

**Introduced by Senators Pavley and Steinberg**February 22, 2013

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An act to amend Sections 67025, 67049, 67070, 67101, and 67120 of, to repeal Sections 67061, 67103.1, 67109, and 67125 of, and to repeal and add Section 67041 of, the Government Code, relating to the California Tahoe Regional Planning Agency.

## LEGISLATIVE COUNSEL'S DIGEST

SB 630, as introduced, Pavley. California Tahoe Regional Planning Agency.

Existing law ratified the "Tahoe Regional Planning Compact," a bilateral agreement between the States of Nevada and California to regulate development in the Lake Tahoe basin. The compact established the Tahoe Regional Planning Agency as a separate legal entity, comprised of members from Nevada and California, responsible for implementing a "regional plan," as defined, regulating development in the Lake Tahoe region, as defined.

Existing law also creates the California Tahoe Regional Planning Agency as a separate legal entity and as a political subdivision of the State of California, and prescribes the membership, functions, and duties of the agency, as specified. Existing law requires the agency, within 18 months of its formation, to prepare, adopt, and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, referred to as the "regional plan," except that when the Tahoe Regional Planning Compact becomes effective, the time for preparation of the regional plan is required to be extended so that it coincides with the date upon which the agency must submit its plan. Existing law also requires the agency to adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional and interim regional

plans. For purposes of those provisions, the “interim plan” is defined to mean the interim regional plan adopted pending the adoption of the regional plan.

This bill would, for purposes of those provisions, define the “interim regional plan” to mean the interim regional plan adopted by the Tahoe Regional Planning Agency on December 12, 2012. The bill would revise the membership of the governing body of the agency to eliminate the existing 5 members of the governing body, and prescribe requirements for the appointment of a new 9-member governing board. The bill would also revise the composition of a technical advisory committee required to be appointed by the agency, and would request the participation of a representative of the governing board of the Nevada Tahoe Regional Planning Agency. The bill would eliminate a provision authorizing the governing body of the agency to contract with the Tahoe Regional Planning Agency for services.

This bill would delete the requirement that the agency, within 18 months of its formation, prepare, adopt, and review and maintain a comprehensive long-term general plan for the development of the Tahoe region, and would instead require the agency to implement the interim plan adopted by the Tahoe Regional Planning Agency on December 12, 2012, in accordance with prescribed requirements. The bill would revise certain other of the agency’s powers and responsibilities with regard to the review and approval of projects for the development of the Tahoe region, as prescribed.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:  
3 (a) Since 1980, the States of Nevada and California have  
4 cooperated in protecting Lake Tahoe’s exceptional natural  
5 resources by having a single entity, the Tahoe Regional Planning  
6 Agency (TRPA), be responsible for regulating development in the  
7 Tahoe Basin. The states and Congress created the Tahoe Regional  
8 Planning Agency through the Tahoe Regional Planning Compact,  
9 as prescribed in Title 7.4 (commencing with Section 66800) of the  
10 Government Code. It is the intent of the Legislature to maintain  
11 that cooperation by having a single entity continue to regulate

1 development in the Tahoe Basin. A single entity will continue to  
2 enhance the efficiency and governmental effectiveness of the  
3 region, and thereby help to maintain the social and economic health  
4 of the region by protecting, preserving, and enhancing the region's  
5 unique environmental and ecological values.

6 (b) In 2011, the Nevada Legislature enacted Senate Bill 271  
7 (Chapter 530 of the Statutes of 2011). That legislation potentially  
8 requires Nevada to withdraw from the Tahoe Regional Planning  
9 Compact in 2015, unless the TRPA adopts an Updated Regional  
10 Plan and the bistate compact is amended to reduce its protection  
11 of Lake Tahoe's resources. During 2012, California and Nevada  
12 engaged in a formal bistate consultation process, which led to  
13 TRPA's adoption of an Updated Regional Plan on December 12,  
14 2012. The California Legislature is hopeful that through a  
15 successful, cooperative process, and the TRPA's adoption of the  
16 Updated Regional Plan, will lead to the repeal of Senate Bill 271.

