



**Mail**

PO Box 5310  
Stateline, NV 89449-5310

**Location**

128 Market Street  
Stateline, NV 89449

**Contact**

Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

---

MEMORANDUM

Date: November 30, 2011

To: TRPA Regional Plan Update (RPU) Committee

From: TRPA Staff

Subject: Regional Plan Update Recommendations for December 6, 13 & 15 RPU Committee meetings

---

**Requested Action:** Direct staff to include the Regional Plan Amendments (by goal, policy and implementation measure) in the Draft Regional Plan for future review by the TRPA Governing Board; and direct staff to prepare draft code amendments for implementation items.

**Staff Recommendation:** Staff recommends that the RPU Committee direct staff to include the Regional Plan Amendments (by goal, policy and implementation measure) in the Draft Regional Plan for future review by the TRPA Governing Board; and direct staff to prepare code amendments for implementation items.

**Required Motions:** The RPU Committee should make the following motion:

A “Straw Vote” motion to direct staff to include the Regional Plan Amendments (by goal, policy and implementation measure) in the Draft Regional Plan for future review by the TRPA Governing Board; and direct staff to draft code amendments for implementation items for future review by the RPU Committee.

This action is advisory only and is intended to provide staff with policy direction regarding how various topics should be addressed in Draft Regional Plan and draft Code amendments. All draft material will be presented to the TRPA Governing Board for action at a later date.

In order for the motions to pass, an affirmative vote by the majority of committee members who are present is required.

## **Summary:**

This Staff Summary addresses:

1. The resignation of Committee Member Bresnick from the RPU Committee;
2. Actions Sheets and Minutes from the November 15/16 RPU Committee meeting;
3. Material addressing other direction from the RPU Committee during the November 15/16 meeting;
4. Updated Draft Regional Plan Sub-Elements for Land Use, Housing, Community Design and the Land Use Map reflecting prior Committee actions and direction;
5. New Draft Regional Plan Elements for the Introduction, Recreation Element and Public Services and Facilities Element; and
6. Public input received since the November 15/16 RPU Committee meeting.

Please note that this staff summary addresses topics for all Committee meetings in December, 2011. The chair and vice-chair added an additional meeting on December 15. An updated schedule of meetings is attached.

Draft Regional Plan Elements and Sub-Elements are distributed for insertion into the previously-distributed 3-ring binders. Divider tabs are provided for organizational purposes. Each Sub-Element has a footer indicating the most recent modification date.

The Sub-Elements for Land Use, Housing and Community Design replace previously-distributed materials for these Sub-Elements. Changes from the previously-distributed materials reflect actions and directions from the Committee and do not include any new staff recommendations.

## **Background:**

At the September 26, 2011 RPU Committee meeting, actions were taken regarding specific Threshold amendments.

At the October 26, 2011 Governing Board meeting, staff presented an overview of recommended Regional Plan Update priorities, which include:

1. Focusing TRPA on Regional Environmental Gain;
2. Promoting Sustainable Redevelopment in Town Centers; and
3. Streamlining the Regulatory Process.

Recommended changes to the Land Use Planning system were also summarized, including a transition towards a more regionally-focused system of regional planning ("conformance review" model).

At the October 27, 2011 Local Government Committee meeting, committee members voted unanimously to pursue a transition towards the "Conformance Review" model of regional planning and directed staff to work with local government staffs on details of the system.

At the November 2, 2011 RPU Committee meeting, Committee members discussed the October 26 Governing Board presentation and reached consensus to pursue and continue developing the recommended “Conformance Review” regional planning model, with an understanding that a lot of details need to be worked out.

Additionally at the November 2 RPU Committee meeting, the Committee voted unanimously to support Goal LU-1, Policies LU-1.1 through LU-1.3 and Goal LU-4, with specified amendments.

At the November 15/16 RPU Committee meeting, the Committee voted to support a range of Goals and Policies within the Land Use Sub-Element, with specified amendments.

### **Discussion:**

#### **Topic #1: Resignation of Committee Member Bresnick:**

After the November 15/16 RPU Committee meeting, Committee member Bresnick resigned from the RPU Committee, citing personal time commitments. Staff recommends that the RPU Committee modify Committee membership to reflect the resignation, with or without a replacement member.

