

IS PUBLIC SAFETY FOR SALE?

After 9 years of developing, building and operating the Leland Fly Fishing Ranch, without ever securing permits first denied in 2006, Josh Frazier faces Sonoma County in severe need of forgiveness and permit approvals for a design plan still including serious public safety hazards!



County's Public UN-Noticed Hearing:

The long-overdue public hearing on Leland Fly Fishing Ranch's building without permits including for their notorious ponds, is now set for Thursday, September 19, 2013. It will be held at Permit and Resource Management Department (PRMD) at 1:30 pm. Notably, PRMD's Notice of Public Hearing specifically states ***"the request does not include outdoor fly fishing instruction, the use of the ponds on the property for fly fishing purposes or any special events."*** Seriously? Leland Fly Fishing Ranch claims they don't want ponds for fishing? Don't want outdoor fly fishing instruction? **The already fraudulently-built "ministerial FARM pond", aka controversial fly fishing ponds, presenting a substantial public-safety danger for pilots and passengers using Sonoma Valley Airport, as well as to Leland's guests, are not on the agenda for public comment? After five years of claiming the ponds were ONLY for fly fishing, now they say they are a "landscape feature"? Again, I say: Really?**

Astounded by what I was reading, I emailed

Karin Theriault at PRMD, Leland Fly Fishing's planner at PRMD, and asked "why not?" Ms. Theriault's emailed response informed me that PRMD and the Fraziers have arranged?-settled on?- agreed? to label the **almost 4 acres of fresh-water filled, trout-stocked fishing ponds, and the connecting stream (originally built ONLY for fly fishing purposes), as a "landscape feature."** Yes, a "landscape feature", which implies it is just an uncontested natural part of the overall project-----like, say — **a tree!**

I was bemused by Ms. Theriault's transparent response. Can she really think re-labeling a fishing pond, having explicitly and repeatedly been defined as created for fly fishing purposes, located mere feet (200+), but a stone's throw from SVA's active runway, will convince anyone the pond is safe? Whether fishing pond, wishing-well or "landscape feature", no label is going to keep a spinning propeller from maiming or killing someone if an accident were to happen. Leland's man-excavated-hole-with-water is designed with walking paths around it, docks and boats, adjacent picnic tables, and is an inviting, attractive gathering

place for Leland guests. **It's like a bar-b-que picnic setting located on the center median of a freeway!**

Runway Protection Zones – small but critical area. Friends, the issue here was/is/will be **public safety**. We need to prevent assemblies of persons at Leland's pond area that may, at some time, have an airplane impact it. This is exactly why there are defined runway protection zones (RPZ) around **every runway across America**. They are not areas where you allow birthday parties, kids fishing camps or ice cream parlors to congregate.

Like a crosswalk, rather than darting across busy streets where cars don't expect a pedestrian to be, by tragic lessons learned, these zones have been proven necessary. It is a small inconvenience to undertake, considering the potential danger. Apparently, PRMD doesn't choose to listen to their own Airport Land Use Commissioners (ALUC). At past ALUC meetings, it was determined the location of Leland's existing, now over five years without a permit, well-water-filled "landscape feature", already stocked with juicy trout, creates and/or exacerbates the wildlife and bird attractant risk, very near the end of Sonoma Valley Airport's runway 17/35. This illegal pond, however labeled, is a safety hazard, an incompatible land use, and an avoidable risk. It should be filled in. Filled in!

Prior to building, years ago, Josh Frazier was apprised of this potential compromise of public-safety from FAA advisory circulars, Caltrans Division of Aeronautics (two letters) the USDA and, well.... common sense. Why

not design your project to keep well away from any airport's 67 year old runway? Why not now step back, reduce the large, man-made pond in size, and move it 500-1000 feet back from the runway, plant a hedge across the back of your property, with a danger sign or two, to keep people from wandering off the ranch onto active runways, which Leland fly fishing events guests have already done, numerous times. That would cost less than the huge attorney's bills Leland has been paying for years and is causing the airport to defend themselves from – well, idiocy, in my opinion. Resubmit new plans to PRMD for permit approval. I've pondered this for several years, and I can't conjure one good reason why not. Can you? Of course, the old "I-want-what-I-want-when-I-want-it" temper tantrums come to mind. We've seen quite a few of those. Maybe at the BZA hearing Mr. Frazier will answer that simple question.

Information the ALUC uses in writing the Sonoma County policy handbook comes directly from experts in keeping the public safe in the air and on the ground around airports: the FAA and the State of California's California Airport Land Use Compatibility handbook. Safety is the priority. Period. Why isn't it for PRMD and Leland? Did Frazier seek personal financial gain over public safety? Moving the pond as suggested above might accomplish both.

Wine Country: Ok, some people will say, "The airport has a pond so why can't Leland?" This has often been explained, and I will explain it again here. Many rules result from some kind of tragedy. Automobiles originally had no seatbelts. Even in a small car fender-bender, people got hurt, so first came the lap belt, later came a shoulder harness and airbags. Safety is why many rules and much equipment exist, and all rules have a **start date**. A classic car is grandfathered in, as is the old SVA pond built 30 years ago, which, by the way, has a permit. There are rules for everyone's property. It's not



Without future pilots, who will fly YOUR kids to places they dream of visiting??

considered "taking" of property when a County requires setbacks from the curb, neighboring property or structures. Imagine if skyscrapers were allowed near SFO. Every time you take a flight you hope the pilot has a good rate of climb to avoid collision with a tall building? The old pond at the Sonoma Valley Airport is not a "landscape feature" of no impact. While it might serve as fire suppression for the entire corridor and beyond, should Cal Fire or Schellvista need it, **the airport owners would love to fill it in**, but, the land the airport pond is on, the same land the Leland pond is on, is zoned FEMA protected, 100 year flood plain. No fill allowed. So, Chris Prevost can't break the law as Mr. Frazier has, and drain the 10 acres of water into the surrounding property owners' lands, and then import fill without County permission. Perhaps, if Leland prevails in obtaining permits for all the buildings and improvements Frazier has constructed without permits, the airport should then be able to claim a "Leland Exemption", and drain their pond, fill it in, build more hangars on the new acreage, and pay

\$54k in fines for "oops sorry,-- my bad." But to continue the explanation of airport pond v. Leland pond, the airport pond is brackish flood-water filled, not fresh, and the public is not allowed to congregate on it. Raptors, birds of prey, cannot see fish in the pond and swoop down for a meal of "imported trout."

