



Little John Road skirts the Sawmill Lake development in Copperopolis.

Michael McCollum/The Record

LEGAL BATTLE LOOMS BETWEEN CALAVERAS COUNTY, DEVELOPER

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COPPEROPOLIS - Development giant Castle & Cooke is threatening to sue the Calaveras County government if officials don't promptly process the company's application to build 800 homes in Copperopolis.

Castle & Cooke Calaveras Vice President Dave Haley said he's frustrated by years of delays for repeated environmental studies on issues he believes have already been resolved.

"What is at stake is having people that are willing to invest in Calaveras County," Haley said. "The county is kind of forcing Castle & Cooke out of the county, and it's a shame."

Castle & Cooke applied for General Plan amendments for the Sawmill Lake project in 2006.

The dispute is over much more than just how quickly Calaveras County is processing the development application. State and federal wildlife officials have written letters warning about the project's effects on plants and animals.

Unlike neighboring San Joaquin County, Calaveras does not have a comprehensive habitat conservation plan to determine how and where developers can mitigate habitat losses. Without a comprehensive habitat plan, the county has to individually study each development proposal and address habitat issues, adding greatly to its costs.

County officials also say the lack of a state-approved oak woodlands management plan would cripple efforts to make up for the roughly 8,000 oaks that would be removed by the project.

Without an oak woodlands plan, Calaveras officials say, they are not able to use any mitigation money paid by the project to protect other oak woodlands in the county. In effect, Sawmill Lake mitigation money would pay to preserve oaks elsewhere in the state.

If Castle & Cooke can force Calaveras County to mitigate habitat loss on a project-by-project basis, it would open the door for many other, smaller developers that have been thwarted by habitat loss issues.

Sawmill Lake also is a significant proposal in its own right, in part because it would be the gateway to about 10,000 homes proposed in various developments stretching from there south to Lake Tulloch.

Sawmill Lake has long been anticipated to provide the necessary population base for the nearby Copperopolis Town Square commercial development the company has built just south of Highway 4.

On June 25, attorneys for Castle & Cooke sent a letter to Calaveras County demanding that it promptly process its applications for Sawmill Lake and several other projects near Copperopolis.

The letter said Castle & Cooke already has invested close to \$23 million in the Sawmill Lake, Vineyard Estates and Copper Valley Ranch projects, including about \$5.6 million in costs for environmental studies and compliance.

As a result of that letter, the Calaveras County Planning Commission will consider Castle & Cooke's request Thursday.

County Planning Director Rebecca Willis is recommending denial. Willis and her staff say the project has a number of hurdles to clear, including its conflict with the county's General Plan, the fact the existing General Plan is not legally defensible and threats to a variety of plant and animal species, including the western pond turtle and Tuolumne button celery.

Without an up-to-date plan for how the county will manage growth and protect its resources, the county is vulnerable to lawsuits. County officials have been working since 2006 on revising the General Plan.

Haley says that is likely a factor in the slow progress county planners have made on approving environmental studies for his projects.

"They chose to sit on it because of their fear of getting sued by the Sierra Club, because they don't have an approved General Plan," Haley said.

John Buckley, executive director of the Central Sierra Environmental Resource Center, is among those who believe the current General Plan is inadequate.

He said he was surprised that Castle & Cooke decided to issue an ultimatum that likely will trigger a major legal battle, given that the housing market has yet to recover from the downturn that began in 2008.

"Our center is hoping that we don't have to fight the pivotal fight over the adequacy of the General Plan when there is really no benefit for Castle & Cooke to force the Sawmill Lake issue forward at this point," Buckley said.

Haley, however, says there is a benefit. He believes that if Republican candidate Mitt Romney is elected president, that will "restore confidence" in the U.S. economy and unleash pent-up demand for housing in Northern California.

"We feel it is going to start next year," Haley said of a housing market rebound.

Both sides in the looming legal battle are doing crystal ball gazing, though with different results.

"Our center has high respect for Dave Haley and his credibility as a developer," Buckley said, at the same time questioning Haley's economic forecast.

"In reality," Buckley said, "Calaveras County already has more than 20,000 vacant lots where homes can be built if there is a demand for new homes."

Castle & Cooke is one of the nation's oldest and largest development companies. The company was founded in 1851 in Hawaii and eventually grew to include major food producers, including Dole. The current Castle & Cooke real estate firm was spun off from Dole in 1996.

Castle & Cooke also built the Saddle Creek golf development in Copperopolis. Haley said that the company has invested about \$110 million in Calaveras County.

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Up for denial

The commission will consider denying the Sawmill Lake development application by Castle & Cooke when it meets at 9 a.m. Thursday in the Calaveras County Board of Supervisors chambers, 891 Mountain Ranch Road, San Andreas.

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