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7-16-13 BOS Agenda Item #8, Kniesel's Auto Collision

1 message

Lori Parlin <loriparlin@sbcglobal.net>

Mon, Jul 15, 2013 at 10:27 AM

To: The BOSFOUR <bosfour@edcgov.us>

Cc: bosone@edcgov.us, The BOSTWO <bostwo@edcgov.us>, bosthree@edcgov.us, The BOSFIVE <bosfive@edcgov.us>, edc.cob@edcgov.us, Roger Trout <roger.trout@edcgov.us>

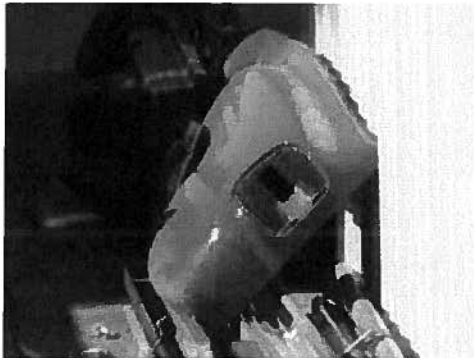
Dear Supervisors,

Please see the attached request regarding the 7-16-13 Consent Calendar item #8. I would like for the item to be pulled off of the Consent Calendar so that it can be discussed and a Revocation Hearing scheduled as soon as possible.

Photos are attached to show that Kniesel's has once again violated the Conditions of their Special Use Permit.

Thank you,

Lori Parlin

6 attachments

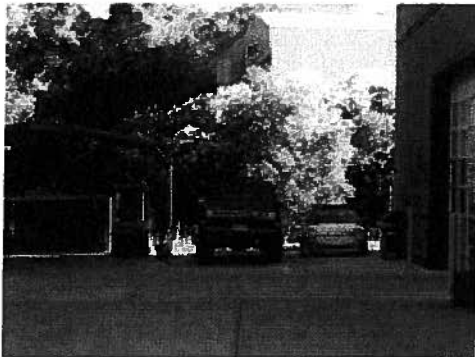
Close up of part 1.JPG
270K



Close up of part 2.JPG
303K



Parts stored outside.JPG
327K



Vehicles parked outside.JPG
403K

 **Kriesel request for SUP hearing.pdf**
50K

 **Kriesel Sounds and Smells log.pdf**
47K

Sam and Lori Parlin
3971 Crosswood Drive
Shingle Springs, CA 95682

July 15, 2013

Chairman Briggs
Board of Supervisors
330 Fair Lane, Building A
Placerville, CA 95667

Re: Board of Supervisors Agenda 7-16-13 Item #8, File #13-0730

Dear Supervisors,

Regarding the Kniesel's Auto Collision Special Use Permit, it was our understanding from the Appeal Hearing on July 29, 2012 that there would be a hearing to determine if the Special Use Permit should be extended. With the above mentioned Consent Calendar item on the agenda regarding Kniesel's Auto Collision, We would like to request that you have a hearing to determine whether the Special Use Permit should be extended prior to your approval of Item #8.

Kniesel's Auto Collision has not been a good neighbor since the day of their Open House on April 19, 2012, and have created a negative impact on our family's well being and quality of life. We have had to keep a log of instances when and where their paint fumes have polluted our property, of when and where the noise has been intolerable, and when and whom we've talked to about each incident. This is not how a family should have to live their lives, constantly documenting the nuisances caused by their neighbor. And all of those phone calls and emails have not resulted in action to alleviate the stresses that this has caused our family.

Additionally, we have submitted instances of when the Kniesel's have violated their Conditions of Approval and that has also resulted in no action against them.

Please know that the Board of Supervisors denied the Special Use Permit for the Kniesel's Auto Collision on January 29, 2008, but on August 3, 2009 was ordered by the El Dorado County Superior Court to re-hear the proceedings. When the Special Use Permit was heard again on September 15, 2009, the Board unanimously approved the Special Use Permit without explanation as to what had changed from one hearing to the next.

We appreciate your consideration of our request for a hearing to determine if the Special Use Permit for Kniesel's Auto Collision can be terminated to restore the well being and quality of life to our family.