#### **Topic #2: Action Sheets and Minutes from the November 15/16 Committee meeting:**

An Action Sheet and Minutes from the November 15/16 Committee meeting are provided. Staff recommends approval of the Action Sheet and Minutes.

Please note that staff also included modifications to Policy LU-4.8 under Action Item #13 to maintain consistency with the action taken to convert a portion of the Town Center in South Lake Tahoe to a Regional Center. Text treats the Regional Center the same as Town Centers, except for building height.

In accordance with Committee Action #19, staff also included the current status of Development Rights in Policy LU-2.2.

#### **Topic #3: Material addressing other RPU Committee Direction during the November 15/16 meeting:**

The RPU Committee directed staff to address six additional topics. The topics and responses to each are summarized below:

1. Policy LU-5.2 – Develop language to be consistent with the Compact and Require TRPA Governing Board Action for initiation of coordination efforts.

*Staff proposes the following language, which is also included in the Updated Land Use Sub-Element for Committee review and action:*

REGIONAL PLAN UPDATE COMMITTEE  
December 6, 13 & 15, 2011 Staff Summary

**LU-5.2 WHERE NECESSARY FOR THE REALIZATION OF THE REGIONAL PLAN, THE AGENCY MAY ENGAGE IN COLLABORATIVE PLANNING WITH LOCAL GOVERNMENTAL JURISDICTIONS LOCATED OUTSIDE THE REGION, BUT CONTIGUOUS TO ITS BOUNDARIES. THE TRPA GOVERNING BOARD SHALL INITIATE ALL COLLABORATIVE PLANNING EFFORTS THAT ARE AUTHORIZED BY THIS POLICY.**

2. Develop Working Definitions for important terms used in the Plan.

*Staff-proposed working definitions are attached to this staff summary.*

3. Policy LU-4.5 – Modify language to require notification of intent from Local Governments within one year and TRPA action plan in response to notifications.

*Staff proposes the following language, which is also included in the Updated land use Sub-Element for Committee review and action:*

**LU-4.5 TRPA SHALL REQUEST THAT ALL LOCAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE LOCAL PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF LOCAL PLANS. STATEMENTS OF INTENT SHOULD BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN LOCAL PLANS.**

4. Policy LU-4.12 – Staff should work with subcommittee of members Bresnick and Fortier to develop policy language (or options).

*The resignation of Committee member Bresnick prevented action on this item. Staff recommends that the RPU Committee reconsider this topic.*

5. Goal LU-4 Implementation Measures – Address topics under last bullet with the Local Government Committee and return with a recommendation.

*These topics are agendaized for discussion at the December meeting of the Local Government Committee.*

6. LU-2.2 – Add the status of development rights in the Residential subsection, including rights that existed in 1987, rights that have been allocated and retired and rights that remaining.

*Staff compiled the information outlined in the table below and inserted the information into Policy LU-2.2. Staff recommends updating the table to be current upon adoption of the Regional Plan. Please note that the statistics are based on the best available information. Data sources are noted in an attachment to this staff summary.*

<b>Development Rights Inventory (as of November 30, 2011)</b>	
Residences Developed before 1987	37,701
Total Development Rights in 1987	18,688
Development Rights Retired 1987-2011	8,512
Development Rights Developed or Allocated to Jurisdictions 1987-2011	6,085
Total Development Rights Remaining	4,091
Remaining on Buildable Parcels	2,791
Remaining on Marginal Parcels	765
Remaining on Unbuildable Parcels	535

Topic #4: Updated Draft Regional Plan Sub-Elements for Land Use, Housing, Community Design and the Land Use Map reflecting prior Committee actions and direction:  
 Updated Sub-Elements for Land Use, Housing, Community Design and the Land Use Map are distributed for review and action on remaining topics. Changes reflect prior committee actions other policy language addressing Committee direction (as outlined above).

There are no other changes from previously-distributed Sub-Elements, except:

1. Maximum height in feet was added to the LU-4 Implementation table and Policy CD-2.1 in accordance with limitations presented at the November 15/16 meeting.
2. The addition of Regional Centers is reflected in Policies and Implementation tables throughout the Sub-Elements. Regional Centers are treated the same as Town Centers for all topics except building height. Additional distinctions can be identified throughout the review process if desired by the Committee.
3. Headers in the LU-4 Implementation Table are modified to clarify applicability.

After addressing topics #1-#3 above, Staff recommends that the RPU Committee continue its review of these Sub-Elements in the order outlined in the November 15 staff summary.

