

League, TRPA spar in court over Stateline project

By Kathryn Reed

A federal judge on Monday seemed a bit bewildered why the League to Save Lake Tahoe brought forward the case against the Tahoe Regional Planning Agency to stop the Sierra Colina development in Stateline from going forward.

Sierra Colina is the name of the project Steve Kenninger and Gail Jaquish are trying to develop on the 18-acre bare parcel between the Lake Village housing area and the old Nugget building on the south side of Highway 50.

TRPA approved the development on the second anniversary of the Angora Fire – June 24, 2009. This is a bit significant because the League in its arguments Aug. 1 said adding an ingress and egress to the 325-unit Lake Village complex was irrelevant. Fire officials have said otherwise.



Sierra Colina's future is in judge's hands.

Right now there is only one way into that development. Sierra Colina would provide another way in and out in the case of an emergency.

What the League is suing over is the transfer of land coverage.

Douglas County agreed it would provide the land coverage for the linear public facilities in exchange for public rights-of-way. The League contends there is not enough public benefit of the trail system, that it only benefits those who will in Sierra Colina, to warrant the coverage transfer.

The League did not challenge the project permit, subdivision permit, intersection permits or environmental documents.

However, at the various hearings two years ago, League representatives spoke in opposition to developing a barren piece of land. But that is not what is being argued in court.

Rochelle Nason, executive director with the League, did not respond to an inquiry from *Lake Tahoe News* for comment. She was in court, but missed nearly the first half of the 90-minute session.

Project proponents reached out to the League before TRPA issued the permits two years ago.

In the nearly two years since the lawsuit was filed, more than 11,000 pages of documents have been given to the court.

Sierra Colina would be giving 10 acres of the project to Douglas County as open space. The project would connect paved bike trails in the Lower Kingsbury Grade area to Round Hill on the north side. That is where the coverage becomes a sticking point.

Douglas County's master plan includes this trail as a public asset. Creating trails also plays into TRPA's recreation goals and desire to have people use alternative forms of transportation.

U.S. District Court Judge Robert Jones at the end of the day Aug. 1 gave the League 10 days to prove his court has

jurisdiction over the matter. The TRPA Compact says the venue could be state court, but does not address jurisdiction. However, it's federal court where TRPA lawsuits are usually resolved.

Jones will then decide if his court is the one to rule on the TRPA-League lawsuit.

"The court was very well prepared, had a very clear grasp of issues and the facts and concurred with the environmental analysis demonstrated," Lew Feldman told *Lake Tahoe News*. Feldman was hired by TRPA as outside counsel to represent the bi-state regulatory agency in court.

However, he would not comment further.

Kenninger would only say, "Sierra Colina looks forward to receiving the decision of Judge Jones."

If Jones rules with history and decides federal court does have jurisdiction, it could be anywhere from a couple weeks to 90 days for him to decide to rule for the defendant or plaintiff.

If TRPA wins, and in effect Sierra Colina, the project could break ground next summer. The housing market would play a huge role in when the developers would proceed. Financing would be another issue – just like it is for the stalled Tahoe Beach Club at the end of Kahle Drive.

Sierra Colina would create 41 market rate dwellings and nine moderate-income deed restricted places. Forty-two units would be in 21 townhouse-style duplexes, with eight being single-family homes.

Another large aspect of the project is environmental improvements. Part of this is reducing 28 to 70 percent of the current volume of sediment from reaching Lake Tahoe. The lake is walking distance from the project. Helping improve Burke

Creek is also part of the project.

Environmental improvements have started despite the lawsuit. In fact, Douglas County commissioners will be discussing Burke Creek at their Thursday meeting.

What was pointed out at the hearings two years ago is the area is zoned for a single-family residence and no environmental improvements would have to be made.