Sam and Lori Parlin

cc: Clerk of the Board, Roger Trout, Supervisors Mikulaco, Veerkamp, Nutting, and Santiago

Attachment: Log of noises, smells, and communications regarding Kniesel's Auto Collision Center

Kniesel's sounds/smells

Observed by Lori Parlin, 3971 Crosswood Drive, Shingle Springs

4/19/12 Thursday – Open House – Called EDSO and had someone come out and talk to the owners because they had an outside band that was louder than necessary for their event. Turns out they had placed the band directly near our shared wall. They did quiet down after the Sheriff's Deputy stopped by, but then got loud again about 1:30 until the end of their event at 2:00 pm

4/22/12 Sunday, midmorning – Heard lots of banging from the bay door area on west side of building. While out doing yardwork noticed a wrecked car in the side yard that had not been there earlier. Was busy with yardwork, so didn't get a photo, but it was a Toyota SUV or truck, nice red, with smashed-in windshield. It was gone on Monday morning.

5/7/12 Monday, midmorning – Lynn(sister) heard very loud noises from east side of building, but mistakenly thought it was coming from nearby car dealership because there was a large truck delivering cars at the same time. A little bit later, I was talking to her about it and we both heard the loud sound again. I peeked over wall to see where the noise was coming from and saw that Kniesel's had a small door on the west side of building open and the noise was coming from it. It stopped after about 5 minutes.

5/11/12 Friday, approx 8:30am – Came back from walking dog and noticed bay door open. As I approached my front door a loud machine noise came blasting from that side of building. Sounded like the machine that puts the lug nuts on tires. Lasted about 2 minutes.

5/11/12 Friday, approx 11:30am – Out in back yard pulling weeds and smelled solvent/paint smells wafting into yard. Came and went, not sure of origin, but suspect Kniesel's since we've not smelled that before.

5/14/12 Monday 2:00pm – Went outside to garden in backyard and smelled a 'nail polish' type of smell within minutes of going outside.

5/14/12 Monday 3:25pm – Loud bang, like and metal door banging or being dropped. Daughter heard it too.

5/15/12 Tuesday 8:20 am – Booming banging sounds and then whirring sounds, maybe a vehicle dropped off and the tow truck motors. Very loud and alarming at first.

5/17/12 Thursday 11:20am – Loud metallic bang, like a large piece of cyclone fencing.

5/17/12 Thursday 9pm – Coming home from awards banquet at Ponderosa High School, side gate open, car in side yard, lights on inside. Long past closing time.

5/18/12 Friday approx 8am – Returning home from walking dog and a car sped past me on Wild Chaparral, it turned around at the cul de sac and then raced down Wild Chaparral and turned into Kniesel's lot and parked. Silver with a spoiler.

5/19/12 Saturday approx 8am – Cars in side yard and bay door open. Saturday?

5/21/12 Monday approx 8am – Returning home from walking dog on Wild Chaparral and saw a car whip onto Crosswood Drive, pull a u-turn and then whip back onto Wild Chaparral and into Kniesel's driveway.

5/22/12 Tuesday approx 8:00-9:00am – Loud vacuum sound went on for about an hour while I was outside gardening. Annoying!

5/22/12 Tuesday 3:20pm – Heard someone shout a loud whoop and then a few minutes later a huge crashing sound, like a car being dropped from a rooftop. My sister heard it from inside with windows closed and swamp cooler running. As bay door closed, we smelled something like nail polish. Shortly after that there was a lot of loud banging.

5/29/12 Tuesday midmorning – Heard beeping of a truck backing up and saw an Aramark van backing up out of my neighbor's driveway. Appears that the driver missed the Kniesel driveway and turned around in my neighbor's driveway.

5/29/12 Tuesday approx noon - While picking cherries sounds like a loud vacuum and beeping (truck backing up?) for long periods of time.

5/30/12 Wednesday 5:13am – Loud crashing, banging sounds. Car being dropped off???

5/30/12 Wednesday afternoon – Long periods of whirring machine sounds while planting roses. One whiff of nail polish smell.