Topic #5: New Draft Regional Plan Elements for the Introduction, Recreation and Public Services and Facilities:

Preliminary drafts of the Plan Preface/Introduction, Recreation Element and Public Services and Facilities Element are provided for review and action. These Elements should be reviewed in order following review and action on the Land Use, Housing and Community Design Sub-Elements.

The Plan Preface and Introduction are amended to reflect updated conditions, recommended modifications to the Regional/Local planning system and related matters. The text should be self-explanatory.

Changes to the Recreation Element are limited to organizational improvements. The Governing Board previously identified amendments to Recreation Goals and Policies as a low priority.

Changes to the Public Services and Facilities Element were also identified as a low priority. Amendments are limited to organizational improvements and two new implementation measures to improve fire protection. Recommended fire protection provisions were developed in coordination with fire protection agencies in the Region.

Topic #6: Public input received since the November 15/16 RPU Committee meeting:  
Public Input since the November 15/16 Committee meeting has generally reflected public comments at Committee Meetings.

Many individuals have provided verbal input to staff. Staff has also been engaged in numerous meetings with organizations and individuals in the region. Comments generally break down into two categories:

1. Stakeholders who support recommendations for improving organizational efficiency and promoting environmentally-beneficial redevelopment; and
2. Stakeholders who are generally opposed to these concepts and the recommendations of staff. In discussions with these stakeholders, stronger regulations and stricter enforcement have been suggested as better approaches.

Written comments from stakeholders are attached for reference.

If you have any questions, please contact Arlo Stockham, at (775) 589-5236 or [astockham@trpa.org](mailto:astockham@trpa.org).

## Regional Plan Update Committee

### Draft Schedule

November 30, 2011

Meeting Date(s)	Regional Plan Element	Significant Issues
Wednesday November 2 (Special 12:00-3:30 meeting time)	Land Use	Regional Land Use System, Begin Sustainable Communities
Tuesday November 15 Wednesday November 16	Land Use	Sustainable Communities, Redevelopment Incentives, Commodity Transfers, Coverage, Mitigation Fees.
Tuesday December 6	Continue Land Use, Introduction & Format	Continue Above, TAUs
Tuesday December 13 Thursday December 15	Recreation, Public Services & Facilities	Continue Above, Bicycle Paths, including Coverage
Wednesday January 4	Transportation	All Transportation – Sustainability, Waterborne, Parking, Olympics, Air Quality
Tuesday January 24	Conservation, Water Quality, Air Quality, Noise	Total Maximum Daily Load (TMDL) – including area-wide vs parcel level and project standards, Best Management Practices (BMPs) – including point of sale, enforcement, operation and maintenance; Woodstove Replacement
Tuesday January 31 Wednesday February 1	Continue Jan 24 topics, Implementation	Continue Above, Implementation Roles – Coordination, Delegation, etc. Review Implementation Recommendations from Local Government Committee
Tuesday February 21	Implementation	Implementation Roles
Tuesday March 6 Wednesday March 7	Complete Draft	Any Outstanding Issues, Assembled Document

#### General Notes:

- This schedule may be modified by the RPU Committee.
- Meetings will be held at TRPA's Stateline Offices from 1:00 pm to 6:00 pm.
- Topics and Issues that are not completed at the initial review meeting will be carried forward to the next meeting.
- Implementing codes for policy changes will be reviewed about 1 month after committee recommendations for each issue.
- Any new meeting material will be posted six days prior to each meeting under the RPU Committee tab at [www.TRPA.org](http://www.TRPA.org).
- Environmental Protections (including Thresholds) and Economic Opportunities are fundamental issues to be covered at all meetings.
- Opportunities to modify ineffective regulations will be identified and discussed for each Plan Element.

# Working TRPA Definitions

November 30, 2011

Some definitions are copied from existing documents. New draft definitions and draft changes to the existing definitions are noted in track-change format. Definition sources are footnoted.

