

## Suit filed over development deal

**SHADOWROCK:** Environmentalists accuse the Palm Springs attorney of improperly extending the pact.

By Steve Moore

**PALM SPRINGS** - Environmentalists have challenged the city attorney extending a development agreement for the long-delayed Shadowrock project with a referendum looming next year.

The Sierra Club and the Center for Biological Diversity filed a lawsuit Monday against Palm Springs and the City Council. Assistant City Attorney Gregory Simonian said Palm Springs can't comment because it hasn't been served with the suit.

Shadowrock envisions an 18-hole golf resort, a 270-room lodge and up to 135 homes in the upper reaches of Chino Canyon. The project was initially approved in 1993.

But financial woes as well as legal challenges from government and environmental groups stalled Shadowrock. Some worry the project could harm the endangered Peninsular bighorn sheep.

Legal points in the suit:

Only the City Council has the legislative authority to extend a development agreement.

A City Council ordinance set the development agreement's expiration date for June 29, 2006, unless extended by ordinance.

The city attorney's action "improperly circumvents the referendum process" and would "improperly pre-empt" any court action "in pending litigation."

The city attorney's extension was "open-ended" based on how long a federal agency needs for permit processing. It "violates" development-agreement laws "intended to ensure that they are limited in duration."

The basis for the extension was "improper" because Shadowrock "voluntarily delayed" processing applications for needed permits "until near the end" of the development agreement.

Shadowrock's developer, Mark Bragg, denied the accusation. He said delays have been caused by various agencies "we had no control over."

The lawsuit seeks a court order making the city attorney's extension of the development agreement "null and void."

City Attorney Douglas C. Holland, while not mentioned by name in the lawsuit, is the one being referred to, according to Joan Taylor, conservation chairman of the Tahquitz Group of the Sierra Club.

The lawsuit says the city attorney wrote Shadowrock a letter on June 29, the development agreement's expiration date.

The letter granted an extension but did not say for how long -- based on the U.S. Army Corps of Engineers' need for processing a permit, according to the lawsuit.

Holland was on vacation and unavailable Wednesday for comment.

In an overview, the suit outlines the background leading up to the latest lawsuit.

The project's 1993 development agreement, extended once, was set to expire June 29.

The City Council on May 17 adopted an ordinance extending the development agreement for another 10 years. The vote

was 3-1, with one abstention.

The Sierra Club and Center for Biological Diversity responded by filing a lawsuit that is still pending aimed at overturning the extension and stopping Shadowrock. Palm Springs voters face a November 2007 referendum over the 10-year extension of Shadowrock's development agreement.