The Contribution of Consensus Building Workshops to Regional Planning in Lake Tahoe

by

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ABSTRACT

A new approach to planning was conducted in Lake Tahoe over a ten month period in 1985-86. The Tahoe Regional Planning Agency (TRPA) convened its staff, sixteen participants, and a process manager to write the regional plan for the Lake Tahoe Basin. After fifteen years of struggle to write an implementable regional plan, this broad-based group developed consensus agreement on the Goals and Policies portion of the plan. The final document, proposed for adoption in June 1986, is supported by all but one of the participants. It represents the first written example of consensus agreement among citizens, business representatives, government agencies, and environmentalists about planning regulations for the Lake Tahoe Basin. The consensus building process used by the group contributed widely to the group's ability to reach agreement on complex environmental and development issues.

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Part 1: The Tahoe Regional Planning Agency: History of the Conflict
I. Introduction

For the past three decades, planners, citizens, government agencies, and state officials in the Lake Tahoe Basin have struggled to reach agreement on the appropriate rate, level and type of development, as well as the appropriate level of environmental protection for the Lake Tahoe Basin. By 1985 dozens of studies, thousands of person hours, and fifteen years of meetings and litigation still had not produced an implementable regional plan.

In May 1985, another idea for the preparation of the regional plan was introduced. Sixteen parties representing 54 interest groups from all over the Basin began meeting on a regular basis to hammer out agreement on growth, development, and environmental protection issues in the Lake Tahoe Basin. These sixteen parties, clustered in a Consensus Building Workshop (CBW), met four to eight times per month in all day sessions for ten months. These workshops produced the most promising regional plan to date.

Consensus Building Workshops had many interesting and unique characteristics. These include such characteristics as:

- All parties that could affect the regional plan’s implementation were eligible for participation in CBW. Further, the major CBW participants sought the participation of other individuals to represent a broad spectrum of local, state and national interests.
- The participants assembled under the guidance of a process manager, a facilitator, who assisted them in designing their own process and agenda.
- The group agreed at the outset to attempt to reach consensus agreement on all the major issues that formed obstacles to implementing the regional plan.
- They agreed to participate in a collaborative effort
which would include data collection and seeking new solutions to conflicts among parties.

- The Tahoe Regional Planning Agency provided some funding and sought additional funding to assist the group in convening.

With the help of a professional facilitator, the CBW reached agreement on the Goals and Policies portion of a Regional Plan in April of 1986. The document, if accepted by the regional governing body in the next few months, will guide the development of the Basin over the next ten years.

This thesis will examine how and why this group came to be, how the Consensus Building process worked, and the results of the process.

Why Study the Consensus Building Process?

In October 1985, a national conference on community growth management strategies, sponsored by the Urban Land Institute, attracted urban and regional planners from all over the United States. Planners indicated a growing need to find better ways of engaging residents with conflicting views in the planning process. (ULI, 1986). Consensus Building Workshops are one such way.

Lake Tahoe has a number of unique growth management problems, as well as problems common to all resort communities. Lake Tahoe is a recreational resort with a large permanent population. The highly polarized views in the Lake Tahoe communities are similar to those in other areas where urban and environmental interests compete for use of the same resources. On the other hand, planning in the Basin is the focus of bi-state, political interest; state and local interests in the Basin
differ and both have an impact on planning in the Basin. And, planning is directed by a governmentally-appointed regional body which reflects in its constituency the conflicts about the use and management of limited natural resources. These factors combine to make the dispute over future development in Lake Tahoe as bitter as any such controversy could be. I conclude that if consensus building can work at Lake Tahoe, it can probably work elsewhere.

Following a brief description of Lake Tahoe and its surrounding environment, I will examine the development conflicts in the Basin and the history of regional planning efforts. I will review the concerns of all the parties, their positions as well as their underlying interests. Then, I will describe in detail the Consensus Building Workshops and the outcomes achieved.

Lake Tahoe

Lake Tahoe, a 190 square mile alpine lake, rests in the Sierra Nevada, east of Sacramento, California, and west of Reno, Nevada. It is one of the largest and deepest alpine lakes in the world (Strong, 1984). It lies on the California/Nevada border providing the region with year round vacation and recreation activities as well as firewood, gravel, and water resources.

One of the few remaining glacial lakes, Lake Tahoe was formed some 10 million years ago during the mountain uplift. It is surrounded on all sides by the Sierra Nevada mountains with peaks rising from the water's edge. Dense coniferous forests dominate the lower portions of the mountains with large portions
of some peaks elevated above tree-line. About seventy mountain streams and rivers flow into the lake forming the 500 square mile watershed that is the Lake Tahoe Basin.

Lake Tahoe boasts some of the premier scenic vistas in the western U.S. (Strong, 1984). Aside from its unique alpine setting the Lake is unusually clear. Twenty years ago visibility to 150 feet was not uncommon. Today, 80-100 feet in visibility is possible (Goldman, 1985). Lake Tahoe's Carribean-quality water is possible because of a lack of nutrients and algae growth common in most fresh water lakes. While the loss in visibility has recently been attributed to urbanization around the Lake, the water remains clear and potable.

**Settlement Pattern**

The pattern of development around the Lake reflects the conflicting and diverse objectives of those who use the Lake. Much of the Tahoe Basin (77%) is publically owned and remains undeveloped (TRPA, 1986). The shoreline is privately held for the most part and is dominated by single-family homes and recreational development. Several state parks are located on the shore, but most public land is located inland from the lake. The map on page 11 shows the distribution of lands in public and private ownership.

Of the 205,250 acres of land in the Lake Tahoe Basin, 33,500 acres are zoned for development by the regional planning authority of the Basin, the Tahoe Regional Planning Agency. As of 1979, 28,000 acres were urbanized (having been impacted by human activity, Western Federal Regional Council, 1979). 77% of
The urbanization is on the California side of the lake.

The only incorporated city in the Basin is South Lake Tahoe, California, at the southeast corner of the Lake. Adjoining South Lake Tahoe on the Nevada side is a casino area at Stateline, Nevada. Residential development is sparsely scattered along the steep eastern side of the lake. The Forest Service owns land along the northeast shoreline that abuts the Nevada State Park. Summer home and residential communities dominate the north shore with Incline Village, Nevada, on the northeast side of the Lake, and Tahoe City, California, at the northwest side of the lake the largest urban areas on the Northshore. Sparser residential development occurs along the steep west side of the lake. Homes and boat access areas are intermingled with the California state parks on the flatter portions of the west side with most of the Forest Service shoreline holdings on the southern edge near Emerald Bay State Park.
II. History of the Uses of Lake Tahoe

Introduction

The roots of the current planning conflicts at Lake Tahoe can be found in the purposes for which people have historically used the Lake. From the late 1800's to the 1950's, Lake Tahoe was a popular recreational resort used for relaxing in a mountain environment. During short visits people enjoyed fishing, swimming, mountain-climbing and relaxing at the quaint resort hotels.

In the 1950's and 60's, as more and more people visited Lake Tahoe, more people moved there to provide services for recreation enthusiasts. Recreational opportunities expanded to include not just the scenery, boating in the Lake, and enjoying the beaches, but gambling, skiing, and other more intensive uses. Part-time summer and permanent year-round residents increased. Much of the attraction of the Basin—the peace and solitude—slowly disappeared as Lake Tahoe became an urbanized home-away-from-home.

By the mid-1960's, studies reported damage to the Lake as well as problems of congestion and inadequate public services. Many residents turned their energies toward slowing population growth and restricting future development to protect the scenic qualities of the area. However, the momentum for making Lake Tahoe available to increasing numbers of tourists and new residents was strong. During the 1970's, Tahoe communities solidified their tourist-based economies and became dependent on visitors. Private homes dominated the shoreline of the Lake.
Planning was supposed to direct the Basin toward the proper mix of protection and development, but no one knew exactly how that would come about and most disagreed on what that mix should be.

Today's conflicts in the Basin can be traced to an historical struggle between those advocating urban development and those pressing for environmental preservation. Urban uses include residential development, recreation, and gaming. Efforts to preserve the land are visible in the actions of the Forest Service and private land protection groups. A summary of the history of each of these uses and protection efforts provides a foundation for examining the details of the current dispute and the effectiveness of consensus building efforts.

Residential Uses

Residential settlement of Lake Tahoe began in the 1850's when a new passage over the Sierra Nevada mountain range, skirting the north shore of Lake Tahoe, was discovered. Speculators seeking passage from California to the goldfields of the Sierra told of the beauty of this large alpine Lake (Strong, 1984). A tourist trade developed at the Lake when it became a stopover for travelers going from Carson City, Nevada, to Placerville, California. By 1864, Lake Tahoe was a well known vacation spot for adventurous Californians and Easterners travelling over the Sierras to Yosemite. Innkeepers moved their establishments from the roads to the lakeshore to provide the most attractive accommodations for overnight visitors.

Rail improvements in the 1870's made Lake Tahoe only an eight hour's trip from the San Francisco Bay area. Through the
1860's and 1870's, steam boat travel on the Lake enabled visitors to see all parts of the Lake and increased the amount of land settled. Steam ships transported goods and mail from village to village extending communication and services around the lake. By the end of the 1880's, 100 people per day travelled from Truckee to Tahoe City, California, and the current road system and settlement pattern around the lake was well established (Strong, 1984).

During the period from 1900-1930, residential land development became more lucrative as the demand for summer homes increased. Private estates and subdivisions sprang up around the Basin. In 1906, areno real estate developer offered 82 75-foot tracts at Emerald City for $200-$500 each. By 1924, 100 foot lakefront properties were selling for $5,000 each. Hill side properties off the lake could still be found for $400 for a large parcel (Strong, 1984).

The 1930's brought a small boom in construction (in 1939, 50 homes were built) and increasing numbers of visitors. Total real estate values were estimated at upwards of $20 million. The summer population probably peaked at 20,000 people, and the winter population at 2,000. The signs of growth were increasingly apparent, and residents complained in the newspapers of deteriorating recreational opportunities due to the numbers of visitors (Strong 1984).

Conflicts over the use of zoning to restrict development began as early as summer of 1938. North shore communities such as King's Beach, where a developer wanted to allow "new blood" into the Basin and some residents wanted to restrict growth,
considered adopting zoning ordinances. At the time, the developer won, arguing that restrictions would prevent the "small fellow from having even a summer cottage." (Strong 1984).

The problem of lack of communication between segments of the Lake Tahoe communities was noted when "the editor of the Tattler complained that people in Bijou had no idea of important developments at Brockway and possibly had not even heard of King's Beach." Most people concentrated their energy on local concerns, not on the whole Lake. The editor suspected that "something must be done to tie the entire Lake community together." During World War II, the Basin became deserted because much of the nation concentrated monetary resources on supporting the war, not vacationing. Fewer vacationers and fewer home starts left the Basin quiet until the 1950's when winter recreation opportunities again changed the character of the Lake Tahoe Basin. (Strong, 1984).

Recreation Uses

Until the 1950's people visited Lake Tahoe for the recreation opportunities it offered. There were few residents living in the Basin to provide services for visitors. Some travellers hiked and camped in the Sierra, but for the majority of visitors, water-related activities such as fishing, boating and swimming at the Lake were the main attractions.

After World War II, downhill snow skiing grew in popularity in the U.S. By the mid 1950's, there were 19 ski resorts around the Basin. In 1960, Squaw Valley hosted the Winter Olympics, solidifying the Basin as a year-round recreational resort. New
jobs at the resorts as well as new services to support additional visitors created year-round jobs and a much larger permanent population at Lake Tahoe. Between 1956 and 1960, the permanent residents of the Lake area increased from 2,850 to 12,262. (Ingram and Sebatier, 1984). By 1975, Heavenly Valley Resort, established in 1956, was servicing 10,000 skiers a day (Strong, 1984).

Conflicts between the recreational uses of the lake and the concerns of residents seeking the quiet, pristine alpine environment began as early as 1938. Recreational enthusiasm brought people to the Basin in the first place. Tourism and recreational development formed the economic base that enabled much of the permanent population to survive. Many residents desiring peace and quiet in the Basin opposed continued recreational development, but also found themselves dependent on it. This paradox remains.

Gaming Industry

Another component of recreational activity that affects the economy of the area is located only in Nevada: Gambling. Nevada legalized gambling in 1869 and the first clubs at the Lake opened in the 1920's and 30's. The gaming industry grew rapidly in all of Nevada in the 1950's, and casino development in the Basin followed. Casinos were built close to the north and south shore state borders to attract California tourists. The luxurious hotel complexes immediately became year-round tourist attractions. They brought an increased number of permanent jobs and growth in the year-round resident population. Growth in
secondary services to support the increasing population and tourism followed. The economy at Lake Tahoe is now inextricably interwoven with the gaming industry.

Another transitory use of the Basin's resources that I will not discuss in detail is logging. Timber developers clear cut the Basin forests for 30 years, between 1850 and 1880, and then departed leaving broken trunks and scattered stumps on thousands of acres. After 90 years of forest and Lake regeneration, the industry's ecological impact is now invisible. The presence of the industry did shape the pattern of land holdings for years to come by making large tracts of land available for purchase by the government and developers alike.

I now turn to a discussion of the historic efforts to preserve Lake Tahoe in a natural state. Preservation efforts began early in the Basin and were spearheaded by both public and private interests.

