

PLANNERS VOTE NO TO GOLF ON AG LAND

RULING WILL LIKELY FIGURE IN TRINITAS BANKRUPTCY CASE

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SAN ANDREAS - A divided Calaveras County Planning Commission on Thursday narrowly voted against making golf courses legal on agricultural land.

The commission's vote now goes as a recommendation to the Calaveras County Board of Supervisors, but there is no date yet for when it will be on their agenda.

But before county supervisors consider it, the commission's reluctance to endorse the idea will likely figure in the bankruptcy proceedings for Trinitas, a golf course south of Wallace that was built illegally in an agricultural preserve. Trinitas will be back in the U.S. Bankruptcy Court in Modesto on Wednesday. The judge in the case has delayed several actions - including possibly allowing a bank to liquidate Trinitas - in the hopes that the proposed zoning amendment would win quick approval and offer a way to legalize Trinitas and resolve lawsuits against the county filed by Trinitas owners Mike and Michelle Nemea.

That litigation with the county is also being heard in the bankruptcy court because it could affect whether the golf course will become a viable, legal business.

The commission's vote was 3-2 against amending the county's zoning code to make golf courses a conditional use allowed on land zoned A-1 for general agriculture. Commissioners Bill Mason and Lyle Wallace were in the minority.

Commission Chairwoman Suzanne Kuehl said she voted against the proposal because it seems intended to legalize a golf course that was built in violation of county rules.

"I have a hard time swallowing that," Kuehl said.

Assistant county counsel Janis Elliott during Thursday's hearing urged the commission to consider the proposed zoning amendment as something separate from Trinitas.

"We are not a courtroom. We are here to consider a county-initiated zoning amendment," Elliott said. "This is not part of any settlement negotiation."

During U.S. Bankruptcy Court proceedings, however, both Elliott and attorneys for the Nemees have made it clear that the proposed zoning amendment would give the Nemees a way to legalize their operation and resolve lawsuits with the county.

The Calaveras County Board of Supervisors in 2009 voted twice to reject proposals to legalize Trinitas. The first time, the board refused to change the land's zoning from agricultural preserve to recreation. The second time the board rejected an appeal.

After the second vote in 2009, however, supervisors informally directed staff to prepare a zoning amendment that would make it legal for farmers and ranchers to operate golf courses as a sideline to their agricultural operations.

Proponents of the change say it is almost impossible to earn a living in agriculture and that allowing golf courses could preserve open space and food production in Calaveras County.

Commissioner Bill Mason, explaining his vote in favor of the measure, echoed the sentiments of many advocates of golf on agricultural land.

"Golf courses do bring money in," Mason said. He said that he believes Calaveras is competing for investment with counties such as Napa that are full of golf courses on farm land.

"If we deny everything, then we will be a county that has nothing, no services," Mason said.

In a related matter, the Planning Commission voted 3-2 in favor of approving environmental documents for the zoning amendment. Kuehl and Commissioner Fawn McLaughlin were opposed.

No matter what the Board of Supervisors ultimately decides, litigation is virtually certain to continue. Some of those who spoke at Thursday's hearing promised more lawsuits if county planners don't do an analysis of the likely impacts of opening more than 100,000 acres to golf development.

"There's going to be a challenge," said Mark Connolly, a Tracy-based attorney who represents Keep It Rural Calaveras, a group opposed to the Trinitas golf resort. "Golf courses have growth-inducing impacts. That's why they are usually not allowed on agricultural land."

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