6/1/12 Friday approx 10am – Bay door open, ratchet sounds, buffing cars outside on patio, cleaner smells. Called Sheriff at 10:30am. Call back from Deputy that EDC does not have a noise ordinance. He walked through business and said that not excessively noisy. Ratchet work inside near back of building, bay door open, wiping down parts on patio. Suggested civil court action if we want to pursue.

6/7/12 Thursday approx 12:30pm – Went out to pick cherries with my daughter and immediately heard loud engine noises, like someone revving a hotrod. About 2 minutes.

6/7/12 Thursday approx 1:30pm – Got wafts of paint smells. Had daughter and niece come outside and wait a bit and they too smelled it. We debated whether it smelled like nail polish or nail polish remover, but it was definitely paint smells. Came and went with the wind.

6/7/12 Thursday approx 1:45pm – Loud ratchet sounds for several minutes.

6/7/12 Thursday 2:00pm – Called and reported smells to Dave Johnston at Air Quality Management, also emailed my log to him. He called back and said he would have Levi go out and visit the facility. Dave explained that paint booth ventilation systems remove particulate matter from the paint exhaust, but cannot remove fumes. I told him I was angry about that because we had been assured by Tom and Erin Kniesel at a meeting years ago that their businesses are good neighbors and that we would not notice that they were even there because they do all of their work inside. He said there was nothing he could do about the paint smells or sounds.

6/8/2012 Friday 2:54pm – Levi from Air Quality called to let me know that he drove around the neighborhood on Thursday and did not smell any paint or other smells. He said that he stopped by Kniesel's and talked to the General Manager and everything looked in order, although they were not painting while he was there. He let me know that the paint booths do emit odors, but are designed so that no particulate matter escapes. I explained to Levi that I was not happy that the Kniesels never explained to us that we would be smelling paint fumes from their business.

6/12/2012 Tuesday 6:05pm – Driving home from grocery store and noticed that side gate was still open, several cars and people still there, and side door still open. Wondered how long they would be there into the evening.

6/13/2012 Wednesday midmorning – Lots of truck beeping. Looked over and saw that it was the garbage truck taking their large garbage bins and because of the bin location the truck had to maneuver and back up a lot, which makes it beep, which is followed by the crashing sounds of the large bin.

6/21/2012 Thursday 8:50am – Went out to hang laundry and odor (painty soap smell) permeated front yard, everywhere I walked around in my yard.

6/21/2012 Thursday 8:50am – While looking for source of smell, noticed that a car part is still lying against trash cans in west side yard (BART car door) and has been there for days.

6/29/2012 Thursday 11am to 1pm – Loud machine sounds from west side yard. We have short video of the noise.

6/30/2012 Friday 1:30pm – Out in front yard trimming sage in garden and paint fumes drifted into the yard. Couldn't smell sage!

7/3/2012 Tuesday 4:17am – Loud banging/crashing sounds.

7/3/2012 Tuesday 2:40pm – Strong blast of paint fumes while sweeping patio in backyard.

7/13/2012 Friday 1:00pm – Lynn smelled burning wire type of smell.

7/27/2012 Friday 9:10am – I smelled paint fumes while out in front yard. When I turned around to look at building to see if the air vent was operating I was hit with a thick blast of paint fumes. It was so thick I could almost taste the paint.

8/6/2012 Monday 9:35am – I was in the living room and smelled paint fumes. The screen doors were open because it was a nice, cool morning. I went out into the front yard and confirmed that paint fumes were coming onto property.

8/6/2012 Monday 2:28 pm – My daughter and I were cleaning our garage and got a whiff of paint fumes. Went out into front yard and confirmed that paint fumes were coming onto property from Kniesel's.

8/21/2012 Tuesday 11:20 am – My daughter and I were out hanging clothes to dry (north side of house) and got a whiff of paint fumes. Went to front of house and confirmed that paint fumes were coming onto property from Kniesel's.

8/30/2012 Thursday, morning – While heading home on Wild Chaparral from walking dog, witnessed a car pull a U-turn on Crosswood Drive and then pull into Kniesel's driveway.