Public Land Protection

The U.S. Forest Service's creation of the Lake Tahoe Forest Reserve on the California side of the Lake in 1899, marked the first federal effort to preserve a large tract of land in the Basin. On the southwest shore, 136,335 acres were reserved, but only a small portion was shoreline.

The Reserve was extended in California in 1905 by President Theodore Roosevelt. Roosevelt sought to protect the water supply for California agriculture by ensuring that Lake Tahoe as a "source of supply for the great reservoirs and irrigation works may be safe from fire, overgrazing and destructive lumbering."
(Strong, 1984). The Reserve extension included virtually all of the California side of the Lake Tahoe Basin, except one township in the southeast corner, and laid the foundation for the substantial federal holdings that exist today at Tahoe.

Several proposals were made during the period from 1890-1950 to make Lake Tahoe a National Park. Gifford Pinchot expressed concern over the logging industry's clear cutting practices in the Basin when, in 1898, he suggested that only under government care could the lands recover their value and usefulness (Strong, 1984). In 1899, Senator William Stewart of Nevada launched a campaign to create the Lake Tahoe National Park. His Senate proposal ended in defeat when he was unable to design an acceptable land exchange program for privately held, deforested property. The idea was revived in 1912 and 1918, by the Sierra Club and California Senator Joseph Knowland, but proponents failed to mobilize adequate political support. William Penn Mott, Jr. of the National Park Service, filed a report in 1935 suggesting the Basin be purchased and placed under permanent public care. In 1935, there were no funds available for purchase of park lands. The report became the last serious attempt to make the entire Basin public land (Strong, 1984).

Land purchase for preservation by California predominated in the 1940's and 50's. Efforts resulted in the preservation of Emerald Bay, and other California State Beaches and Parks. In 1928, the family of Duane Bliss, former timber industry magnate and tourist businessman, donated scenic lands on the West shore for public ownership. Bliss recognized that the success of the
tourist trade depended on the protection of scenic lands for public use. The state of California later added to these lands and funded the creation of the Bliss State Park.

Nevada looked to the federal government for assistance in establishing parks on the Nevada side of the Lake. Not until 1967 did Nevada acquire the property that later comprised the Nevada State Park. This park, the only Nevada-owned public land area at Tahoe, encompasses more than 13,000 acres and 7.5 miles of shoreline.

The U.S. Forest Service had difficulty acquiring lands during the 1940’s and 50’s largely because of the lack of federal funds. In the 1970’s the Forest Service began extensive land acquisition activities. Between 1965 and 1980, they acquired more than 36,000 acres of land by direct purchase and through land exchanges. By 1980, the Forest Service owned 65% of the land in the Basin and the states owned an additional 6%. However, together, the public agencies owned only 16% of the lake’s 71 miles of shoreline (Ingram and Sebatier, 1984).

Public land ownership has clearly played a prominent role in limiting the development of Lake Tahoe, but little of the shoreline has been protected from development activities. Impervious land cover at the shoreline causes increased erosion and sediment deposition. Sediment deposition into the Lake increases algae growth and reduces water clarity. Thus, the protection of the shoreline has become critically important to preserving the clarity of the Lake. The majority of the shoreline remains privately owned and locally controlled despite state and federal acquisition efforts.
Private Land Protection

From the late 1800's through to the 1940's, many citizens and visitors expressed interest in protecting the Basin. John Muir, the famed mountain ecologist, commented on the Lake's unique beauty when he passed through in the 1870's. He also expressed grave concern about the "logging industry stripping the land of its attractive features," (Strong, 1984). An article in the Truckee Tribune noted that lumber barons would "spend thousands of dollars to visit the Alps, but not a dollar to save Tahoe," (Strong, 1984). But, as mentioned previously, the lumber industry did not stay long in the Basin and residents sought local methods of environmental protection. The first citizen's environmental group was the Tahoe Resource Conservation Society, formed in 1957.

Lake Tahoe residents and citizens from California and Nevada became concerned about the environmental effects of increasing urbanization in the 1950's and 1960's as the recreation and gaming industries grew. The League to Save Lake Tahoe was founded in 1965 as an outgrowth of the Conservation Society (formed in 1957). The League sought to "limit expansion of casinos, curtail proposals for new highways, promote research in water quality, and create an effective regional government in Lake Tahoe." The group believed the Lake was in serious ecological danger and tried to "preserve the environmental balance, scenic beauty and recreational opportunities of the Lake Tahoe Basin," (Strong, 1984). This remains their mandate and the organization continues to be the leading voice in the community promoting environmental protection.
Summary


The problems that accompanied this growth could not be easily handled by the separate and uncoordinated efforts of state and local governments. Each community attempted to provide its own fire and police protection, schools, water supply and sewage disposal. A lack of zoning and indiscriminate distribution of building permits brought "hordes of new residents seeking to establish businesses, raise families and live life reminiscent of the urban areas from which they had come," (Strong, 1984). By the mid-1960's, a movement was well advanced that called for resolving Tahoe's problems through a regional authority.
III. Regional Planning Efforts

Formation of TRPA

In 1956, an organization was formed for the primary purpose of advancing support for a regional planning agency to solve Lake Tahoe's urban and environmental problems. The Lake Tahoe Area Council supported the Lake's protection and "orderly development," (Strong, 1984). However, as soon as the Council began studying environmental problems and proposing regional controls, local interests grew hesitant. The Council continued their work and held a public meeting in November 1958 attended by more than 300 civic and business leaders. The Council presented the most important regional issues as "formulation of a master plan, solution to sewage and waste disposal problems, establishment of building and zoning codes, and provision of safe, dependable water," (Strong, 1984).

The Council published a regional master plan, in 1964. The plan raised a storm of protest, particularly its predictions about growth. The Plan recommended large scale development around the Lake and expected tourist visits to increase from 126,300 on a summer weekend in 1962, to 313,000 by 1980. It also called for several bands of roads to be constructed around the Lake to accommodate this growth (Strong, 1984).

The plan focused community attention on the problems of waste disposal and water quality. A Council study of sewage treatment highlighted severe problems with the current means of disposing of sewage, spraying effluent onto the land in the Basin. Spraying contaminated the water supply and killed trees
on the land. With federal and foundational grants, Basin
governments were able to attack the waste treatment problem.
Sewage export began in 1968, and the South Tahoe Public Utilities
District completed a sophisticated waste water treatment facility
in the early 1970's (Strong, 1984).

A 1963 Comprehensive Study, published by the Lake Tahoe Area
Council, recommended the formation of a regional planning agency
with limited functions to coordinate planning and development in
the Basin. Following hearings before both state legislatures, the
states agreed to form the Tahoe Joint Study Committee. The
Committee was charged with providing recommendaions "concerning
an area-wide agency to regulate growth in the region," (Strong,
1984). Its recommendations, issued in March 1967, suggested an
agency be formed through concurrent legislation with region-wide,
bi-state authority to preserve the physical environment of the
region. California and Nevada state officials, responding to
local opposition to reductions in local decision-making power,
were not willing to give a joint agency extensive powers.
Instead, in 1967, both states introduced bills to form separate
California and Nevada Tahoe Regional Planning Agencies. The
agencies were formed and each prepared a land use plan. Both
functioned largely as interim bodies while the two states debated
a bi-state compact.

In 1967, a California Assemblyman introduced new legislation
to form a joint regional planning agency. Both states continued
to debate the extent of power appropriate for a regional agency.
They finally agreed on the structure and powers of a Governing
Board. The Board was to be dominated by a majority of local
representatives rather than state or federal representatives. It was to include equal numbers from each state. The legislatures limited the powers of the Governing Board in two ways. The legislation required a majority of votes from members of both states to take any action, and it placed a 60-day approval period on Board action (Ingram and Sebatier, 1984). In effect, the Board was not able to act without majority agreement from both states, and if it could not achieve agreement in 60 days, any application for construction was deemed approved.

The legislation required the Board to hire a planning staff to draw up plans and ordinances and make recommendations to the Board. An Advisory Planning Commission composed of local government representatives would serve in an advisory capacity in considering construction applications. The 1970 Bi-state Compact, signed into legislation in January 1970, gave the Tahoe Regional Planning Agency (TRPA) powers to "regulate growth and develop measures to protect the environmental integrity of the Basin," (Bi-state Compact, 1970). The Governing Board convened in March 1970.

The Struggle to Produce a Regional Plan Begins

The Compact mandated the TRPA to produce a Regional Plan within 18 months. This proved to be more difficult than anticipated.

The TRPA developed its first draft plan in less than a year with the assistance of a U.S. Forest Service team and volunteers from universities, other agencies and the general public. The plan, unveiled in 1971, proposed a land capability rating system
which rated parcels of land according to their ability to handle construction without disturbing the water quality of the Lake.

The system was dubbed the land capability system or the "Bailey" system. A Land Capabilities map classified all the lands in the basin according to their suitability for construction. A lot was designated a High, Moderate or Low hazard according to its erosion or slope characteristics. Under the Bailey system, 76% of the lands in the Basin were considered high hazard and not suitable for construction (WFRC, 1979). The map on page 26 shows the capability classifications of all the lands in the Basin, according to Bailey. The system was criticized by individuals and government agencies. Parcels were classified on the basis of soil samples taken in just one portion of each lot. Some argued that the Bailey system, adapted from a system used by the Soil Conservation Service for agricultural land, was inappropriate for the mountainous terrain of the Basin. Local resistance to the plan was substantial. Property owners and developers complained that the planning restrictions would reduce property values and not allow property owners to build.

The staff returned with a redraft of the Plan and the Governing Board of TRPA adopted it the end of December, 1971. The new version called for significantly less downzoning of private properties and a higher population capacity for the Basin: 280,000 versus the previous plan's 136,000 (Ingram and Sebatier, 1984). The Land Use Ordinances implementing the plan were adopted in February 1972.
Lake Tahoe Basin

Robert G. Bailey's Land Capability Classification (Strong, 1984)
Considerable opposition to the TRPA plan appeared on all fronts. The Plan and the Ordinances were sufficiently restrictive to enrage property and business owners, but TRPA's initial approval of several casino expansions in 1973-74 also infuriated environmentalists.

California state officials responded to what they perceived as inadequate environmental protection by creating the Lahontan Regional Water Quality Control Board and the California Tahoe Regional Planning Agency (CTRPA) to promote environmentally sensitive planning policies in the Basin. Heated battles and tremendous struggles between the Lahontan Board and CTRPA on one hand, and local businesses, property owners and local government on the other erupted when the agencies introduced highly restrictive plans.

Under the Clean Water Act (public law 92-500), the Lahontan Board was required to prepare a regional water pollution control plan for the Tahoe Basin, and the CTRPA developed a regional plan that downzoned most of the land on the California side of the Basin. Essentially, TRPA's power was usurped in California (Ingram and Sebatier, 1984).

Nevada government officials and local developers opposed the plan's restrictions on commercial and residential development. A coalition of property rights advocates and business interests formed: the Tahoe-Sierra Preservation Council. Members of the Preservation Council strongly opposed the restrictions on new subdivisions, sewer connection moratoria, and limitations on home construction in improved subdivisions. The group lobbied against the TRPA through the Nevada legislature and became an active
voice at planning board and Governing Board meetings.

In the face of Basin-wide criticism, an ad hoc committee of Governing Board members formed in 1975 to evaluate the performance and progress of TRPA. The committee made a number of recommendations and came to the conclusion that the Agency's effectiveness was inhibited by the structure of the Compact. Primarily, they recommended that a new Compact be devised to restructure the Governing Board to include more state representatives and fewer local members. The Committee also recommended that the new Compact secure TRPA's source of funding, and that no new casino development be allowed in the Basin. The public and local governments disapproved of the recommendations. Nevertheless, most of the recommendations were eventually followed.

In 1979, Nevada passed legislation that forbid construction of new casinos. After many drafts, and bitter struggle over the content of a new Compact, California and Nevada legislatures finally agreed on the language of the new Compact which was amended and signed into law on December 19, 1980.

**A New Bi-State Compact**

The new provisions in the Compact reflected growing concern among Basin residents about environmental protection in the Basin. Several studies completed in the 1970's reported on the deteriorating condition of the Lake. One focused on the loss of water clarity. Charles Goldman reported, in 1974, that algae growth had doubled in the prior decade. He estimated the Lake had lost 25% of its clarity in only fourteen years (Strong, 1984).
In 1979, the Western Federal Regional Council reported on the state of the environment. The Council, a federal inter-agency task force composed of representatives from the Forest Service, Department of Transportation, Department of Housing and Urban Development, Department of Energy, and the Environmental Protection Agency, and many local agencies and consultants, characterized the natural and man-made conditions of the Basin and changes in environmental conditions. The study described the air quality situation in the Basin as "rapidly worsening." Incoming traffic to the Basin increased by 80% from 1970 to 1978, making Lake Tahoe a national non-attainment area for carbon monoxide and ozone. Peak concentrations of these pollutants were exceeded 33 times in 1976 and 70 times in 1977 (WFRC, 1979). Water pollutants were estimated to exceed federal and California state water quality standards, though no specific data were collected.

The study, dense with statistics and conclusions, recommended "more restrictive controls over emissions in order to maintain the scenic vistas visitors come to the Basin to see."

