

County prevails in Trinitas Court of Appeals case

The Valley Springs News/By Nick Baptista/Friday, February 7, 2014

Although Trinitas Golf Course ceased operating about two years ago, court cases involving the controversial development continue to be decided.

The latest ruling came out last month in the Ninth Circuit U.S. Court of Appeals where Calaveras County once again prevailed over former Trinitas owners Mike and Michelle Nemees.

Ninth Circuit judges affirmed an earlier U.S. District Court's ruling that the Nemees' agri-tourism appeal is "moot."

The Nemees had contended their 18-hole golf course off Ospital Road was an acceptable use under the agri-tourism portion of the county's zoning code.

A three-judge panel of the Ninth Circuit Court of Appeals on Jan. 16 granted Calaveras County's motion for summary disposition of the Nemees' appeal. After reviewing the record and a second amended opening brief submitted by Kenneth M. Foley, the Nemees' attorney, Ninth Circuit Judges Carlos T. Bea, Richard A. Paez and Stephen S. Trott determined that "the questions raised in this appeal are so insubstantial as not to require further argument."

The U.S. Court of Appeals are considered among the most powerful and influential courts in the United States, just one step below the U.S. Supreme Court. The U.S. Court of Appeals generally serve as the final arbiter on most federal cases since the U.S. Supreme Court chooses to hear fewer than 100 of the more than 10,000 cases filed with it annually.

"The county hung in there and defended the integrity of the zoning codes," said Kathy Mayhew, cofounder of Keep It Rural, Calaveras, a citizens group organized to oppose the golf course development project in 2007. "It shows developers can't sue the county into capitulation and have to abide by county codes."

The property eventually was repossessed by the Community Bank of San Joaquin and Lance and Renee Dami of Fresno purchased a 160-acre portion of what used to be the 280-acre golf course for nearly \$1.2 million.

The Nemees have additional actions against the county awaiting court decisions including a \$12 million civil rights lawsuit.