

Be Happy, Stay Rural!

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Randy Wilson, Zoning Administrator
555 Main Street
Quincy, CA 95971

May 21, 2009

Re: Thran Tentative Parcel Map continued hearing

Dear Mr. Wilson,

The High Sierra Rural Alliance supports staff's recommendation to deny the Thran Tentative Parcel Map. Since the opening of the hearing on the Thran Tentative Parcel Map information has surfaced and the regulatory landscape governing decisions on land use in Plumas County has changed increasing the reasons to deny the project.

General Plan Extension

The County has received an extension from the Office of Planning and Research to update its General Plan. To approve subdivisions during the time of the extension, findings based on substantial evidence must be made that there is reasonable probability that the project will be consistent with the future adopted general plan, and there is little or no probability that the project will be detrimental to or interfere with the future adopted plan. We agree with staff's assessment that these findings cannot be made.

During the period of the extension, a subdivision approval must still be consistent with the existing general plan. This project implicates the Open Space Element and the Open Space Plan of the existing General Plan. The adequacy and consistency of the Open Space Element and Plan is in question. Consistency findings cannot be made with an inadequate or inconsistent General Plan Element. Also, Government Code Section 65567 provides: "No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open-space plan."

Violations of the California Environmental Quality Act

The Initial Study/Negative Declaration is inadequate. It does not consider the cumulative impacts of past projects related to this project. In April 2005 Mr. Thran and Pensco Trust Corporation purchased approximately 490 acres of the 1289 acres originally under Williamson Contract 49. In November 2005 Mr. Thran recorded a lot line adjustment reconfiguring the lots from approximately three 150 acre parcels and a 20 acre parcel to three

80 acre parcels and a 250 acre parcel. Two of those 80 acre lots were subsequently sold to two separate individuals. Mr. Thran now proposes to subdivide the remaining 250 acre parcel into three approximately 80 acre parcels.

Additionally, the Negative Declaration did not identify the land as being part of a Williamson Act Contract. This is a serious omission. Should the County consider approval of the project, potential significant impacts to Williamson Act lands must be considered in an Environmental Impact Report. The EIR is not necessary, however, for denial of the project.

Williamson Act Violations

The lot line adjustment and potential construction of residences on these parcels constitutes a breach of contract of which the County is obligated to inform the Department of Conservation. The Williamson Act Contract specifies that the property under contract cannot be divided under separate ownership having less than a minimum of 160 acre parcels since the land is being used for grazing. Further, Government Code provides that an agricultural preserve shall consist of no less than 100 acres. When lands under different ownership are combined to create a preserve, agricultural income data must support the request.

In his testimony in February Mr. Thran disclosed that the land is currently being leased and used as rangeland by the neighboring Bar One Ranch. He also made it clear it is his intention to convert the 490 acres into six residential lots for “gentleman farmers” with six separate residences. As long as the parcels are being used as part of a commercially viable agricultural endeavor, the 80 acre parcels without residences can comply with the contract and statutes. Construction of a structure not accessory to the current ranching use on any of the parcels, which are part of Williamson Act Contract 49, will cause a material breach of contract and should not be allowed. Changing the use from ranching to “gentleman farms” growing winter wheat and hay will have to be justified by agricultural income data. Any construction on the property must be shown to be necessary for a commercially viable agricultural use. The generous tax benefits of the Williamson Act are meant to protect agricultural land from being developed, not subsidize a hobby.

Thank you for the opportunity to present these comments in support of the staff recommendations to deny the Tentative Parcel Map for Thran/Pensco Trust Company.

Sincerely,

Stevee Duber