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## Tahoe ruling leaves owners with empty lots It may be impossible to recoup investment

Stacy Fink, Chronicle Staff Writer

To Ken and Betty Eberle, purchasing two pieces of land at Lake Tahoe in the late 1970s was to be the start of what some day would be a dream retirement home.

To government officials and environmentalists, that house represented a potential nightmare of urban blight, pollution, erosion and damage to a national treasure.

So officials enforced a building moratorium that lasted for six years, and new planning restrictions make it impossible for the property owners to ever build.

The Eberles and 399 property owners in the Tahoe basin argued that the government should pay them for the value they lost on their land during that period. But on Tuesday, the U.S. Supreme Court ruled in favor of the government, saying that the financial constraints of compensating property owners might force officials to overlook good, environmentally sound planning. Environmentalists have hailed the ruling as a victory.

"This is big," said Carl Zichella, regional staff director of the Sierra Club's California, Nevada and Hawaii region. "It takes the wind out of the sails of the property-rights extremists."

But the Eberles would argue that they are far from extremists — just regular people who were hoping to spend their twilight years by the lake.

"When we bought the land, the boys were just learning how to ski," said Ken Eberle, a 68-year-old retired co-owner of a small business now living in Cambria. "At first, we thought we would just build a cabin for the weekends. But we couldn't afford it. Later we decided that it could be our retirement home."

Because they can never build, the Eberles and the other property owners' land is worth pennies on the dollar, said Michael Berger, their appellate lawyer.

Thursday, April 25, 2002  
**San Francisco Chronicle**  
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"Some can't even walk on the land without a permit, let alone pitch a tent," Berger said. "I think these people are pretty much out of luck."

Ken Eberle said he paid \$18,000 for the land 24 years ago. With property taxes and maintenance costs, they have put \$40,000 to \$50,000 into the property. In the early 1990s the Forest Service offered to give the couple \$20,000 for the two parcels -- roughly two-thirds of an acre.

A real estate agent told the Eberles they could get as much as \$400,000 if the land was buildable. The average home at Lake Tahoe -- without a view of the lake -- on the California side sells for about \$700,000, said real estate experts. It's slightly more on the Nevada side because the state does not require residents to pay income or corporate taxes.

Many of the 400 property owners have sold their land to the Forest Service Lake Tahoe Basin, the California-Tahoe Conservancy or Nevada State Lands. The state agencies will buy environmentally sensitive properties for fair market value.

But according to Berger, the land has little value if it's not buildable.

Rochelle Nason, executive director of the League to Save Lake Tahoe, said people buying land in the early 1970s should have been aware that it was going to be tough to get permits to build new houses in the Tahoe basin.

"The area was terribly over subdivided," she said. "More development would hurt the water quality, bring more traffic, create more pollution and turn the place into an urban area."

Zichella, of the Sierra Club, said property owners were taking a chance when they bought land at Lake Tahoe.

"You buy property on the south rim of the Grand Canyon you're taking a chance," he said. "It's the same with any national treasure."

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