

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 2, 2013

SENATE BILL

No. 630

Introduced by Senators Pavley and Steinberg

February 22, 2013

An act to amend Sections ~~67023, 67025, 67049, 67070, 67072, 67075, 67102, 67103, 67105, and 67120~~ of, to add Sections ~~67022.5, 67022.7, 67027, 67072.1, 67106.2, and 67107.1~~ to, to repeal Sections ~~67061, 67073, 67074, 67103.1, 67109, and 67125~~ of, and to repeal and add Sections ~~67041, 67100, and 67101~~ of, *Section 66801 of, and to add Section 66802 to*, the Government Code, relating to the California Tahoe Regional Planning Agency.

LEGISLATIVE COUNSEL'S DIGEST

SB 630, as amended, 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 the States of 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 *as prescribed*.

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, and would define the terms “environmental threshold carrying capacity,” “feasible,” and “project,” as prescribed. 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, commencing January 1, 2014, prohibit a project from being developed in the region without the review and approval of the agency, and would prohibit the approval of a project unless it is found by the agency to comply with the regional plan, and with related ordinances, rules, and regulations, but would specify that those provisions shall not become operative if a specified Nevada Senate Bill is repealed on or before January 1, 2014. The bill would prescribe requirements and civil penalties for legal actions arising out of or alleging a violation of these provisions governing the agency. 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.~~

This bill would make legislative findings and declarations relating to an agreement between the Governors of the States of Nevada and California covering the implementation of the Tahoe Regional Planning Compact that was jointly announced by the governors of these states on May 14, 2013, which is proposed to be codified in specified legislation in Nevada and California. The bill would declare that the State of Nevada has agreed to repeal its 2011 statutory provisions requiring its withdrawal from the Tahoe Regional Planning Compact and proposing a change in the voting structure of the Tahoe Regional Planning Agency.

Existing law, contained in the bistate Tahoe Regional Planning Compact in the Government Code requires that within one year after adoption of environmental threshold carrying capacities for the Tahoe region, the Tahoe Regional Planning Agency to amend its regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules, and regulations, achieves and maintains the adopted environmental threshold carrying capacities, and requires that the advisory planning commission appointed by the agency and the governing body of the agency continuously review and maintain the regional plan.

This bill would revise the compact to require that, in reviewing and maintaining the plan, the planning commission and the governing body also ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce. The bill would further revise the compact to require that, when adopting or amending a regional plan or taking an action or making a decision, the agency act in accordance with the requirements of the compact and its implementing ordinances, rules, and regulations and to place upon a party challenging any element of the regional plan, or an action or decision of the agency, the burden of showing that the regional plan is not in conformance with those requirements.

The bill would not become effective unless, on or before January 1, 2014, the Governor issues a written declaration stating that the State of Nevada has enacted substantially similar legislation to the bill, and that the Nevada legislation became effective on or before January 1, 2014.

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 (bistate compact). It is the intent of the
11 Legislature to maintain that cooperation by having a single entity
12 continue to regulate development in the Tahoe Basin. A single
13 entity will continue to enhance the efficiency and governmental
14 effectiveness of the region, and thereby help to maintain the social
15 and economic health of the region by protecting, preserving, and
16 enhancing the region's unique environmental and ecological values.

17 ~~(b) In 2011, the Nevada Legislature enacted Senate Bill 271~~
18 ~~(Chapter 530 of the Statutes of 2011). That legislation potentially~~
19 ~~requires the State of Nevada to withdraw from the Tahoe Regional~~
20 ~~Planning Compact in 2015, unless the TRPA adopts an Updated~~
21 ~~Regional Plan and the bistate compact is amended to reduce its~~
22 ~~protection of Lake Tahoe's resources. During 2012, the States of~~
23 ~~California and Nevada engaged in a formal bistate consultation~~
24 ~~process, which led to the TRPA's adoption of an Updated Regional~~
25 ~~Plan on December 12, 2012. The California Legislature is hopeful~~
26 ~~that the success of that bistate consultation will lead to the repeal~~
27 ~~of Senate Bill 271.~~

28 ~~(c) Nevada Senate Bill 271 includes a provision that if the State~~
29 ~~of Nevada withdraws from the bistate compact, development on~~
30 ~~the Nevada side of the Tahoe Basin will be overseen by the Nevada~~
31 ~~Tahoe Regional Planning Agency. However, California does not~~
32 ~~have an active entity that will oversee development on the~~
33 ~~California side of the Tahoe Basin in the event that the State of~~
34 ~~Nevada withdraws from the bistate compact. The California~~
35 ~~Legislature, therefore, must make contingency plans to protect~~
36 ~~California's important interests in the Tahoe Basin in the event~~
37 ~~that the State of Nevada withdraws from the bistate Tahoe compact.~~
38 ~~The contingency plan established in this legislation is not intended~~

1 to take effect if Nevada repeals Senate Bill 271 in its 2013
2 legislative session. Action in 2013 by the State of Nevada is
3 essential because its Legislature does not meet in 2014 and, by
4 operation of Nevada law, that state may exercise its prerogative
5 to withdraw from the compact in 2015. For California to have
6 sufficient time to protect its many interests in the Tahoe Basin, the
7 state will need to have a contingency plan in place prior to the
8 dissolution of the bistate compact, as contemplated by Nevada
9 Senate Bill 271.

10 (b) *The States of California and Nevada have agreed to*
11 *recommend to Congress two amendments to the bistate compact.*
12 *One proposed amendment would clarify that a party challenging*
13 *the Tahoe Regional Planning Agency regional plan or an action*
14 *of the Tahoe Regional Planning Agency has the burden of proof.*
15 *The second proposed amendment would direct the agency to ensure*
16 *that the regional plan reflects economic considerations in the*
17 *Tahoe basin. The purpose of this act, as summarized in this section,*
18 *is to ensure the continuation of the bistate compact and the Tahoe*
19 *Regional Planning Agency.*

20 (c) *An agreement between the Governors of the States of*
21 *California and Nevada relating to the implementation of the bistate*
22 *compact was jointly announced by the governors of those states*
23 *on May 14, 2013, and the agreement is proposed to be codified in*
24 *2013 in Senate Bill 229 in Nevada and Senate Bill 630 in*
25 *California.*

26 (d) *As part of that agreement between the two states, the State*
27 *of Nevada has agreed to repeal its 2011 statutory provisions*
28 *requiring its withdrawal from the bistate compact and a proposed*
29 *change in the voting structure of the Tahoe Regional Planning*
30 *Agency.*

31 (e) *As an additional part of the agreement between the two*
32 *states, the April 2, 2013 version of Senate Bill 630, which proposed*
33 *the reestablishment of California-only Tahoe Regional Planning*
34 *Agency as a backup plan in the event of the withdrawal of Nevada*
35 *from the bistate compact, will not be enacted.*

36 (f) *The agreement between the two states also includes*
37 *provisions that specify that the two states will cooperate in*
38 *implementing the new regional plan update of the Tahoe Regional*
39 *Planning Agency that was adopted in December 2012. The States*
40 *of California and Nevada also reaffirmed the provisions of the*

1 *bistate compact that allow each state to withdraw from the*
2 *compact.*

3 *SEC. 2. Section 66801 of the Government Code is amended to*
4 *read:*

5 66801. The provisions of this interstate compact executed
6 between the States of Nevada and California are as follows:

7

8 TAHOE REGIONAL PLANNING COMPACT
9 ARTICLE I. FINDINGS AND DECLARATIONS OF POLICY

10

11 (a) It is found and declared that:

12

13 (1) The waters of Lake Tahoe and other resources of the region
14 are threatened with deterioration or degeneration, which endangers
15 the natural beauty and economic productivity of the region.

15

16 (2) The public and private interests and investments in the region
16 are substantial.

17

17 (3) The region exhibits unique environmental and ecological
18 values which are irreplaceable.

