

A Classic Western Battle:

Sheep Pasture or Tract Housing? By Don Baumgart

Dave Goicoechea (Go ca chea) steps out onto the porch of his Sierra County sheep ranch and looks over 280 acres of fields, meadows and canyon. “I can watch the cows grazing and the deer playing and the occasional bobcat that comes through.”

That view now reminds him of how close he came to losing his ranch to developers.

“People came to take our land. It’s happening all over the West. People are being forced off their land.”

As the American West grows more populous, farmland is growing three-bedroom homes. Goicoechea and his family were hauled into court this year by a developer and his political allies and had to fight to keep the ranch that was their home.

Goicoechea grew up in Nevada’s Basque region where Spaniards with sheepherding skills had settled. He met his wife Kathleen in high school in Ely, Nev., and both graduated from the University of Nevada in Reno. The couple decided to raise sheep.

They bought a ranch in northeastern California. It was 320 acres of what Goicoechea calls tremendously productive ground. “We told people when we arrived here that this will be a ranch for the rest of our lives,” he says. They were outspoken about their lack of interest in subdividing any part of it. It would stay a family ranch.

A daughter, Marsha, now works on the ranch. An older daughter, Gretchen, lives in Reno and owns the sheep. “It’s truly a family

operation,” Goicoechea says, “with all four of us participating.”

In 2007, a former city council member from the nearby town of Loyalton contacted Goicoechea. “He fancied himself an up-and-coming land speculator,” Goicoechea says. “He told me, ‘We’re going to annex your ranch to the city of Loyalton and there’s nothing you can do about it.’” Loyalton is a town of 800 people, 30 miles from Reno.

As it turned out, there was a lot Goicoechea could do about it. About the time he heard from the former politician turned speculator, Goicoechea was contacted by John Gullixson, who had purchased an adjacent ranch.

“Gullixson had been talking to the newspapers and to the Loyalton City Council about the good things he and his Sierra Valley Development Corporation were going to do for the community,” Goicoechea says. The plan was to build 70 homes that would sell for more than \$1 million each. Then Goicoechea heard mention of California’s Super Williamson Act which created farm security zones.

“That peaked my interest. I asked our local Farm Bureau president Dave Roberti for more information about the Super Williamson Act. It became evident very quickly that the new Williamson Act had major benefits, specifically in terms of annexation. We made formal application in February of 2007 to put our land under Williamson, and were accepted into the act and received our contract in March of that year.”

To qualify, the land had to be prime farmland recognized by the state. Next, Goicoechea submitted his application to Sierra County’s Board of Supervisors for approval. “That’s when I really ran into the buzz saw!”

At that point Goicoechea became aware of the behind-the-scenes interest in his property by Gullixson and County Supervisor Brooks Mitchell, who represents the Loyalton area. Mitchell and an attorney representing Gullixson expressed opposition to the appli-



PHOTOS COURTESY GOICOECHEA FAMILY

“People came to take our land. It’s happening all over the West. People are being forced off their land,” says California rancher Dave Goicoechea, shown here with daughter Marsha, winter feeding. This family has fought off pressure from a developer and a county supervisor who wanted to turn their ranch into tract housing.



Goicoechea land is tremendously productive for crops, cattle and sheep. "We told people when we arrived here that this will be a ranch for the rest of our lives."
BELOW: Easter dinner, 2006. From left: Daughters Marsha and Gretchen, and wife Kathleen.

cation at the supervisors' meeting. A decision was postponed.

"I later received a call from Gullixson," Goicoechea says. "He wanted a meeting. He said, 'We have to have your property.' I thought he meant an easement of some kind,

but he said, 'No, I have to own it.' I said, 'Our land is not for sale.' Gullixson said if I didn't sell, he would sue the county and list me as a party to that suit."

And that's exactly what Gullixson did.

First Goicoechea got a call from Supervi-

sor Mitchell for a meeting. When he got to Mitchell's place, Goicoechea found two other local ranchers there. Both Dennis Marsh and Arnold Potter had made applications to put their land under the Super Williamson Act.

"Brooks Mitchell threatened us," Goicoechea says. "He said, 'I'm asking you to withdraw your Williamson Act applications...and if you don't, there'll be litigation.'"

Goicoechea told Mitchell, "Well, I'm not withdrawing. Period."

Mitchell told the three ranchers that, if they withdrew their land now, he would get them a letter from the city of Loyaltan guaranteeing that they would not be subject to eminent domain. "That was the very first mention of eminent domain," Goicoechea says. "We found that totally out of reason. I knew that if we waited we could be precluded from ever going into the Williamson Act."

If Loyaltan completed its general plan and put Goicoechea's property into an area of probable annexation, it would be game over. "At that point I felt very strongly that Mitchell was lying to me. He said after the planning process was completed we could go ahead and go into the Williamson Act. He said then he could support that action. I knew that was a lie."

