's -- what's fair</p> <p>19 to say is that in -- in 2019, there is certainly</p> <p>20 reference to the trail.</p> <p>21 HEARING EXAMINER BYRNE: Right.</p> <p>22 MR. BARR: And in a perfect world, the Exhibit</p> <p>23 48 attached to the 2024 request from last summer, would</p> <p>24 have been submitted in the Special Exception record</p> <p>25 previously. The -- I think the problem that has been</p>	<p>72</p> <p>1 -- and Mr. McLaren will -- will clarify. But there's no</p> <p>2 reason to believe that number 1, the structures didn't</p> <p>3 exist, and there's no reason to believe the Board wasn't</p> <p>4 aware of them. It's just that the plan that we now need</p> <p>5 formal approval, yes, was -- was not submitted</p> <p>6 previously. It -- it should have been. But there's no</p> <p>7 reason to believe that the Board wasn't aware that the</p> <p>8 trail that is identified have structures. I think</p> <p>9 that's --</p> <p>10 HEARING EXAMINER BYRNE: Okay.</p> <p>11 MR. BARR: -- that's the haunted trail, and I</p> <p>12 think that's a reasonable presumption, but we'll have</p> <p>13 Mr. McLaren address it.</p> <p>14 HEARING EXAMINER BYRNE: Okay. Excellent.</p> <p>15 Thank you.</p> <p>16 Q So we were going to talk about compliance</p> <p>17 because the Hearing Examiner also asked about the</p> <p>18 approval status.</p> <p>19 HEARING EXAMINER BYRNE: And if Mr. McLaren is</p> <p>20 the better person to -- whoever is the better person to</p> <p>21 talk about the status of where things are, because I'd</p> <p>22 like to know DPS' -- you know, what -- what's DPS</p> <p>23 waiting for from you.</p> <p>24 MR. BARR: Right. In large part, this hearing.</p> <p>25 HEARING EXAMINER BYRNE: Okay.</p>

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19 (73 to 76)

<p>73</p> <p>1 MR. BARR: And we'll explain, but yes.</p> <p>2 Q All right. Do you want -- first of all, Mr.</p> <p>3 Scott, do you want to respond to comments in the record</p> <p>4 questioning OBGC's IRS tax returns and that type of</p> <p>5 information?</p> <p>6 A I mean, all I'll say is that every year as a</p> <p>7 nonprofit, we get it for our bank, and we go through a</p> <p>8 process, and we have capable accountants that complete</p> <p>9 our tax 990s, so we're comfortable with what they say.</p> <p>10 Q Okay. Let's start broad -- broad strokes. How</p> <p>11 would you characterize -- characterize the work that</p> <p>12 OBGC has conducted over the past few years to address</p> <p>13 all of the necessary approvals for the events?</p> <p>14 A So as I -- when I walked in into my role as</p> <p>15 executive director, there was a lot going on. We were</p> <p>16 coming off of COVID, financially we were in a really</p> <p>17 difficult position. And we walked -- I walked into</p> <p>18 having to deal with the abatement order that was -- that</p> <p>19 was, like, on our desk at that point, and then, also</p> <p>20 working through a plan with Parks and Review</p> <p>21 Forestation. So there was quite a lot to take care of</p> <p>22 all at one time at a time when also it was a struggle</p> <p>23 financially to kind of keep the doors open. So we have</p> <p>24 been working diligently to get everything taken care of.</p> <p>25 It has for sure taken longer than anybody would have</p>	<p>75</p> <p>1 DPS has emphasized that we need to complete the</p> <p>2 zoning step in order to obtain all remaining permits.</p> <p>3 HEARING EXAMINER BYRNE: Okay. So DPS told you</p> <p>4 to come to the Board?</p> <p>5 MR. BARR: There -- there has been a lot of</p> <p>6 communication with the Department of Permitting</p> <p>7 Services, and I think it's fair to say that the</p> <p>8 understanding last year was that in order to hold the</p> <p>9 permits for the trail structures, a checklist item was</p> <p>10 zoning approval, which in this case is a Board of</p> <p>11 Appeals approved plan reflecting the footprints of the</p> <p>12 trail structures.</p> <p>13 HEARING EXAMINER BYRNE: Did DPS tell you you</p> <p>14 needed a major modification or an administrative</p> <p>15 modification, were they specific about it?</p> <p>16 MR. BARR: They were not specific. They needed</p> <p>17 it in the Special Exception record. Now, I -- I will</p> <p>18 just as an aside suggest that it's the Board of Appeals'</p> <p>19 role to determine what Special Exception --</p> <p>20 HEARING EXAMINER BYRNE: Okay.</p> <p>21 MR. BARR: -- approval process --</p> <p>22 HEARING EXAMINER BYRNE: Fair.</p> <p>23 MR. BARR: -- is appropriate. And with all due</p> <p>24 respect to the Department of Permitting Services, they</p> <p>25 are the enforcement arm, and you know, the Board of</p>
<p>74</p> <p>1 liked. But we have worked really, really hard to get to</p> <p>2 where we are for this entire process.</p> <p>3 HEARING EXAMINER BYRNE: Is that original 2022</p> <p>4 abatement order, is that in the record?</p> <p>5 MR. BARR: It should be.</p> <p>6 MS. KORSON: Yes.</p> <p>7 HEARING EXAMINER BYRNE: Okay. I think -- yeah,</p> <p>8 I think -- I remember seeing a couple. I just want to</p> <p>9 -- which one is it; 15?</p> <p>10 MR. CIFERRI: 51B.</p> <p>11 HEARING EXAMINER BYRNE: 51B. Okay.</p> <p>12 No, that's okay. I just want to make sure that</p> <p>13 -- yeah, there we go. All right. That was it. So this</p> <p>14 is the one you're referring to. Okay. Thank you. I'm</p> <p>15 just making a note. Thank you.</p> <p>16 Q Why did -- all right. So let's get back to the</p> <p>17 Special Exception Modification Request submitted last</p> <p>18 summer. Why did -- what's your understanding of why</p> <p>19 OBGC submitted that Modification Request?</p> <p>20 A So our understanding is that in order to reach</p> <p>21 compliance to resolve the outstanding issues with</p> <p>22 permits, which we were pushing for as quickly as</p> <p>23 possible that the SE -- Special Exception Modification</p> <p>24 Request to address the trail structures and general</p> <p>25 fundraising activity was the next step in the process.</p>	<p>76</p> <p>1 Appeals could decide what's appropriate.</p> <p>2 Q All right. And are you asking the Hearing</p> <p>3 Examiner to recommend approval of the Special Exception</p> <p>4 modification to the Board of Appeals?</p> <p>5 A Yes, the hearing is an important step for us to</p> <p>6 complete the process obtaining all the approvals for the</p> <p>7 events. That said, we're also obviously committed to</p> <p>8 operating the events in a responsible manner, and always</p> <p>9 willing to work with Steelhead, our neighbors, the</p> <p>10 Hearing Examiner, the Board of Appeals and the neighbors</p> <p>11 on identifying reasonable parameters for the events.</p> <p>12 Q Is there anything else you want to add? You</p> <p>13 know, we'll -- we'll -- you've read the letters in the</p> <p>14 record. I'm sure we'll hear testimony from some of our</p> <p>15 OBGC neighbors, but is there -- what's your reaction to</p> <p>16 some of the letters?</p> <p>17 A No, I mean, in reading the letters, you know,</p> <p>18 it's hard to hear. We don't -- we want to have a better</p> <p>19 relationship with our neighbors. We want to have a</p> <p>20 better line of communication. You know, we talked about</p> <p>21 that when we were going through the baseball field</p> <p>22 modification and the lights. We want to be able to work</p> <p>23 together, we want to have a good working relationship</p> <p>24 with our neighbors. We want the community to be, you</p> <p>25 know, happy about the events. I want the neighbors to</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 come to the events and enjoy them if they's like to. So 2 I -- you know, at the end of the day, that's -- that's 3 the best case scenario, and we're willing to -- to, you 4 know, like I said, put some parameters on things to make 5 their experience better, and also willing to listen and 6 meet kind of going forward to ensure that they feel like 7 they are heard. It's clear that they don't. 8 HEARING EXAMINER BYRNE: When this was submitted 9 in the summer, did -- did you talk to any of the 10 neighbors ahead of time before it was submitted about 11 the next step? 12 THE WITNESS: No. 13 HEARING EXAMINER BYRNE: Okay. 14 Q Do you intend to do better about that type of 15 thing going forward, Mr. Scott? 16 A Yes. 17 Q Such as advance communication, advance notice, 18 you know, not necessarily just strictly based on 19 statutory notice requirements, but reaching out to 20 neighbors who are interested in following what's going 21 on, who want reasonable notice about proposed changes. 22 Are you -- do you need -- does OBGC need to improve its 23 conduct in that regard? 24 A Yes. 25 Q How would you say that the two fundraising</p>	<p style="text-align: right;">79</p> <p>1 from the neighbors' experience at their homes. You 2 know, Olney is a special place. I -- I live there. 3 I've lived there for over 20 years personally. My kids 4 have come up through OBGC. My kids went through the 5 events before I worked there. So I think we can run the 6 events, being respectful of the neighbors and some of 7 their concerns appropriately to ensure that everybody 8 enjoys that time of year and we don't impact them 9 negatively, as we clearly have. 10 Q And obviously, is it one of your goals to 11 complete the remaining approval process? 12 A Of course. We're here today to continue in 13 that process? 14 MR. BARR: That's all the questions I have, 15 unless there are any others from the Hearing Examiner. 16 HEARING EXAMINER BYRNE: No, I don't have any 17 right now. Thank you. 18 Cross-examination. 19 MS. OWENS: Thank you. 20 EXAMINATION BY THE OPPOSITION: 21 BY MS. OWENS: 22 Q Okay. So I'm gonna go back a little bit on 23 some of your testimony. Actually, I want to start with 24 the map up there? 25 THE TECHNICIAN: One second.</p>
<p style="text-align: right;">78</p> <p>1 events benefit the overall Olney community other than as 2 was noted, the Olney community is not everyone, it's 3 some segments? How would you say it benefits the Olney 4 community and County beyond benefitting OBGC? 5 A So obviously, we talked about the scholarship 6 program and the direct benefits there. What we hear 7 from the business in the area is the gas stations are 8 busier, the breweries are busier, the restaurants are 9 busier, because there's more people in the community. 10 We hear that people don't have to leave Olney to go to 11 Rockville, to go to Gaithersburg for something. They 12 can spend a night on their weekend coming to an event 13 locally and keep their dollars locally. 14 We have quite a few employees that work 15 seasonally for the events as well, so it's obviously a 16 huge benefit for the seasonal employees at the holiday 17 time to have extra money coming in. So -- 18 Q What's your goal for the fundraising events 19 going forward? 20 A I mean, our goal is to continue to operate the 21 events in '25 and have -- and continue to have them be 22 safe as they been, continue to fill -- fill the -- go up 23 to the parameters of what we have set so that, you know, 24 everybody is in an agreement that we can -- that we have 25 a safe, easy fundraising event; that we don't take away</p>	<p style="text-align: right;">80</p> <p>1 MS. OWENS: Thank you. 2 MS. KORSON: This is Caragh Fay. 3 HEARING EXAMINER BYRNE: Oh. 4 MS. OWENS: Oh. 5 HEARING EXAMINER BYRNE: Ms. Fay, thank you. 6 I'm sorry. I didn't use her name. 7 MS. OWENS: Oh, Owens on the last name actually 8 -- 9 HEARING EXAMINER BYRNE: All right. 10 MS. OWENS: Okay. Sorry. 11 Q Okay. So this map that you guys have provided 12 here. Whose property is this, this little sign? 13 HEARING EXAMINER BYRNE: So I'm gonna -- I'm 14 gonna try play-by-play for you -- 15 MS. OWENS: Yes. 16 HEARING EXAMINER BYRNE: -- for the court 17 reporter purposes. So we're looking at the Prehearing 18 Statement, the aerial view of the wire area, right, and 19 she's pointing -- 20 MS. OWENS: This is Exhibit what number? 21 THE TECHNICIAN: 59. 22 HEARING EXAMINER BYRNE: 59. So where the kind 23 of all the colors come together at a point is where 24 she's pointing to. 25 Q So this is the site of Field of Screams, Winter</p>

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21 (81 to 84)

<p>81</p> <p>1 City Lights, correct?</p> <p>2 A Um-hum. Correct.</p> <p>3 Q So whose property is this big block right here</p> <p>4 that's right on the line?</p> <p>5 A That is the Atkinsons' cornfield.</p> <p>6 HEARING EXAMINER BYRNE: That's below the</p> <p>7 dark-blue line.</p> <p>8 Q Correct. So how far away is the Atkinsons'</p> <p>9 property line to the Field of Screams?</p> <p>10 A The cornfield is right abuts the property.</p> <p>11 Q Right next to it?</p> <p>12 A Correct.</p> <p>13 Q Right. So this line going to the Atkinsons',</p> <p>14 this is to their house?</p> <p>15 A Correct.</p> <p>16 Q Not to their property?</p> <p>17 A Correct.</p> <p>18 Q The property starts on the this line right</p> <p>19 here?</p> <p>20 A Correct.</p> <p>21 MR. BARR: It says residence.</p> <p>22 MS. OWENS: Everybody see okay?</p> <p>23 A Yeah.</p> <p>24 Q Whose property is this right here?</p> <p>25 A I'm sorry, where are you pointing?</p>	<p>83</p> <p>1 A Yeah.</p> <p>2 Q So it's not these what you guys called in the</p> <p>3 2019 modification the queue line structures, correct?</p> <p>4 That's what these would be; the queue line structures?</p> <p>5 This is where you -- where you sell the tickets down</p> <p>6 here, and then, people stand in line here?</p> <p>7 A That -- I believe so. That's probably a</p> <p>8 question that's better for Mr. McLaren since he was</p> <p>9 Steelhead designed that area.</p> <p>10 Q You've been through it?</p> <p>11 A Correct, yeah.</p> <p>12 Q You've bought a ticket?</p> <p>13 A Yes.</p> <p>14 Q To Field of Screams?</p> <p>15 A I have.</p> <p>16 Q And you actually went through it?</p> <p>17 A Historically, yes.</p> <p>18 Q Historically?</p> <p>19 A Before I -- before I moved there, I bought a</p> <p>20 ticket.</p> <p>21 Q And so when was that?</p> <p>22 A 2013, '14, somewhere around there maybe.</p> <p>23 Q And you actually bought a ticket to Field of</p> <p>24 Screams and went through the whole trip?</p> <p>25 A Correct.</p>
<p>82</p> <p>1 Q Whose property is this? See where it turns</p> <p>2 green, see the block that turns green, whose property is</p> <p>3 that?</p> <p>4 A It's yours. The Owens property.</p> <p>5 Q Correct.</p> <p>6 A Yeah.</p> <p>7 Q So the blue line going to my house, is it where</p> <p>8 my property starts, is to my house, my property line</p> <p>9 actually starts right here, correct?</p> <p>10 A The distances we put are to the residents,</p> <p>11 correct.</p> <p>12 Q Correct. Okay. I just want to make sure</p> <p>13 that's clear.</p> <p>14 MS. OWENS: Now, can we scroll down here a</p> <p>15 little bit.</p> <p>16 THE TECHNICIAN: Um-hum.</p> <p>17 Q The buildings that are spoken about in this</p> <p>18 modification, are those any of these buildings here that</p> <p>19 you can see?</p> <p>20 A I don't believe so.</p> <p>21 Q Where are they? Are they these ones?</p> <p>22 A Correct.</p> <p>23 Q 22, 29, whatever the --</p> <p>24 A There's 29 structures in the woods.</p> <p>25 Q In the woods?</p>	<p>84</p> <p>1 Q Okay. When was the last time that you have</p> <p>2 been there during hours of operation to walk through the</p> <p>3 trail --</p> <p>4 A This season.</p> <p>5 Q -- for Field of Screams?</p> <p>6 A This season.</p> <p>7 MR. BARR: Do you mean 2024?</p> <p>8 Q This season?</p> <p>9 A Yeah. I've been -- I was there this season?</p> <p>10 MR. BARR: Do you mean 2024? 2024, Mr. Scott?</p> <p>11 THE WITNESS: Yes, 2024.</p> <p>12 Q And so you walked through the trail while the</p> <p>13 whole operation was going, and it was --</p> <p>14 A I walked the trail, I actually went the first</p> <p>15 night and walked the trail before the entire operation</p> <p>16 was going. Walked the entire trail.</p> <p>17 Q Before it started operating?</p> <p>18 A The day it operated. Like the night before. I</p> <p>19 guess the final walkthrough.</p> <p>20 Q So what day was that?</p> <p>21 A I'd have to go back and look at my -- the</p> <p>22 before.</p> <p>23 Q Around aught 1st, around that area?</p> <p>24 A I think it was like the end of September before</p> <p>25 because we had weekend -- that first weekend got</p>

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22 (85 to 88)

<p>85</p> <p>1 cancelled.</p> <p>2 Q Why did the first weekends get cancelled?</p> <p>3 A I don't remember -- when? I don't remember.</p> <p>4 Q No, I said why.</p> <p>5 A The weather, I believe. I think it was pouring</p> <p>6 wet. It was supposed to rain like that Saturday and</p> <p>7 Sunday, so we pushed it back, and then, it opened the</p> <p>8 following weekend.</p> <p>9 Q Okay. So you -- last time you walked through</p> <p>10 it during operating hours was the day that it opened of</p> <p>11 2024?</p> <p>12 A The day before it opened.</p> <p>13 Q The day before it opened?</p> <p>14 A Correct.</p> <p>15 Q So it wasn't during operating hours?</p> <p>16 A Correct.</p> <p>17 Q When was the last time that you had walked</p> <p>18 through Field of Screams during operating hours?</p> <p>19 A Probably 2023. 20 -- I'm not a hundred percent</p> <p>20 sure.</p> <p>21 Q Okay. How often do you go to Field of Screams</p> <p>22 during operating hours?</p> <p>23 A Not very often. I'll pop in, and if I do, I</p> <p>24 meet with Steelhead kind of in their area of operations</p> <p>25 in the -- like in the back area of concessions.</p>	<p>87</p> <p>1 MR. BARR: What -- meaning Mr. McLaren can</p> <p>2 address that. He's with Steelhead.</p> <p>3 MS. OWENS: Okay. He can answer. He can say I</p> <p>4 don't know.</p> <p>5 Q You can say I don't know. You can say --</p> <p>6 A Oh, I don't know. Mr. McLaren is better</p> <p>7 equipped to answer it.</p> <p>8 Q Okay, so SHP Corp. Inc. doesn't sound familiar?</p> <p>9 A That's an acronym that I've heard for the</p> <p>10 company for ten years.</p> <p>11 Q Do they go by that name?</p> <p>12 A I don't know. If legally, I'm not sure if</p> <p>13 their name -- if they go by Steelhead or if they go by</p> <p>14 SHP.</p> <p>15 Q So the contract between OBGC and Steelhead or</p> <p>16 SHP Corp., what's the name on that contract?</p> <p>17 THE WITNESS: Kevin, do you know who's in the</p> <p>18 contract?</p> <p>19 Q You can say I don't know.</p> <p>20 A I -- I'm not sure.</p> <p>21 Q Okay. The contract between Steelhead or SHP</p> <p>22 Corp. And OBGC, does it account for fundraising dollars</p> <p>23 that OBGC receives?</p> <p>24 A Does the contract list fundraising dollars that</p> <p>25 --</p>
<p>86</p> <p>1 Q This --</p> <p>2 A -- around there.</p> <p>3 Q Wait. This is the concession stand here?</p> <p>4 A Yeah.</p> <p>5 Q And this is the --</p> <p>6 A So I'll check in with those guys and make sure</p> <p>7 things are going well and pop into the park.</p> <p>8 Q How often do you do that?</p> <p>9 A A couple times a season.</p> <p>10 Q Okay. So do you oversee what they're doing at</p> <p>11 the operation?</p> <p>12 A On a nightly basis, or in general? I mean, in</p> <p>13 general, I oversee it, and I'm not there every night</p> <p>14 inspecting it.</p> <p>15 Q Okay. How many employees do you have</p> <p>16 seasonally to cover Field of Screams?</p> <p>17 A Zero.</p> <p>18 Q What about Winter City Lights?</p> <p>19 A Zero. Steelhead hires all the employees.</p> <p>20 Q Okay. I thought you said you had seasonal</p> <p>21 employees. Okay.</p> <p>22 A For Steelhead, I assume. The organization, the</p> <p>23 events provides seasonal employees.</p> <p>24 Q Okay. So Steelhead, what is the business of</p> <p>25 Steelhead?</p>	<p>88</p> <p>1 Q Does it account for it?</p> <p>2 A Yes.</p> <p>3 Q Okay.</p> <p>4 A Does the contract account for fundraising</p> <p>5 dollars that we receive, yes.</p> <p>6 Q And how long is that contract for?</p> <p>7 A It's a long-term lease. I don't have an exact</p> <p>8 date of when it ends. But it's a long-term lease.</p> <p>9 Q When did it start?</p> <p>10 A 2011.</p> <p>11 Q And has that contract been amended?</p> <p>12 A It has.</p> <p>13 Q How many times?</p> <p>14 A I believe once.</p> <p>15 Q So typically, how much fundraising dollars does</p> <p>16 OBGC receive from SHP Corp., or Steelhead Productions?</p> <p>17 Do you not know?</p> <p>18 A Question, is it relevant --</p> <p>19 Q You don't know what --</p> <p>20 MR. BARR: It vary -- do you want -- does it</p> <p>21 vary? I --</p> <p>22 A We get -- we get paid a lease payment for using</p> <p>23 the field for the event, correct.</p> <p>24 Q And how much is that lease payment?</p> <p>25 MR. BARR: I think we at this point would ask</p>

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23 (89 to 92)

<p>89</p> <p>1 the Hearing Examiner about the relevance of specific 2 what is financial and relatively confidential 3 information between OBGC under a lease arrangement with 4 Steelhead and whether that's relevant to what is a 5 zoning process -- 6 HEARING EXAMINER BYRNE: Um-hum. 7 MR. BARR: -- if -- 8 HEARING EXAMINER BYRNE: -- understood. I think 9 the specific details of the lease agreement are probably 10 confidential. But I think, Mr. Scott, you testified 11 45,000 to \$75,000 a year in scholarships. 12 THE WITNESS: Uh-hum. 13 HEARING EXAMINER BYRNE: And that you said that 14 the fund -- primary fundraising other than sponsorship 15 is through this lease agreement with -- 16 THE WITNESS: In addition to the improvements in 17 the park. We -- we -- and obviously, the last couple of 18 years, that money is going towards fixing all the things 19 that we're trying to fix. But at the end of the day, 20 aside from the scholarship program, the money that we 21 generate from the fundraising events goes towards 22 improving the fields, putting new Bermuda grass in, 23 painting a barn. Like those type of things that we do 24 around the park. 25 HEARING EXAMINER BYRNE: I think that the</p>	<p>91</p> <p>1 year, and then, it graduates down the line like a period 2 down the line where it goes up a little bit more fixed 3 amount. There's no percentage of tickets. The benefit 4 for us of having it be that way is if the -- if it rains 5 half of the nights of the year, and the event gets 6 cancelled, we're -- they're still responsible for paying 7 us that money that we count on for the scholarship 8 program and the fix -- and the bill to fix up the 9 fields. 10 HEARING EXAMINER BYRNE: Okay. 11 THE WITNESS: So it is a fixed amount that we 12 get. 13 HEARING EXAMINER BYRNE: Okay. All right. 14 MS. OWENS: There were tax returns for OBGC for 15 2022 that were an exhibit in here. 16 HEARING EXAMINER BYRNE: Exhibit 54. 17 MS. OWENS: Thank you. 18 Q In those tax returns, where was this 45 to 19 \$75,000 for that you got from fundraising -- 20 MR. BARR: Again, I -- 21 THE TECHNICIAN: What exhibit was that again? 22 HEARING EXAMINER BYRNE: Exhibit 50. 23 MR. BARR: -- how OBGC prepares its tax 24 returns -- 25 HEARING EXAMINER BYRNE: Yeah, I don't</p>
<p>90</p> <p>1 question that she's getting to is, you know, you 2 basically have said 45,000 and 75,000 in scholarship, so 3 I think that the point you're trying to make is it's 4 significant dollars are coming from this. 5 MR. BARR: It is significant, yes. 6 HEARING EXAMINER BYRNE: I don't think we can 7 get into the weeds on their exact dollar amount, but I 8 think date entered into, number of times it's modified, 9 and expiration, I think those are all relevant questions 10 because it goes to management an event, and what the 11 neighbors are gonna impact. I think how much money you 12 raise might not necessarily go to the zoning issue, but 13 function and operation for sure goes to -- 14 MS. OWENS: Well, and the issue here is 15 fundraising. So defined in the term of fundraising, 16 fundraising is dollars, it's money. So how much 17 fundraising dollars are actually going into this? 18 MR. BARR: A significant amount. Which is why 19 it's so important. 20 HEARING EXAMINER BYRNE: I think they are trying 21 to understand -- I -- I hear exactly what you're saying, 22 so I think maybe some better questions are is it a fixed 23 amount every year, does it vary based on ticket sales, 24 and improvements and expansion. 25 THE WITNESS: So -- so it's a fixed amount every</p>	<p>92</p> <p>1 necessarily know if that's relevant to whether or not 2 this administrative modification should have been 3 granted by the Board, but let me hear what you have to 4 say. 5 MS. KORSON: I think what's important to 6 understand and what we're trying to illustrate here is 7 that generally, there are legally approved guiding 8 principles that govern how a business should operate. 9 Whether it's Forest Conservation or DPS, or Zoning, or 10 the IRS. And I think if we look at any of these 11 agencies, what we're seeing is a willful violation of 12 anything to manipulate to get this event off the ground. 13 And so refusing to answer a question about the simple 14 fundraising question, as a 501(c)(3), your tax return is 15 public record, right. So that information should be not 16 only public record, but it should be something that we 17 can openly discuss. To say that it's not relevant when 18 you're a nonprofit, a 501(c)(3), where your books should 19 be open for anyone to look at is evasive. And so if 20 they simply refuse to answer the question, my position 21 is that okay, we can establish that there's an evasive 22 behavioral tendency here, we can move on, but it doesn't 23 change the fact that does exist here. So as we consider 24 expanding the business operation, whether it be hours of 25 operations, the definition of the scope of their</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 amendment, or the intensity, any of the things that they 2 asked for, I think we can conclude that as part of that 3 analysis, we should be considering the fact that this is 4 an evasive organization. 5 HEARING EXAMINER BYRNE: Okay. 6 MR. BARR: In response, we -- we did not object 7 to the exhibit reflecting the IRS tax information. Mr. 8 Scott addressed in question the tax information and -- 9 and he's already responded to it. So let's move on. 10 HEARING EXAMINER BYRNE: Understood. I do think 11 hours of operation are relevant, so agreements that OBGC 12 has with Steelhead regarding, and we've touched on all 13 of this, and I think these are some of the questions 14 that she was asking on cross-examination were safety, 15 the hours of operation, the lighting, all of that, that 16 function in operation is a hundred percent relevant. 17 MR. BARR: We agree. 18 HEARING EXAMINER BYRNE: Okay. All right. 19 MS. OWENS: I just would like point out the tax 20 return that is entered as an exhibit -- 21 HEARING EXAMINER BYRNE: Okay. 22 MS. OWENS: -- is the 2022 taxes for OBGC. And 23 under the line item for fundraising, it has \$12,000. 24 HEARING EXAMINER BYRNE: Okay. 25 Q Is that correct, Mr. Scott?</p>	<p style="text-align: right;">95</p> <p>1 don't -- it depend -- it may depend on the night, the 2 traffic. That's a question for Steelhead. 3 Q You had stated before about the -- on the 4 sports events, you had stated the physical development 5 of kids. What -- what credentials does OBGC have on 6 physical development of children in -- in your OBGC 7 arena of children sports? 8 A I think the exercise component is the physical 9 development of kids that they get from participating in 10 the sports. 11 Q Okay. And can you describe for me the 12 scholarship program that you were speaking of. 13 A Sure. 14 Q Uh-hum. 15 A Needs based scholarship program, so anybody 16 that reaches out to us and is on reduced lunch from 17 Montgomery County qualifies for the scholarship. They 18 pay like a nominal -- a nominal fee of like \$50, and we 19 cover the rest of the tuition for that player. 20 Q And does that apply to all the sports, sir? 21 A All -- all. 22 Q Typically, how much money goes into the 23 scholarship program? 24 A Between 45 and 75 thousand a year depending on 25 all the sports and who signed up and who's somewhere in</p>
<p style="text-align: right;">94</p> <p>1 MR. BARR: I think we've covered this -- 2 HEARING EXAMINER BYRNE: Yeah, the exhibit 3 speaks for itself so I'll be able to look at it. 4 MS. OWENS: Okay. 5 HEARING EXAMINER BYRNE: Thank you. 6 Q Okay. So let's go back a little bit. 7 The tickets for Field of Screams, how much is a 8 ticket this year; for the 2024 season? 9 A I don't know an exact amount. I know that it 10 ranges depending on date. And where there's a dynamic 11 ticketing system that Kevin can get more into that. 12 It's priced according to popularity on a night. So 13 we've -- we wanted to space out the more popular nights 14 so we make it more affordable on nights that it's not as 15 busy to work on the flow of people and traffic. 16 Q And you had stated before that there's time 17 slots that people sign up for when they are buying 18 tickets, correct? 19 A Correct. 20 Q When somebody comes with a ticket, let's say 21 they have a 6 o'clock ticket, but they show up at 9 p.m. 22 -- 23 A That would be a question that Steelhead would 24 have to answer that question. I don't know. If they 25 get turned away another night or if they're -- I -- I</p>	<p style="text-align: right;">96</p> <p>1 that range. 2 Q So how many kids do you think that applies to? 3 A Our average fee is \$250 probably a player, 4 minus the \$50, so it's \$200 a kid, so dividing 45 to 75 5 divided by 200 would probably be the number of kids 6 roughly. 7 Q So when a kid registers for a sport, how do 8 they apply for this scholarship program? 9 A We have it online the process where they reach 10 out to our registrar. We then verify that they have the 11 free and reduced lunch, and then, we take care of them. 12 Q So it's not in the registration, you have to 13 actually reach out to -- 14 A Correct. 15 Q -- I think it's Kim from -- 16 A Correct. 17 Q -- your office? 18 A Yeah. 19 Q Okay. Let me go back to -- I thought it was 22 20 structures that you were applying for, but I keep 21 getting confused again the 22 and the 29, and I guess 22 it's because it's 29 structures that were listed under 23 the abatement order that's dated from April 2021. Is 24 that right? So the 22 structures are 22 of the 29? Is 25 that correct?</p>

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25 (97 to 100)

<p>97</p> <p>1 THE WITNESS: Stuart, do you want to clarify 2 that? 3 MR. BARR: Well, when -- when - when was 22 4 mentioned? I'm trying to remember. 5 MS. OWENS: In your application, it says 22 6 structures. 7 MR. BARR: Which? Can you point me to the 8 exhibit, please. And I think I know the distinction, 9 but it would be helpful if I just maybe -- 10 MS. OWENS: Was 40 your application to modify. 11 MR. BARR: Okay. You're talking about -- 12 MS. OWENS: Your actual modification 13 application. 14 MR. BARR: Yeah 48. 15 MS. OWENS: It was 22 structures. Are the 22 16 structures part of the 29 that were in the Abatement 17 Order? 18 MR. BARR: Well, let's pull up the Abatement 19 Order. Is that 51B I want to say? 20 MS. OWENS: Uh-hum. 21 MR. BARR: Let's see. I'm looking at 51A, which 22 is the Abatement Order, and for -- let me see. 51. 23 Q Should I just wait to ask Kevin that question? 24 A Kevin is probably more equipped than me. I 25 believe that he was -- he's been the one to court on</p>	<p>99</p> <p>1 MS. OWENS: -- permits. 2 MR. BARR: -- was an application for building 3 permits submitted for the trail structures? Is that 4 what you're asking? 5 MS. OWENS: The 22 or 29 structures that are in 6 the woods. 7 MR. BARR: Was an application submitted in -- 8 MS. OWENS: For permit. 9 MR. BARR: -- ever or. 10 MS. OWENS: Ever. 11 MR. BARR: Ever. Mr. McLaren will address that, 12 but I believe the answer is yes. Applied for, yes. 13 HEARING EXAMINER BYRNE: When -- so Mr. Scott, 14 you're saying that you walked in, the day you walked in, 15 there was an Abatement Order in place, and that's the 16 first you learned about -- 17 THE WITNESS: Correct, and we've been working to 18 address it with all of this since then, so I'm not -- 19 that's what I know. 20 HEARING EXAMINER BYRNE: So since you started, 21 have you seen building permits applied for these 22 structures since 2022? 23 THE WITNESS: We've been trying -- we've been 24 trying to get that taken care of in this entire process 25 is my understanding.</p>
<p>98</p> <p>1 behalf of this case. 2 MS. OWENS: Okay. 3 MR. BARR: I don't think 51B specifically list a 4 number of structures in the abatement order. I'm 5 looking at it. But I think I know the question you're 6 asking. We'll have Mr. McLaren address that. 7 MS. OWENS: Okay. 8 Q So those -- those structures that we already 9 pointed out from the map before, they're in the woods, 10 did OBGC ever apply for permitting for those buildings 11 through DPS? 12 A I -- I do -- I believe that until they got the 13 abatement order, that's when we understood like I -- I 14 -- so that was before I was -- I don't -- I don't know 15 anything that happened before walking in. There was 16 already an abatement order on, so I don't -- I don't 17 have an answer before I took over as executive director 18 as to what was applied for what and wasn't. Mr. McLaren 19 would probably have more information on that. 20 MR. BARR: Just for clarification, is the 21 question applied for or received? What's the question? 22 MS. OWENS: Applied for. 23 MR. BARR: Applied for. 24 MS. OWENS: Did OBGC ever apply for -- 25 MR. BARR: As I understand the question --</p>	<p>100</p> <p>1 HEARING EXAMINER BYRNE: Okay. All right. So 2 -- so what I'm hearing is you're working on it -- 3 MR. BARR: Yeah. 4 HEARING EXAMINER BYRNE: -- but you can't 5 clearly answer that yes, a permit application has been 6 submitted, but Mr. McLaren -- 7 MR. BARR: Mr. McLaren will definitely address 8 that. 9 HEARING EXAMINER BYRNE: -- will testify to 10 that. Okay. 11 MR. BARR: Yes. 12 HEARING EXAMINER BYRNE: All right. So we'll 13 wait for Mr. McLaren. 14 Q According to the Special Exception, how many 15 people are allowed to be on the property at one time? 16 A I don't know that I have the number. 17 Q Would 450 sound correct? 18 A I don't -- I don't know -- I don't know the 19 answer to it. 20 Q According to the Special Exception, how many 21 parking spaces were allotted for this property? 22 A I think Mr. McLaren would be best equipped to 23 answer that question since he has been dealing with it. 24 Q Okay. According to the original Special 25 Exception, what was the rule on lighting, do you</p>

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26 (101 to 104)

<p>101</p> <p>1 remember?</p> <p>2 A The --</p> <p>3 Q How was lighting supposed to be used on the</p> <p>4 property?</p> <p>5 A No lighting after 10:30 at night.</p> <p>6 Q Uh-hum. Anything else?</p> <p>7 A The view shed is not supposed to have light.</p> <p>8 Q Uh-hum. And they should be in a downward</p> <p>9 direction so that's it's not impeding on neighbors,</p> <p>10 correct?</p> <p>11 A Correct.</p> <p>12 Q And to avoid glare on to enjoining properties,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 MS. OWENS: Where was I, guys?</p> <p>16 Q Okay. You stated before about the</p> <p>17 collaboration with the neighbors historically, so before</p> <p>18 filing for this modification, you didn't meet with any</p> <p>19 of the neighbors? That was your testimony earlier?</p> <p>20 A No, I said I didn't for the baseball field</p> <p>21 modification back in '23, I believe.</p> <p>22 Q Did you meet with all the neighbors?</p> <p>23 A I met with the Atkinson and the Smiths were the</p> <p>24 neighbors s that asked to meet or had the -- had the</p> <p>25 file against the modification.</p>	<p>103</p> <p>1 Q Has OBGC filed for any current permitting with</p> <p>2 DPS? Any current applications in --</p> <p>3 MR. BARR: I just don't --</p> <p>4 Q -- the --</p> <p>5 MR. BARR: -- understand your question.</p> <p>6 Q -- 2024?</p> <p>7 MR. BARR: For anything? For what? What</p> <p>8 specifically? I don't understand the question.</p> <p>9 Q Yes, for anything. Has OBGC filed any</p> <p>10 permitting, for any permitting for 2024 to DPS? Any</p> <p>11 request for permitting?</p> <p>12 MR. BARR: In relation to fundraising or</p> <p>13 anything?</p> <p>14 MS. OWENS: Anything.</p> <p>15 A In 2024? Mr. McLaren can answer that question</p> <p>16 as well.</p> <p>17 Q Okay. Um-hum. So total, how many day would</p> <p>18 you say that the operation is actually open between</p> <p>19 Field of Screams and Winter City Lights?</p> <p>20 A Between the two events?</p> <p>21 Q Yes.</p> <p>22 A I believe we said roughly 18ish days for Field</p> <p>23 of Screams and 23 for Winter City Lights, so 51.</p> <p>24 Q 51 days --</p> <p>25 A Yes.</p>
<p>102</p> <p>1 Q Did you send the modification to all the</p> <p>2 neighbors?</p> <p>3 A I-- we believed we did. Clearly, if neighbors</p> <p>4 didn't receive it, we need to do a better job with that.</p> <p>5 But my understanding talking to you afterwards that you</p> <p>6 didn't receive it, so --</p> <p>7 Q Yes. It clearly my name was not on the list --</p> <p>8 A Correct.</p> <p>9 Q -- of the attachment?</p> <p>10 A We had that conversation, correct.</p> <p>11 Q Yes. And you do understand that it's important</p> <p>12 that neighbors are notified because they're not given a</p> <p>13 whole lot of notice before stuff like this --</p> <p>14 A Absolutely.</p> <p>15 Q -- happens --</p> <p>16 A Yeah.</p> <p>17 Q -- in front of the board and in front of</p> <p>18 zoning? It's kind of hard for neighbors to realize what</p> <p>19 is going on, so notification is a very important</p> <p>20 process --</p> <p>21 A Yes.</p> <p>22 Q -- in -- in zoning?</p> <p>23 A Correct.</p> <p>24 Q And with DPS as well?</p> <p>25 A Correct?</p>	<p>104</p> <p>1 Q -- of operation?</p> <p>2 MR. BARR: That would be 41 --</p> <p>3 A 41. 41 says. 23 and 18.</p> <p>4 MR. BARR: Is that an approximate?</p> <p>5 THE WITNESS: Approximately.</p> <p>6 Q Were any of the structures that we were talking</p> <p>7 about earlier built currently, like within the last two</p> <p>8 or three years?</p> <p>9 A Structures down in -- in the woods?</p> <p>10 Q Yeah, the 22, 29 structures that are in the</p> <p>11 woods.</p> <p>12 A Mr. McLaren would have to answer any questions</p> <p>13 about the structures in the woods.</p> <p>14 Q You don't know that?</p> <p>15 A No.</p> <p>16 Q How many employees are hired every year for</p> <p>17 Field of Screams?</p> <p>18 A Mr. McLaren would be best to answer that</p> <p>19 question. I believe it's at least two per year between</p> <p>20 the two events.</p> <p>21 Q And --</p> <p>22 A But you --</p> <p>23 Q Of the both events?</p> <p>24 A Correct.</p> <p>25 Q Between Field of Screams and Winter City</p>

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27 (105 to 108)

<p>105</p> <p>1 Lights?</p> <p>2 A Right.</p> <p>3 Q And are those employees part-time employees?</p> <p>4 A I am not, Mr. McLaren would have to answer the</p> <p>5 way that they are hired and --</p> <p>6 Q Uh-hum.</p> <p>7 A -- their compensation and --</p> <p>8 Q And you had stated in your testimony before</p> <p>9 that you felt that the operation of Field of Screams and</p> <p>10 Winter City Lights has not increased in intensity over</p> <p>11 the years; is that correct?</p> <p>12 A I don't know that I said that.</p> <p>13 MR. BARR: I don't remember that.</p> <p>14 Q It's in the testimony -- in the written</p> <p>15 testimony from 46 from your application. So are saying</p> <p>16 it hasn't gone up in intensity?</p> <p>17 MR. BARR: 46 is -- there's no 46. Which</p> <p>18 application are you on?</p> <p>19 MS. OWENS: Exhibit 40, your application for --</p> <p>20 MR. BARR: The request from us, number 48?</p> <p>21 MS. OWENS: I have it as 40.</p> <p>22 MS. KORSON: Here, this is --</p> <p>23 MS. OWENS: 48, yeah.</p> <p>24 MR. BARR: 48.</p> <p>25 Q So you're saying that it has -- that these</p>	<p>107</p> <p>1 T-shirts?</p> <p>2 A I believe they do.</p> <p>3 Q And what about pictures, people taking --</p> <p>4 A Excuse me.</p> <p>5 Q -- professional pictures before going into the</p> <p>6 trail, is that a --</p> <p>7 A I believe --</p> <p>8 Q -- a recent thing?</p> <p>9 A -- I think there's photo booths down there that</p> <p>10 specifically may be used for some pictures. That as</p> <p>11 technology has evolved and there's photo booth down</p> <p>12 there. I don't know if there's anything beyond that</p> <p>13 from a professional picture standpoint. Mr. McLaren</p> <p>14 would probably be able to answer that specifically</p> <p>15 though?</p> <p>16 Q Okay. What about the traffic, do you think the</p> <p>17 traffic has gone up in intensity?</p> <p>18 A I think in general the traffic on most nights</p> <p>19 is not -- you know, has not changed dramatically. I</p> <p>20 think the ticketing system that we've used and some of</p> <p>21 the adjustments that we've made in terms of getting</p> <p>22 people in and out of the park have alleviated a lot of</p> <p>23 the issues. I think this year was a bit of a challenge</p> <p>24 with the police not being there, honestly, because they</p> <p>25 do help facilitate that a lot in year -- in other years.</p>
<p>106</p> <p>1 events haven't gone up in intensity over the years?</p> <p>2 A I think they've gotten more popular over the</p> <p>3 years for sure. That's why we put them into place, you</p> <p>4 know, many more parameters, like the dynamic ticketing,</p> <p>5 and spacing things out, and having the nights that we</p> <p>6 have so that we have people are able to come on</p> <p>7 different nights. I think they've gotten more popular</p> <p>8 for sure.</p> <p>9 Q So more people have -- have shown up and bought</p> <p>10 tickets to these events, correct?</p> <p>11 A Mr. McLaren will be able to talk to you exactly</p> <p>12 about the number of people that have shown up and what</p> <p>13 the events look like year to year better than I would,</p> <p>14 but I think the events have gotten more popular over the</p> <p>15 years as a general observation.</p> <p>16 Q What about the character of the event, do you</p> <p>17 think it's gone up over the years?</p> <p>18 A What do you mean by gone up?</p> <p>19 Q For instance, before COVID, did you guys sell</p> <p>20 T-shirts and merchandise?</p> <p>21 A I wouldn't be able to answer. I'm not sure if</p> <p>22 they sold T-shirts or --</p> <p>23 Q Did --</p> <p>24 A -- or sweatshirts before COVID or not.</p> <p>25 Q Currently, do they sell sweatshirts and</p>	<p>108</p> <p>1 But in general, you know, and having done this for a</p> <p>2 long time, and he can talk -- Kevin can talk more about</p> <p>3 the specifics of the traffic team and the parking guys</p> <p>4 and how they -- how they handle things. But I think</p> <p>5 they have done a pretty good job.</p> <p>6 Now, are there -- are there nights that are</p> <p>7 busier than others that is just there's more traffic,</p> <p>8 for sure. For sure.</p> <p>9 Q Yeah. So would you say the traffic has</p> <p>10 increased in intensity over the past couple of years?</p> <p>11 A I think -- I think that Kevin could answer more</p> <p>12 of what the specific numbers look like ticketing --</p> <p>13 bless you -- better than I can. I -- I think that -- I</p> <p>14 don't think -- I think we've done a better job of</p> <p>15 figuring out the flows, and the dynamic ticketing has</p> <p>16 helped a lot in terms of getting people there different</p> <p>17 times of the night and having like -- it used to be</p> <p>18 years ago where you bought a ticket that night and you</p> <p>19 came where you could walk up. We don't sell walkup any</p> <p>20 more at all. And you have to -- you come during your</p> <p>21 time slots so people come and arrive and leave much</p> <p>22 differently than they used to. So there's probably more</p> <p>23 people than there were years ago as the event has grown,</p> <p>24 but we've also done a better job of managing the flow of</p> <p>25 it all but. But Kevin can probably get in more details.</p>

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28 (109 to 112)