17 (c) Nevada Senate Bill 271 includes a provision that if Nevada  
18 withdraws from the bistate compact, development on the Nevada  
19 side of the Tahoe Basin will be overseen by the Nevada Tahoe  
20 Regional Planning Agency. However, California does not have an  
21 active entity that will oversee development on the California side  
22 of the Tahoe Basin in the event that Nevada withdraws from the  
23 bistate compact. The California Legislature, therefore, must make  
24 contingency plans to protect California's important interests in the  
25 Tahoe Basin in the event that Nevada withdraws from the bistate  
26 Tahoe compact. The contingency plan established in this legislation  
27 is not intended to take effect if Nevada repeals Senate Bill 271 in  
28 its 2013 legislative session. Action in 2013 by Nevada is essential  
29 because its Legislature does not meet in 2014 and, by operation  
30 of Nevada law, that state may exercise its prerogative to withdraw  
31 from the compact in 2015. For California to have due time to  
32 protect its many interests in the Tahoe basin, the state will need  
33 to have a contingency plan in place prior to the dissolution of the  
34 bistate compact, as contemplated by Senate Bill 271.

35 SEC. 2. Section 67025 of the Government Code is amended  
36 to read:

37 67025. "Interim plan" shall mean the interim regional plan  
38 adopted pending the adoption of the regional plan. *For purposes*  
39 *of this article, the interim regional plan shall be the regional plan*

1 *adopted by the Tahoe Regional Planning Agency on December*  
2 *12, 2012, as the plan is required to be modified by Section 67070.*

3 SEC. 3. Section 67041 of the Government Code is repealed.

4 ~~67041. The governing body of the agency shall be constituted~~  
5 ~~as follows:~~

6 ~~(a) One member appointed by the Board of Supervisors of the~~  
7 ~~Counties of El Dorado and Placer, and one member appointed by~~  
8 ~~the City Council of the City of South Lake Tahoe. Each of the~~  
9 ~~members of the governing board shall be a member of the city~~  
10 ~~council, or county board of supervisors he represents, and, in the~~  
11 ~~case of a supervisor shall be a resident of a county supervisorial~~  
12 ~~district lying wholly or partly within the region.~~

13 ~~(b) Two members appointed by the Governor of California~~  
14 ~~subject to Senate confirmation, who shall not be residents of the~~  
15 ~~basin and shall represent the public at large. One of such members~~  
16 ~~shall be chosen from among residents of the 10 southernmost~~  
17 ~~counties in the state and one from among the residents of the~~  
18 ~~remaining counties.~~

19 ~~(c) One member appointed by the six other members appointed~~  
20 ~~pursuant to this section. The member so appointed shall serve as~~  
21 ~~the permanent chairman of the agency and shall serve at the~~  
22 ~~pleasure of the other members. In the event such membership~~  
23 ~~becomes vacant and the vacancy is not filled by the other members~~  
24 ~~within 30 days, the vacancy shall be filled by appointment of the~~  
25 ~~Governor.~~

26 ~~(d) The Secretary of the California Resources Agency or his~~  
27 ~~designee.~~

28 SEC. 4. Section 67041 is added to the Government Code, to  
29 read:

30 67041. The governing body of the agency shall contain the  
31 following nine members:

32 (a) One member appointed by the Governor who shall be an  
33 member of the Board of Supervisors of the County of El Dorado  
34 or the Board of Supervisors of the County of Placer, and one  
35 member appointed by the Governor who shall be an elected  
36 member of the city council of the City of South Lake Tahoe. Both  
37 of these appointees are subject to Senate confirmation.

38 (b) Three members appointed by the Governor who have a  
39 demonstrated interest and appreciation for the natural beauty and  
40 economic productivity of the Lake Tahoe Region who shall

1 represent the public at large and the geographic diversity of  
2 California. All of these appointees are subject to Senate  
3 confirmation.

4 (c) Two members appointed by the Senate Committee on Rules.

