

## Noise, dust prompt lawsuit

### French Camp residents sue neighbor over motorbike use

By Abbie Dutcher, Record Staff Writer, October 8, 2003

FRENCH CAMP -- Several French Camp residents are in a dustup over neighbors using their property as an off-road track for motorcycles and other vehicles.

Amy Court resident Craig Stevenson and two other families say neighbors Larry and Debbie Titsworth and their family kick up dust and noise every time they ride their vehicles in a field at their Priest Road residence. The dust is so bad, it's impossible for them to enjoy their own homes, they contend.

"We would have people over, and they (the Titsworths) would be out riding their motorcycles, kicking up so much dirt and dust," said Stevenson, whose 21½-acre property abuts the Titsworths' 5-acre lot.

"It got to the point we couldn't take it anymore."

The Titsworths responded they have never had any problems with their neighbors and are upset about the legal action.

On Thursday, Stevenson and his neighbors filed a lawsuit in San Joaquin County Superior Court in Stockton. They seek an injunction to ban the Titsworths from operating any motor vehicle, including motorbikes and all-terrain vehicles, at the Priest Road site except for normal entry and exit on paved driveways or paved public streets.

The lawsuit also seeks unspecified damages and attorneys' costs. No court date has been set to hear the case.

Debbie Titsworth said her family has lived on the property for 30 years and has been riding motorcycles and other vehicles in their field for more than 15 years. She said they have never had any complaints or problems with their neighbors.

But things changed last year, when a fence was moved to conform with property lines, she said. Titsworth said Craig Stevenson became upset and began **complaining about the dust to county officials as well as the San Joaquin Valley Air Pollution Control District.**

Their property is in an agricultural zone, and they have been told they are not breaking any laws. Titsworth said the dispute is very upsetting to her family.

"This is a vendetta," she said. "This is all over a property line."

Last month, the Titsworths sought a temporary restraining order against Stevenson for allegedly harassing family members, taking flash photographs and videotaping their children riding the motorized bikes.

The order was dropped Monday and consolidated with the civil case. Titsworth said her family was notified of the lawsuit via the mail Saturday and intend to file a formal response.

The complaint contends the family, for months, has been using its property "in an unreasonable, unwarrantable and unlawful manner" and is causing a public nuisance.

The plaintiffs, who also include Susan Stevenson, Jeanne Germain, and Javier and Lori Navarro, contend the dust and noise are injuring their health, interfering with their ability to use and enjoy their own homes and hurting their property values.

Germain, whose property adjoins the Titsworths', sent the family a letter in August and in September, asking them to stop but to no avail, the complaint said.

"The end result is the legitimate abatement efforts by my client and other neighbors were, shall we say, laughed at," said Freeman D. Lane, a Stockton attorney who is handling the lawsuit for the plaintiffs. "Our litigation was defensive."

## Housing projects go before council

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Two northeast Bakersfield housing projects that have been targeted by Sierra Club protests go before the Bakersfield City Council tonight.

Both have been approved by the Bakersfield Planning Commission and both have been appealed to the council.

But chances are good that the Sierra Club **concerns about the air pollution** and traffic the homes will generate -- concerns that have led to battles over three other nearby projects as well -- won't be resolved tonight.

The developers of both projects have asked for more time to try and negotiate a compromise with the Sierra Club.

The River's Edge project near Cattle King Estates and Lake Ming is being developed by Sage Community Group of Newport Beach.

The Sierra Club has already filed a lawsuit over a city-approved Sage project southwest of the intersection of Highway 178 and Miramonte Drive.

Dave Dmohowski, the local representative for Sage, said the company has asked the council to delay a decision on the River's Edge project so a settlement can be resolved at the same time.

Developers of the other project, a 173-home development west of Morning Drive and south of Paladino Drive, are also in talks with the Sierra Club.

They, like Sage, have asked the city to postpone council action on the project until a deal with the Sierra Club is reached.

Council members will also discuss the two final candidates to replace City Attorney Bart Thiltgen when he retires at the end of October.

In the past two weeks, the council has whittled a field of eight candidates down to two, said Vice Mayor David Couch.

He wouldn't reveal the identities of the two finalists, but said both were quality candidates that the city was fortunate to be able to consider.

The council will talk about the candidates, whom they interviewed on Oct. 1, during a private session, before the main meeting at 7 p.m.

It is not certain that they will make a selection tonight.

Tonight's council meeting will be held at 7 p.m. at Bakersfield City Hall, 1501 Truxtun Ave.

## Children With Asthma Suffer Even When Air Is 'Good,' Study Finds

From Reuters, published in the Los Angeles Times on October 8, 2003

WASHINGTON — Children with severe asthma start suffering from symptoms even at what are now considered to be acceptable levels of air pollution, U.S. researchers reported Tuesday.

Ozone, created by traffic, industry and oil refining, among other processes, is the prime offender, the researchers write in this week's issue of the Journal of the American Medical Assn.

A study of 271 children with asthma living in Connecticut and Massachusetts showed those with

the worst asthma started to suffer from shortness of breath, coughing and chest tightness at "good" air quality levels, as designated by the Environmental Protection Agency.

"It should be of concern to parents of children with active asthma," said Janneane Gent, an epidemiologist at Yale University who led the study.

Her team followed the 271 asthmatic children, all younger than 12, over the summer of 2001. It was a moderate year for air pollution in the region, she said in a telephone interview.

Yet on at least half the days, the children with severe asthma — defined as needing daily use of medication such as pills or an inhaler — suffered increased symptoms. These days were linked with higher ozone levels.

"Studies of children with asthma living in regions with levels of pollution within or near compliance with EPA air quality standards [120 parts per billion over a one-hour average for ozone] significantly enhances the risk of respiratory symptoms, asthma medication use and reduced lung function," they wrote.

"An ozone concentration of 63.3 ppb or higher, measured as the maximum eight-hour average on the same day as the reported symptom, was associated with a 30% increase in chest tightness."

If ozone levels reached a level of 52 ppb on the day before, more children reported a tight feeling in the chest, coughing and trouble breathing.

"We found an immediate, same-day effect of ozone on wheeze, chest tightness and shortness of breath," they wrote.

Gent said that on half the days that summer, the ozone levels were above 55 parts per billion.

"When the air quality index says that the air is good, that means levels of ozone in the air are anywhere between 0 and 60 parts per billion," she said.

"When it is 'moderate' it is between 60 and 120 parts per billion. It really is at that point that parents of asthmatic children would be well advised to keep their children indoors and make sure they have a low level of activity."

Gent said she was not in a position to advise the EPA to tighten pollution standards, but added, "We've provided some more information that those who are in the business of setting policy can refer to."