18

19 (4) By virtue of the special conditions and circumstances of the
20 region’s natural ecology, developmental pattern, population
21 distribution and human needs, the region is experiencing problems
22 of resource use and deficiencies of environmental control.

23

24 (5) Increasing urbanization is threatening the ecological values
25 of the region and threatening the public opportunities for use of
25 the public lands.

26

27 (6) Maintenance of the social and economic health of the region
28 depends on maintaining the significant scenic, recreational,
29 educational, scientific, natural and public health values provided
29 by the Lake Tahoe Basin.

30

31 (7) There is a public interest in protecting, preserving and
32 enhancing these values for the residents of the region and for
32 visitors to the region.

33

34 (8) Responsibilities for providing recreational and scientific
35 opportunities, preserving scenic and natural areas, and safeguarding
36 the public who live, work and play in or visit the region are divided
37 among local governments, regional agencies, the States of
37 California and Nevada, and the federal government.

38

39 (9) In recognition of the public investment and multistate and
40 national significance of the recreational values, the federal
40 government has an interest in the acquisition of recreational

1 property and the management of resources in the region to preserve
2 environmental and recreational values, and the federal government
3 should assist the states in fulfilling their responsibilities.

4 (10) In order to preserve the scenic beauty and outdoor
5 recreational opportunities of the region, there is a need to insure
6 an equilibrium between the region’s natural endowment and its
7 manmade environment.

8 (b) In order to enhance the efficiency and governmental
9 effectiveness of the region, it is imperative that there be established
10 a Tahoe Regional Planning Agency with the powers conferred by
11 this compact including the power to establish environmental
12 threshold carrying capacities and to adopt and enforce a regional
13 plan and implementing ordinances which will achieve and maintain
14 such capacities while providing opportunities for orderly growth
15 and development consistent with such capacities.

16 (c) The Tahoe Regional Planning Agency shall interpret and
17 administer its plans, ordinances, rules and regulations in accordance
18 with the provisions of this compact.

19

20 ARTICLE II. DEFINITIONS

21

22 As used in this compact, the following terms have the following
23 meanings:

24 (a) “Region,” includes Lake Tahoe, the adjacent parts of Douglas
25 and Washoe Counties and Carson City, which for the purposes of
26 this compact shall be deemed a county, lying within the Tahoe
27 Basin in the State of Nevada, and the adjacent parts of the Counties
28 of Placer and El Dorado lying within the Tahoe Basin in the State
29 of California, and that additional and adjacent part of the County
30 of Placer outside of the Tahoe Basin in the State of California
31 which lies southward and eastward of a line starting at the
32 intersection of the basin crestline and the north boundary of Section
33 1, thence west to the northwest corner of Section 3, thence south
34 to the intersection of the basin crestline and the west boundary of
35 Section 10; all sections referring to Township 15 North, Range 16
36 East, M.D.B. & M. The region defined and described herein shall
37 be as precisely delineated on official maps of the agency.

38 (b) “Agency” means the Tahoe Regional Planning Agency.

39 (c) “Governing body” means the governing board of the Tahoe
40 Regional Planning Agency.

1 (d) “Regional plan” means the long-term general plan for the
2 development of the region.

3 (e) “Planning commission” means the advisory planning
4 commission appointed pursuant to subdivision (h) of Article III.

5 (f) “Gaming” means to deal, operate, carry on, conduct, maintain
6 or expose for play any banking or percentage game played with
7 cards, dice or any mechanical device or machine for money,
8 property, checks, credit or any representative of value, including,
9 without limiting the generality of the foregoing, faro, monte,
10 roulette, keno, bingo, fan-tan, twenty-one, blackjack,
11 seven-and-a-half, big injun, klondike, craps, stud poker, draw poker
12 or slot machine, but does not include social games played solely
13 for drinks, or cigars or cigarettes served individually, games played
14 in private homes or residences for prizes or games operated by
15 charitable or educational organizations, to the extent excluded by
16 applicable state law.

17 (g) “Restricted gaming license” means a license to operate not
18 more than 15 slot machines on which a quarterly fee is charged
19 pursuant to NRS 463.373 and no other games.

20 (h) “Project” means an activity undertaken by any person,
21 including any public agency, if the activity may substantially affect
22 the land, water, air, space or any other natural resources of the
23 region.

24 (i) “Environmental threshold carrying capacity” means an
25 environmental standard necessary to maintain a significant scenic,
26 recreational, educational, scientific or natural value of the region
27 or to maintain public health and safety within the region. Such
28 standards shall include but not be limited to standards for air
29 quality, water quality, soil conservation, vegetation preservation
30 and noise.

31 (j) “Feasible” means capable of being accomplished in a
32 successful manner within a reasonable period of time, taking into
33 account economic, environmental, social and technological factors.

34 (k) “Areas open to public use” means all of the areas within a
35 structure housing gaming under a nonrestricted license except
36 areas devoted to the private use of guests.

37 (l) “Areas devoted to private use of guests” means hotel rooms
38 and hallways to serve hotel room areas, and any parking areas. A
39 hallway serves hotel room areas if more than 50 percent of the
40 areas of each side of the hallway are hotel rooms.

1 (m) “Nonrestricted license” means a gaming license which is
2 not a restricted gaming license.

3
4 ARTICLE III. ORGANIZATION
5

6 (a) There is created the Tahoe Regional Planning Agency as a
7 separate legal entity.

8 The governing body of the agency shall be constituted as follows:

9 (1) California delegation:

10 (A) One member appointed by each of the County Boards of
11 Supervisors of the Counties of El Dorado and Placer and one
12 member appointed by the City Council of the City of South Lake
13 Tahoe. Any such member may be a member of the county board
14 of supervisors or city council, respectively, and shall reside in the
15 territorial jurisdiction of the governmental body making the
16 appointment.

17 (B) Two members appointed by the Governor of California,
18 one member appointed by the Speaker of the Assembly of
19 California and one member appointed by the Senate Rules
20 Committee of the State of California. The members appointed
21 pursuant to this subparagraph shall not be residents of the region
22 and shall represent the public at large within the State of California.
23 A member appointed by the Speaker of the Assembly or the Senate
24 Rules Committee may, subject to confirmation by his or her
25 appointing power, designate an alternate to attend meetings and
26 vote in the absence of the appointed member. The designation of
27 a named alternate, which shall be in writing and contain evidence
28 of confirmation by the appointing power, shall be kept on file with
29 the agency. An appointed member may change his or her alternate
30 from time to time, with the confirmation of the appointing power,
31 but shall have only one designated alternate at a time. An alternate
32 shall be subject to those qualifications and requirements prescribed
33 by this compact that are applicable to the appointed member.

34 (2) Nevada delegation:

35 (A) One member appointed by each of the boards of county
36 commissioners of Douglas and Washoe Counties and one member
37 appointed by the Board of Supervisors of Carson City. Any such
38 member may be a member of the board of county commissioners
39 or board of supervisors, respectively, and shall reside in the

1 territorial jurisdiction of the governmental body making the
2 appointment.

3 (B) Two members appointed by the Governor of Nevada, one
4 member appointed by the Speaker of the Assembly and one
5 member appointed by the Majority Leader of the Nevada Senate.
6 All members appointed pursuant to this subparagraph shall not be
7 residents of the region and shall represent the public at large within
8 the State of Nevada. A member appointed by the Speaker of the
9 Nevada Assembly or the Majority Leader of the Nevada Senate
10 may, subject to confirmation by his or her appointing power,
11 designate an alternate to attend meetings and vote in the absence
12 of the appointed member. The designation of a named alternate,
13 which shall be in writing and contain evidence of confirmation by
14 the appointing power, shall be kept on file with the agency. An
15 appointed member may change his or her alternate from time to
16 time, with the confirmation of the appointing power, but shall have
17 only one designated alternate at a time. An alternate shall be subject
18 to those qualifications and requirements prescribed by this compact
19 that are applicable to the appointed member.

