



TriCounty Watchdogs

*...protecting mountain resources and communities
in Kern, Los Angeles, and Ventura Counties.*

The Honorable Raymond Watson,
Supervisor, Fourth District
1115 Truxtun Avenue
Bakersfield, CA 93301

Saturday, August 29, 2009

TCW
11667 Steinhoff Rd
Frazier Park
California 93225
tcwdogs@frazmtn.com
www.tcwdogs.org

Dear Supervisor Watson,

A number of us from the Mountain Communities attended the meeting of the Kern County Planning Commission, where the Frazier Park Estates project was discussed. A five hour meeting, with an additional two hours driving, is very hard on us, especially on those of us who also have a day job. It became much harder, however, when it turned out that the main outcome of the meeting was nearly complete disillusionment with local government.

The meeting was chaired by Commissioner Sprague. You proposed Mr. Sprague for the Planning Commission. We are asking you today to do everything in your power to undo that appointment, before Mr. Sprague does more damage to the Mountain Communities and undermines our confidence in government processes even more.

We base this request on the following list of observations, which are supported by a number of press clippings and which can easily be verified on the video of the meeting.

1. Mr. Sprague does not live in the Mountain Communities. In fact, he does not even live in the Fourth District.
2. Mr. Sprague has not been involved in, and is not informed about, the process and the outcome of the Frazier Park Lebec Specific Plan.
3. Mr. Sprague obviously has no idea about what people in the Mountain Communities think about the Frazier Park Estates project. They rejected this

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type of development in general terms in the Specific Plan, they rejected the first version in their DEIR comments, and they rejected the latest version by signing over 150 signature cards against the project at the recent Frazier Park Fiesta Days. It is not difficult, after some search, to find an individual who wants a big grocery store nearby. However, it is the job of planners to give such individual opinions an appropriate weight vis à vis larger community sentiment, not to proudly parade them at every conceivable opportunity.

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4. Mr. Sprague mentioned various times at the meeting that the Frazier Park Estates project would be good for the economic development of the Mountain Communities. He did not indicate why this would be the case, and residents remain unconvinced that adding another small motel, another gas station and big box grocery store would have that effect. Instead, we believe that the local general store in Frazier Park, which has been in business for more than 80 years, deserves our protection from the “Walmart effect” that is the more likely result. Everybody knows that the number of jobs promised by developers in the entitlement stage does not indicate in any way how many jobs will actually be created over time. We are not interested in having a Planning Commissioner representing our area who uses this unsubstantiated rhetoric to push development.
5. Mr. Sprague indicated he had been aware of the development for all of its seven years, and he started the agenda item by fulsomely praising Mr. Arciero for the great work he had done over the years on the project. It would be better for the public image of the Planning Commission if such fawning could be minimized, at least in the formal meetings (if not in the back rooms).
6. Mr. Sprague repeatedly complimented the consultants for the Frazier Park Estates project on the quality of work that they had done and the presentations they made. While it is quite possible that some of the engineering work was indeed “best practices” in the CEQA sense, the presentations by the consultants were uniformly badly prepared and utterly unconvincing, at least the parts of them where their diction did not fail and we could hear them. The

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obvious bias shown by the Chair's profuse compliments to the developer and consultants, without any word for the opponents and very little for the planning staff, was appalling to attendees who had hoped for a fair hearing.

7. Mr. Sprague gave the developers as much time as they wanted to present their case, not restricting them in any way. He then gave each of the people speaking in opposition two minutes, pointedly instructing them not to repeat arguments already made in the record, but to mention only new points. Because the developers took close to 90 minutes, many Frazier Park residents who had to go to work the next morning left before the public comments began at about 11 pm. Therefore, a total of only 16 minutes was allotted to opposing comments.
8. Among the people opposing were *Kenneth Hurst*, Ph.D., elected president of the El Tejon School District board of Trustees, *Linda MacKay*, former president of the Mountain Communities Town Council, *Eric Anderson*, former president of the Mountain Communities Town Council, *Mary Ann Lockhart*, long term member of the Mountain Communities Town Council, *Darren Hager*, elected president of the board of Lebec County Water District, and *Danny Whetton*, Acting Superintendent of the El Tejon School District. Their comments were ignored by Mr. Sprague, and no questions were asked of them by the Commissioners.
9. Mr. Sprague in his advocacy for the project all but ignored the arguments in the excellent staff report of the planning department. This report indicated, in great detail and obviously after months and months of careful work, that the proposed project did not have sufficient guarantees for the safety and well-being of its future residents and that it violated existing regulations and plans. It is absurd and disconcerting that Mr. Sprague simply ignored these well-reasoned facts because, apparently privy to inside information, he believed that the staff-recommended scaled-down project (full commercial center plus 188 upscale homes) would not be profitable enough for the developers to pursue.