8/30/2012 Thursday, late afternoon – A guest stopped by to pick up some documents and while we were talking in front driveway we got strong whiffs of paint fumes. She described it as acetone, like nail polish remover.

9/7/2012 Friday, 1:55pm – Out in backyard on a beautiful, breezy afternoon and got hit with paint fumes.

9/11/2012 Tuesday, approx 10am – Taking clothes down off clothesline and got blasted by paint fumes. Went inside to get phone and AQMD business card. Fumes were fainter when I got back outside with phone. The fumes dissipated within moments.

9/18/2012 Tuesday, 11:13am – Out in backyard, taking down shade pop-up, and got hit with fumes. Fumes lasted about 1 minute, while I went inside and got phone and smelled end of it when I got back outside. Called AQMD and Molly Johnson came out to investigate.

9/26/2012 Wednesday, 10:32am – Approached kitchen sink to wash strawberries and noticed faint smell at kitchen window, so I went outside to verify and was met with paint fumes at my front door and all along front walkway. Came inside to get phone and call AQMD. Smell had dissipated by the time I went back out after phone call.

9/27/2012 Thursday evening – Emailed this feedback to county on 10/1/2012 regarding Annual Car Bash event on 9/27/2012: I would ask that you discourage these types of events

in such close proximity to residences. The noise and smells from this type of event cannot be contained on a property and are a nuisance to the neighbors.

It helped that the band was inside the building, but every time we ventured out into our yard it sounded like we were in the parking lot of a night club with the loud bass thumping. The most surprising nuisance was the revving of the engines, the squealing tires, and the fuel fumes that drifted into our house. I just didn't expect that kind of noise and smells from the event; it was almost like being at the racetrack.

10/31/12 Wednesday approx 3:45pm – Happy Halloween! Out blowing leaves off the driveway and was blasted by 2 consecutive hits of paint fumes. On west front side of driveway, near cedar tree. Went inside and called AQMD and was told that Molly is no longer there and Levi was out for the day. I was transferred to Candis, who took the report and said that she would have Levi call me tomorrow.

11/5/12 Monday 11:33am – I called AQMD and spoke to Candis to report that I just got back inside the house from retrieving our emptied trash can from the curb. I was blasted by paint fumes as I went outside to get the trash can and by the time I went down to the curb and came back the paint fumes had subsided to a faint lingering near the entry into the front door.

11/6/12 Tuesday approx 1:30pm – While doing yardwork in backyard heard generator-type noise from Kniesel's. I finished up what I was doing and went out front to see what was going on. By the time I got there, about 15 minutes later, the noise had stopped. When I left the house later in the day I saw a power washer sitting in front of the building. Fortunately that appears to be a one-time use, not a regular part of business.

11/13/12 Tuesday approx 3:55am – Woken up by the banging of the trash bins being picked up on trash collection day. Last week I saw the truck around 8:00am and hoped that would become the regular pickup time. It's a bummer being woken up once a week at 4:00am.

11/15/12 Thursday 11:25am – Called California Air Resource Board's hotline and explained situation and asked for a return call. I am really concerned about the increase in paint fumes when the Kniesel's business increases.

11/15/12 Thursday 11:55am – Ed Virgin 916-322-5866 from CARB returned my call and he said he would contact AQMD and get back to me with what he finds.

11/19/12 Monday 3:10pm – Spoke to Ed at CARB about his findings. He talked to Levi at AQMD and Levi reported that he has been to Kniesel's and been on the roof while they painted and was unable to detect any paint fume smells. Ed explained that they have to be able to verify the complaint before any action can be taken. I told him I was disappointed because it is going to be difficult to verify the smell since it is random and depends on the weather. However, I have witnesses that have smelled it.

11/20/12 Tuesday 10:42am – I went into front yard to retrieve a wind chime for repair and was hit by paint fumes in the blustery weather. I went inside and had my son Jeremy come out and verify the smell. He said he at first smelled nail polish and then something like WD40, and then it dissipated. I went inside and called AQMD to report it. Left the details in a message on Candis Thomas' voicemail.