20 (3) If any appointing authority under ~~paragraph (1)(A), (1)(B),~~
21 ~~(2)(A) or (2)(B)~~ *subparagraphs (A) and (B) of paragraph (1) and*
22 *subparagraphs (A) or (B) of paragraph (2)* fails to make such an
23 appointment within 60 days after the effective date of the
24 amendments to this compact or the occurrence of a vacancy on
25 the governing body, the governor of the state in which the
26 appointing authority is located shall make the appointment. The
27 term of any member so appointed shall be ~~+~~ *one* year.

28 (4) The position of any member of the governing body shall be
29 deemed vacant if such a member is absent from three consecutive
30 meetings of the governing body in any calendar year.

31 (5) Each member and employee of the agency shall disclose his
32 *or her* economic interests in the region within 10 days after taking
33 his *or her* seat on the governing board or being employed by the
34 agency and shall thereafter disclose any further economic interest
35 which he *or she* acquires, as soon as feasible after he *or she*
36 acquires it. As used in this paragraph, “economic interests” means:

37 (A) Any business entity operating in the region in which the
38 member or employee has a direct or indirect investment worth
39 more than one thousand dollars (\$1,000).

1 (B) Any real property located in the region in which the member
2 or employee has a direct or indirect interest worth more than one
3 thousand dollars (\$1,000).

4 (C) Any source of income attributable to activities in the region,
5 other than loans by or deposits with a commercial lending
6 institution in the regular course of business, aggregating two
7 hundred fifty dollars (\$250) or more in value received by or
8 promised to the member within the preceding 12 months; or

9 (D) Any business entity operating in the region in which the
10 member or employee is a director, officer, partner, trustee,
11 employee or holds any position of management.

12 No member or employee of the agency shall make, or attempt
13 to influence, an agency decision in which he *or she* knows or has
14 reason to know he *or she* has an economic interest. Members and
15 employees of the agency must disqualify themselves from making
16 or participating in the making of any decision of the agency when
17 it is reasonably foreseeable that the decision will have a material
18 financial effect, distinguishable from its effect on the public
19 generally, on the economic interests of the member or employee.

20 (b) The members of the agency shall serve without
21 compensation, but the expenses of each member shall be met by
22 the body which he *or she* represents in accordance with the law
23 of that body. All other expenses incurred by the governing body
24 in the course of exercising the powers conferred upon it by this
25 compact unless met in some other manner specifically provided,
26 shall be paid by the agency out of its own funds.

27 (c) The members of the governing body serve at the pleasure
28 of the appointing authority in each case, but each appointment
29 shall be reviewed no less often than every ~~4~~ *four* years. Members
30 may be reappointed.

31 (d) The governing body of the agency shall meet at least
32 monthly. All meetings shall be opened to the public to the extent
33 required by the law of the State of California or the State of
34 Nevada, whichever imposes the greater requirement, applicable
35 to local governments at the time such meeting is held. The
36 governing body shall fix a date for its regular monthly meeting in
37 such terms as “the first Monday of each month,” and shall not
38 change such date more often than once in any calendar year. Notice
39 of the date so fixed shall be given by publication at least once in
40 a newspaper or combination of newspapers whose circulation is

1 general throughout the region and in each county a portion of
2 whose territory lies within the region. Notice of any special
3 meeting, except an emergency meeting, shall be given by so
4 publishing the date and place and posting an agenda at least ~~5~~ *five*
5 days prior to the meeting.

6 (e) The position of a member of the governing body shall be
7 considered vacated upon his *or her* loss of any of the qualifications
8 required for his *or her* appointment and in such event the
9 appointing authority shall appoint a successor.

10 (f) The governing body shall elect from its own members a
11 chairman and vice chairman, whose terms of office shall be ~~2~~ *two*
12 years, and who may be reelected. If a vacancy occurs in either
13 office, the governing body may fill such vacancy for the unexpired
14 term.

15 (g) Four of the members of the governing body from each state
16 constitute a quorum for the transaction of the business of the
17 agency. The voting procedures shall be as follows:

18 (1) For adopting, amending or repealing environmental threshold
19 carrying capacities, the regional plan, and ordinances, rules and
20 regulations, and for granting variances from the ordinances, rules
21 and regulations, the vote of at least four of the members of each
22 state agreeing with the vote of at least four members of the other
23 state shall be required to take action. If there is no vote of at least
24 four of the members from one state agreeing with the vote of at
25 least four of the members of the other state on the actions specified
26 in this paragraph, an action of rejection shall be deemed to have
27 been taken.

28 (2) For approving a project, the affirmative vote of at least five
29 members from the state in which the project is located and the
30 affirmative vote of at least nine members of the governing body
31 are required. If at least five members of the governing body from
32 the state in which the project is located and at least nine members
33 of the entire governing body do not vote in favor of the project,
34 upon a motion for approval, an action of rejection shall be deemed
35 to have been taken. A decision by the agency to approve a project
36 shall be supported by a statement of findings, adopted by the
37 agency, which indicates that the project complies with the regional
38 plan and with applicable ordinances, rules and regulations of the
39 agency.

1 (3) For routine business and for directing the agency's staff on
2 litigation and enforcement actions, at least eight members of the
3 governing body must agree to take action. If at least eight votes
4 in favor of such action are not cast, an action of rejection shall be
5 deemed to have been taken.

6 Whenever under the provisions of this compact or any ordinance,
7 rule, regulation or policy adopted pursuant thereto, the agency is
8 required to review or approve any project, public or private, the
9 agency shall take final action by vote, whether to approve, to
10 require modification or to reject such project, within 180 days after
11 the application for such project is accepted as complete by the
12 agency in compliance with the agency's rules and regulations
13 governing such delivery unless the applicant has agreed to an
14 extension of this time limit. If a final action by vote does not take
15 place within 180 days, the applicant may bring an action in a court
16 of competent jurisdiction to compel a vote unless he *or she* has
17 agreed to an extension. This provision does not limit the right of
18 any person to obtain judicial review of agency action under
19 subdivision (h) of Article VI. The vote of each member of the
20 governing body shall be individually recorded. The governing
21 body shall adopt its own rules, regulations and procedures.

22 (h) An advisory planning commission shall be appointed by the
23 agency. The commission shall include: the chief planning officers
24 of Placer County, El Dorado County, and the City of South Lake
25 Tahoe in California and of Douglas County, Washoe County and
26 Carson City in Nevada, the executive officer of the Lahontan
27 Regional Water Quality Control Board of the State of California,
28 the executive officer of the Air Resources Board of the State of
29 California, the Director of the State Department of Conservation
30 and Natural Resources of the State of Nevada, the Administrator
31 of the Division of Environmental Protection in the State
32 Department of Conservation and Natural Resources of the State
33 of Nevada, the Administrator of the Lake Tahoe Management Unit
34 of the United States Forest Service, and at least four lay members
35 with an equal number from each state, at least ~~half~~ *one-half* of
36 whom shall be residents of the region. Any official member may
37 designate an alternate.

38 The term of office of each lay member of the advisory planning
39 commission shall be ~~2~~ *two* years. Members may be reappointed.

1 The position of each member of the advisory planning
2 commission shall be considered vacated upon loss of any of the
3 qualifications required for appointment, and in such an event the
4 appointing authority shall appoint a successor.

5 The advisory planning commission shall elect from its own
6 members a chairman and a vice chairman, whose terms of office
7 shall be ~~2~~ *two* years and who may be reelected. If a vacancy occurs
8 in either office, the advisory planning commission shall fill such
9 vacancy for the unexpired term.

10 A majority of the members of the advisory planning commission
11 constitutes a quorum for the transaction of the business of the
12 commission. A majority vote of the quorum present shall be
13 required to take action with respect to any matter.