<p>109</p> <p>1 Q But you already said before somebody came with 2 the ticket that's a 6 o'clock ticket, and they came at 3 9, you have no idea whether -- 4 A No, I think Kevin can answer that better than I 5 can. 6 Q Do you think the nature of the event has 7 changed through the years? 8 A What's different than that from the question 9 you just asked? What do you mean by nature? 10 Q Has the size of the trail increased? 11 A The trail, I'm not sure what it was up until I 12 took over. I -- I don't think it's changed since I 13 became the director there in terms of the actual trail. 14 So if you're asking for more history of that, Mr. 15 McLaren can give you that. I think it's been the same 16 trail since I've gotten there and since I've taken over 17 as executive director and been more involved. 18 Q Okay. How many fires are typically -- 19 A Mr. McLaren can answer that question. 20 Q Okay. 21 MS. OWENS: I have no further questions then. 22 MR. BARR: Modest redirect -- 23 HEARING EXAMINER BYRNE: Sure. 24 MR. BARR: -- please. 25 Why don't we use the aerial again, attachment</p>	<p>111</p> <p>1 MR. BARR: Okay. But -- 2 HEARING EXAMINER BYRNE: Not to draw -- 3 MR. BARR: No, I just first of all wanted to 4 know who was drawing. 5 HEARING EXAMINER BYRNE: Right. 6 MR. BARR: Second of all, is it just to -- 7 HEARING EXAMINER BYRNE: It's -- 8 MR. BARR: -- help us? What's -- 9 HEARING EXAMINER BYRNE: Okay. 10 MR. BARR: okay. 11 HEARING EXAMINER BYRNE: That's okay, Joey, you 12 don't have to draw anymore. I appreciate -- I 13 appreciate the thinking ahead and the effort, but let 14 me -- 15 MS. KORSON: If you're gonna draw for us, we 16 would appreciate that. 17 HEARING EXAMINER BYRNE: What I'm going to try 18 to do is play-by-play a little bit for the court 19 reporter because -- 20 MR. BARR: Yes, that is -- 21 HEARING EXAMINER BYRNE: -- because when I go 22 back and read the transcript -- 23 MR. BARR: Understood. 24 HEARING EXAMINER BYRNE: -- it would be like -- 25 MR. BARR: Understood.</p>
<p>110</p> <p>1 to Exhibit -- 2 HEARING EXAMINER BYRNE: The previous? 3 MR. BARR: The -- 4 HEARING EXAMINER BYRNE: Uh-hum. Is this the 5 one you want, Mr. Barr -- 6 MR. BARR: 59. 7 HEARING EXAMINER BYRNE: --- or do you want the 8 bigger one? 9 MR. BARR: The distances, please. 10 EXAMINATION BY COUNSEL FOR THE APPLICANT: 11 BY MR. BARR: 12 Q So the question was about who owns the property 13 on the other side of the property line, and you, in your 14 direct, mentioned at one point some years of cooperation 15 with the neighbors on using some of the property for the 16 events. Can you just go up to the screen and talk a 17 little bit about what you meant by that. 18 A Sure. It's my understanding -- and this was 19 before I -- I was probably hired or involved with it, 20 that this portion of land on some level was used for hay 21 -- 22 MR. BARR: I'm sorry, who's -- who's drawing? 23 HEARING EXAMINER BYRNE: Joey. 24 MR. BARR: Okay. 25 THE TECHNICIAN: I've already --</p>	<p>112</p> <p>1 HEARING EXAMINER BYRNE: -- please, I have no 2 idea what we're talking about. 3 MR. BARR: Understood. Okay. 4 HEARING EXAMINER BYRNE: So where all the points 5 come together is the property line -- 6 MR. BARR: Right. 7 HEARING EXAMINER BYRNE: -- between OBGC, and 8 then, like the big brown field, so -- 9 THE WITNESS: It's -- it's my understanding that 10 part of this property here for years was like a 11 partnership where some sort of arrangement that we used 12 the neighbors' cornfield for like hay rides and paint 13 ball and different things. 14 HEARING EXAMINER BYRNE: And that was Mr. 15 Atkinson's property based on a previous testimony under 16 the dark blue line. 17 THE WITNESS: And Kevin -- Kevin can also give 18 probably more background on that, but my understanding 19 is somewhere throughout this area, about six acres. 20 MR. BARR: Six-and-a-half acres. 21 HEARING EXAMINER BYRNE: Okay. 22 THE WITNESS: Six-and-a-half acres. 23 HEARING EXAMINER BYRNE: Bless you. 24 Q The question about lighting, if there are or 25 would be any concerns from any neighboring property</p>

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29 (113 to 116)

<p>113</p> <p>1 owners about any glare or the lights are not downward 2 and they can see lights, are you willing to continue to 3 work on addressing any concerns in that regard going 4 forward? 5 A Absolutely. 6 Q You mentioned the 2024 season did not have the 7 typical County police presence. Did that police 8 presence exist in years before 2024? 9 A Yes. 10 Q And are you looking to try to reestablish that 11 police presence going forward? 12 A Yes. 13 Q Nevertheless, is it your understanding that the 14 events ran smoothly without the police presence? 15 A In terms of safety for sure, yes. 16 Q I believe I already asked you this in direct, 17 but in terms of notification, advanced notification to 18 neighbors providing them with reasonable advanced notice 19 of plans, and proposals, and requests, you are committed 20 to doing a better job of that type of communication 21 going forward? 22 A Yes. 23 MR. BARR: Those are all the questions. 24 HEARING EXAMINER BYRNE: Okay. Thank you. 25 You're -- Mr. Scott, if you would just hang</p>	<p>115</p> <p>1 MR. BARR: So are we back on the record. 2 HEARING EXAMINER BYRNE: Not yet, but we can 3 be. 4 MR. BARR: Well -- 5 HEARING EXAMINER BYRNE: We're going to talk 6 details? 7 MR. BARR: Well, I will ask this question, and 8 then, I can ask it on the record -- 9 HEARING EXAMINER BYRNE: Okay. 10 MR. BARR: -- if you want me, but -- 11 (A discussion was held off the record.) 12 HEARING EXAMINER BYRNE: All right. Now I've 13 turned my microphone on. So before, as we've just 14 discussed, Mr. McLaren testifies, we have an individual 15 here that would like to speak. He's sitting next to Mr. 16 Barr. 17 Can you state your name, sir. 18 MR. QUINN: Yeah. My name is Matt Quinn, 19 M-A-T-T Q-U-I-N-N. 20 HEARING EXAMINER BYRNE: Mr. Quinn, can you 21 raise your right hand for me. 22 Whereupon, 23 MATT QUINN, 24 being first duly sworn or affirmed to testify to the 25 truth, the whole truth, and nothing but the truth, was</p>
<p>114</p> <p>1 out -- 2 THE WITNESS: Yeah. 3 HEARING EXAMINER BYRNE: -- as well. 4 THE WITNESS: Yeah. 5 HEARING EXAMINER BYRNE: Thank you, but you're 6 excused as a witness. 7 We are going on 11:30 now. Everybody good? 8 Can we continue to go forward with Mr. McLaren? All 9 right. 10 MR. BARR: We can at least start with Mr. 11 McLaren, sure. 12 HEARING EXAMINER BYRNE: Okay. 13 MR. McLAREN: I need a quick bathroom break. 14 HEARING EXAMINER BYRNE: That's -- that was my 15 question. Anybody need ten minutes to go to the 16 bathroom, I'm -- I'm -- we can do that. 17 MR. McLAREN: I do. 18 HEARING EXAMINER BYRNE: All right. That's 19 fine. We'll take a ten-minute break. We are going to 20 go off record. 21 There we go, and I just -- 22 THE TECHNICIAN: And everyone close their 23 microphones while we're on ten-second break. 24 HEARING EXAMINER BYRNE: Yeah. Here we go. 25 (A brief recess was taken.)</p>	<p>116</p> <p>1 examined and testified as follows: 2 HEARING EXAMINER BYRNE: All right. Mr. Quinn, 3 what would you like to tell us? 4 MR. QUINN: My name is Matt Quinn, and I'm 5 wearing two hats. The first hat I'll talk about is I'm 6 the former President of the Greater Olney Civic 7 Association, and the current Vice-President of the 8 Greater Olney Civic Association. 9 GOCA is well-respected in the County as far as 10 our elected officials are concerned. We work very hard 11 to maintain that relationship. We'll get involved in a 12 variety of community issues in the -- in the Greater 13 Olney as defined by the Master Plan from 2005, which 14 this area encompasses. 15 We have taken positions for and against a 16 variety of, I guess, projects that have been built or 17 not built in the Greater Olney area. And I could talk 18 about one that we were opposed, it did not get built, 19 and one that we supported and did get built. So we have 20 taken positions and not only in support of the community 21 associations who are members of the Greater Olney Civic 22 Association. 23 We had not heard from this organization as far 24 as their position on OBGC or any of these types of 25 activities. We're welcome to it, we would love to</p>

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30 (117 to 120)

<p>117</p> <p>1 engage, and we are willing to listen and to -- to 2 utilize our influence, whatever that may be, as far as 3 this is concerned, but that has not been -- we have not 4 been approached. So this community association, I don't 5 -- they're not an HOA, I don't believe, but we are 6 willing to be engaged in that -- in that regard. 7 As far as the Chamber hat, I'm the President of 8 the Olney Chamber as well. And I'm also the President 9 of a preschool. So community, local businesses, and 10 education are the things that are core values to me, and 11 I'm lucky enough to be able to have time to invest in 12 these non-profits. 13 The Greater Olney Civic Association is about 14 300 members. A significant number of them are 15 women-owned. That the number of women in the Greater 16 Olney -- Greater Olney are have postgraduate degrees. 17 It's remarkable, quite frankly. A lot of those moms are 18 coaches at OBGC. And they are raising -- and they are 19 doing things from as attorneys or neurologic studies at 20 NIH, and they can speak in languages and using English 21 where I don't know what they are talking about. They're 22 -- they're brilliant, and we are really glad, I am very 23 glad that they are members of our community. They make 24 us stronger. The number of local businesses that are 25 engaged in this is -- is wonderful too.</p>	<p>119</p> <p>1 company to move into Olney. That's not something that 2 we want to support. But these activities that support 3 people coming into our community, whether it's a 4 brewery, whether it's the Olney Theatre, the gym of the 5 community, the Sandy Spring Museum, the -- the -- the 6 great museum in Sandy Spring, the Slave Museum, you 7 should all come and check it out. It's actually it's 8 awesome. As well as OBGC. The arts and the sporting 9 community is vibrant. That's a really important 10 component to raising families to give your children that 11 opportunity, and so we support both of these things and 12 we want OBGC to continue. 13 I've heard that there are some folks who would 14 like to see OBGC turn back into a cornfield. We're 15 adamantly opposed to that. We have a lot of businesses 16 that -- that -- that would wind up being -- that when 17 people come to Field of Screams or Winter City Lights or 18 weekend tournament, they're utilizing our restaurants 19 and breweries predominantly to bring their money into 20 our community. And that's really what I like from a 21 business perspective, is people coming in and spending 22 their money in Olney. It's great for the tax base, it's 23 great for a variety of things. 24 So the -- the OBGC, Olney Boys & Girls Club, 25 they are -- they have helped us with a variety of</p>
<p>118</p> <p>1 The -- OBGC is a great partner. They provide a 2 variety of -- of things that occur in the Greater Olney 3 area that support our local businesses. We have two 4 large businesses; MedStar and Sandy Spring Bank. They 5 really don't engage with them, but they really don't 6 need my help. It's the local businesses that we spend a 7 lot of time with trying to promote what they are doing 8 and finding ways to keep them thriving. And I believe 9 that the businesses in the Greater Olney area are 10 thriving, and that's primary reason why the Greater 11 Olney is thriving. 12 It's a great community for people to live in, 13 and you can talk to our local real estate agents about 14 just what -- how difficult it is to get into Olney and 15 how the cost of housing has skyrocketed, which is a 16 whole different issue. 17 There -- there is no town mayor in Olney, there 18 is no town council. There are three predominant 19 nonprofits that really engage with our elected officials 20 to push forward a variety of things. GOCA, the Chamber, 21 and the Olney Civic Fund. They work in conjunction. 22 These are non-faith based, nonprofits and engage in a 23 lot of things to drive activities that -- that are very 24 supportive. 25 We're not looking for another Fortune 500</p>	<p>120</p> <p>1 fundraising events. Some of those monies go and their 2 support been great for -- we just had an event for our 3 local food pantry, Olney Hill. We raised \$6,000 for 4 Olney Hill. And there they focus on the needs or those 5 who are in need in the Greater Olney area. And OBGC has 6 been a great partner to that in a variety of ways. Like 7 loaning out heaters. So not just writing checks, but 8 there are other infrastructure types of things that they 9 can provide that support the goings on in the Greater 10 Olney community. 11 So that's what I'm here to say, is that they 12 have been a great community member from my perspective. 13 We invite the community to come to the Greater Olney 14 Civic Association. There's a meeting tonight. It will 15 probably virtual. The County Executive will be there. 16 He'll probably be there virtual as well as we talk about 17 things that aren't necessarily related to this, but land 18 use may be one of them for sure. 19 HEARING EXAMINER BYRNE: Thank you, Mr. Quinn. 20 MR. CIFERRI: Thank you, Matt. 21 MR. QUINN: Thank you. 22 MR. BARR: Thank you. 23 HEARING EXAMINER BYRNE: Would you all like to 24 -- 25 MS. KORSON: Yes. If it's okay with Mr. Quinn,</p>

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<p>121</p> <p>1 we'd like to ask a couple questions.</p> <p>2 MR. QUINN: Okay. Sure.</p> <p>3 HEARING EXAMINER BYRNE: Okay.</p> <p>4 MS. KORSON: Thank you.</p> <p>5 EXAMINATION BY THE OPPOSITION:</p> <p>6 BY MS. KORSON:</p> <p>7 Q My name is Nikki Korson, I'm a member of GOCA.</p> <p>8 And I just wanted to ask a little bit about the</p> <p>9 footprint that you and your organization have in Olney.</p> <p>10 Is Irina Norell the current president?</p> <p>11 A She is.</p> <p>12 Q She is. Okay. What does your organization do</p> <p>13 in order to recruit members to be all-inclusive of the</p> <p>14 Olney community?</p> <p>15 A So that the members -- a homeowners'</p> <p>16 association would -- would join the Greater Olney Civic</p> <p>17 Association, and we have -- we certainly send out, and</p> <p>18 when I was president, I sent out end-of-year letters to</p> <p>19 say these are the kinds of things that we have been</p> <p>20 engaged with. I have gone to a variety of HOAs for</p> <p>21 their annual meetings to talk about again some of those</p> <p>22 things that we have engaged in. And it's -- it's I'm</p> <p>23 not the guy to invite to a party, you know, because I'm</p> <p>24 pretty die about these kind of things, because these</p> <p>25 things interest me, but not many people find them all</p>	<p>123</p> <p>1 requirements for things like this, this proceeding,</p> <p>2 right, require notification to local civic associations,</p> <p>3 and in looking at the historic record of who's been</p> <p>4 notified of such modification, it appears that GOCA was</p> <p>5 not notified -- was notified, excuse me.</p> <p>6 And I notice that on the Special Exception</p> <p>7 paperwork, and I thought, Um, who's this, right. So I</p> <p>8 started looking at it, and as a community member of</p> <p>9 Olney, I was not aware of GOCA, nor have I ever been</p> <p>10 invited. When I spoke to your organization, I was told</p> <p>11 that you're obviously valiantly a volunteer</p> <p>12 organization, but that there are not active efforts to</p> <p>13 recruit folks because of the limited staff. And so my</p> <p>14 concern is you've taken the position that your</p> <p>15 organization does not support -- I think you articulate</p> <p>16 it as turning OBGC into a cornfield. Is that driven by</p> <p>17 your personal opinion, or is that driven by talking to</p> <p>18 the Greater Olney community, which includes a large</p> <p>19 percentage of folks who are not subject to homeowners'</p> <p>20 associations, given the AR zone that makes up a large</p> <p>21 portion of the Olney Master Plan?</p> <p>22 Q So it's anecdotal for sure.</p> <p>23 A Okay.</p> <p>24 Q And my experience is also that if there's an</p> <p>25 organization that abuts a property, they're generally</p>
<p>122</p> <p>1 that interesting.</p> <p>2 So it -- it's really our online stuff. The</p> <p>3 Greater Olney News will provide a little blurb here and</p> <p>4 there as to what's going on, and then, it's generally</p> <p>5 what gets people fired up and what gets people to come</p> <p>6 to a GOCA meeting is generally something land use that</p> <p>7 is going to have an impact on traffic.</p> <p>8 Q I see. And you said that you work with local</p> <p>9 homeowners associations --</p> <p>10 A Um-hum.</p> <p>11 Q -- I think. What do you do for members or for</p> <p>12 community members that are not subject to or have --</p> <p>13 A So --</p> <p>14 Q -- a homeowners' association?</p> <p>15 A -- Olney, on the GOCA website, an individual</p> <p>16 can -- can join and become an individual member.</p> <p>17 Q Right.</p> <p>18 A Now, multiple people in that community are</p> <p>19 looking to join and become an -- to become an individual</p> <p>20 member, then they would have to work together to create</p> <p>21 to have one. Each HOA can have two reps, so -- so the</p> <p>22 Olney Mill, an old large association in the Greater</p> <p>23 Olney area, now can submit two people. They can have</p> <p>24 two backups. But each HOA gets two members to attend.</p> <p>25 Q I see. So our understanding of the notice</p>	<p>124</p> <p>1 opposed to it. That the people outside who aren't going</p> <p>2 to be impacted by whatever is occurring generally are</p> <p>3 supportive. So the -- the -- the great majority of</p> <p>4 people in the Greater Olney area are very supportive of</p> <p>5 OBGC.</p> <p>6 Q What is your thought that the Opposition here</p> <p>7 in this room represents ownership of over a thousand</p> <p>8 acres of land in Olney? Is that a small contingency to</p> <p>9 you?</p> <p>10 A Well, I don't look at it from a standpoint of</p> <p>11 overall area. I look at it as from a population</p> <p>12 perspective. So of those thousand area, that those</p> <p>13 thousand acres, how many people are we talking about?</p> <p>14 Q When we look at the Olney Master Plan, one of</p> <p>15 the goals of the Master Plan is to avoid fragmentation</p> <p>16 of agricultural land, and that's one of the focuses for</p> <p>17 Olney is, because there is such a rich history of</p> <p>18 agriculture in the community, I'm concerned that GOCA</p> <p>19 doesn't seem to prioritize agriculture, given such a</p> <p>20 strong and prominent voice in the community. It seems</p> <p>21 like maybe you're missing --</p> <p>22 HEARING EXAMINER BYRNE: I think --</p> <p>23 Q -- constituency?</p> <p>24 HEARING EXAMINER BYRNE: -- I think I'm going to</p> <p>25 jump in here because I hear he came to basically say</p>

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125	1 what his opinion is, who GOCA is, but I a hundred 2 percent hear what you're saying in that you are not part 3 of an HOA, you are not basically joined with GOCA in the 4 way that another HOA is. But I think that we're now 5 going down a whole another road that's not necessarily 6 part of what the Administrative Modification is. 7 So I'm taking Mr. Quinn's testimony as an 8 individual who lives in Olney, a person who is former 9 president of GOCA, and is involved in the Chamber of 10 Commerce, and what his personal opinion is regarding the 11 development at OBGC. 12 MS. KORSON: Thank you. 13 HEARING EXAMINER BYRNE: Okay. Thank you, Mr. 14 Quinn. 15 THE WITNESS: Um-hum. 16 HEARING EXAMINER BYRNE: So before we get to Mr. 17 McLaren, I know you all have someone who needs to leave. 18 So -- 19 MS. KORSON: Yes. We -- 20 HEARING EXAMINER BYRNE: -- is there -- 21 MS. KORSON: -- we have Caroline Taylor with the 22 Montgomery Countryside Alliance. 23 HEARING EXAMINER BYRNE: Ms. Taylor. Okay. So 24 Ms. Taylor, you are on our monitor. 25 MS. TAYLOR: Thank you so much, and I apologize.	127	1 is regarding the Board's decision to modify the original 2 Special Exception. And so I will work hard to contain 3 myself to that, but I do want to say, I want to start 4 with a broader context because I think that it needs to 5 be said. And that is that this property is in 6 Montgomery County's Agricultural Reserve, and the beauty 7 of the what was previously called Special Exception 8 process, now conditional use, is that it provides for 9 additional uses than the primary use in the reserve, 10 which, of course, is agriculture. But it provides for 11 it and for those uses in a manner that maintains a 12 balance that doesn't upend the primary use to it. When 13 you all decide whether Special Exception or conditional 14 use should be approved, you're looking at the inherent 15 and noninherent effects of that use. It's scale, 16 intensity, et cetera. 17 And in this case, you have a use that began and 18 operated by all accounts for a number of years in 19 relative balance with the agricultural community, with 20 the rural community. And then, as what can happen, the 21 use expanded due to popularity of Field of Screams, and 22 then, desire to do more of another event to at least 23 accompany, but the balance was upended. 24 And so then comes to property owner to ask for 25 modification. It is our contention that several things
126	1 I have to go to another hearing before the County 2 Council shortly and I appreciate the accommodation. 3 HEARING EXAMINER BYRNE: So Ms. Taylor, are you 4 saying that the Council trumps this hearing? No, just 5 kidding. So I'm totally giving you a hard time. But 6 before you start, if you could raise your right hand. 7 I don't see her, Joey. 8 THE TECHNICIAN: She's -- um. 9 HEARING EXAMINER BYRNE: There we go. Thank 10 you. 11 Whereupon, 12 CAROLINE TAYLOR 13 being first duly sworn or affirmed to testify to the 14 truth, the whole truth, and nothing but the truth, was 15 examined and testified as follows: 16 HEARING EXAMINER BYRNE: Okay. And spell your 17 name again for the court reporter. 18 THE WITNESS: It's C-A-R-O-L-I-N-E Taylor, 19 T-A-Y-L-O-R, and my position is executive director for 20 Montgomery Countryside Alliance. 21 HEARING EXAMINER BYRNE: Okay. Thank you, Ms. 22 Taylor. What would you like to tell us? 23 MS. TAYLOR: First of all, I appreciate at the 24 outset, Your Honor, that you had properly circumscribed 25 what was before you during this decisionmaking, and that	128	1 happened with that modification that rendered a result 2 that doesn't marry with the factual cases, and 3 therefore, the noninherent effects of the use. 4 First, it's been brought to the attention of 5 Your Honor and others that there may have been a 6 noticing issue, and that's why us folks are here today. 7 Secondly, here brings the full details of the 8 scale and scope of intensity of what the modification, 9 which essentially sweeping in practices that have been 10 occurring for a number of years. 11 And so you have a use that by all accounts as 12 we've said is popular, by all accounts brings in quite a 13 bit of income to the nonprofit, and certainly quite a 14 bit of income into Steelhead Productions. But you have 15 an imbalance with regard to the effect on the 16 surrounding rural community. Make no mistake, 17 Montgomery County's rural communities are resilient, 18 they are strong, and they are productive. They -- they 19 are one of the largest contributors to the economy in 20 terms of agriculture in Montgomery County, and indeed 21 the state. 22 But despite that resiliency, those communities 23 in the agricultural reserve are at risk. The challenges 24 only grow because the County maintains the strength of 25 those communities, and it's decisions, such as the one

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<p>129</p> <p>1 before you, that will -- even though one could argue 2 this is a single property, and gosh, this is such a 3 great nonprofit, it has ramifications not just for the 4 rural community in Olney, but beyond in terms of whether 5 this County is committed to making sure we strike and 6 maintain the appropriate balance with regard to 7 conditional or Special Exception uses. 8 The State has a requirement that our land use 9 decisionmaking be make sure that any decisions are 10 consistent with our master plans. And it's MCA's 11 contention that approving this modification, and 12 therefore sweeping in a series of violations, whether 13 they are abatement orders, other citations, is not 14 consistent with Master Plan, and certainly doesn't 15 uphold our obligation to make sure that the community 16 can have a use and enjoyment of their properties. 17 And so we believe that this modification should 18 not be granted. We take it a step further that we hope 19 that the Board will consider a revocation of the Special 20 Exception and have these folks come back in with a fully 21 developed plan of what they intend to do so you all can 22 determine literally what the inherent and noninherent 23 effects of the use are. 24 And I so appreciate you allowing me to provide 25 comment. Thank you so much.</p>	<p>131</p> <p>1 that tag that was improperly approved or illegitimate, 2 are you? 3 A I want to make sure you understand where -- 4 where we're coming from when I said that. There was a 5 use that was approved for Special Exception that -- that 6 operated for a number of years. And that is, as you 7 say, the sporting events for OBGC. That entire 8 operation now has encompassed these additional uses. In 9 and of itself, perhaps not a problem. The -- the 10 frequent, repeated defiance of requirements of the 11 zoning and DPS and a court abatement order call into 12 question whether that entity, whether OBGC, should be 13 caused to go back and tell the hearing, the OZAH, what 14 it is they intend to do on this property once and for 15 all, because it's -- it's all over, and it changes every 16 time. 17 So yes, we believe that because of the track 18 record, despite the protestations in terms of we're 19 going to do better in the future, that this should be 20 something that be considered for revocation, yes. 21 It doesn't mean you can't -- you shouldn't come 22 in, but they -- there needs to be a fully realized plan, 23 not a moving target of what's going to happen on that 24 property for us know what inherent, what noninherent 25 effects on the community will be.</p>
<p>130</p> <p>1 HEARING EXAMINER BYRNE: Thank you. 2 MR. BARR: Brief -- 3 HEARING EXAMINER BYRNE: Mr. -- Mr. Barr has a 4 quick questions for you, Ms. Taylor. 5 EXAMINATION BY COUNSEL FOR THE APPLICANT: 6 BY MR. BARR: 7 Q Ms. Taylor, good -- good morning barely, and 8 thank you for your testimony. 9 So and I believe you submitted I think it's 10 Exhibit 58. 11 A I -- I've not submitted exhibits. However, I 12 -- 13 Q Okay. 14 A -- I think -- 15 Q Well, anyway, it was a letter from last summer. 16 Don't worry about it. 17 So just very briefly, your -- your comment I 18 think at the end of your testimony about encouraging, 19 you know, consideration of revocation of the Special 20 Exception is quite alarming. You're -- you're not -- I 21 understand your comments about the fundraising events, 22 but you're not suggesting that when the Olney Boys & 23 Girls Club in 1999 got Special Exception approval from 24 the Montgomery County Board of Appeals for a service 25 organization Special Exception use, you're not saying</p>	<p>132</p> <p>1 Q Okay. Well, I -- I hope that we're here at 2 this hearing today to help address some of those 3 concerns. 4 My -- your point about inherent versus 5 inherent, without getting into scale, which I understand 6 your -- your point about that, would you say generally 7 speaking that for a pay nonprofit organization is 8 fundraising inherent or noninherent to a nonprofit 9 organization? 10 A So I will answer that in two parts. 1, 11 fundraising is inherent. However, this is -- this 12 fundraising plus. This is leasing to a wholly separate 13 entity who is making the majority of the money off of 14 these events. I'm not sure that that was contemplated 15 when this Special Exception was granted or any 16 modifications thereto. 17 Q Would you say that use of agricultural 18 properties for things like a corn maze or related, you 19 know, that time of year, Halloween oriented events is 20 appropriate for the Ag Zone? 21 A I think that the originally envisioned smaller 22 scale events that didn't include retina burning eye 23 seeing from great distances, multiple fires, and all the 24 other things, that that -- that is something that a 25 property that's called agrotourism, and it's something</p>

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<p>133</p> <p>1 that our organization supports, but this is not that 2 where it is now. 3 Q Would you be willing to work your -- you and 4 your alliance, would you be willing to work with the 5 Olney Boys & Girls Club on identifying potential ways to 6 integrate additional agricultural components to the 7 events? 8 A The answer is that we're always willing to work 9 with entities to make sure that they're upholding the 10 tenets of the Master Plan. I will say I'm not willing 11 to put lipstick on the pig here in terms of putting more 12 corn into what they're doing there. So if -- if the -- 13 if the organization wants to get back in the balance and 14 wants to have that discussion, we're more than happy to 15 have it. 16 Q Thank you. 17 HEARING EXAMINER BYRNE: Thank you, Ms. Taylor. 18 THE WITNESS: You're welcome. 19 HEARING EXAMINER BYRNE: Okay. So I think 20 that's that's everybody that has to go, correct? All 21 right. We'll pick back up with the Applicant's 22 testimony, OBGC with Mr. McLaren. 23 Mr. McLaren, I'll let you take a sip of water 24 first. 25 Can you raise your right hand for me.</p>	<p>135</p> <p>1 A Steelhead is a corporation that I believe was 2 started in 2010 or 2011 based on the request of the OBGC 3 board to find an organization to run the fundraisers 4 because they could not get the proper staffing and 5 funding to fund the event, and the volunteers to support 6 the event. I believe there is a single owner of 7 Steelhead. I'm not positive of the actual corporation. 8 I've been volunteering for OBGC since, I don't know, for 9 26, 27 years now. And I got involved in the fundraiser 10 because I like fixing things. It's my hobby. So I got 11 involved in volunteering, and then, five years ago, they 12 asked me if I'd like to be a part of the SHP 13 organization, so I became an employee of the 14 organization. 15 Q And briefly describe your responsibilities with 16 Steelhead. 17 A So when I started, it was primarily to make 18 sure that everything was safe and up to code. So I got 19 familiar with the Special Exception. I -- I've been the 20 point person with the County and DPS. I've been the 21 person who has gone to court every six months for 22 three-and-a-half years for the abatement hearings. 23 Meeting with the County to resolve all the issues. I 24 met with the then head of DPS, Hadi, I think it was 25 2018, gave him my word I would not stop until every</p>
<p>134</p> <p>1 Whereupon, 2 KEVIN McLAREN, 3 being first duly sworn or affirmed to testify to the 4 truth, the whole truth, and nothing but the truth, was 5 examined and testified as follows: 6 HEARING EXAMINER BYRNE: And can you spell your 7 first and last name for the court reporter. 8 THE WITNESS: Kevin, K-E-V-I-N, McLaren, M-C 9 capital L-A-R-E-N. 10 HEARING EXAMINER BYRNE: Thank you. 11 EXAMINATION BY COUNSEL FOR THE APPLICANT: 12 BY MR. BARR: 13 Q Mr. McLaren, your professional address, please. 14 A 16613 Norbeck Farm Drive, Olney, Maryland. 15 Q And what is your title and occupation? 16 A I'm a businessowner, I own multiple businesses, 17 I'm a degreed engineer, I'm an expert legal witness, and 18 I'm here today as a representative for Steelhead. 19 Q Okay. But you're not here as an expert, 20 correct? 21 A Correct. 22 Q Okay. At least not in the sense of a typical 23 zoning hearing. 24 Okay. So talk about Steelhead, what is it, and 25 how long have you worked for it?</p>	<p>136</p> <p>1 single T was crossed and I was dotted. And that's what 2 I've been doing. 3 Q All right. Are you familiar with the Olney 4 Boys & Girls Club property and the location of the Field 5 of Screams and Winter City Lights fundraising events? 6 A Yes. 7 Q Have you personally attended them? 8 A Yes. 9 Q Are you familiar with the operations of the 10 events? 11 A Yes. 12 Q The site plan that was submitted with the 13 Applicant's Prehearing Statement, Exhibit 59. 14 MR. BARR: If we could pull that up, please. 15 Q Did you prepare this plan? 16 A Yes, I did. 17 Q Using it, just describe generally how, and if 18 there's similarities between the two events, how both 19 events just generally operate in terms of entering the 20 property, and without getting into the specifics of 21 parking and everything which we'll get to, but just give 22 us a lay of the land. 23 A So they enter off of Route 108 onto 24 Laytonsville Road, the main entrance. We direct parking 25 to the east parking and the northeast parking. The</p>

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<p>137</p> <p>1 ticketing and heated bathrooms is actually the all 2 concessions building that we use as a ticketing hub. 3 That's where we scan people in. Prior to they, they are 4 wanded and safety inspected. 5 That blue line is an asphalt path that they 6 take into the compound. The compound is about three 7 acres. Those, the games and firewood used to be the two 8 cover for the -- for the cornfield and the hay ride, 9 which is about three-and-a-half, six-and-a-half acres of 10 the cornfield on the Atkinsons' property, that was used 11 with structures, actors, chainsaws, the whole nine 12 yards. It was an actual separate event was the hay 13 ride. 14 Then, you have the compound, and then you have 15 the haunted trail. The trail has 29 locations that were 16 approved by Parks and Planning to have a structure. 17 There are 22 locations that have structures. So seven 18 of them are -- have like a wall that's decorated, or 19 it's a prop. And since it's a conservation easement, 20 any area that has anything in the woods had to be carved 21 out. 22 Originally, Parks and Planning gave permission 23 to have the structures in the woods, and we found out in 24 2019, I believe, that ooh, Carol Martin made a mistake, 25 she didn't have the --</p>	<p>139</p> <p>1 HEARING EXAMINER BYRNE: And 22 structures. 2 Okay. I had it reversed. 3 THE WITNESS: So -- so that's for future, if 4 something wanted to be there, like, for example, right 5 now, there could be a decoration, there could be a prop. 6 That's a -- a prop standing there, right. And that that 7 location by Parks and Planning is considered a location 8 that has to be identified, and carved out of the 9 easement, which is what we did for three-and-a-half 10 years. 11 HEARING EXAMINER BYRNE: So and I'm -- let me 12 know, Mr. Barr, if I'm -- if I'm hijacking you again 13 here. 14 MR. BARR: No. 15 HEARING EXAMINER BYRNE: So we have 22 16 locations. 17 THE WITNESS: Correct. 18 HEARING EXAMINER BYRNE: And that is established 19 through the Forest Conservation Easement with Maryland 20 National Capital Park and Planning. 21 THE WITNESS: Correct. 22 HEARING EXAMINER BYRNE: A structure built in 23 that Forest Conservation Easement may or may not require 24 a permit, right? 25 THE WITNESS: Correct.</p>
<p>138</p> <p>1 Q All right. 2 A -- to be -- 3 Q All right. Let's -- all right. So -- 4 HEARING EXAMINER BYRNE: So we have -- so I 5 think we found the 22/29 -- 6 MR. BARR: Yes. 7 HEARING EXAMINER BYRNE: -- distinction. 8 MR. BARR: There -- yes, there were questions 9 about that distinction. 10 A My apologies. 11 MR. BARR: And did that response make sense? 12 HEARING EXAMINER BYRNE: It did. 13 MR. BARR: Okay. 14 HEARING EXAMINER BYRNE: Because if we 15 understand the structure as defined is something that 16 can be built or is built, right, in wall -- 17 MR. BARR: Correct. 18 HEARING EXAMINER BYRNE: -- is also considered a 19 structure versus things with roofs and four sides. So 20 for permit purposes, you have 29 structures in 22 21 locations, so you have more than one structure. 22 MR. BARR: Not quite. 23 THE WITNESS: 29 locations. 24 HEARING EXAMINER BYRNE: 29 locations. 25 THE WITNESS: And 22 structures.</p>	<p>140</p> <p>1 HEARING EXAMINER BYRNE: So those individual 2 structures would then be permitted through DPS. 3 THE WITNESS: Correct. 4 HEARING EXAMINER BYRNE: Right. So not only do 5 you have inspection for Maryland National Capital Park 6 and Planning as far as easement area, but you have an 7 application for a structure that goes to DPS, which then 8 has to be inspected, and then, so you have inspections 9 for structure and inspections for zoning. 10 THE WITNESS: Yes. And I can go through that 11 whole process from start to finish when we get to that 12 point. 13 HEARING EXAMINER BYRNE: Might have to. 14 THE WITNESS: Absolutely. 15 HEARING EXAMINER BYRNE: But let's we'll just 16 keep on going. 17 MR. BARR: So well -- okay. 18 A So that's the main structure. The difference 19 is Field of Screams uses structures, Winter City Lights 20 does not with the exception of a couple of bridges and a 21 walkway and a stairs. But they don't go inside any 22 buildings. They walk around. 23 And then, where it has the location of berm, 24 the trail everybody exits and exits the facility and the 25 parks.</p>

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<p>141</p> <p>1 HEARING EXAMINER BYRNE: So just to clarify, so 2 all of those arrows that I see those existing structures 3 around the blue and the green in that area -- 4 THE WITNESS: Yes. 5 HEARING EXAMINER BYRNE: -- and not into that 6 hatched out wooded area, those are existing OBGC 7 structures that are used for sporting events as well? 8 THE WITNESS: No. 9 HEARING EXAMINER BYRNE: Or no? 10 THE WITNESS: Those were strictly permitted and 11 built for the fundraisers, and the 2011 Special 12 Exception, it was for the concessions building and the 13 haunted house. 14 HEARING EXAMINER BYRNE: Okay. 15 THE WITNESS: 2019 -- 16 HEARING EXAMINER BYRNE: Okay. 17 THE WITNESS: -- was for the haunted house queue 18 cover, which is just below -- 19 HEARING EXAMINER BYRNE: Right. 20 THE WITNESS: -- just below the purple arrow. 21 And then, also for games and firewood storage at the 22 time, that was called the -- the hay ride queue cover -- 23 HEARING EXAMINER BYRNE: Okay. 24 THE WITNESS: -- the trail queue cover, and 25 there were two additional buildings that were approved</p>	<p>143</p> <p>1 THE WITNESS: 2011 was the haunted house and 2 concessions. 3 HEARING EXAMINER BYRNE: Got it. And then, the 4 -- but when you just -- in fact, I had referred to it 5 earlier. The queue -- 6 THE WITNESS: Yes. 7 HEARING EXAMINER BYRNE: -- the queue covers. 8 THE WITNESS: Queue covers, correct. 9 HEARING EXAMINER BYRNE: And then, the -- okay. 10 THE WITNESS: And the intention of that was the 11 complaints were about if it rains during the week, it's 12 muddy on the weekends, so by having it covered, people 13 don't have to stand in the mud as they're waiting to go 14 on the hay ride -- 15 HEARING EXAMINER BYRNE: Okay. 16 THE WITNESS: -- throughout the cornfield. 17 HEARING EXAMINER BYRNE: All right. That's 18 helpful. Thank you. 19 Q Well, let's -- okay. Let's talk about 20 approvals and walk from maybe a higher level down. Mr. 21 McLaren. Have you worked personally on obtaining 22 approvals for the events over the past several years? 23 A Yes. 24 Q All right. Let's start generally with all of 25 the types of approvals needed for the two fundraising</p>
<p>142</p> <p>1 for future fundraisers -- 2 HEARING EXAMINER BYRNE: Okay. 3 THE WITNESS: -- as placeholders to say in the 4 future, the thought was having different types of 5 concessions, or different types of games, or you know, 6 how do you make it more conducive for younger children 7 that didn't have to go get scared in the woods at the 8 time. 9 HEARING EXAMINER BYRNE: Okay. 10 THE WITNESS: So those were placeholders. And 11 then, in 2022, the trail queue cover was actually 12 constructed -- 13 HEARING EXAMINER BYRNE: Okay. 14 THE WITNESS: -- with all the permitting, with 15 all the approvals and all of that. 16 HEARING EXAMINER BYRNE: So all of those 17 buildings in the open area are permitted and approved? 18 THE WITNESS: Yes. 19 HEARING EXAMINER BYRNE: Okay. 20 THE WITNESS: Um-hum. 21 HEARING EXAMINER BYRNE: All right. That's 22 helpful. And that goes back to the 2019 board 23 resolution. 24 MR. BARR: 2011 -- 2011 and 2019. 25 HEARING EXAMINER BYRNE: 2011 and 2019.</p>	<p>144</p> <p>1 events. Can you just summarize those briefly. 2 A There's the state special amusement -- there's 3 a state amusement park, there is alcohol, tobacco, and 4 cannabis. There is health with as far as concessions. 5 There's the fire code. The fire code has changed three 6 or four times over the last five years, so operational 7 permits and fire marshal approvals are now merged. 8 They're not separate as they used to be two different 9 permits; they're now one. 10 And then, for the specific structures, it's -- 11 it's submitting a permit, and then, going through the 12 zoning, which is why we are here today, because the 13 Zoning Examiner acquired a Special Exception to add the 14 locations into the Special Exception before they would 15 approve the permit we had submitted. 16 HEARING EXAMINER BYRNE: So we're talking about 17 the ones in the woods? 18 THE WITNESS: In the woods, correct. 19 HEARING EXAMINER BYRNE: All right. 20 A So and then, every year, so every year we do 21 the fire, we have -- we have permits for the fire pits. 22 The -- and again, they are not bonfires which are 23 technically on the ground. We had those five years ago. 24 They have been -- they did away with. Now they're in 25 metal cauldrons. And we do have a fire code plan and</p>

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<p>145</p> <p>1 approval for that with fire marshal.</p> <p>2 HEARING EXAMINER BYRNE: So how long have you</p> <p>3 had the fire pits?</p> <p>4 THE WITNESS: 15 years, 16 years. Since the</p> <p>5 beginning.</p> <p>6 HEARING EXAMINER BYRNE: Okay. And you've got</p> <p>7 fire pits in structures for the last five years?</p> <p>8 THE WITNESS: No, no, no. Fire pits are only in</p> <p>9 the compound. You can move that screen there.</p> <p>10 HEARING EXAMINER BYRNE: Maybe I used my</p> <p>11 terminology was wrong. So they're -- they're no longer</p> <p>12 just out.</p> <p>13 THE WITNESS: There --</p> <p>14 HEARING EXAMINER BYRNE: They are in contained.</p> <p>15 THE WITNESS: There had never been fires in a</p> <p>16 structure --</p> <p>17 MR. BARR: We'll get to the fire pits.</p> <p>18 HEARING EXAMINER BYRNE: Okay.</p> <p>19 THE WITNESS: So here this where the tree is</p> <p>20 used to be the bonfire.</p> <p>21 HEARING EXAMINER BYRNE: Okay.</p> <p>22 THE WITNESS: It's no longer a bonfire because</p> <p>23 there's a tree there. And all those little circles you</p> <p>24 see --</p> <p>25 HEARING EXAMINER BYRNE: Um-hum.</p>	<p>147</p> <p>1 in the woods in February of 2024 because the</p> <p>2 reforestation was finished in December of 2023.</p> <p>3 And then, we have fire pit that was approved.</p> <p>4 The fire marshal approved all the operational permits,</p> <p>5 all the use and occupancy. The issue we had where the</p> <p>6 structures in the -- in the field, including the woods,</p> <p>7 and those were shut down in accordance with the</p> <p>8 abatement orders, so we didn't have to use anything that</p> <p>9 required a U&O or permit, it didn't have one.</p> <p>10 HEARING EXAMINER BYRNE: Of all construction in</p> <p>11 the woods, how many require U&Os?</p> <p>12 THE WITNESS: There are 12 right now that are</p> <p>13 actually structures with roofs on them that require a</p> <p>14 U&O. Two of them are compliant, but we can't proceed</p> <p>15 past the zoning checklist with the County until this is</p> <p>16 resolved.</p> <p>17 HEARING EXAMINER BYRNE: Zoning always comes</p> <p>18 first.</p> <p>19 THE WITNESS: Right. And then -- and then, the</p> <p>20 other -- the other 11 -- excuse me, nine, are safe, but</p> <p>21 they don't meet the commercial building code, so they</p> <p>22 have to be replaced.</p> <p>23 And then, the permit we submitted in February</p> <p>24 of 2024 we submitted the replacement structure that</p> <p>25 would replace those moving forward.</p>
<p>146</p> <p>1 THE WITNESS: -- those are actually where the</p> <p>2 fire pits were.</p> <p>3 HEARING EXAMINER BYRNE: Okay.</p> <p>4 THE WITNESS: So they are contained in this</p> <p>5 compound. Nothing is ever in the -- has ever been in</p> <p>6 wooded area.</p> <p>7 HEARING EXAMINER BYRNE: So prior to the</p> <p>8 individual fire pit, you had one bonfire?</p> <p>9 THE WITNESS: And the fire pits, both.</p> <p>10 HEARING EXAMINER BYRNE: And the fire pits.</p> <p>11 THE WITNESS: There was a central big fire pit,</p> <p>12 and then, there were the fires around it for people to</p> <p>13 roast marshmallows.</p> <p>14 HEARING EXAMINER BYRNE: Okay.</p> <p>15 Q Let's get to the specific approvals that you</p> <p>16 worked on for Field of Screams this past season, 2024.</p> <p>17 How would you summarize the approvals that you were able</p> <p>18 to get and that not able to get yet?</p> <p>19 A We were able to get pretty much every approval</p> <p>20 as far as the state. The state has come out every year</p> <p>21 for 15 plus years and inspected all of the amusement</p> <p>22 structures which came under the state purview.</p> <p>23 We had all of the U&Os for all the structures</p> <p>24 in the compound.</p> <p>25 We had submitted the permits for the structures</p>	<p>148</p> <p>1 Q So is it fair to say that you made adjustments</p> <p>2 to the trail experience this past season and the trail</p> <p>3 is still open; is that correct?</p> <p>4 A Yes. Yes.</p> <p>5 Q Okay. It was mentioned previously that this</p> <p>6 past season, the police were not available. How did you</p> <p>7 adjust and how did you operated without them?</p> <p>8 A We hired a private security organization. The</p> <p>9 one challenge is if you have a disabled vehicle in the</p> <p>10 main entrance of the drive lane, they tend to move</p> <p>11 better when it's a Montgomery County Police Officer that</p> <p>12 we hire. So not having the police, we did have a couple</p> <p>13 of nights where there was a disabled vehicle which did</p> <p>14 create traffic on 108.</p> <p>15 Q Was alcohol served at Field of Screams?</p> <p>16 A No, alcohol --</p> <p>17 Q Has alcohol ever been served at Field of</p> <p>18 Screams?</p> <p>19 A No, alcohol has never been served at Field of</p> <p>20 Screams.</p> <p>21 Q And just generally speaking, how would you</p> <p>22 characterize how the event operated this past season, or</p> <p>23 what kind of feedback did you receive?</p> <p>24 A With the challenges of closing everything, the</p> <p>25 weekend before we opened, we got rained out, which</p>

