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**HEADLINE:** Tahoe landowners out of luck, Supreme Court rules

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**BODY:**

WASHINGTON — In a victory for environmentalists, the Supreme Court ruled yesterday that the government does not have to compensate hundreds of Lake Tahoe, Nev., landowners who have waited in vain two decades for approval to build lakeside homes.

In a 6-3 ruling, the court reaffirmed the right of the government to block property owners from building for long periods of time on open land to protect the environment or to stop overdevelopment.

Writing for the majority, Justice John Paul Stevens rejected arguments that government agencies must either act within a certain time in making environmental decisions on land use or compensate landowners who are banned from building. He said putting short time frames on temporary ordinances barring construction would "create added pressure on decision-makers to reach a quick resolution of land-use questions."

Stevens said such a system "would only serve to disadvantage those landowners and interest groups who are not as organized or familiar with the planning process."

In this case -- **Tahoe-Sierra Preservation Council Inc. vs. Tahoe Regional Planning Agency**, 01-1167 -- the parties involved were hundreds of property owners who had bought land around Lake Tahoe -- which straddles the California-Nevada border -- but were prevented from building homes when an agency representing both states decided to halt construction to protect the lake from possible environmental damage. The landowners sued for \$27 million.

In his opinion, Stevens, citing a 1987 Supreme Court decision in a similar case, said California and Nevada had acted within the "normal" boundaries of the law and, therefore, did not owe the landowners any money.

However, he sympathized with the landowners, saying building moratoriums that last longer than one year "should be viewed with special skepticism."

Stevens was joined by Justices Stephen Breyer, Ruth Bader Ginsburg, Anthony Kennedy, Sandra Day O'Connor and David Souter.

In their dissent, three conservatives -- Chief Justice William H. Rehnquist and Justices Antonin Scalia and Clarence Thomas -- called the temporary zoning ordinances in the case

"endless." They said the ordinances amounted to a government seizure of the land without paying for it, a violation of the 5th Amendment's "takings" clause, which says "private property (shall not) be taken for public use, without just compensation."

For example, if the government wants to build a military base on a farmer's land, it must pay that farmer a fair price for the land.

Rehnquist said the prohibition on development around Lake Tahoe had dragged on for so many years that it was a "taking that requires compensation."

While Rehnquist agreed that Lake Tahoe was a "national treasure" that should be protected, he said the "costs and burdens" of saving the area should be "borne by the public at large, not by a few targeted citizens."

Environmental groups hailed the majority decision, saying it would help protect America's countryside from suburban sprawl.

On the other side of the issue, Chip Mellor, president of the Institute for Justice, a conservative legal group in Washington, said the ruling will make it "more difficult for individuals to hold governments accountable when they prevent them from building homes on property that is rightfully theirs."

**GRAPHIC:** 1 PIC; Andy Barron / Associated Press; During their spring break this month, Amanda Rippee (left) and Hilary Archer crawled around rocks in Lake Tahoe. The Supreme Court yesterday ruled against compensating landowners at the lake who have been blocked from building on their properties.

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