Common sense should be kickin' in about now for those thinking this was just an aviation v. fly fishing dispute. Far from it!

WHAT FRAZIER SAYS v. WHAT FRAZIER DOES

One Sunday morning in August 2011, a Sonoma County ALUC member showed up at Sonoma Valley Airport and sat us down to acquaint us with rather egregious permit violations by Mr. Frazier that would have detrimental effect on the airport and the general public. The ponds Mr. Frazier built, after being denied permits, now presented a hazard to the general public. Since I volunteer at the airport every weekend, I happened to be present for the telling of this "fish tale". It was mind boggling. Not until that day in August 2011 did the airport become involved in the Leland Fly Fishing pond matter, and then only as a means of self-preservation.

The Frazier's have earned the affectionate monikers of "rogue developers" and "serial permit violators." Josh Frazier had the audacity to announce on Channel 7 news, he "believes the County gave him the wrong permit" for the fly fishing pond. (Google Channel 7 I-team Dangerous Skies Over Sonoma). **The Reality:** When Frazier, in 2,006, was denied permits for his fly fishing ponds, as proposed next to the runway, he withdrew his commercial permit application. A couple of months later, Frazier went back to PRMD and had the nerve? bright-idea? Impudence? to fill out an application for a **FARM** pond, **no commercial use**, because Sonoma County issues Farm pond permits basically just for the asking. The FARM/AG loophole continued when he filled out a permit

application to rebuild an old, dilapidated barn, again as an AG Barn, to the same constraints, no commercial use, just for AG use. Welcome to the Leland Fly Fishing Ranch where the fully-stocked retail store is in the.... (wait for it...) **AG Barn**. Oh, and Ag barns don't need to go to County Design Review or any review for that matter, because it's..... (wait for it) just an AG Barn. In 2009, PRMD Code Enforcement (CE) caught up with Frazier, red-tagged the project and took him to an Abatement hearing. In reading the Abatement Hearing transcript, the Hearing Officer, Ira Lowenthal, was clearly dismayed with Frazier's lack of respect for any rules County, State or otherwise, and reprimanded Frazier with monetary penalties, and a finite timeline to apply for permits or demolish his improvements.

Frazier signed the settlement with County. But, did Frazier comply with the terms? **No**.

Fast forward two years, and Frazier promotes the ***grand re-opening of the Leland Fly Fishing Ranch, with a two-day event, but no parking lot to park the fifty sixty cars that attend, so why not park them on the runway emergency landing strip?*** (I have a good idea, why not, do you?) – so began the Leland Events, wine tastings of his own label wine "Tight Lines", target shooting with rifles across the SVA runway, boats on the pond with children and adults, all without any permits. The County of Sonoma then (finally) sues Leland Fly Fishing in November 2011; fines him \$54k dollars, and gives Frazier 30 days to apply for permits and 120 days to finalize the permits. The judge restricts the use of the pond for any reason pending the outcome of applications. Mr. Frazier and his attorney affix their signature to the Stipulated Judgment alongside the Superior Court Judge.

County starts collecting the fines, and, ***Frazier goes back to business as usual as if the judgment and safety issues just didn't exist.*** In June of 2012, the airport was again faced

with Leland guests wandering onto the SVA runways, people still fishing the pond, and, worse yet, Leland employees shooting firearms willy-nilly into the traffic pattern of aircraft using Sonoma Valley Airport. Tenants of the airport signed affidavits, and supported the airport in filing a Writ of Mandamus, to have the courts compel Leland to comply with the terms of the Jan. 2012 stipulated judgment. The Writ didn't sue for money, it was solely for the purpose of getting a higher authority to make Frazier behave – because he doesn't-----ever!. The airport added the County to the Writ to get their attention. It did. County legal wrote a letter to Leland, and, finally, the illegal activity of shooting towards airplanes in the air (duh, the traffic pattern is right over the Leland property – for 67 years now) and people congregating on the pond at Leland, stopped. The Airport was then able to drop the Writ before the Oct 2012 court date. Mission accomplished. Behold the Leland version: ***To "friends and family", the airport filed a frivolous lawsuit and then dropped it.*** Ladies and gentlemen, it's all public record – and readily available for anyone to read. Are you beginning to see a pattern here?

The bottom line is, the Fraziers want you and your kids to fish in his pond, located next to a runway. If you think placing yourself in harms way for his financial gain is a good idea, then you may also think just a few drinks and driving is an ok idea too – till it's not. Good luck with that! Please don't condone a rogue developer's serial permit violations to be forgiven, and rewarded with a permit to further jeopardize public safety.

We are not against fly fishing or Frazier's other unpermitted builds. Just protecting the general public – you. Abate the large pond, fill it in. Tell the County "NO" on the large pond.

Ahead of the BZA hearing, Leland issued a press release (dated September 9th,) and it states Frazier is "committed to being a good neighbor" So they filed a lawsuit against the airport. He left that part out of the press release.