In summary, the Council stated that "in 1978, 17 of the 35 urban and environmental components measured were operating at capacity limits," (WFRC, 1979). The study examined the cause and effect relationships between different sectors of the economy and resulting environmental degradation. The Council then suggested possible environmental thresholds for air quality, water quality and land use protection.

The 1980 Compact changed the Governing Board voting
procedure so that a majority vote was needed to permit a new project in the Basin, rather than to reject one. The Compact expanded the Governing Board to include another member appointed by the President of the United States. It created the Tahoe Transportation District, and most importantly, it called for the development and acceptance of environmental thresholds prior to adopting the Regional Plan. The thresholds would be based on the Basin's "carrying capacity." The thresholds would indicate the "numerical value for various environmental parameters beyond which undesirable ecological damage occurs," (WFRC, 1979).

With the new Compact adopted, TRPA's attention turned to developing thresholds. TRPA prepared a detailed report on the threshold "carrying capacities" for air quality, water quality, soil conservation, vegetation preservation and noise in the Basin (TRPA, 1982). Standards were developed for carbon monoxide, ozone, visibility and nitrate deposition for air quality; clarity and primary productivity standards, dissolved inorganic nitrogen, dissolved phosphorus, and dissolved iron for water quality; diversity, abundance species richness and pattern of growth for soil conservation; and aircraft, boat, motor vehicle, motorcycle and off-road vehicle noise levels for noise control. After months of debate, stringent thresholds were adopted by the Governing Board in August of 1982 (TRPA, 1982).

In August of 1983, the original deadline for adopting a regional plan, TRPA began a self-imposed moratorium on construction in the Basin until a regional plan could be approved. By November 1983, TRPA had developed a final draft Regional Plan and circulated it for comment. The new Plan
proposed to regulate development in the Basin for twenty years. In the draft Plan, the Basin was divided into 175 Planning Areas for which TRPA would prepare statements outlining each area's planning needs. The Plan suggested future development in the Basin focus on redevelopment and infill of already developed areas rather than new construction in outlying areas. The Plan estimated that, with the implementation, average summer populations by the year 2003 might approximate 150,000. (TRPA, 1983).

Heated debate over the content of the Plan continued into the Spring of 1984. Finally, ten months past the mandated completion date, the Governing Board approved the new Plan on April 26, 1984. The same day, the State of California filed suit against TRPA seeking an injunction against TRPA's operation, charging the Plan violated the Compact. The League to Save Lake Tahoe filed a similar suit the following day. The two plaintiffs declared that the new plan was illegal because it did not attempt to achieve the thresholds; it allowed far too much new construction (1.1 million square feet of commercial over the life of the plan); and, it provided no time schedules for remedial work to reduce algae growth. (Martens, 1985). On May 1, 1984, Judge Edward Garcia of the ninth district court placed a temporary restraining order on TRPA allowing no construction in the Basin and no permit issuance until further notice.

A temporary injunction was affirmed on TRPA on June 5, 1984. TRPA entered into settlement negotiations with the League and California Attorney General's cases. The Governing Board
appointed a Special Litigation Committee to negotiate a new Plan. After ten drafts and "hundreds of hours of meetings," they prepared a new plan for release in April 1985 (TRPA, March 3, 1985).

Several weeks later, TRPA got hit from the other side as well. The Tahoe Sierra Preservation Council filed suit against TRPA and the new plan in the name of 364 plaintiffs. The Preservation Council sought damages for inverse condemnation of properties in the Basin. They claimed TRPA's regulations "deprived property owners of their property, without just compensation," (U.S. District Court, District of Nevada, 1985).

At the same time, the Preservation Council, growing more displeased with TRPA's operation in the Basin, began an effort to convince the Nevada Legislature to withdraw from the Bi-state Compact, effectively disbanding the TRPA. They argued that TRPA was not functioning as mandated and that regional planning in the Basin simply wasn't going to work. A bill was introduced by Senator Lou Bergevin which called for Nevada withdrawl. Governor Richard Bryan of Nevada strongly supported the TRPA and made it known that he would veto any such bill. A sub-committee debated the intricacies of the bill through the Spring of 1985.

Simultaneously, the Preservation Council was working with private developers and an organization of local governments, called the Tahoe Basin Area Governments (TBAG), to retain the Urban Land Institute and the Lincoln Institute of Land Policy to analyze the situation in Lake Tahoe. In the Fall of 1984, they organized a week-long, intensive workshop at which experts from all over the country would conduct interviews, prepare a report
and present findings on the main issues confronting Lake Tahoe. Seven panelists made recommendations to the Basin for handling "governmental, planning, environmental, and infrastructure financing issues in the Basin". One of the most important recommendations supported the existence of TRPA. The Panel Study group suggested that TRPA was "the most appropriate approach for managing the Tahoe Basin" and should be given steady and secure funding. (ULI Report, 1985) This outcome surprised many people in the Basin who expected the group to recommend TRPA's elimination. The report also stated the importance of the Governing Board finding strong leadership for the TRPA, which had been without an Executive Director for eighteen months.

About this time, the California district court ruled against the Preservation Council's inverse condemnation suit denying the liability of TRPA or the Governing Board (U.S. District Court, District of Nevada, 1985). This ruling, combined with the results of the ULI report and the Plan agreement reached in settlement negotiations, suggested a brighter future for TRPA.

That did not last long. Well before the unveiling of the new document on April 15, 1985, the Nevada legislature, the Preservation Council, many local groups and citizens expressed serious dissatisfaction with the agreement. The Preservation Council wrote to the Governing Board expressing "indignation and dismay at the supposed 'settlement.'" Components of the agreement such as a "Basin-wide limit of 25 building permits for new single-family homes per year for the next five years (1.2% of the total eligible lots)" were viewed as a "massive step
backwards" that would only "undermine the credibility of the TRPA," (Tahoe Sierra Preservation Council, January 17, 1985).

The Nevada legislature viewed the agreement as biased toward environmental concerns and reemphasized their threat to pull out of the Bi-state Compact should the Plan be adopted. In the face of tremendous public opposition, the Governing Board decided not to adopt the plan they had labored over for ten months. Instead, TRPA appealed the injunction in Judge Garcia's Court and lost (U.S. District Court of Appeals for the Ninth Circuit, May 1985).

Many people in the Lake Tahoe Basin were becoming concerned about their livelihoods. The ULI Study and subsequent reports noted a declining economic base. In the period from 1978 to 1984, total retail expenditures in South Lake Tahoe declined about 20% (when adjusted for inflation). Retail sales on the north shore were also declining. Average annual motel occupancy ranged from 39% on the north shore to 50% on the South Shore. Average occupancy rates declined 10 percent from 1978 to 1984. (TRPA, 1986). The injunction was believed by many opposed to the TRPA to be the primary cause for the decline.

Against this backdrop, on April 1, 1985, Bill Morgan began work as the new Executive Director of TRPA. Morgan was former director of the Tahoe Basin Management Unit of the U.S. Forest Service. He brought direct knowledge of the interest groups and many of the individuals involved in the disputes, having lived in the Basin for 12 years. He was respected by the community and had several new ideas.

The first idea, for which he secured the Nevada Legislature's support, was to replace the outdated and inaccurate
Bailey System of land classification. Another was to try a new form of settlement negotiation: Consensus Building.

The Consensus Building process was supposed to be different from past efforts in two ways. First, all affected parties would be gathered together to negotiate the content of the Regional Plan at one time; and second, a facilitator would be brought in to manage the process and help the warring parties work together.
IV. Parties to the Dispute, their Positions and Interests

In reviewing the history of the conflict at Lake Tahoe, I have already introduced many of the parties involved in the current dispute. The parties mentioned so far include the League to Save Lake Tahoe, the Tahoe Sierra Preservation Council, the TRPA, the Tahoe Basin Association of Governments, the legislatures of both states, the California Attorney General and other state agencies such as the Lahontan Water Quality Board.

In the following pages, the interests of the parties are described by categories. This is necessary to insure the confidentiality of individuals views.

In the Tahoe dispute, there are essentially five categories of interest groups. Each category includes representatives of private organizations, citizen groups, and/or government agencies with similar positions and concerns. The groups are broadly drawn and members do not necessarily share a complete identity of interests. However, the parties within each category share enough similarities in perspective to be grouped together.

The categories are:

- Development and property rights advocates
- Environmental protection and limited development advocates
- Local environmental agencies and commissions
- Local government
- State and federal agencies

Within each category, the stated positions of the parties are first listed. Their underlying interests are also described. These are derived from interviews and CBW meeting minutes (see
Appendix A: Interview Guide). The parties' 'interests' are the concerns and desires that brought each to the bargaining table. The positions listed in each category correspond to parties' statements about what they hope to 'win' at the bargaining table (Fisher and Ury, 1981).

The Development and property rights advocates include the Tahoe Sierra Preservation Council, the Northshore Chamber of Commerce, Boards of Realtors (basin-wide) and the Gaming Alliance. The members of this group believe that:

- Any regional plan must be fair to property owners
- The moratorium on construction should be removed
- A free market economy would establish the best rate of commercial and residential development in the Basin
- Local citizen and business involvement in the planning process should increase
- TRPA should provide incentives for rehabilitation of local businesses
- Any planning decision must be reasonable and based on agreed upon facts
- Some planning is needed to stabilize the local economy

The interests beneath these stated positions include a desire to stimulate economic growth in the Lake Tahoe communities. Communities are interested in enhancing employment opportunities and increasing profits for businesses. TRPA regulations were perceived as exacerbating the problems of high unemployment, business closings and capital flight.

Of considerable interest to most members in this category is increasing local autonomy and control over the future planning of
communities. The parties hope to increase the stability and predictability of the future economy of Lake Tahoe by securing a clear regional plan in which locals had a strong voice. Some parties expressed a strong desire that the Basin economy provide amenities for current residents before attracting new permanent residents. Still other members of this group are interested in making Lake Tahoe as attractive as possible for all visitors and prospective residents. These members feel that outside investment will be needed to turn around the local economy.

Some parties feel that businesses and homeowners have a 'right' to improve their property. Their underlying interest is to ensure that TRPA regulations do not prohibit rehabilitation of property in the community. Property owners want to retain or increase their property values. Most members of this interest group also support a regional plan and want construction in 1986.

The Environmental protection and limited development advocates include the League to Save Lake Tahoe, the League of Women Voters, the Sierra Club, the Association of American University Women, and the California Attorney General's office. The positions of this group are that:

- Long term protection of the environment must take place through regional planning
- A regional plan must enforce the established environmental thresholds
- Water clarity of the lake should be improved, not just maintained
- TRPA should minimize future urbanization of the Basin
- Extending basin-wide knowledge of the importance of environmental protection is necessary to protect scenic resources in the Basin
The regional plan must have broad community support

Future economic growth must be balanced with environmental protection.

The main concern underlying these positions is in reversing the trend of environmental decline in the Basin. This group advocates growth controls and regional planning as methods for reducing the adverse impacts of development on water quality. Members of this group want a plan to protect the environment, regardless of current local interests and the political climate in state and local government.

The environmental thresholds adopted by TRPA are supported by these parties and they feel that restrictions of this type are justified. Some members do not desire an increase in population in the basin or even growth in the local economy. They want no increase in congestion or the associated pollution and traffic problems.

Some parties feel that increased environmental awareness and education will lead to greater protection of the Basin's ecology. Some members of this category also want the environment preserved for the enjoyment of future generations. They recognize that cohesive community efforts will produce a stable regional plan and greater environmental protection.

Within the Local environmental agency and commission interest group there are only two members, but they represent many others with similar interests. This group includes one member representing several conservation commissions and the Lahontan Water Quality Board, and a representative for the
South Tahoe Public Utilities District. Their positions include:

- Erosion control measures must be part of the Regional Plan
- TRPA needs a practical, implementable plan
- Lawsuits must be settled soon, and the injunction lifted
- Plans for water use should meet state and federal regulations
- The Agency needs to incorporate more technical information in their planning process
- The Regional Plan should provide clear guidance and direction for individuals and localities.

These parties are interested in encouraging remedial work and mitigating current environmental damage. They seek to establish a new land classification system and an acquisition program that will provide protection from future development. They want a regional plan to establish a predictable future for the Basin. They want to know the extent and location of future development. They also want improvement in environmental quality in the Basin, not simple maintenance of current environmental quality. They want increased water clarity, which they feel could be accomplished through mitigation of soil erosion.

A critical issue for these groups is provision of water in the Basin. Members are concerned that the amount of future construction allowed in the Plan not exceed the Basin's capacity to provide water.

The members of the group also have an interest in ending the moratorium, and encouraging property and business owners to rehabilitate existing structures as well as to begin new construction. They are concerned that panic building might accompany the removal of the moratorium, so they support a cap on
construction for 1986. They want the regional plan to be clear so that it will not be open to individual interpretation or abuse.

The Local government group includes a member from TRPA's Advisory Planning Commission, a Tahoe Transportation District representative, and an individual representing both the City of South Lake Tahoe and the Tahoe Basin Association of Governments. Positions espoused by this group include:

- Local government should have a larger voice in regional planning
- A regional plan must be practical and implementable
- Allocation of construction permits to various localities must be fair
- The injunction must be removed and construction of new municipal services allowed
- The Plan should address the need for a strong local economy

One of the most important, but subtle, interests of this group is in improving the public's perception of local government. Accompanying this is a desire to be trusted and accepted by their communities. Members of this group also seek local autonomy and control over the planning process.