12/28/2012 Friday 12:30pm – I was outside blowing leaves off the driveway and walked through an odor of paints fumes near shed. I ran in and got my sons and had them stand in driveway. Within a few minutes Jordan said he got hit by fumes – it was like having 3 paint spray cans shoved up his nose at the same time and it lasted about 3-5 seconds. Then Jeremy smelled it on a much smaller scale. I came inside and called Levi at AQMD and he said he would be over in about half an hour. I went back outside and continued clearing the driveway, and got blasted by fumes again. When Levi arrived we talked in the driveway (but never smelled fumes) and he explained that the fumes must be verified by a County employee and that so far the frequency is not enough for AQMD to consider it a nuisance, even though it is to us.

1/5/2013 Saturday 12:40pm – Sam came inside and said he smelled paint fumes (center driveway by front walkway) and that our niece was also outside and smelled them (on old oak stump). Sam called and talked to manager Terry and reported the fumes. My sister was also out on the driveway and told me she smelled the fumes for the first time. Sam stayed out in the yard until the fumes dissipated, which took more than 20 minutes, and then called back to find out what product/process was being used. It was clear coat. Terry said they were catching up on some back work because they had had a problem with their fan system. Emailed to: Levi Ford, AQMD

1/18/2013 Friday 12:08pm – Daughter came in backyard sliding door and said she smelled paint fumes. I went out and confirmed. I was on the phone, so I had her call over and talk to manager. Manager said that it was lunch time and that nobody was painting. We looked out front and the vent was running. Very concerned why we would smell paint fumes when nobody is painting. Residual?

2/7/13 Thursday 4:28pm – Members of the Ponderosa High School Color Guard were in our front yard practicing a routine and were hit by very strong, offensive fumes. I called over to Kniesel's to find out what process they were performing, but nobody picked up and the call went to voicemail. I did not leave a message because I am supposed to find out what is going on at the time we smell the fumes. The students asked me how dangerous the fumes were and I told them I didn't know.

3/25/13 Monday midday and afternoon - Went outside and heard a loud sound, wondered if it was a generator. Went over to gravel driveway near Kniesel's to see what was going on and saw a power washer being used on a dirt bike. The person stopped when they saw me. Heard the same sound again later in the afternoon.

3/26/13 Tuesday approx 3:55pm - Neighbor Dave Koupal stopped by and on the way to my front door we smelled fumes.

4/7/13 Sunday - I emailed Roger Trout and asked what we could do about the fumes.

4/23/13 Tuesday - I received an email from Roger Trout that he hasn't forgot about Kniesel's and is looking into what can be done. Email attached.

5/11/2013 Saturday 12:17pm - Lynn captured video at the end of a really loud motor noise that when on for about 5 minutes.

6/10/13 Monday 2:30pm - Beautiful, windy day and I smelled fumes while hanging up laundry.

6/10/13 Monday 2:52pm - Working in garden and smelled fumes again. Sam called and verified that they were base coating. They said they would stop.

6/10/13 Monday a little bit later - Smelled it again while cutting oregano and mint in the garden. Very sad, I should be smelling herbs not paint fumes while in my garden.

6/11/2013 Thursday 12:15pm - Out in back yard pulling weeds from the flower bed and paint fumes hit me. Asked kids to come out and verify and Jeremy smelled them right outside our sliding glass door off the living room. I called Dave at Kniesel's and he verified that they were painting base coat 10 minutes prior to our phone call, which coincides with our phone call timing.

7/2/2013 Tuesday 4:40pm - Smelled fumes at kitchen sink by swamp cooler, went outside and confirmed the smell and that the vent is going. Called Dave to find out if they are painting and they were painting a small piece inside the booth.

7/5/2013 Friday morning - I spoke to Roger Trout after the morning Regulatory Reform meeting about Kniesel's and how frustrated I was that the County was doing nothing to stop the fumes and noise from coming onto our property. Roger said he had heard that Kniesel's were considering a new carbon filter for the paint exhaust and would contact AQMD to check on the status of that. As of 7/15/2013 I have not heard back.