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<p>149</p> <p>1 helped, so we had to close the first weekend due to 2 rain. That helped us prepare and reswizzle the trail. 3 In the Parks and Planning approval, they gave 4 us approval to walk around the structures because of the 5 Winter City Lights lights mapping that we showed them 6 that's in the special -- that's in the conservation 7 easement. So we actually used that trail to go around 8 the structures versus through them. We boarded 9 everything up, we closed them. We did use two bridges, 10 we did use a stairwell. 11 And the County had come out the week before, we 12 walked through with them, they gave us a punch list of 13 safety items. We fixed all of those items. So we were 14 under the impression we were in compliance with those 15 particular items. 16 HEARING EXAMINER BYRNE: When you say the County 17 came out, who from the County came out -- 18 THE WITNESS: Oh, no -- 19 HEARING EXAMINER BYRNE: -- with the punch list? 20 THE WITNESS: -- Rabbiah, and his assistant, and 21 a bunch of his people, and Chris Allen. 22 HEARING EXAMINER BYRNE: So is that -- 23 THE WITNESS: That was -- 24 HEARING EXAMINER BYRNE: Which agency? 25 MR. BARR: There were three -- there were three</p>	<p>151</p> <p>1 THE WITNESS: They never required it for Winter 2 City Lights or Field of Screams in the past. And they 3 waived it for Field of Screams in a meeting we had with 4 director. 5 HEARING EXAMINER BYRNE: So 2024 was the first 6 time you were asked to get a -- 7 THE WITNESS: Yes. 8 HEARING EXAMINER BYRNE: -- special -- County 9 Special Event Permit? 10 THE WITNESS: Yes. And to be fair, there was 11 one in 2010. There was a complaint on the DPS website 12 that said they don't have a special benefit performance 13 license, the response by DPS was that there -- due to 14 their Special Exception, a benefit performance license 15 is not required, but they have a Special amusement 16 license for the Field of Screams event. 17 Q How -- how -- 18 HEARING EXAMINER BYRNE: That's -- I'm sorry, 19 that's a state thing? 20 THE WITNESS: That is DPS. No, that was DPS' 21 website in 2010. 22 HEARING EXAMINER BYRNE: Right. But then, you 23 said they have a special -- 24 THE WITNESS: So in 2010 before my time in 25 being involved in the fundraiser, there was a special</p>
<p>150</p> <p>1 representatives from DPS. 2 HEARING EXAMINER BYRNE: Okay. 3 MR. BARR: The director, Mr. Allen, and then, I 4 believe an electrical inspector whose name escapes me at 5 the moment. 6 HEARING EXAMINER BYRNE: Okay. 7 THE WITNESS: And we were -- you know, my word 8 is not their words. Not many big issues. Basically 9 compliant, but not by the letter of the law compliant 10 with the building code which it has to be like this 11 building in the woods. 12 HEARING EXAMINER BYRNE: Okay. 13 THE WITNESS: So -- 14 Q Let's talk about the approvals for Winter City 15 Lights 2024, how would you describe the approvals you 16 obtained, and what was still missing, if any? 17 A We had all the approvals, we were not using any 18 of the structures in the woods, so the Abatement Order 19 didn't apply. Although we applied for the special 20 amusement, and the County denied that because of the 21 zoning issues we're dealing with right now. 22 Q Special Event Permit, correct? 23 A Yeah, Special Event Permit, correct. 24 HEARING EXAMINER BYRNE: Did -- had you received 25 a Special Event Permit from Winter City Lights prior?</p>	<p>152</p> <p>1 event license granted -- 2 HEARING EXAMINER BYRNE: Okay. 3 THE WITNESS: -- by the County for the Field of 4 Screams fundraising. 5 HEARING EXAMINER BYRNE: Okay. 6 Q How -- do you recall generally how many days in 7 advance of opening Winter City Lights the County denied 8 the Special Event Permit? 9 A Days. Like three days before we opened. 10 Q All right. 11 A It was challenging. 12 Q I mean, well, let's just be direct. Was it -- 13 did you have to run the event in your mind? 14 A Absolutely. 15 Q Okay. It was too late? 16 A It was too late to close anything -- 17 Q All right. 18 A -- you know. The fundraising is important to 19 the Club. 20 Q All right. And I believe -- did Winter City 21 Lights serve alcohol in 2023; is that correct? 22 A Yes. 23 Q Not this past season, but season -- 24 A Yes. 25 Q -- four. Was that with the proper alcohol</p>

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<p>153</p> <p>1 permit?</p> <p>2 A Yeah, with the alcohol permit and with the</p> <p>3 alcohol permit they did not require, the state did not</p> <p>4 require a special amusement permit, and this year, the</p> <p>5 state said we didn't have a special amusement permit --</p> <p>6 Q Special Event Permit.</p> <p>7 A Special Event Permit, I'm sorry, the County</p> <p>8 told them not to approve.</p> <p>9 Q And so did you serve alcohol this past season?</p> <p>10 A No.</p> <p>11 HEARING EXAMINER BYRNE: I mean, had you -- I</p> <p>12 guess I heard testimony from Mr. Scott that it started</p> <p>13 in 2022. So did you serve alcohol --</p> <p>14 THE WITNESS: No.</p> <p>15 HEARING EXAMINER BYRNE: -- in 2020 -- no?</p> <p>16 THE WITNESS: No.</p> <p>17 Q Not in 20 -- 2022; in 2023, correct?</p> <p>18 A 20 --</p> <p>19 Q Not in 2023, 2024 --</p> <p>20 HEARING EXAMINER BYRNE: Okay.</p> <p>21 A Not this past.</p> <p>22 HEARING EXAMINER BYRNE: The first year, no</p> <p>23 alcohol; second year, alcohol; third year, no alcohol --</p> <p>24 MR. BARR: Yes.</p> <p>25 HEARING EXAMINER BYRNE: Is that --</p>	<p>155</p> <p>1 told them exactly where we were.</p> <p>2 Winter City Lights, the biggest complaint was,</p> <p>3 Your website says alcohol, you didn't serve alcohol,</p> <p>4 your menu says alcohol, you didn't serve alcohol, and</p> <p>5 where did the fire pits go? Because we're there with</p> <p>6 young kids and families and we can't roast marshmallows</p> <p>7 anymore.</p> <p>8 Q How would you describe your safety record for</p> <p>9 both the events not just last year, 2024, but over the</p> <p>10 years?</p> <p>11 A I'd say it's exceptional, we take safety very,</p> <p>12 very seriously. One of the reasons I got involved was I</p> <p>13 didn't like extension cords, and the volunteers in the</p> <p>14 years would use extension cords. We changed everything</p> <p>15 to shield the cable. We fixed everything, put</p> <p>16 everything in waterproof boxes. There were -- there</p> <p>17 were issues in the past, yes, and I've been working my</p> <p>18 butt off to make sure every single one gets fixed, every</p> <p>19 T gets crossed, every I gets dotted. And some of them</p> <p>20 just take a while to work with the County to fix.</p> <p>21 Q All right. Moving on. Are you familiar with</p> <p>22 --</p> <p>23 MR. BARR: Well, we can get back to approvals,</p> <p>24 but hopefully that provided some --</p> <p>25 HEARING EXAMINER BYRNE: It does essentially.</p>
<p>154</p> <p>1 Q But if an alcohol permit can be issued going</p> <p>2 forward, are you interested in Winter City Lights</p> <p>3 providing alcohol?</p> <p>4 A Yes.</p> <p>5 Q Okay. How would you characterize how the event</p> <p>6 operated this past season and what kind of feedback did</p> <p>7 you receive?</p> <p>8 A Winter City Lights it was smooth, successful,</p> <p>9 people were happy. The biggest complaint we got that</p> <p>10 there were no fire pits, and it was cold. So we could</p> <p>11 not have the fire pits because that was part of the</p> <p>12 denial of the Special amusement --</p> <p>13 Q Event.</p> <p>14 A -- Special -- I'm sorry, Special Event.</p> <p>15 Q Okay. So but you -- and you operated you said</p> <p>16 without the police?</p> <p>17 A Correct.</p> <p>18 Q But overall feedback?</p> <p>19 A Feedback for Field of Screams was terrible. We</p> <p>20 got hundreds and hundreds of feedbacks saying all</p> <p>21 structures are closed, don't come here next year, go to</p> <p>22 Markoff's, you know, why did everything get closed. We</p> <p>23 got hammered pretty hard. We actually contacted every</p> <p>24 single individual and said, Come back next year, we're</p> <p>25 working through some issues. We didn't hide anything,</p>	<p>156</p> <p>1 Just to make sure that I had, and I think I said this</p> <p>2 already. So the structures in the middle, all</p> <p>3 permitted, all approved. The structures in the woods,</p> <p>4 you identified those that are pending, but you can't</p> <p>5 move forward on the building permits until zoning issues</p> <p>6 --</p> <p>7 THE WITNESS: So if I may add to that. So in --</p> <p>8 there was structure built without a permit, and that's</p> <p>9 when I first got involved. Oops, that's when Chris,</p> <p>10 that's when I first met Chris Allen. He was the</p> <p>11 Inspector. Oops. We corrected that, and that was my</p> <p>12 error because I was told with our Special Exception you</p> <p>13 can build a pole barn. We built a pole barn. It's a</p> <p>14 queue cover, but structurally, it's a pole barn. Oops,</p> <p>15 major mistake. We fixed that. Pulled all the permits,</p> <p>16 got all the approvals, did that.</p> <p>17 During that process, we went through and said,</p> <p>18 Okay, this is what else we have to do, you have -- you</p> <p>19 have to add this, this now also has to be added to</p> <p>20 Special Exception. That's why we did the 2019.</p> <p>21 And then, during that time period, Parks and</p> <p>22 Planning came in and said, Ooh, what are these</p> <p>23 structures in the woods, because there was complaint by</p> <p>24 a neighbor that their neighbor built a garage in the</p> <p>25 woods.</p>

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<p>157</p> <p>1 Parks and Planning then said, Oh, you can't 2 have these structures in the woods. 3 We didn't know that. We got the letter from 4 2001 from Carol Martin saying, You can have structures 5 in the woods. 6 They said, Woo, she approved a bunch of stuff 7 that you can't have. 8 And that started the whole process of fixing 9 it. So we immediately filed permits for the structures 10 in the woods. And then, we said, Ah, we can't do that 11 because the first thing DPS does is they go to Parks and 12 Planing and say, Do you approve this? Parks and 13 Planning said, No. 14 So that started the whole process of now we 15 have to go to Parks and Planning, redo the 16 reforestation. That took three-and-a-half years. The 17 final planting got inspected yesterday, got approved 18 yesterday. And as soon as it was -- it was planted, we 19 filed the permit. And I have been going to court every 20 six months with the abatement, meeting with the judge 21 saying, Here's where we are, here's what we're doing, 22 we're fixing these things incrementally, and as stuff 23 would arise, we would fix it. 24 So that's what we had been doing to go through 25 the process, and this whole Special Exception was</p>	<p>159</p> <p>1 fundraiser. Some had, some hadn't. We talked about the 2 event, we talked about the future structures, what -- 3 what could they be. There could be concessions, we 4 could -- you -- we could sell. People have always asked 5 where do I get one of the Field of Screams sweatshirts, 6 I want one, because all of our staff would wear a 7 sweatshirt that said Field of Screams. 8 Q Okay. But so -- so -- 9 A So we did specifically talk about that. 10 Q -- it appear -- it appeared from your 11 recollection in 2019 that there was at least an 12 awareness of a trail through the woods that was part of 13 the fundraising? 14 A Yes, it -- 15 Q Okay. 16 A -- said trail queue cover, it said hay ride 17 queue cover, it said future fundraising events. 18 Q Okay. And -- and just one step beyond that, do 19 you have any recollection of whether there was general 20 awareness that there were some structures along that 21 trail in the woods? 22 A I -- I don't recall that specific. 23 Q Okay. 24 A I don't believe I had talked about what was on 25 the trail, but I did refer trail because we were -- what</p>
<p>158</p> <p>1 required by the plan reviewer saying you need zoning 2 approval to now make these structures an entity on the 3 -- on the zoning so we can finish the permit process to 4 replace the structures. 5 Q All right. I do actually want to ask a couple 6 more questions. 7 Were you -- we've discussed that in 2011, 2019, 8 there were Special Exception Modification Requests and 9 Board of Appeals work sessions and approval resolutions. 10 Were you personally involved in those 2011, 2019? 11 A No, just 2019. 12 Q 2019. Okay. 13 A I was the sole person on behalf of OBGC 14 presented -- who presented to the Board of Appeals. 15 Q Right. Okay. So in 2019, understanding that 16 was five, six years ago, but you were there presenting 17 the request, and you were with the Board of Appeals at 18 the time? 19 A Yes. 20 Q Okay. And just your -- just recollection, 21 because the -- the request and the -- the approvals 22 speak for itself as far as what those say. But do you 23 recall whether there was recognition at least of that 24 there was a trail in the woods? 25 A Absolutely. Board members had attended the</p>	<p>160</p> <p>1 one of the future structures at that time was the trail 2 queue cover that was a pre -- 3 Q Okay. But I guess was there -- was there any 4 reason to believe that perhaps the Board of Appeals may 5 have thought it was just the trail without anything on 6 it and -- 7 A No, because two of the Board members actually 8 had -- 9 Q They had personal -- 10 A -- they had personal knowledge -- 11 Q -- experience with -- 12 A Yeah. 13 Q -- the event, okay. So all right. I think 14 that's -- but I guess just to finalize the thought, in 15 2019, it did not appear that either anyone with the 16 Board or with the Applicant said that it appears that in 17 the Special Exception record, the trail structures are 18 not reflective on a plan in the Special Exception, we 19 need to -- we need to take care of that? It was not 20 identified at that time? 21 A No, we didn't find -- I didn't find out until 22 2019 going through the process with Chris when Mike 23 Sharp, the then M-CNPCC Inspector showed up and said. 24 You've been charged, let's talk about the stuff you got 25 in the woods. That's when it started. And we had</p>

<p>161</p> <p>1 already filed the application for the two trails, and</p> <p>2 then that had since got merged in the application of</p> <p>3 February of '24 to be a single permit for all the</p> <p>4 structures in the woods, once we got that very busy plan</p> <p>5 from Parks and Planning carving everything out to say</p> <p>6 now you're permitted by Parks and Planning to have</p> <p>7 structures in the woods.</p> <p>8 Q All right. Are you generally familiar with the</p> <p>9 record in this case? Have you had a chance to review</p> <p>10 it?</p> <p>11 A Yes.</p> <p>12 Q Are you familiar with some of the concerns</p> <p>13 raised by the Olney Boys & Girls Club neighbors on</p> <p>14 Brookeville Road?</p> <p>15 A Yes.</p> <p>16 Q All right. Let's be direct about this, Mr.</p> <p>17 McLaren. Are you familiar with Exhibit 86, which is a</p> <p>18 letter from Wendy Atkinson -- by the way, just as a</p> <p>19 sidenote, I believe Mr. Atkinson said that Ms. Atkinson</p> <p>20 in, I think, the hospital and we hope, we sincerely hope</p> <p>21 there's nothing seriously going on there.</p> <p>22 But are you familiar with that letter, Exhibit</p> <p>23 86, from Wendy Atkinson?</p> <p>24 A Yes, I did read it.</p> <p>25 Q Please respond.</p>	<p>163</p> <p>1 smoke, and with the noise complaint on what would an</p> <p>2 abatement strategy be. There was two three-second</p> <p>3 intervals for the music that coordinated --</p> <p>4 Q You're straying. I just want you to respond to</p> <p>5 not every single --</p> <p>6 A Okay.</p> <p>7 Q -- provide just essentially her saying that you</p> <p>8 -- you startled or she felt threatened --</p> <p>9 A I was --</p> <p>10 Q -- please respond to that.</p> <p>11 A -- I -- that went to me. I spoke to her and</p> <p>12 her husband for the next five or six weeks. I</p> <p>13 communicated by email and text. I sent them pictures</p> <p>14 and images of potential trees to plant, what a berm</p> <p>15 could look like, berm bushes. I sent aerial photos of</p> <p>16 where the berm would be because part of my proposal to</p> <p>17 her was we would like to build a berm that's higher to</p> <p>18 shield and screen this to make your view better. They</p> <p>19 wanted a fence. A fence is not an effective screen</p> <p>20 for noise.</p> <p>21 Q All right. Look, if she felt threatened, do</p> <p>22 you take responsibility for that?</p> <p>23 A I -- I do.</p> <p>24 Q Let's leave it at that.</p> <p>25 All right. Let's discuss some specific</p>
<p>162</p> <p>1 A I'm surprised. The rec -- her recollection is</p> <p>2 not my recollection of the meeting. I did go to their</p> <p>3 house. I actually went to their son -- their</p> <p>4 son-in-law's house first, knocked on the door,</p> <p>5 introduced myself. I went to their house, knocked on</p> <p>6 the front door, knocked on the side door, heard the</p> <p>7 lawnmower, went around back, waved. She came over, I</p> <p>8 introduced who I was. I told her that I was a volunteer</p> <p>9 with OBGC, which I am a volunteer with OBGC, and I'm</p> <p>10 involved with the fundraiser, and I came to discuss her</p> <p>11 -- their concerns about the baseball lights.</p> <p>12 I had done an engineering analysis on the</p> <p>13 topography and the grades where the lights were gonna</p> <p>14 be, and even though the lights were taller than the</p> <p>15 originally proposed lights, the trajectory from their</p> <p>16 home, and their son-in-law's home, you will never even</p> <p>17 see the light pole.</p> <p>18 And I showed them that analysis and said, This</p> <p>19 is what I'm prepared to present to the Board. Just</p> <p>20 letting you know that factually, this is the data. And</p> <p>21 I said and it was something that was a problem, I would</p> <p>22 address it.</p> <p>23 I also proposed that due to the noise</p> <p>24 complaints we received, and I had met with DEP, Gretchen</p> <p>25 Ekstrom, numerous times. Both on the fire pits, the</p>	<p>164</p> <p>1 operational characteristics associated with starting</p> <p>2 with Field of Screams. All right. Number of evenings.</p> <p>3 And we're gonna get through some of the details, some of</p> <p>4 the specifics, and Mr. Scott testified on some of this</p> <p>5 that Mr. McLaren is really the -- the person who knows</p> <p>6 more of this, so let's go through it.</p> <p>7 In a typical year, how many evenings does --</p> <p>8 let's start with Field of Screams, how many --</p> <p>9 A So we --</p> <p>10 Q -- evenings?</p> <p>11 A -- schedule no more than 20 actual open nights</p> <p>12 of 17, 18, depending upon weather. And for Winter City</p> <p>13 Lights, it's typically 25, no more than -- and an actual</p> <p>14 attendance might be 22, 23.</p> <p>15 Q All right.</p> <p>16 A This past year was 23.</p> <p>17 Q And I think the Hearing Examiner asked about</p> <p>18 type days of the week. What are those generally?</p> <p>19 A It's typically for Field of Screams, it's</p> <p>20 Friday, Saturday initially, then it will move Friday,</p> <p>21 Saturday, Sunday. Then, there's a couple of weekends,</p> <p>22 Thursday, Friday, Saturday and Sunday. Depending upon</p> <p>23 how Halloween falls, if Halloween falls on a Friday,</p> <p>24 then, we will be open November 1st. If Halloween falls</p> <p>25 on a Sunday, then that's the last day. So it really</p>

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<p>165</p> <p>1 depends upon where Halloween falls on the last day. 2 And then, for Winter City Lights, it's when the 3 kids are still in school. It's typically Friday, 4 Saturday, then Friday, Saturday, Sunday. And after the 5 schools close, it's open I believe six or seven days 6 straight. And it ends couple of days after the 7 Christmas holiday. 8 Q Would -- okay. Would you be willing to -- 9 would Steelhead be willing to commit to a maximum of no 10 more than 20 Field of Screams evenings -- 11 A Yes. 12 Q -- per season? 13 Would Steelhead be willing to commit to a 14 maximum nor more than 35 Winter City Lights evenings -- 15 A Yes. 16 Q -- per season? 17 All right. Hours. In a typical year, what are 18 the Field of Screams' hours of operation? 19 A So it's typically sundown, and then, we have 20 six time slots, typically 6:00 to 6:30, 6:30 to 7:00. 21 The last time slot is 8:30 to 9:00. We sell tickets in 22 each of those time slots. 23 Prior to 2019, we probably had 70 percent more 24 attendance than we have now because we had two trails, a 25 haunted house, and a six acre cornfield that we used.</p>	<p>167</p> <p>1 THE WITNESS: Three. 2 HEARING EXAMINER BYRNE: Three? 3 MR. BARR: And we're talking about Field of 4 Screams? 5 THE WITNESS: Field of Screams. 6 HEARING EXAMINER BYRNE: Field of Screams. 7 And I notice we looked at the photographs 8 earlier. When you're coming off 108, the majority of 9 the parking lots are around the fields and closer to the 10 front -- 11 MR. BARR: We're definitely gonna address 12 parking. 13 HEARING EXAMINER BYRNE: Okay. 14 MR. BARR: Is that all right if we just -- 15 HEARING EXAMINER BYRNE: That's totally fine. 16 MR. BARR: Okay. 17 HEARING EXAMINER BYRNE: As long as we're going 18 to get to it. 19 MR. BARR: We -- we are going to try to get to 20 every, we think, relevant operational characteristic. 21 HEARING EXAMINER BYRNE: Thank you. 22 MR. BARR: That's we are here today to be an 23 open book and share how these two fundraising events 24 work, because I mean, multiple reasons. Number 1 is 25 just the right thing to do at this point, especially in</p>
<p>166</p> <p>1 And that became difficult, we didn't know how to segment 2 the people. So we actually changed the ticketing to 3 time slotting. You can't buy a ticket on site. 4 Everything now is scheduled. 5 We have on demand ticketing that spreads out 6 the busy nights, because we had a couple of nights in 7 2017, '18, where it was really late. They had Midnight 8 Madness as an example. So we had people in the 9 cornfield till 1:30 in the morning. And that has all 10 been done away with. That was that's been gone for five 11 years now, six years. 12 Q All right. 13 HEARING EXAMINER BYRNE: So how many -- so you 14 have six time slots. How many tickets were sold in 15 these time slot? 16 THE WITNESS: Maximum ticket in each time slot 17 is 500. 18 HEARING EXAMINER BYRNE: And do you sell out? 19 THE WITNESS: We sell out I think three nights 20 for Field of Screams, but we never have full redemption 21 of the tickets. It's about 85 percent. So we've never 22 -- we haven't had this past season in last four, five 23 years that level of attendance. 24 HEARING EXAMINER BYRNE: So number of nights 25 that you sell out were?</p>	<p>168</p> <p>1 the process, to be responsive, to continue to move 2 forward with -- with the remaining approvals. 3 Q So -- all right. Event closes at 10:00? 4 A Yes. So the trail closes at 9:00. We try to 5 quickly as we can to move everybody through by 10:00 so 6 we can have lights out by 10:30. Factually, prior to 7 2019, it didn't happen a lot. We had people there till 8 10:30 -- 9 Q Well, let's just talk about 2024. 10 A I'm just -- so it's significantly we have fixed 11 that to be fully compliant with the requirements of the 12 Special Exception. 13 Q All right. So you make -- just so I have this 14 correct. You make every effort to close the trail by 15 9:00, close the event by 10:00, and clean up by did you 16 say 10:30? 17 A Yes, 10:30. And we have a security guard as 18 well as a police officer who sweeps the trail after the 19 last group goes in at 9:00 to move everybody along so we 20 can validate that everybody is out, everybody is gone, 21 and then, the actors after the police go through, tell 22 the actors, Okay, you can now depart. So we make sure 23 no one is left in the woods. 24 HEARING EXAMINER BYRNE: What time usually do 25 the actors -- well, I guess when is the last person</p>

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<p>169</p> <p>1 generally off the property?</p> <p>2 THE WITNESS: I mean, we try by 10:30. So we --</p> <p>3 we typically have everybody out of the trail no later</p> <p>4 than 10:00. There's two nights maybe where we had</p> <p>5 people, stragglers getting off the trail after 10:00.</p> <p>6 And then, we move everybody out to the parking lot and</p> <p>7 the entire compound and the woods they shut down. In</p> <p>8 prior years, we used to clean everything up at night.</p> <p>9 We no longer do that. We come back the next day because</p> <p>10 we want to be out of there by the --</p> <p>11 Q All right. Let's just get to that. Exhibit 99</p> <p>12 is a photograph, dated October 11, 2024, time 10:14 p.m.</p> <p>13 --</p> <p>14 A Yes.</p> <p>15 Q -- which appears to reflect guests exiting the</p> <p>16 trail at 10:14. And that is after 10 p.m.</p> <p>17 A Correct. So --</p> <p>18 Q Explain.</p> <p>19 A Two things. First, you see the white door on</p> <p>20 the right --</p> <p>21 HEARING EXAMINER BYRNE: Uh-hum.</p> <p>22 A -- no one is coming out of that. That's</p> <p>23 evidence that the structure was shut down. Otherwise,</p> <p>24 they'd be coming out of that door that's exiting to the</p> <p>25 finale structure. They're coming around the side. This</p>	<p>171</p> <p>1 Q So you will double -- Steelhead will double its</p> <p>2 efforts to make sure we don't see any further</p> <p>3 photographs such as Exhibit 99 going forward, correct?</p> <p>4 A Yes.</p> <p>5 Q Let's discuss Winter City Lights hours.</p> <p>6 A Winter City Lights is the same slots, although</p> <p>7 we're shut down probably an hour to an hour-and-a-half</p> <p>8 sooner because the crowd is very different. It's</p> <p>9 typically families with young children. We're pretty</p> <p>10 much closed out and done and lights out by 9:30 or 10</p> <p>11 o'clock, so there isn't really a -- it's just a -- it's</p> <p>12 just a different dynamic of people, plus it gets darker</p> <p>13 sooner, so we have more people who tend to come earlier</p> <p>14 because you can see the lights when it's darker. Where</p> <p>15 when we're doing the Field of Screams, it gets darker</p> <p>16 later.</p> <p>17 HEARING EXAMINER BYRNE: What's your ticket</p> <p>18 sales like for Winter City Lights? Is it a similar --</p> <p>19 THE WITNESS: It's the same --</p> <p>20 HEARING EXAMINER BYRNE: -- theme?</p> <p>21 THE WITNESS: -- time slots, but we never ever</p> <p>22 -- no one ever does the 8:30 to 9:00 slot, or the 8:00</p> <p>23 to 8:30 slot. We're typically -- you know, no one buys</p> <p>24 those last two slots.</p> <p>25 HEARING EXAMINER BYRNE: And what's the number</p>
<p>170</p> <p>1 is --</p> <p>2 MR. ATKINSON: I'm sorry, can -- is it my</p> <p>3 volume?</p> <p>4 HEARING EXAMINER BYRNE: It is. Can you not</p> <p>5 hear him? Are you all having --</p> <p>6 THE TECHNICIAN: The mic --</p> <p>7 MR. ATKINSON: Maybe come a little closer, Mr.</p> <p>8 McLaren because I see that you have a --</p> <p>9 A If you look at that picture, that's the finale</p> <p>10 building, you'll notice the white door on the right,</p> <p>11 that's -- that's a piece of plywood covering the exit so</p> <p>12 that building is completely shut down. And that's an</p> <p>13 example of we can get everybody off the trail by 10:00.</p> <p>14 The -- one of the clarifications we requested</p> <p>15 in the mod was the Special Exception list games and it</p> <p>16 lists ancillary activities for the nonprofit. And all</p> <p>17 the evidence says hey, the nonprofits do fundraising.</p> <p>18 One of the questions was well, it's not a game, you</p> <p>19 can't start a game after 10 o'clock, and you have to be</p> <p>20 lights out except for security lights at 10:30. So the</p> <p>21 last effectively game was 9 o'clock, and games ending so</p> <p>22 we can get everybody off to have lights out by 10:30.</p> <p>23 So there are two nights, three plus night where</p> <p>24 it's sold out, we were pushing people along the trail</p> <p>25 saying you got to move them to keep them going. So --</p>	<p>172</p> <p>1 -- how much -- what's your ticket sales like for those</p> <p>2 different time slots?</p> <p>3 THE WITNESS: The -- it's still 500 each time</p> <p>4 slot, but it never get to that number.</p> <p>5 HEARING EXAMINER BYRNE: So you never sell out?</p> <p>6 THE WITNESS: Correct.</p> <p>7 HEARING EXAMINER BYRNE: What's your average?</p> <p>8 THE WITNESS: I think the average for --</p> <p>9 MR. BARR: Are we talking about --</p> <p>10 THE WITNESS: -- the average --</p> <p>11 MR. BARR: -- 2024 or was it for -- it's for the</p> <p>12 2024 season --</p> <p>13 HEARING EXAMINER BYRNE: Well, you only had it</p> <p>14 three years, right, so --</p> <p>15 THE WITNESS: Yeah, Winter City Lights, the</p> <p>16 average is across the 23 nights is 1936 actual</p> <p>17 attendance.</p> <p>18 HEARING EXAMINER BYRNE: Just curious, 2023,</p> <p>19 what was it?</p> <p>20 THE WITNESS: I don't have that number.</p> <p>21 HEARING EXAMINER BYRNE: Don't have it. Okay.</p> <p>22 MR. BARR: Well, I mean, okay. But we can --</p> <p>23 Q Like was 2024 season comparable to 2022, 2023</p> <p>24 or --</p> <p>25 A I don't have that actual number and I don't</p>

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<p>173</p> <p>1 want to guess.</p> <p>2 Q Okay. As long as we're on the subject of</p> <p>3 ticketing, we talked about it to some degree, but just</p> <p>4 talk about how, you know, for both events, how that has</p> <p>5 evolved, and, you know, how ticketing may have been</p> <p>6 handled at the outset of the events and how it has</p> <p>7 charged with I think what's called dynamic ticketing?</p> <p>8 A Dynamic ticketing. So over the years, we've</p> <p>9 changed dramatically. It used to be you come to the</p> <p>10 event, you buy a ticket there, you pay cash or check or</p> <p>11 credit card, and everybody would come en masse. And</p> <p>12 there would be everybody would come at sundown. And we</p> <p>13 would have, let's for argument sake, you had two or</p> <p>14 three thousand people, they all come at the same time.</p> <p>15 And you didn't have to exit. So we did have backups on</p> <p>16 108, we did have traffic jams. Everybody came in</p> <p>17 wanting to ask the parking attendant questions.</p> <p>18 We had five different events with two trails, a</p> <p>19 hay ride, games, and a haunted house. So we said, Ooh,</p> <p>20 this is just out of hand, we don't want to be there that</p> <p>21 late either. It wasn't -- it's just trying to get</p> <p>22 people in and get them out.</p> <p>23 So we're -- we're probably 30 to 40 percent</p> <p>24 less people year over year because we've raised ticket</p> <p>25 pricing, we've merged everything to be a single ticket,</p>	<p>175</p> <p>1 blown this year.</p> <p>2 HEARING EXAMINER BYRNE: Okay.</p> <p>3 THE WITNESS: So we were able to move everybody</p> <p>4 and balance it out over multiple nights. So we're</p> <p>5 balancing attendance versus everybody wants to come on</p> <p>6 the same night.</p> <p>7 HEARING EXAMINER BYRNE: And how much is the --</p> <p>8 you talked there's a aggressive charge.</p> <p>9 THE WITNESS: I don't know the algorithm but let</p> <p>10 -- let's say --</p> <p>11 HEARING EXAMINER BYRNE: Give me a high and a</p> <p>12 low.</p> <p>13 THE WITNESS: The base ticket could be say 50</p> <p>14 bucks, and it could be as low as 20 and as high as 80.</p> <p>15 Depending upon --</p> <p>16 HEARING EXAMINER BYRNE: Okay.</p> <p>17 THE WITNESS: -- how the algorithm works, it</p> <p>18 says we want to push people to other -- other time</p> <p>19 slots. And I don't -- I'm not that familiar with how it</p> <p>20 actually works. I do know that it was very, very</p> <p>21 effective.</p> <p>22 We also changed the parking.</p> <p>23 HEARING EXAMINER BYRNE: Now, there, is that the</p> <p>24 same for the Winter --</p> <p>25 THE WITNESS: Yes, it's --</p>
<p>174</p> <p>1 we do dynamic ticketing so the really popular days are</p> <p>2 more expensive than the other days, so it balances out</p> <p>3 the flow to other nights. So instead of having six</p> <p>4 nights in prior years that were really crazy, now we'll</p> <p>5 have two, and then, we're working to change the dynamic</p> <p>6 pricing to say let's push that up. So -- so the dynamic</p> <p>7 ticketing has helped that tremendously.</p> <p>8 Time slot ticketing. We learned that during</p> <p>9 COVID. We didn't know if we could -- how to do that,</p> <p>10 and exiting people off the trail. In historical years</p> <p>11 prior to 2019, you could come and stay the whole night.</p> <p>12 And that was a problem. We had twice the police because</p> <p>13 we had to move people out. Now, as soon as you're done</p> <p>14 with the trail, you come in, do your concessions, go</p> <p>15 through the haunted house, go through the trail, and you</p> <p>16 exit and you leave the park.</p> <p>17 That dramatically changed traffic for us</p> <p>18 because now we have ebbs and tides and flow of the</p> <p>19 people coming in. We've done detailed analysis on the</p> <p>20 traffic flow. We used to have people come and park</p> <p>21 where you want. We had some --</p> <p>22 HEARING EXAMINER BYRNE: When did you start the</p> <p>23 dynamic ticket?</p> <p>24 THE WITNESS: Dynamic ticketings are two years</p> <p>25 ago. We've experimented with it last year, it went full</p>	<p>176</p> <p>1 HEARING EXAMINER BYRNE: -- as well?</p> <p>2 THE WITNESS: Well, yeah, yeah.</p> <p>3 HEARING EXAMINER BYRNE: Okay.</p> <p>4 THE WITNESS: It's Field of Screams and Winter</p> <p>5 City Lights uses the same -- same company, the same</p> <p>6 algorithm.</p> <p>7 HEARING EXAMINER BYRNE: Is there a charge for</p> <p>8 parking or is that included in the ticketing?</p> <p>9 THE WITNESS: No, parking is included in the</p> <p>10 ticket price. And then, for parking, we used to have</p> <p>11 folks come in, and then, we had probably five parking</p> <p>12 people. And exactly everybody would ask questions, and</p> <p>13 that would cause a backup on 108. So we dramatically</p> <p>14 changed parking to have one way in, one way out. So we</p> <p>15 moved -- you can put up the whatever exhibit this is.</p> <p>16 MR. BARR: That's the attachment to 59.</p> <p>17 HEARING EXAMINER BYRNE: The Prehearing -- the</p> <p>18 Prehearing Statement.</p> <p>19 MR. BARR: Yeah.</p> <p>20 HEARING EXAMINER BYRNE: Is the --</p> <p>21 MR. BARR: The --</p> <p>22 HEARING EXAMINER BYRNE: -- first one you had</p> <p>23 with the light --</p> <p>24 MR. BARR: Yeah, that one, so.</p> <p>25 HEARING EXAMINER BYRNE: A little further down.</p>

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<p>177</p> <p>1 You're good.</p> <p>2 A So here, we used to have folks --</p> <p>3 THE WITNESS: If you can move it up a little</p> <p>4 bit.</p> <p>5 HEARING EXAMINER BYRNE: Oh, yeah. The other</p> <p>6 one.</p> <p>7 A Everybody who would come in here, they'd come</p> <p>8 to the stop sign, and then ask questions. And that</p> <p>9 would cause a logjam. And I'm not proud of this, but</p> <p>10 prior to 2019, we'd have backup to Olney Middle, which</p> <p>11 is where the road goes from two lanes to four lanes in</p> <p>12 Olney. And it would be a while. So to change that, we</p> <p>13 have now when we come in, and there's no talking to</p> <p>14 anybody, there's signs and there's cones that we push</p> <p>15 everybody to this lot first and this lot.</p> <p>16 HEARING EXAMINER BYRNE: Okay.</p> <p>17 THE WITNESS: And --</p> <p>18 HEARING EXAMINER BYRNE: So I'm going to play by</p> <p>19 play a little bit for our court reporter.</p> <p>20 THE WITNESS: I'll be more specific.</p> <p>21 HEARING EXAMINER BYRNE: Okay. So as you come</p> <p>22 in that first that big kind of long lot on the right --</p> <p>23 THE WITNESS: We come into the entrance and --</p> <p>24 HEARING EXAMINER BYRNE: Okay.</p> <p>25 THE WITNESS: -- we go the northeast parking lot</p>	<p>179</p> <p>1 fills here. As these folks are exiting, they're</p> <p>2 leaving, and then, we get the flow of the next group in.</p> <p>3 And that's leaving, we added some asphalt in</p> <p>4 the past year, you could see here where it's dirt --</p> <p>5 HEARING EXAMINER BYRNE: Uh-hum</p> <p>6 THE WITNESS: -- that was where we -- people</p> <p>7 were driving on dirt to get in. Now there's glassphalt</p> <p>8 those are asphalt.</p> <p>9 You can move this up a little --</p> <p>10 HEARING EXAMINER BYRNE: Between the two parking</p> <p>11 lots.</p> <p>12 THE WITNESS: Between the two parking lots. Now</p> <p>13 it's asphalt so we can --</p> <p>14 HEARING EXAMINER BYRNE: Okay.</p> <p>15 THE WITNESS: -- have one way in, one way. So</p> <p>16 we found out that by staggering the ticketing, and</p> <p>17 having time slots, and having more people parking and</p> <p>18 where we go --</p> <p>19 HEARING EXAMINER BYRNE: Bless you.</p> <p>20 THE WITNESS: -- that we were able to move the</p> <p>21 flow much, much better. And yes, prior to 2019, there</p> <p>22 were more than 655 cars there.</p> <p>23 HEARING EXAMINER BYRNE: Where does staff park?</p> <p>24 THE WITNESS: Staff parks in this parking lot</p> <p>25 here, which is overflow parking that was put in for the</p>
<p>178</p> <p>1 first.</p> <p>2 HEARING EXAMINER BYRNE: Okay. First.</p> <p>3 THE WITNESS: We fill that, then we go to the</p> <p>4 east parking lot, and then, we go to the lower portion</p> <p>5 of the east parking lot.</p> <p>6 HEARING EXAMINER BYRNE: Okay.</p> <p>7 THE WITNESS: And we also overflow park on this</p> <p>8 grass area.</p> <p>9 HEARING EXAMINER BYRNE: Okay.</p> <p>10 THE WITNESS: That enables us to get the first</p> <p>11 group of folks that have the first time slot in.</p> <p>12 HEARING EXAMINER BYRNE: Okay.</p> <p>13 THE WITNESS: Then, we direct everybody to the</p> <p>14 west parking lot, and then, there is some parking on the</p> <p>15 grass in the west parking lot. Now, we're still under</p> <p>16 the 655 parking spaces, but by doing the grass, we can</p> <p>17 keep traffic moving. Historically, we learned that if</p> <p>18 you don't do that, and you let people try to find a</p> <p>19 parking space, it's a logjam. So now we -- and then, we</p> <p>20 went from five parking attendants to 15 or 20 in a given</p> <p>21 night, so we tell you exactly where to park. We move</p> <p>22 you when it said park here, line up, park here, line up,</p> <p>23 so we get people in.</p> <p>24 So then, we fill this, so then as they're going</p> <p>25 through the event, then the next group that comes in</p>	<p>180</p> <p>1 baseball fields right back here.</p> <p>2 HEARING EXAMINER BYRNE: Okay.</p> <p>3 THE WITNESS: That that is an auxiliary parking.</p> <p>4 Staff parks there so we're not taking up parking for --</p> <p>5 for patrons.</p> <p>6 So -- so the parking historically, yes, their</p> <p>7 complaints and concerns are valid prior to 2019. But</p> <p>8 post that, have there been a couple of nights where</p> <p>9 there have been issues, yes? Broken down vehicle,</p> <p>10 people coming. Like the last night I believe of Winter</p> <p>11 City, there were two rainout days --</p> <p>12 HEARING EXAMINER BYRNE: Come on back, Mr.</p> <p>13 McLaren, so they can hear you.</p> <p>14 THE WITNESS: There were two rainout days, so</p> <p>15 everybody came the one day. And they were -- we're</p> <p>16 looking ahead how do we -- how do we handle that and</p> <p>17 moving forward. But we're very in tune to minimizing</p> <p>18 traffic. Making sure there's flow. What we learned was</p> <p>19 the flow helps tremendously with moving a group in,</p> <p>20 moving a group out, so traffic is always moving. And</p> <p>21 that has worked very, very well the last four or five</p> <p>22 years.</p> <p>23 Q All right. I think we covered ticketing,</p> <p>24 unless there's anything else you want to add.</p> <p>25 HEARING EXAMINER BYRNE: What about staffing?</p>

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46 (181 to 184)

<p>181</p> <p>1 MR. BARR: Yeah, employees, I was going to ask 2 employees. 3 A So the peak staffing for Winter City Lights is 4 about 75 people. Now, on a slow night, it'll be as low 5 as 55. 6 Peak staffing for Field of Screams is about 7 120. It's the same 75, and the balance is actors. The 8 comment of 350 people, that's total people that receive 9 at least one check. It's not how many people that are 10 working every night. So there are 350 folks, quote, On 11 the payroll, but on a given night, there's only 75 for 12 Winter City or 120 for Field of Screams, but those faces 13 may change. 14 HEARING EXAMINER BYRNE: Okay. 15 A And as a comment, when we had the hay ride in 16 the cornfield, and when we had two trails, we had 150 17 actors. So we're half of the actors and the staffing 18 that we had prior to 2019. So we work very, very 19 closely to make it more animatronics, you know, to 20 compact and concise to make it as efficiently as 21 possible. 22 Q Do you try to prepare based on your expected 23 attendance your number of employees? In other words, 24 you try to -- do you have -- 25 A Yes, we have -- we have three --</p>	<p>183</p> <p>1 because the field was rotated and that seemed to be when 2 all the complaints started: 3 Q All right. Let's move on. 4 We talked about parking. Do you want to add 5 anything about parking or -- 6 A No. 7 Q Okay. 8 HEARING EXAMINER BYRNE: No, it's fine. 9 A I'd like one comment. The DPS inspector did 10 come one night and counted, and there were 600 and 11 something cars, so less than the 655 approved parking 12 spaces. 13 Q All right. So it sounds like over the years, 14 you've learned, the event has learned, Steelhead has 15 learned how to manage parking and traffic more 16 effectively over the years. Would that be fair? 17 A Absolutely. We want -- 18 Q Okay. 19 A -- to be a good neighbor. 20 HEARING EXAMINER BYRNE: Well, let me ask you a 21 question. Has there ever been a traffic analysis or 22 traffic study done in conjunction with the event? 23 THE WITNESS: No, the last one was -- was 1999 24 which contemplated sporting events during rush hour 25 morning and evening, as well as a gymnasium, which was</p>
<p>182</p> <p>1 Q -- light -- 2 A -- different staffing -- 3 Q -- medium -- 4 A -- levels. 5 Q Okay. 6 A You know, light, medium, heavy, and we try 7 staff accordingly. And we staff basically based on 8 complaints, right. Complaints where it was a pain in 9 the butt getting in, the years ago the complaints we had 10 on traffic. So we changed the staffing model and 11 parking. 12 Then, it's cake, concessions. I had to wait 13 too long for my funnel cake. So we -- we look at that. 14 Or ticketing. 15 Wandering was an issue. We have metal detectors 16 for catastrophic bad things. So these are special 17 detectors that will detect things. And then, we have 18 wands. So we had to increase the wandering, and increase 19 those detectors so the flow was better. 20 So we take-- we take feedback very, very 21 effectively. And for years, prior to my time, there was 22 cooperation with the neighbors. During the time from 23 2011 through 2017, there was a positive relationship. 24 We were using six-and-a-half acres of a cornfield and 25 paying the farmer \$15,000 a year. And that that stopped</p>	<p>184</p> <p>1 never built. And so I have that traffic study, but 2 there has not been a traffic study post that traffic 3 study. 4 Q But I asked Mr. Scott this question, and I'll 5 ask you. The County Police did not work the event this 6 past season, but is it your hope or expectation that if 7 we -- 8 A Oh, yeah. 9 Q -- resolve some outstanding items, that you 10 expect to be able to work with the police going forward, 11 and does that assist with traffic management? 12 A Yes, it does, because if there's on moving -- 13 moving west, east to west, on Route 108, there is a huge 14 turn lane, so traffic moving east to west, there isn't 15 an issue. Coming the other way, the bypass lanes are 16 short. So if there is six or seven cars waiting to make 17 that left-hand turn, and it's rush hour, 5:30, 6 18 o'clock, it -- it's a bit of a challenge. That's just 19 because of the traffic. 20 So when we have that situation with the police 21 there, they'll go and make the cars move, and that takes 22 away the traffic moving from west to east. 23 Q Let's talk alcohol. You -- Exhibits 89 and 90, 24 maybe we already addressed this, but 89 and 90 appear to 25 show that Winter City Lights serves alcohol. Please</p>