Some are concerned about potential financial losses to individuals in their communities. They want property owners with high capability lots (ones appropriate for early development) to be freed from the injunction. Some members want the TRPA to recognize that the economy in Lake Tahoe is tourist- and real estate-based and requires growth to remain viable.
The State and federal agency group includes agencies that carry specific national or state mandates extending beyond local or regional interests. The groups in this category are Nevada Division of Environmental Protection, Nevada Attorney General's office, the Environmental Protection Agency, Tahoe Regional Planning Agency, and the U.S. Forest Service. The positions of this group are:

- Water quality measures must meet federal and state standards
- Agreement on the content of the plan must be reached by all the stakeholders
- TRPA should remain the planning body in the region
- The TRPA Governing Board must retain control over planning in the region
- The new regional plan should be an improvement over the 1984 plan.

In general, these groups seek stability in the Lake Tahoe region so they can do their jobs. The agencies want to ensure that the new plan is at least as environmentally protective as the 1984 regional plan. They support local control over the planning process and feel regional management in the Basin is better than increased federal intervention. One of the federal members argues that the Basin is too developed to be managed as a recreation area or national park. But, they also want to see an effective regional plan that meets the mandated guidelines of the Clean Water Act, the Bi-state Compact, and the environmental thresholds.
Summary of Interests

The concerns and interests of the parties involved in the conflict constitute the agenda for negotiation. Common ground is difficult to find when parties adhere to opposing positions. However, when parties explore and explain the interests beneath their positions, they can often find a basis for agreement. (Fisher and Ury, 1981). In the TRPA dispute, there are a number of similarities in the interests of apparently opposing parties.

All parties want to end the moratorium and most want to develop a regional plan. Several mention the importance of developing a lasting agreement to ensure stability in the Basin. (Some members of the development and property rights group might prefer to see an end to the TRPA and bi-state planning in the Basin, but the group is willing to support the continuation of TRPA and work toward an agreement recognizing that they may not prevail in an effort to remove TRPA.)

All groups, except some members of the environmental protection and limited development group, are interested in supporting the local economy. Reluctant members of the environmental category want balance between local concerns and environmental protection. However, they feel that the balance must be achieved through TRPA intervention and fulfilling of the mandate of the Bi-state Compact. All parties, except possibly some of the environmental protection and limited development advocates, prefer local or regional control to federal intervention.

Parties vary in their concern for the environment, but critical common ground exists. While the development and
property rights group object to past "overemphasis" of environmental consequences of development, all the groups agree that the regional plan must comply with legislatively mandated standards and regulations.

Most importantly, all groups recognize the link between environmental protection and a sound local economy. They realize that Lake Tahoe's viability as a renowned recreational resort is dependent on the preservation of the unique characteristics of the Lake and surrounding landscape. In the face of the non-environmental policies of the current administration and reductions in the California and Nevada budgets for mitigation of environmental degradation, the group agrees that environmental protection will have to be accomplished locally (with state and federal support). However, in order to protect their resources, they must ensure the development of a sulf-sufficient local economy. Discovery of the interdependencies of any apparently conflicting interests provided part of the basis for a mutually agreeable outcome.
Part 2: A New Approach to Dealing with Conflicts in Regional Planning
I. Consensus Building Workshops: Getting Started

Why negotiate?

Having reviewed the events leading to the formation of the CBW, we can better understand why it was attempted. After 15 years of unsuccessful efforts to resolve disputes over the content of the regional plan, TRPA and many interest groups in the Basin were ready for one last ditch effort. The need for a consensual agreement on the regional plan was demonstrated by the past failures which resulted from not having all of the affected parties discussing the plan. Various groups in the Basin had proved their power to stop TRPA from fulfilling the mandate to adopt a regional plan. Bill Morgan saw that developing a plan with Basin-wide public support would more likely result in an accepted plan.

But, why specifically did the members of CBW and the Governing Board agree to try Consensus Building? It may be useful to consider possible reasons beyond mere exasperation. In the case of the Governing Board, the answer seems obvious. The idea appeared to be their last alternative before the Nevada legislature terminated their existence. The Board was weary of the seemingly endless controversy. While many of the Board members trusted Bill Morgan's knowledge of the Basin (he worked for 12 years with the Forest Service and was a former Governing Board member), some were skeptical about the process he described. Enough members were, however, willing to entertain an alternative.

While the individuals, organizations and agencies in the
Basin had their own reasons for participating, the group had several reasons in common. The first were identical to the Governing Board's: exhaustion and Bill Morgan. The Basin had been under a building moratorium of one type or another since August 1983. By June 1985, with the construction industry disappearing from the Basin and the local economy declining, residents were desperate. People with building approvals in the Summer of 1983 were still unable to construct homes in 1985. A new subdivision was approved and foundations poured in 1983 that remained uncompleted. After two years, people were exhausted by the failure to adopt a plan.

For many, the offer of equal voice (consensus) was enticing. Local government and the citizenry had little opportunity in the past to participate in formulating the environment controls or setting the amount and location of new construction. They saw the CBW as a form of empowerment.

The League to Save Lake Tahoe and the California Attorney General sought a plan that would enforce environmental thresholds. They had worked hard for almost a year on a plan that was never adopted. Continued delay did not serve their interests.

It appeared that property rights advocates would not be successful in their attempt to dissolve TRPA through the Nevada legislature. They now saw an opportunity to be fully represented in TRPA's planning efforts.

The most likely alternative to consensus was probably federal takeover and management of the Basin. In the late
1970's, the League to Save Lake Tahoe, with the assistance of the California legislature, began devising a plan to turn Lake Tahoe into a national recreation area. The idea was unappetizing to many in the Basin, particularly those who wanted more control over local planning, not less. Agreement on the revisions of the 1980 Compact preempted the recreation proposal. However, in 1985, the threat of federal intervention remained as long as a regional plan did not exist. For most, the alternatives to consensus were less desirable than consensus.

Getting Started

In the spring of 1985, Morgan initiated a series of political contacts. Prior to and during his first month at TRPA, Bill Morgan convinced the Nevada legislature that they should give TRPA one last chance. He vowed to develop an alternative to the Bailey system, a system which most Nevada residents despised (70% of the unbuildable land in the Basin is in Nevada, Ingram and Sebatier, 1984). He managed to secure funds from the Legislature to perform individual lot evaluations on the undeveloped, but subdivided lots remaining in the Basin. He suggested that by addressing the grievances of all the affected parties at one time, TRPA would probably be able to develop a plan and get out from under the court-imposed injunction. This point was critical to the Legislature. They strongly resented the Bi-state agency being controlled by a California judge in a California court. He also offered the Nevada legislature veto power over any agreement reached. This extended Nevada's power over the agreement. Previously, the legislature could only
approve or disapprove the existence of TRPA through budgetary allocations and participation in the Bi-state Compact.

At the same time, Morgan arranged for his Governing Board to vote at regular intervals on the continued work of the CBW. This served two purposes. The Governing Board could reaffirm its decision making power by supporting or denying the continuance of CBW. And, since the Governing Board had ultimate decision making power over any agreements recommended by CBW, they would be kept abreast of the results of CBW meetings and the development of any agreements.

Morgan sought training for his staff in June 1985. He wanted to develop their commitment to this new process and educate them in the theory and practice of dispute resolution.

While Morgan was orchestrating these arrangements, he was also introducing the idea of consensus to all the other parties in the Basin. TRPA held several preliminary meetings with representatives of the League to Save Lake Tahoe, the California Attorney General's office, the Lahontan Regional Water Quality Control Board, the U.S. Forest Service, the Tahoe Basin Association of Governments and the Gaming Alliance. At these meetings, the group brainstormed a list of issues needing resolution before a regional plan could be implemented. By the end of these preliminary meetings, they had agreed on who should participate in the consensus building workshops and had developed cautious commitments to the process. The next step involved introducing the facilitator.

Bill Morgan and other key parties perceived an advantage in contracting for help from outside the Basin. In preliminary
meetings, the group recognized that they needed to create a more formal and respectful environment in order to address the long list of issues they had generated. An outsider would be less likely to be partial to one viewpoint or another, and therefore, might have greater legitimacy in the eyes of all the parties. After a search process managed by Bill Morgan and the TRPA staff, Geoff Ball of the Forum on Community and Environment met with the full Consensus Building Workshop on August 9, 1985.
II. Consensus Building Workshops: The Process

Facilitation

Bill Morgan introduced the process of facilitated consensus building as a planning alternative. He selected a facilitated approach for a number of reasons. Morgan recognized the hostile condition of relationships among the parties and their deeply entrenched positions. He wanted to engage them in a process that would improve relationships among them. To do that, they would need the assistance of someone experienced in moving angry people through a process of joint problem solving. On the other hand, Morgan did not want to invite a process that would make the parties dependent on the presence of an outside intervenor. Thus, he sought a facilitator to manage and teach the participants rather than a mediator to assist substantively in resolving the dispute. (For more on the types of negotiation strategies available, see Susskind and Ozawa, 1984).

In managing the process, the facilitator, Geoff Ball, used a number of facilitation techniques. He introduced new ways of dealing with contentious problems. He suggested that seeing issues from other people's perspectives was an important component of constructive problem solving. He displayed a series of drawings to demonstrate that people should confront the issues rather than each other. In the first sessions, the group discussed ideas for getting effective agreements. The group identified advantages in having time between meetings for reflecting on agreements, adhering to established deadlines, and writing down agreements reached at the end of each meeting. The
group outlined the role of the facilitator and the recorder suggesting that the facilitator not contribute his own ideas or evaluate the group's. He would remain neutral and try to focus the group's energy on the task. He would ensure that all parties had the opportunity to participate and would make process suggestions during meetings. Ball used a number of recording techniques for permanently retaining the group's thoughts and agreements. He wrote the highlights of discussions on flipcharts, and later photographed, copied and distributed them to participants. One recorder took minutes of each meeting and distributed those to members between meetings.

**The First Meetings**

In the first July preliminary meeting, Morgan explained the consensus building process that would be used explaining that it would include the following components:

- Develop a set of ground rules related to the way the parties will work together
- Reach agreement on the overall goal of the process
- Use a problem solving approach that avoids imposing one's positions on others, but rather seeks to define the problem and work from a broad set of alternatives to develop an approach that is mutually agreeable
- Search for areas of possible agreement
- Try to achieve consensus on all the issues

By the end of the preliminary meetings, the group had identified a list of groups that should be invited to participate, and the critical issues that would need resolution to achieve a workable Regional Plan. (TRPA, CBW Minutes, 8/9/85). Officially, the group would make recommendations to the decision
making body, the Governing Board, in the form of revisions to the 1984 statement of Goals and Policies of the Regional Plan. The group understood that the Governing Board would not be bound by its recommendations. The participants expected, though, that their recommendations would carry weight with the Governing Board. Indeed, the Board was likely to be responsive to an agreement reached by all the major interest groups. As one Board member put it, "a unanimous decision by a consensus group made up of all the various interest groups would be deserving of the Board's hard consideration." (TRPA, Governing Board Minutes, 7/24/85).

At the first full CBW meeting, groundrules and protocols were established. They included:

- No statements made in CBW could be used in any court proceeding
- No personal attacks or criticisms
- Listen to each other
- Be clear on what the group is agreeing to
- Be brief, but take time to be clear
- Ensure all points of view are heard; avoid one person dominating
- OK to express opinions
- No cheerleading or pressure tactics
- Communicate with Boards, Governing Board and constituencies as to process and agreements
- Try to address the interests of all other parties so far as possible
- No new suits filed in court during CBW
- No agreement or commitment is final until the whole package is finished.
Though it was not stated as a groundrule, if the relevant issues could be resolved, the group hoped litigants would drop their lawsuits. (TRPA, Governing Board Minutes, 9/26/85, and CBW Group Memory notes, 8/14/85). Reaching agreement on how the meetings would be conducted helped to establish a climate conducive to further collaboration.

The group gathered for two-day meetings one to three times per month for ten months. Thus, participation required a large time commitment from many people. The duration and quantity of meetings posed financial and scheduling problems for parties representing small organizations (or those not compensated for their participation). The original timeline proposed agreement on the major issues by October with final recommendations ready for the Governing Board by January 1986. This timeline proved to be too ambitious and had to be extended several times.

Initial discussions focused on the least emotional issues such as the regional plan framework and TRPA's Plan Area Statements (maps of planning regions). Following identification of the major issues, and the ranking of those issues, the group moved on to substantive negotiations. For each issue, the parties proceeded to (1) brainstorm the sub-issues, (2) gather technical information, (3) list interests, but not evaluate them, (4) consider alternatives and (5) discuss areas of agreement. For many issues, discussions either became heated or the group realized further consensus hinged on subsequent issues. In these cases, issues were set aside and returned to at a later date. For instance, CBW attempted to address the amount of land coverage for new residential development. Most parties felt
strongly about the issue, so there was little progress at first. The group turned, instead, to discussing the rate of residential development.