14 (i) The agency shall establish and maintain an office within the
15 region, and for this purpose the agency may rent or own property
16 and equipment. Every plan, ordinance and other record of the
17 agency which is of such nature as to constitute a public record
18 under the law of either the State of California or the State of
19 Nevada shall be opened to inspection and copying during regular
20 office hours.

21 (j) Each authority charged under this compact or by the law of
22 either state with the duty of appointing a member of the governing
23 body of the agency shall by certified copy of its resolution or other
24 action notify the Secretary of State of its own state of the action
25 taken.

26
27
28

ARTICLE IV. PERSONNEL

29 (a) The governing body shall determine the qualification of,
30 and it shall appoint and fix the salary of, the executive officer of
31 the agency, and shall employ such other staff and legal counsel as
32 may be necessary to execute the powers and functions provided
33 for under this compact or in accordance with any intergovernmental
34 contracts or agreements the agency may be responsible for
35 administering.

36 (b) Agency personnel standards and regulations shall conform
37 insofar as possible to the regulations and procedures of the civil
38 service of the State of California or the State of Nevada, as may
39 be determined by the governing body of the agency; and shall be
40 regional and bistate in application and effect; provided that the

1 governing body may, for administrative convenience and at its
 2 discretion, assign the administration of designated personnel
 3 arrangements to an agency of either state, and provided that
 4 administratively convenient adjustments be made in the standards
 5 and regulations governing personnel assigned under
 6 intergovernmental agreements.

7 (c) The agency may establish and maintain or participate in such
 8 additional programs of employee benefits as may be appropriate
 9 to afford employees of the agency terms and conditions of
 10 employment similar to those enjoyed by employees of California
 11 and Nevada generally.

12
 13 ARTICLE V. PLANNING
 14

15 (a) In preparing each of the plans required by this article and
 16 each amendment thereto, if any, subsequent to its adoption, the
 17 planning commission after due notice shall hold at least one public
 18 hearing which may be continued from time to time, and shall
 19 review the testimony and any written recommendations presented
 20 at such hearing before recommending the plan or amendment. The
 21 notice required by this subdivision shall be given at least 20 days
 22 prior to the public hearing by publication at least once in a
 23 newspaper or combination of newspapers whose circulation is
 24 general throughout the region and in each county a portion of
 25 whose territory lies within the region.

26 The planning commission shall then recommend such plan or
 27 amendment to the governing body for adoption by ordinance. The
 28 governing body may adopt, modify or reject the proposed plan or
 29 amendment, or may initiate and adopt a plan or amendment without
 30 referring it to the planning commission. If the governing body
 31 initiates or substantially modifies a plan or amendment, it shall
 32 hold at least one public hearing thereon after due notice as required
 33 in this subdivision.

34 If a request is made for the amendment of the regional plan by:

35 (1) A political subdivision a part of whose territory would be
 36 affected by such amendment; or

37 (2) The owner or lessee of real property ~~which~~ *that* would be
 38 affected by such amendment, the governing body shall complete
 39 its action on such amendment within 180 days after ~~such~~ *that*

1 request is accepted as complete according to standards ~~which~~ *that*
2 must be prescribed by ordinance of the agency.

3 (b) The agency shall develop, in cooperation with the States of
4 California and Nevada, environmental threshold carrying capacities
5 for the region. The agency should request the President's Council
6 on Environmental Quality, the United States Forest Service and
7 other appropriate agencies to assist in developing such
8 environmental threshold carrying capacities. Within 18 months
9 after the effective date of the amendments to this compact, the
10 agency shall adopt environmental threshold carrying capacities
11 for the region.

12 (c) Within ~~+~~ *one* year after the adoption of the environmental
13 threshold carrying capacities for the region, the agency shall amend
14 the regional plan so that, at a minimum, the plan and all of its
15 elements, as implemented through agency ordinances, rules and
16 regulations, achieves and maintains the adopted environmental
17 threshold carrying capacities. Each element of the plan shall contain
18 implementation provisions and time schedules for such
19 implementation by ordinance. The planning commission and
20 governing body shall continuously review and maintain the regional
21 plan, *and, in so doing, shall ensure that the regional plan reflects*
22 *changing economic conditions and the economic effect of*
23 *regulation on commerce.* The regional plan shall consist of a
24 diagram, or diagrams, and text, or texts setting forth the projects
25 and proposals for implementation of the regional plan, a description
26 of the needs and goals of the region and a statement of the policies,
27 standards and elements of the regional plan.

28 The regional plan shall be a single enforceable plan and include
29 all of the following correlated elements:

30 (1) A land use plan for the integrated arrangement and general
31 location and extent of, and the criteria and standards for, the uses
32 of land, water, air, space and other natural resources within the
33 region, including but not limited to, an indication or allocation of
34 maximum population densities and permitted uses.

35 (2) A transportation plan for the integrated development of a
36 regional system of transportation, including but not limited to
37 parkways, highways, transportation facilities, transit routes,
38 waterways, navigation facilities, public transportation facilities,
39 bicycle facilities, and appurtenant terminals and facilities for the

1 movement of people and goods within the region. The goal of
2 transportation planning shall be:

3 (A) To reduce dependency on the automobile by making more
4 effective use of existing transportation modes and of public transit
5 to move people and goods within the region.

6 (B) To reduce to the extent feasible air pollution ~~which~~ *that* is
7 caused by motor vehicles.

8 Where increases in capacity are required, the agency shall give
9 preference to providing such capacity through public transportation
10 and public programs and projects related to transportation. The
11 agency shall review and consider all existing transportation plans
12 in preparing its regional transportation plan pursuant to this
13 paragraph.

14 The plan shall provide for an appropriate transit system for the
15 region.

16 The plan shall give consideration to:

17 (A) Completion of the Loop Road in the States of Nevada and
18 California;

19 (B) Utilization of a light rail mass transit system in the south
20 shore area; and

21 (C) Utilization of a transit terminal in the Kingsbury Grade area.

22 Until the regional plan is revised, or a new transportation plan
23 is adopted in accordance with this paragraph, the agency has no
24 effective transportation plan.

25 (3) A conservation plan for the preservation, development,
26 utilization, and management of the scenic and other natural
27 resources within the basin, including but not limited to, soils,
28 shoreline and submerged lands, scenic corridors along
29 transportation routes, open spaces, recreational and historical
30 facilities.

31 (4) A recreation plan for the development, utilization, and
32 management of the recreational resources of the region, including
33 but not limited to, wilderness and forested lands, parks and
34 parkways, riding and hiking trails, beaches and playgrounds,
35 marinas, areas for skiing and other recreational facilities.

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

1 In formulating and maintaining the regional plan, the planning
2 commission and governing body shall take account of and shall
3 seek to harmonize the needs of the region as a whole, the plans of
4 the counties and cities within the region, the plans and planning
5 activities of the state, federal and other public agencies and
6 nongovernmental agencies and organizations which affect or are
7 concerned with planning and development within the region.

8 (d) The regional plan shall provide for attaining and maintaining
9 federal, state, or local air and water quality standards, whichever
10 are strictest, in the respective portions of the region for which the
11 standards are applicable.

12 The agency may, however, adopt air or water quality standards
13 or control measures more stringent than the applicable state
14 implementation plan or the applicable federal, state, or local
15 standards for the region, if it finds that such additional standards
16 or control measures are necessary to achieve the purposes of this
17 compact. Each element of the regional plan, where applicable,
18 shall, by ordinance, identify the means and time schedule by which
19 air and water quality standards will be attained.