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<p>185</p> <p>1 respond --</p> <p>2 A So --</p> <p>3 Q -- to that.</p> <p>4 A -- we -- we did not serve alcohol. We did not</p> <p>5 have the permit, the State declined that, although our</p> <p>6 menu and our website was not updated. We had the same</p> <p>7 problem right after the Special Exception was approved.</p> <p>8 We said we're gonna close at 10 o'clock and be out of</p> <p>9 there by 10:30, and we had our website said we're open</p> <p>10 till 11:00. That was an error, it took us too long to</p> <p>11 fix it. But if you went to purchase a ticket, you would</p> <p>12 see the last ticket spot was 8:30 to 9:00. So even</p> <p>13 though the website said we're open till 11:00, that was</p> <p>14 an error. Now, it took our web company weeks to fix it,</p> <p>15 and we were open for three weeks, it wasn't fixed. Same</p> <p>16 thing with the -- with our menu. So when we -- every</p> <p>17 night we'd say, Hey, guys, you got to fix that because</p> <p>18 the number 1 complaint we got was you're advertising</p> <p>19 alcohol, you have alcohol on your menu, but you're not</p> <p>20 serving alcohol.</p> <p>21 So no alcohol was served, but our advertising</p> <p>22 was not -- was not updated accordingly.</p> <p>23 And excuse me, also alcohol, tobacco and</p> <p>24 cannabis came up twice based upon complaints. They</p> <p>25 inspected and validated we weren't serving anything.</p>	<p>187</p> <p>1 pit emergency action plan --</p> <p>2 A Right, we have --</p> <p>3 Q -- maybe in the record?</p> <p>4 A Yes. We have -- we have two people that</p> <p>5 monitor fire pits. We've got fire extinguishers. There</p> <p>6 are also there was one comment in one of the letters</p> <p>7 that said, Hey, there was no fire. That's actually</p> <p>8 incorrect. There is a fire hydrant that was put in by</p> <p>9 WSSC to the haunted house five years ago. So within a</p> <p>10 150 feet, there is an actual full-blown fire hydrant on</p> <p>11 right behind the -- the haunted house building.</p> <p>12 HEARING EXAMINER BYRNE: No, no, pull up the</p> <p>13 big, the main picture --</p> <p>14 THE WITNESS: I can show you where that is.</p> <p>15 There is a -- there is fire hydrant --</p> <p>16 HEARING EXAMINER BYRNE: Thank you.</p> <p>17 THE WITNESS: -- right there --</p> <p>18 HEARING EXAMINER BYRNE: Okay.</p> <p>19 THE WITNESS: -- right behind that.</p> <p>20 HEARING EXAMINER BYRNE: So the fire -- the fire</p> <p>21 pits are permitted separately?</p> <p>22 THE WITNESS: The fire pits are permitted</p> <p>23 through the fire code operational permits for the</p> <p>24 haunted house and concessions. I don't know --</p> <p>25 HEARING EXAMINER BYRNE: Okay.</p>
<p>186</p> <p>1 And when I spoke to the inspector the two times the</p> <p>2 inspector was on site, and I spoke to the inspector the</p> <p>3 third time, twice they came out it was unscheduled, the</p> <p>4 third time was scheduled.</p> <p>5 Q Okay. Let's talk about the use of fire pits at</p> <p>6 the fundraising events. I think that there were some</p> <p>7 questions of Mr. Scott, but I think he may deferred</p> <p>8 those to you. So just -- just talk about how fire pits</p> <p>9 are used at the events.</p> <p>10 A We've had fire pits for 15 plus years. There</p> <p>11 used to be a bonfire in the middle with fire pits around</p> <p>12 it. We did three years ago have to get rid of the hay</p> <p>13 bales based upon the County requirement, and we had put</p> <p>14 concrete mats down under the fire pits to meet fire</p> <p>15 marshal approval. We submitted all those plans, had</p> <p>16 been approved. There is no longer an operational plan</p> <p>17 for fire pits. They actually attached that operational</p> <p>18 plan to, I believe, the haunted house or the concession</p> <p>19 building. There's no longer two separate permits.</p> <p>20 There's they grouped it into one.</p> <p>21 So we filed that. We have a plan. We have an</p> <p>22 emergency plan. And we're permitted to have up to 30</p> <p>23 fire pits. I think we have like 27. We don't have the</p> <p>24 full 30.</p> <p>25 Q And I think you -- I think you mentioned a fire</p>	<p>188</p> <p>1 THE WITNESS: -- which one they attached it to.</p> <p>2 They originally approved it saying we're --</p> <p>3 HEARING EXAMINER BYRNE: Come on --</p> <p>4 THE WITNESS: -- gonna attach it --</p> <p>5 HEARING EXAMINER BYRNE: -- closer to the</p> <p>6 microphone.</p> <p>7 THE WITNESS: They approved it, initially said</p> <p>8 we're gonna attach it, I believe, to the concessions</p> <p>9 building, and then, we're gonna migrate that approval to</p> <p>10 the haunted house building. So I don't know what it's</p> <p>11 attached to.</p> <p>12 HEARING EXAMINER BYRNE: Okay. But it's an</p> <p>13 operational permit that has been issued for fire pit?</p> <p>14 THE WITNESS: Yes. Issued and approved, and it</p> <p>15 was rescinded for Winter City Lights because of the --</p> <p>16 HEARING EXAMINER BYRNE: The --</p> <p>17 THE WITNESS: -- the zoning issue we're here</p> <p>18 for.</p> <p>19 HEARING EXAMINER BYRNE: The Special Exception</p> <p>20 wasn't granted.</p> <p>21 THE WITNESS: For the Special --</p> <p>22 HEARING EXAMINER BYRNE: Event.</p> <p>23 THE WITNESS: -- Event --</p> <p>24 HEARING EXAMINER BYRNE: That's right. All</p> <p>25 right.</p>

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<p>189</p> <p>1 THE WITNESS: -- Permit.</p> <p>2 HEARING EXAMINER BYRNE: Too many SEs.</p> <p>3 THE WITNESS: So we didn't have fire pits for</p> <p>4 Winter City Lights. We actually put up propane heaters.</p> <p>5 HEARING EXAMINER BYRNE: Understood. Okay.</p> <p>6 Thank you.</p> <p>7 Q This past season, there was at least for some</p> <p>8 evenings a quote, Burn band. Do you recall --</p> <p>9 A Correct. Yeah.</p> <p>10 Q -- that and how did you handle that?</p> <p>11 A There was state burn ban. I called Department</p> <p>12 of DNR to get clarification exactly what the ban was.</p> <p>13 We also contacted the fire marshal. We also contacted</p> <p>14 the chief of the fire station, and we contacted the</p> <p>15 captain of the local fire station said, Hey, what do we</p> <p>16 do? And they said, Doesn't apply to you guys, you're</p> <p>17 good, you have the fire pit approval, you can go</p> <p>18 operate.</p> <p>19 We received the text from the neighbor saying,</p> <p>20 Hey, you got 20 minutes to shut this down, you're in</p> <p>21 violation of this, we're all this will stuff.</p> <p>22 We said, Okay.</p> <p>23 We called the fire marshal again, we called the</p> <p>24 chief of - chief, and they said, No, you guys are good,</p> <p>25 it doesn't apply to you.</p>	<p>191</p> <p>1 inspected the dryness of the firewood. They came out</p> <p>2 and inspected how we start the fires, how we put the</p> <p>3 fires out, and we were in complete compliance with all</p> <p>4 of the DEP regulations for recreational fire pits.</p> <p>5 Q All right. Let's move on to noise. Talk about</p> <p>6 how Steelhead manages noise as much as possible and what</p> <p>7 are some of the changes to the event over the years --</p> <p>8 A So --</p> <p>9 Q -- regarding noise control.</p> <p>10 A One of the big -- oops. Sorry.</p> <p>11 HEARING EXAMINER BYRNE: It's all right.</p> <p>12 Q Keep going.</p> <p>13 A One of the big changes was actually when --</p> <p>14 HEARING EXAMINER BYRNE: It might --</p> <p>15 A -- when the farmer was rotating his crop and we</p> <p>16 could no longer use the cornfield. That was huge</p> <p>17 because that's the closest the area the cornfield where</p> <p>18 the corn maze was and the hay ride is a peak. It's the</p> <p>19 high part. So sound -- the sound trajectory was not</p> <p>20 blocked. So over the years, we took -- we did away with</p> <p>21 that, and after we did away with it, we realized what a</p> <p>22 big headache was gone. And also the sound that</p> <p>23 permeated down that hill was gone. But while that was</p> <p>24 happening, we didn't get any sound complaints.</p> <p>25 So then, we did get complaints about the --</p>
<p>190</p> <p>1 They -- the neighbors called the fire</p> <p>2 department, the fire department came out, two fire</p> <p>3 trucks, lights blaring, came out, said, You guys are</p> <p>4 fine.</p> <p>5 So they did that two days in a row told us we</p> <p>6 are fine. We come to find out Monday that they made an</p> <p>7 error, we were actually not fine. They should have shut</p> <p>8 it down, but they told us we were okay. So we were</p> <p>9 operating on under the premise that we checked with the</p> <p>10 fire marshal, we checked with the -- with the -- with</p> <p>11 the captain of the local fire station, and the head --</p> <p>12 the chief of the fire department, and they said, Hey,</p> <p>13 you're all good.</p> <p>14 So we did find out that following Monday that</p> <p>15 no, that wasn't, they made an error, so we stopped, we</p> <p>16 abided by the burn ban, we stopped everything. And</p> <p>17 then, the burn ban was lifted before we opened the next</p> <p>18 weekend. So we did abide by the burn ban, but the</p> <p>19 approval we were given was incorrectly given by the</p> <p>20 folks that gave it to us.</p> <p>21 HEARING EXAMINER BYRNE: Okay.</p> <p>22 Q And --</p> <p>23 A And also if I may add, we also had DEP came out</p> <p>24 three times because of complaints about smoke. They</p> <p>25 came out, inspected the storage and the firewood. They</p>	<p>192</p> <p>1 about the chainsaws. So if I could look at this again.</p> <p>2 This is a peak here. This is high, the slope falls down</p> <p>3 this way, this is flat, this is flat, and the slope</p> <p>4 falls down to Brookeville Road.</p> <p>5 HEARING EXAMINER BYRNE: So just doing the</p> <p>6 play-by-play, the yellow line is a peak --</p> <p>7 THE WITNESS: The yellow line --</p> <p>8 MR. BARR: Locational --</p> <p>9 THE WITNESS: -- is the highest spot.</p> <p>10 THE COURT: Okay.</p> <p>11 THE WITNESS: It's the highest spot. The</p> <p>12 cornfield adjacent to that is a little bit raised higher</p> <p>13 than that.</p> <p>14 HEARING EXAMINER BYRNE: Okay.</p> <p>15 THE WITNESS: And it slopes where the end of the</p> <p>16 road peak and berm where that the little area --</p> <p>17 HEARING EXAMINER BYRNE: Um-hum.</p> <p>18 THE WITNESS: -- that's where it starts to slope</p> <p>19 down towards the houses.</p> <p>20 HEARING EXAMINER BYRNE: Okay.</p> <p>21 THE WITNESS: So it -- it's a slope that goes</p> <p>22 down. The area where the compound is where it says WCL</p> <p>23 Christmas tree and the arrow is flat, that's about ten</p> <p>24 feet lower than the fields. So it's in a little bit of</p> <p>25 it's in a recessed area. This yellow line that goes</p>

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<p>193</p> <p>1 along here where this shaded are is the property line. 2 That's a high spot. It falls down towards the 3 Atkinsons' home that way through their conservation 4 easement, so they have their own easement there. And 5 then, it falls down and slopes downwards here into the 6 lower area. 7 So when sound travels, sound travels in a 8 straight line. So the sound is traveling up, so and 9 here the sound complaint we had was from the Christmas 10 tree. Now, even though the houses are .4, .7 miles 11 away, the actual residence, the ordinance is on the 12 property line. 13 So we stood on the property line, with an 14 iPhone, with Gretchen Ekstrom on the other phone, and 15 she said, Okay, use this app and tell me what readings 16 you have. 17 And we walked the entire hill, and according to 18 the easements, and there was two, three seconds 19 intervals where the music for the Christmas -- for the 20 Christmas tree exceeded the decibel by 1 or 2 decibels. 21 So we did an abatement plan, which was turn the speakers 22 that were already turned, put baffling, they were 23 already baffled but she wanted it in writing, and then 24 lower the music in those two, three-second intervals, 25 which we did.</p>	<p>195</p> <p>1 problem so there's no more complaints about noise. 2 And then, the other complaint is chainsaws. We 3 used to have chainsaws in structures along the top side. 4 We got complaints, so we went from like I think five 5 chainsaws in the cornfield, and about six or seven in 6 the trail, those chainsaws went away. And again, there 7 were no complaints when we were using the cornfield. 8 The chainsaws here went from seven, two, down to one, 9 and we moved those structures in the bottom of the 10 valley, and now we have none. So we've taken their 11 input on hey, the chainsaws are removed, we completely 12 gotten rid of them. So we don't have any chainsaws now. 13 We haven't had them for like I think three years now. 14 HEARING EXAMINER BYRNE: Okay. Come on back to 15 your -- 16 Q Okay. As long as since you touched on the 17 berm, I'm just going to ask you two very specific 18 questions two specific question for concise answers, 19 because as you mentioned, those in the record complaints 20 about a portion of the berm, maybe a small portion, but 21 a portion of the berm located on the neighboring 22 property. What is Steelhead's plan to remove that small 23 portion of the berm located on the neighboring property? 24 A As soon as the ground is not mushy, it'll be 25 removed. It's about 15 feet long, six inches high, 18</p>
<p>194</p> <p>1 In addition to that, she said If that doesn't 2 work, phase two is put a berm on it. Not a fence, 3 because a fence will transmit sound. A berm with grass 4 or plantings will soften sound and deaden the sound from 5 permeating. So that's why we said we wanted to put the 6 berm in. 7 This is where the berm is actually, and we 8 wanted to extend it here. But to extend it here would 9 have required permission by the Atkinsons to put it on 10 their property, which they did not give me when I met 11 with them at their house. 12 HEARING EXAMINER BYRNE: Okay. 13 A So the berm is completely on OBGC's property, 14 and it does screen noise, it screens lights, it screens 15 you know, you can't see -- most of the pictures that 16 were submitted show -- or pictures from here looking 17 down this way from the high spot. There's you can't see 18 much from Brookeville Road. And I do have pictures if 19 you'd like to see them on the actual view from 20 Brookeville Road looking uphill what you can actually 21 see. 22 So we did that. I know they weren't happy with 23 it, but as a proactive measure because based upon their 24 complaint, we had to provide an abatement plan, and we 25 decided let's just do phase 1 and phase 2 to solve this</p>	<p>196</p> <p>1 inches wide, and maybe 20 feet long, and it's on the far 2 side at the bottom by the property line. 3 Q Okay. Given the concerns raised about the 4 berm, is Steelhead willing to generally review options 5 and discuss potential changes to the berm going forward? 6 A Absolutely. 7 Q Okay. And similarly, is Steelhead willing to 8 continue working with the OBGC neighbors on Brookeville 9 Road regarding any future noise concerns, if any? 10 A Absolutely. Any concern, actually, I mean. 11 Q All right. Lighting. I think there were some 12 questions or there certainly had been some information 13 in the record about lighting. Just talk about how 14 generally how you manage lighting for the events, but 15 try to be concise. 16 A Are you telling me I'm longwinded? 17 So the -- basically, lighting used to -- has 18 been in the past light stanchions, the trailers. And 19 they're used for football, and they're used by the 20 coaches on at all the County schools, and then, every 21 weekend, we move them to the field to use them. So 22 sometimes they're not pointed down like they should be, 23 and we have complaints saying hey -- when we first did 24 Winter City Lights, we did get complaints that, Hey, the 25 spotlight is shining and I can see it.</p>

<p>197</p> <p>1 And that was me there with a spotlight on 2 fixing a leak because the ice was not forming, right. 3 So to solve that, we did two things. We removed the 4 spotlight and we moved the slide location so it's not 5 visible now over the berm. So we do work very hard to 6 have the lights pointed down. 7 Since the inception of OBGC, there has been a 8 lighting plan that was approved but never completed. 9 That was recently completed. So all of those lights 10 stanchions go away. So there are a couple of pictures 11 submitted evidence that show these big bright lights. 12 Those are gone. Because now there are LED 11 or 12 foot 13 parking lights that have always been in the plan that 14 are -- that are newer lights with lower the lumens that 15 escape in the aura are far less than the older lights, 16 and the light towers we have are old light towers. They 17 do leave a pretty big aura. So those will not be used 18 anymore. 19 So there are a couple of pictures hey, these 20 are big, bright lights shining into the rooms. Those 21 light are no longer being used. The lights started in 22 the install in August. There was partially done for 23 Field of Screams, and I think it was completely finished 24 midway to the end of -- of Winter City Lights. So all 25 of those big temporary towers that we use for lights</p>	<p>199</p> <p>1 -- 2 A Screen or remove them in the off season, 3 absolutely. There's no ill-intent to scare anybody, and 4 that's not the -- 5 Q No neighbors. All right. The direct intent to 6 the event itself -- 7 A No, there is no -- 8 Q -- is to scare the bejesus out of the guests, 9 but okay. 10 A But also -- but also -- 11 Q Anyway. 12 A -- also of note, though, the view of those 13 features are from protected Conservation Type 1 14 Easement. So -- 15 Q All right. Okay. 16 A -- maybe you should be in the easement looking 17 -- 18 Q Not -- 19 A -- anyway -- 20 Q -- no. You're over -- overtestifying. Okay. 21 All right. Let's -- I think hopefully we've 22 covered most hopefully of the operational 23 characteristics, but I want to give you a general 24 question since you've worked on these events for years, 25 just lessons learned, improvements made beyond some of</p>
<p>198</p> <p>1 won't be used in the future. 2 Q All right. Well, let's just take an example. 3 Exhibit 91, I'm just going to show you, is that an 4 example of what you're referring to? 5 A That's an example of the light tower. 6 Q Exhibit 91. And you're saying -- what are you 7 saying about that? 8 A Those are no longer being used. 9 Q Okay. All right. Are you willing -- is 10 Steelhead willing to continue working with the OBGC 11 neighbors on Brookeville Road regarding any offsite 12 lighting concerns? 13 A Yes. 14 Q There was -- 15 A And that for reference, that I think that 16 picture was taken as I mentioned from the high part of 17 the knoll where the cornfield is looking over the berm. 18 It's not taken back by where the residents' homes are. 19 Q Okay. There was information in the record, 20 either a letter or maybe a video, or both, regarding 21 scary decorations from presumably Field of Screams that 22 may be visible on a neighboring property. Would 23 Steelhead be willing to discuss options -- 24 A Absolutely. 25 Q -- to potentially screen such things like that</p>	<p>200</p> <p>1 the things you've already touched on, just what -- what 2 changes have you made of things, things you've improved 3 over the years? 4 A I mean, communication with the neighbors is 5 probably the top one. But what we realized is when 6 there was a change in leadership at the Club, 7 communication wasn't what it used to be. I think that 8 occurred in 2017 or '18. And that's kind of resulted 9 why we're here. We've always worked with the neighbors. 10 The prior leadership has always had a relationship, so 11 we -- and we always listen. We've -- we've changed 12 traffic, we've changed parking, we've changed lights, 13 we've lowered music. 14 HEARING EXAMINER BYRNE: Joey, can you just go 15 back to regular view. Thank -- 16 A We've -- 17 HEARING EXAMINER BYRNE: -- you. For the people 18 at home. 19 A We have gotten rid of the chainsaws, you know, 20 we've done everything we possibly can. We've tried to 21 be as proactively as possible to say, Hey, here's what 22 we could do. 23 When I met with the Atkinsons at their house, I 24 offered to put up trees and bushes and make the berm 25 higher to completely screen. I offered to paint the one</p>

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<p>201</p> <p>1 roof of the one building brown so it didn't look silver 2 when they're looking up at it at night. I even 3 mentioned to paint the backside of the goalpost brown so 4 they won't be yellow. That you know, we're here to help 5 and work. 6 So and again, I'm -- my expertise is finding 7 the problem, let's go ahead and fix it, blunt to the 8 point, I don't sugarcoat anything, and you know, just 9 like to come up with a win-win solution for everybody. 10 Q Okay. 11 A So that's what we are trying to do. 12 Q So there's no such thing as a quote, Midnight 13 Madness -- 14 A No. 15 Q -- anymore? 16 A No. 17 Q Okay. Would you say, Mr. McLaren, that there 18 is still work to do and further improvements that can be 19 made, and that these events are still, you know, work in 20 progress, so to speak, or evolving hopefully? 21 A Absolutely. 22 Q Okay. 23 A We need to -- yeah, absolutely. 24 Q When there has been a concern about the event 25 from a neighbor, I think Mr. Scott testified about how</p>	<p>203</p> <p>1 testimony. 2 HEARING EXAMINER BYRNE: Okay. So it's 1:15. I 3 definitely want, we want to finish cross today. 4 MR. BARR: Uh-hum. 5 HEARING EXAMINER BYRNE: Has anybody looked 6 outside? Probably not? Joey, could you open the 7 window. 8 MS. OWENS: Can I -- 9 THE TECHNICIAN: I'll do anything. You're good. 10 HEARING EXAMINER BYRNE: All right. We're good? 11 MS. OWENS: Can I use the bathroom really quick? 12 HEARING EXAMINER BYRNE: Yes. Let's take a 13 ten-minute break, a bathroom break, and let's see if we 14 can get through cross, if that's okay with everyone. 15 But I'm afraid we might have to come back. 16 So off the record for bathroom break. 17 (A brief recess was taken.) 18 HEARING EXAMINER BYRNE: All right. Now I'm 19 going to turn my microphone on. 20 We're back on the record. And at this point, 21 we will have cross-examination of Mr. McLaren. 22 MS. OWENS: Thank you. 23 EXAMINATION BY THE OPPOSITION: 24 BY MS. OWENS: 25 Q Can I call you Kevin?</p>
<p>202</p> <p>1 he's handled that. If you get those, you know, how have 2 you handled them? 3 A Direct. I've reached out to the neighbors and 4 spoke to them. I've tried to be as reasonable as I 5 could. I'm -- I'm here to try to find out what are the 6 issues and how do we fix them and what's the plan to fix 7 it, and keep it fixed. And that was the commitment I 8 made to the prior director, Dr. Hadi, that I'm not going 9 anywhere until all this stuff is fixed. And that's 10 still my commitment. 11 Q I think -- I think you're referring to director 12 of DPS, correct? 13 A Director of DPS, yes. 14 Q Okay. 15 A I was introduced to him in 2018, I think. 16 THE WITNESS: And also, ma'am, nothing was done 17 maliciously. It's a volunteer organization. There's 18 just not a malicious conspiracy to defraud anybody. 19 Q What -- 20 MR. BARR: Are there any items that -- 21 HEARING EXAMINER BYRNE: No, I think I have 22 those numbers concerning direct operations permitting 23 when certain things happened, I think he's answered 24 those for me. 25 MR. BARR: all right. I think that's our direct</p>	<p>204</p> <p>1 A Sure. 2 Q I'm going to turn to Exhibit 32. 3 THE TECHNICIAN: 32? 4 MS. OWENS: Um-hum. 5 THE TECHNICIAN: Okay. 6 Q Kevin, is this the first modification of the 7 Special Exception that you participated in? 8 A Yes. 9 Q Okay. And the modification of this -- of the 10 special Special Exception this time was for the line 11 cover for the haunted house, the line cover for the hay 12 ride, the haunted trail cover. So all of these 13 structures were open structures. Meaning they didn't 14 have four walls. They were -- it was a roof and support 15 beams holding up a roof. Am I correct? 16 A The haunted house and the hay ride were 17 constructed already. The haunted trail was a future 18 structure. 19 Q So at that time of this Special Exception, 20 those were already constructed? 21 A A and B, correct. 22 Q Was any permitting done -- 23 A I -- 24 Q -- at that time? 25 A -- I answered that prior in testimony that the</p>

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<p>205</p> <p>1 no, that was put -- they were put up in error, but they 2 were built in accordance with County building code. 3 Q In accordance with, but you didn't go through 4 permitting when you built them? 5 A No, they were permitted and they were approved. 6 Q After they were built? 7 A Correct. 8 Q So you didn't do the proper procedure of 9 applying for a permit before you were building it, 10 correct? 11 A It was assumed that it was approved as I 12 mentioned earlier in the Special Exception. 13 Q Where is that assumed? 14 A I was told at the time. I didn't have a copy 15 of the Special Exception. That that particular Special 16 Exception was -- you could, since it was a Ag Zone, you 17 could build a pole barn. Post building it, we 18 discovered that was incorrect, so we fixed it. 19 Q Does it say anywhere in the original Special 20 Exception that you could build these buildings, these 21 structures? 22 A After I read it, it clearly said you can't, so 23 that was an error. 24 Q At the time of this modification, were you -- 25 you're testified in here. Were you testifying on behalf</p>	<p>207</p> <p>1 A For Winter City Lights. 2 HEARING EXAMINER BYRNE: 2022? 3 THE WITNESS: Correct. 4 Q And at that time, an abatement order had 5 already occurred because the abatement order is dated 6 April 2021, correct? 7 A I believe so, that's what you're stating, yeah. 8 Q Did you attend all the hearings for the 9 abatement order? 10 A Yes, I did, every three to six months for 11 three-and-a-half years. 12 Q Did anybody from -- when you attended those 13 hearings for the abatement order, did you attend as a 14 part of SHP or behalf of OBGC? 15 A I was designated as the point person for all 16 DPS related items for OBGC. So I would venture to say 17 that since it was an abatement against OBGC, my 18 attendance was on behalf of OBGC. 19 HEARING EXAMINER BYRNE: I'm gonna ask a 20 question. Do you consider yourself a volunteer still 21 for OBGC? 22 THE WITNESS: At that time, yes, because I was 23 responding to the abatement because I was the most 24 knowledgeable person, because for the years before that, 25 I had been working with DPS on resolving it. The</p>
<p>206</p> <p>1 of SHP or for OBGC? 2 A I'm here as a representative today for SHP. 3 Q No, but at the time in 2019? 4 A That was I was not -- I was not -- I was a 5 volunteer in 2019. I was not part of SHP in 2015. 6 HEARING EXAMINER BYRNE: So then, OBGC in 2019? 7 THE WITNESS: Yes, OBGC in 2019. 8 Q So when did you officially become part of SHP? 9 A 2020. I don't know the exact date. 2020, 10 2021. 11 Q Are you an employee of SHP? 12 A Yes. 13 Q So do you receive payroll? 14 A How -- how do you categorize payroll. 15 HEARING EXAMINER BYRNE: Getting paid as an 16 employee by SHP? 17 A I'm paid. I don't know if I'm paid 1099. I 18 don't think I'm -- I think I'm paid 1099. 19 Q So independent contractor? 20 A I believe so, yes. 21 Q Did you ever invest money in SHP? 22 A Yes, I did. 23 Q Was that when you started in 2019, 2020? 24 A No. 25 Q When was that?</p>	<p>208</p> <p>1 abatement order was issued because they felt it was 2 taking too long because Parks and Planning was taking 3 too long. So -- 4 HEARING EXAMINER BYRNE: So I think I know where 5 you're going and I'm just trying to track it as well. 6 So -- 7 MS. OWENS: Uh-hum. 8 HEARING EXAMINER BYRNE: -- you started out in 9 2019 as a volunteer with -- 10 THE WITNESS: No, I started out in 1997 11 volunteering. 12 HEARING EXAMINER BYRNE: So way way -- 13 THE WITNESS: When -- 14 HEARING EXAMINER BYRNE: -- from '97 through 15 your employment -- 16 THE WITNESS: All -- 17 HEARING EXAMINER BYRNE: -- at SHP -- SH -- how 18 -- 19 MS. OWENS: SHP. 20 HEARING EXAMINER BYRNE: Thank you. With SHP, 21 you were a volunteer? 22 THE WITNESS: I was an assistant coach, 23 volunteer coach, I worked concessions, I moved lights, I 24 fixed stuff. I've been involved for 25 years before the 25 field and parks were even built.</p>

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<p>209</p> <p>1 HEARING EXAMINER BYRNE: So with the transition 2 from volunteer to it sounds like contractor with 3 Steelhead Productions -- it's going to be easier for me 4 to say it that way -- with Steelhead Productions, you 5 continued to attend the abatement hearings when you 6 transitioned from -- I just want to make sure I have it 7 right -- from volunteer with OBGC to representative of 8 Steelhead Productions? 9 THE WITNESS: It's a difficult answer because I 10 still do volunteer -- 11 HEARING EXAMINER BYRNE: Okay. I get that -- 12 THE WITNESS: -- with -- 13 HEARING EXAMINER BYRNE: -- that's my question. 14 THE WITNESS: I still fix things, I still fix 15 the gate in the front for OBGC, I still fix wiring for 16 OBGC. 17 HEARING EXAMINER BYRNE: But -- 18 THE WITNESS: So -- so now, excuse me. I was 19 appointed as the point person as a volunteer -- 20 HEARING EXAMINER BYRNE: Okay. 21 THE WITNESS: -- to fix the -- all the DPS 22 related items for OBGC in 2018. 23 HEARING EXAMINER BYRNE: All right. And that 24 task and job continues to today? 25 THE WITNESS: To this day, correct.</p>	<p>211</p> <p>1 item that was not budgeted. So OBGC bought the 2 materials at cost, and I provided labor at cost and 3 equipment at no charge. 4 HEARING EXAMINER BYRNE: And that was for a 5 reforestation -- 6 THE WITNESS: Reforestation -- 7 HEARING EXAMINER BYRNE: -- plan -- 8 THE WITNESS: -- the planting. The planting 9 part of the reforestation, and there's a -- there's a 10 section of acquired maintenance that Parks and Planning 11 wants the install contractor to provide. 12 HEARING EXAMINER BYRNE: Okay. 13 THE WITNESS: So we'll be providing that 14 maintenance during the warranty period for the next five 15 years. 16 Q So does your landscaping company have a 17 contract with OBGC or SHP? 18 A OBGC. That's my company. Sorry. 19 Q Um-hum. 20 A OBGC. 21 Q And the contract is just for the landscaping 22 aspect? 23 A It's for the maintenance of the -- so there is 24 historical items that OBGC did not do in the 25 conservation easement, like cut the ivy off the trees.</p>
<p>210</p> <p>1 HEARING EXAMINER BYRNE: So you're still the 2 OBGC person -- 3 THE WITNESS: Yes. 4 HEARING EXAMINER BYRNE: -- to fix all of the 5 issues even though like so it didn't matter that you 6 were Steelhead Productions -- 7 THE WITNESS: Correct. 8 HEARING EXAMINER BYRNE: -- you continued in 9 that capacity? 10 THE WITNESS: Yes. 11 HEARING EXAMINER BYRNE: Okay. Is that where 12 you were going? 13 MS. OWENS: Uh-hum. Thank you. 14 HEARING EXAMINER BYRNE: Okay. 15 Q Do you provide paid landscaping work for OBGC? 16 A We provided a proposal to do the reforestation 17 planting and costs, so yes. 18 HEARING EXAMINER BYRNE: And that was Steelhead 19 Productions? 20 THE WITNESS: No, that was my landscape company, 21 Green Earth, because at the time, the contractor that 22 they had was willing to do it at cost, the landscape 23 contractor that the Club had. When that contract 24 transitioned, the new contractor would not do it at 25 cost, so I decided to do it at cost because it was an</p>	<p>212</p> <p>1 So we -- we had a contract with OBGC removing ivy from 2 the trees and doing routine maintenance that's required 3 in the easement. And that's required by Parks and 4 Planning as far as in accordance with the revised Forest 5 Conservation Plan. 6 MS. OWENS: Can we go back to the map again. 7 This map. 8 HEARING EXAMINER BYRNE: 57. 9 MS. OWENS: 57. 10 Q So Kevin, where in the map in the conservation 11 easement? 12 THE WITNESS: Can you lower the map a little 13 bit. 14 MS. OWENS: Down. 15 THE WITNESS: Up a little bit. Move this up 16 there. Up a little higher. So stop. 17 A This is a Conservation Easement Type 2. This 18 area here is a Conservation Easement Type 1. And this 19 area here that runs all the way to the Atkinsons is also 20 a conservation easement. 21 HEARING EXAMINER BYRNE: So when you say here, 22 area 1 is down to the right near the overflow parking 23 for the baseball game, right? 24 THE WITNESS: Where it says ticketing and heated 25 bathrooms where the heated is, that cluster of trees is</p>

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<p>213</p> <p>1 a Conservation Easement Type 1.</p> <p>2 HEARING EXAMINER BYRNE: Got you.</p> <p>3 THE WITNESS: And the area that's highlighted in</p> <p>4 orange that says FOS Haunted Trail and WCL Light</p> <p>5 Display, that is a Conservation Easement Type 1. And</p> <p>6 the area that's down this long finger of trees --</p> <p>7 HEARING EXAMINER BYRNE: Okay.</p> <p>8 THE WITNESS: -- is part of that conservation</p> <p>9 easement.</p> <p>10 HEARING EXAMINER BYRNE: Are there any above the</p> <p>11 orange area?</p> <p>12 THE WITNESS: And the area to the left where you</p> <p>13 can see the -- like the dots --</p> <p>14 HEARING EXAMINER BYRNE: Yes.</p> <p>15 THE WITNESS: -- that is a reforestation area</p> <p>16 that was planted as a result of carving out the 29</p> <p>17 locations at the easement.</p> <p>18 HEARING EXAMINER BYRNE: Okay.</p> <p>19 THE WITNESS: And that's also now part of the</p> <p>20 Conservation Type 1 Easement.</p> <p>21 HEARING EXAMINER BYRNE: Okay.</p> <p>22 Q So this whole issue with the parks and how it</p> <p>23 started, I'm assuming because all of the structures were</p> <p>24 built, and the trail was built on conservation easement,</p> <p>25 that's how this whole process with Parks and -- and the</p>	<p>215</p> <p>1 it is, and then come up with an abatement plan. And</p> <p>2 that process was what took three-and-a-half years while</p> <p>3 the initial permit we filed was on hold, and I'm going</p> <p>4 to the abatement hearings every six months because we</p> <p>5 are waiting for Parks and Planning to finish their piece</p> <p>6 to sign off on the call to Parks and Planning to say</p> <p>7 yes, this is approved just so we could proceed with the</p> <p>8 permits to resolve the abatement requirements.</p> <p>9 Q So you didn't attempt to file a request for a</p> <p>10 permit with DPS during that process?</p> <p>11 A No, we did. We filed the first request in 2019</p> <p>12 for this as soon as Chris came out and said, You got a</p> <p>13 problem with this. And then, there were two permits</p> <p>14 filed for that, and those two permits we filed, and</p> <p>15 then, they said, Ooh --</p> <p>16 Q What were those for?</p> <p>17 A Those were for -- at the time there were two</p> <p>18 trails, so it was two --</p> <p>19 Q For the trails?</p> <p>20 A For the structures on the two trails. Then,</p> <p>21 during that, when we filed that, they said, Ah, we can't</p> <p>22 approve this, because the first phone call they make on</p> <p>23 their checklist is Parks and Planning. Parks and</p> <p>24 Planning said, Ooh, we can't have these.</p> <p>25 And that's what started the process of saying I</p>
<p>214</p> <p>1 other agency got started; am I correct?</p> <p>2 A I'm not -- clarify your question again. I'm</p> <p>3 not sure I understand.</p> <p>4 Q So you know how you testified before that you</p> <p>5 went through a three-year process with Parks over the</p> <p>6 conservation easement, the trail going through the woods</p> <p>7 and the structures, that three-year process with Parks,</p> <p>8 that occurred because you were already in violation of</p> <p>9 the conservation easement; am I right?</p> <p>10 A Not necessarily, because it was the opinion of</p> <p>11 the Club that the permission granted by Carol Martin</p> <p>12 with Parks and Planning allowed for those structures to</p> <p>13 be in the conservation easement. Hindsight, that was --</p> <p>14 that was not a correct assumption. But at the time, it</p> <p>15 was these have been approved, here's the approval</p> <p>16 letter.</p> <p>17 When we met with Parks and Planning, they said,</p> <p>18 Ooh, Carol approved lot of stuff that what she shouldn't</p> <p>19 have approved, so how do we fix this?</p> <p>20 And they initially said, No, take everything</p> <p>21 out of the woods, and we said, Wait a minute, here's the</p> <p>22 letter, and she said you could have this.</p> <p>23 I said, Okay. We'll work with you.</p> <p>24 So they came up with the Swiss Cheese approach.</p> <p>25 We will cut everything out, look at the type of easement</p>	<p>216</p> <p>1 have to fix Parks and Planning first before DPS will</p> <p>2 even look at it. So then, we went down that process,</p> <p>3 and then, the DPS system updated, and they canceled the</p> <p>4 two permits we had from 2019 to fix all structures and</p> <p>5 said, You have to refile.</p> <p>6 That was the refile I did in February of 2024.</p> <p>7 And we did that in February because the plantings were</p> <p>8 completed in December of 2023. And they were just</p> <p>9 inspected yesterday by the inspector for the final</p> <p>10 signoff, because there were some additional items that</p> <p>11 they required that we just completed.</p> <p>12 So we did -- we were aware of them, we were</p> <p>13 working diligently. I spoke to Chris every four to six</p> <p>14 weeks for three years, kept him in communication. The</p> <p>15 major change was the complaints from the neighbors</p> <p>16 saying, Hey, nothing is happening.</p> <p>17 I went to court every six months and spoke to</p> <p>18 the judge here's what we're doing, here's the process,</p> <p>19 here's where we are with Parks and Planning, here's what</p> <p>20 we're doing, we're still moving forward, we know what</p> <p>21 has to get fixed, we know the process, and we are just</p> <p>22 waiting. This --this whole process --</p> <p>23 HEARING EXAMINER BYRNE: The trigger though, the</p> <p>24 trig was when DPS inspectors came out and asked you what</p> <p>25 was in the trail?</p>

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55 (217 to 220)

<p>217</p> <p>1 THE WITNESS: No, the trigger was when a 2 different neighbor complained to Parks and Planning 3 about another neighbor, and they saw satellite images of 4 wait a minute, there are structures in the easement. 5 That's when we found out that ooh, you can't have that, 6 and what you were told was incorrect. That was 2019. 7 Q Is there documentation for that? 8 A Yeah. There is -- we -- you can -- you can 9 call -- Mike Sharp is the inspector. He's been the 10 inspector since day 1. We met with Josh, his boss. We 11 met with the head of Parks and Planning. We were intro 12 -- the introduction to Parks and Planning was provided 13 by Dr. Hadi, who was the DPS, and at the time, the 14 County who's now County Attorney, Mr. Markovs. They are 15 the ones who introduced us to Parks and Planning and 16 said we're trying to fix this historical issue with 17 OBGC, can you help. And we sat in their conference room 18 for months. 19 Q But there's also rules involved with 20 conservation easements, right, and the level of 21 conservation easement it is? 22 A Yes. 23 Q Every once in a while, Conservation Easement 24 comes out all on their own and checks out the woods and 25 see what's going on --</p>	<p>219</p> <p>1 MR. BARR: Okay. 2 Q Conservation easement -- 3 HEARING EXAMINER BYRNE: So that's -- 4 Q We're all neighbors of cons -- we all have -- 5 all the neighbors in the room have conservation easement 6 on their property. Every single neighbor in this room 7 understands conservation easement. There's very strict 8 rules that all of us have to follow, right? 9 A So -- 10 Q And building stuff on conservation easement is 11 definitely not allowed, correct? 12 A I've answered the question. I don't know what 13 else you want me to say. We -- they -- we've worked 14 with DPS. 15 HEARING EXAMINER BYRNE: I think she's asking 16 you do you know if building things on conservation 17 easement -- 18 THE WITNESS: Oh. 19 HEARING EXAMINER BYRNE: -- is a no no. 20 THE WITNESS: Absolutely, it's wrong. I get it. 21 HEARING EXAMINER BYRNE: Then that -- then, 22 you've answered the question, she's asked the question. 23 THE WITNESS: That's why we're trying to fix it. 24 HEARING EXAMINER BYRNE: So we're good. 25 Q So everything started out with an already done</p>
<p>218</p> <p>1 A Correct. 2 Q -- with that conservation easement, right? 3 A Correct. Yes. 4 Q So you don't think that Conservation Easement 5 came out and checked out the woods -- 6 A No. 7 Q -- and saw the structures? 8 A No, they have not. They have not come out. 9 They didn't come out in 25 years. We addressed that in 10 the meeting. How come no one has ever come out, and 11 they said it's complaint driven. We only come out if 12 there's complaint. 13 So you're more than happy to check with all the 14 folks at Parks and Planning. I got -- I'll dig up my 15 notes to get the name of their attorney, the head 16 attorney who has since retired. 17 Q Is there any documentation that's an exhibit 18 here that shows that that was done; that you were 19 working with Conservation Easement to make sure you were 20 following all of their rules? 21 A Yeah, as of 2019 and with Chris -- 22 Q Where is the documentation in here? 23 A I didn't know that we complete that 24 documentation. 25 Q There isn't any documentation.</p>	<p>220</p> <p>1 violation; you admitted it -- 2 A No, it started -- 3 Q -- from 2019 -- 4 A -- it started out with -- 5 Q -- that you even started your process with a 6 violation right off the bat. 7 A It started -- 8 Q You asked for a modification -- 9 HEARING EXAMINER BYRNE: Okay. Try not talk 10 over each other. 11 So she is saying it was a violation from the 12 beginning, and you're saying no -- 13 THE WITNESS: No, it was -- 14 HEARING EXAMINER BYRNE: -- it was not a 15 violation. 16 THE WITNESS: -- it was an approval by a person 17 from Parks and Planning who gave approval who didn't 18 have the authority to give approval that it operated 19 upon. 20 Q Then, that's not approval. 21 A We then notified -- 22 HEARING EXAMINER BYRNE: And what year was that? 23 THE WITNESS: That was in 2002 when the first 24 event started. We have that -- that email of her saying 25 yes, you can have the event, and the interpretation of</p>

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56 (221 to 224)

<p>221</p> <p>1 the Club was we have approval. Hindsight, that was 2 incorrect. I got involved in 20 -- 3 HEARING EXAMINER BYRNE: Okay. 4 THE WITNESS: -- 18. 5 HEARING EXAMINER BYRNE: You're good. Okay. 6 Because I think we have the timeline now, I think you 7 have the answer that you're looking for -- 8 MS. OWENS: Yup. 9 HEARING EXAMINER BYRNE: -- I think he has 10 testified to the timeline, so I think we can go forward. 11 Q So the current permitting that you have filed 12 this year with DPS, what was that permitting for? 13 A That was to two existing structures, to have 14 them be -- be accepted as structures that meet County 15 code, because they. Do those are structures that were 16 built, I believe, five years ago. They were replaced -- 17 they replaced the old historical structures that were 18 there. And then, it was to have approval on the other 19 locations, the 27 of them, to have permission to replace 20 structures that were not compliant with County code. 21 HEARING EXAMINER BYRNE: So say that again. So 22 you put two permits in for -- 23 THE WITNESS: No. 24 HEARING EXAMINER BYRNE: -- two -- one permit 25 for two structures --</p>	<p>223</p> <p>1 HEARING EXAMINER BYRNE: Okay. 2 Q So out of the 29, only 12 are being replaced? 3 A There's only 12 that require U&Os. The other 4 ones require a building permit, but they do not require 5 a U&O. And if it's temporary structure, you have to 6 provide the drawing plans provided by the manufacturer. 7 So we are providing all that information. But again, we 8 are on hold because we don't have the zoning checklist, 9 so we can't provide any of that information or resolve 10 any of that with the County because we're on hold with 11 the -- with the zoning. 12 HEARING EXAMINER BYRNE: And that's why there's 13 only two permits pending? 14 THE WITNESS: It's only one permit. 15 HEARING EXAMINER BYRNE: One permit pending for 16 two structures. 17 THE WITNESS: The -- the two older permits were 18 cancelled -- 19 HEARING EXAMINER BYRNE: Okay. 20 THE WITNESS: -- that were done in 2019. 21 HEARING EXAMINER BYRNE: Okay. 22 THE WITNESS: And then, we reapplied after we 23 got the Parks and Planning and didn't know that ooh, 24 it's got to get into Special Exception. The plan 25 reviewer said, Ooh --</p>
<p>222</p> <p>1 THE WITNESS: One -- there was one permit -- - 2 HEARING EXAMINER BYRNE: -- for the rest -- 3 THE WITNESS: There was one permit in for two 4 existing structures -- 5 HEARING EXAMINER BYRNE: Okay. 6 THE WITNESS: -- to be as-built. 7 HEARING EXAMINER BYRNE: Okay. 8 THE WITNESS: And then, there was a template for 9 a third structure. That would be the template that 10 would be built if they choose to build them on the other 11 27 locations. 12 HEARING EXAMINER BYRNE: So it's your testimony 13 that all those existing structures are going to be 14 replaced? 15 THE WITNESS: The -- the structures that are -- 16 that require U&Os, all but two of them will be replaced, 17 yes. 18 HEARING EXAMINER BYRNE: And how many structures 19 require U&Os again? 20 THE WITNESS: I think there's 12 -- 21 HEARING EXAMINER BYRNE: 12. Is that -- 22 THE WITNESS: -- or 13. 23 HEARING EXAMINER BYRNE: That was your testimony 24 before. 25 THE WITNESS: Correct.</p>	<p>224</p> <p>1 HEARING EXAMINER BYRNE: But what you have 2 today, because she is asking you what's pending today. 3 So we know the other two got kicked out, right, and 4 you've gone through this entire process. 5 THE WITNESS: What's pending today is a permit 6 application to replace the peak 2 two structures, have 7 them approved and replaced, nine structures that require 8 U&Os that are not compliant with the current Special 9 Amusement building requirement. 10 HEARING EXAMINER BYRNE: Okay. All right. So 11 it's one permit, two replacement, and then, the other 12 ones to basically start from scratch? 13 THE WITNESS: And it's a template, right. 14 HEARING EXAMINER BYRNE: Correct. 15 THE WITNESS: It's a -- 16 HEARING EXAMINER BYRNE: Template. 17 THE WITNESS: -- template that's compliant with 18 the Special Amusement that came into play in 2017 or 19 '18, I believe. 20 HEARING EXAMINER BYRNE: And then, the other 21 structures, you will apply for permits, but they don't 22 use -- they don't require U&O -- 23 THE WITNESS: Right. 24 HEARING EXAMINER BYRNE: -- they're a different 25 type of building.</p>