The Governing Board and the CBW members realized from the outset the importance of sharing the details of their agreements as they were developed. They scheduled joint meetings for September, October, January, March and April. Individuals in CBW were matched with Governing Board members to explain the agreements as they were reached. The Governing Board received copies of CBW minutes and group notes. CBW remained concerned throughout the process that the Governing Board was inadequately informed about both the process and the resulting agreements.

**Stages of Consensus**

The process proceeded in four stages:

Stage I: Entry, trust-building
Stage II: Initial group work (moderate issues)
Stage III: Advanced group work (most controversial issues)
Stage IV: Group identity established (handling final issues)

The issues discussed in each stage are as follows:

Stage I: Plan Framework
  Rate of Residential Development
  Plan Area Statements
  (Land Coverage attempted and set aside)

Stage II: Individual Parcel Evaluation System
  Sensitive Lands

Stage III: Commercial Development
  Community Plans
  Land Coverage
  Interim Plan for 1986

Stage IV: Technical work on Individual Parcel Evaluation System

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In Stage I, consensus group members were developing new relationships and learning about consensus building. Through the CBW they learned to see each other as people, to value each other's interests, and to discuss difficult issues. The participants initially spent a great deal of time and energy striving for comfort among people previously perceived as enemies. These meetings focused on deflating the emotional content of issues.

In the initial stage, the group was concerned that the Governing Board view them as legitimate and appreciate their progress. The group discussed procedures for briefing the Governing Board at joint meetings and strategies for gaining Governing Board support.

During one of the first meetings, problems arose indicative of the lack of trust among the parties. During a break on September 18, 1985, a sub-group caucused privately discussing the rate of residential development. The larger group had been struggling with the actual numbers for several hours. The sub-group began making progress and a ten minute break turned into a two hour meeting. Members of the larger group were disturbed by this, saying it undermined the supposed broad-based, participatory nature of the process. Parties in the larger group were concerned about the process being directed by only the few key parties (Personal interviews, February 1986, and CBW Minutes).
In Stage II, from late September to the end of October, trust-building continued as cohesion developed. After more than a month of working together, CBW members began to trust each other enough to break into smaller groups to brainstorm or facilitate more intensive discussion on the same issue. The larger group then reconvened and spokespeople from the small groups reported their progress. By collating all of the issues brought up in discussion, the group was able to make more rapid progress.

Working separately, the small groups found they often generated similar findings. This amazed participants. For instance, different small groups identified similar concerns about the design of an individual parcel evaluation system and its consistency with the old Bailey system. The parties developed greater trust in each other when they could see their interests being acknowledged by other members. Some noted that the act of getting agreement from the small groups encouraged an agreeable climate in the full group (TRPA, Governing Board minutes, 9/26/85). Most parties felt that using the small groups made the process of developing agreements more efficient.

During this period, the CBW made its first presentation to the Governing Board. Representatives from opposing interest groups made joint presentations to the Governing Board to symbolize alignment of the group on a particular problem or issue. They also discussed their opinions about the process. One member described the process as "effectively channeling negative feelings into positive solutions." Another described the group as getting "off the accusation mode and onto creative
problem solving." At least one member remained skeptical about the process and said the group should continue with "cautious optimism," (TRPA, Governing Board Minutes, 9/26/85).

During this stage, the group began to address more controversial issues. On some issues, such as land coverage and how to handle sensitive lands, they were only able to achieve partial agreement and left the remainder of the topic for later.

By mid-October, trust in the process and among members was developing to the extent that the group allocated discussion of some issues to other forums. They prioritized all issues according to the type of forum that should address them: small group, advisory group, full CBW, or staff. Trust in the process and security in the group's power over any final agreement enabled the group to delegate tasks.

By mid-November, the group was well into Stage III. In this stage, small groups began to address difficult and different issues. At first, all small groups met at the same time, but members participated in the session addressing the topic of greatest concern to them. The full Group then reconvened and individuals presented the content of the small group meetings. Usually some discussion and controversy emerged and the findings of small groups were refined by the larger group. By the end of November, small groups were meeting on different days to discuss the issues. Full CBW meetings convened regularly to review all materials and information developed by the small groups.

During Stage III, the group decided to form technical committees to generate more information on highly technical issues such as the individual parcel evaluation system (IPES) and
economic feasibility of the commercial agreement. Technical committees consisted of local, regional and state experts, CBW members and TRPA staff. They provided analysis of agreements reached by CBW, as with the commercial economic feasibility study, or developed specific program proposals to implement agreements reached in principle by CBW, as with the IPES system.

During this period, the group struggled with the most controversial issues. Commercial development, for example, was the focus of debate for 14 consecutive meetings. With several creative agreements reached, including a community planning process and agreement to analyze the economic feasibility of the agreement, the group was able to turn the remaining issues over to technical committee by the end of December.

Stage IV followed after the group worked through the Commercial Development issue. This stage can be best characterized by the emergence of a group identity. Small groups began drafting proposals for CBW review rather than simply discussing issues and findings.

One of the most obvious characteristics of the growing group identity was the group's ability to operate independently of the facilitator. Individuals made process suggestions in meetings and, increasingly, considered other people's points of view without being pressed to do so. The group continued to make progress on the toughest issues working with small groups and technical committees. Members were gained confidence in the process, and it appeared that the group was going to reach agreement on all the important issues.
However, new problems arose, particularly with the added confusion of technical committees researching and analyzing information. For instance, with many people handling a number of proposals, not all information and presumptions were communicated to the larger group. In one instance, the technical group presumed that IPES applied only to building sites. The CBW understood that IPES would be used to evaluate entire parcels, not just building sites. Upon discovery of the misunderstanding, the group sent the committee back to develop a system that would evaluate the full parcel.

In another instance, the group found that it had not defined the precise role and responsibility of the technical committees in advance. In discussions about the economic feasibility study, committee members (all businesspeople and developers) began to make recommendations to the CBW. Members of the CBW questioned the validity of recommendations coming from only one point of view. Were committee members adjunct members of CBW? Should they make recommendations to CBW? Or, was their role limited to data and information gathering? The group agreed that oral recommendations should be encouraged, but that written material would be limited to the findings of their studies.

By mid-March, the group imposed a deadline of May 1, 1986, for completion of all the issues for the Goals and Policies document. The final full CBW was held April 14, 1986. By that time, the full group had met 32 times.
III. Consensus Building Workshops: The Issues and The Outcome

The Issues

Over the ten month negotiating period, Consensus Building Workshops reduced a list of 27 issues down to approximately 6 major areas of contention. The list covered the concerns expressed by CBW participants interests and the TRPA Regional Plan requirements as established by the 1980 Compact. These six issues had to be addressed in order for an agreement to be satisfactory to all parties:

- Rate of single family dwelling and commercial development;
- Allocation of yearly development rights for each county in the Basin;
- A new classification system for regulating the impervious land cover on residential and commercial properties;
- Protection of sensitive lands;
- Community control of the planning process;
- And, in general, the proper balance between environmental protection and local economic growth.

Rate of development - As my descriptive history suggests, the rate of future development in the Basin has always been a controversial topic. Rates of development for residential and commercial property for the entire Basin over the next ten years are a critical element in any Plan. In determining these rates, the treatment of projects "in the pipeline" (either allocated, approved for construction, or, in some instances, permitted projects) prior to the injunction must be addressed.

Allocations - The new regional plan will have to indicate a level
for new development in each jurisdiction that is acceptable to all parties. The group had to agree on the number of building starts that would be allowed (commercial, tourist commercial, single-family, multi-family, etc.) for the next ten years, as well as which jurisdictions would have what allocations.

**Land Cover** - The group had to design a new system to reclassify undeveloped, but sub-divided, lots according to their ability to handle land cover (man-made structures) without significantly damaging the environment. This system would replace the Bailey Classification system for new residential construction only.

Under the old system, some properties had been misclassified or otherwise treated unfairly. The new system needed to ensure that property owners with relatively sensitive parcels had options such as acquisition for obtaining a fair price for their property. The system would have to accurately protect parcels most sensitive to erosion and runoff (usually steep parcels with underlying rock). It would also have to be somewhat consistent with the Bailey system to provide predictability and not completely change the value of properties all over the Basin.

**Sensitive Lands** - Another major issue was the protection of the Lake's water quality through protection of sensitive land areas. In particular, environmentalists were concerned that in areas where streams fed into the Lake (Stream Environment Zones), new impervious cover or disturbances not be allowed because these areas were most vulnerable to erosion and siltation.
Community Control - Local governments wanted to increase the level of community input into the planning process as well as local control over the configuration of development in their areas. This was a critical issue in the CBW. The plan had to ensure localities adequate autonomy while guaranteeing TRPA and other agencies the authority to enforce regulations needed to achieve adequate environmental quality throughout the Basin.

Balance - TRPA's main responsibility in the Basin is to balance protection of the environment with the encouragement of a viable tourist economy. This balance was an underlying issue for each policy recommendation made by CBW.

A description follows of the content of the agreements reached on each of these issues.

The Outcome

After ten months of deliberation, the group had identified and addressed the six issues and many sub-issues. The CBW generated programs and translated them into new language for the Goals and Policies portion of the 1984 Regional Plan. The most important agreements resulting from the workshop concerned:

(1) The Regional Plan Framework

(2) Single Family development
   - rate of development
   - allocation of permits
   - reevaluation of the Bailey system

(3) Commercial development
   - amount and rate of development
   - impervious coverage rules
   - community plans
   - economics feasibility study

(4) A Plan for the 1986 building season
The group also generated proposed changes to the Regional Plan concerning capital improvements, monitoring of environmental standards, transportation planning in the Basin, protection of shoreline and stream zones, improvements in public services, and improvements to design review guidelines and "best management practices" for construction and rehabilitation. These portions of the Regional Plan were usually revised from previous plans by the TRPA staff or the CBW. They will not be discussed in detail here.

The Regional Plan Framework

The CBW began by reviewing the Regional Plan Framework. They started with this subject because it seemed like an issue on which agreement would be feasible. Also, it gave the group an overview of the tasks ahead and allowed discussion of less emotional issues.

The group defined the items that belonged in the plan by deciding what objectives they wanted the Plan to accomplish. They wanted to include all the elements needed to satisfy requirements in the Compact and the injunction decision. CBW had a goal of designing a practical set of regulations, not an obstacle course that could not be implemented by TRPA. The plan needed to be clear in its prescription for environmental protection and development standards, and also flexible, in order to satisfy all the interests. Appendix B, attached, outlines the Agreements on Complete Plan.

Single Family Development

The group established allocations, by county, for
residential and commercial development. 2,000 new residences will be allowed between 1986 and 1991. These allocations were intended to avoid the "panic" building that many parties felt would occur with the lifting of the injunction. CBW addressed the "pipeline" issue by allowing all of the homes with TRPA approvals to be built within the first year.

The group then decided the distribution of these allocations. Each county and the City of South Lake Tahoe received a percentage of building allocations based on the percent of vacant land remaining in the county. Table 1, page 66, shows the allocations for residential dwelling units. Every project would be required to meet TRPA restrictions in order to be allowed construction. This meant no construction would be allowed on officially designated "sensitive lands" (i.e. stream zones) and there would have to be adequate available sewage capacity available before construction approvals would be granted.

One of the most sensitive issues was coverage restrictions for single family residential construction. The Bailey System was inadequate, inaccurate, and destined for reform as mentioned before. The group developed a new system of individual parcel evaluations (IPES).

Rather than use a broad approach to determining the amount of land cover appropriate for a particular parcel, one based on application of formulas and mapping of large parcels, the new system would evaluate the relative sensitivity of individual vacant parcels through actual field testing. Experts would
**TABLE 1**

**ALLOCATION TABLE**

ADDITIONAL RESIDENTIAL DWELLING UNIT ALLOCATION

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*If the Plan is implemented before December 31, 1986, the numbers for the case-by-case projects allowed to receive permits in years 1987, 88, and 89 shall be shifted one column to the left.*
determine the soil series of the remaining subdivided lots in the Basin (about 17,000 lots) and establish a permeability rate for each. Calculations for eight criteria would then be plugged into an equation that weighted each according to its relative importance. The technical committee decided upon these eight criteria: relative erosion hazard, runoff potential of the slope, ability of the parcel to revegetate, geomorphic features of the site, ease of access to the site, influence of the site on Basin water quality (water influence area), the condition of the surrounding watershed and the level of water quality improvements downstream from the parcel. At the time of this writing, the committee's equation had been approved and the new system was scheduled to begin field testing the summer of 1986.

The CBW directed the technical committee and TRPA staff to design a new system that "(1) is credible and understandable by the public, (2) is as objective and scientific as possible, (3) is compatible with other systems applicable to other land uses, (4) includes a transfer-of-development rights program, (5) includes incentives for remedial erosion control, and (6) includes an objective and technically-based appeal process," (TRPA, 1986). By the end of the full evaluation (expected completion date of December 1988), each of these objectives would hopefully be addressed.

Commercial Development

The treatment of commercial property was the most difficult and time-consuming issue for the CBW. Discussions resulted in addressing three major sub-issues: rate and amount of commercial
coverage and development, community plans, and an economic feasibility study.