20 (e) Except for the Regional Transportation Plan of the California
21 Tahoe Regional Planning Agency, the regional plan, ordinances,
22 rules and regulations adopted by the California Tahoe Regional
23 Planning Agency in effect on July 1, 1980, shall be the regional
24 plan, ordinances, rules and regulations of the Tahoe Regional
25 Planning Agency for that portion of the Tahoe region located in
26 the State of California. ~~Such~~ *The* plan, ordinance, rule or regulation
27 may be amended or repealed by the governing body of the agency.
28 The plans, ordinances, rules and regulations of the Tahoe Regional
29 Planning Agency that do not conflict with, or are not addressed
30 by, the California Tahoe Regional Planning Agency's plans,
31 ordinances, rules and regulations referred to in this subdivision
32 shall continue to be applicable unless amended or repealed by the
33 governing body of the agency. No provision of the regional plan,
34 ordinances, rules and regulations of the California Tahoe Regional
35 Planning Agency referred to in this subdivision shall apply to that
36 portion of the region within the State of Nevada, unless such
37 provision is adopted for the Nevada portion of the region by the
38 governing body of the agency.

1 (f) The regional plan, ordinances, rules and regulations of the
2 Tahoe Regional Planning Agency apply to that portion of the region
3 within the State of Nevada.

4 (g) The agency shall adopt ordinances prescribing specific
5 written findings that the agency must make prior to approving any
6 project in the region. These findings shall relate to environmental
7 protection and shall insure that the project under review will not
8 adversely affect implementation of the regional plan and will not
9 cause the adopted environmental threshold carrying capacities of
10 the region to be exceeded.

11 (h) The agency shall maintain the data, maps and other
12 information developed in the course of formulating and
13 administering the regional plan, in a form suitable to assure a
14 consistent view of developmental trends and other relevant
15 information for the availability of and use by other agencies of
16 government and by private organizations and individuals
17 concerned.

18 (i) Where necessary for the realization of the regional plan, the
19 agency may engage in collaborative planning with local
20 governmental jurisdictions located outside the region, but
21 contiguous to its boundaries. In formulating and implementing the
22 regional plan, the agency shall seek the cooperation and consider
23 the recommendations of counties and cities and other agencies of
24 local government, of state and federal agencies, of educational
25 institutions and research organizations, whether public or private,
26 and of civic groups and private persons.

27
28 ARTICLE VI. AGENCY'S POWERS
29

30 (a) The governing body shall adopt all necessary ordinances,
31 rules, and regulations to effectuate the adopted regional plan.
32 Except as otherwise provided in this compact, every such
33 ordinance, rule or regulation shall establish a minimum standard
34 applicable throughout the region. Any political subdivision or
35 public agency may adopt and enforce an equal or higher
36 requirement applicable to the same subject of regulation in its
37 territory. The regulations of the agency shall contain standards
38 including but not limited to the following: water purity and clarity;
39 subdivision; zoning; tree removal; solid waste disposal; sewage
40 disposal; landfills, excavations, cuts and grading; piers, harbors,

1 breakwaters or channels and other shoreline developments; waste
2 disposal in shoreline areas; waste disposal from boats; mobilehome
3 parks; house relocation; outdoor advertising; flood plain protection;
4 soil and sedimentation control; air pollution; and watershed
5 protection. Whenever possible without diminishing the
6 effectiveness of the regional plan, the ordinances, rules, regulations
7 and policies shall be confined to matters which are general and
8 regional in application, leaving to the jurisdiction of the respective
9 states, counties and cities the enactment of specific and local
10 ordinances, rules, regulations and policies which conform to the
11 regional plan.

12 The agency shall prescribe by ordinance those activities which
13 it has determined will not have substantial effect on the land, water,
14 air, space or any other natural resources in the region and therefore
15 will be exempt from its review and approval.

16 Every ordinance adopted by the agency shall be published at
17 least once by title in a newspaper or combination of newspapers
18 whose circulation is general throughout the region. Except an
19 ordinance adopting or amending the regional plan, no ordinance
20 shall become effective until 60 days after its adoption. Immediately
21 after its adoption, a copy of each ordinance shall be transmitted to
22 the governing body of each political subdivision having territory
23 within the region.

24 (b) No project other than those to be reviewed and approved
25 under the special provisions of subdivisions (d), (e), (f) and (g)
26 may be developed in the region without obtaining the review and
27 approval of the agency and no project may be approved unless it
28 is found to comply with the regional plan and with the ordinances,
29 rules and regulations enacted pursuant to subdivision (a) to
30 effectuate that plan.

31 The agency may approve a project in the region only after
32 making the written findings required by this subdivision or
33 subdivision (g) of Article V. Such findings shall be based on
34 substantial evidence in the record.

35 Before adoption by the agency of the ordinances required in
36 subdivision (g) of Article V, the agency may approve a project in
37 the region only after making written findings on the basis of
38 substantial evidence in the record that the project is consistent with
39 the regional plan then in effect and with applicable plans,
40 ordinances, regulations and standards of federal and state agencies

1 relating to the protection, maintenance and enhancement of
2 environmental quality in the region.

3 (c) The Legislatures of the States of California and Nevada find
4 that in order to make effective the regional plan as revised by the
5 agency, it is necessary to halt temporarily works of development
6 in the region which might otherwise absorb the entire capability
7 of the region for further development or direct it out of harmony
8 with the ultimate plan. Subject to the limitation provided in this
9 subdivision, from the effective date of the amendments to this
10 compact until the regional plan is amended pursuant to subdivision
11 (c) of Article V, or until May 1, 1983, whichever is earlier:

12 (1) Except as otherwise provided in this paragraph, no new
13 subdivision, planned unit development, or condominium project
14 may be approved unless a complete tentative map or plan has been
15 approved before the effective date of the amendments to this
16 compact by all agencies having jurisdiction. The subdivision of
17 land owned by a general improvement district, which existed and
18 owned the land before the effective date of the amendments to this
19 compact, may be approved if subdivision of the land is necessary
20 to avoid insolvency of the district.

21 (2) Except as provided in paragraph (3), no apartment building
22 may be erected unless the required permits for such building have
23 been secured from all agencies having jurisdiction, prior to the
24 effective date of the amendments to this compact.

25 (3) During each of the calendar years 1980, 1981, and 1982 no
26 city or county may issue building permits which authorize the
27 construction of a greater number of new residential units within
28 the region than were authorized within the region by building
29 permits issued by that city or county during calendar year 1978.
30 For the period of January through April, 1983 building permits
31 authorizing the construction of no more than ~~1/3~~ *one-third* of that
32 number may be issued by each such city or county. For purposes
33 of this paragraph a "residential unit" means either a single family
34 residence or an individual residential unit within a larger building,
35 such as an apartment building, a duplex or a condominium.

36 The Legislatures find the respective numbers of residential units
37 authorized within the region during calendar year 1978 to be as
38 follows:

1	1. City of South Lake Tahoe and El Dorado County	
2	(combined)	252
3	2. Placer County	278
4	3. Carson City	0
5	4. Douglas County	339
6	5. Washoe County	739

7
8 (4) During each of the calendar years 1980, 1981 and 1982, no
9 city or county may issue building permits which authorize
10 construction of a greater square footage of new commercial
11 buildings within the region than were authorized within the region
12 by building permits for commercial purposes issued by that city
13 or county during the calendar year 1978. For the period of January
14 through April, 1983 building permits authorizing the construction
15 of no more than ~~1/3~~ *one-third* the amount of that square footage
16 may be issued by each such city or county.

17 The Legislatures find the respective square footages of
18 commercial buildings authorized within the region during calendar
19 year 1978 to be as follows:

20		
21	1. City of South Lake Tahoe and El Dorado County	
22	(combined)	64,324
23	2. Placer County	23,000
24	3. Carson City	0
25	4. Douglas County	57,354
26	5. Washoe County	50,600

27
28 (5) No structure may be erected to house gaming under a
29 nonrestricted license.