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57 (225 to 228)

<p>225</p> <p>1 THE WITNESS: And we don't know yet what, you 2 know, it's a -- it's a -- it's a hanging body on a post. 3 I don't know what that requires yet. We haven't crossed 4 that bridge yet. Or it's a -- it's a wall -- 5 HEARING EXAMINER BYRNE: Right. 6 THE WITNESS: -- that's decorated. 7 HEARING EXAMINER BYRNE: It's still a structure, 8 so you have to get a permit. 9 THE WITNESS: I understand. But we don't know 10 what is required for the permit yet. 11 HEARING EXAMINER BYRNE: Got you. Okay. 12 THE WITNESS: Agreed. That's why the 29 13 locations are locations in the easement that are 14 permitted. What we put there, obviously, we're gonna go 15 through all the processes, but we have to get to the 16 permit so we can replace the stuff that we know needs to 17 be replaced. 18 HEARING EXAMINER BYRNE: Okay. I don't want to 19 hijack you, but I just want to make sure we get clarity. 20 Q For the record, U&O stands for what? 21 A Use and Occupancy. 22 Q And when do you -- when do you usually get 23 those? 24 A After the building is finally inspected, and 25 you apply for the U&O certificate and the U&O final</p>	<p>227</p> <p>1 any activity because we don't have zoning. So we're at 2 a standstill because of this process. We are doing 3 everything. 4 HEARING EXAMINER BYRNE: Okay. This is not 5 unique. 6 THE WITNESS: Yeah. 7 HEARING EXAMINER BYRNE: This is -- this is -- 8 this is zoning and permitting in every jurisdiction in 9 America. Zoning comes first. 10 THE WITNESS: Uh-hum. 11 MS. KORSON: We're trying to turn to an exhibit. 12 HEARING EXAMINER BYRNE: That's okay. 13 MS. KORSON: It doesn't have an exhibit number 14 on it. 15 HEARING EXAMINER BYRNE: Which -- what's it look 16 like? Is it a picture or a -- 17 MS. OWENS: We -- 18 MS. KORSON: I know it's after 64. 19 MS. OWENS: Well, let me -- let me start with 20 this one. 21 Q So you had stated before that DPS came out -- 22 HEARING EXAMINER BYRNE: That's 66. 23 MS. OWENS: Yeah. Sorry, sorry, Exhibit 66. 24 Thank you. 25 Q DPS came out and reviewed with you all of a</p>
<p>226</p> <p>1 inspection. 2 Q So on all the other buildings, so it was two, 3 and then, nine. All the other buildings, you currently 4 have an U&O for? 5 A No, like I said, those are noncompliant and 6 have to be removed. 7 Q So are all the building being removed except 8 for two? 9 A Correct. The two -- 10 Q So of the 29 structures that were listed -- 11 A The 29 locations. Not all of those locations 12 currently have a structure. Some of them have props, 13 some have a decoration. Not all of them are structures. 14 There's 29 approved locations to put something there. 15 Of those 29 locations, there are 11 structures that 16 require an U&O. Two of them are gonna remain, and the 17 other nine are gonna be removed and constructed, and if 18 we decide to build, replaced with a structure that is 19 compliant with all the County codes. 20 The other stuff, we're still working with DPS 21 to understand what's required for a decorated wall as 22 far as a permit. It does not require a U&O. It 23 requires a permit. So we're still working with that. 24 But we can't submit anything because the permit has been 25 suspended because of no activity because we can't have</p>	<p>228</p> <p>1 checklist, you said, or a punch list of violations that 2 you went through that you said that you found. 3 A Yeah. 4 Q That is your testimony earlier, right? 5 A Correct. 6 Q And there is a lot of photos attached to this. 7 This is dated October 3rd of 2024, correct? 8 A That's what it says, yeah. 9 Q So every single one of these violations listed 10 on here were fixed? That's your testimony? 11 A Let me review the pictures, please. 12 So some of the pictures, it was you can't say 13 it was fixed. The structure was completely closed. So 14 if you want to go item-by-item, the first, the asylum, 15 that structure was completely closed down and not used. 16 That's -- that's page 2 of 20. 17 Page 4 of 20, the inside of that structure, 18 that structure was completely shut down and not used. 19 Page 3 of 10, the wires were fixed in the 20 bottom of that picture, the rail was fixed, but that 21 structure was completely closed down and not used. 22 Again, that's page 3 of 20 and 4 of 20. 23 Page 5 of 20, that was corrected. That's on 24 the outside of the structure that was completely shut 25 down and not used.</p>

<p style="text-align: right;">229</p> <p>1 Q That's an electrical picture, right?</p> <p>2 A Correct.</p> <p>3 Q So did you get an electrical permit to fix</p> <p>4 that?</p> <p>5 A They were -- it didn't have to have a permit.</p> <p>6 It was the cracked connection that was fixed.</p> <p>7 The lodge was completely fixed.</p> <p>8 6 of 20 was completely closed down.</p> <p>9 THE WITNESS: Go to the next one. All right.</p> <p>10 A That one there, there was a hanging part that</p> <p>11 the structure was completely closed down and not used.</p> <p>12 THE WITNESS: Go to the next one.</p> <p>13 A The structure was completely shut down and not</p> <p>14 used.</p> <p>15 The structure was completely shut down and not</p> <p>16 uses.</p> <p>17 The structure was completely shut down and not</p> <p>18 used.</p> <p>19 The structure was completely shut down and not</p> <p>20 used.</p> <p>21 The stairs, the requirement was that it needed</p> <p>22 a handrail, and a handrail was installed, and we do have</p> <p>23 pictures of it that we submitted to DPS.</p> <p>24 There the opening gap was too wide. There were</p> <p>25 cross members installed to be complied with the</p>	<p style="text-align: right;">231</p> <p>1 those pictures were submitted.</p> <p>2 Structure completely shut down, not used.</p> <p>3 Structure completely shut down and not used.</p> <p>4 That that bridge was used. It is designed to</p> <p>5 be like that for the effect. So that is one that we did</p> <p>6 use because it's the only way to get through the trail.</p> <p>7 And it doesn't meet the ADA requirement for the slope,</p> <p>8 but it's in the woods, so we have to address that with</p> <p>9 DPS. That's an open item that I don't have an answer</p> <p>10 for yet.</p> <p>11 Q I'm sorry, wait, go back to that one. Why is</p> <p>12 -- why is there a need for there to be decking there?</p> <p>13 A Because you're walking over a swampy area.</p> <p>14 That's called the swamp.</p> <p>15 Q It's wetlands area?</p> <p>16 A Correct.</p> <p>17 Q Another conservation easement issue, correct?</p> <p>18 A This was addressed with the Parks and Planning.</p> <p>19 There were four different types of wetlands that were</p> <p>20 all accounted for in the abatement and carved out in the</p> <p>21 three-and-a-half year process. And the abatement</p> <p>22 changed from one to one, two to one, up to eight to one,</p> <p>23 and the types of trees, and where it had to be planted.</p> <p>24 So all of that was accounted for --</p> <p>25 Q Has that been done?</p>
<p style="text-align: right;">230</p> <p>1 requirement of the opening gap.</p> <p>2 THE WITNESS: I'm sorry, I'm sorry, go back to</p> <p>3 that one.</p> <p>4 A That's the same stairs that's showing that that</p> <p>5 type of the rail is improper. Again, this is an</p> <p>6 interior house requirement, not for wooded stairs in the</p> <p>7 woods. But we did put a handrail that is compliant with</p> <p>8 the height requirements down the entire stairs. That</p> <p>9 was a reference point. That was completely shut down.</p> <p>10 Nothing was used there. That was showing a piece of --</p> <p>11 that was a -- that was a decorated wall that's showing a</p> <p>12 piece of untreated wood that is touching the ground.</p> <p>13 That structure was not used for anything, but someone</p> <p>14 walked on the other side of it and walked around. That</p> <p>15 needs to be replaced with treated wood.</p> <p>16 THE WITNESS: Go to the next one.</p> <p>17 A That's the one -- that's one of the bridges</p> <p>18 over the creek, that by my reference was referenced in</p> <p>19 the 2019 -- the 1999 Special Exception, it talks about a</p> <p>20 trail in the woods. This bridge has been there a long</p> <p>21 time. It has been replaced because the wood had rotted,</p> <p>22 but it's the same structure. Those the opening there</p> <p>23 was not compliant, so we did install the railing to meet</p> <p>24 the three-and-a-half inc, I believe, the three inch</p> <p>25 requirement. Those pictures that was completed and</p>	<p style="text-align: right;">232</p> <p>1 A -- in the process. Yes, it's all been done and</p> <p>2 accounted for. The plan went final December of 1993.</p> <p>3 The planting was finished in December of 1993, and the</p> <p>4 final inspection occurred --</p> <p>5 MR. BARR: I don't think you mean '93.</p> <p>6 THE WITNESS: I'm sorry, 2 --</p> <p>7 HEARING EXAMINER BYRNE: 2023.</p> <p>8 THE WITNESS: '23, yes, I'm sorry.</p> <p>9 A And that --</p> <p>10 Q But that decking still hasn't past permitting</p> <p>11 from Montgomery County, correct?</p> <p>12 A I don't know what permitting it requires right</p> <p>13 now because we have a -- we requested a fire code mod</p> <p>14 and ADA feedback, but the County has not signed anybody</p> <p>15 on who will do that jurisdiction, because the permit is</p> <p>16 on hold, so I don't have an answer for that.</p> <p>17 HEARING EXAMINER BYRNE: I think that answers</p> <p>18 your question, no?</p> <p>19 A Structure was shut down, not used.</p> <p>20 That bridge, the requirement was that the</p> <p>21 risers have to be closed, they can't be open. They were</p> <p>22 completely closed, they were backing was put on all the</p> <p>23 stairs, and that was submitted to DPS.</p> <p>24 Q I'm sorry, stop there. You're saying those</p> <p>25 stairs were closed for Field of Screams --</p>

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59 (233 to 236)

<p>233</p> <p>1 A Yes.</p> <p>2 Q -- in 2024 --</p> <p>3 A They -- they were --</p> <p>4 Q -- and Winter City Lights?</p> <p>5 A They were -- they were -- the back of those</p> <p>6 stairs were closed --</p> <p>7 HEARING EXAMINER BYRNE: Not closed for walking,</p> <p>8 but --</p> <p>9 MR. BARR: He's saying --</p> <p>10 HEARING EXAMINER BYRNE: -- closed --</p> <p>11 THE WITNESS: No, no, the riser, the riser can't</p> <p>12 be an open riser. So there's backing put on all of</p> <p>13 those stairs --</p> <p>14 HEARING EXAMINER BYRNE: Not --</p> <p>15 THE WITNESS: -- to close --</p> <p>16 HEARING EXAMINER BYRNE: -- not that the stairs</p> <p>17 were closed, but they --</p> <p>18 THE WITNESS: The riser --</p> <p>19 HEARING EXAMINER BYRNE: -- came enclosed</p> <p>20 stairs.</p> <p>21 THE WITNESS: -- the riser became enclosed,</p> <p>22 correct. That was done on the 4th of October, the day</p> <p>23 after the inspection.</p> <p>24 Q So after you did that, did those go through</p> <p>25 permitting?</p>	<p>235</p> <p>1 Q Okay. Then, this is Exhibit 65. This is the</p> <p>2 DPS investigation in which DPS went to the location on</p> <p>3 10/18/24, and noted a number of violations. But the</p> <p>4 purpose of this investigation was due to the</p> <p>5 noncompliance with the April of 2021 abatement order,</p> <p>6 correct?</p> <p>7 A Well, I believe what happened was we received</p> <p>8 Abatement Order, we interpret -- we and all of our</p> <p>9 discussions with DPS had been with regard to the special</p> <p>10 amusement structures that required U&Os. So our whole</p> <p>11 focus was on U&Os. And then, when we walked the trail</p> <p>12 on the 3rd that we talked about the U&O structures, and</p> <p>13 that those, you know, need -- we have -- we have the</p> <p>14 permit requirement in, we're waiting to get through the</p> <p>15 zoning.</p> <p>16 And then, we also talked about some of the</p> <p>17 structures that don't require a U&O and said yes, those</p> <p>18 structures require some permitting also. We don't know</p> <p>19 exactly what yet because we don't know if it's a</p> <p>20 temporary structure --</p> <p>21 Q I wasn't asking about --</p> <p>22 A I'm not finished yet, please.</p> <p>23 Q -- the temporary ones.</p> <p>24 A Le me finish, please.</p> <p>25 And then, so these structures, we didn't look</p>
<p>234</p> <p>1 A We're still waiting on that. We can't go</p> <p>2 through permitting. And that's -- that's the</p> <p>3 application we have pending that hasn't been by Zoning</p> <p>4 so we can't do anything until we get through this</p> <p>5 hearing and we make a decision. That's one of the 29</p> <p>6 locations that we need to rectify.</p> <p>7 THE WITNESS: Okay. Next picture, please.</p> <p>8 That's it.</p> <p>9 MR. BARR: All right. Hand that back to me.</p> <p>10 Q So that exhibit was the visit that you were</p> <p>11 talking about in your testimony where DPS came out</p> <p>12 before of Field of Screams started operation. Am I</p> <p>13 correct?</p> <p>14 A Yes.</p> <p>15 Q And that was the checklist that you are talking</p> <p>16 about in your testimony?</p> <p>17 A Yes.</p> <p>18 Q But in your checklist, a lot of those buildings</p> <p>19 didn't get checked off the list because you just didn't</p> <p>20 use them, right?</p> <p>21 A Well, yeah, you can't check them off because --</p> <p>22 Q Yea, you didn't use them.</p> <p>23 A -- it requires a permit. Correct, they didn't</p> <p>24 get used.</p> <p>25 MS. KORSON: 65.</p>	<p>236</p> <p>1 at as requiring U&O. They are -- there's a bridge.</p> <p>2 There are two bridges --</p> <p>3 HEARING EXAMINER BYRNE: I've lost it. So what</p> <p>4 was the question.</p> <p>5 MS. OWENS: This investigative report --</p> <p>6 HEARING EXAMINER BYRNE: Right.</p> <p>7 MS. OWENS: -- is dated October 18th, 2024.</p> <p>8 HEARING EXAMINER BYRNE: Okay.</p> <p>9 MS. OWENS: This report was created due to</p> <p>10 noncompliance with the April 2021 abatement order.</p> <p>11 MR. BARR: Well --</p> <p>12 HEARING EXAMINER BYRNE: Yes or no?</p> <p>13 MR. BARR: -- let me just first note that for</p> <p>14 the record --</p> <p>15 HEARING EXAMINER BYRNE: Okay.</p> <p>16 MR. BARR: -- this report is dated October 18th,</p> <p>17 2024.</p> <p>18 HEARING EXAMINER BYRNE: Okay.</p> <p>19 MR. BARR: I will report that collectively, the</p> <p>20 Olney Boys & Girls Club and Steelhead received this</p> <p>21 report for the first time on January 28, 2025 at one of</p> <p>22 the District Court updates.</p> <p>23 But that said, try to answer question</p> <p>24 concisely.</p> <p>25 A So technically speaking, yes, this is a</p>

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<p>237</p> <p>1 violation of the abatement order.</p> <p>2 Q Thank you.</p> <p>3 HEARING EXAMINER BYRNE: Okay.</p> <p>4 MR. BARR: Well, hold on. Hold on. That's not</p> <p>5 correct. That's not correct. That's that will be</p> <p>6 determined by a -- by the District Court.</p> <p>7 HEARING EXAMINER BYRNE: So essentially, a</p> <p>8 Notice of Violation has been issued. The determination</p> <p>9 as to whether or not OBGC is in violation is pending</p> <p>10 before the District Court.</p> <p>11 MR. BARR: There was a hearing January 28th,</p> <p>12 2025, just couple weeks ago --</p> <p>13 HEARING EXAMINER BYRNE: All right.</p> <p>14 MR. BARR: -- in which we were handed this</p> <p>15 report, dated October 18th. It's on whatever</p> <p>16 two-and-a-half month prior, some whatever --</p> <p>17 HEARING EXAMINER BYRNE: Okay.</p> <p>18 MR. BARR: -- two-and-a-half months prior that</p> <p>19 we had not seen, and the accusation was that this was a</p> <p>20 violation of the Abatement Order. And the District</p> <p>21 Court heard the matter and will make a determination.</p> <p>22 HEARING EXAMINER BYRNE: Okay.</p> <p>23 MR. BARR: That's the --</p> <p>24 MS. OWENS: And at that hearing, there were</p> <p>25 stipulations, correct?</p>	<p>239</p> <p>1 MR. BARR: Um-um.</p> <p>2 HEARING EXAMINER BYRNE: -- pretty much</p> <p>3 everything that we need to have it --</p> <p>4 MR. BARR: Um-hum.</p> <p>5 HEARING EXAMINER BYRNE: -- have it say.</p> <p>6 MR. BARR: Um-hum.</p> <p>7 HEARING EXAMINER BYRNE: And Mr. McLaren has</p> <p>8 testified to things that are not done yet, right?</p> <p>9 MS. OWENS: I -- I --</p> <p>10 HEARING EXAMINER BYRNE: Is there -- is that --</p> <p>11 MS. OWENS: I don't -- I don't agree. There are</p> <p>12 stipulations on the record in which OBGC admitted to a</p> <p>13 number of things in open court.</p> <p>14 HEARING EXAMINER BYRNE: Okay. All right. So</p> <p>15 then, ask Mr. McLaren, you know --</p> <p>16 Q Each --</p> <p>17 HEARING EXAMINER BYRNE: -- what his --</p> <p>18 Q -- of the stipulations were read in court,</p> <p>19 correct?</p> <p>20 A I believe so, yeah. I don't recall. I didn't</p> <p>21 write the stipulations down.</p> <p>22 Q You don't remember Stephanie Ferner reading</p> <p>23 each of the stipulations word-for-word into the record?</p> <p>24 A I just stated that I don't. I can surmise what</p> <p>25 she read, what she said. If you'd like to read it to</p>
<p>238</p> <p>1 MS. KORSON: I just I -- if we could just take a</p> <p>2 pause for a moment. I just want to respectfully request</p> <p>3 that we let --</p> <p>4 MR. BARR: You're asking for legal</p> <p>5 determination.</p> <p>6 MS. KORSON: And I'm -- I want Kevin to testify</p> <p>7 and not his counsel. That's all.</p> <p>8 MR. BARR: Well, you're asking for legal</p> <p>9 determinations. If you want the correct answer --</p> <p>10 MS. KORSON: We want -- we want Kevin's answer</p> <p>11 because Kevin is running the show.</p> <p>12 MR. BARR: All right.</p> <p>13 MS. KORSON: Right? So let's let him answer so</p> <p>14 we can hear how things happen, materialize on the ground</p> <p>15 versus what your spin is.</p> <p>16 MR. BARR: All right. Then, I -- then, let's --</p> <p>17 if -- I'm gonna try not to, but there may be soft</p> <p>18 objections to ask him to draw legal conclusion, and he's</p> <p>19 just not capable of doing that.</p> <p>20 HEARING EXAMINER BYRNE: Right. Understood. So</p> <p>21 I think we know now the status, right?</p> <p>22 MR. BARR: Um-hum.</p> <p>23 HEARING EXAMINER BYRNE: It's an open notice of</p> <p>24 violation that's currently in District Court. Right?</p> <p>25 So I think that -- I think that says --</p>	<p>240</p> <p>1 me, I can answer.</p> <p>2 Q Was one of stipulations that OBGC admits to the</p> <p>3 using structures that they were not supposed to use</p> <p>4 pursuant to the abatement?</p> <p>5 A So I believe the testimony that we made was</p> <p>6 that --</p> <p>7 Q I'm talking about the stipulations.</p> <p>8 A Okay. I'll answer that.</p> <p>9 Q There was no testimony.</p> <p>10 A I'd like to answer --</p> <p>11 HEARING EXAMINER BYRNE: Please answer the</p> <p>12 stipulation question if you don't mind, sir.</p> <p>13 A Yeah. We stipulated that there were structures</p> <p>14 that apparently were used that we were unaware of were</p> <p>15 part of it because the entire process was about</p> <p>16 structures that required a U&O.</p> <p>17 HEARING EXAMINER BYRNE: Okay.</p> <p>18 A And that was the first time we found out that</p> <p>19 structures without a U&O required this. So the entire</p> <p>20 three-and-a-half years going to court was U&O, U&O, U&O,</p> <p>21 U&O. The first time we found out about this was in</p> <p>22 court three weeks ago.</p> <p>23 HEARING EXAMINER BYRNE: Okay.</p> <p>24 A So yes, we stipulate factually they were used,</p> <p>25 that's factual. But whether it's a violation or not,</p>

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<p>241</p> <p>1 that's up to the court to decide.</p> <p>2 HEARING EXAMINER BYRNE: Okay.</p> <p>3 Q Kevin, and there was a hearing before that</p> <p>4 hearing that you attended in which the judge ordered</p> <p>5 that you not use the structures that were under</p> <p>6 advisement under that abatement order, correct?</p> <p>7 A If that's what you're stating happened, yeah, I</p> <p>8 mean, that's correct.</p> <p>9 Q I'm asking you if that's what happened?</p> <p>10 A We went into the judge and we explained what</p> <p>11 the situation was, like I do every six months. And</p> <p>12 then, there is an abatement order. I don't know what</p> <p>13 else to answer.</p> <p>14 Q You had made a comment earlier in your</p> <p>15 testimony just now about the use of extension cords, and</p> <p>16 that you got rid of the use of extension cords at Field</p> <p>17 of Screams and Winter City Lights. Did I hear that</p> <p>18 correctly?</p> <p>19 A No, specifically with regard to the structures</p> <p>20 that were built historically in the woods.</p> <p>21 Q The structures that were on conservation</p> <p>22 easement?</p> <p>23 A Yeah, approved by Carol Martin in 2002, yes.</p> <p>24 Q Was there an electrical permit to do that?</p> <p>25 A There was a permit pulled, the work was done.</p>	<p>243</p> <p>1 THE WITNESS: Correct.</p> <p>2 HEARING EXAMINER BYRNE: Okay.</p> <p>3 Q In conservation easement land?</p> <p>4 A Yeah, I said that. Yes.</p> <p>5 MS. OWENS: Can we go back to that map. This</p> <p>6 one --</p> <p>7 HEARING EXAMINER BYRNE: Yes.</p> <p>8 MS. OWENS: Yes.</p> <p>9 THE TECHNICIAN: Attachment to Exhibit 59.</p> <p>10 Q Kevin, were any new structures brought into --</p> <p>11 you were testifying before about this center right here.</p> <p>12 HEARING EXAMINER BYRNE: That blue area.</p> <p>13 Q Blue area. You had pointed to each of the</p> <p>14 buildings here?</p> <p>15 A Um-hum.</p> <p>16 Q Were any new structures put in in 2024?</p> <p>17 A Define structure.</p> <p>18 Q Any building that you walk under, over, or</p> <p>19 through?</p> <p>20 A No.</p> <p>21 Q That's what DPS defined for you in court.</p> <p>22 A I don't believe any buildings were constructed</p> <p>23 there.</p> <p>24 Q Is there a new building right here for pictures</p> <p>25 for being --</p>
<p>242</p> <p>1 I remember the work was done but I don't recall. There</p> <p>2 -- there are spider boxes in the woods and a permit was</p> <p>3 pulled for that. And since it's temporary power, I'm</p> <p>4 not familiar with that. Because it's temporary power,</p> <p>5 it's not permanent power.</p> <p>6 HEARING EXAMINER BYRNE: Are you unsure if a</p> <p>7 permit was pulled or what was repaired?</p> <p>8 HEARING EXAMINER BYRNE: I know -- I know a</p> <p>9 permit was pulled for the supply lines and the spider</p> <p>10 boxes to go from the main power box into the woods.</p> <p>11 HEARING EXAMINER BYRNE: Okay.</p> <p>12 THE WITNESS: I don't know about the physical</p> <p>13 structures.</p> <p>14 HEARING EXAMINER BYRNE: Okay.</p> <p>15 THE WITNESS: Because it's temporary power.</p> <p>16 It's you have a structure that's wired properly, and</p> <p>17 then, you take an RV plug, and you plug it into the side</p> <p>18 to give that ambient lighting or to power the LEDs that</p> <p>19 are in there. So on that I don't -- I don't know if</p> <p>20 that's a requirement. I mean, I don't know if the</p> <p>21 permit was pulled or that was before by time.</p> <p>22 HEARING EXAMINER BYRNE: Okay. So it's unclear.</p> <p>23 You're not sure about whether or not an electrical</p> <p>24 permit was pulled or not, but you do know power,</p> <p>25 temporary power permits were pulled?</p>	<p>244</p> <p>1 A It's not a building --</p> <p>2 Q -- displayed to people?</p> <p>3 A -- it's not a building. They're portable</p> <p>4 sheds. It's not a structure -- it was -- it's not a</p> <p>5 structured building.</p> <p>6 Q But it's not a tent, right?</p> <p>7 A It's a shed that was purchased. That doesn't</p> <p>8 require a permit, correct.</p> <p>9 Q So that new structure was put on here --</p> <p>10 A That's been there --</p> <p>11 Q -- during Winter City Lights and Field of</p> <p>12 Screams?</p> <p>13 A No, it's been there for three years, I think.</p> <p>14 I don't remember. It's a shed, it's a portable shed.</p> <p>15 Q And there is a shed right here, correct?</p> <p>16 A Yeah, it's a portable shed that was both</p> <p>17 brought in by truck and put on the ground and --</p> <p>18 Q And how far away is that from the boundary line</p> <p>19 with the Atkinson property?</p> <p>20 A It's farther away from than the closest corner</p> <p>21 of the games and firewood storage.</p> <p>22 Q Do you have any measurement by feet?</p> <p>23 A No, I do not.</p> <p>24 Q Do you know how far away the storage area for</p> <p>25 the games --</p>

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<p>245</p> <p>1 A No, that's --</p> <p>2 Q -- and firewood is?</p> <p>3 A -- that's in the --- I forget what they call</p> <p>4 the plan. Where the -- you have to have someone come</p> <p>5 out and assess the distance to the property line land.</p> <p>6 That was part of the final inspection of those</p> <p>7 buildings. They came out and validate the distance from</p> <p>8 the property line. So that's on the record. I don't</p> <p>9 remember that distance.</p> <p>10 Q And what are you talking about? What now?</p> <p>11 A When you have a final inspection --</p> <p>12 THE WITNESS: Bless you.</p> <p>13 A -- you have to have a location done by a</p> <p>14 surveyor to locate the distance of the building from the</p> <p>15 property line to make sure it's compliant. And if it's</p> <p>16 compliant --</p> <p>17 Q The zoning.</p> <p>18 A -- if it's not compliant, you don't get the</p> <p>19 final permit approval. So yes, that structure is</p> <p>20 compliant.</p> <p>21 HEARING EXAMINER BYRNE: Which structure?</p> <p>22 THE WITNESS: The games and firewood storage</p> <p>23 which used to be the hay ride queue cover.</p> <p>24 HEARING EXAMINER BYRNE: But the portable shed</p> <p>25 that was put there didn't require a fire permit so</p>	<p>247</p> <p>1 MS. OWENS: I don't know what you're talking</p> <p>2 about.</p> <p>3 HEARING EXAMINER BYRNE: We're not -- no one --</p> <p>4 no one knows.</p> <p>5 MS. KORSON: It's in Chapter --</p> <p>6 HEARING EXAMINER BYRNE: Right?</p> <p>7 MS. KORSON: -- 59. Do you want --</p> <p>8 HEARING EXAMINER BYRNE: I do know it's in</p> <p>9 Chapter 59. I don't have it off the top of my head that</p> <p>10 building setbacks have to be X. So --</p> <p>11 MR. BARR: It looks --</p> <p>12 HEARING EXAMINER BYRNE: -- what happened</p> <p>13 here --</p> <p>14 THE WITNESS: All I know is that --</p> <p>15 MR. BARR: Is it -- is it an accessory</p> <p>16 structure?</p> <p>17 THE WITNESS: Yes.</p> <p>18 MR. BARR: And --</p> <p>19 THE WITNESS: Site setback is 15 feet.</p> <p>20 Q Well, the games and firewood storage is not an</p> <p>21 accessory. It's not movable, correct?</p> <p>22 A No, it doesn't say --</p> <p>23 MR. BARR: Wait. Hold on.</p> <p>24 A It is -- it is --</p> <p>25 MR. BARR: I'm trying -- I'm trying to help with</p>
<p>246</p> <p>1 there's no mention --</p> <p>2 THE WITNESS: No it's portable shed.</p> <p>3 Q And there wasn't a setback from the boundary</p> <p>4 line of the Atkinsons' --</p> <p>5 A No, it's --</p> <p>6 Q -- property?</p> <p>7 A -- it's farther -- it's farther back from --</p> <p>8 it's actually it's farther back from here. So the</p> <p>9 entire berm is on OBGC's property. The berm is about 10</p> <p>10 feet maybe wide. The setback is would you say 14, 15</p> <p>11 feet, you know --</p> <p>12 Q In an Ag zone, it's 50 feet.</p> <p>13 A I don't believe it's 50 feet, because then this</p> <p>14 structure wouldn't have been approved and none of these</p> <p>15 structures would have been approved, so I don't believe</p> <p>16 that to be correct.</p> <p>17 HEARING EXAMINER BYRNE: Well, I'll be honest</p> <p>18 with you, I don't know.</p> <p>19 MR. BARR: I don't know either.</p> <p>20 THE WITNESS: That would --</p> <p>21 MR. BARR: That would be up.</p> <p>22 HEARING EXAMINER BYRNE: That would be up.</p> <p>23 THE WITNESS: -- that would mean also all their</p> <p>24 houses are in violation of the act as well if it truly</p> <p>25 was 50 feet. So --</p>	<p>248</p> <p>1 this line of questioning, and I'm pulling up what I</p> <p>2 believe to be the current Agricultural Reserve AR Zone</p> <p>3 provisions. It appears accessory -- that is an</p> <p>4 accessory structure, because it's not the principal</p> <p>5 building on the property. And it looks like the site</p> <p>6 setback is 15 feet. That's I'm just noting that, but --</p> <p>7 HEARING EXAMINER BYRNE: All right. So we have</p> <p>8 dispute as to whether or not it's --</p> <p>9 THE WITNESS: But we -- we -- we pulled the</p> <p>10 permit, we did the zoning, the permit was pulled, it was</p> <p>11 approved, all the -- all the check marks are happening</p> <p>12 happened say it's compliant, so --</p> <p>13 HEARING EXAMINER BYRNE: Okay.</p> <p>14 MR. BARR: Side -- by the way --</p> <p>15 Q Do you pull documentation like that, Kevin?</p> <p>16 MR. BARR: -- side over here is 2 feet.</p> <p>17 A You can pull the permit. I mean, I can give</p> <p>18 you the permit number. We have the approved plans and</p> <p>19 stamped plans. I'll be happy to do that.</p> <p>20 Q I will be happy to see them.</p> <p>21 A Sure. You can also get a copy from DPS.</p> <p>22 Q So let's talk about the berm unit. Did the</p> <p>23 berm have permits before you put the berm in?</p> <p>24 A No, I made a mistake on that.</p> <p>25 Q Where did you need to get permits for?</p>

<p>249</p> <p>1 A Excuse me?</p> <p>2 Q Where did you need to get permits for?</p> <p>3 A Well, it's under 4,900 square feet, if it's</p> <p>4 under 5,000 square feet, you don't require a permit. So</p> <p>5 that is approximately 4,900 square feet. I didn't pull</p> <p>6 a permit. I did not realize that in 2011 the sediment</p> <p>7 control stuff changed, and if there's a square footage</p> <p>8 requirement and a soil movement requirement. It did not</p> <p>9 meet the square footage requirement, so a permit was not</p> <p>10 required. But it did meet the soil movement</p> <p>11 requirement, so I made a mistake. So we contacted the</p> <p>12 County, pulled the permit, got the permit done,</p> <p>13 rectified everything. So yes, that was a mistake I</p> <p>14 made. I take full responsibility for that.</p> <p>15 Q And is some of that berm on the boundary line</p> <p>16 with the Atkinsons' property?</p> <p>17 A Not on that on -- that yellow berm, no. On the</p> <p>18 other side, that tree is a small section of his.</p> <p>19 Q Is the berm 50 feet from their boundary line?</p> <p>20 A A berm doesn't have to be 50 feet from</p> <p>21 Atkinsons. It's a distant berm. But we pulled the</p> <p>22 permit, the permit has been approved, it has been</p> <p>23 inspected.</p> <p>24 Q The soil?</p> <p>25 A Excuse me?</p>	<p>251</p> <p>1 slopes in that direction specifically.</p> <p>2 Q All right. I thought you said the water flows.</p> <p>3 A No, I said the land slopes in that direction.</p> <p>4 I said I did look at the grades to determine the water</p> <p>5 flow with the berm when I met with Johnny Campos on site</p> <p>6 and Steve Simpson, I did discuss that to make sure there</p> <p>7 was no issues in with the berm in puddling water.</p> <p>8 Q So did you talk to the Atkinsons about that</p> <p>9 meeting --</p> <p>10 A Yeah. When I --</p> <p>11 Q -- and the movement of the water?</p> <p>12 A No. When I met with the Atkinsons at their</p> <p>13 house, I specifically requested a bigger berm to shield</p> <p>14 and close off more item. They wanted a fence. I said a</p> <p>15 berm is better. We wanted to go wider and higher, as</p> <p>16 legally required, the berm to be -- this particular</p> <p>17 portion of the berm would have required to be half on</p> <p>18 OBGC's property, half on their property. It would be</p> <p>19 about ten feet higher than it is now. This section here</p> <p>20 would have been hundred percent on their property. And</p> <p>21 they said no, we don't want it on our property. So I</p> <p>22 said, Okay. We won't do that. We're gonna do it on our</p> <p>23 property because part of the abatement plan that we had</p> <p>24 to put in place because of the complaints of noise was</p> <p>25 if round 1 doesn't work, you got to put a berm in. We</p>
<p>250</p> <p>1 Q With what division? Who has it been approved</p> <p>2 by?</p> <p>3 A Steve Simpson. He's the sediment control</p> <p>4 inspector. His boss is Johnny Campos. I've met with</p> <p>5 both of them on site numerous times, and they've</p> <p>6 inspected it and said, You're compliant, and they signed</p> <p>7 off on it. So I don't know what more you want me to</p> <p>8 say.</p> <p>9 Q But again, you put the berm, then realized</p> <p>10 oopsie, I should --</p> <p>11 A I --</p> <p>12 Q -- have gotten a permit for it --</p> <p>13 A I clearly --</p> <p>14 Q -- and then, you tried to fix it?</p> <p>15 A -- I clearly stated that I made an error, yes.</p> <p>16 Q Okay. And you had stated before that the berm,</p> <p>17 that you talked about elevations and how it sloped this</p> <p>18 way and sloped that way, correct?</p> <p>19 A Um-hum.</p> <p>20 Q You said that earlier.</p> <p>21 MS. OWENS: Can you scroll down a little bit.</p> <p>22 THE TECHNICIAN: Yeah.</p> <p>23 Q And you said that all of the water flows</p> <p>24 towards the houses?</p> <p>25 A I didn't say water flows. I said the land</p>	<p>252</p> <p>1 said let's be good neighbors and put a berm in ahead of</p> <p>2 time because a berm is the best screening of sound that</p> <p>3 you have, okay.</p> <p>4 I also sent them pictures and diagrams and</p> <p>5 recommended we plant trees on the berm so it would</p> <p>6 shield the entire view of everything through the lower</p> <p>7 understand of the football goal post.</p> <p>8 So this berm was put in completely on OBGC</p> <p>9 property. We validated that with the County. We -- the</p> <p>10 property markers are still there. There's a section</p> <p>11 here that some soil that was left over here was put.</p> <p>12 There's a section right about here by this tree that is</p> <p>13 six inches higher, 18 inches wide, by maybe 25 feet long</p> <p>14 that is, in fact, on their property.</p> <p>15 We said we will remove it. I got permission</p> <p>16 from the Atkinsons to remove it, but the soil has been</p> <p>17 too wet and muddy with stub on the ground. We haven't</p> <p>18 done that yet.</p> <p>19 I talked to Steve Simpson, the sediment control</p> <p>20 inspector, probably every four weeks, saying, Hey, have</p> <p>21 you forgotten? No, I haven't forgotten yet.</p> <p>22 We also talked about the bridge. I believe the</p> <p>23 gentleman in farms complained that this blocks the water</p> <p>24 flow. I met out there with Johnny Campos and Steve</p> <p>25 Simpson. We pulled out the grade plans from the McAtlas</p>

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<p>253</p> <p>1 website which has all the topography, and the topography 2 shows that the water actually flows -- 3 Q Is that exhibit here that you're -- 4 A No, but it's in -- I think it's an exhibit that 5 we sent to DPS. I discussed that with -- with Johnny 6 and with Steve on site after an aggressive conversation 7 with the farmer. 8 So -- so the water actually from the topography 9 lines flows from this low spot, actually, in this 10 direction and comes down there. It's a -- it is graded, 11 it's a slight grade. They've also -- the County has 12 also come out every -- 13 Q Is there a stream over here? 14 A You have to pull it back up. There's a stream 15 -- 16 MS. OWENS: Can you pull it up. 17 A -- that passes through here. 18 HEARING EXAMINER BYRNE: And when you say here, 19 where; where are we talking? 20 MS. OWENS: Pointing in the corner right here. 21 HEARING EXAMINER BYRNE: Upper right corner of 22 the diagram. 23 THE WITNESS: The specific -- 24 MS. OWENS: With the limbs sawed off. 25 Q Is there stream that starts right here?</p>	<p>255</p> <p>1 A -- 2000 -- 2 Q -- giving you permission to have the fundraiser 3 in the first place under -- 4 A Say that again. 5 Q -- this Special Exception? 6 So you interpret that as meaning under the 7 Special Exception that OBGC is allowed to have these 8 fundraisers that go on for 41 days? 9 A It was -- I would characterize it they've 10 always had fundraisers, it's always been there. 11 Fundraisers -- 12 Q So it's your interpretation that -- 13 A Can I finish? 14 Q -- according to the Special Exception -- it's a 15 very specific question. 16 A I'd like to get my answer though. 17 Q Go ahead. 18 A Okay. When I got involved, the interpretation 19 was we've always done fundraisers. Fundraiser have been 20 part of this from the beginning, and this is one of the 21 fundraisers. 22 Q Let's go to employees, people working at Field 23 of Screams and Winter City Lights. How are they 24 trained? Your testimony that you train them. How do 25 you train them?</p>
<p>254</p> <p>1 A I need to see specifically. 2 Q Have you been down there and seen it? 3 A I have walked on this side, yeah. I have 4 walked, but I wasn't looking for a stream. I don't 5 know. 6 Q So you haven't seen a stream down here? 7 A I just said I don't know if there's a stream 8 there. 9 Q Okay. 10 A So are you saying there is one? 11 MR. BARR: This is just -- 12 HEARING EXAMINER BYRNE: Okay. 13 THE WITNESS: I don't know why she's adversarial 14 in asking that. 15 MS. OWENS: I'll move on to my next question. 16 Q You also said in your testimony that one of the 17 modifications allows for the fundraising. I did not 18 read that in any of the modifications that are exhibits 19 here. 20 A I believe in the first page of all the 21 approvals from 2019 on talks about the fundraising in 22 the first sentence. We received the citation from the 23 County about the hours by Winter City, which resulted in 24 adding the fundraiser. And I also -- 25 Q So you interpret that as --</p>	<p>256</p> <p>1 A What testimony did I said we trained them, 2 please. Enlighten me on that. 3 Q Here today. 4 A Did I say that? 5 Q Um-hum. 6 A I'd like to have that re-read then. 7 Q Okay. So for example, you said that 8 security-wise, you have stuff that's done with people 9 who are directed traffic. Usually you had police that 10 would work there as well that would provide safety. 11 Which clearly the police were not working there this 12 year. 13 When employees get hired by SH -- SHP to work 14 at Field of Screams or Winter City Lights, how are they 15 trained? Who trains them? 16 A Specifically with what regard? I'm still -- 17 Q Who trains them? 18 HEARING EXAMINER BYRNE: I think she references 19 parking. So you said you have 15 -- 20 THE WITNESS: So parking -- 21 HEARING EXAMINER BYRNE: -- people there for 22 parking. 23 THE WITNESS: -- we have a parking plan, we have 24 the map that I showed which show where the cones go. 25 Q So do you go through that parking plan with</p>

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<p>257</p> <p>1 each of the employees?</p> <p>2 A We have a -- we have a person who was</p> <p>3 responsible for the parking that goes through that plan</p> <p>4 with everybody, and we have two golf carts that we drive</p> <p>5 around to make sure the plan is being implemented.</p> <p>6 Q Who is that person?</p> <p>7 A Last name is Moriarty. I can't remember his</p> <p>8 first name.</p> <p>9 MR. BARR: John.</p> <p>10 A John Moriarty.</p> <p>11 Q And he has a discussion with all the people</p> <p>12 that work on parking --</p> <p>13 A He runs --</p> <p>14 Q -- and trains them on how parking should be --</p> <p>15 A Yes.</p> <p>16 Q -- done?</p> <p>17 A Yes, he does. Yes, ma'am.</p> <p>18 HEARING EXAMINER BYRNE: We just kind of nereded</p> <p>19 out a little bit. John Moriarty. So sorry.</p> <p>20 THE WITNESS: Okay. Okay.</p> <p>21 Q So while we're talking about training of</p> <p>22 employees, does SHP also train people working the</p> <p>23 concession stand?</p> <p>24 A Yes.</p> <p>25 Q Does SHP train the people who work at the</p>	<p>259</p> <p>1 through the trail, comes out this end, they come out</p> <p>2 this ending, usually you said they go ahead and go to</p> <p>3 parking after they go through the trail, right? People</p> <p>4 complain. What was the script of what they tell people</p> <p>5 if they were unhappy with their experience at Field of</p> <p>6 Screams or Winter City Lights?</p> <p>7 A I don't -- I don't know. I don't know if we</p> <p>8 have a script. We take their name and try to -- we</p> <p>9 write down the information and we try to get back to</p> <p>10 them and respond.</p> <p>11 Q Do you give people free tickets?</p> <p>12 A I don't recall. I did not give anybody free</p> <p>13 tickets. I'm typically during the event back working in</p> <p>14 concessions, making sure everything is working.</p> <p>15 Q Okay. So on the first weekend and the second</p> <p>16 weekend you guys were open, you didn't have a person</p> <p>17 standing right here handing out free cards that said</p> <p>18 free ticket, don't give it to anyone else?</p> <p>19 A We may have. I'm not saying we did or didn't.</p> <p>20 Q I thought you --</p> <p>21 HEARING EXAMINER BYRNE: Do you know?</p> <p>22 THE WITNESS: I don't know no, I don't. I was</p> <p>23 not working ticketing. I was working concessions.</p> <p>24 Q Have you seen the free tickets? Because they</p> <p>25 were littered everywhere, they were all over this area.</p>
<p>258</p> <p>1 ticket booth?</p> <p>2 A Actually, the folks that run the ticket booth</p> <p>3 train the folks that work at the ticket booth.</p> <p>4 Q Who are the -- is there a specific person at</p> <p>5 SHP that trains people to work at the ticket booth?</p> <p>6 A There would be one of two people that would do</p> <p>7 that. One would be John Dickson and the other would be</p> <p>8 Ramez Fahmy.</p> <p>9 Q Okay. Have you seen them train anybody at the</p> <p>10 ticket booth during 2024 for Winter City Lights or Field</p> <p>11 of Screams?</p> <p>12 A Physically, no, but they trained me back in</p> <p>13 2018, so I know they train.</p> <p>14 Q So the training done to people working at the</p> <p>15 ticket booth, and ticket booth, you mean people who are</p> <p>16 making sure that waivers get signed, that they have a</p> <p>17 ticket, and they scan their ticket when they come in the</p> <p>18 gate and that they go through security, correct?</p> <p>19 A Security is before ticketing.</p> <p>20 Q Okay.</p> <p>21 A So before they even get the ticketing, they go</p> <p>22 through a security screen and a wand.</p> <p>23 Q Who trains those people at the ticket booth?</p> <p>24 A Like I said, either John or Ramez.</p> <p>25 Q When people complain, let's say somebody goes</p>	<p>260</p> <p>1 Have you seen the free tickets?</p> <p>2 A I don't -- I didn't work that area. I don't</p> <p>3 know.</p> <p>4 HEARING EXAMINER BYRNE: If you guys have</p> <p>5 observations, you can testify to it.</p> <p>6 Q So if somebody has a free ticket to go to the</p> <p>7 event, do you count those free tickets when they come</p> <p>8 back to the event?</p> <p>9 A I don't -- I don't know how we -- I believe we</p> <p>10 look, make sure they have a waiver, and then, we let</p> <p>11 them in.</p> <p>12 Q So you don't count those tickets, because</p> <p>13 there's nothing to scan? They didn't buy an electronic</p> <p>14 ticket, they didn't buy it online?</p> <p>15 A I don't -- I don't believe so, no, we don't --</p> <p>16 we don't track those tickets.</p> <p>17 Q Okay. And you don't know how many of those</p> <p>18 that SHP handed out during the beginning of the season</p> <p>19 or throughout the season?</p> <p>20 A No, I do not.</p> <p>21 Q You had stated before -- let's go to ticketing.</p> <p>22 You had given some broad numbers of how many tickets you</p> <p>23 sell. Under the Special Exception, how many people are</p> <p>24 allowed to be on the property at a given time?</p> <p>25 A I -- the Special Exception I don't believe</p>