5 (d) Two members appointed by the Speaker of the California  
6 Assembly.

7 SEC. 5. Section 67049 of the Government Code is amended  
8 to read:

9 67049. A technical advisory committee shall be appointed by  
10 the agency. The committee shall include, but shall not be limited  
11 to, *the following: the executive officer of the Tahoe Conservancy,*  
12 *the executive officer of the State Lands Commission, the chief*  
13 *planning officers of Placer County, El Dorado County, and the*  
14 *City of South Lake Tahoe, ~~the Placer County Director of Sanitation,~~*  
15 *~~the El Dorado County Director of Sanitation,~~ the executive officer*  
16 *of the Lahontan Regional Water Quality Control Board or his*  
17 *designee, and the executive officer of the California Tahoe*  
18 *Regional Planning Agency who shall act as chairman. The agency*  
19 *shall request the participation of a representative of the governing*  
20 *board of the Nevada Tahoe Regional Planning Agency who is*  
21 *chosen by that body.*

22 SEC. 6. Section 67061 of the Government Code is repealed.

23 ~~67061. The governing body may contract with the Tahoe~~  
24 ~~Regional Planning Agency for the services of such staff of the~~  
25 ~~Tahoe Regional Planning Agency as may be needed to execute~~  
26 ~~the powers, functions, and duties of the agency provided for under~~  
27 ~~this act or in accordance with any intergovernmental contract or~~  
28 ~~agreement.~~

29 SEC. 7. Section 67070 of the Government Code is amended  
30 to read:

31 ~~67070. (a) Within 18 months after the formation of the agency,~~  
32 ~~the agency shall prepare, adopt and review and maintain a~~  
33 ~~comprehensive long-term general plan for the development of the~~  
34 ~~Tahoe region, referred to as the "regional plan"; provided that,~~  
35 ~~when the Tahoe Regional Planning Compact becomes effective~~  
36 ~~the time for preparation of the regional plan shall be extended so~~  
37 ~~that it coincides with the date upon which the Tahoe Regional~~  
38 ~~Planning Agency must submit its regional plan. The regional plan~~  
39 ~~shall consist of a diagram, or diagrams, and text, or texts setting~~  
40 ~~forth the projects and proposals for implementation of the regional~~

1 ~~plan, a description of the needs and goals of the region and a~~  
2 ~~statement of the policies, standards and elements of the regional~~  
3 ~~plan.~~

4 67070. (a) *The regional plan adopted by the agency on*  
5 *December 12, 2012, shall be considered the interim regional plan*  
6 *of the agency, except as provided in paragraph (1). Amendments*  
7 *to the interim plan or the adoption of a comprehensive long-term*  
8 *general plan and amendment to that plan shall comply with the*  
9 *rules and regulations prescribed in Section 67101. The agency*  
10 *shall implement the interim regional plan as follows:*

11 (1) *No project may be developed in the region without obtaining*  
12 *the review and approval of the agency. For purposes of this article,*  
13 *“project” is defined as any activity that may substantially affect*  
14 *the land, water, air, space, or other natural resource of the region.*  
15 *Any delegated authority for the issuance of permits under areas*  
16 *plans is terminated as of January 1, 2014.*

17 (2) *On or before October 1, 2015, the agency shall determine*  
18 *whether the boundaries of town center districts and regional center*  
19 *districts are empirically shown to create a less auto-dependent*  
20 *development pattern, and, if not, the agency shall adjust the*  
21 *boundaries so that they promote that pattern.*

22 (3) *Resort recreational districts shall be eliminated.*

23 (4) *Provisions in the interim regional plan that allow up to 70*  
24 *percent land coverage shall be reduced to allow up to 50 percent*  
25 *land coverage.*

26 (5) *Provisions in the interim regional plan that allow for the*  
27 *calculation of land coverage on an areawide basis shall be*  
28 *eliminated, and coverage shall be calculated on a per parcel basis.*

29 (6) *Certification of compliance with all best management*  
30 *practices shall be a condition of the sale of commercial property*  
31 *parcels.*