30 (6) No facility for the treatment of sewage may be constructed
31 or enlarged except:

32 (A) To comply, as ordered by the appropriate state agency for
33 the control of water pollution, with existing limitations of effluence
34 under the Clean Water Act, 33 U.S.C. ~~§1251~~ *Sec. 1251* et seq.,
35 and the applicable state law for control of water pollution; or

36 (B) To accommodate development which is not prohibited or
37 limited by this subdivision; or

38 (C) In the case of Douglas County Sewer District #1, to modify
39 or otherwise alter sewage treatment facilities existing on the
40 effective date of the amendments to this compact so that such

1 facilities will be able to treat the total volume of effluence for
2 which they were originally designed which is 3.0 mgd. Such
3 modification or alteration is not a “project”; is not subject to the
4 requirements of Article VII; and does not require a permit from
5 the agency. Before commencing—~~such~~ *that* modification or
6 alternative, however, the district shall submit to the agency its
7 report identifying any significant soil erosion problems—~~which~~ *that*
8 may be caused by such modifications or alterations and the
9 measures—~~which~~ *that* the district proposes to take to mitigate or
10 avoid such problems.

11 The moratorium imposed by this subdivision does not apply to
12 work done pursuant to a right vested before the effective date of
13 the amendments to this compact. Notwithstanding the expiration
14 date of the moratorium imposed by this subdivision, no new
15 highway may be built or existing highway widened to
16 accommodate additional continuous lanes for automobiles until
17 the regional transportation plan is revised and adopted.

18 The moratorium imposed by this subdivision does not apply to
19 the construction of any parking garage—~~which~~ *that* has been
20 approved by the agency prior to May 4, 1979, whether that
21 approval was affirmative or by default. The provisions of this
22 paragraph are not an expression of legislative intent that any such
23 parking garage, the approval of which is the subject of litigation
24 which was pending on the effective date of the amendments to this
25 compact, should, or should not, be constructed. The provisions of
26 this paragraph are intended solely to permit construction of such
27 a parking garage if judgment sustaining the agency’s approval to
28 construct that parking garage has become final and no appeal is
29 pending or may lawfully be taken to a higher court.

30 (d) Subject to the final order of any court of competent
31 jurisdiction entered in litigation contesting the validity of an
32 approval by the Tahoe Regional Planning Agency, whether that
33 approval was affirmative or by default, if that litigation was
34 pending on May 4, 1979, the agency and the States of California
35 and Nevada shall recognize as a permitted and conforming use:

36 (1) Every structure housing gaming under a nonrestricted license
37 which existed as a licensed gaming establishment on May 4, 1979,
38 or whose construction was approved by the Tahoe Regional
39 Planning Agency affirmatively or deemed approved before that
40 date. The construction or use of any structure to house gaming

1 under a nonrestricted license not so existing or approved, or the
2 enlargement in cubic volume of any such existing or approved
3 structure is prohibited.

4 (2) Every other nonrestricted gaming establishment whose use
5 was seasonal and whose license was issued before May 4, 1979,
6 for the same season and for the number and type of games and slot
7 machines on which taxes or fees were paid in the calendar year
8 1978.

9 (3) Gaming conducted pursuant to a restricted gaming license
10 issued before May 4, 1979, to the extent permitted by that license
11 on that date. The area within any structure housing gaming under
12 a nonrestricted license which may be open to public use (as distinct
13 from that devoted to the private use of guests and exclusive of any
14 parking area) is limited to the area existing or approved for public
15 use on May 4, 1979. Within these limits, any external modification
16 of the structure which requires a permit from a local government
17 also requires approval from the agency. The agency shall not permit
18 restaurants, convention facilities, showrooms or other public areas
19 to be constructed elsewhere in the region outside the structure in
20 order to replace areas existing or approved for public use on May
21 4, 1979.

22 (e) Any structure housing licensed gaming may be rebuilt or
23 replaced to a size not to exceed the cubic volume, height and land
24 coverage existing or approved on May 4, 1979, without the review
25 or approval of the agency or any planning or regulatory authority
26 of the State of Nevada whose review or approval would be required
27 for a new structure.

28 (f) The following provisions apply to any internal or external
29 modification, remodeling, change in use, or repair of a structure
30 housing gaming under a nonrestricted license which is not
31 prohibited by subdivision (d):

32 (1) The agency's review of an external modification of the
33 structure which requires a permit from a local government is
34 limited to determining whether the external modification will do
35 any of the following:

36 (A) Enlarge the cubic volume of the structure;

37 (B) Increase the total square footage of area open to or approved
38 for public use on May 4, 1979;

39 (C) Convert an area devoted to the private use of guests to an
40 area open to public use;

1 (D) Increase the public area open to public use which is used
2 for gaming beyond the limits contained in paragraph (3); and

3 (E) Conflict with or be subject to the provisions of any of the
4 agency's ordinances that are generally applicable throughout the
5 region.

6 The agency shall make this determination within 60 days after
7 the proposal is delivered to the agency in compliance with the
8 agency's rules or regulations governing such delivery unless the
9 applicant has agreed to an extension of this time limit. If an external
10 modification is determined to have any of the effects enumerated
11 in subparagraphs (A) through (C), it is prohibited. If an external
12 modification is determined to have any of the effects enumerated
13 in subparagraphs (D) or (E), it is subject to the applicable
14 provisions of this compact. If an external modification is
15 determined to have no such effect, it is not subject to the provisions
16 of this compact.

17 (2) Except as provided in paragraph (3), internal modification,
18 remodeling, change in use or repair of a structure housing gaming
19 under a nonrestricted license is not a project and does not require
20 the review or approval of the agency.

21 (3) Internal modification, remodeling, change in use or repair
22 of areas open to the public use within a structure housing gaming
23 under a nonrestricted license which alone or in combination with
24 any other such modification, remodeling, change in use or repair
25 will increase the total portion of those areas which are used for
26 gaming by more than the product of the total base area, as defined
27 below, in square feet existing on or approved before August 4,
28 1980, multiplied by 15 percent constitutes a project and is subject
29 to all of the provisions of this compact relating to projects. For
30 purposes of this paragraph and the determination required by
31 subdivision (g), base area means all of the area within a structure
32 housing gaming under a nonrestricted license which may be open
33 to public use, whether or not gaming is actually conducted or
34 carried on in that area, except retail stores, convention centers and
35 meeting rooms, administrative offices, kitchens, maintenance and
36 storage areas, rest rooms, engineering and mechanical rooms,
37 accounting rooms and counting rooms.

38 (g) In order to administer and enforce the provisions of
39 subdivisions (d), (e) and (f), the State of Nevada, through its
40 appropriate planning or regulatory agency, shall require the owner

1 or licensee of a structure housing gaming under a nonrestricted
2 license to provide:

3 (1) Documents containing sufficient information for the Nevada
4 agency to establish the following relative to the structure:

- 5 (A) The location of its external walls;
- 6 (B) Its total cubic volume;
- 7 (C) Within its external walls, the area in square feet open or
8 approved for public use and the area in square feet devoted to or
9 approved for the private use of guests on May 4, 1979;
- 10 (D) The amount of surface area of land under the structure; and
- 11 (E) The base area as defined in paragraph (3) of subdivision (f)
12 in square feet existing on or approved before August 4, 1980.

13 (2) An informational report whenever any internal modification,
14 remodeling, change in use, or repair will increase the total portion
15 of the areas open to public use which is used for gaming.

16 The Nevada agency shall transmit this information to the Tahoe
17 Regional Planning Agency.

18 (h) Gaming conducted pursuant to a restricted gaming license
19 is exempt from review by the agency if it is incidental to the
20 primary use of the premises.

21 (i) The provisions of subdivisions (d) and (e) are intended only
22 to limit gaming and related activities as conducted within a gaming
23 establishment, or construction designed to permit the enlargement
24 of such activities, and not to limit any other use of property zoned
25 for commercial use or the accommodation of tourists, as approved
26 by the agency.