## Definitions Related to Physical Activities in the Region

Activity: Any conduct, active or passive, which may have an impact on the land, water, air, space or other natural resources of the Region.<sup>1</sup> [The TRPA Compact requires that TRPA prescribe by ordinance those activities which it has determined will not have a substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.](#)

Development: [An activity creating, establishing, constructing, or altering the landscape with physical structures.](#)

Develop: The act of creating, establishing, constructing, or altering any project or other activity.<sup>2</sup>

Redevelopment: [The act of development on a parcel that was previously developed in a substantially different manner.](#)

Project: An activity undertaken by any person, including any public agency, that may substantially affect the land, water, air, space or any other natural resources of the Region.<sup>3</sup> [All Projects must be reviewed and approved by TRPA, or if any Project approval authority is delegated to a local government, all Project decisions must be subject to an appeal to TRPA.](#)

## Definitions Related to other Planning Terms

Plan: [Plans include the TRPA Regional Plan as defined in the TRPA Compact, other plans that are authorized by the TRPA Compact or the Regional Plan and have been adopted by the TRPA Governing Board, and Local Plans that are authorized by the Regional Plan, have been adopted by a Local Government, and have been found in conformance with the Regional Plan.](#)

~~Redevelopment Districts (Redevelopment Plan Area): Redevelopment Districts is a contiguous area of land that has been found by TRPA to be in an adopted Community Plan, which is predominantly urbanized, blighted, and is designated in the applicable Plan Area Statement as eligible for Redevelopment Plans or has a Redevelopment Plan adopted by the TRPA Governing Board. Only the South Tahoe Redevelopment has been adopted by the Board.~~<sup>4</sup>

<sup>1</sup> TRPA Code of Ordinances, Chapter 2, Definitions

<sup>2</sup> TRPA Code of Ordinances, Chapter 2, Definitions

<sup>3</sup> TRPA Code of Ordinances, Chapter 2, Definitions

~~<sup>4</sup> TRPA Code of Ordinances, Chapter 15, Redevelopment Plans~~



*Note that "Redevelopment Districts" are proposed to be removed from TRPA documents because all TRPA provisions for Redevelopment Districts are addressed with provisions for Town Centers, Regional Centers and the High Density Tourist District.*

**Redirection:** The redirection of development designation is designed primarily to improve environmental quality and community character by changing the direction of development or density through relocation of facilities and rehabilitation or restoration of existing structures and uses. The purpose of this designation is to reduce impervious coverage, restore natural system, improve scenic quality, [improve trail connectivity](#) and provide high quality facilities for residents and visitors alike. Local government's participation in redevelopment of appropriate areas shall be encouraged.<sup>5</sup>

[Sustainable/Sustainability: Sustainability creates and maintains the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic and other requirements of present and future generations.](#)

[Sustainable Development: A pattern of development that aims to meet economic and social needs while preserving the environment so that these needs can be met not only in the present, but also for generations to come.](#)

**Smart Growth:** Growth is "smart"<sup>6</sup> when it gives us great communities, with more choices and personal freedom, good return on public investment, greater opportunity across the community, a thriving natural environment, and a legacy we can be proud to leave our children and grandchildren.

When communities choose smart growth strategies, they can create new neighborhoods and maintain existing ones that are attractive, convenient, safe, and healthy. They can foster design that encourages social, civic, and physical activity. They can protect the environment while stimulating economic growth. Most of all, we can create more choices for residents, workers, visitors, children, families, single people, and older adults-choices in where to live, how to get around, and how to interact with the people around them. When communities do this kind of planning, they preserve the best of their past while creating a bright future for generations to come. Smart Growth Principles are:

- Mix uses
- Compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost effective
- Encourage community and stakeholder collaboration in development decisions

---

<sup>5</sup> TRPA Code of Ordinances, Chapter 13, Plan Area Statements and Plan Area Maps

<sup>6</sup> "Why Smart Growth", [www.smartgrowth.org](http://www.smartgrowth.org), "This is Smart Growth", Smart Growth Network, published by International City/County Management Association (ICMA) and EPA in 2006.

## Residential Development Rights Inventory (as of November 30, 2011)

Residences Developed Before 1987 <sup>1</sup>	37,701
Total Development Rights in 1987 <sup>2</sup>	18,688
Development Rights Retired 1987-2011 <sup>3</sup>	8,512
Development Rights Developed or Allocated to Jurisdictions 1987-2011 <sup>4</sup>	6,085
<b>Total Development Rights Remaining<sup>5</sup></b>	<b>4,091</b>
<i>Remaining on Buildable Parcels<sup>6</sup></i>	2,791
<i>Remaining on Marginal Parcels<sup>7</sup></i>	765
<i>Remaining on Unbuildable Parcels<sup>8</sup></i>	535

1. Total developed parcels is based on a GIS query of the local jurisdiction's Assessor's parcel data of all private developed parcels minus the total rights developed/allocated in the 1987 Regional Plan.