32 (b) *The regional plan shall include the following correlated*  
33 *elements:*

34 (1) *A land-use plan for the integrated arrangement and general*  
35 *location and extent of, and the criteria and standards for, the uses*  
36 *of land, water, air, space and other natural resources within the*  
37 *region, including but not limited to, an indication or allocation of*  
38 *maximum population densities.*

39 (2) *A transportation plan for the integrated development of a*  
40 *regional system of transportation, including but not limited to,*

1 freeways, parkways, highways, transportation facilities, transit  
2 routes, waterways, navigation and aviation aids and facilities, and  
3 appurtenant terminals and facilities for the movement of people  
4 and goods within the region.

5 (3) A conservation plan for the preservation, development,  
6 utilization, and management of the scenic and other natural  
7 resources within the basin, including but not limited to soils,  
8 shoreline and submerged lands, scenic corridors along  
9 transportation routes, open spaces, recreational and historical  
10 facilities.

11 (4) A recreation plan for the development, utilization, and  
12 management of the recreational resources of the region, including  
13 but not limited to, wilderness and forested lands, parks and  
14 parkways, riding and hiking trails, beaches and playgrounds,  
15 marinas and other recreational facilities.

16 (5) A public services and facilities plan for the general location,  
17 scale and provision of public services and facilities, which, by the  
18 nature of their function, size, extent and other characteristics are  
19 necessary or appropriate for inclusion in the regional plan.

20 SEC. 8. Section 67101 of the Government Code is amended  
21 to read:

22 67101. (a) Interim regulations shall be adopted within 90 days  
23 from the formation of the agency and final regulations within 18  
24 months after the formation of the agency, *except as provided in*  
25 *subdivision (b).*

26 (b) *The Tahoe Regional Planning Agency Code of Ordinances*  
27 *and the Rules of Procedure, which was adopted by the Tahoe*  
28 *Regional Planning Association Governing Board, on December*  
29 *12, 2012, shall be considered the interim agency ordinances and*  
30 *rules, with the exception of any requirements for the interim*  
31 *regional plan set forth in subdivision (a) of Section 67070.*

32 SEC. 9. Section 67103.1 of the Government Code is repealed.

33 ~~67103.1. All public works projects submitted to the agency for~~  
34 ~~review and approval must receive the agency's approval before~~  
35 ~~they can be submitted to the Tahoe Regional Planning Agency.~~

36 SEC. 10. Section 67109 of the Government Code is repealed.

37 ~~67109. Whenever a new city is formed within the region, the~~  
38 ~~membership of the governing body shall be increased by one~~  
39 ~~additional member appointed by, and who shall be a member of,~~  
40 ~~the legislative body of the new city.~~

1 ~~Whenever the membership of the governing body is increased~~  
2 ~~by the addition of a member representing a new city in the region,~~  
3 ~~there shall be appointed by the Governor an additional member~~  
4 ~~representing the public at large who shall not be a resident of the~~  
5 ~~region.~~

6 SEC. 11. Section 67120 of the Government Code is amended  
7 to read:

8 67120. On or before December 30 of each calendar year, the  
9 agency shall establish, *consistent with the usual practices of the*  
10 *Department of Finance with regard to funding requests to be*  
11 *included in the annual budget process,* the amount of money  
12 necessary to support its activities for the next succeeding fiscal  
13 year commencing July 1 of the following year and transmit a  
14 request for that amount to the Legislature.

15 SEC. 12. Section 67125 of the Government Code is repealed.

16 ~~67125. For purposes of the annual budget process, the agency~~  
17 ~~shall be provided a baseline adjustment equivalent to fund~~  
18 ~~California's two-thirds share for any increase in employee~~  
19 ~~compensation or cost-of-living adjustment, in the same manner as~~  
20 ~~applied to state agencies. In those instances where the methodology~~  
21 ~~for determining this adjustment differs from standard state budget~~  
22 ~~practices, the agency and the Department of Finance shall work~~  
23 ~~together on an agreed application of this section.~~