

BRIEFS



AGCC REASSIGNS CLARK

SANTA MONICA, Calif. — American Golf Country Clubs (AGCC) a division of American Golf Corp., has reassigned Vice President Terry Clark to Palm Desert, Calif. Prior to this assignment, Clark was regional director of AGCC's eastern division. He will be based at Monterey Country Club, one of more than 38 private country clubs in AGCC's portfolio.



Eric Affeldt



Donna Kellerman

KSL PROMOTES PAIR

MANASSAS, Va. — KSL Fairways recently announced the promotion of two top executives, Eric Affeldt was named president and chief operating officer while Donna Kellerman becomes vice president of sales and marketing. KSL Fairways owns and operates 20 courses from Pennsylvania to Florida.

PORT MALABAR RECRUITS ISS

MELBOURNE, Fla. — ISS Golf Services has reached agreement with Port Malabar Country Club to manage the course's maintenance operation. Located 5 miles south of Melbourne, the course is the centerpiece of a residential community owned by Robert Dolci.

KIAWAH HIRES BOLES

CHARLESTON, S.C. — Kiawah Island Resort has named Kathy Boles director of marketing for the Ocean Course. Boles previously served as tournament director for the 1991 Ryder Cup held at the Ocean Course and most recently as event manager for the BOC Challenge, an around-the-world yacht race for vessels sailed solo, starting and ending in Charleston.

CORSO MOVES UP AT CLUB RESORTS

DALLAS — Patrick Corso, president and chief operating officer of Pinehurst Resort & Country Club since 1986, has been appointed executive vice president of operations for Club Resorts Inc. Corso was formerly senior vice president for Club Resorts. He will remain Pinehurst's chief executive.



Patrick Corso



Kissimmee Bay CC is one of the many Florida courses in IGM's growing portfolio.

IGM in midst of ambitious expansion

By PETER BLAIS

LAKELAND, Fla. — International Golf Management's (IGM) recently signed agreement to maintain Brevard County Florida's three municipal courses enhanced the company's self-proclaimed image as the fastest-growing contractual maintenance organization in the country.

The Brevard County deal — which involved Habitat Golf Course (GC) in Valkaria, Spessard Holland GC in Melbourne, and Sykes Creek in Merritt Island — brought the number of IGM-maintained courses to 17, all in Florida. The Lakeland-based firm planned to increase that number to 24 by year's end, according to General Manager Scott Zakany.

"Among our competition, no one has more than 13 or 14 courses," Zakany said. "We're looking to expand into the Southwest United States, Georgia and the Carolinas during 1996."

Contractual grounds maintenance has been popular for many years in the commercial real-estate business. But it

is just in the past five to 10 years that municipal, public and private golf course operators have begun turning over all aspects of their maintenance operation to outside firms.

ISS Golf Services has been one of the most successful contractual maintenance companies. Zakany — a certified golf course superintendent with 18 years of course management experience — worked at ISS for eight years and advanced to vice president, before leaving the Tampa-based firm 18 months ago to start IGM.

"We started as a smaller firm with less overhead," Zakany said. "And we've associated ourselves with some other golf companies that have helped to make us more cost-effective."

When a golf facility first approaches IGM, the company initially reviews the club's entire maintenance operation, analyzing expenditures, course condition, manpower allocations, environmental compliance and liability con-

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LEGAL CORNER

Beauty turns environment into a beast, court rules

By NANCY SMITH, J.D.

The inherent beauty of a golf course has long been recognized by golfers. The attraction of verdant links has now been officially recognized by the California Court of Appeal. A three-judge appellate panel recently ruled it is virtually undeniable that developing a course will invite people to build homes nearby.

The court addressed the question of whether a course and clubhouse, by themselves, could induce residential development in Stanislaus Audubon Society v. County of Stanislaus.

When local officials approved development of a golf course in a rural area in Northern California, environmentalists challenged the decision in court. The environmentalists won, in a unanimous opinion that essentially found the attraction of a golf course to residential development was undeniable.

A local ranching family, the Willms, obtained approval from local authorities to build a 27-hole semiprivate course and clubhouse on 600 acres used since the 1800s for grazing within the family's 2,500-acre ranch.

Although no solid legally binding commitment existed, the Willms indicated they would continue the family's long-standing tradition of ranching surrounding terrain. County authorities approved the project without requiring an environmental impact re-

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Palmer Mgt. announces marketing partnership

ORLANDO — Arnold Palmer Golf Management Co. and Robinson, Yesawich & Pepperdine Inc. recently announced a marketing partnership to advance Palmer Golf's \$50 million expansion program in the course management industry.