2. Total development rights is the sum of all development rights retired, development rights developed or allocated and total development rights remaining.

3. Total development rights retired is the sum of all parcels retired by the California Tahoe Conservancy, Nevada State Lands Division and parcels purchased by the USFS with Burton-Santini funds.

4. Total development rights developed or allocated in the 1987 Regional Plan tracked and adjusted for years 2010 and 2011 by TRPA in the "Residential Allocation Accounting 1987 Through 2009".

5. Total development rights remaining is the sum of all private legally existing vacant parcels on the effective date of the 1987 Regional Plan, July 1, 1987 as defined by TRPA Code of Ordinances, Section 21.6. This total includes all vacant IPES parcels and Bailey parcels classified as SEZ (1b) or sensitive (1a, 1c, 2 or 3). Currently 951 vacant Bailey parcels classified as non-sensitive (4, 5, 6, or 7) also remains; however, they do not have development rights associated with them.

6. Buildable parcels are defined as the sum of all vacant parcels with an IPES score of 726 or greater in Placer County, vacant parcels with IPES scores greater than 1 in Washoe, Douglas and El Dorado County.

7. Marginal parcels are defined as the sum of all vacant parcels with an IPES score less than 725 in Placer County.

8. Unbuildable parcels are defined as the sum of all vacant parcels with an IPES score of 0.

## Arlo Stockham

---

**From:** Roger Patching <roger@friendsoflaketahoe.org>  
**Sent:** Friday, November 18, 2011 3:01 PM  
**To:** Arlo Stockham  
**Cc:** Joanne Marchetta  
**Subject:** RE: Placer County's Definition of "Stakeholder"

Hi Arlo,

Like most things in this business, it is definitional. . . and I think that my email reflects both that and the confusion surrounding issue. According to TRPA, "local plans shall be prepared in coordination with local residents and TRPA staff." Tuesday evening "stakeholders" was added to "local residents."

Then it was suggested by Joanne in our chat on Wednesday that "stakeholders" was intended to be all encompassing, inclusive, and so on. I said that was fine but if Placer County, for example, was not in sync with this understanding in the selection of participants then TRPA's plan to "help local governments comply with TRPA requirements" would already be undermined before planning even commenced by the local governments.

Indeed, that you are asking this question and TRPA's document differs from Placer's below, coupled with Joanne's perceptions as she expressed them to me in our chat, seem to reflect precisely the confusion that prompted my presentation in addition to conflicting with your expressions conceptually about the term "open access." Moreover, if a gap exists in this area between Placer and TRPA, it is reasonable to conclude that the other local governments are also out of sync with each other and TRPA.

Have another look. There is a multiplicity of concerns about disenfranchisement and concomitant ramifications. Only TRPA can lead here but it appears that currently the left hand is unaware of what the right hand is doing.

Thoughts? Roger

---

**From:** Arlo Stockham [mailto:[astockham@trpa.org](mailto:astockham@trpa.org)]  
**Sent:** Thursday, November 17, 2011 5:46 PM  
**To:** Roger Patching  
**Subject:** Re: Placer County's Definition of "Stakeholder"

Roger,

I may not understand this. Is the concern that vacation homeowners without local businesses are not on the committee?

On Nov 17, 2011, at 12:43 PM, "Roger Patching" <[roger@friendsoflaketahoe.org](mailto:roger@friendsoflaketahoe.org)> wrote:

Hi You Two!

Arlo, I'm including you in this message because of our earlier conversation about "opening access" to as many groups as possible in the drafting of the RPU. I made a five minute presentation yesterday morning before the board about my concern regarding this issue and complimented you to the board for clearly grasping the significance of being "inclusive" in this regard, for a variety of valid reasons.

And, within the context of access, I basically attempted to share my concern that if the local governments didn't comply with a broad vision of representation then access would be closed to any except those enfranchised by the local government, in spite of the desires of TRPA. Additionally, absent that compliance, the door would be open for a **lack of uniformity** in this regard among the local governments, with Placer considering groups ineligible that El Dorado might find acceptable. That presents both legal and political problems as well. As you know, Friends of Lake Tahoe represents both locals and non-resident property owners.