The group agreed in principal that the focus of the plan would be to encourage rehabilitation and renovation of existing commercial properties. Efforts to repair existing environmentally harmful situations and to provide greater flexibility for commercial businesses to rehabilitate or remodel properties were encouraged. In the past, little remodeling was attempted because, under the previous system, if a building covered more of the parcel than allowed under Bailey, property owners paid large fees and had to reduce their coverage at the time of remodeling. Under the new system, property owners would be allowed to keep all their coverage as long as they mitigated damage to the parcel in some way. Property owners could pay a mitigation fee to a "land bank", or receive credit on one parcel for reducing coverage on another.

The CBW agreed to allow 400,000 square feet of new construction over the next ten years. 360,000 square feet would be distributed to local jurisdictions (South Lake Tahoe and Basin communities) for use in existing dense commercial zones and 40,000 square feet would be allowed outside those zones. The rate of development would be monitored and the community held to its allocation. The schedule for new development would be coordinated with transportation improvements and watershed restoration work.

New commercial property would be allowed 50% coverage. If a property owner was allowed more coverage under Bailey, the
property owner could obtain the difference in coverage by again paying a mitigation fee, reducing coverage elsewhere, or performing mitigation measures on-site. No development would be allowed on sensitive lands for the first ten years. Outside community areas, commercial coverage would be permitted according to Bailey allowances.

Community Plans

In accordance with communities' desire to gain greater control over planning, the CBW recommended that each community be allowed to develop its own plans, designating the arrangement of commercial uses and construction in each of its commercial areas. Twenty Community Planning areas were identified in the Basin. TRPA now advocates a cooperative process involving local, state, regional and federal government and the business community in identifying the type, amount and location of commercial development over the next two to three years.

TRPA will specify the community plan boundaries, and devise goals and standards for all community plans, but the actual plan will be determined according to the type and level of commercial construction needed in each community. Plans will be developed by broad-based community planning committees. The CBW felt this approach would allow planning to be responsive to the needs and opportunities of each area, give locals control over their communities, and perhaps improve relationships between TRPA and the localities.

Economic Feasibility Study

Another critical element in obtaining agreement on the
commercial issue was a technical committee's performance of an unbiased, objective economic evaluation of the commercial program. A technical committee composed of local economists and business people formed in January 1986, and gathered baseline data. The committee assessed the fiscal impacts of proposed policies. Had impacts of the agreements been projected to disallow construction in the commercial community or render impossible the responsible improvement of the local economy, there was a commitment within the group to reevaluate the entire package of commercial policies.

The Committee began their work by assessing the condition of the economy at Lake Tahoe. They found that the Tahoe Basin's economy is highly dependent on tourism and that the Basin economy had been contracting over the past ten years. Retail sales, in constant dollars, have declined over 20% in the City of South Lake Tahoe. Low retail sales and occupancy rates and declining total visitation to the Basin are other indicators of economic contraction. The Committee, through analysis of several commercial projects, suggested that with the low current rents in the Basin ($0.50-$1.50 per square foot, with average rents at $0.85 per square foot) for commercial space, new construction in the Basin was unlikely with or without the Regional Plan's fees and restrictions. The suggested pioneer and opportunistic investors are the likely developers of the near future.

The Committee made a number of recommendations to CBW. They suggested that fees for commercial rehabilitation projects will have a large impact on projects that are currently only
marginally feasible. So, they supported a "land bank" as being the most simple and the most certain approach to minimizing the impact of fees. A land bank would be established to receive all mitigation fees paid by property owners in the Basin. The bank would disseminate funds to environmental restoration and mitigation projects throughout the Basin. This approach would relieve individual property owners of making expensive improvements they could ill afford.

The Committee also found that until the current economic condition of the Basin is reversed, the commercial "cap" on construction (400,000 square feet for the first ten years) would probably not create a constraint on construction. Small business interests in the Basin had been concerned that the cap would create a negative effect on construction in the Basin.

Plan for 1986

In December 1985, the CBW was in the midst of heated discussion on the commercial development issue. They realized many other issues remained unaddressed and it seemed unlikely that both the Goals and Policies and the implementing ordinances would be developed in time for construction in the summer of 1986. The group was aware that the Nevada legislature would be returning to session in January 1987, and without a 1986 building season, prospects for continued support of TRPA seemed bleak. The group set up a committee to develop an interim plan for 1986 to be presented to Judge Garcia's court. With both litigants and all intervenors supporting a stipulated agreement for construction, it seemed likely that the court would approve
A CBW small group developed a plan for 300 residential permits to be approved as well as the remaining pipeline commercial properties. Capital improvements in transporation and remedial erosion control were also agreed upon. At the time of this writing, the stipulated agreement has been drafted, signed by all parties, and adopted by the Governing Board. TRPA expects approval from the courts in June 1986.

**Status of agreements (as of this writing)**

All members of the Consensus Building Workshop supported all parts of the Regional Plan, with the exception of two members of the Development and Property Rights group.

One participant withdrew from the CBW completely with the final report of the commercial economic feasibility committee. This member felt that 50% coverage for commercial properties was economically infeasible and understood the technical committee to substantiate this.

Another participant, holding a law suit for inverse condemnation of properties in stream environment zones, reported that s/he could not support the portion of the agreement that called for no construction in these zones in the first ten years. The participant expects to continue litigation on this issue, but supports all other parts of the agreement.

The Governing Board has reviewed draft versions of the CBW's recommended changes to the Goals and Policies portion of the Regional Plan. They are expected to adopt these changes following a public comment period and public hearing in June 1986.
Part 3: Was the Process Worth It?
Achievements

By now it should be clear that solving planning problems in Lake Tahoe was no easy task. The issues were complex, the affected parties numerous, and the ideological differences among the parties extreme. The Consensus Building Workshops did not achieve complete resolution of every issue. In fact, it is important to note that not all parties shared the following view of the gains from the process. At least two members are particularly dissatisfied with the process, as previously noted. However, the gains mentioned here were trends observable by the press, many of the parties, the TRPA staff, some community members and officials, and myself.

In my view, the Consensus Building approach has been valuable in Lake Tahoe, if for no other reasons than because the conflicting parties are no longer at an impasse. The process achieved some noticeable improvements that will benefit the future of the Basin; some are improvements to the quality of the regional plan, and some are personal gains for the participants in the CBW. The following are results that I would attribute to the problem-solving nature of the consensus building process.

Produced a more stable agreement than previously achieved.

For the first time in TRPA history, the agency has attained an implementable regional plan. A broad range of interests now support the new regional plan because all those affected by the plan participated in developing it. As a result, the litigants
involved in the injunction suit are expected to drop their cases. Given the groups initial level of disagreement on the issues, the group developed substantial agreement. Most of the parties agreed that litigation of future issues is much less likely after CBW. The parties are largely satisfied that their interests have been met which has resulted in a more stable agreement.

However, the group was not able to reach consensus on every issue. In fact, the commercial coverage agreement did not satisfy two of the representatives of the business community. One member dropped out of CBW. Also, the litigants alleging a "taking" of Stream Environment Zones will not drop their law suits, but don't consider this a threat to the stability of the full agreement. As for future litigation, the test of time will provide more definite answers.

The plan is also more stable because it addresses more issues than past agreements, hopefully not leaving important issues unresolved. For instance, the new agreement calls for greater consideration of the economic consequences of its planning and regulatory fees and payments through the technical committee report. The plan attempts to address property owner's concerns about the inadequacies of the Bailey System by introducing individual lot evaluations. Community input into the planning process will likely result in less local challenge to plans and ordinances. The technical committees' input into the agreement may, in general, lend credence to the plan even when people disagree with findings because the plan is based on agreed upon technical information. In the past, people often challenged
TRPA regulations stating that they did not include adequate scientific and technical information. The development of the details of the new IPES system is a clear example of technical expertise improving the basis for decision making.

Process enabled creation of new solutions

Through a procedure of jointly seeking new information, the CBW created many new solutions to the historic problems at Lake Tahoe. This process, called joint fact finding, involved brainstorming ideas before evaluating them, deciding when additional technical data was necessary, and using technical experts and TRPA staff to provide additional information. Parts of the whole agreement contain new ideas, but only some came out of new information generated at CBW. The IPES system's equations for evaluating coverage for individual lots were derived by technical consultants to the CBW. The amount of coverage allowed for commercial buildings and the design of the future fee system was made less stringent due to the findings of the commercial economic analysis committee. Focusing on joint fact finding in the process enlarged the factual and technical base available to parties. With more information, the group was able to consider more options and create new solutions.

In many cases, CBW created new solutions by simply discussing the needs and interests of all of the participants. The idea for community plans resulted from discussion of the local need for community control and TRPA's interest in creating a more cooperative atmosphere between the agency and local officials and residents. Some parts of the agreement were old
ideas with new planning strategies within them that made them more palatable, such as parts of the IPES. The idea for an individual parcel evaluation system preceeded the CBW, but the idea of a threshold line of allocations that would move from year to year was new. Many of the new solutions created by CBW can be traced to the joint fact finding, creative nature of the process.

Established a precedent for using consensus approaches in future planning.

CBW established consensus building as a precedent for solving planning disputes. Many in the Lake Tahoe Basin now believe that consensus building is the most effective approach to planning. Many decision makers feel that because all members of the community are affected by planning decisions and because everyone in the Basin is highly interdependent, a consensus approach for contentious planning issues is best.

As a direct off-shoot of CBW, the development of Airport Master Plan will be attempted through consensus. A Master Plan Consensus Committee has assembled three times as of this writing. The group has established groundrules, identified the key parties and has selected a facilitator to manage their process.

Many other signals point to the ensuing use of consensus and conflict management strategies in the Basin. The new regional plan states that community plans are to be developed with the TRPA and locals working in partnership. TRPA staff will now use conflict resolution strategies in future planning whether in developing ordinances or working with an individual property owner seeking additional coverage to his/her property. I think it is safe to say that planning in the Basin has been permanently
affected by the introduction of this process.

The following achievements I consider personal gains for the participants in CBW.

Affected parties are more educated on the issues.

All parties in CBW suggested spoke in interviews that they increased their understanding of the issues by participating in the CBW. The fact-finding and information-sharing techniques used by the facilitator helped develop a shared knowledge base. These parties, now knowledgeable about current data and information on planning issues in the Basin, are better equipped to be involved in future planning tasks. The Airport Master Plan is a good example.

A consensus group will address the difficult issues around the use and development of the Lake Tahoe airport. Many of the members of the new consensus group were members of CBW. They are now trained in problem solving and consensus building techniques. Many of the members believe that these skills combined with their background on the larger planning issues will assist the new group in developing creative, constructive agreements concerning the Airport.

Parties' negotiation skills improved.

All parties' improved their negotiating skills. The group articulated underlying issues by focusing on interests rather than positions. This enabled them to discover common ground, get past their historic disagreements, and work together to design new agreements. Almost all parties agreed that these abilities
contributed to the improved quality of the plan and will enable them to be more effective problem solvers in the future.

Several parties also stated that learning new negotiation strategies enabled them to get agreements they wanted. For instance, the property rights groups negotiated for the economic feasibility study by recognizing the common interest among all people in the Basin in a stable economy.

Parties relationships and communication patterns improved. All but two parties sited parties' improved communication and relationships as one of the strongest benefits to the Consensus process. Hostile behavior, polarized views and misunderstandings were common among parties prior to CBW. All parties stated unanimously that people now at least understood one another's views. In some cases relationships between parties improved dramatically. One member states that as a result of consensus, parties with a planning complaint are more likely to pick up the telephone to discuss an issue rather than file a law suit. This is a major accomplishment in a region fraught with courtroom dispute.

Misperceptions and stereotyped views between parties have changed dramatically. Parties now recognize their opponents as people, accepting each other's views as different, but legitimate. Some parties suggested that a significantly higher level of trust exists between most members of CBW and in the community as a whole. Opponents do not necessarily now agree on all the issues, but they also do not presume that other parties specifically intend to undermine their needs.
Evidence of improved communication and greater understanding of all points of view is plentiful in the minutes of the CBW. As time went on, previously hostile parties made suggestions on plan components that specifically addressed the interests of opposing parties. Attacking statements and name-calling virtually ceased by the third month of the CBW. A tone of mutual respect began to emerge. "Parties were developing a mutual understanding of the issues and getting individual needs and interests met in the process," according to Bill Morgan (letter to Governing Board, October, 1985). Opposing parties sat next to each other early on and the facilitator considered it a major step the day one member of the environmental group offered coffee to a property rights member. Parties began suggesting solutions by noting that others may have different perspectives. Given the history of tremendous conflict in the Basin, and the fact that many of these parties must live and work together, this was considered by many to be the most important achievement of the process.

Process allowed discussion of the values beneath controversies.

At the heart of much of the controversy over planning in the Basin were significant differences in personal values. Property rights advocates simply did not believe a government agency had the right to regulate to the point of devaluing their property. Environmentalists in the Basin believed that protection of the scenic qualities of the Basin required regulating the activities of everyone. The resulting question of how much TRPA can restrict property owners and developers to protect the environment had to be addressed in each component of the regional
plan. By understanding each other's interests and values, and by considering differing needs in discussions, parties were able to civilly generate alternative planning approaches.

Problems

In discussing the CBW process, it is critical to highlight the problems with the process as well as achievements attributable to the process. Information in the following discussion comes from interviews with participants, my personal observations of the minutes and the process. Problems with the process included:

- It took many hours over many months to reach some agreement and, even then, not all of the issues were addressed that were originally placed on the agenda.
- The technique of small group meetings allowed three or four parties to dominate the process.
- The facilitator was not active enough in the process.
- There were some communication problems with the community and the Governing Board.
- State officials from California and Nevada were inadequately involved.
- Not every interested party was able to participate in the process.

