

July 9, 2024

RE: 3-A-24-OB - Proposed Regulations for Trail Riding Facility

Dear Planning Commissioners and staff,

A motorized trail riding facility brings in equipment that is often noisy - the applicant even states that vehicles such as Polaris, Honda, etc. produce machines with a 95 to 105 dB rating for exhaust.

The proposed regulations apply to ALL agriculturally zoned property in Knox County, not just the subject property. By making this a Use on Review, this becomes a use that any owner agricultural-zoned land of more than 100 acres can apply for.

The proposed locational and area regulations for trail riding facilities do not contain any regulations related to noise. Instead it must rely on the Knox County Noise Ordinance (Sections 1201 - 1206 of the amended 2018 International Property Maintenance Code, described in Chapter 10, Article V, Sec 10-92 of the Knox County Codes)

For residential uses, the noise ordinance allows sound with an A-weighted sound pressure level of 65 dB(A) or impulsive sound which has an A-weighted sound pressure level of 80 dB(A) during hours the motorized trail riding would be allowed to operate.

For commercial uses, the noise ordinance allows sound with an A-weighted sound pressure level of 80 dB(A) or impulsive sound which has an A-weighted sound pressure level of 80 dB(A) during hours the motorized trail riding would be allowed to operate.

The regulations do not declare if trail riding facilities are considered residential uses or commercial uses. My reading of the noise ordinance definitions is that the trail riding facility could be interpreted to be a commercial use. The type of use should be clearly called out in the proposed regulations so that we know which section of the noise ordinance applies.

The Knox County Noise ordinance is quite permissive in the noise levels it allows to emanate. I just used a noise meter app on my phone to get some idea. I live on Murphy Rd, a busy road with a nearly constant stream of traffic in the afternoon. I stood in my driveway approximately 100 ft from the edge of pavement. Passing cars registered approximately 65 dB, and ones with loud exhaust measured higher. When I stood a few feet away from the edge of pavement, passing cars measured around 72-75 dB. Loud exhaust measured much higher - 79 dB to about 85 dB.

Allowing these levels of noise at the property boundary of a trail riding facility is injurious to neighboring property - whether it be residences, an agricultural operation engaged in farming.

Approving uses on review with these levels would permanently alter the desirability of that neighboring property.

Imagine you have a 100+ acre tract, next to another 100+ acre tract. You enjoy quite, rural sound levels - well, except for the occasions when your neighbor mows hay, but that's OK because you and your neighbor help each other mow hay. You value the tranquility of the area, and enjoy outdoor noise levels as low as 40 dB. Then the neighboring property sells, and a trail riding facility goes in. It's allowed up to 80 dB according to the noise ordinance for Commercial uses at your property line. 80 dB is 10,000 times louder than 40 dB (logarithmic scale). That is an enormous change to adjacent property.

I believe we should allow much lower levels of noise to trespass at the property line of trail riding facilities. 65 dB is what a well-traveled suburban 2-lane road sounds like just 100 feet away; I don't think anybody would be excited if the boundary of their property suddenly sounded like a busy suburban road was 100 feet away from it. We should have **lower noise levels allowed at the property line, perhaps 50 dB.**

Finally, the regulations do not place any burden on the operator to monitor and enforce noise levels. Instead, the burden is placed on the neighboring property owners. A neighboring property owner who is bothered by the noise has two recourses: 1) file a complaint (to the county zoning, or to the sheriff? unclear) or to hire an attorney and file a nuisance suit. For #1 - the county will take on additional burden with investigating, monitoring, and enforcing it - if the county is even willing to do so. For #2 - the property owner has to take on the cost of hiring an attorney, experts to testify, and to monitor and prove it is being violated.

The regulations should place specific requirements for monitoring and reporting on the operator of a trail riding facility.

I have significant concerns about the lack of noise regulations, and I ask you to postpone this action and have staff provide noise regulations that would make approved uses more compatible.

Sincerely,

Kevin Murphy

Decibal Scale (dB)

