

CALAVERAS LOOKS TO LEGALIZE GOLF ON AGRICULTURAL LAND

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MODESTO - Calaveras County this week launched its public review of a plan to legalize golf on agricultural land, and a federal bankruptcy judge noted that fact Wednesday as he delayed for a month any decision on whether to allow Community Bank of San Joaquin to foreclose on the troubled Trinitas golf course.

The official line from the Calaveras County Planning Department is that the proposal to make golf legal on land zoned A1, for general agriculture, has no connection to Trinitas. An initial study done for the proposed zoning amendment says, "There are no pending applications for golf courses or clubhouses in the county at this time."

Yet court documents and statements by various parties to legal disputes surrounding Trinitas are clear that the proposed zoning amendment is a key element in the possible resolution of a lawsuit between the county government and Trinitas owners Mike and Michelle Nemees.

U.S. Eastern District of California Bankruptcy Judge Ronald H. Sargis noted that fact Wednesday as he continued until February a hearing on the request by Community Bank of San Joaquin.

"I've looked, and I've seen a lot of hard work being done trying to get a stipulation with the county," Sargis said.

Meanwhile, the bank is asking to be able to foreclose and auction the property in hope of getting back at least part of the \$2.9 million it loaned the Nemees. The bank argues that the Nemees have no real prospect for paying back the money they owe even if county officials make it legal to golf on agricultural land.

The course was built in an agricultural preserve without permits, and the Calaveras County Board of Supervisors refused in May 2009 to change the zoning to recreational, which would have legalized the golf course.

The bank foreclosed a few months later, and the Nemees filed for bankruptcy protection in October 2009.

The Nemees also filed lawsuits against the county, at least one of which will be fought in bankruptcy court if settlement talks fail.

Sargis set Feb. 23 as the date when he will again consider whether to allow Community Bank of San Joaquin to foreclose. On Feb. 17, Calaveras County planners will conduct a hearing to consider the zoning amendment that would legalize golf as a conditional use.

If the Planning Commission approves the amendment, then county officials and the Nemees would be able to report progress on their settlement to Sargis, who might again delay a ruling.

Sargis signaled Wednesday that he agrees with some of the bank's contentions that the Nemees have failed to file an adequate disclosure statement laying out a plan for how they would reorganize the business and pay off their debts.

Sargis said he had questions about statements that contractor Don Dos Reis had built, at his own expense, a 4,760-square-foot home on the property.

Dos Reis said he had "no ownership interest at this time in the real property on which the house sits."

Dos Reis also said he spends \$3,000 or \$4,000 a month to maintain the house and makes it available to the Trinitas Golf Club "on a regular basis for special events."

The Nemees have been unable so far to secure permits to build a clubhouse and some other structures. Sargis said he was "not persuaded" that Dos Reis isn't ultimately supposed to be repaid. "I do get some concern when it appears there's some wheeling and dealing being done," Sargis said.

Several groups have said they may file suit to force the county to do a full environmental study of the likely effects of allowing golf courses on the more than 240,000 acres - about one third of the county - that is either already zoned for general agriculture or would revert to that zoning when Williamson Act agricultural preserve contracts expire.

"We will have to seriously examine that possibility," said Lew Mayhew of Keep it Rural Calaveras, a group that opposes Trinitas.

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Comment period

Calaveras County has announced a 20-day period to comment on a proposal to change the zoning codes to allow golf courses as a conditional use on land zoned for general agriculture.

The documents can be reviewed from 8 a.m. to 4 p.m. weekdays at the Calaveras County Planning Department, 891 Mountain Ranch Road, San Andreas.

The proposal will go to the Planning Commission for a public hearing at 9 a.m. Feb. 17 in the supervisors' chambers.

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