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66 (261 to 264)

<p>261</p> <p>1 delineates people. It delineates sporting athletes. So 2 I can't -- I can't make that determination. 3 Q It doesn't say 450 people? 4 A I believe it references campers and park pool 5 drivers, I don't recall. 6 Q Okay. We'll go back to Exhibit -- I'm sorry. 7 Go back to Exhibit 25, page 6, number 4. The second 8 number 4 down below. 9 THE TECHNICIAN: This one. 10 Q You're right, it says summer camp for 450 11 people, correct? 12 A I'm sorry, where are you looking? 13 MR. BARR: Yeah page 6. 14 MS. OWENS: Yeah. 15 HEARING EXAMINER BYRNE: And then, again on page 16 8, Use of the gymnasium is limited to maximum of 60 17 individuals. 18 There's also a section that's on page 8 at the 19 top. 20 THE WITNESS: So may I, please -- if you could 21 repeat the question, please. 22 HEARING EXAMINER BYRNE: Which we're directing 23 your attention to what would be asked, but we're just 24 trying to make sure that you understand what we're 25 talking about.</p>	<p>263</p> <p>1 A I think I've addressed that earlier in my 2 testimony about how we do the flow of parking. 3 Q Because traffic was such an issue, correct? 4 A Historically, yes, that one wasn't one of our 5 best days -- 6 Q When you say that traffic was an issue in 2019, 7 is that what you said earlier; that's why you started to 8 park cars in the grass? 9 Q 2019 and prior. 10 Q Okay. But in 2019 -- 11 THE WITNESS: Could I get a glass of water? 12 HEARING EXAMINER BYRNE: Absolutely. 13 MS. OWENS: Do you guys have any water in your 14 urn? 15 HEARING EXAMINER BYRNE: No. 16 MS. OWENS: No. 17 HEARING EXAMINER BYRNE: I'm sorry. 18 MS. KORSON: We can fill them outside. 19 HEARING EXAMINER BYRNE: That's okay. I've got 20 -- these are counsel's. 21 MR. BARR: Oh, thank you. 22 THE TECHNICIAN: You can give them out. 23 Q It is stated in 2019 modification that was 24 filed then that -- 25 MR. BARR: Which exhibit?</p>
<p>262</p> <p>1 Then on page 3, it says that, Proposed parking 2 was more than adequate to meet the needs -- 3 THE WITNESS: Go back to page 6, it says, like I 4 said, summer campers. 5 HEARING EXAMINER BYRNE: Yeah, but -- 6 MS. OWENS: 450 kids. 7 MS. KORSON: Sorry, let me just read the three 8 statements that's all about Volume of Patrons. So the 9 third basis is on page 3 that says, The site development 10 plans depict that 603 parking spaces will be provided. 11 The conclusion of the proposed parking is more than 12 adequate to meet the needs of the facility, and the 13 number provided was in accordance with the off-street 14 parking requirements of the zoning ordinances which -- 15 and it totally forbids all off parking out of the spot. 16 MS. OWENS: Off-site parking. 17 HEARING EXAMINER BYRNE: You have the three 18 statements. 19 MS. KORSON: You got it. 20 Q So 603 parking spots, how many parking spots 21 are at the park right now? 22 A Don't know. I thought the plan -- the plans we 23 have say 655, so I don't know the exact number. 24 Q And that doesn't count all of the parking that 25 you use that's in the grass, correct?</p>	<p>264</p> <p>1 Q -- there is no -- 2 MR. BARR: Which exhibit? 3 MS. OWENS: Exhibit 36, page 4. 4 Q Halfway down that first paragraph, Mr. Romano's 5 letter and described by Mr. McLaren. I show in the 6 attachments to that letter that it will not 7 substantially change the nature, character, or intensity 8 of the use or the effect on traffic, or the immediate 9 neighborhood. 10 Is that what you testified to in 2019? 11 A Yes, it's actual statement from 2019, yes. 12 Q But didn't you just say that the traffic was 13 really bad in 2019 and that's why you have to use the 14 grass parking spots? 15 A No, I said -- I said that historically, we had 16 some evenings that had traffic issues. A lot people 17 were trying to get in because of the way parking was 18 organized. This is -- 19 Q Is that true that at some point with parking 20 some people -- 21 A This is -- 22 Q -- didn't park offsite? 23 A The comment here was is there a substantial 24 change. The prior 15 years to this letter, there was no 25 substantial change. The event ran the way it ran with</p>

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67 (265 to 268)

<p>265</p> <p>1 parking.</p> <p>2 Q Did the number of people increase?</p> <p>3 A I -- I don't know -- it was before my time if</p> <p>4 number of people increased, but from this day forward,</p> <p>5 the number of people decreased. I stated that earlier,</p> <p>6 we've raised ticket pricing --</p> <p>7 Q I'm asking --</p> <p>8 A -- dropped attendance --</p> <p>9 Q -- about this. The 2019 one.</p> <p>10 A Right. But the prior 15 years before this,</p> <p>11 nothing had changed. There's no change. That's --</p> <p>12 Q Did the number --</p> <p>13 A -- a valid statement.</p> <p>14 Q -- of tickets go up between 2015 and 2019?</p> <p>15 A I don't -- I -- that was before my time. I</p> <p>16 don't know.</p> <p>17 Q Did the number of traffic programs go up</p> <p>18 between 2015 and 2019?</p> <p>19 A I don't know because we had no complaints.</p> <p>20 Q Then, why did you testify there was no traffic</p> <p>21 issues, that there was no change in traffic if you</p> <p>22 didn't know?</p> <p>23 A No, because there's no change. There's no</p> <p>24 complaint or no issues. We looked at it and said we're</p> <p>25 not happy with certain things, we're not happy with</p>	<p>267</p> <p>1 referring to.</p> <p>2 MS. OWENS: 110. Look closer.</p> <p>3 HEARING EXAMINER BYRNE: 108 is the street.</p> <p>4 MS. OWENS: No, it's closed.</p> <p>5 MR. BARR: If I understand, the question is does</p> <p>6 Mr. McLaren know where that bus is parked, if it is</p> <p>7 parked. I'm not sure if is it moving or parked. I</p> <p>8 don't know. I can't tell.</p> <p>9 A Well, the red -- the red lights are not on, so</p> <p>10 the brake lights are not on. The white lights are on.</p> <p>11 Q Well, I can tell it's parked.</p> <p>12 A I have no idea what that bus is there. No</p> <p>13 idea.</p> <p>14 Q The buses are parked there a lot, aren't they</p> <p>15 --</p> <p>16 A I --</p> <p>17 Q -- because usually one comes every night?</p> <p>18 A I have no idea. I don't know.</p> <p>19 Q You don't know if there is a bus parked on 108</p> <p>20 every night that you guy are open? You don't notice</p> <p>21 that?</p> <p>22 A No. The lights are on, then there's no back --</p> <p>23 and there's no parking, there's no parking lights on,</p> <p>24 there's no red lights, so you're saying --</p> <p>25 MS. KORSON: Okay. I'll testify that I took it,</p>
<p>266</p> <p>1 people coming in disarrayed parking. We're just trying</p> <p>2 to improve -- improve parking and improve safety. It's</p> <p>3 a natural occurrence. You see -- you see a couple of</p> <p>4 cars backed up, okay. We never had complaints from</p> <p>5 anybody.</p> <p>6 Q Do you ever have buses come in?</p> <p>7 A Yes.</p> <p>8 Q How often do buses come in?</p> <p>9 A I have no idea.</p> <p>10 Q Every night?</p> <p>11 A I have no idea.</p> <p>12 Q Where do the buses park?</p> <p>13 A I don't know. Sometimes they'll park in a --</p> <p>14 take up parking spaces or --</p> <p>15 MS. OWENS: Well, I think there's a picture that</p> <p>16 has exhibit park on the street, right?</p> <p>17 MR. BARR: Right. Are you referring to 108</p> <p>18 which --</p> <p>19 MS. OWENS: Yes. Yeah, I think it's 108.</p> <p>20 MR. BARR: No --</p> <p>21 MS. OWENS: It's --</p> <p>22 MR. BARR: -- the question was park in the</p> <p>23 street --</p> <p>24 HEARING EXAMINER BYRNE: Park on 108.</p> <p>25 MR. BARR: -- I wasn't sure which street she was</p>	<p>268</p> <p>1 so yeah.</p> <p>2 HEARING EXAMINER BYRNE: So if he doesn't know,</p> <p>3 then we're happy to accept the testimony of anybody else</p> <p>4 that's made those observations.</p> <p>5 MS. OWENS: Okay.</p> <p>6 A So if the comment was it's every night --</p> <p>7 HEARING EXAMINER BYRNE: I would let it go.</p> <p>8 MS. OWENS: Yup.</p> <p>9 HEARING EXAMINER BYRNE: I would let it go.</p> <p>10 Q Okay. So let's go to lighting. You testified</p> <p>11 as to lighting. According to the original Special</p> <p>12 Exception, limit - lighting is limited to the northwest</p> <p>13 portion of the property, correct?</p> <p>14 A I don't know the original approval from 1999,</p> <p>15 but I believe there all of the lights that were just put</p> <p>16 in were part of that original approval. So all --</p> <p>17 Q It's a modification of the original approval?</p> <p>18 A I believe the modification was to add the state</p> <p>19 -- to add the baseball lights, the original lighting</p> <p>20 plan, that all of the parking lights that were just put</p> <p>21 in was I believe part of the original approval.</p> <p>22 Q And what is the other directive that's given in</p> <p>23 the Special Exception having to do with lighting?</p> <p>24 A The main wording section says that you can't</p> <p>25 start a game after 10 o'clock.</p>

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68 (269 to 272)

<p>269</p> <p>1 Q No, I'm not talking about that one.</p> <p>2 A Lights outs by -- lights out by 10:30, and you</p> <p>3 can safety light on after 10:30. I believe that's the</p> <p>4 one --</p> <p>5 Q No, the original Special Exception says that</p> <p>6 lighting is to be directed downward to avoid glare on</p> <p>7 the adjoining residential properties, correct?</p> <p>8 A Yeah. Okay.</p> <p>9 Q Does the Christmas tree point downward with its</p> <p>10 lighting?</p> <p>11 A I wouldn't consider that lighting. I mean it's</p> <p>12 a -- it's a display. I don't --</p> <p>13 MS. OWENS: We'll go to Exhibit 109.</p> <p>14 I'm sorry.</p> <p>15 Q Is that going downward lighting?</p> <p>16 A It's lights. I don't know what you want me to</p> <p>17 say. There's the picture.</p> <p>18 Q What about the snowman, is his lights going</p> <p>19 downward?</p> <p>20 A I would venture to say that all of those lights</p> <p>21 are hanging downward, but if they're pointing downward</p> <p>22 in aura, I don't know.</p> <p>23 HEARING EXAMINER BYRNE: I think the photo</p> <p>24 speaks for itself.</p> <p>25 MR. BARR: Yep.</p>	<p>271</p> <p>1 A I believe we -- we could no longer put it where</p> <p>2 it was due to the reforestation planting of the trees.</p> <p>3 Q Yeah.</p> <p>4 A So where it was, there are trees there now.</p> <p>5 Q How high is that tree?</p> <p>6 A I don't know.</p> <p>7 Q How high is the Christmas tree?</p> <p>8 A The tree itself I think is 49 feet or 50 feet.</p> <p>9 Q Well, it's advertised in the front of your</p> <p>10 website, right? It's one of the largest trees.</p> <p>11 Do you know what the limitation is on how high</p> <p>12 things are according to the original Special Exception?</p> <p>13 A I believe the only reference in the Special</p> <p>14 Exception is to height of the gymnasium.</p> <p>15 MS. KORSON: Are you familiar with the</p> <p>16 restrictions in the Ag Zone of structures and their</p> <p>17 respective heights?</p> <p>18 THE WITNESS: No, I'm not.</p> <p>19 MS. KORSON: Okay.</p> <p>20 Q Okay. So let's go to the fires. You said</p> <p>21 there's less than 30 fires?</p> <p>22 A We're approved for 30. I think there's between</p> <p>23 27 and 28 or 29 any given night.</p> <p>24 Q Is it your testimony that these fires are in no</p> <p>25 way impeding on the surrounding neighborhood with the</p>
<p>270</p> <p>1 MS. OWENS: Yeah, it is too.</p> <p>2 And we'll go to Exhibit 111.</p> <p>3 Q This is for the lighting that was on the barn;</p> <p>4 am I correct? Definitely not pointing downward?</p> <p>5 A And that picture was taken from the property, I</p> <p>6 believe, right?</p> <p>7 Q Yeah, where cars are parked on the grass where</p> <p>8 they're not supposed to be parked?</p> <p>9 A And that's taken by -- all right. Yeah, that's</p> <p>10 lighting on the barn. Yeah.</p> <p>11 Q And there's also this is where you guys decided</p> <p>12 to put the willow tree that was originally on a strange</p> <p>13 part of the conservation easement, and moved it over</p> <p>14 towards the snowman as well, correct?</p> <p>15 A I don't see --</p> <p>16 Q I know I saw that picture. It's 10 -- is it</p> <p>17 108? 107? 106. 106.</p> <p>18 A Yes, that is a diversion.</p> <p>19 Q It's a lighting installation, right? And that</p> <p>20 used to be on the far side of the property or on the</p> <p>21 conservation easement, correct?</p> <p>22 A Yes.</p> <p>23 Q Why did you guys move it over to this side?</p> <p>24 A Better location.</p> <p>25 Q Were you asked to move it?</p>	<p>272</p> <p>1 smoke?</p> <p>2 A I don't know where the smoke goes once it goes</p> <p>3 up, so I can't comment on that.</p> <p>4 Q Have you ever observed where the smoke goes?</p> <p>5 A Yeah, I've observed it going up.</p> <p>6 Q And does it tend to go --</p> <p>7 MS. OWENS: Can you take me back to this map.</p> <p>8 HEARING EXAMINER BYRNE: And that's going to be</p> <p>9 --</p> <p>10 MS. OWENS: 57.</p> <p>11 HEARING EXAMINER BYRNE: -- 57. Great. Oh.</p> <p>12 MS. OWENS: That one.</p> <p>13 HEARING EXAMINER BYRNE: While you were there --</p> <p>14 Q So have you ever noticed that if you do stand</p> <p>15 on the berm, that there tends to be quite a valley right</p> <p>16 here. Have you ever watched the smoke roll?</p> <p>17 A I can't say -- I can't respond to tends because</p> <p>18 it depends on which way the wind is blowing. You are</p> <p>19 saying you're making a general statement that it tends</p> <p>20 to flow that way. It may or may not. I don't know</p> <p>21 which way the wind is blowing.</p> <p>22 Q Have you ever sat on this berm and actually</p> <p>23 watch where the smoke goes?</p> <p>24 A Yeah, I've seen it go that way, I've seen it go</p> <p>25 into the woods, I've seen it go straight up. I don't</p>

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1 **know what percentage of the time it goes in that valley**
2 **you're referring to.**
3 Q Would you agree with me that there's a slight
4 valley through here that causes the smoke to billow up
5 and fall in the valley?
6 **A I don't understand how you'd come to a**
7 **conclusion that the valley causes the smoke to billow up**
8 **and fall along the ground.**
9 Q I--
10 MS. KORSON: Would you characterize the smoke
11 that's emitted from a fire as a odor or a fume?
12 THE WITNESS: I characterize it as smoke from a
13 fire.
14 MS. KORSON: Does it also emit an odor or a
15 fume?
16 THE WITNESS: What was the question?
17 HEARING EXAMINER BYRNE: Does the --
18 MS. KORSON: Does a fire emit an odor or a fume?
19 THE WITNESS: Some do. Depends on what type of
20 wood you're burning.
21 MS. KORSON: Do yours?
22 THE WITNESS: I would assume so. We're burning
23 wood.
24 MS. KORSON: Thank you.
25 Q Is there anything else that Field of Screams

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1 uses to that would create smoke or noxious fumes?
2 **A Not that I'm aware of, not smoke or noxious**
3 **fumes.**
4 Q What about the fog machine?
5 **A They're not some or noxious fumes. They're**
6 **fog.**
7 Q What is the fog?
8 **A It's a -- it's a substance that you put into to**
9 **make fog that's that we buy. I don't know what -- what**
10 **do you mean what is it?**
11 Q What is the product that you use that you put
12 in the fog machine?
13 **A I'm no familiar with the exact product.**
14 Q You've never looked into the product that --
15 **A I'm not familiar with the exact product.**
16 Q Have you ever looked at the fog machine?
17 **A Yeah, I -- I've prepared fog machines, yes.**
18 Q Is there a liquid form that you pour into fog
19 machine?
20 **A Yes.**
21 Q What is that?
22 **A I -- like I said, I don't know the product we**
23 **use.**
24 MS. KORSON: The product used at DP -- at OBGC
25 is made by Blackwood Bay, comes in gallon containers.

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1 Are you --
2 Q It's a gallon container --
3 MS. KORSON: Are you aware of any side effect
4 that come with the regular inhalation of this product by
5 small children.
6 THE WITNESS: No.
7 When you say small child -- well --
8 Q You had stated earlier you had brought up the
9 period of time in which there was fire ban that was on
10 November 1st and November 2nd, correct?
11 **A I believe so, yes.**
12 Q Who did you speak to? You said that you called
13 the fire chief. Who did you speak to?
14 **A I didn't call the fire chief. I said we called**
15 **the fire chief. I specifically didn't make --**
16 Q Who did?
17 **A -- the phone call.**
18 **I think one of our employees, a John Shupp,**
19 **spoke to the fire marshal. He also knows the fire**
20 **captain and the fire chief, I believe. Spoke to all**
21 **three. And then, when the fire department came, the**
22 **fire chief came, and we spoke to the fire chief. And**
23 **they came --**
24 Q What was the fire chief's name?
25 **A I don't recall. But I'm sure that's in their**

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1 **record, if you pull up their records, they'll have**
2 **exactly what time they arrived --**
3 Q It doesn't list --
4 **A -- and what --**
5 Q -- fire chief there. It just lists fire
6 department people, not the chief.
7 **A Whoever it was, chief, captain, but whoever**
8 **came out with the squad came and since spoke to**
9 **everybody.**
10 Q But you have said earlier that you have -- had
11 reached out to the fire department ahead of time, and
12 they had told you that the ban didn't apply to --
13 **A Correct.**
14 Q -- OBGC?
15 **A Correct. John Shupp reached out to the fire**
16 **department and the fire marshal, and they said --**
17 Q Who was the fire marshal that he reached out
18 to?
19 **A I'd have to look up his name. I have it**
20 **written down. I don't have it in front of me. He's the**
21 **same one that has been responding to every -- he's the**
22 **point person for OBGC with DPS, so I don't have his name**
23 **off the tip of my tongue.**
24 Q Who is this fire chief you speak of?
25 **A The fire marshal. And he rescinded that on**

<p style="text-align: right;">277</p> <p>1 Monday, said, I made a mistake, you can't have it. So 2 he did correct himself on -- on Monday. 3 Q Were you there on that day on November 1st, 4 November 2nd? 5 A Yes, I was. 6 Q Did you think it was safe to light 30 fires? 7 A We were -- we lit it in accordance with the 8 approvals we had and in accordance with the -- 9 Q Not -- that was not what my question was. 10 Did you think it was safe to light 30 fires on 11 a day that had a complete fire ban on a property that 12 was extremely dry with a dry cornfield next to it? 13 A We were in compliance with the plans we had and 14 the approvals we had. 15 Q That wasn't my question. 16 A That's -- 17 Q It's a yes or no. Do you think it was safe? 18 A We operated within the requirements that we had 19 to have a safe operation. We were compliant. 20 HEARING EXAMINER BYRNE: I think she's asking 21 you your personal opinion but -- 22 THE WITNESS: I don't have a -- I don't want to 23 opine on a personal opinion when we have approvals by 24 the County. 25 HEARING EXAMINER BYRNE: He's not going to give</p>	<p style="text-align: right;">279</p> <p>1 somebody was injured in which emergency services had to 2 come to location? 3 A Oh, we had emergency services come for people 4 that hadn't been injuries. They just had a medical 5 condition. 6 Q I'm not asking about those? 7 A But I don't -- I don't know the distinction. I 8 don't know -- I don't know exactly how many times 9 somebody came for a specific situation outside of how 10 many times the ambulance came. 11 Q Is it true that somebody got hurt on the slide? 12 A Which slide are you referring to. 13 Q For Winter City Lights, the huge slide that you 14 guys set up? 15 A No, that is incorrect. There was nobody 16 injured on that slide. 17 Q Then, why did a lady sue OBGC and SHP for 18 personal injuries? 19 A Because there was a slide in the woods, where 20 now the stairs are, that had a protruding head of a 21 nail, and she got a mild cut on her ankle, and the 22 doctor didn't prescribe the right antibiotic, and she 23 got a mild infection. It was not the Winter City slide. 24 It was a slide that was in the woods that has since been 25 removed and replaced by the stairs that was shown in</p>
<p style="text-align: right;">278</p> <p>1 you his personal opinion. He's going to tell you that 2 they follow the code. 3 Q Would you say it would be appropriate to hold 4 the office of agriculture when you were talking about 5 moving forward? 6 A I don't understand that question. 7 Q Earlier you had testified that you were willing 8 to work with the neighbors and different departments and 9 DPS in moving forward. Does that include agriculture? 10 A I don't care who we work with. I want to work, 11 do the right thing. That's what we're trying to do. 12 I'll work with anybody. I don't -- I don't care the 13 title, what organization. Put everything to the table, 14 identify the issues, come up with the solution. I'm an 15 engineer. Let's find a solution, fix it, move on. 16 Q Have there been any injuries on the property? 17 A Historically, yes. 18 Q Okay. Let's walk through the injuries that 19 have happened in the past. 20 A I'm not intimately familiar with the specific 21 injuries. I can give you what I think I know, but I 22 was not involved in the injury, the fire department, 23 EMTs, I was not involved in that. I'm aware of it as 24 thirdhand information. 25 Q How many times have there been incidents where</p>	<p style="text-align: right;">280</p> <p>1 that prior picture. 2 Q Did this prior slide you speak of go through 3 permitting? 4 A As I mentioned, it was the same as all the 5 other structures and locations. 6 And it was approved -- 7 Q Did OBGC and SHP settle out of court on that 8 one? 9 A I have no idea what the settlement was or what 10 happened. 11 Q Was there also -- 12 HEARING EXAMINER BYRNE: I think this -- 13 MR. BARR: Yeah, this -- 14 HEARING EXAMINER BYRNE: -- line of questioning 15 really isn't relevant to whether or not the 16 Administrative Modification should have been granted. 17 Now, it does -- 18 MS. OWENS: I thought they were of safety, so I 19 was just going through all the safety issues. 20 HEARING EXAMINER BYRNE: Understood. Right. 21 But I -- I understand what you're -- what you're saying 22 and those issues he's testified to those, and you've 23 raised issues regarding your feelings, and feelings is 24 not the right word. Based on your observations and 25 notes on safety.</p>

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71 (281 to 284)

<p>281</p> <p>1 Q You stated earlier that DPS permitting services 2 was waiting for this hearing. Did you ever did you have 3 any documentation with DPS to document that statement 4 that they were waiting?</p> <p>5 A I don't understand the comment about waiting 6 for the what -- I don't recall me saying that.</p> <p>7 HEARING EXAMINER BYRNE: I think when I asked 8 the status of the permits, you said that DPS was waiting 9 for the conclusion of--</p> <p>10 THE WITNESS: Oh, yes.</p> <p>11 HEARING EXAMINER BYRNE: -- this hearing.</p> <p>12 A So to clarify that, we submitted the permits, 13 they came back and said we need Parks and Planning 14 approval. I got the letter from Parks and Planning 15 approving it saying we did do the Forest Conservation 16 Plan. Then, we got feedback from the two plan 17 reviewers. One was, You got to add these structures. I 18 said, Hey, they've been there. They said, No, you got 19 to go do it, a mod to the Special Exception. So that 20 stopped the process. That's why that -- that's why we 21 applied for the Special Exception modification to add 22 structures.</p> <p>23 There's also a piece on the fire code mod. 24 There were some -- there were some modifications that 25 were approved that were -- that were done by DPS in 2019</p>	<p>283</p> <p>1 lights can remain, but everything else is removed.</p> <p>2 Q But you haven't cut down any trees in order to 3 bring those lighting installations into the woods?</p> <p>4 A No.</p> <p>5 There were -- if I can clarify that. When 6 Parks and Planning came out, they required that 19 trees 7 be felled. So there are -- there is evidence of trees 8 being dropped, but that was at the direction of Parks 9 and Planning due to the conservation easement 10 maintenance. So they weren't dropped by us to make 11 access. They were requested to be dropped by Parks and 12 Planning.</p> <p>13 Q You stated earlier that there was a study on 14 traffic. Was that done by you or was that done by 15 Department of Transportation or some other authority?</p> <p>16 A It was a consulting firm 1999. I don't recall 17 the name.</p> <p>18 Q So nothing has been done since 1999?</p> <p>19 A Correct.</p> <p>20 Q You testified earlier about your interaction 21 with the Atkinsons. Do you believe that showing up 22 unannounced at somebody's home is a friendly occurrence?</p> <p>23 A Yeah, I do it all the time with my neighbors. 24 I knock and say hello. I was trying to rectify a 25 situation. I do it all the time.</p>
<p>282</p> <p>1 and had DPS saying, We don't have jurisdiction over 2 that, it's the state. The state is saying, We don't 3 have jurisdiction over that, it's DPS. And that hasn't 4 been resolved yet. So those two items is what's on hold 5 for us to do anything else with the permit. There are 6 some other open items but we can't do any -- we can't 7 spend the money to do those until we get the basic stuff 8 done. So we're in limbo until the zoning piece gets -- 9 gets addressed.</p> <p>10 And that's been since February of 2024.</p> <p>11 Q For Field of Screams, all the decorations that 12 are involved with it, where do you store those during 13 the off season?</p> <p>14 A Most of the decoration -- decorations stay. 15 There's a -- there's some animatronics that are removed. 16 There's stuff that's covered. But most of the stuff it 17 stays out, it's --</p> <p>18 Q In the conservation easement?</p> <p>19 A Correct, that's been approved to stay there, 20 yeah.</p> <p>21 Q Oof. That's not what I -- okay.</p> <p>22 And what about the lighting structures for 23 Winter City Lights, do they stay up in wood as well?</p> <p>24 A No, they are removed. There are some trees 25 that are outside the conservation easement that the</p>	<p>284</p> <p>1 And if I -- if I in any way came across 2 threatening, I apologize, it was not my intent. I was 3 just trying to be a good neighbor to say how do we put 4 our heads together to resolve the problem.</p> <p>5 Q I meant to get you Exhibit 67. Is this the 6 nearest violation against -- I guess it's against OBGC?</p> <p>7 THE TECHNICIAN: This one?</p> <p>8 MS. OWENS: Yes. Thank you.</p> <p>9 A I'd have to defer to our attorneys. I'm not 10 familiar with this. This is you -- we were given this 11 three weeks ago. If that is correct.</p> <p>12 Q Okay.</p> <p>13 MR. BARR: I think that it's dated December 2nd.</p> <p>14 THE WITNESS: No, it's dated January 2nd. Oh, 15 no, that's --</p> <p>16 Q I was asking is this the most recent violation 17 --</p> <p>18 A I don't know.</p> <p>19 Q -- against OBGC?</p> <p>20 A I don't know.</p> <p>21 Q Okay. In each of the modifications, you have 22 stated that there was no change to the character of the 23 property or of the Special Exception from 1999. Is that 24 true?</p> <p>25 A That's what to be true, yeah. The fundraisers</p>

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72 (285 to 288)

<p>285</p> <p>1 have been going on for a long time, they're still going 2 on. 3 Q Do you think the fundraisers have changed? 4 A I think they've gotten -- they've gotten 5 better, they've gotten more efficient. I think we have 6 less people. We have -- just a better overall 7 environment. 8 Q Do you think that they are more intense? 9 A No, I think when you have less people, it's 10 less intense. I think the intensity is the population 11 of people in the views. So I would say it's less 12 intense. We had -- you know, in the early years, we had 13 150 actors. Now we have 60. You know, we had -- so 14 everything has been streamlined, more efficient, and 15 it's -- it's direct feedback from let's just do the 16 right thing. You know, we recognize that in prior 17 years, prior to 2019, yeah, there were some late, late 18 nights and there were a lot of people. And all of that 19 was taken into account. And we learned a lot with 20 COVID, we learned a lot with not having the cornfield. 21 We were like wow, we can cut back and we can still 22 provide the funding to the Club. So we just we tried to 23 improve. And then, we listened. We got rid of all 24 chainsaws, we got rid of the cornfield. 25 And yes, I know the berm was a sore subject,</p>	<p>287</p> <p>1 A From a complaint perspective, no, with the 2 exception of why we're here. 3 Q No, I was asking for your input. 4 A I'm giving my input. 5 Q Okay. 6 A I don't think there -- I base my input on the 7 complaints we've received, and the three closest 8 neighbors that are a couple hundred feet away love 9 everything. They don't complain at all. So I can't 10 really complain. I can't really comment. We don't get 11 complaints. So -- 12 MS. OWENS: I have no further questions. 13 HEARING EXAMINER BYRNE: Thank you. Any 14 redirect? 15 MR. BARR: I think not. 16 HEARING EXAMINER BYRNE: Okay. All right. It 17 is snowing but I think we're okay. How long do we think 18 the -- 19 MS. KORSON: Less than 30 minutes. 20 HEARING EXAMINER BYRNE: Less than 30 minutes? 21 For each person? 22 MS. KORSON: I'm not as -- wait. I'm not as 23 verbose as everyone is. 24 HEARING EXAMINER BYRNE: Right. 25 MS. KORSON: And I know we only had -- we have</p>
<p>286</p> <p>1 but it was a positive approach to mitigate noise. 2 Q Do you think that the traffic has changed? 3 A It's -- it's significantly less than it was, 4 yes. 5 Q Than when? 6 A Than prior to 2000 -- well, COVID was miserable 7 less, and then, I mean it was a -- and then, prior to 8 that, it was far less. The attendance was far less. 9 Q So what year would you say the height of the 10 traffic problem was most intense? 11 A 2000 -- 2017 or '18. The last year of the 12 cornfield. 2017. 13 Q And actually, it was so intense then that you 14 -- that SHP would park a car at Rosa Parks Middle School 15 whenever you guys ran out of supplies, and drove 16 somebody over to the middle school -- 17 A I -- I -- 18 Q -- in order to get supplies and come back to 19 get around the traffic. Is that correct? 20 A I can't comment on that. I don't know. 21 Q You don't know that? 22 A Correct, I can't comment on that. I don't 23 know. 24 Q Do you think that the impact on the 25 neighborhood has changed over time?</p>	<p>288</p> <p>1 already Caroline has already testified, I think Mr. 2 Atkinson said he may testify. He's still on. So -- 3 MS. OWENS: I -- I can -- most of my testimony 4 is around now, I -- most it can fall -- 5 MS. KORSON: I can. 6 MS. OWENS: -- on the cake because we're not 7 trying to repeat anything. 8 HEARING EXAMINER BYRNE: Okay. All right. And 9 I -- I appreciate this. I truly, truly appreciate the 10 fact that you two took the lead on this. So thank you. 11 All right. So do we need to take a ten-minute 12 break or can we -- if we could take a ten-minute break 13 now, and then, go all the way through the end, would 14 that be good with everybody because I'm sure everybody 15 needs a bathroom break? 16 All right. So we'll come back at -- 17 MS. KORSON: We'll check in with TJ to see if he 18 plans to testify so we'll tell you. 19 HEARING EXAMINER BYRNE: That's good. So we'll 20 -- we're off the record. We'll be back on the record at 21 3 o'clock. 22 (A brief recess was taken.) 23 HEARING EXAMINER BYRNE: All right. Welcome 24 back, everyone. We are now back on the record. And we 25 -- Mr. Barr, I will look at you. Does that conclude the</p>

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73 (289 to 292)

<p>289</p> <p>1 Applicant's testimony?</p> <p>2 So you got your two witnesses and we had --</p> <p>3 MR. BARR: It does.</p> <p>4 HEARING EXAMINER BYRNE: Okay.</p> <p>5 MR. BARR: It does.</p> <p>6 HEARING EXAMINER BYRNE: All right.</p> <p>7 MR. BARR: Yes. I know the comments, but --</p> <p>8 HEARING EXAMINER BYRNE: We have rebuttal.</p> <p>9 MR. BARR: -- I can reserve for rebuttal or</p> <p>10 closing.</p> <p>11 HEARING EXAMINER BYRNE: Okay. All right.</p> <p>12 Sounds good. I should have asked you that before we</p> <p>13 went on break. I made the assumption that that was it.</p> <p>14 Okay. Thank you.</p> <p>15 So now we'll switch to the Opposition. So</p> <p>16 whoever would like to start.</p> <p>17 MS. KORSON: Great. Just for the record, TJ</p> <p>18 Atkinson is no longer testifying --</p> <p>19 HEARING EXAMINER BYRNE: Okay.</p> <p>20 MS. KORSON: -- so it will just be me.</p> <p>21 HEARING EXAMINER BYRNE: All right. So if you</p> <p>22 could raise your right hand.</p> <p>23 Whereupon,</p> <p>24 NIKKI KORSON,</p> <p>25 being first duly sworn or affirmed to testify to the</p>	<p>291</p> <p>1 Special Exception, it's just not working.</p> <p>2 We continue to hear about willingness to work</p> <p>3 with neighbors. That's also the rhetoric that's shared</p> <p>4 with the other alternative viewpoint in the community;</p> <p>5 is that OBGC has tried to work with the neighbors, tried</p> <p>6 to work with the neighbors. And I think our position is</p> <p>7 that your issue is not with us. Your issue is with the</p> <p>8 County. Your issue is with the I Zoning Board, your</p> <p>9 issue is with the Board of Appeals.</p> <p>10 The things that we're raising are simply</p> <p>11 observations of a company that's operating outside the</p> <p>12 law. So it has nothing to do with interpersonal</p> <p>13 relationships or feelings or any of those things.</p> <p>14 Everything that we've talked about today is a</p> <p>15 factual materialization of how this company operates,</p> <p>16 inconsistent with local regulatory agencies, state level</p> <p>17 agencies, and just generally with disregard for the</p> <p>18 permitting process.</p> <p>19 The relationship between OBGC and the neighbors</p> <p>20 is where it is. It's an uncomfortable situation because</p> <p>21 of the refusal for so many years to kind of abide by the</p> <p>22 requirements of the varying authorities. We don't want</p> <p>23 to operate as the police. We don't want to operate as</p> <p>24 DPS, or Zoning, or any of those thing s,nor do we have</p> <p>25 the time, resources or simply the desire to regulate the</p>
<p>290</p> <p>1 truth, the whole truth, and nothing but the truth, was</p> <p>2 examined and testified as follows:</p> <p>3 HEARING EXAMINER BYRNE: All right. And please</p> <p>4 identify yourself for the court reporter.</p> <p>5 MS. KORSON: Nikki Korson.</p> <p>6 So I'm here in the aggregated capacity for</p> <p>7 several of the neighbors that have filed an opposition.</p> <p>8 The Applicant has admitted today that their operation</p> <p>9 has increased in intensity and scope, so while they</p> <p>10 indicate that efforts have been taken to kind of</p> <p>11 mitigate that expansion and intensity, the problem is</p> <p>12 not solved.</p> <p>13 The nonsporting events, which we will</p> <p>14 hereinafter refer to as an amusement park specifically</p> <p>15 is not included under the scope of the original Special</p> <p>16 Exception, and we oppose that. Right. We oppose the</p> <p>17 inclusion of the amusement parks.</p> <p>18 Ironically, we've had the fortuitous option to</p> <p>19 experience what it would be like if this were to be</p> <p>20 permitted. If this -- if fundraising is included</p> <p>21 without any regard for the original scope of the Special</p> <p>22 Exception, we have experienced what this entity is</p> <p>23 capable of delivering. And so to me, the taste test</p> <p>24 means that after apparent years of mitigation to control</p> <p>25 the event and bring it within the bounds of the original</p>	<p>292</p> <p>1 behavior of this organization. Unfortunately, we</p> <p>2 believe that as a community, we have been failed by the</p> <p>3 resources that should be available to the -- to the</p> <p>4 County constituents.</p> <p>5 Right now, when the Special Exception gets put</p> <p>6 in place, there's no reconciliation of what's prescribed</p> <p>7 and then how it materializes on the ground. And it's</p> <p>8 simply a reactive process, and what we have seen here is</p> <p>9 over the last many, many, many years, this community has</p> <p>10 continued to raise their concerns until the squeaky</p> <p>11 wheel finally got the attention of someone who said, Um,</p> <p>12 this doesn't make sense, and did their own</p> <p>13 investigation, as we've seen in the DPS exhibits that</p> <p>14 have been entered.</p> <p>15 So just to reinforce, you know, our community's</p> <p>16 position is that this organization should continue to</p> <p>17 operate with the intended scope. Within sports and</p> <p>18 within the youth sport organization, we are supportive</p> <p>19 of their position in the community. However, we do</p> <p>20 believe that they have overstepped the Special Exception</p> <p>21 in a myriad of ways, and as such, should not be provided</p> <p>22 the opportunity to further expand upon the building</p> <p>23 footprint, the hours, or generally the definition of</p> <p>24 fundraising. We believe that they should be restricted</p> <p>25 to mastering their craft, figuring out what's required,</p>

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74 (293 to 296)

<p style="text-align: right;">293</p> <p>1 and which agency they need to cooperate with in order to 2 make that simple business work. 3 Because that's already not buttoned up. This 4 sporting piece isn't even operating with the scope of 5 the Special Exception, much less the amusement parks and 6 the regional tournaments that come and descend upon a 7 quiet rural community. 8 But if we do intend to consider those requests, 9 we have spent the day reiterating in discussion 10 discussing the expansion of the scope, and the intensity 11 of the operation, and how it's impacted the local 12 community. The local community meaning those residents 13 that reside on the rural corridor at the back end of 14 their property. 15 So Field of Screams is not the Field of Screams 16 today that you saw 15 years ago. That's 17 incontrovertible. While change is inevitable, we all 18 appreciate that. Things have changed in our community 19 too. There are necessary steps in place by the County 20 and the State to control, measure, confirm safety and 21 drive change at commercial operations that are required 22 by all businesses. 23 Despite a series of noncompliant behaviors that 24 resulted in an abatement order, OBGC, knowing that they 25 are not allowed operate the Field of Screams, thumbed</p>	<p style="text-align: right;">295</p> <p>1 terrible, I can't believe this is happening to us. It's 2 unacceptable for a business of this size who prides 3 itself on the prestige of being a children' youth sports 4 organization. 5 So I want to turn everyone's attention to 6 Exhibit 54. It was entered by somebody in Opposition 7 named K. Baker. 8 THE TECHNICIAN: There's three for 54. One was 9 A, B, C. 10 MS. KORSON: Let's go with the top of the 11 umbrella. I'm not going to go through this exhibit. I 12 just want to lean on this very heavily and explain that 13 as a group, we feel that this particular letter does an 14 excellent job overviewing all our concerns. 15 Ironically, this person is not in our group, 16 we've never met this person. So the rhetoric that a lot 17 of people have come together to kind of force this 18 business to comply is simply not true. Many of us 19 didn't know each other before this saga began because of 20 the rural character of our community. We have simply 21 become acquaintances, friends, and closer neighbors 22 because of this. 23 Unfortunately, these aren't the greatest of 24 circumstances, but I'd like to illustrate here is an 25 example of someone who has simply come forward that has</p>
<p style="text-align: right;">294</p> <p>1 their nose at DPS and Zoning, and opened the Winter City 2 Lights on the same trail in 2022. 3 The presumption that any event can be hosted in 4 the name of fundraising on Ag Zone property with a 5 Special Exception -- with a Special Exception in place 6 is just that. It's presumptuous. 7 So to assume that because the event has shrunk 8 over the last two to three years, or whatever that time 9 frame is, it remains that there are thousands of people 10 on the property when the Special Exception traffic 11 pattern and infrastructure was meant to support less 12 than 60 in a building, less than 450 children without 13 parents in summer camp, and less than, whatever, 650 600 14 parking spaces it sounds like that's inconsistent. It's 15 presumptuous. 16 So it's been argued that adjustments have been 17 made to the complaints, but no one has said that 18 adjustments have been made simply for the betterment of 19 the business or for greater efficiency. What we've 20 learned is that this is, as I said in my opening, an 21 organization that operates with a operate in a 22 forgiveness mentality. They do whatever they want, and 23 then, at the end when they get caught, or someone tells 24 on them, they blame it on someone not telling them the 25 truth, they didn't know the rules, the neighbors are</p>	<p style="text-align: right;">296</p> <p>1 nothing to do with our quote, Group, that feels exactly 2 the same way that we do. Sure wish I would have met 3 this person, because they had it all figured out way 4 before we did, six months before we did. 5 So I want to start with the history of the Ag 6 Reserve, because I think as we talk about how this 7 Special Exception impacts the greater community, you 8 can't do that without talking about the Agricultural 9 Reserve. 10 In the 1950s, this started as the first 11 conversation nationwide, preservation of open spaces, 12 and agriculture has been at the forefront of Maryland 13 Zoning Growth and Development Plan since then. Right. 14 We were also the first state to develop preferential 15 assessments to farmland, and then, in the '80s, we 16 developed the zoning jewel that's called the Agriculture 17 Reserve. And there are restrictions associated with 18 being part of that 93,000 acre parcel. 19 One of things that was established at that time 20 was TDRs, Transfer Development Rights, of which OBGC was 21 afforded, to preserve the saturation of land to house 22 ratio. And so the reason I'm mentioning this is because 23 it's clear that even in the -- in the sale of this 24 property, even in the development of this parcel, it was 25 clear that the intention behind this parcel was to</p>

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<p>297</p> <p>1 maintain the rural scope.</p> <p>2 Fragmentation of farmland has been a fight for</p> <p>3 years. In 2008 with County council, there were further</p> <p>4 easement credits established for similar land purposes.</p> <p>5 The Building Lot Termination Program illustrates the</p> <p>6 County Government to serve to preserve the sanctity of</p> <p>7 the Ag Reserve, and maintain the integrity of its</p> <p>8 purpose and population. This is some something that's</p> <p>9 modeled nationwide. We were the first to do it.</p> <p>10 Altering the footprint for the thread of that</p> <p>11 blanket is precedent setting, not just for us, but for</p> <p>12 anywhere that has implemented this system elsewhere.</p> <p>13 It's important to understand that Special Exception are</p> <p>14 not exceptions. They are uses that are permitted with</p> <p>15 conditions. That's why the program was renamed</p> <p>16 Conditional Use.</p> <p>17 So it's clear that when this building -- when</p> <p>18 this property opened, and they started their operation,</p> <p>19 I'm not going to argue intent. I don't know if Dan</p> <p>20 Dionisio or any of the other chairmen ever knew the</p> <p>21 purpose of these things, but it's abundantly clear that</p> <p>22 whether it's intentional or not, these folks don't know</p> <p>23 what they're doing. And so if they're -- you don't have</p> <p>24 the right stakeholders in place to manage the privilege</p> <p>25 of being within the agricultural reserve, then you</p>	<p>299</p> <p>1 weather it be those that sit on the this side of the</p> <p>2 fence or the others, I think generally there was an</p> <p>3 appreciation for what OBGC was trying to do. Bring</p> <p>4 together community for children. You know, the census</p> <p>5 reports that Olney has more kids per capita than any</p> <p>6 other county in the State. Like we have a very</p> <p>7 child-heavy community.</p> <p>8 And so my kids play sports at OBGC, right. I</p> <p>9 can say that. I support that mission, I thinks it's</p> <p>10 great. Do I agree that fundraising needs to happen for</p> <p>11 nonprofits? I sure do. I -- I'm not going to restrict</p> <p>12 myself from saying that. I -- I do believe it's true.</p> <p>13 But the Olney Master Plan drives Special</p> <p>14 Exceptions and now conditional uses. And the Olney</p> <p>15 Master Plan, it's cited in my letter in Exhibit 50, I</p> <p>16 actually plugged in a citation of what the goals are of</p> <p>17 the Olney Master Plan, which has not been revisited</p> <p>18 since then. No zoning changes are recommended for</p> <p>19 Northern Olney since the current zoning and land use</p> <p>20 framework is appropriate for this area. Protect the low</p> <p>21 density character of the southeast quadrant. Protect</p> <p>22 forested areas and wetlands that contribute to the</p> <p>23 health of the drinking water supplies. Minimize the</p> <p>24 negative impacts of Special Exception use, such as</p> <p>25 nonresidential character. Visibility of parking lots,</p>
<p>298</p> <p>1 shouldn't be operating in such a complex ecosystem you</p> <p>2 just shouldn't.</p> <p>3 So the Agricultural Reserve also is its own</p> <p>4 ecosystem. Has over 500 farms, there's hundreds of</p> <p>5 millions of dollars contributed to the Montgomery County</p> <p>6 economy. So to argue that this is needed to stimulate</p> <p>7 the Olney community is simply not true.</p> <p>8 There are plenty of people that can work on</p> <p>9 farms, and pick your own produce places, or at the</p> <p>10 wineries, or there's so many different opportunities</p> <p>11 already. One could argue that the people they're hiring</p> <p>12 are actually stripping the farmers of the necessary</p> <p>13 labor in order to work. Who knows? But I think if</p> <p>14 we're gonna just argue full-fledged employment doesn't</p> <p>15 matter, and it can be applied anywhere, that argument</p> <p>16 can be posed.</p> <p>17 Then, you transition to the Olney Master Plan.</p> <p>18 When the Special Exception was established for OBGC at</p> <p>19 the onset of the purchase of their property, you know,</p> <p>20 that property was a turf farm before it became OBGC's.</p> <p>21 Very few trees except for those that are within the</p> <p>22 conservation easement. Beautiful property. A lot of</p> <p>23 our families grew up riding horses there. It has a lot</p> <p>24 of rich history.</p> <p>25 In the community, the general Olney community,</p>	<p>300</p> <p>1 excessive size, height, and scale of buildings, and</p> <p>2 intrusive lighting.</p> <p>3 I think we can all agree all of those</p> <p>4 conditions unfortunately have been implemented at this</p> <p>5 property. Again, intent is not relevant here. It is</p> <p>6 what simply has happened over the last 20 years.</p> <p>7 In the Special Exception, when it was authored,</p> <p>8 on page 4, the Special Exception use is consistent with</p> <p>9 the general plan for the physical development of the</p> <p>10 district, including the Olney Master Plan. That's</p> <p>11 Exhibit 25. I'm not trying to go into the fundamentals</p> <p>12 of zoning law and special event construction, but I do</p> <p>13 think it's important that we take a step back and look</p> <p>14 at the history here and appreciate how this was created</p> <p>15 and what the rationale was behind it.</p> <p>16 We don't have a topography map on the record</p> <p>17 here today, okay, but I agree that there's a general</p> <p>18 slope downward from the property. And one of the</p> <p>19 reasons that field traffic and all of the things that</p> <p>20 have been permitted under the Special Exception are</p> <p>21 permitted on the front end of the property, and there is</p> <p>22 a lot of language about limiting visibility and</p> <p>23 permanency of installations or events in the front road</p> <p>24 shed where 108 is, right. There's a reason for that.</p> <p>25 There's a reason that they are pushing things forward,</p>