A few days later the county supervisors' meeting room in Downieville was packed





Brooks Mitchell, Sierra County supervisor, meets with constituents. Mitchell was defeated in his recent bid for reelection by Dave Goicoechea, who will replace Mitchell as supervisor in January 2009.

with ranchers as Goicoechea's application came up for its second reading and was approved unanimously.

"We felt very positive about that."

Two weeks after voting to approve securing the ranchers' land from development, Mitchell and Gullixson went to the Local Agency Formation Commission asking for adoption of a huge sphere of influence for Loyalton, one which would have included Goicoechea's property.

"Mitchell always was fully engaged on Gullixson's behalf," Goicoechea says.

Sensing that he was not the only Sierra County resident who felt Brooks Mitchell was using his position inappropriately on behalf of developer Gullixson, Goicoechea decided to run for office against Mitchell.

"I consider the right of property ownership our most important inalienable right. There is little that my family and I value more than our farm," Goicoechea said in a newspaper ad as both the campaigning and the lawsuit heated up.

"As I came to understand it, the objective was to gain sale of my property which would put them in contact with land owned by Sierra Pacific Industries," Goicoechea says SPI had written the city of Loyalton accepting annexation. If Gullixson could acquire Goicoechea's land, it would put him in direct contact with an area being considered for annexation. "That was his ultimate objective, to get his

whole project annexed into the City of Loyalton. That was the driving force behind everything."

Sierra Valley Development Corporation had already bought the 335-acre Silver Ranch. Goicoechea's land stood between that property and Loyalton.

"But, when I refused to sell and was accepted into a Williamson Act contract, that gave me the protection under California law to object to annexation. That upset the apple cart." That also was

the beginning of a litigation attempt to nullify Goicoechea's contract.

On April 17, 2007, 50-mile-an-hour winds whipped a pile of smoldering debris to life on nearby property and carried sparks. Soon the Goicoecheas' 1890 vintage barn was gone, along with much of their livestock. Neighbors in the little town of Loyalton soon arrived with dinner, lambs, and muscle to rebuild the barn.

"The combined efforts by so many people in defense of our farm, our valley, and our community is truly inspirational," Goicoechea wrote in a letter to the county's newspaper, *The Mountain Messenger*.

On April 19, two days after the devastating fire, he and his wife were served court papers. Gullixson was suing Sierra County for allowing the ranch to be accepted into Williamson Act protection without an environmental impact report. The family that just wanted to ranch was listed in the suit as defendants.

"The county's response is expected to be legalese for 'horse pucky,'" *The Mountain Messenger* commented in an editorial.

The same friends and neighbors who had helped the Goicoechea family recover from their barn fire now started raising funds for a legal defense. Goicoechea's newspaper letter said, "Your help to protect our farm from threats of development and litigation warrants a debt of gratitude that cannot be repaid and will never be forgotten.

"The funds and the support from the other people in the valley have been humbling, to say the least," he adds, referring to his court costs. "We're keeping our heads above water."

As the election campaign heated up, Gullixson's lawsuit against Sierra County and Goicoechea finally moved into a courtroom. On April 7, 2008, visiting judge R.M. Smith held a brief hearing in Sierra County's Superior Court at Downieville. The City of Loyalton filed an *amicus curiae* brief in Goicoechea's behalf, saying, in part, "...the City strongly promotes and encourages the preservation of agricultural lands within the county, including the Goicoechea property."

The brief continues, "The agricultural economy in Sierra County is vital to the city of Loyalton and the creation of agricultural preserves and farmland security zones pursuant to the Williamson Act helps to sustain the city's economic base and safeguard its rural heritage, while discouraging the kind of urban sprawl that continues to threaten Sierra Nevada communities such as Loyalton."

Amicus briefs supporting Goicoechea also were filed by the state attorney general's office for the State Department of Conservation and by the Farm Bureau.

Gullixson failed to convince Judge Smith that Sierra County was at fault for approving Goicoechea's plan to put his land into a farm security zone.

"The judge asked Gullixson's attorneys why, if there were three contracts approved by Sierra County, was I the only rancher being sued?" Goicoechea says. "The reason behind it, which they couldn't explain to the judge, was that I was the only one blocking their intended annexation."

He blocked more than the annexation. In the June 3, 2008, election, Mitchell lost his reelection bid by a wide margin. Goicoechea will join the Sierra County Board of Supervisors in January 2009.

The developer's point that the Goicoechea ranch is not consistent with the county's land-use plan brought a response from Judge Smith saying "the ranch has been a ranch for 150 years, it is a ranch, and it is going to remain a ranch."

That's what Dave Goicoechea thinks about when he stands on his porch watching the deer and looking for a bobcat. ■

Don Baumgart is a former daily newspaper reporter, was an Associated Press editor, and now works as a freelance writer. He lives in Nevada City, Calif.