Time

The CBW took much longer than anticipated. The original deadline of the end of October 1985 was unrealistic according to many participants. The Governing Board voted to extend support of CBW until December 1985. This deadline was still unreasonable and TRPA sought a grant from the Hewlett Foundation to continue the process through May 1986. What took so long?

Educating all the parties to the same level of knowledge on
all of the issues took a lot of time. Parties received packets of technical information in advance of meetings, but many parties mentioned that it was extraordinarily time consuming to bring all members to a common level of knowledge on the issues. There were also many issues to cover and new material to digest for each issue.

The parties learned new negotiation and communication skills. This training expended many hours. Previously, parties attacked each other personally and for their views and many had never worked in a problem solving arena. In the first stage of negotiation, the facilitator focused on adjusting parties' thinking about each other and their behavior toward each other. Much of his time throughout the process was spent deflating the emotion from issues in order to direct the group's energy toward resolving the critical issues.

Many parties mentioned that too much time was consumed discussing the minute details of each issue. The legal representatives in the process insisted on not leaving loose ends. Others felt this concern was carried to the extreme and at the expense of addressing all the issues.

The net result of the lengthened schedule was that many parties became frustrated with the process. Some could not participate in all sessions simply because they or their organizations could not afford for them to participate (the Shorezone representative dropped out of the process in September and rejoined the group for a couple of the final meetings). Most members were not paid for their time in the workshops in the
first place. By the end of the meetings, parties were tired, some were anxious, and the final issues had to be tied up quickly in order to achieve closure.

Small Groups

One technique that saved a significant amount of time was breaking the larger group into small groups to formulate agreements. When these groups were able to work independently time was saved, but the technique also resulted in some problems. Even though all interested CBW members were invited to participate in any of the small group sessions, most could not commit to all the sessions in the later months. The problem arose that the few parties able to attend all meetings dominated the process and the agreements.

Some parties resented the perceived power of these few parties. A pattern of dominance by a these few parties began at the third meeting. A ten minute break turned into a three hour private caucus during a scheduled meeting time. Parties expressed extreme dissatisfaction with this and those caucusing apologized to the larger group. However, concern about this problem was mentioned in later meetings and in small group sessions.

Facilitator

The facilitator played a relatively passive role in directing the progress of meetings. Geoff Ball was specifically selected as a process manager, one who would help create and ensure adherence to an agreed upon process, rather than a substantive intervenor. Bill Morgan wanted parties to learn to
work effectively together as much as to develop an regional plan. Ball was expected to intervene less as time went on and to step away from substantive discussions.

Ball followed this formula. He led discussions on process at the outset and intervened with suggestions on process during meetings. He strategized with Bill Morgan and others on the process design. In the course of meetings, Ball made suggestions for redirecting discussion. He often interpreted statements or asked for further clarification from parties. He kept parties committed to the process, and saw that groundrules were followed, but only occasionally made substantive comments and suggestions. This role had advantages and disadvantages.

Many parties felt they would have preferred a more active facilitator with more knowledge of the planning problems in the Basin. Two members commented that Ball allowed discussions to get off track into too much detail. Some felt that with more substantive knowledge, a facilitator would have been more able to keep discussions from straying from the point.

Many parties felt that the previously mentioned problem could have been remedied by the facilitator; namely that it was dominated by three or four participants. The participatory nature of the meetings was threatened in early meetings by the private caucus mentioned earlier. Several representatives spoke rarely if ever in many of the sessions. One member spoke of feeling intimidated by the legal representatives throughout the process. Some felt the imbalance in discussions could have and should have been corrected by Ball by drawing out some of the other participants.
Interaction with the Community and Governing Board

CBW was the most interactive and broad-based planning effort in the Basin to date. However, the group was occasionally accused of being an elitist group convening privately. The meetings were open to the public, but historic levels of distrust extended well beyond the CBW to the whole of the Basin. People did not believe their interests were being represented and they did not trust the process. Interaction with the community about the plan as it was developing was attempted. CBW members tried to stay in touch with their constituencies and supervisors. But, much of the press continued to be unfavorable, and communities did not always trust or favorably receive what resulted.

For instance, a guest editorial article appeared in the Tahoe Daily Tribune on Friday, February 28, 1986, which showed concern for the CBW's "politically expedient compromise" that would leave "no solution" for cleaning up Lake Tahoe. The article pointed out a number of concerns about current and past programs of the TRPA and the two states, but offered little comment on the consensus agreement. This problem was anticipated, but not adequately addressed through outreach programs and community education.

Since the Governing Board had final power over CBW results, the CBW's interaction with the Governing Board was critical. The Governing Board reviewed all consensus meeting minutes and held joint meetings with the consensus group on a regular basis. The Governing Board also reviewed CBW documents and made revisions regularly.
The CBW struggled many hours over the text of a single change in the 1984 Plan. Bill Morgan, the TRPA staff and consensus members were aware of the need to keep Governing Board members abreast of these changes. They knew the Governing Board could not possibly appreciate the breadth of CBW discussions without being present. After the hours spent, CBW members were concerned that Governing Board would make changes in the agreement that would not be supported by CBW. All the time spent would be wasted. Ultimately, of course, CBW hoped the Governing Board would support the entire document and adopt it as the new regional plan. Briefing from technical committees and presentations by staff at Governing Board meetings assisted in this area, but the Governing Board's final acceptance of the agreement remained a threat to CBW throughout the process.

State Involvement

CBW membership appeared to be dominated by California representatives. Nevada state government did not have as large a regulatory budget as California and did not have the quantity of environmental regulations California did. For instance, the 208 Water Quality Plan, which affects the entire Basin, is largely enforced by the California Lahontan Water Quality Board. A sense developed in Nevada that the CBW process was dominated by California. This was mentioned by several grudging Nevada members. Other parties claimed that Nevada residents were largely concerned about property rights issues and were adequately represented by the California property rights advocates.
One individual outside the CBW, but intimately involved with the Basin, suggested that more communication with high officials in both state governments would have assisted the CBW in the long run. The Attorney Generals were the only state government representatives; no legislative members participated. The states, with their large influence through Governing Board representation and TRPA budget allocations, would have benefited from becoming better acquainted with region's current issues and concerns. Possible long term political benefits to increasing state legislator's involvement include reducing hostility between Nevada and California state governments and enlisting the support of the states in the agreement. This would be particularly useful in Nevada since Nevada is likely to develop another pull-out bill regardless of the outcome when they reconvene in January 1987.

Unrepresented Interests

Several Basin interest groups were not represented in the CBW. Laborers and service industry workers were represented only by local governments and may have had a different perspective on the issues. The interests of property owners has always dominated planning concerns in the Basin. Also non-residents were represented only by the Attorney Generals. One environmentalist remarked that there was not adequate national environmental representation given the national value of the scenic resources of Lake Tahoe.

In closing, I would like to add that several of the problems
with the process can be tied to compromises made in process design. The excessive amount of time spent did allow for thorough discussion of certain issues and the improvement of relationships. The facilitator's role was passive, but this allowed the group to gain "ownership" of the process. More extensive participation by additional members of the community might have been beneficial, but 16 participants was a cumbersome number and considerable time was spent learning just 16 points of view on every issue. Better communication with constituencies and the communities would have been desireable, but also time consuming. The question is almost never how to design the perfect process, but rather, what trade-offs are acceptable given the need to reach a wise, fair and implementable agreement with limited time, money and energy.
II. Assessing the Plan

In assessing the quality and effectiveness of the regional plan resulting from the CBW, I will examine six indicators. Answers to the following questions will be addressed according to parties' perspectives:

- Were all parties' interests satisfied in the plan?
- Is the plan clear and specific enough?
- Is the plan better than previous plans?
- Does the plan address the most important issues in the region?
- Does the plan secure mutually beneficial solutions?
- Does the agreement secure the commitment of the parties?

My interpretation of the parties' perspectives are derived from their answers to a questionnaire I administered in February 1986 (prior to completion of the CBW). Not all parties responded to all questions. I also relied on CBW minutes or other public statements for answers. Again, responses are grouped according to the categories used previously. This allows me to protect the confidential nature of the information I received, but risks overgeneralization.

**Interests Satisfied**

One indicator of the quality of plan is the degree of satisfaction of all participants with the plan. One participant from the Development and Property Rights group did not support a section of the agreement (the Stream Environment Zone agreement), but did signed off on the rest of the agreement. An Environmental Protection and Limited Development advocate voiced
dissatisfaction with the entire document, but also signed off on the entire agreement. This representative felt that the final document ignored the mandate in the Bi-state compact by not being restrictive enough regarding development.

Another Development and Property Rights representative stopped participating in the process when the results of the commercial economic feasibility study were reported. This member interpreted the study results as saying that the commercial agreements in the plan were economically infeasible. The rest of the CBW felt the study essentially supported the commercial agreement with a few minor modifications. Since feasibility of the plan was a main concern for this member and the member interpreted the study results differently than the CBW, this member could not continue to support the consensus process.

Other members did not like particular aspects of the final plan, but their dissatisfaction did not impede their continued participation. A member of the Local Environmental Commission group wanted a different distribution of construction allocations. The member of the Development and Property Rights group mentioned previously announced at the final consensus meeting that the case brought before the courts alleging inverse condemnation of properties in stream environment zones would not be dropped. This is significant in that the group hoped that this law suit would be dropped as a result of the consensus agreement.

All but one of the CBW participants were satisfied with the plan. Some were dissatisfied with portions of the agreement, but gained enough in other areas to support the full document.
Clarity and Specificity

Clarity and specificity of the regional plan is an important indicator of its potential effectiveness. The plan should be clear and concise in its direction so as not to be open to interpretation or abuse.

The member of the Development and Property Rights group that dropped out of the process thought the plan was not specific enough regarding protection of property rights. The Local Environmental Commission representatives stated that the plan might be open to misinterpretation in places and not totally clear, but that it served its purpose as a broad policy statement. State and federal agencies all stated that the plan was clear regarding their respective regulatory requirements. In sum, all but two parties felt the plan gave adequate direction to the TRPA for developing implementing ordinances.

Improvement over Past Plans

Another indicator of the quality of the agreement is the comparison of this plan to previous plans. One environmentalist felt that the previous settlement negotiation plan (which was considered environmentally-oriented) was better than the CBW agreement. This member felt that the California Attorney General and the League should have continued their law suits.

On the whole, all Development and Property Rights members, the remaining Environment and Limited Development members, the Local Environmental Commission members, the State and Federal Agency members, and the TRPA staff felt this plan was a significant improvement over the previous plans. Even those
disagreeing with parts of the plan thought it better served the needs of the Basin and that it was improved with respect to the issues most important to their constituencies.

**Important Issues**

Another indicator of the quality of the outcome is the degree to which parties felt the document addressed the most important issues in the region.

All but one of the respondents in the Development group felt the plan did address the most important issues for the region. This member said that certain property rights issues were not given sufficient consideration in the plan. For this person, the most pressing issue in the region is the economic decline of the Basin. This person suggested that while the CBW attempted to address the issue and made progress in the community plan agreements, critical commercial development problems were left unresolved. For instance, the plan does not fully address the property owner's capability to or responsibility for absorbing the costs of environmental restrictions. This party felt that a 50% coverage rule was economically impossible for most business developers and would only exacerbate the decline of the economy.

All but one of the Environmental Protection and Limited Development group members felt that the plan addressed most of the critical issues facing the Basin. This member made a general statement that the plan did not address the most environmentally critical issues since it "evaded the Compact."

Two parties suggested that the plan as a political solution was a good starting point for regulation. In their view, the
resulting ordinances would shape the real direction of planning in the Basin, but that agreeable Goals and Policies were needed to begin work on such ordinances. One of these respondents suggested that remedial transportation work and stream zone restoration were inadequately addressed.

One representative of Local Environmental Commissions and Agencies stated that the real degradation problems such as the transportation system would not be addressed in the plan. This member also felt that the plan primarily resolved important political issues. Another member thought that the plan might create excessive water demands for the amount of water legally available in California, but indicated that this would be assessed during the development of the ordinances.

Local Government representatives all felt that the plan addressed the most important issues. State and federal agencies also thought the plan addressed the most important issues. One representative stated that the Goals and Policies were set forth in much greater detail than expected.

**Mutually Beneficial New Solutions**

As mentioned in the process discussion of the previous section, the group employed creative problem solving techniques to develop new solutions. With this indicator, I attempt to examine the quality of the plan by assessing whether it attempts to secure solutions that parties felt were beneficial to all participants. For example, consider the development of Community Plans. This solution allowed an increase in local planning control (Local Government's and Property Rights and Development
group's interest) while retaining TRPA's regulatory power to protect the environmental integrity of the Basin (Environment and Limited Development group's interest). This represents a new solution created to satisfy all parties' interests.

Another example is the design of the IPES system. With full CBW participation in the design of this system, environmentalists were able direct the technical committee to design a system that protected sensitive lots while property rights advocates were able to see that properties appropriate for construction would be allowed construction. The new IPES system is a more accurate and verifiable lot evaluation system that satisfies both development and environmental interests.