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<p>301</p> <p>1 and they are not pushing them back into a cornfield and 2 into a residential area. Sound doesn't travel that way. 3 The traffic is closer to the front instance of this 110 4 acre parcel. There's all sorts of reasons that when the 5 site was designed, that certain uses were approved. 6 Generally speaking, there's a lot of County 7 agencies that need to be included on the property that 8 are ignored when expanding the scope or altering it in 9 any way. 10 In Exhibit 54A, the Abatement Order was issued 11 after permitting issues plagued the business for years. 12 There are 29 structures on that property. There is an 13 argument in the District Court about what a structure 14 is. Is it a building, is it a bridge, is it this, is it 15 that. There's no legal definition. DPS is arguing that 16 all 29 structures need permits. Years later, an 17 Abatement Order is issued. This business has been 18 operating for 20 years. To me, it's irrelevant when the 19 buildings went in. Was it 20 years ago, was it ten 20 years ago. Our position is that not all of those 21 buildings have been there for 22 years. 22 I don't care if the Maryland Department of 23 National Park and Planning, or whatever they're called, 24 has told this company that they were permitted to 25 operate these buildings. There is a process. As a</p>	<p>303</p> <p>1 condition exists. 2 So when DPS issued their refusal to issue the 3 Special Event Permit, it trickles down to other 4 different agencies. I don't know exactly how that 5 happens, but it's trickle-down effect. So suddenly, the 6 police weren't in place anymore, so they had to hire a 7 private security. You know that you have an Abatement 8 Order, you know that your buildings aren't permitted. 9 Instead of taking all of that creative energy and trying 10 to figure out a way to circumnavigate the system, why 11 not take that energy into fixing the actual problem, and 12 closing your place down until you have it figured out. 13 You know that everyone around you is upset, you know 14 that the County is looking at what you're doing, it 15 simply doesn't make sense. 16 You saw the alcohol being advertised. Before 17 the permit was issued, they are advertising alcohol 18 sales. How many people bought tickets thinking they 19 were gonna go and enjoy a few cocktails outside of this 20 event. We don't know. It's false advertising. You 21 don't have a permit, don't advertise it. 22 DPS issues two licenses for events like this. 23 The Special Events Permits, which is for large-scale 24 public events, and Benefits Performance Licenses are 25 needed for nonprofits for fundraisers. Neither of those</p>
<p>302</p> <p>1 business, it is the onus is on you to understand if you 2 are going to develop things, and list the stakeholders, 3 hire the right people. If people do not have background 4 in the Agricultural Reserve, in zoning law, and in 5 developing properties, they should not be working for 6 this organization who is building a multimillion dollar 7 conglomerate amusement park in the Ag Zone. It is 8 inappropriate, and you need to know what you're doing if 9 you want to establish that. 10 Instead, they've stepped all over it. They 11 stepped all over DPS with building which has resulted in 12 this Abatement Order. They've had contempt hearings, 13 they've had all sorts of status hearings. We all just 14 attended the hearing just last month. The idea was we 15 want to know what's happening. We're sick and tired of 16 being in this neighborhood and not understanding the way 17 that this community organization -- I did that with air 18 quotes for the record -- is impacting the enjoyment in 19 our use at our nearby properties. 20 The police presence that we've heard about 21 today was restricted, because as a result of the 22 Abatement Order, as a result of the lack of permit 23 issuance, the ethics community for the police department 24 does not allow the police to serve businesses on an 25 off-duty -- on an off-duty opportunity, right, when that</p>	<p>304</p> <p>1 have been issued through zoning and Special Exception. 2 Special Exception issues for years. It's not true that 3 these did not exist five years ago. The permitting 4 process never triggered either of these applications to 5 be filed before because -- because OBGC has simply never 6 reached that stage of the process where it became 7 relevant. They have been operating illegally. 8 Forest Conservation is another agency. They 9 opened, they had to have a Forest Conservation plan that 10 was outlined in their Special Exception application. 11 Our understanding is that trees were cut down in the 12 Forest Conservation Easement, illegally, to make room 13 for these sheds, structures, tents, bridges, whatever 14 they are. And that retroactively, Forest Conservation 15 came in to clean up this mess and created a 16 reforestation plan. 17 That is not the same thing as coming in, 18 getting a plan, and following it. Again, operating 19 without permission, asking for forgiveness later. 20 Whether it was intentional or not, fine. Who's 21 precedent for this? Has anybody heard of Dan Snyder? 22 That went very poorly for him. But somehow, OBGC is 23 here operating, and no one -- no one knows about it. 24 The berm. We've talked about the berm. 25 Exhibit 63 is a picture in an email about the berm. The</p>

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<p>305</p> <p>1 berm is on the property line. It is not setback. Under 2 zoning law, chapter 59 requires it. And my 3 understanding is that it needs to be 50 feet setback. 4 We're fighting over a property line that's not actually 5 relevant because it shouldn't be anywhere near that 6 property line. 7 Our neighbors will testify that the berm was 8 put in without the permission of neighbors. I 9 appreciate the testimony that has come forward today 10 that it was put in as a screening measure. I appreciate 11 the Chapter 59 prescribes different screening measures. 12 However, no one at the County prescribed this berm, or 13 made the suggestion that it be put in place. This was 14 unilaterally decided by OBGC without any collaboration 15 with the neighbors. They -- the neighbors explicitly 16 stated they did not want this berm. And they put it in 17 without a permit. 18 So when the neighbors complained that there was 19 no pulled permit, then we had to have folks come out 20 from the County who verified it wasn't a permit, now we 21 need to retroactively figure out the permit. The County 22 doesn't want to get involved in a property line dispute. 23 That becomes a civil issue. 24 So now, they have infringed on someone's 25 property, and that person has no recourse other than to</p>	<p>307</p> <p>1 entity that's generating that fundraising income is 2 inconsistent with Zoning code. The benefit of a 3 non-profit has -- excuse me. 4 The revenue of a nonprofit has to benefit the 5 nonprofit. Someone else cannot manage that operation. 6 We -- we now know and we have confirmed that SHP is 7 operating this entity on their property. What 8 percentage is SHP getting of the profits? Think that's 9 a better question, right. If they're getting 80 percent 10 of their revenue, that is not the intended scope of a -- 11 of a nonprofit. It is not prescribed for any Special 12 Exception, and it just reinforces again we're doing 13 whatever we can to get what we want, and we're gonna 14 figure it out later. 15 If you Google this, you can see Exhibit 87, 16 Field of Screams comes up as an amusement park for 17 public consumption. People do not generally accept that 18 Field of Screams is a fundraiser. It is not advertised 19 as a fundraiser, your ticket does not bear any sort of 20 receipt for a con -- a charitable contribution. You are 21 not told that you're making a charitable contribution. 22 I understand that in years past, OBGC did disclose that 23 a portion of your ticket sales would be provided for 24 OBGC. But there are regulatory rules about how you can 25 sell a ticket and then, provide, for example, that it's</p>
<p>306</p> <p>1 file private suit in the court, because they continue to 2 just operate illegally unchecked with no recourse. And 3 everyone in the neighborhood should pony up their 4 personal funds to fight this organization that has 5 expanded their footprint without permission. There's a 6 difference between fundraising exactly an amusement 7 park. 8 We talked about the tax returns today. I 9 appreciate that the numbers that we're discussing have 10 not come out, but your tax return should match what 11 you're describing. If you're only filing \$12,000 in 12 fundraising income, and you're saying that that value is 13 what's integral to you operating the charitable portions 14 of your nonprofit, which then are supposed to be 15 \$75,000, I mean, I don't know, that doesn't reconcile, 16 and both cannot be true. And so to me, that's 17 misleading, and it again underscores this pattern of 18 doing whatever you want and asking for forgiveness 19 later. 20 Do you get audit as a 5 -- audited as a 21 501(c)(3) every year? I think that question, an audit 22 can only be triggered, and it will only come up with a 23 finding if something looks amiss. If you're plugging in 24 that you have fundraising income, you've checked the 25 box, right. My concern is the size of this for-profit</p>	<p>308</p> <p>1 going to be donated back to OBGC. For example, you're 2 supposed to disclose the value of that donation. 3 So when I buy my \$40 ticket, how much of it 4 goes back to OBGC? I don't know. Both cannot be true. 5 It cannot be a fundraiser and you can't disclose the 6 funds, and then, alternatively say that it's -- it's 7 funding your charitable operations. 8 I'm gonna move on to the problems with the 9 Special Exception. We've -- we've heard about a lot of 10 those today. I'm gonna go through them in the order in 11 which they appear of the Special Exception, which is 12 Exhibit 25. 13 Let's talk about the zoning issues first. So 14 Chapter 59 -- 59 governs this property given its zoning. 15 The intent of the Ag Zone is to promote agriculture as 16 the primary land use. This is part of the Ag Reserve. 17 This is not an agriculture use. However, when it was 18 formed, there was some community buy-in such that they 19 put -- neighbors partnered with OBGC, and they did help 20 carry out a hay ride, right, agricultural themed, 21 contributing as a charitable partnership. 22 OBGC didn't walk away from that partnership. 23 The neighborhood discontinued it because there were soil 24 compaction issues, and there was a strong impact of 25 littering and just the place was trashed after a few</p>

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<p>309</p> <p>1 years. So they became unwilling to move forward with 2 that arrangement.</p> <p>3 And I think it's important to talk about why 4 that arrangement existed in the first place. It no 5 longer supported the needs of agriculture, and so the 6 agricultural folks that were involved decided to step 7 away, they weren't interested in being involved anymore.</p> <p>8 We've have talked about height of structures, 9 which is supposed to be 50 feet. Or advertising that 10 this Christmas tree is well over 50 feet. Setback 11 distances of structures in the berm is also a zoning 12 issue. Those are not evaluated due to the lack of 13 engagement with the permit process.</p> <p>14 So when we talk about expanding the scope of 15 this business, it is impossible to understand the 16 magnitude of the violations on the premises because it's 17 never gone through the permit process in the entirety. 18 It hasn't gone through Zoning, it hasn't gone through 19 DPS building. If they follow this process, it would 20 trigger all sorts of different regulatory reviews where 21 they might be able to rectify some of these issues, but 22 if hasn't happened.</p> <p>23 Chapter 59 also discusses the opportunities to 24 alternative use in the Ag Zone. This includes benefit 25 performances. We've heard that thrown around. Benefits</p>	<p>311</p> <p>1 parameters of the Special Exception. We have plenty of 2 exhibits and photos and testimony that have illustrated 3 that they are not operating within those hours of 4 operation. It's just not happening.</p> <p>5 Exhibit 37, page 1, DPS issued a memorandum 6 from 2023, and that investigation resulted in this 7 person making a statement. I can confirm that the 8 attraction stayed open well after 11 p.m. I left the 9 property at 11:50 p.m. and there were patrons completing 10 the haunted attraction.</p> <p>11 We've heard about the ticketing system and how 12 the tickets work. Our neighbors attended the event this 13 year and were able to access that event at a time other 14 than the prescribed ticket time on our ticket. And it 15 was after 9 p.m.</p> <p>16 I simply just do not buy the story that this is 17 being regulated. It's not true. But the fact that we 18 all have to come here to articulate that is a failure of 19 the system to reconcile what's been prescribed for what 20 is happening on the ground. And because that failure 21 exists, we implore you not to further expand the 22 operations here.</p> <p>23 There's also a market problem. Exhibit 25, 24 page 2. Approval of this Special Exception will reduce 25 OBGC's use of other facilities that will then be</p>
<p>310</p> <p>1 performances max out at 15 days a year. I don't know 2 how this could qualify for a benefit performance, so I'm 3 note really sure under the Ag Zoning how a Special 4 Exception really could even be granted because the 5 Zoning code is very clear on what exceptional uses can 6 even be permitted. And they certainly don't include an 7 operation of this size and complexity.</p> <p>8 Exhibit 50C is the Nace Owens letter. This is 9 where one of the neighbors raises the proximity of 10 buildings to property lines with setback concerns.</p> <p>11 And Exhibit 50D talks about from Randy Stadler 12 fundraising events at an agriculturally zoned property 13 is not conducive to the primary use of agriculture. I 14 think we're hammered home from a zoning and agricultural 15 perspective that this event, this amusement park, is 16 simply misplaced.</p> <p>17 The Special Exception prescribes certain hours 18 of operation. On Exhibit 25, page 2, the annual 19 operating hours are proposed to be as follows: Monday 20 through Friday 5:00 to 10:30, with all games ending at 21 10:00, and weekends, 8:30 to 10:30, with all games 22 ending at 10 p.m. I mean, I don't know when a 23 fundraiser is supposed to end because it's not 24 prescribed, so one can only assume that a fundraiser, if 25 it does exist, has to operate consistently with the</p>	<p>312</p> <p>1 available to other groups. OBGC, prior to the inception 2 of this Special Exception, was forced to rent facilities 3 in order to use, fields and courts, and things like 4 that, and that cost money. It does make sense, I get 5 it, to buy 110 acre parcel and run all of your 6 activities through there. However, OBGC continues to 7 monopolize the local rentals. They continue to rent 8 fields, they continue to rent courts such that other 9 sporting companies have struggled to formulate there.</p> <p>10 My husband is not here anymore, but he was -- 11 he was consulting with someone in our community who 12 recently formed a football league and could not find a 13 field to rent because OBGC -- OBGC held all the permits.</p> <p>14 So if you've created this organizational 15 compound in order to centrally locate your business, the 16 idea is that we'll all community, right, so people 17 should be able to operate their businesses, and they 18 can't. They struggle to get off the ground because they 19 have created a monopoly. So when I hear how much people 20 love this organization, there's no one else to love.</p> <p>21 The traffic and parking has been -- it has been 22 an absolute nightmare. On Exhibit 25, page 3, the 23 Special Exception prescribes that the written reports 24 submitted by the Applicant and the site development plan 25 depicts that 603 parking spaces will be provided. It</p>

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<p>313</p> <p>1 was the Board's conclusion that the proposed parking was 2 more than adequate to meet the needs of the facility, 3 and that the number provided was in accordance with the 4 off-street parking requirements. 5 Exhibit 25, page 6, no offsite parking is 6 allowed. 7 Exhibit 32, April 15, 2019, there was a request 8 for another modification on page 1. The intensity and 9 scope -- excuse me, the intensity and traffic also 10 remain unchanged since the attendance is controlled by 11 the existing parking at the sports facility. Once the 12 parking is at capacity, the event is closed to any 13 additional fundraiser attendees. That is it not true. 14 We've submitted pictures of it. It appears in 15 DPS' October 18th investigative report that parking 16 continues to overflow into the front fields, visible 17 from the 108 road shed, which is completely inconsistent 18 and inappropriate given the Special Exception. There is 19 no reason that some back-of-the-napkin math tells us 20 that they're selling thousands of ticket a night. You 21 cannot sell 500 tickets every 30 minutes when you're 22 only supposed to have 450 kids on your property with no 23 parents at a time. There is no other governing 24 language. That is what it says. 25 Saturation and population is not where it</p>	<p>315</p> <p>1 shed in the grass, and not the parking spaces. 2 Private security team that they've hired, 3 you'll see, come in just like the Super Bowl or any 4 other NFL game. Glow in the dark rides, parking gear, 5 which is necessary for evening security. It is a 6 full-fledged operation getting these cars parked. What 7 happens if someone has a heart attack? What happens if 8 someone is injured. As they've said, there's one way in 9 and one way out. I'd love to know if that's ever been 10 evaluated by emergency personnel. Is that okay? I 11 mean, if we did a Conditional Use Application, that 12 would be evaluated, that would be something that would 13 be considered as part of the process. And it should be. 14 Especially if you're going to have thousands of people 15 on this property with no police present to be. 16 When you file for a Special Exception, or you 17 request an amendment to that Special Exception, 18 59-7.5.2(E) talks about the responsibility of the 19 Applicant with respect to who should be notified in the 20 event of either of those behaviors. That did not occur 21 To my personal knowledge in the last two at least 22 amendments. 23 Unfortunately, when you look at the exhibits 24 that the Board of Appeals has furnished and what we've 25 been seeing in the recent months, the exhibits and the</p>
<p>314</p> <p>1 should be. That property was designed to hold a certain 2 number of people. That means that emergency personnel, 3 the infrastructure, the grid for electricity, water, 4 those things were evaluated. MCDOT does a traffic 5 study. As a condition of the Special Exception, a 6 traffic light was put in with one deceleration lane. 7 That is not appropriate for thousands of cars. It's 8 not. For four months out of the year. I appreciate 9 that those days are spread out, but it is four months 10 out of the year. It starts at the end of September and 11 it runs through either the last week of December or the 12 first week in January. I can't remember. 13 Exhibit 50C, the Nace Owens letter. Traffic is 14 built up for the events causing a line of traffic to 15 extend all the way to McDonald's, which is approximately 16 3.5 miles away. That was in the fall of 2024. So when 17 I hear about the modifications that have been made to 18 attendance, if that's true, it is shocking to me that 19 with the shrinking in attendance, we are still seeing a 20 3.5 mile long traffic backup. 21 The Nace letter further states, OBGC does not 22 close the gates when the asphalt parking lots are full. 23 They park the cars in the soccer fields. See Exhibit 24 111. It's a photo from October -- excuse me, from 25 December 7th. Illustrating parking in the front road</p>	<p>316</p> <p>1 notice list are never attached to these communications. 2 We found out about this summary summer's notification 3 because someone heard about it, I believe from an HOA 4 that lives somewhere else. 5 We are actually legally defined as individuals 6 requiring notice as adjoining and abutting property 7 owners. It's our position that any amendment that 8 wasn't noticed properly, at least the last two, should 9 be reopened. We raised that with the Board of Appeals, 10 and we are raising it again here. There is no reason 11 that anything should be on the record stating that 12 nothing -- nobody appeared in opposition. The people 13 who had the opportunity to appear in opposition were 14 never notified, they didn't know about it. There's no 15 sign advertising a public hearing today. 16 The Special Exception on Exhibit 25, page 5, 17 the Board finds that the use will not cause any 18 objectionable vibrations, fumes odors, flare, or 19 physical activity. The Board concludes that the use 20 will not be detrimental to the use, peaceful enjoyment, 21 economic value and development of surrounding properties 22 in the general neighborhood or cause objectionable 23 noise. This language is often found in many special 24 exceptions. It's not just this one. It's part of the 25 program. You want to be here and do something strange</p>

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<p>317</p> <p>1 and have conditions on your zone, that's fine, but you 2 have to accept -- bless you -- everyone around you. 3 We know that the property that's next-door to 4 me, one of the major contributing factors to them 5 selling their house and moving away was they were sick 6 and tired of dealing with this. And then, Caragh moved 7 in. And now she's having the same problems. 8 In between that neighbor and Caragh, someone 9 was talking about buying that property, and then, they 10 heard that it backed up to OBGC, they're like never 11 mind, I want nothing to do with that. It's affecting 12 property value. If I one day want to sell my home, I'd 13 be curious to know how that would impact the sale. Can 14 I measure that now in advance? I sure cannot. But what 15 I can say with certainty is if I went to buy that lot at 16 the time that I bought it, and I would have known that 17 this existed, I never would have moved in. I'm one of 18 the newest people to the neighborhood, it's an eyesore. 19 It is -- it affects my ability to sleep in my bedroom at 20 night. Every time I come up my driveway, I see the 21 giant Christmas tree and the giant is snowman. 22 Fun fact, I was born on Christmas, I love 23 Christmas. But to me, it's just a symbol of just 24 complete defiance, and just it disgusts me, frankly. It 25 upsets me to the point that I don't want to look at it</p>	<p>319</p> <p>1 least 52 feet, multiple buildings are within the 50 foot 2 setback. The berm is there as well. Maybe if OBGC got 3 a permit for any of these things, they'd be in the right 4 place, because as part of the permit process, they would 5 have met with Zoning before anything was installed. But 6 again, they don't do that. 7 Exhibit 91, this is a picture of lighting, it's 8 not downward. I hear that they're no longer using these 9 lights anymore. I don't know what they're using. There 10 are so many lights over there, it's impossible to tell 11 what's been retired and what hasn't. 12 Exhibit 109 is a picture. So this is the light 13 that's been retired according to the screen. Exhibit 14 109, the height of this tree, I don't know why testimony 15 today included what can be seen from Brookeville Road. 16 I think we opened up by explaining that the site lines 17 and the distance measurements were not relevant because 18 they were simply from homes and not actual property 19 lines. 20 I can see this from my home. I can see this 21 inside my bedroom. I can see it inside my kitchen. I 22 can see it inside my living room. The Atkinsons put 23 their children to bed looking at this Christmas tree. 24 So I don't know where that testimony is coming from, but 25 I'm here to just refute it and say that is not our</p>
<p>318</p> <p>1 anymore. It affects my ability to quiet -- my -- my 2 right to quiet enjoyment among all my neighbors. We 3 have some neighbors who have been arguing for years they 4 send text messages, they send emails, the lights are 5 shining in my windows. We hear about their lack of 6 technology or the lights don't do this, or this is what 7 we use on sports fields. 8 Your Special Exception in 1999 articulated that 9 you need to downward lighting. It existed then. 10 Otherwise, it wouldn't be in that Special Exception. So 11 if you're buying football field lights that don't have 12 that technology, then shame on you. Because again, the 13 onus is on you as the businessowner to know what your 14 responsibilities are. Your responsibility is to source 15 downward lighting. 16 And then, to go -- and we're transitioning into 17 lighting now clearly -- but then to go and double down 18 and put in a Christmas light installation that you 19 advertise as one million or more LED twinkling lights, 20 all visible from the neighboring properties, is it's 21 just a gross overstepping of the Special Exception that 22 exists. 23 Exhibit 25, page 6. The site plans reflect 24 that all buildings confirmed the height coverage and 25 setback regulations of the RDT zone. The tree is at</p>	<p>320</p> <p>1 personal experience. I'm not sure where that's coming 2 from. 3 Exhibit 25, page 6, the proposed lighting for 4 the outdoor athletic fields in the parking and driving 5 areas will be located, shielded, landscaped, and 6 otherwise buffered so that no direct light will intrude 7 into any residential area. 8 The existing tree covering distance protects 9 that area as does the orientation and direction of the 10 lighting downward and away from the adjoining 11 properties. The lighting will also be turned off at 12 10:30 p.m. each night. 13 See Exhibit 100, photo from October 11, 2024. 14 These lights are visible at 10:36 p.m. 15 That is my backyard. It's hard to take a 16 picture with an iPhone, that's clear. I'm not a 17 professional photographer. This is what I see every 18 night. We live in the Ag Reserve. It's supposed to be 19 dark. We have wildlife, we have light pollution, we 20 have all sort of things that contribute to the ecosystem 21 in the Ag Reserve. It may look small, but it is mighty. 22 You have 2,000 people in that picture that are all 23 screaming and yelling, burning out their tires, and it 24 is -- it creates, it wreaks havoc on our neighborhood 25 for four months a year.</p>

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<p>321</p> <p>1 See Exhibit 105. Photo from November 15th. 2 This is also my backyard. This is what I see in my 3 backyard. I can see the tree, and I can see the parking 4 lights. 5 Um? 6 MS. OWENS: The snowman ins not on. 7 MS. KORSON: The snowman is to the right. 8 Sorry. Didn't have a panoramic lenses. 9 See Exhibit 106. This is taken from the 10 Atkinsons' cornfield. I cannot see this from my home, 11 but I brought it up because this is an iPhone. You can 12 clearly tell the vibrancy of this thing is not downward 13 lighting. And whether or not I can see it from my home 14 is irrelevant because the property is supposed to have 15 downward lighting, and there's a reason for that. 16 Because the visibility, and the shape, and the context 17 of what is being installed on that property has been 18 meticulously prescribed because of the Zone. Because 19 the light impacts more than just quiet enjoyment. It 20 impacts all the neighboring crops, it impacts the 21 neighboring wildlife, it has an impact. And I just I 22 think this picture says a lot. 23 What concerns me most about these lighting 24 installations is there is no true permitting process for 25 lighting installations. It's a new thing in the last 10</p>	<p>323</p> <p>1 odors, glare. We read that already. 2 Look at Exhibit 50. August 12th, 2024. 3 Montgomery Countryside Alliance raised the fire issues 4 at that time. This has been going on for years. The 5 fires have been a problem and a complaint for years. I 6 appreciate that the fires are helpful to the illegal 7 business and amusement park that is operating on this 8 property, but last time I checked, we don't just operate 9 however we feel like in the spirit of earning money, 10 whether you are a nonprofit or not. 11 Exhibit 50, August 12th, my letter. I raised 12 the smoke with the Board of Appeals. 13 Exhibit 50C, Nace Owens letter. Causes smoke 14 to build up and obstruct the general use and 15 agricultural uses for horses and livestock. I've 16 already listed three objections to this note. When I 17 raised this with DEP, and I've had many conversations 18 with them about this smoke, their concern was that the 19 ambiguity of the word, objectionable, was not defined. 20 I don't know how to articulate the frustration 21 that comes out of that. There are many other letters in 22 this exhibit package that talk about the smoke. 23 Exhibits 102, 103, I guess we can do them one at a time. 24 102, this is from my house what I can see. 25 What you see with the white roof line is a shed on the</p>
<p>322</p> <p>1 years, I would argue. DPS does not have some sort of 2 formalized process. Now, of course, electrical 3 permitting exists, and so forth, but these large-scale 4 installations, some of which come with, they all have 5 installation instructions. If you've ever looked into 6 something like this, they are supposed to be anchored to 7 the ground. Some companies articulate that they should 8 only be installed on asphalt. They are not meant to be 9 installed on wood chip walking trails. I don't know if 10 this is done properly. There is no regulating body that 11 decides if it is. My concern is many of these 12 installations are left year round. The Christmas tree 13 comes down, this comes down, and the snowman comes down. 14 But a lot of the light installations that are in the 15 woods are there all year. 16 One time, we saw we call it the Death Star. 17 It's giant like 40 foot star made of steel rolled 18 through the cornfield on a windy day. Now, keep in 19 mind, we're in a valley, and so we've discussed the 20 topography. We get a lot of wind. There is a lot of 21 wind. A lot of our homes have additional bracing on 22 them, they require different engineering because of the 23 wind. Which brings me to smoke. 24 Exhibit 25, page 5, the Board finds that the 25 use will not call any objectionable vibrations, fumes,</p>	<p>324</p> <p>1 OBGC property, and to the right of that is smoke 2 emanating from the dozens of fires that they burn. 3 Exhibit 103 is the day before. And this was 4 just about the time the season was getting started. 5 This is broad daylight. DEP has told me that they have 6 difficulty in evaluating smoke because the process by 7 which they evaluate smoke, I've entered an exhibit that 8 explains that process for later suggestion. But they 9 talk about the opacity of the smoke. And those at DEP 10 go for like an eyeball regulation twice a year, and they 11 sit down and they do opacity training. But because the 12 sun shines behind the smoke, it's not visible for 13 measurement from our homes based on existing process. 14 DEP simply says they -- they almost can't help, 15 but essentially opacity is measured by a percentage 16 basis, and so if you can't see through it, or what have 17 you, it becomes problematic. 18 Because the sunlight is behind the smoke, it's 19 also incredibly difficult to photograph for you. It's 20 very difficult to photograph for you what it looks like 21 at 8 p.m. when it's dark. But it exists. And DPS and 22 DEP, those people don't work after 6 p.m. They don't 23 have after-hours folks that dispatch to these 24 properties, because again, there's no reconciliation 25 task force in place for something just like this.</p>

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<p>325</p> <p>1 But ironically, after OBGC burns during the 2 Maryland Natural Resources Burn Ban, which was all over 3 the news, by the way, why do the neighbors know the law 4 and the businesses burning the fire don't? Because the 5 people who live in the Agri Zone are familiar with how 6 you treat land, crop fields, and wooded areas in the 7 example that we're providing. 8 What you didn't hear was during the text 9 conversation with OBGC, the trading of code ensued. 10 This is -- this when you're not allowed to burn during a 11 fire ban, and they sent the same language back 12 reflecting a general misunderstanding of the law. Like 13 we are not allowed to burn during this prescriptive 14 example, and that was the prescriptive example. 15 I called the Maryland department of Natural 16 Resources, I called the fire department, I'm the one 17 that did it. Not Caragh. And Caragh got skewered in 18 the community for this. OBGC told everybody that she 19 did it and it was a problem. OBGC or Steelhead. We 20 don't know. I did it. 21 And when I talked to the Department of Natural 22 Resources, they said the fire departments are empowered 23 to come out, and they will put those fires out. 24 Especially when I explained that we had a almost 30 acre 25 cornfield that's dried up after the season, by the way.</p>	<p>327</p> <p>1 prescribes that this will not adversely affect health, 2 safety, security morals, or general welfare of the 3 residents, visitors, or workers in the general area. 4 The neighbors obviously are very much affected. We had 5 one move away, we've got one refusing to buy in. And as 6 I said, we don't know who doesn't work on a farm because 7 they work there or what have you. It's a disruption to 8 the -- to the ecosystem the way they exists. 9 Exhibit 50, August 12th, my letter. I indicate 10 my inability to my right to quiet enjoyment. To 11 reinforce four months out of this year this business 12 operates well in advance of their operating hours. 13 They're out there banging on hammers, driving backhoes, 14 moving dirt, 7 a.m., 7:30 a.m. You know what, I think 15 it's because they think they're allowed to because 16 that's what the noise law prescribes. But the Special 17 Exception does not allow them to work before much later 18 in the morning. 19 They don't care, or they don't know, or they 20 choose not to know. I don't know, but at the end of the 21 day, what's incredibly frustrating is that this -- this 22 does not just operate at night. They are working doing 23 construction all day long, moving wood chips, paving, 24 bringing in illegal structures that they don't get 25 permitted, you know. It's just it's -- it's a lot.</p>
<p>326</p> <p>1 It's a -- it's a -- it's actually a disaster. That 2 field has actually been set on fire before, not by OBGC. 3 We know what happens when it gets set on fire. So there 4 is an actual palpable level of fear, because we know 5 what happens when a crop field goes down. 6 The fire department did come out, they did 7 dispatch. Their reports state that they stayed and 8 watched the fire burn, so that if a response would be 9 necessary, they could take it. They did not know what 10 they were doing. I agree with Mr. McLaren, there was a 11 mistake that was made, but it doesn't change the fact 12 that this organization burned during a fire ban with a 13 dried up cornfield 30 acres roughly 50 feet away. It is 14 not environmentally irresponsible. It's for those that 15 live in the Ag Reserve, it is it's unbelievable. It's 16 unbelievable that you exist in this ecosystem and you 17 don't understand the fundamentals of this, and it's 18 because they've never taken the time, they've never 19 collaborated with the Department of Agriculture, and 20 they have a willful just misalignment with all of the 21 rules and regulations, because all they care about is 22 organizing their amusement park and making the money to 23 keep themselves open. There is no regard for anyone 24 around them. 25 On Exhibit 25, page 7, the Special Exception</p>	<p>328</p> <p>1 At the end of the day, the fire marshal with 2 DPS shut down the fires this year. After the fire ban 3 debacle, it got escalated, and Patsy Warnick, who is the 4 fire marshal, shut down the fires. I didn't write down 5 the exhibit. It's here in the package. It was because 6 the Special Event Permit was not issued, and so the fire 7 permit that was previously evaluated and -- and 8 prescribed was contingent upon the Special Event Permit 9 being in place. The Special Event Permit trumps almost 10 everything, and so when you don't have that in hand, a 11 lot of the other ancillary permits that are issued are 12 no longer valid. And that's exactly what happened here. 13 So while we're fighting over our fire ban, all 14 the fires before that, all those pictures that you saw, 15 those were never supposed to happen. But OBGC doesn't 16 know that, because they don't take the time to learn the 17 regulations. 18 Let's talk about the agricultural impact. In 19 the Special Exception, Exhibit 25, page 5, it will not 20 affect surround being residential and agricultural uses 21 because of noise, number of people, or type of physical 22 activity because of the location of property in relation 23 to adjoining park and school sites and open spaces 24 existing and proposed forest conservation areas, and 25 because of the siting of activity areas away from future</p>

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<p>329</p> <p>1 residential development.</p> <p>2 At the time of this writing, my house was not</p> <p>3 built yet, but someone had the foresight to anticipate</p> <p>4 my personal needs as a resident. I also believe that</p> <p>5 they took into consideration that the agricultural land</p> <p>6 that separates OBGC from those homes is a farmed crop</p> <p>7 field and has been since its inception, short of the</p> <p>8 years that they operated the hay ride. It has been a</p> <p>9 crop field ever since.</p> <p>10 Exhibit 50B. Let's look at Exhibit B to that</p> <p>11 letter. And I'm moving quickly because I appreciate</p> <p>12 everyone wants to get home, so thank you.</p> <p>13 Down one.</p> <p>14 This is from inside my home. I think it</p> <p>15 illustrates the topography, which is uphill; not</p> <p>16 downhill. It also illustrates that I can see the OBGC</p> <p>17 historic house and the structure that's there. This is</p> <p>18 not while the Winter City Lights is operating so you</p> <p>19 can't see the lighting installations, but what you can</p> <p>20 see is 30 acres of farmland between me and that berm.</p> <p>21 And I think visually, being able to digest this helps</p> <p>22 everyone understands this is a truly agricultural area.</p> <p>23 And they have a 110 acres just on the other side of that</p> <p>24 berm. So to completely ignore water trends or the way</p> <p>25 that their operations impact the adjacent crop field is</p>	<p>331</p> <p>1 recreational athletic uses. 11 playing fields, two</p> <p>2 practice areas, a gymnasium, and a passive recreation</p> <p>3 area. A maximum of ten playing fields and the gymnasium</p> <p>4 may be in use during peak traffic hours.</p> <p>5 Where does it say that you can operate a trail</p> <p>6 in the conservation easement during peak activity hours?</p> <p>7 It doesn't. It's not prescribed. It's not there</p> <p>8 because it was never permitted. It was not intended at</p> <p>9 the time that this Special Exception was written to</p> <p>10 offer inclusion to an amusement park. If the Applicant</p> <p>11 wants to have an amusement park incorporated, that is</p> <p>12 not a small administrative modification. It has never</p> <p>13 been permitted, and throwing in the word, fundraising,</p> <p>14 again does not allow whatever event is being organized</p> <p>15 to overstep the original intent and scope of this</p> <p>16 Special Exception.</p> <p>17 I raise this as what we are calling in our</p> <p>18 community mission creep. When the Field of Screams</p> <p>19 opened up 20 years ago, as we said, it was a small</p> <p>20 operation. It has now exploded into a Disneyland</p> <p>21 parkesque situation in our backyards that is just well</p> <p>22 beyond the intended use of the Special Exception.</p> <p>23 Volume of people, Exhibit 25, page 6. We've</p> <p>24 talked about the citation that speaks to the summer camp</p> <p>25 for a maximum of 450 people. We've read the clause that</p>
<p>330</p> <p>1 just irresponsible.</p> <p>2 The berm, in addition to being an unpermitted</p> <p>3 nightmare, and a -- and property line dispute, also has</p> <p>4 caused waterlogging. What wasn't disclosed today was</p> <p>5 that when the permit was filed for this berm after the</p> <p>6 fact after it was installed, OBGC acquiesced that there</p> <p>7 is a water flow issue, and that the berm was installed</p> <p>8 partially to move water. This was reported to the</p> <p>9 Natural Resources Conservation Service. It's affecting</p> <p>10 the soil of that crop field.</p> <p>11 The Department of Agriculture should be</p> <p>12 consulted when a topography move is made like this.</p> <p>13 When we consider talking about additional changes to</p> <p>14 this business, plowing for structures that are</p> <p>15 unpermitted, this is the kind of thing that needs to be</p> <p>16 considered, and that can't be done on an Administrative</p> <p>17 Modification. It needs to go through the major</p> <p>18 modification process, so that the right stakeholders and</p> <p>19 the right people can be involved to help support the</p> <p>20 local footprint.</p> <p>21 We've talked a lot about the amusement park and</p> <p>22 fundraising, and what that means, but I would really</p> <p>23 like to hammer home what the intended use was of this</p> <p>24 Special Exception. Exhibit 25, page 6, specifically</p> <p>25 prescribes this use is limited to the following</p>	<p>332</p> <p>1 talks about how many parking spaces there are. We've</p> <p>2 heard testimony that 500 people an hour invited on this</p> <p>3 premises, and that we know that a handful of times they</p> <p>4 sell out, but we don't know on average how many tickets</p> <p>5 are sold per night. One of our neighbors went to the</p> <p>6 property this year during Field of Screams and asked the</p> <p>7 parking attendant how many cars are here. And the</p> <p>8 parking attendant said, We have admitted 2,000 cars.</p> <p>9 Exhibit 50, my letter, I referenced a thousand</p> <p>10 people. I'm using this as an opportunity to correct my</p> <p>11 letter. At the time that I moved in, I did not</p> <p>12 appreciate and was already upset by the magnitude of</p> <p>13 this event. OBGC, or SHP, openly advertises that they</p> <p>14 sell at least 2,000 tickets each night. I don't -- I</p> <p>15 mean, I don't know if that's what they do, but that's</p> <p>16 how it's publicly advertised. It is -- it is advertised</p> <p>17 as a giant large-scale event. They also, during the</p> <p>18 Winter City Lights, offered the opportunity for people</p> <p>19 to host large gatherings for company parties and things</p> <p>20 of that nature, advertising up to a thousand people.</p> <p>21 There should not be that many people on the premises at</p> <p>22 one time.</p> <p>23 We heard testimony today that the organization</p> <p>24 has at least 75 to a hundred staff depending on these</p> <p>25 events. Where is that added into and factored into the</p>

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<p>333</p> <p>1 footprint of the population that's brought in? Right. 2 If you have a hundred people on the premises, a 150 3 people on the premises, that means you can only have 300 4 patrons to satisfy the guardrails of the Special 5 Exception. That's not factored in. 6 I've raised the fire and safety requirements. 7 That needs to be addressed. There's no reason we should 8 be expanding the hours or allowing for free rein until 9 we understand that all of these people are safe, 10 especially because the buildings aren't permitted. So 11 when I hear our building went in consistent with DPS 12 zoning rules, or code, or what have you, but it's never 13 been inspected, I personally have seen code violations. 14 There are electrical cords running all over 15 that place in the woods. A lot of receptacles are not 16 covered, they are open to the elements, they are a fire 17 hazard. I have personally reported them to DPS. It is 18 abysmal the quality of work over there. When you see 19 the place in daylight, it's a mess. It is not done to 20 code. They cannot say it's been done to code because 21 it's never been permitted, it's never been inspected. 22 Folks have been over there from DPS and done some 23 quality checks or internal investigations, but they've 24 never been through the formal process. 25 To accept those buildings into the site plan</p>	<p>335</p> <p>1 have it removed. You have to pass that trailer on your 2 way in. So I'm tired of hearing about the emotional and 3 physical development of children, because in my opinion, 4 and that is the opinion of my neighbors, that the 5 signage that goes up outside -- outside that property is 6 -- is a gross misalignment with that mission. 7 It is true that the County has been aware of 8 this business. It is true that in the Special Exception 9 Amendment Applications that small references to this 10 organization and to this amusement park were made. In 11 fairness to the County, in Exhibit 28, which was a 12 request to modify the Special Exception on page 1, Small 13 replacement structures for the seasonal fundraising 14 programs were requested. The proposed modifications 15 will not change the nature or character or intensity of 16 use, and will not have an effect on traffic or on the 17 immediate neighborhood. 18 Exhibit 28 also says on page 22 that these 19 modifications will support existing functions. It says, 20 The structures will be located 150 feet from the nearest 21 property line at a lower elevation than the property 22 line. 1, the structure that you can see from my 23 backyard is not 150 feet from the property line. We 24 have testimony to that effect on the record today. We 25 can also argue that the topography is not as it should</p>
<p>334</p> <p>1 would be irresponsible. Those buildings should be 2 permitted before they are considered for any sort of 3 inclusion. 4 Signage. Exhibit 25, page 8. All signage on 5 the site must be modest in scale and character to be 6 compatible with the historic rural character of the 7 site. Entry signage should not emulate suburban 8 residential monument styles. 9 Exhibit 97, see image of the signage outside. 10 For at least two months a year, this sign goes up. It 11 is a painful reminder that this -- this property just 12 doesn't care about the way that they should be 13 operating. Unfortunately, what you can't see is they 14 often drag a trailer that's meant -- I guess it could a 15 horse could fit inside, it's very large, and it's 16 participated with gruesome photos of mummies, and gory 17 dead people, and all sort of upsetting images for small 18 children. 19 For an organization that starts operating for 20 children as young as four, I can tell you it's deeply 21 upsetting to a toddler. My children drove by it and had 22 nightmares for weeks. And when you complain about it, 23 they say, Oh, we don't need a permit for it because it 24 has wheels on it. 25 We had to get DPS involved because they had to</p>	<p>336</p> <p>1 be before it was altered without permit. 2 Exhibit 28 in that same request to modify also 3 states that the Board also finds they will have a 4 minimal outward visual impact. This business is visible 5 from both the front and the back. From the road shed 6 and from the residential area in the back. 7 In Exhibit 36, which is another modification of 8 the Special Exception, in June of 2019, the description 9 of this property, in fairness to the County, is that 10 OBGC is bordered by a wooded area on two sides, a 11 cornfield on one side, a practice sports field on the 12 remaining side. There is no impact on the neighborhoods 13 in the area. I mean, that's a misstatement. It's 14 simply not true. And a lot of the neighbors didn't 15 receive that notification, so they couldn't object. 16 Right. I mean it's just -- it's just unacceptable. 17 This testimony also doubles as my closing. I 18 do not need to say any more after this. The two asks 19 for us are that it is impossible to consider the request 20 for modification without first understanding the impact 21 of all of the things that we've talked about above. On 22 the Ag Zone, in misalignment with the Olney Master Plan, 23 and as a gross misstep of what overstep of what has been 24 put into that Special Exception. 25 In order for this to be done properly, this</p>