27 (j) Legal actions arising out of or alleging a violation of the
28 provisions of this compact, of the regional plan or of an ordinance
29 or regulation of the agency or of a permit or a condition of a permit
30 issued by the agency are governed by the following provisions:

- 31 (1) This subdivision applies to:
- 32 (A) Actions arising out of activities directly undertaken by the
33 agency.
- 34 (B) Actions arising out of the issuance to a person of a lease,
35 permit, license or other entitlement for use by the agency.
- 36 (C) Actions arising out of any other act or failure to act by any
37 person or public agency.

38 ~~Such~~ Those legal actions may be filed and the provisions of this
39 subdivision apply equally in the appropriate courts of California
40 and Nevada and of the United States.

1 (2) Venue lies:

2 (A) If a civil or criminal action challenges an activity by the
3 agency or any person which is undertaken or to be undertaken
4 upon a parcel of real property, in the state or federal judicial district
5 where the real property is situated.

6 (B) If an action challenges an activity which does not involve
7 a specific parcel of land (such as an action challenging an ordinance
8 of the agency), in any state or federal court having jurisdiction
9 within the region.

10 (3) Any aggrieved person may file an action in an appropriate
11 court of the State of California or Nevada or of the United States
12 alleging noncompliance with the provisions of this compact or
13 with an ordinance or regulation of the agency. In the case of
14 governmental agencies, “aggrieved person” means the Tahoe
15 Regional Planning Agency or any state, federal or local agency.
16 In the case of any person other than a governmental agency who
17 challenges an action of the Tahoe Regional Planning Agency,
18 “aggrieved person” means any person who has appeared, either in
19 person, through an authorized representative, or in writing, before
20 the agency at an appropriate administrative hearing to register
21 objection to the action which is being challenged, or who had good
22 cause for not making such an appearance.

23 (4) A legal action arising out of the adoption or amendment of
24 the regional plan or of any ordinance or regulation of the agency,
25 or out of the granting or denial of any permit, shall be commenced
26 within 60 days after final action by the agency. All other legal
27 actions shall be commenced within 65 days after discovery of the
28 cause of action.

29 (5) (A) In any legal action filed pursuant to this subdivision
30 ~~which~~ *that* challenges an adjudicatory act or decision of the agency
31 to approve or disapprove a project, the scope of judicial inquiry
32 shall extend only to whether there was prejudicial abuse of
33 discretion. Prejudicial abuse of discretion is established if the
34 agency has not proceeded in a manner required by law or if the
35 act or decision of the agency was not supported by substantial
36 evidence in light of the whole record. In making such a
37 determination the court shall not exercise its independent judgment
38 on evidence but shall only determine whether the act or decision
39 was supported by substantial evidence in light of the whole record.
40 In any legal action filed pursuant to this subdivision ~~which~~ *that*

1 challenges a legislative act or decision of the agency (such as the
2 adoption of the regional plan and the enactment of implementing
3 ordinances), the scope of the judicial inquiry shall extend only to
4 the questions of whether the act or decision has been arbitrary,
5 capricious or lacking substantial evidentiary support or whether
6 the agency has failed to proceed in a manner required by law.

7 *(B) (i) When adopting or amending a regional plan, the agency*
8 *shall act in accordance with the requirements of the compact and*
9 *its implementing ordinances, rules, and regulations, and a party*
10 *challenging the regional plan has the burden of showing that the*
11 *regional plan is not in conformance with those requirements.*

12 *(ii) When taking an action or making a decision, the agency*
13 *shall act in accordance with the requirements of the compact and*
14 *the regional plan, including its implementing ordinances, rules,*
15 *and regulations, and a party challenging the action or decision*
16 *has the burden of showing that the act or decision is not in*
17 *conformance with those requirements.*

18 (6) The provisions of this subdivision do not apply to any legal
19 proceeding pending on the date when this subdivision becomes
20 effective. Any such legal proceeding shall be conducted and
21 concluded under the provisions of law which were applicable prior
22 to the effective date of this subdivision.

23 (7) The security required for the issuance of a temporary
24 restraining order or preliminary injunction based upon an alleged
25 violation of this compact or any ordinance, plan, rule or regulation
26 adopted pursuant thereto is governed by the rule or statute
27 applicable to the court in which the action is brought unless the
28 action is brought by a public agency or political subdivision to
29 enforce its own rules, regulations and ordinances in which case
30 no security shall be required.

31 (k) The agency shall monitor activities in the region and may
32 bring enforcement actions in the region to ensure compliance with
33 the regional plan and adopted ordinances, rules, regulations and
34 policies. If it is found that the regional plan, or ordinances, rules,
35 regulations and policies are not being enforced by a local
36 jurisdiction, the agency may bring action in a court of competent
37 jurisdiction to ensure compliance.

38 (l) Any person who violates any provision of this compact or
39 of any ordinance or regulation of the agency or of any condition
40 of approval imposed by the agency is subject to a civil penalty not

1 to exceed five thousand dollars (\$5,000). Any such person is
2 subject to an additional civil penalty not to exceed five thousand
3 dollars (\$5,000) per day, for each day on which such a violation
4 persists. In imposing the penalties authorized by this subdivision,
5 the court shall consider the nature of the violation and shall impose
6 a greater penalty if it was willful or resulted from gross negligence
7 than if it resulted from inadvertence or simple negligence.

8 (m) The agency is hereby empowered to initiate, negotiate and
9 participate in contracts and agreements among the local
10 governmental authorities of the region, or any other
11 intergovernmental contracts or agreements authorized by state or
12 federal law.

13 (n) Each intergovernmental contract or agreement shall provide
14 for its own funding and staffing, but this shall not preclude financial
15 contributions from the local authorities concerned or from
16 supplementary sources.

17 (o) Every record of the agency, whether public or not, shall be
18 open for examination to the Legislature and Controller of the State
19 of California and the Legislative Auditor of the State of Nevada.

20 (p) Approval by the agency of any project expires ~~3~~ *three* years
21 after the date of final action by the agency or the effective date of
22 the amendments to this compact, whichever is later, unless
23 construction is begun within that time and diligently pursued
24 thereafter, or the use or activity has commenced. In computing the
25 ~~3-year~~ *three-year* period any period of time during which the
26 project is the subject of a legal action which delays or renders
27 impossible the diligent pursuit of that project shall not be counted.
28 Any license, permit or certificate issued by the agency which has
29 an expiration date shall be extended by that period of time during
30 which the project is the subject of such legal action as provided in
31 this subdivision.

32 (q) The governing body shall maintain a current list of real
33 property known to be available for exchange with the United States
34 or with other owners of real property in order to facilitate
35 exchanges of real property by owners of real property in the region.

ARTICLE VII. ENVIRONMENTAL IMPACT STATEMENTS

1 (a) The Tahoe Regional Planning Agency when acting upon
2 matters that have a significant effect on the environment shall:
3
4 (1) Utilize a systematic, interdisciplinary approach which will
5 insure the integrated use of the natural and social sciences and the
6 environmental design arts in planning and in decisionmaking which
7 may have an impact on man's environment;
8
9 (2) Prepare and consider a detailed environmental impact
10 statement before deciding to approve or carry out any project. The
11 detailed environmental impact statement shall include the
12 following:
13
14 (A) The significant environmental impacts of the proposed
15 project;
16
17 (B) Any significant adverse environmental effects which cannot
18 be avoided should the project be implemented;
19
20 (C) Alternatives to the proposed project;
21
22 (D) Mitigation measures which must be implemented to assure
23 meeting standards of the region;
24
25 (E) The relationship between local short-term uses of man's
26 environment and the maintenance and enhancement of long-term
27 productivity;
28
29 (F) Any significant irreversible and irretrievable commitments
30 of resources which would be involved in the proposed project
31 should it be implemented; and
32
33 (G) The growth-inducing impact of the proposed project;
34
35 (3) Study, develop and describe appropriate alternatives to
36 recommended courses of action for any project which involves
37 unresolved conflicts concerning alternative uses of available
38 resources;
39
40 (4) Make available to states, counties, municipalities, institutions
and individuals, advice and information useful in restoring,
maintaining and enhancing the quality of the region's environment;
and
(5) Initiate and utilize ecological information in the planning
and development of resource-oriented projects.
(b) Prior to completing an environmental impact statement, the
agency shall consult with and obtain the comments of any federal,
state or local agency which has jurisdiction by law or special

1 expertise with respect to any environmental impact involved.
2 Copies of such statement and the comments and views of the
3 appropriate federal, state and local agencies which are authorized
4 to develop and enforce environmental standards shall be made
5 available to the public and shall accompany the project through
6 the review processes. The public shall be consulted during the
7 environmental impact statement process and views shall be
8 solicited during a public comment period not to be less than 60
9 days.