Other new solutions are the land bank idea, provisions for allowing every parcel in the Basin an allocation, and the commercial economic feasibility study. This second solution addressed the community perception that some property owners were could never build on their properties regardless of their land classification. Under the new system, everyone in the Basin has the opportunity to receive a building allocation, though a property owner may not receive approval to construct if a parcel is environmentally sensitive. Authorization of an economic feasibility study satisfied the Development and Property Rights group's need for additional technical information while allowing for tentative agreement on coverage of commercial properties.

CBW did seek at least some mutually beneficial solutions and with more time could have perhaps achieved more.
Commitments

The final indicator of the quality and effectiveness of the regional plan is the degree to which it produced commitment from the parties involved in its development. The parties suspended bringing any new law suits while participating in the CBW. This indicated a commitment to the process and an intent to negotiate with each other in good faith. The injunction suit is expected to be dropped with the adoption of the new regional plan. As mentioned, the case involving property in stream environment zones will not be dropped.

As for future commitments to the agreement, most members of CBW felt that future law suits on the issues settled in the agreement were unlikely. However, the group did not sign a written agreement preventing them from bringing suits. It is possible that members of the CBW could sue the TRPA for the contents of a document they developed, but it seems unlikely. Many group members stated that they expected individuals to continue to turn to the courts for compensation of property value losses.

Conclusion

The plan is viewed by many as the best produced by the Agency thus far. It does not address every issue to the greatest extent possible, but after fifteen years and ten months, many felt it was time to get a plan "on line" and make adjustments in the future. The TRPA and environmental litigants felt they had accommodated development interests as much as possible and could not further adjust the content of the plan to retain the support
of the Property Rights and Development member that dropped out. To the remaining members, the plan seems fair and a significant improvement over past plans. It is important to note that all groups find satisfaction and dissatisfaction with the result suggesting that it is a fair agreement, addressing the interests of all sides.
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_______, Resolution No. 82-11: Environmental Threshold Carrying Capacities for the Lake Tahoe Region, 1982.

Bibliography
Page 2


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Appendix A: Consensus Building Workshop Interview Guide
Consensus Building Workshop Interview Guide—Page 1

Name_________________________________________ Date________________

Organization________________________________________

- Introduce; MIT Planning; studying mediation and c.b.
- Documenting whole process; history for context
- Document will, of course, be shared with and can be used by parties
- Interested in highlighting the strengths and weaknesses of the process and the outcome... tho this is just one part of report
- Want to talk about your perspective; Not looking for any particular answer; nothing said will be specifically attributed to any party
- Will start with some general questions, then questions to get at specific aspects of plan or process

General--

1. When consensus building began, what were your major interests for the plan? What did you want to come away from this process with? Have your interests changed since then? How? Why?

2. What were two of your most important expectations for this process? What did you expect the group to be able to achieve?

Technical Decision Making--

3. Did the refinements made to the regional plan through consensus require the use of technical information? Give an example.

4. What level of technical knowledge was required of you to participate in this process? (layperson...expert) Were you comfortable, with this level?
5. Did it get easier, harder or remain the same to be involved in technical discussions as time went on? Why?

6. Was the process in general effective or ineffective for discussing the technical aspects of the plan?

Efficiency of the Process—

7. How would you characterize the level of efficiency of the process in terms of your time and money spent?

8. How might this level of efficiency compare with the expense and time required in litigation?

9. Speaking now about your own expectations, was consensus building faster, slower or the same as you expected? More or less expensive?

10. Did the process (getting through the issues) get faster, slower or stay the same as time went on? Why?

Parties—

11. Have your relationships with any of the participating parties been effected by being in the CBW? Communication effected? In what ways?
12. In your perception, have other parties' relationships or communication changed as a result of participating in CBW? In what ways?

13. (If there have been any changes, ask:) Do you think these changes will favorably or unfavorably effect future planning and decision making in Lake Tahoe?

14. Did the consensus building group's ability to discuss issues together decline or improve through the process? In what ways?

The Plan--

15. (Some objective questions about the Plan:) Are the Goals and Policies as currently stated specific enough to provide clear guidance to all effected parties? The ordinances that have been completed?

16. In your opinion, what are the most pressing issues for the region? Does the plan adequately or inadequately address these issues?

17. In what ways do the plans produced so far not satisfy your interests? In what ways do they?

18. Did consensus bring out any new solutions to planning problems in the region? If so, which are new? If not, why not?
Durability of the Plan--

19. Are there any parties who should be participating in this process who have not been involved? Any parties involved who should not have been?

20. Has this likelihood for future litigation changed since starting consensus? Do you think the parties will drop their current suits?

21. Do you think the regional planning process will be different in the future as a result of consensus? If so, in what ways?

22. Will there be an ongoing consensus group to work on future issues or advise the TRPA?

Closing--

23. Summarize the strengths and weaknesses of the process. What were the most significant strengths of the process? The most significant weaknesses?

24. Is the regional plan as currently drafted better or worse than the plan that would have resulted without consensus?
Appendix B: Agreements on Complete Plan
**ISSUE**  What elements or parts of the TRPA Regional Plan are required?

**EXPLANATION**  The working group concluded that a complete Plan and certain other essential parts should be adopted prior to implementation of the Regional Plan. It is agreed all the items denoted by an "X" on the chart must be adopted to constitute a complete package. To the extent that TRPA is unable to complete any particular required item it is agreed that an appropriate interim strategy will be developed to deal with that item until it is completed. Agreeing on the outline does not imply agreement on the content of any item.

**RECOMMENDED SOLUTION AS AGREED UPON BY THE WORKING GROUP IS AS FOLLOWS:**

1. There should be a clear statement in one place that identifies what constitutes the "Plan".

2. There are items that belong in the Plan and items that are necessary to fully implement the Plan but are not in the Plan. The working group did not attempt to determine which items fall into which category. It is agreed the items listed with an "X" under "package" are required to be completed and adopted prior to Plan implementation or the commencement of project review under the Plan.

3. The following chart should be used as the framework for the Plan and related items.

<table>
<thead>
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<th>Required Package</th>
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| 2. Transportation Element             |                  |          |         |
| a. Mass Transportation                | X                |          |         |
| b. Transportation System Management   | X                |          |         |
| c. Regional Highway System            | X                |          |         |
| d. Nonmotorized                       | X                |          |         |

* Some items that had been previously adopted may require revisions as a result of additional recommendations of the consensus working group or the APC or others.
3. Conservation Element
   a. Vegetation
   b. Wildlife
   c. Fisheries
   d. Soils
   e. Shorezone
   f. Scenic
   g. Open Space
   h. Stream Environment Zone
   i. Cultural
   j. Energy

4. Recreation Element
   a. Dispersed Recreation
   b. Developed Recreation
   c. Urban Recreation

5. Public Service and Facilities Element

6. Implementation Element
   a. Institutional
   b. Development and Implementation
   c. Financing
   d. Monitoring and Evaluation

I. Plan Area Statements and Maps (180± PAS)

1. PAS and Map
   Washoe County
   South Lake Tahoe
   El Dorado County
   Placer County
   Douglas County

2. 400/2000 scale base maps (the PAS will cross-reference the maps)
   Land capability/SEZ
   Plan Area Statements
   Shorezone Tolerance and Pier Head
   Historical
   SEZ Restoration
   Public Facilities
   Wildlife Habitat
   Transportation Corridors
   Fish Habitat

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C. Code of Ordinances

1. General Provisions (Chapter 1)
   a. Findings --------------------------------- X Draft APC Review
   b. Applicability --------------------------- X
   c. Definitions ----------------------------- X
   d. Activities Exempt from Agency Review ----------------------------- X
   e. Activities Exempt from Agency EIS - X
   f. Projects Requiring Governing Board Review ----------------------- X
   g. Expiration of TRPA Approvals ------ X
   h. Findings for Approval --------------- X
   i. Variance ----------------------------- X
   j. Enforcement -------------------------- X
   k. Nuisance ----------------------------- X

2. Land Use Provisions (Chapter 2)
   a. Plan Areas ----------------------------- X APC Approved Draft
   b. Land Capability ------------------------ X
   c. Land Use Standards*
      Coverage -------------------------------- X
      Height ------------------------------- X
      Noise -------------------------------- X
      Density -------------------------------- X
      BMP's -------------------------------- X
      Prohibition in SEZ's ------------------- X
      Outdoor Advertising ------------------- X
   d. Relationship to Design Review Guidelines ------------------------- X
   e. Scenic ------------------------------- X
   f. Historical Preservation --------------- X
   g. Nonconformity ------------------------ X

3. Subdivision Provisions (Chapter 3)
   a. Applicability -------------------------- X Staff Draft
   b. Prohibition of New Subdivisions --- X
   c. Limitations
      Subdivisions -------------------------- X
      Conversions --------------------------- X
      Lot Line Adjustments ------------------- X
      Lot Consolidations --------------------- X
   d. Protection of Purchasers --------------- X
   e. Subdivision Standards ------------------- X

* May include more items that are now found in design review guidelines.
4. Shorezone Provisions (Chapter 4)
   a. Findings ------------------------- X  
   b. Shorezone Tolerance Districts ------ X  
   c. Permitted Uses --------------------- X  
   d. Development Standards in the Backshore ------------------ X  
   e. Development Standards Lakeward of High Water --------------------- X  
   f. Nonconformity ---------------------- X  
   g. Motion and Discharge Limitations from Boats ------------------ X  
   h. Mitigation Fee --------------------- X  

5. Grading Provisions (Chapter 5)
   a. Special Information Report -------- X  
   b. Inspections ------------------------ X  
   c. Construction/Inspection Schedule -- X  
   d. Winterization ---------------------- X  
   e. Standards for Grading and Filling ---- X  
   f. Standards for Grading and Filling ---- X  
   g. Vegetation Protection ---------------- X  
   h. Objects of Antiquity ---------------- X  

   a. Tree Removal ---------------------- X  
   b. Prescribed Burning Programs -------- X  
   c. Livestock Grazing ------------------ X  
   d. Remedial Vegetation Management ---- X  
   e. Vegetation Protection ---------------- X  
   f. Landscaping ------------------------ X  
   g. Revegetation ----------------------- X  
   h. Wildlife Resources ------------------ X  
   i. Fish Resources ---------------------- X  

   a. Water Pollution Control --------- X  
      Discharge Limits ------------------ X  
      Runoff Controls ------------------ X  
      Snow Disposal --------------------- X  
      Salt and Abrasive Controls ------ X  
      Sewage Spills --------------------- X  
      Pesticide Use --------------------- X  
   b. Water Quality Mitigation --------- X  
   c. Water Supply and Conservation ---- X  

- 4 -
8. Air Quality/Transportation Provisions (Chapter 8)
   a. Inspection and Maintenance
   b. Gas Heaters
   c. Wood Heaters
   d. Open Burning
   e. Stationary Source Review
   f. Traffic Mitigation Program
   g. Aviation Facilities
   h. Diesel Vehicles

9. Growth Management Provisions (Chapter 9)
   a. Allocation of Development
   b. Transfer of Development Rights
   c. Phasing of Development
   d. Single Family Dwelling Review System
   e. Redevelopment

D. Other Regulations

1. Design Review Guidelines*
   a. Site Design
   b. Building, Height, Bulk and Scale
   c. Grading and Drainage
   d. Landscaping
   e. Lighting
   f. Signing
   g. Parking
   h. Scenic Highway
   i. Snow
   j. Energy
   k. Scenic Quality
   l. Shorezone
   m. Historical
   n. Individual Uses

2. Best Management Practices
   a. Revised Handbook

3. Rules and Regulations of Practice and Procedure
   a. General
   b. Governing Board Meeting
   c. Adoption of Rules
   d. Adoption of Plans and Ordinances
   e. Project Review

* Certain items may be land use ordinance Standards.
4. Administrative Policies and Procedures

Implementing Programs

1. Monitoring and Evaluation ------------------ X Requires Final Staff Draft

2. Capital Improvement Program
   a. Water Quality ----------------------- X Needs Update
   b. SEZ Restoration --------------------- X Requires Final Staff Draft
   c. Transportation ---------------------- X
   d. Coordination ------------------------

3. Memoranda of Understanding
   a. USFS ------------------------------- X Needs Revision
   b. Project Review Agencies ------------- X Requires Final Staff Draft
   c. Implementation Agencies ------------
   d. Monitoring Agencies ----------------- X

4. Special Programs
   a. Inspection and Maintenance Program-- X Requires Final Staff Draft
   b. Wood Heater Program ---------------- X
   c. Gas Heater Program ------------------ X
   d. Fish Habitat Improvement Program -- X Further Study
   e. Scenic Restoration Program ---------- X Staff Draft
   f. BMP Installation --------------------- X Requires Final Staff Draft
   g. Education and Enforcement --------- X
   h. Restoration of Denuded Areas ------ X

5. Public Service Facility Program -------- X

Environmental Documentation for Regional Plan X EIS 4/84

Supplemental Planning Work

1. Research
   a. Instream Flow Study ------------------ X In Progress
   b. Atmosphere Deposition Study -------- X In Progress
   c. Piers and Fisheries Study ---------- X Draft RFP
   d. Node Study -------------------------- X In Progress
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