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<p>337</p> <p>1 Special Exception needs to be examined in the current 2 form of the Conditional Use Application process. This 3 is a major modification. It is incontrovertible that 4 that is a fact. 5 If the language is unfortunately considered, we 6 ask OZAH to clearly define some of the terms that are 7 requested. What does fundraising mean? Is it to be in 8 con -- is it that an event must consistently operate 9 with the occupancy levels and the traffic patterns that 10 were originally prescribed in 1999? The open-ended 11 nature of this language will allow for this organization 12 to host and populate this property without regard, 13 abandon the restrictions, and obliterate the value of 14 this Special Exception in the Ag Zone. It will open 15 fundraising to all Ag Zone property without regard for 16 the impact on local farmers and businesses. This is 17 precedent setting. It is not just about our 18 neighborhood. It is about the proprietary of the Ag 19 Reserve. 20 Thank you for your time. 21 HEARING EXAMINER BYRNE: Thank you, Ms. Korson. 22 So Mr. Barr, however -- however you would like 23 to proceed. 24 MR. BARR: It's 4 o'clock. 25 HEARING EXAMINER BYRNE: You want to do</p>	<p>339</p> <p>1 that distance from the property line to your house of 2 2,219 feet sound more or less correct? 3 A This is gonna sound complicated. Can you 4 convert that in yards for me because I can speak for 5 ball field. That is -- 6 Q Okay. Sure. 2,297, divided by 300, right? 7 Would be 7.6 for ball field. Does that sound right? 8 A That seems far. I don't think it's -- 9 Q It does seem far. 10 A I don't think that far. 11 Q I agree with you. 12 A You know, it seems far. I do. But if you're 13 looking at something that is upward, or relatively -- I 14 mean, even downward sloping, right. As long as it's 15 contiguous in slope, you can see to the end of it. See 16 in the photos. 17 Q Okay. So just out of curiosity, I'm -- I'm 18 sure you have walked from your house to the property 19 line. How long does it take you approximately? 20 A I have never walked from my house to the 21 property line. 22 Q Oh, you haven't? 23 A No. 24 Q Okay. 25 MS. KORSON: I have not.</p>
<p>338</p> <p>1 rebuttal, if you want to so closing statement or -- 2 MR. BARR: Can I ask just a few questions very 3 quickly. 4 HEARING EXAMINER BYRNE: Sure, absolutely. 5 MR. BARR: Yeah, yeah, these (inaudible) 6 significant right now. 7 EXAMINATION BY COUNSEL FOR THE APPLICANT: 8 BY MR. BARR: 9 Q Thank you for your testimony. Good afternoon. 10 I believe I got this right. You submitted 11 Exhibits 50B, as in boy, 50H, I think 65 to 82, and I 12 want to say 97 to 119. Does that sound more or less 13 correct? 14 A I definitely submitted a lot of exhibits. 15 Unfortunately, without seeing them, I don't know which 16 one is mine. But I'm happy to walk through them if 17 that's what you want to do. 18 Q Yeah. So I heard your testimony about the 19 distinction between, you know, what's visible or the 20 impacts on the property from looking at your house. 21 Without -- I'm -- I'm showing you the -- 22 A Yes. 23 Q -- aerial area with the distances that were 24 submitted with the Applicant's Prehearing Statement. 25 Without asking you to verify the exact distance, does</p>	<p>340</p> <p>1 MS. OWENS: I have. 2 MS. KORSON: He's not talking to you. 3 Q I guess I got the impression that -- maybe it 4 was a misimpression, that some of the photos or videos 5 were taken at the property line, but that's -- 6 A That's correct. 7 Q Oh. So then, how did you take them if you 8 weren't there? 9 A With Caragh's ATV. 10 Q Okay. So you ATV'd. Was it too far to walk? 11 A It was cold. 12 Q Okay. So how long did it take you to ATV from 13 your house to the property line? 14 A Well, because we have to take the perimeter so 15 that we don't disrupt the crops, it takes a considerable 16 amount of time. We can't take the site line that you 17 drew on that photo, because it would disrupt the -- 18 Q Yeah, that's a direct point on an ATV. 19 A -- solar rotation. 20 Q Right. 21 A So we have to go all the way around. 22 Q Okay. 23 A Maybe five minutes. 24 Q Okay. All right. 25 A That's the hypotenuse situation there. It</p>

<p>341</p> <p>1 would be faster to go right across, but --</p> <p>2 Q Right. But I guess it wouldn't be fair to say,</p> <p>3 though, that the experience of being at the property</p> <p>4 line is different from the experience of being at your</p> <p>5 house or even on your property?</p> <p>6 A Yes, I suppose.</p> <p>7 Q Okay. All right. When did you purchase your</p> <p>8 property?</p> <p>9 A Um. Probably moved in two years ago, but I</p> <p>10 bought the land maybe two years before that. These are</p> <p>11 estimations.</p> <p>12 Q Okay.</p> <p>13 A This is not my --</p> <p>14 Q All right. Because you --</p> <p>15 A This is not my department.</p> <p>16 Q Who did you -- it was a lot, it was not a</p> <p>17 house?</p> <p>18 A Correct.</p> <p>19 Q It was a lot and you --</p> <p>20 A It was lot, and then, I built the house, yes.</p> <p>21 Q I got you. Right. Okay.</p> <p>22 And before you bought your property, the lot,</p> <p>23 were you familiar with the Olney Boys & Girls Club?</p> <p>24 A Yeah, we were working with them.</p> <p>25 Q Okay. So what was your involvement or</p>	<p>343</p> <p>1 underlying -- what I call underlying operations of OBGC?</p> <p>2 A I knew they had sports. I knew they were a</p> <p>3 sports organization. I knew they had a really big plot</p> <p>4 of land, because as I'm sure you can imagine, it's very</p> <p>5 difficult to find a place to put a team like that</p> <p>6 because partnering with the County on something like</p> <p>7 that is very unheard of. There is a team that does</p> <p>8 that, but it's uncommon. So you kind of have to find a</p> <p>9 parcel where you can do that. And the plan was to</p> <p>10 hopefully build out infrastructure and things like that</p> <p>11 to support the team.</p> <p>12 Q Well, so when you said you were not familiar</p> <p>13 with Field of Screams before you purchased the property.</p> <p>14 But how long were you involved like directly with OBGC</p> <p>15 since you started? Which is before 2021. When -- when</p> <p>16 -- how long did your involvement last?</p> <p>17 A Well, I think my involvement started when the</p> <p>18 team started, like when it started operating. Not when</p> <p>19 things were being negotiated. I helped with marketing</p> <p>20 and things like that.</p> <p>21 Q Uh-hum.</p> <p>22 A I did come to the games and helped -- sorry.</p> <p>23 That's rude. I did come to the games and --</p> <p>24 Q Okay.</p> <p>25 A -- helped with things like that for the</p>
<p>342</p> <p>1 familiarity with OBGC before you bought the property?</p> <p>2 A So my husband decided that as a pipe dream, he</p> <p>3 wanted to open a -- start a college collegiate baseball</p> <p>4 team that recruits D1 and D2 baseball players from all</p> <p>5 over and brings them in. Similar to an organization</p> <p>6 called the Savannah Bananas, which is a highly</p> <p>7 populated, loud, fun, exciting event.</p> <p>8 And so my understanding is that he partnered</p> <p>9 with OBGC and created a 25-year lease, if I'm not</p> <p>10 mistaken. But again, this is not my business, this is</p> <p>11 just something I hear about in my home over dinner.</p> <p>12 Q Okay. So it's fair to say, then, that before</p> <p>13 you purchased your property, you were at least to some</p> <p>14 degree familiar with OBGC. Were you aware that they did</p> <p>15 fundraising events --</p> <p>16 A No.</p> <p>17 Q -- these specific?</p> <p>18 A No. And I didn't -- we did not know they had a</p> <p>19 Special Exception.</p> <p>20 Q So when you became familiar with OBGC, you did</p> <p>21 not realize they conducted Field of Screams?</p> <p>22 A No. We didn't live in Olney so we lived</p> <p>23 elsewhere in the County, so I never been, never heard of</p> <p>24 it, was not aware of it.</p> <p>25 Q Okay. But you were at least familiar with</p>	<p>344</p> <p>1 duration of how long my husband was involved, I was</p> <p>2 helping.</p> <p>3 Q Okay. And I guess during that involvement, did</p> <p>4 you become aware of Field of Screams at all?</p> <p>5 A Yes.</p> <p>6 Q You did?</p> <p>7 A I did.</p> <p>8 Q Okay. And was that before you built the house?</p> <p>9 A Probably during the time that I was building</p> <p>10 the house.</p> <p>11 Q Okay. So --</p> <p>12 A But again from a -- sorry, if I may?</p> <p>13 Q Uh-hum.</p> <p>14 A From an orientation perspective, I don't -- I</p> <p>15 did not understand that I could see OBGC from my</p> <p>16 property. So we're building this house, we visit once</p> <p>17 every few weeks, I don't -- they're not -- the entrances</p> <p>18 are not near each other, right, or back --</p> <p>19 Q Okay.</p> <p>20 A -- to back. So --</p> <p>21 Q Yeah.</p> <p>22 A -- yes, I'm aware of OBGC, but I don't think I</p> <p>23 recognized while we were building the house what the</p> <p>24 proximity would look like.</p> <p>25 Q You did not -- you were not aware of the</p>

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<p>345</p> <p>1 proximity?</p> <p>2 A No.</p> <p>3 Q Okay.</p> <p>4 A Despite having set foot on the property and</p> <p>5 having walked around, these are --</p> <p>6 Q Okay.</p> <p>7 A Okay.</p> <p>8 Q All right. I will -- I will take your answer</p> <p>9 as not being aware of the proximity to OBGC when you</p> <p>10 purchased your property.</p> <p>11 Okay. Let's go through some of your exhibits,</p> <p>12 but not all, because we want to get finished here.</p> <p>13 So your letter, Exhibit 50, the -- have some</p> <p>14 attachments. See here. Some photo. I just want to</p> <p>15 make sure I'm clear on.</p> <p>16 A Yeah.</p> <p>17 Q -- where those were taken. All right. So 50B</p> <p>18 you -- I believe you said that's from your house; is</p> <p>19 that correct?</p> <p>20 A That's correct. Inside.</p> <p>21 Q Inside looking out the window?</p> <p>22 A Yes.</p> <p>23 Q Okay.</p> <p>24 A You can see the trim on the left-hand side of</p> <p>25 the house.</p>	<p>347</p> <p>1 A No, Caragh is not allowed to talk anymore,</p> <p>2 so --</p> <p>3 Q Okay. I want to preface by saying that</p> <p>4 hopefully during our presentation, we made it clear that</p> <p>5 we have improvements to make on notice of communication.</p> <p>6 That said, I do have a tax map. Would it be just simply</p> <p>7 factual --</p> <p>8 A Okay.</p> <p>9 Q -- that neither of your properties directly</p> <p>10 adjoin the OBGC property?</p> <p>11 A No, I'm abutting.</p> <p>12 Q Ah. I'm not sure I want to spend the time</p> <p>13 doing this but --</p> <p>14 HEARING EXAMINER BYRNE: I will say that I'm not</p> <p>15 gonna address notice.</p> <p>16 MR. BARR: Okay.</p> <p>17 HEARING EXAMINER BYRNE: That that's a matter</p> <p>18 for the Board --</p> <p>19 MR. BARR: Okay.</p> <p>20 HEARING EXAMINER BYRNE: -- for sure.</p> <p>21 MS. KORSON: Then, let's -- then, let's move on.</p> <p>22 MR. BARR: Let's move on.</p> <p>23 HEARING EXAMINER BYRNE: I'm going to put that</p> <p>24 in my report and recommendation that I am not addressing</p> <p>25 notice.</p>
<p>346</p> <p>1 Q Okay. And Exhibit C, is that from your house?</p> <p>2 A That is from a different window inside my</p> <p>3 house. I have zoomed in to capture the smoke.</p> <p>4 Q I was gonna to ask you that. You zoomed in.</p> <p>5 Did you zoom in that photo?</p> <p>6 A On Exhibit C, yes.</p> <p>7 Q Okay. All right. 50H --</p> <p>8 A Wait. Please.</p> <p>9 Q Okay.</p> <p>10 A Sorry. I knew you were going to say -- if you</p> <p>11 see the top of the -- no, never mind. Sorry, I made a</p> <p>12 mistake. Go ahead.</p> <p>13 Q Okay am 50H is --</p> <p>14 A 50h?</p> <p>15 Q -- your. Yeah, is your concern/complaint about</p> <p>16 notice. And I just want to preface by saying --</p> <p>17 A That's -- that's Caragh's.</p> <p>18 MS. OWENS: It's mine.</p> <p>19 Q It says from Nikki Korson</p> <p>20 A 50H?</p> <p>21 MS. OWENS: Oh. I'm --</p> <p>22 A G. I'm sorry, I'm on G.</p> <p>23 Q Both of you.</p> <p>24 A Okay.</p> <p>25 Q Both of you.</p>	<p>348</p> <p>1 MR. BARR: I -- I simply want to because</p> <p>2 notice --</p> <p>3 HEARING EXAMINER BYRNE: Right.</p> <p>4 MR. BARR: -- is an alarming allegation, like a</p> <p>5 lack of notice, I just want to make it clear that we</p> <p>6 believe everything was done per requirement, at the same</p> <p>7 time noting that minimum requirements are not always,</p> <p>8 you know, what's appropriate, and going forward we</p> <p>9 intend to evaluate that. I just didn't want to leave an</p> <p>10 allegation of lack of notice without responding to it.</p> <p>11 HEARING EXAMINER BYRNE: I see. So just to both</p> <p>12 all parties know that I'm going to identify that there</p> <p>13 is a dispute regarding notice. I will not be addressing</p> <p>14 that because that --</p> <p>15 MR. BARR: Okay.</p> <p>16 HEARING EXAMINER BYRNE: -- that, that</p> <p>17 doesn't --</p> <p>18 MR. BARR: All right.</p> <p>19 HEARING EXAMINER BYRNE: -- it's not --</p> <p>20 MR. BARR: You're fine, and -- and --</p> <p>21 HEARING EXAMINER BYRNE: -- before me, and OZAH</p> <p>22 rules on notice are different than -- they might be the</p> <p>23 same as the Board, I haven't really looked at the</p> <p>24 Board's rules, but our notices are related to abutting</p> <p>25 and confronting --</p>

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<p>349</p> <p>1 MR. BARR: Right.</p> <p>2 HEARING EXAMINER BYRNE: -- and con -- and</p> <p>3 abutting and confronting are defined in the code. So</p> <p>4 it's there -- it's a circular way you find that</p> <p>5 definition. So I mean, I'm just I'll close on that, but</p> <p>6 I will -- I will not be addressing it. But I will raise</p> <p>7 that in my report and recommendation that there still is</p> <p>8 a dispute, so that's --</p> <p>9 MR. BARR: yeah.</p> <p>10 HEARING EXAMINER BYRNE: -- that's a Board</p> <p>11 issue.</p> <p>12 MR. BARR: Okay. That's okay. Very well.</p> <p>13 I -- what also concerns me about that issue</p> <p>14 being raised is not just the we didn't receive it, it's</p> <p>15 and because of that we want you to go back and look at</p> <p>16 those prior Special Exception modifications. We're not</p> <p>17 doing that and --</p> <p>18 HEARING EXAMINER BYRNE: That's not before me.</p> <p>19 MR. BARR: Okay.</p> <p>20 HEARING EXAMINER BYRNE: That's not before me -</p> <p>21 MR. BARR: And we --</p> <p>22 HEARING EXAMINER BYRNE: Period.</p> <p>23 MR. BARR: -- we have no reason to believe that</p> <p>24 there was any impropriety about notice, and to the</p> <p>25 extent there's any request, which arguably is in some of</p>	<p>351</p> <p>1 Q Okay. At the property line. Okay. Not from</p> <p>2 your house?</p> <p>3 A I don't believe so.</p> <p>4 Q Okay.</p> <p>5 MS. OWENS: There might have been one from mine</p> <p>6 but --</p> <p>7 MS. KORSON: I don't know.</p> <p>8 Q Okay. All right. I think you said on some of</p> <p>9 your photos -- let's see really quickly. 100 is the --</p> <p>10 okay. That's a -- did you say 100 is from your house?</p> <p>11 A Yes.</p> <p>12 Q That's -- is that from a window or deck or</p> <p>13 something? Do you recall?</p> <p>14 A It could be either. I don't know.</p> <p>15 Q Is that zoomed or not?</p> <p>16 A No.</p> <p>17 Q Not zoomed. Okay. 102 is from your house?</p> <p>18 Yes?</p> <p>19 A Perhaps.</p> <p>20 Q 102?</p> <p>21 A It could be. I -- I don't -- it doesn't</p> <p>22 matter. It is zoomed.</p> <p>23 Q It is zoomed.</p> <p>24 A This photo is titled to illustrate smoke on the</p> <p>25 attach --</p>
<p>350</p> <p>1 the records to go back and review prior decisions, from</p> <p>2 the Applicant's perspective, that's not appropriate.</p> <p>3 Q Okay. Let's look at some of your -- well, we</p> <p>4 can't look at the videos. It's okay. Because --</p> <p>5 MS. KORSON: But you'll look at the videos.</p> <p>6 HEARING EXAMINER BYRNE: We can, and I have</p> <p>7 here.</p> <p>8 MR. BARR: We need to.</p> <p>9 Q So look, were those taken --</p> <p>10 HEARING EXAMINER BYRNE: Joey can pull them up.</p> <p>11 A I'm sorry?</p> <p>12 Q Were the videos taken at the property line?</p> <p>13 A Yeah, but she asked a question too.</p> <p>14 HEARING EXAMINER BYRNE: I said Joey can pull</p> <p>15 them up. We do have them</p> <p>16 MS. KORSON: Do you want to watch them?</p> <p>17 HEARING EXAMINER BYRNE: I'm not gonna know --</p> <p>18 Q Do you recall out of the sick that you</p> <p>19 submitted, were those taken at the property line?</p> <p>20 A I don't -- honestly I don't know.</p> <p>21 Q Okay.</p> <p>22 A So many, I don't remember the ones I selected,</p> <p>23 but I imagine --</p> <p>24 Q That's fine.</p> <p>25 A -- many of them were, yes.</p>	<p>352</p> <p>1 Q Yes.</p> <p>2 A -- on the fire attachment.</p> <p>3 Q But it is zoomed?</p> <p>4 A It is zoomed, yes.</p> <p>5 Q Okay. 103, also zoomed?</p> <p>6 A Yes.</p> <p>7 Q Okay. 105, is that from -- where is that taken</p> <p>8 from?</p> <p>9 A This looks like it might be on Caragh's</p> <p>10 property. Oop, yeah, it has her address on it.</p> <p>11 MS. OWENS: Yeah, I believe it's from my deck.</p> <p>12 MS. KORSON: This is from your property.</p> <p>13 MS. OWENS: It's from my deck.</p> <p>14 MR. BARR: Zoomed or not?</p> <p>15 MS. OWENS: Nope.</p> <p>16 MR. BARR: Not zoomed.</p> <p>17 Q And 106 I believe you said was from --</p> <p>18 A The property line.</p> <p>19 Q -- the Atkinsons' cornfield?</p> <p>20 A Yes.</p> <p>21 Q From basically from the property line?</p> <p>22 A Yes.</p> <p>23 Q Okay. The comment about lower property values,</p> <p>24 is that -- is that based on anything or --</p> <p>25 A I mean, I think the -- can you explain your</p>

<p>353</p> <p>1 question.</p> <p>2 Q The -- the -- I think you testified that you</p> <p>3 believe that the activities at OBGC are having the</p> <p>4 effect of lowering property values. Do you have any</p> <p>5 information to support that claim?</p> <p>6 A I think I testified to the information that I</p> <p>7 have, which is that people have refused to buy that</p> <p>8 house, and then, people have moved out because of it. I</p> <p>9 think that's an illustration of property value.</p> <p>10 Q Yeah. So I guess the only other question is</p> <p>11 did you submit any photos or videos from your house that</p> <p>12 were not zoomed in?</p> <p>13 A Yeah, I think we just went through one that</p> <p>14 wasn't.</p> <p>15 Q You said -- oh, 50B that --</p> <p>16 A The holiday ones I think were not Zoomed. To</p> <p>17 be fair, it's been a long time since I took these --</p> <p>18 Q Okay.</p> <p>19 A -- so I don't -- I honestly I don't know --</p> <p>20 Q Okay.</p> <p>21 A -- with certainty. I'm not trying to be</p> <p>22 difficult.</p> <p>23 Q No.</p> <p>24 A I genuinely just don't remember. What I can</p> <p>25 say with certainty is that in almost all of the smoke</p>	<p>355</p> <p>1 A That was before the season picked up. There's</p> <p>2 no date on the photo because I didn't have the app yet.</p> <p>3 Q Uh-hum.</p> <p>4 A That is I think maybe like kind of a dry run</p> <p>5 where maybe the business operates just to test the</p> <p>6 equipment and every and how it works. And this was</p> <p>7 super alarming. We actually thought there was a real</p> <p>8 fire because we didn't know there was a dry run.</p> <p>9 Q Um-hum.</p> <p>10 A And we were contemplating calling the fire</p> <p>11 department, and we're like well, it's the season, maybe</p> <p>12 they're starting, we don't know. Again, just didn't</p> <p>13 know.</p> <p>14 Q Okay.</p> <p>15 A But --</p> <p>16 Q I think last question. So you -- you were in</p> <p>17 your house for this past 2024 season of Field of Screams</p> <p>18 and Winter City Lights?</p> <p>19 A Yes.</p> <p>20 Q I think you said you moved into your house</p> <p>21 2023, I want to say. And where -- do you recall when</p> <p>22 you moved in, did you experience either or both of the</p> <p>23 events in 2023?</p> <p>24 A I moved in on November 30th, so no. I did</p> <p>25 experience --</p>
<p>354</p> <p>1 photos, they are zoomed --</p> <p>2 Q Um-hum.</p> <p>3 A -- because it is incredibly difficult to</p> <p>4 photograph smoke with light behind it. So it's done --</p> <p>5 I -- it's done intentionally to show the smoke as best</p> <p>6 as I can.</p> <p>7 Q Uh-hum.</p> <p>8 A Because when you start zooming out and the</p> <p>9 light hits it, it becomes completely see-through and you</p> <p>10 can't see the smoke.</p> <p>11 MS. OWENS: We have many, many more smoke --</p> <p>12 A There's a lot of photos that were submitted.</p> <p>13 MS. OWENS: -- photos that were submitted</p> <p>14 because you can't see anything. The picture of smoke</p> <p>15 just looks like an opaque photo. It's like a bad photo.</p> <p>16 MS. KORSON: I mean --</p> <p>17 MS. OWENS: So every night we took photos of the</p> <p>18 smoke in my barn, in my yard right there. And they</p> <p>19 don't come out very well. Just looks like a badly taken</p> <p>20 photo. That's all it looks like.</p> <p>21 MR. BARR: Uh-hum.</p> <p>22 Q Okay.</p> <p>23 A Exhibit 113 is actually the fog machine, is our</p> <p>24 understanding.</p> <p>25 Q Okay.</p>	<p>356</p> <p>1 Q 2023?</p> <p>2 A -- Winter City Lights.</p> <p>3 Q So you did experience Winter City in '23?</p> <p>4 A Correct, but not --</p> <p>5 Q But not --</p> <p>6 A -- Field of Screams.</p> <p>7 Q -- Field. Okay. So -- so your one experience</p> <p>8 with field was 2024, and then, you had two Winter City</p> <p>9 Lights --</p> <p>10 A Yes.</p> <p>11 Q -- '23 and '24?</p> <p>12 A Yes. Yes.</p> <p>13 Q So okay. So you didn't have a basis for</p> <p>14 comparison with the 2024 Field of Screams season versus</p> <p>15 any other season?</p> <p>16 A No. But today, I testified and in aggregation</p> <p>17 of testimony --</p> <p>18 Q Um-hum.</p> <p>19 A -- from a series of neighbors, and I think</p> <p>20 everyone have spoken to their historic experience as</p> <p>21 well.</p> <p>22 Q When you talked with them, did they say that</p> <p>23 there have been improvements over the years in any</p> <p>24 respect, or no?</p> <p>25 A We haven't had that conversation. It's mostly</p>

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<p>357</p> <p>1 like do you -- are you unhappy with it the way it is. 2 Not how does it compare, so I can't answer that. 3 Q Okay. All right. I think those are all my 4 questions. 5 A Okay. Thank you. 6 HEARING EXAMINER BYRNE: So Mr. Barr, how -- if 7 you would like to proceed with rebuttal and/or closing 8 or statement. 9 MR. BARR: Are there any other speakers? 10 HEARING EXAMINER BYRNE: There are no other 11 speakers for the Opposition, so that closes. 12 MR. BARR: Okay. 13 MS. OWENS: Can I just put on the record there 14 is an exhibit in here on horses and the effect of the 15 smoke -- 16 HEARING EXAMINER BYRNE: Yeah. 17 MS. OWENS: -- on horses. I just want to -- I 18 submitted that exhibit because I didn't testify to save 19 time. I just want to say I do own horses, my horses 20 were affected by that. Pictures of the barn that you 21 see in all these pictures is my barn with three horses 22 inside, they were constantly affected. I notified OBGC. 23 Brad and I have texted each other many times before. 24 From the moment I moved in, it was an issue with the 25 smoke. The smoke builds up in my barn, builds up around</p>	<p>359</p> <p>1 you can adapt the photo if you'd like, but that's what 2 was supplied to me by my -- 3 Q It seems -- 4 A -- my vet. 5 Q -- inflammatory in more ways than one. 6 HEARING EXAMINER BYRNE: I think I can 7 distinguish between a California wildfire and a fire pit 8 as you're saying, but I'll -- but I will -- I will take 9 that under consideration, Mr. Barr. 10 MR. BARR: Okay. All right. 11 I think. Well, then, I think they said no 12 closing points, so do you want me to offer closing, and 13 then, we'll wrap it up. 14 HEARING EXAMINER BYRNE: Up to you, yes. 15 MR. BARR: Okay. All right. 16 THE TECHNICIAN: Does that have an exhibit 17 number? 18 HEARING EXAMINER BYRNE: It does. The -- the 19 four -- 20 THE TECHNICIAN: It's not one of the new ones? 21 HEARING EXAMINER BYRNE: No, it's not a newbie 22 and it's not a video. It's an actual Exhibit 80 -- what 23 did we say it was, Joey? 24 THE TECHNICIAN: It's an email of the article. 25 I have it listed as Exhibit 83, School of Veterinary</p>
<p>358</p> <p>1 my horses, my horses start to cough. It's a whole issue 2 that's not been addressed. 3 MR. BARR: All right. 4 MS. OWENS: Just want to make sure it was on the 5 record. 6 MR. BARR: I -- if that's testimony, I would 7 like to ask about that. 8 HEARING EXAMINER BYRNE: That is -- 9 MS. OWENS: Okay. 10 HEARING EXAMINER BYRNE: -- testimony, so yeah. 11 EXAMINATION BY COUNSEL FOR THE APPLICANT: 12 BY MR. BARR: 13 Q So all right. This article, the image of the 14 horse, the horse, and fires ranging all around the 15 horse, and it s looks like a completely rampant 16 wildfire. I mean, I think we'd all agree that is a 17 horrific, horrific image. But I guess my only question 18 is I mean, surely we can distinguish between something 19 like that and what happens at Olney Boys & Girls Club, 20 can't we? 21 A Oh, yeah. Absolutely. This article was sent 22 to me by my vet. It has guidelines for, you know, how 23 many times your horse is exposed, certain things to look 24 for, if they cough too much, things that you can do to 25 help reduce it. It's guidelines. The photo didn't --</p>	<p>360</p> <p>1 Medicine, Guidelines for Horses Exposed to Wildfire 2 Smoke. 3 HEARING EXAMINER BYRNE: Thank you. Okay. 4 MR. BARR: All right. I promise I will not take 5 as long as opening. That was longer than anyone needed 6 to hear. However, I do want to pull from some of those 7 thoughts. 8 Look, first of all, because this is serious, 9 and we have, you know, law firms involved who have 10 reputations, I do want to respond to the both what's in 11 the record and what's been said about words to this 12 effect of dumbing our nose or blatantly or willfully 13 doing whatever it felt like. 14 I can assure everyone in this room and tuning 15 in virtually that ever since our firm became involved, 16 we have been diligently practically every day addressing 17 the remaining approval process for OBGC in fundraising 18 events. 19 We, for what's it worth, we became involved 20 late September 2024, shortly before Field of Screams was 21 opened this past October. And again, at a breakneck 22 pace evaluating where things stood with the status of 23 everything, what needed to be done, what realistically 24 could be done in that time. Multiple communications, 25 meetings with the Department of Permitting Services.</p>

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<p>361</p> <p>1 And we, for that week leading up, we pushed to approve 2 the entire event. We were unsuccessful, and so we 3 modified the event. And there was a lingering dispute 4 with County DPS about whether that was allowed, the use 5 of the trail with basically the bridges or not. 6 And we received an inspection report again in 7 District Court January 28th, not when the inspection was 8 conducted on October 18th, and -- and was told that the 9 County didn't believe that we -- that the County 10 believed that we had violated the abatement order. We 11 were surprised, because the County never said anything 12 while we operated Field of Screams. And we made it 13 clear leading up to opening that we were gonna close 14 buildings, we were gonna still operate the trail, but 15 with the closures, and otherwise we had full approvals 16 for the remainder of the event, and we communicated with 17 the County consistently about that. 18 So that's Field of Screams. 19 Winter City there was no request from the 20 County in the 2 first years, 2022, 2023, for a County 21 Special Event Permit. And so when in the few weeks 22 leading up to opening, again preparations have been made 23 to run this event, extensive planning and preparation. 24 When the County asked for Steelhead to apply for a 25 Special Event Permit, it did provide all the</p>	<p>363</p> <p>1 reason, appealing it to then somehow get, you know, 2 retroactive approval for something that would -- that 3 had ended, we just didn't think that was a good use of 4 our resources. 5 Secondly, the underlying reason we knew was 6 coming up, namely this hearing, to try to address the 7 fundamental zoning question. So we just decided that it 8 made more sense to focus on this hearing and the process 9 going forward rather than trying to retroactively 10 overturn the denial of that permit. 11 HEARING EXAMINER BYRNE: Okay. 12 MR. BARR: So here we are. And again, there is 13 a lot of context here that you've heard today that's in 14 the record, a lot of background, and I think what -- 15 what makes sense before turning to where we are is to 16 understand where we're not, which is this is not a set 17 of circumstances in which these are brand new ideas, 18 brand new fundraising events that we are proposing for 19 the first time, and we are trying to get these approved 20 as if there's been no mention of approval previously, 21 and it's a brand new start. That is not the context 22 we're in. And it seems that a lot of this hearing today 23 makes it seem like these are brand new requests. They 24 are not. And the outcome of this zoning process 25 admittedly could be different if these were brand new</p>
<p>362</p> <p>1 information. And the -- it was shocking to us that a 2 few days before Winter City was set to open, the 3 Department of Permitting Services concluded it would not 4 issue a Special Event Permit. 5 We offered to meet with them. We offered to 6 condition an approval on various operational conditions. 7 We certainly refuted their conclusion as to why they 8 wouldn't issue it. We wanted to -- the Special 9 Exception record is indicating that we could operate the 10 event. But in any event, it was we just notified them 11 we couldn't -- the train had left the station, and we 12 could not operate, and so we operated Winter City. And 13 but there was a lot of back-and-forth with the County 14 leading up to that. 15 And so I just want to basically get those two 16 items on the record in response -- 17 HEARING EXAMINER BYRNE: Can I ask you, did you 18 appeal the denial letter of the permit -- 19 MR. BARR: We did not. 20 HEARING EXAMINER BYRNE: -- such a mechanism? 21 MR. BARR: We thought about it, but given that 22 it's a limited time frame of operating, by the time, if 23 we had appealed, I think the time we would have been 24 heard on it, the event would have been over. And so we 25 just I think felt that a couple things. We, for that</p>	<p>364</p> <p>1 requests, we're doing it for the first time, we had 2 never done fundraising events. We wanted to do 3 fundraising events for the first time, and we were 4 proposing Field -- this idea called Field of Screams and 5 Winter City Lights. 6 The context may be completely different. That 7 is not the context. What is the context is that fund -- 8 I think indisputably, fundraising has happened on the 9 property for Field of Screams for over 20 years. Winter 10 City just completed its third year. And that is 11 critical to help get in the mindset of the Board of 12 Appeals when last summer it reviewed the request for the 13 Special Exception modification. 14 I'll get to that. I just want to respond 15 quickly to the overall exhibits and testimony and 16 information from our OBGC -- OBGC neighbors to say that 17 I think -- well, there's kind of three general 18 categories of reaction. I won't go through each exhibit 19 and respond, but there are some things we just agree to 20 disagree on as far as the relevance. There are some 21 things that we agree accurately reflect what's happening 22 at the events, but perhaps disagree on the conclusion to 23 be drawn, or what should happen. And then some, there's 24 some information certainly that reflects that we need to 25 do better with these events. And I think we made that</p>

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<p>365</p> <p>1 abundantly clear in opening, hopefully throughout the 2 direct testimony, and I'll say it again, that we -- we 3 -- there -- there's been -- this has been an 4 excruciating process, and one that should have been 5 avoided, and there were a lot of missteps, and the 6 question is where do we go from here, which I'll get to. 7 But there's -- there's certainly no -- we're under no 8 illusion that you know, we created -- we, OBGC, still 9 had created some circumstances that have -- has needed 10 untangling. 11 All right. Let's get to the heart of the 12 matter, which is as you noted, Madam Hearing Examiner, 13 at the beginning, you have a narrow focus, that is true. 14 At the same time, it's a lot of context and background, 15 but your question that you identified at the beginning, 16 whether the Administrative Modification that was granted 17 last summer by the Board of Appeals substantially alters 18 or changes the conditions under the Administrative 19 Modification standard. Was the Board of Appeals 20 correct. 21 So again, let's go back and look at Exhibit 22 48 -- 49. Yeah, 49. That is the -- that is the 23 approval. And so the question is if the question you're 24 being asked today, Madam Hearing Examiner, is was the 25 Board of Appeals correct, I think it makes sense to</p>	<p>367</p> <p>1 to a specific item that indicates that they, the Board 2 of Appeals, knew that trail structures existed, I -- I 3 just think that's something that can reasonably be 4 inferred. Mr. McLaren was there, talked with the Board, 5 and the Board -- and he said that the Board was actually 6 directly familiar with the event. 7 HEARING EXAMINER BYRNE: I think he said two 8 members of the Board. 9 MR. BARR: Two members of the Board. So there 10 -- so while I don't have the transcript, there's -- 11 there is probably back-and-forth in 2019 about 12 fundraising event, and there could have been 13 conversations about the trail. Maybe in that dialogue, 14 there was conversation about the structures, we don't 15 know. But the fact that the fundraising events were 16 discussed at that time, and the haunted trail at least 17 was mentioned. So when the Board was asked to approve a 18 plan showing the footprints of the trail structures, and 19 again, just given their characteristics, it does not 20 surprise me at all, and we believe it was correct under 21 the standard for them to admit that plan into the 22 Special Exception record. The structures themselves. 23 Now, the -- the activities which are different 24 from the structures, we're really talking about 29 or so 25 locations, and I forget the exact number of very small</p>
<p>366</p> <p>1 start with what was the request and what was their 2 mindset, and what did they say, because they had they -- 3 I don't think there's any question they did actually 4 issue the approval. Now you're being asked after this 5 hearing to -- to evaluate that and provide a report and 6 recommendation. 7 But here's -- here's what was requested. It 8 was the basically the confirmation of the trail 9 structures shown on effectively the Forest Conservation 10 Plans that have been approved over many years by Parks 11 and Planning, and then, a general confirmation of 12 fundraising activities. 13 So again, as far as the structures themselves, 14 the -- it's not surprising to us that the Board approved 15 those under the Administrative Modification standard, 16 because number 1, they're relatively small, number 2 17 that most of them, if not all, had existed for many 18 years; number 3, most of them, or many or all are tucked 19 into the woods. And given the Conservation -- Forest 20 Conservation Plan process that had occurred, there was 21 Parks and Planning busting on the footprint. And I 22 think most importantly, given that the Board of Appeals 23 had previously at least on two occasions, looked at 24 general fundraising, and at least in 2019, there is a 25 specific reference to trail. And while we can't point</p>	<p>368</p> <p>1 buildings that have footprints, but and that is 2 necessary to get us to the next step with DPS to 3 actually pull the permits to -- to finalize -- to 4 finalize that. 5 The fundraising activities are similar. It's 6 there was previous reference to them, albeit not 7 specific, which I'll get to in a minute. But the fact 8 that the -- the Club came to the Board of Appeals last 9 summer and said basically we've been asked to confirm 10 the -- the fundraising events we've had for the past 20 11 plus years. And again, the mindset of the Board, I can 12 imagine, was well, if you've had those fundraising 13 events for 20 plus years, these are not new requests, 14 and there's at least some indication in our Special 15 Exception record of prior Board of Appeals review, or at 16 least acknowledgement or understanding that fundraising 17 events occurred, it does not surprise us, and we believe 18 was correct under the standard to say that those are 19 reapproved, or confirmed, or whatever the exact language 20 is in the approval. 21 Under the administrative modification standard 22 because it is true that because the events had run, and 23 I think the -- the overall testimony from OBGC and 24 Steelhead is that over the last few years, there have 25 been less intense events as opposed to more. I think</p>

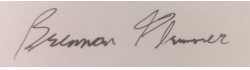
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<p>369</p> <p>1 they basically what I drew is the peak may have been 2 pre-COVID, there was probably a dip in COVID, and then, 3 operationally, they've been trying to lessen some of the 4 impacts over the past few years. 5 Again, it did not surprise us, and we believe 6 was correct, and should be affirmed, that the Board 7 approved them. Those were the two requests. 8 Again, this zoning process is -- zoning process 9 is an important step to get us to completion, which is 10 again been a very long drawn-out process. But it's -- 11 it's not as simple, we concede, as just requesting the 12 Hearing Examiner to affirm, okay. It's a little -- this 13 is more nuanced. And what we're saying is that on three 14 occasions, the Board of Appeals reviewed fundraising 15 events at OBGC. There was dialogue with the Applicant. 16 They -- in my experience at a Board of Appeals work 17 session, the Board asks questions to make sure they 18 understand what's happening before they're gonna 19 administratively approve something. But as I described 20 in opening, that doesn't always get described in the 21 resolutions. 22 HEARING EXAMINER BYRNE: I guess my issue is 23 2019 for sure. I didn't see 2011, it was more about the 24 ball field is what I saw in the resolution. 25 MR. BARR: No, 2011 was just about structures</p>	<p>371</p> <p>1 the Administrative Modification. So when you are 2 referencing three, you're talking 2011, 2019 -- 3 MR. BARR: And '24. 4 HEARING EXAMINER BYRNE: And '24. 5 MR. BARR: Last summer, when the Board of 6 Appeals, probably in this room, is sitting down to 7 review the two requests -- 8 HEARING EXAMINER BYRNE: Um-hum. 9 MR. BARR: -- at least two times previously, the 10 Board had reviewed structures and fundraising events. 11 Now, again, it's not specific, and that is a huge 12 difficulty with this, because I -- I understand that the 13 -- the letters written that say I don't want to put 14 words in mouth, but they can't -- we don't want 15 unlimited, there need to be, you know, param, whatever, 16 whatever the words are. 17 So what -- the question of where we go from 18 here, to me what is sensible and appropriate is to 19 recommend to the Board that yes, we understand why you 20 approved those two things, but at the same time, it 21 makes sense to build into the resolution what -- what 22 you're approving more specifically. And when it comes 23 to the fundraising events, here's what we're talking 24 about. And here's, you know, generally the number of 25 evening, and here's the hours, and go through it. And</p>
<p>370</p> <p>1 and connection with fundraising. 2 HEARING EXAMINER BYRNE: All right. Structures 3 and connection with -- 4 MR. BARR: Yeah. 5 HEARING EXAMINER BYRNE: -- fundraising. Those 6 were the ones that Mr. McLaren talked about in the 7 opening area, right; not the ones that are back in the 8 woods. Those are the -- the -- the -- what the heck. 9 What do you call them. 10 MS. OWENS: Line queues. 11 HEARING EXAMINER BYRNE: The queues, yeah. The 12 queues. So that was -- all right. So 2023 was more the 13 lighting, sorry. So 2011 were the queue covers. 14 MR. BARR: No, 2011 was the haunted house and 15 concessions. And then -- 16 HEARING EXAMINER BYRNE: Hold on -- 17 MR. BARR: -- 2019 -- 18 HEARING EXAMINER BYRNE: Hold on, let me just 19 make sure I have it right. 20 So 2011, one structure would be concession 21 pavilion, one structure will be a shed type structure. 22 Right? And 2019, I have the queues. Right? So we have 23 those two. And then, 2023, was lighting. 24 MR. BARR: Uh-hum. 25 HEARING EXAMINER BYRNE: Right? Then, 2024, was</p>	<p>372</p> <p>1 say to everybody, to OBGC, to Steelhead, to the 2 community, to DPS, because DPS wants to know. I 3 understand their frustration. They had -- they have to 4 go out and try to evaluate and enforce, and they've got 5 a general fundraising approval. 6 So it just it strikes us, Madam Hearing 7 Examiner, that the solution -- the one approach, I'm 8 just -- I don't want to dictate what the Hearing 9 Examiner should do. One approach, which we think makes 10 an awful lot of sense, is to propose these -- I'll just 11 call them reasonable parameters, or operational 12 characteristics, or limitations, or to address the 13 overall community concern that they don't want something 14 unlimited, to address the DPS frustration that they 15 don't have specifics, and then, frankly, to -- to 16 establish the parameters with -- with Steelhead, with 17 us, OBGC. And you know, we're certainly, we have 18 discussed all that today, we tried to go systematically 19 through the reasonable items one thinks to look at when 20 approving anything in land use, and to document that, to 21 have the Board document that in its approval for -- for 22 the zoning approval going forward. It just -- it just 23 we think resolves some of the challenges and 24 difficulties that have been, you know, expressed today. 25 So again, we -- we have taken up a full day of</p>

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<p>373</p> <p>1 your time, we really appreciate the time --</p> <p>2 HEARING EXAMINER BYRNE: The think the weather</p> <p>3 cooperated, which is -- which is good.</p> <p>4 MR. BARR: Yeah. I mean, we are -- we -- this</p> <p>5 is -- the zoning piece of the puzzle is a critical</p> <p>6 piece.</p> <p>7 HEARING EXAMINER BYRNE: Uh-hum.</p> <p>8 MR. BARR: And what is a somewhat complicated</p> <p>9 puzzle that we are trying to assemble. And we are again</p> <p>10 diligently pursuing in good faith as quickly as possible</p> <p>11 all remaining approvals. We absolutely want to continue</p> <p>12 to work on ways to improve. Hence, this is an important</p> <p>13 step. So we thank you. And if there are any questions,</p> <p>14 I'm happy to take them.</p> <p>15 And if you -- I would just add that if you want</p> <p>16 us to submit anything additional, we're happy to do</p> <p>17 that.</p> <p>18 HEARING EXAMINER BYRNE: Okay. Thank you.</p> <p>19 I appreciate everyone being here today. I</p> <p>20 especially appreciate the coordination with the</p> <p>21 Opposition getting all of the documents together to me</p> <p>22 in the format that I needed them. As I said, we are a</p> <p>23 little short-staffed, so that's -- that's all the</p> <p>24 function, and the procedure is on me as well. So that's</p> <p>25 a good thing.</p>	<p>375</p> <p>1 here, for taking the time to so thoroughly go through</p> <p>2 everything.</p> <p>3 MR. BARR: Thank you.</p> <p>4 MS. OWENS: Thank you.</p> <p>5 HEARING EXAMINER BYRNE: And that concludes the</p> <p>6 hearing, and we are off the record. Thank you.</p> <p>7 (Off the record at 4:51 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>374</p> <p>1 But what I will say is we have from this point</p> <p>2 forward, we have ten business days for us to receive a</p> <p>3 copy of the transcript. So once I receive the copy of</p> <p>4 the transcript, it will be closed. I can't think of</p> <p>5 anything at the moment that I need either from the</p> <p>6 Applicant or from the Opposition. If I do think of</p> <p>7 something in the next few days, I will use this same</p> <p>8 email thread that I think has 22 people on it. I think</p> <p>9 I tried to best identify everybody who filed some kind</p> <p>10 of letter in opposition. Mr. Barr thank you for getting</p> <p>11 that mailing list to me. I will be using that when I</p> <p>12 finish my report and recommendation.</p> <p>13 So once the record is closed, I have 30 days to</p> <p>14 produce a report and recommendation that will then go to</p> <p>15 the Board. The board will then take that up at their</p> <p>16 next meeting and make -- they can say whatever they</p> <p>17 want to say, right because, it's just a report and</p> <p>18 recommendation. They can agree with me, they can</p> <p>19 disagree with me, but they have to take some kind of</p> <p>20 action on that report and recommendation.</p> <p>21 So once it's done, and we finalize or we upload</p> <p>22 it on our website, everybody on the email thread will</p> <p>23 get a notification once I have completed that report and</p> <p>24 recommendation.</p> <p>25 But again, I want to thank you all for being</p>	<p>376</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC</p> <p>2 I, Brennan Plummer, the officer</p> <p>3 before whom the foregoing proceedings were</p> <p>4 taken, do hereby certify that any witness(es) in</p> <p>5 the foregoing proceedings were fully sworn;</p> <p>6 that the proceedings were recorded by me and</p> <p>7 thereafter reduced to typewriting by a</p> <p>8 qualified transcriptionist; that said digital</p> <p>9 audio recording of said proceedings are a</p> <p>10 true and accurate record to the best of my</p> <p>11 knowledge, skills, and ability; and that I am</p> <p>12 neither counsel for, related to, nor employed</p> <p>13 by any of the parties to this case and have</p> <p>14 no interest, financial or otherwise, in its</p> <p>15 outcome.</p> <p>16</p> <p>17 </p> <p>18</p> <p>19</p> <p>20 BRENNAN PLUMMER, NOTARY PUBLIC</p> <p>21 FOR THE STATE OF MARYLAND</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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CERTIFICATE OF TRANSCRIBER

I, Jerome E. Harris, do hereby certify that
this transcript was prepared from the digital audio
recording of the foregoing proceeding; that
said transcript is a true and accurate record of
the proceedings to the best of my knowledge, skills,
and ability; and that I am neither counsel for,
related to, nor employed by any of the parties to
the case and have no interest, financial or
otherwise, in its outcome.

Jerome E. Harris

JEROME E. HARRIS, STENOGRAPHER
FEBRUARY 20, 2025

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