7/10/13 Wednesday 5:55pm - Lynn called over to ask them to stop revving loud engines and was told that they were fixing something. She asked them to take it inside and was told that they were inside. She then asked them close the door and was told it was closed. Lynn asked receptionist to go over and check the door and it stopped.

Note: Truck beeping happens often (tow trucks and delivery trucks) and I have only documented the longer, more annoying instances. Update: beeping has finally decreased after a few months. However, it could increase again as business increases.

Note: Car alarms go off frequently now. Too often to keep in log. Update: alarms have decreased after a few months. However, it could increase again as business increases.

From: Roger Trout
To: Lori Parlin
Cc: The BOSFOUR; Joel Ellinwood
Subject: Re: Special Use Permit for Kniesel's Auto Collision
Date: Tuesday, April 23, 2013 6:47:34 AM

Lori,

It has been a few weeks and this email is just to let you know I have not forgotten the issue. I have had staff review our files, our options, and I am going to talk to AQMD to get a better understanding of their role and authority.

I have limited authority once a Special Use Permit is approved. Short of AQMD having separate regulatory authority to control the emissions, my role could be to schedule a public hearing before the Planning Commission so that they could consider whether to actually hold a formal revocation hearing.

I am not convinced that step is necessary at this time, but I plan to continue reviewing the issue for the next couple weeks.

On Sun, Apr 7, 2013 at 10:56 PM, Lori Parlin <loriparlin@sbcglobal.net> wrote:
Dear Mr. Trout,

Please follow up on the Kniesel's Auto Collision Center's Special Use Permit and see what can be done about the fumes that leave their property and spew onto my family's property, negatively impacting me and my family. I am very concerned as the weather warms up and we will be spending more time outside that we will be exposed to these fumes more often than during wintry weather months. I am even more concerned that the paint fumes will increase as their business increases.

Please look at pages 6-7 of the Environmental Checklist/Discussion of Impacts, III Air Quality, d-e), which is included in the attached Staff Report. This section states "The El Dorado County Air Quality Management District has stated that they have not received many complaints concerning odors emitting from auto body shops in the county, therefore the threshold of significance has not been exceeded; however there is the future potential since the proposed use is directly adjacent to residential uses. Any complaints generated from this new use would be handled by the AQMD." I have contacted AQMD many times and they are unable to do anything about the noxious fumes. I contacted the State Air Quality Board and all they did was call AQMD on my behalf, which was ineffective.

Please see Exhibit J, a letter dated 5/25/07 from David W Koupal Sr. Mr. Koupal points out that he had visited one of the Kniesel's other locations and had smelled paint fumes while on site. Yet the Environmental Checklist states Less Than Significant Impact for Air Quality. How can that be? Mr. Koupal pointed out that this would be a problem when the Shingle Springs location opened, so why wasn't that noted in the Environmental Checklist?

Please read page 14 of the attached Environmental Checklist where it states in the Discussion: A substantial adverse effect on Land Use would occur if the implementation of the project would: Result in a use substantially incompatible with the existing surrounding land uses. Also note in this same Discussion "b) The proposed project is consistent with the specific, fundamental, and mandatory land use development goals, objectives, and policies of the 2004 General Plan..."

As clearly defined in General Plan Policy 2.2.5.18, an incompatible land use is commercial adjacent to residential, and "Standards in the form of setbacks and other requirements shall be added to the Zoning Ordinance to buffer incompatible uses (e.g., commercial adjacent to residential)." The Conditions of the Special Use Permit did not include any setbacks or requirements to buffer the incompatible uses.

I am copying Supervisor Briggs on this because he advised me to contact you directly for guidance on resolving the issues regarding this Special Use Permit. I am also copying attorney Joel Ellinwood as a heads up that I may be contacting him shortly for what my legal avenues are for resolving this issue with the County.

Thank you,

Lori Parlin

530-672-6425

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Roger Trout, Division Manager
Development Services Division
Community Development Agency
El Dorado County
(530) 621-5369

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