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10. The Kern County Planning Department employs a number of professionals, who take their job of objectively looking at all aspects of a project very seriously. They do their best to comply both with CEQA and with local regulations. In this particular case they did a very good job, on a very difficult project, over a very long and tedious time frame. The Kern County Planning Commission, on the other hand, cannot possibly be well-informed about any of the projects they discuss. Note that even the 08/27 agenda had five different projects on it. The role of the Planning Commission is to start from the staff's finding of facts, to evaluate whether it has done its job in a fair and balanced manner, and then to decide if the project with mitigations is good for the whole community. Their role is not to blatantly advocate for commercial interests. It may be one of the unavoidable consequences from the way local government is organized, but nevertheless watching raw commercial interests obstructing serious and responsible work of public employees is a sorry spectacle.

11. Both Mr. Sprague and Mr. Flores willingly ignored some obvious facts, although they were duly pointed out by the staff. Specifically, they ignored the fact that Mr. Callegy either did not do his due diligence, or he and Mr. Arciero decided to arrogantly plow ahead with a project they knew violated the Frazier Park-Lebec Specific Plan and the Kern County General Plan Hill Side Ordinance with the expectation that they would be able to rewrite the rules when they wanted to. Mr. Sprague and Mr. Flores seem unconcerned that the Planning Commission's decision in this case will determine if the Specific Plan, and by extension all other specific plans around the county and in fact the Kern County General Plan are worth the paper they were written on, or if the efforts, time, and money spent by residents and the county in developing these plans are to be all for naught.

12. Mr. Sprague made the argument that the residents of the mountain communities needed to be pulled out of their "hole". The dictionary tells us that "hole" is "some place disgusting, unkempt and/or unpleasant in any manner". We residents do not believe that we are in a hole but in a tourism

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goldmine, and we would like to improve our economic status through our own efforts, thank you very much.

13. Commissioner Belluomini correctly stated at the meeting that Frazier Park Estates would in fact be Santa Clarita North, with Kern County tax dollars being used to support people who work, and for most purposes live, in Los Angeles County. Mr. Sprague, in his haste to support his developer friends, did not even consider this argument. The only argument that seemed to matter to him was how great a profit Mr. Arciero might make.

14. In his summary of the discussion before calling for a motion, Mr. Sprague was unbelievably partisan. It would be helpful if someone explained to Mr. Sprague that the chairperson of a meeting has a special role, and that this special role does not go well with being the most vocal supporter of a highly controversial project.

15. After the split vote Mr. Sprague was visibly upset, and did all that he could to turn the vote as rapidly as possible to his (and the developer's) advantage. When Mr. Callagy asked if it would be possible to make the "window" of the BOS meeting of September 22, Mr. Sprague leapt into action. He proposed to forward the matter to the BOS, without action from his commission. Counsel told him he could not. Mr. Sprague proposed to send the tape of the meeting to Commissioner Babcock, so that he could vote without full discussion at the beginning of the next meeting (Sept. 10), whereupon the matter could proceed to the BOS meeting on September 22nd. Presuming that Commissioner Babcock would vote for the full project and not the staff recommendation, he wanted staff to do what was necessary to "make it work" before it got to the BOS. In his haste to get a positive recommendation to the BOS as fast as possible he either forgot regulations about legal notice or assumed that the staff could "make it work" in 24 hours after the September 10 meeting. Staff told him they could not, especially since they would need direction from him about HOW to make it work. He had to be contained by both County Counsel and by the Director of the Planning Department, because he was skirting the boundaries

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of the law and could get them sued. He did not give the matter a rest until the developer had indicated to him that they would be willing to wait until the December BOS meeting, thus clearly indicating whose opinion was important to him.

16. As children we were often told what we wanted and what was good for us, even if we did not see it that way ourselves. As citizens of Kern County, and people residing in the Mountain Communities, we do not appreciate this type of advice from obviously biased and ill-informed Bakersfield residents, political hacks, and building interests. Mr. Sprague told the mountain residents that Frazier Park Estates was “our last chance” to get out of this “hole” he invented for us. It is difficult to see which accomplishments of Mr. Sprague entitle him to such levels of arrogance.

In summary, we think this meeting proved, beyond a reasonable doubt, that the Mountain Communities, and the public in general, are ill-served by having Mr. Sprague as a representative on the Planning Commission. He obviously serves a small constituency very well, but we do not think either federal or state or local government should be organized completely around the interests of small well-capitalized minorities.

Respectfully,

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Eric Anderson, Pinion Pines

Linda MacKay, Lebec

Dawn Beban, Pinion Pines

Gita Nelson, Pine Mountain Club

Wade Biery, Lake of the Woods

Harry Nelson, Pine Mountain Club

Karen Cotter, Pine Mountain Club

Doug Peters, Lake of the Woods

Jan de Leeuw, Cuddy Valley

Mar Preston, Pine Mountain Club

Keats Gefter, Lebec

Fred Rose, Lebec

Richard Hoegh, Frazier Park

Lynn Stafford, Pine Mountain Club

Katherine King, Pine Mountain Club

Valerie Wildman, Lake of the Woods

Mary Ann Lockhart, Pine Mountain Club

Gerald Youmans, Lebec

Linda Youmans, Lebec

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attachments:

Bakersfield Californian, 2009-08-28

Mountain Enterprise. 2009-08-28

Turnto23, 2009-08-28

cc:

Bakersfield Californian

Mountain Enterprise

Kern County Planning Department

Kern County Planning Commission

Kern County Supervisors