Palmer has been acquiring, leasing and managing private and public courses since 1984. Palmer Golf specializes in adding value to courses and adjacent real estate, including hotels, resorts, residential and commercial developments.

A recent business school study of Palmer properties reported premiums of 10 to 20 percent on adjacent property while dramatically increasing absorption and occupancy rates.

"In aligning ourselves with RY&P, we add the professional marketing services of a major agency to the roster of unique capabilities Palmer Golf provides to add value," said Peter Nanula, president and chief executive officer of the Arnold Palmer Golf Management Co. "The natural alliance between our marketing and brand assets and RY&P's extensive experience will help us accomplish our overall marketing and growth objectives."

RY&P has offices in Orlando, New York and Los Angeles and specializes in serving hotels, resorts, destinations and travel companies.



The Presidio Golf Club in San Francisco is an Arnold Palmer Golf Management property

Legal corner

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port (EIR), a lengthy and expensive undertaking.

California's Environmental Quality Act (EQA) requires such a report when development may significantly impact the environment. However, local planning authorities apparently did not believe the impact would be significant. Some commissioners felt such reports were a waste because "in the long run" projects are approved anyway, with environmental "impacts" explained away by theories of

how they will be countered or mitigated.

But when the Stanislaus Audubon Society sued the county for failing to properly enforce the need for an EIR, the court of appeal unanimously found compliance with the EQA was "not optional."

Meanwhile, the golf project, which was first proposed in 1989, was sent back to the drawing board. The court found the multiple reports and public hearings conducted over the years were insufficient. Project planners are re-evaluating the viability of continuing the project, according to

the Willms' attorneys.

If the golf development were to proceed, the court held, the county planning department must prepare a full-fledged EIR to fully evaluate any environmental impact the project might have. This will add further delay and expense.

Central to the court's decision was the inherent attractiveness of golf courses to residential development. In determining the need for an EIR, the court looked to various reports prepared by the county planning department to determine if there would be a "significant" effect on the neigh-

boring environment. The planning staff concluded the project had the potential for "growth inducement" because there was "a potential for a golf course of this nature to attract housing."

The court reviewed all documents and reports generated on the project and found a fair argument could be made that the course may cause significant impact on undeveloped land. The decision analyzed various technical legal arguments. The court decided not to defer to the local planning authorities who approved the project.

The justices noted a planning

report stated: "Experience tells us that quite often a golf course project of this nature acts as a catalyst which triggers requests for residential development... [P]rimary concerns relate to impacts of surrounding agricultural land, public services, traffic and wildlife."

The county report added: "The 1,900 acres still under the Willms family control could, as a result of golf course approval, subsequently be removed from agricultural production. In its place, the Willms family could cultivate housing tracts. Cumulatively, this concept of housing tract cultivation could spread to adjacent properties whose owners may decide cattle ranching is no longer economically viable. Supposing residential growth does follow this project, issues related to public services...traffic and wildlife will most assuredly follow, as well."

The court held California's EQA required an EIR. Once an EIR is prepared, public authorities may review and consider mitigating factors they wish to impose before granting final approval.

Numerous technical arguments were made on behalf of county officials and in favor of the project. The court dismissed them and quoted a planning commissioner, who stated: "We are fooling ourselves if we don't think [the project] is growth inducing."

The justices were not persuaded by arguments the family had been "stewards" of the land since 1852 and did not wish it subdivided. Even the agricultural zoning of surrounding land could be changed, the court noted.

Also, there was no legal obligation binding the family to claims it was uninterested in additional development.

The court found the Willms provided insufficient evidence showing the project was akin to the Chardonnay golf course, a "stand-alone" course in Napa County that has not spawned surrounding residential development.

The justices were also persuaded by a Tuolumne County study analyzing the impact of another stand-alone course. "The Tuolumne study unequivocally concluded that the construction of a golf course and attendant facilities on the project site...would have a growth-inducing effect on the surrounding area," the justices wrote.

"The fact that the exact extent and location of such growth cannot now be determined does not excuse the County from preparation of an EIR."

Nancy Smith, J.D., is an attorney practicing in Pasadena, Calif. Her "Legal Corner" feature appears in these pages on a regular basis. You may call her with story suggestions/queries at 818-585-9907.

GOLF COURSE NEWS

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