Following my presentation and during a break, Joanne and I chatted about this in that she wondered about the basis for my concern. (I know that the preceding evening TRPA decided to add the term "stakeholder" to "local residents" in LU 4.6, which I agree is both needed and appropriate.) I explained that the basis came from a presentation by Crystal Jacobsen (Placer Planner) at a meeting in Kings Beach on 25 October when she excluded non-resident property owners.

Indeed, as you can see at Placer's "Sign-up Web Site" the allowance is particularly narrow in definition, and inconsistent with the expressed position of TRPA, as explained to me by Joanne:

[http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/TahoePlanning/TahoeBasinCPUUpdate/~//media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/NTahoeWest/TeamMemberApp%20NTahoeW\\_pub\\_0001.ashx](http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/TahoePlanning/TahoeBasinCPUUpdate/~//media/cdr/Planning/CommPlans/TahoeBasinCPUUpdate/NTahoeWest/TeamMemberApp%20NTahoeW_pub_0001.ashx)

To wit:

***PLACER COUNTY ZONING / DESIGN STANDARDS TEAM - COMMUNITY MEMBER  
SIGN-UP SHEET***

*Guidelines: 1. Participants may only represent one participation category 2. Participants must be willing to donate a minimum of 8 to 10 hours bi-monthly 3. Only two absences in a six-month period are allowed 4. Must have an active business in the basin **OR** must be registered to vote in,*

*and have their primary residence in the basin 5. All qualifying participant information will be verified 6. Submissions must be received or postmarked by 5:00 p.m., November 30, 2011*

As you know, LU 4.13 addresses TRPA taking an active role in assisting local governments in compliance with TRPA guidelines.

To me, there seems to be a problem here in that I don't believe that Placer County has the same point of view regarding this matter as TRPA - as expressed to me by Joanne during the break. The term "stakeholder" now embraced by TRPA is a very inclusive term. The qualifying statements above are quite different. Indeed, "must have an active business in the basin OR registered to vote in, and have their primary residence in the basin" seems to exclude non-residents.

Certainly non-resident property owners are stakeholders by common definition, **but also by the language and spirit of Proposition 218 passed in California more than a decade ago.** I tried to explain this in my presentation. Additionally, the term "active" business is not clear. Is a second home owner who lists his home with a property management firm or via VRBO an active business? If with a firm is it passive? If with VRBO is it "active." They both pay TOT. How about an investor in undeveloped land? Is the investor who owns property a stakeholder? What about a corporation based in Colorado but with an interest and property in the basin? What about a nonprofit corporation such as Friends of Lake Tahoe based in Tahoe City or NTCAA based in Tahoe Vista? Are they also not stakeholders and / or residents? As a corporation, we know that they are considered "people," particularly following the *Citizens United* Supreme Court decision.

Well, I think each of you can see my question and concern particularly for my non-resident property owning constituents. They believe in direct representation, not virtual representation. The basin is one of the most "VRBOized" regions in North America – which also impacts TAU calculations. Certainly such property owners see themselves as economically affected by TRPA decisions as do hotel owners in the basin. Check out what it cost to rent a 10,000 sq. ft. lakefront. And, think about the wisdom of building a hotel in a basin where a family can rent an entire house for less than a hotel room at a major resort. Certainly all the boards of the many condo complexes around the lake see themselves as stakeholders. (There are more than 100 in Incline alone.) They see themselves as part of the "community" and as such voiced their opposition to the proposed KB biomass plant and TRPA listened. But, as we know, Placer County did not.

I and Friends of Lake Tahoe believe that this matter needs to be resolved now before we go any further.

Please advise,

Roger

Roger Patching, President/CEO, Friends of Lake Tahoe

## Arlo Stockham

---

**From:** David McClure <mccluretahoe@yahoo.com>  
**Sent:** Wednesday, November 23, 2011 11:59 AM  
**To:** Arlo Stockham  
**Cc:** Roger Patching; John Hitchcock  
**Subject:** Re: Earlier email about "studies"

Hi Arlo,

I thought my email dated November 21st containing one question was clear:

---

Hi Arlo,

During the November 16th RPU Committee Meeting you told Committee members that you had the qualitative studies that support staff's proposals for the RPU.

Would you please be specific about what these "studies" are by citing exactly the "studies" you referenced to the committee? I would expect to see the name of the studies, the author (s), date, so we can access these studies.

David McClure  
VP of NTCAA

---

Now I am concerned you are conflating the "qualitative studies" you told the RPU Committee you had (supporting staff's proposals for densities, height, and transfer ratios) and the "quantitative studies" you said are underway.

You are proposing substantial increases in height and densities in the Town Centers, and you said there were qualitative studies to support these proposals. The proposals are being applied to North and West Shore communities. You admitted at the meeting there are no quantitative studies at this time, but something is in the works, which would presumably address more than simply transfer ratios. If the quantitative analyses will not be ready until January or March as you say now, OK but that is not our question.

Our question is again about the "qualitative studies" you said you have that establish the basis for the staff's specific proposals in the RPU. Please cite the specific qualitative studies you referenced at the last RPU Committee meeting. Thanks for your cooperation.

David McClure

**From:** Arlo Stockham <astockham@trpa.org>  
**To:** Roger Patching <roger@friendsoflaketahoe.org>  
**Cc:** 'David McClure' <mccluretahoe@yahoo.com>; John Hitchcock <jhitchcock@trpa.org>  
**Sent:** Wednesday, November 23, 2011 10:05 AM  
**Subject:** RE: Earlier email about "studies"

Hi Roger and Dave,

You both e-mailed about studies. The most detailed study on transfer ratios, etc may or may not have been released publically. I reviewed draft conclusions in October and thought it was finalized. We are inquiring with the authors if the study is available for distribution now, and if not now, when it will be.

Sorry for the delayed reply and any confusion. We'll get it to you as soon as we can.

The more detailed study that is now underway will be incorporated into the Draft EIS. Depending on the results, modifications to transfer ratios and related provisions may be appropriate in the final RP Update and final EIS. This work is scheduled for completion in March.

Have a great holiday weekend,  
Arlo

Arlo Stockham  
Regional Plan Update Coordinator  
775-589-5236



---

**From:** Roger Patching [mailto:roger@friendsoflaketahoe.org]  
**Sent:** Friday, November 18, 2011 3:09 PM  
**To:** Arlo Stockham  
**Cc:** 'David McClure'  
**Subject:** RE: Earlier email about "studies"

Thank you Arlo,

This is helpful. Can you also answer more completely the questions addressed in the earlier email:

*Can you enlighten me and perhaps **forward** those “qualitative studies” to me including **the author(s)**?*  
(emphasis added)

*2) I'm not sure, but it would also seem to me that the issues involved and before the committee that Clem Shute asked about that are currently being “quantified” are probably going to be subject to action before January. Is that correct?*

Many thanks. I hope the you have a great weekend.

Best, Roger

---

**From:** Arlo Stockham [mailto:astockham@trpa.org]  
**Sent:** Thursday, November 17, 2011 5:31 PM  
**To:** Roger Patching  
**Cc:** David McClure  
**Subject:** Re:

Hi roger,



Good to hear from you. We've been pretty busy as you can see.

Studies and other input to date have identified the need to increase transfer ratios and remove a couple of key regulatory barriers in order to see an increase in the rate of redevelopment. The current SCS grant is evaluating the ratios to verify what numbers will provide a market incentive and environmental gain.

On Nov 17, 2011, at 10:53 AM, "Roger Patching" <[roger@friendsoflaketahoe.org](mailto:roger@friendsoflaketahoe.org)> wrote:

Hi Arlo,

Good to see you yesterday. We need to get together again sometime soon now that the process seems to be charging ahead at a rapid pace.

In the meantime, I wanted to follow up on a comment you made in response to a question from Clem Shute regarding "studies." When he asked about studies supporting staff recommendations you mentioned that you did have studies but they were of a "qualitative" nature and that "quantitative" studies were underway but wouldn't be completed and available for review until probably January.

This raises a couple of questions to me:

1) While I certainly am not a "planner," the term "qualitative studies" is somewhat new to me in that I'm not quite certain what the term refers to. Can you enlighten me and perhaps forward those "qualitative studies" to me including the author(s)? In my field "qualitative" is often used in the context of "subjective" studies.

2) I'm not sure, but it would also seem to me that the issues involved and before the committee that Clem Shute asked about that are currently being "quantified" are probably going to be subject to action before January. Is that correct?

Thanks, always good to see you.

Roger