10 (c) Any environmental impact statement required pursuant to
11 this article need not repeat in its entirety any information or data
12 which is relevant to such a statement and is a matter of public
13 record or is generally available to the public, such as information
14 contained in an environmental impact report prepared pursuant to
15 the California Environmental Quality Act or a federal
16 environmental impact statement prepared pursuant to the National
17 Environmental Policy Act of 1969. However, ~~such~~ *the* information
18 or data shall be briefly described in the environmental impact
19 statement and its relationship to the environmental impact statement
20 shall be indicated.

21 In addition, any person may submit information relative to a
22 proposed project which may be included, in whole or in part, in
23 any environmental impact statement required by this article.

24 (d) In addition to the written findings specified by agency
25 ordinance to implement the regional plan, the agency shall make
26 either of the following written findings before approving a project
27 for which an environmental impact statement was prepared:

28 (1) Changes or alterations have been required in or incorporated
29 into such project which avoid or reduce the significant adverse
30 environmental effects to a less than significant level; or

31 (2) Specific considerations, such as economic, social or
32 technical, make infeasible the mitigation measures or project
33 alternatives discussed in the environmental impact statement on
34 the project.

35 A separate written finding shall be made for each significant
36 effect identified in the environmental impact statement on the
37 project. All written findings must be supported by substantial
38 evidence in the record.

39 (e) The agency may charge and collect a reasonable fee from
40 any person proposing a project subject to the provisions of this

1 compact in order to recover the estimated costs incurred by the
2 agency in preparing an environmental impact statement under this
3 article.

4 (f) The agency shall adopt by ordinance a list of classes of
5 projects which the agency has determined will not have a
6 significant effect on the environment and therefore will be exempt
7 from the requirement for the preparation of an environmental
8 impact statement under this article. Prior to adopting the list, the
9 agency shall make a written finding supported by substantial
10 evidence in the record that each class of projects will not have a
11 significant effect on the environment.

12
13 ARTICLE VIII. FINANCES
14

15 (a) On or before September 30 of each calendar year the agency
16 shall establish the amount of money necessary to support its
17 activities for the next succeeding fiscal year commencing July 1
18 of the following year. The agency shall apportion seventy-five
19 thousand dollars (\$75,000) of this amount among the counties
20 within the region on the same ratio to the total sum required as the
21 full cash valuation of taxable property within the region in each
22 county bears to the total full cash valuation of taxable property
23 within the region. In addition, each county within the region in
24 California shall pay eighteen thousand seven hundred fifty dollars
25 (\$18,750) to the agency and each county within the region in
26 Nevada, including Carson City, shall pay twelve thousand five
27 hundred dollars (\$12,500) to the agency, from any funds available
28 therefor. The State of California and the State of Nevada may pay
29 to the agency by July 1, of each year any additional sums necessary
30 to support the operations of the agency pursuant to this compact.
31 If additional funds are required, the agency shall make a request
32 for the funds to the States of California and Nevada. Requests for
33 state funds must be apportioned two-thirds from California and
34 one-third from Nevada. Money appropriated shall be paid within
35 30 days.

36 (b) The agency may fix and collect reasonable fees for any
37 services rendered by it.

38 (c) The agency shall submit an itemized budget to the states for
39 review with any request for state funds, shall be strictly accountable
40 to any county in the region and the states for all funds paid by them

1 to the agency and shall be strictly accountable to all participating
2 bodies for all receipts and disbursement.

3 (d) The agency is authorized to receive gifts, donations,
4 subventions, grants, and other financial aids and funds; but the
5 agency may not own land except as provided in subdivision (i) of
6 Article III.

7 (e) The agency shall not obligate itself beyond the moneys due
8 under this article for its support from the several counties and the
9 states for the current fiscal year, plus any moneys on hand or
10 irrevocably pledged to its support from other sources. No obligation
11 contracted by the agency shall bind either of the party states or
12 any political subdivision thereof.

13
14 ARTICLE IX. TRANSPORTATION DISTRICT
15

16 (a) The Tahoe Transportation District is hereby established as
17 a special purpose district authorized and operating under the federal
18 authority provided by Public Law 96-551. The boundaries of the
19 district are conterminous with those of the region as established
20 under Public Law 96-551 for the Tahoe Regional Planning Agency.

21 (b) The business of the district shall be managed by a board of
22 directors consisting of the following members:

23 (1) One member of the Board of Supervisors of each of the
24 Counties of El Dorado and Placer appointed by the respective
25 board of supervisors.

26 (2) One member of the City Council of South Lake Tahoe
27 appointed by the city council.

28 (3) One member each of the Board of County Commissioners
29 of Douglas County and Washoe County appointed by the respective
30 board of county commissioners.

31 (4) One member of the Board of Supervisors of Carson City
32 appointed by the board of supervisors.

33 (5) One member of the South Shore Transportation Management
34 Association, or its successor organization, appointed by the
35 association.

36 (6) One member of the North Shore Transportation Management
37 Association, or its successor organization, appointed by the
38 association.

39 (7) One member of each local transportation district in the region
40 that is authorized by the State of Nevada or the State of California.

1 (8) One member appointed by a majority of the other voting
2 directors who represents a public or private transportation system
3 operating in the region.

4 (9) The Director of the Department of Transportation of the
5 State of California.

6 (10) The Director of the Department of Transportation of the
7 State of Nevada.

8 (c) Any appointing authority may designate an alternate.

9 (d) Before a member is appointed pursuant to paragraph (7) of
10 subdivision (b), the local transportation district of which the person
11 is a member and the Tahoe Transportation District shall agree in
12 writing on the allocation of fiscal and policy responsibilities
13 between the two entities, including, but not limited to, the
14 distribution of revenue.

15 (e) The Director of the Department of Transportation of the
16 State of California and the Director of the Department of
17 Transportation of the State of Nevada shall serve as nonvoting
18 directors, but shall provide technical and professional advice to
19 the district as necessary and appropriate.

20 (f) The affirmative vote of at least a majority of the directors
21 shall be required for the transaction of any business of the board
22 of directors. If a majority of votes in favor of an action are not
23 cast, an action of rejection shall be deemed to have been taken.

24 (g) The district may by resolution establish procedures for the
25 adoption of its budgets, the appropriation of money, and the
26 carrying on of its other financial activities. Those procedures shall
27 conform insofar as is practicable to the procedures for financial
28 administration of the State of California or the State of Nevada or
29 one or more of the local governments in the district.

30 (h) The district may, in accordance with its adopted
31 transportation plan, do all of the following:

32 (1) Own and operate a public transportation system to the
33 exclusion of all other publicly owned transportation systems in
34 the region.

35 (2) Own and operate support facilities for public or private
36 transportation systems, including, but not limited to, parking lots,
37 maintenance facilities, terminals, and related equipment, including
38 revenue collection devices.

1 (3) Acquire and enter into agreements to operate upon mutually
2 acceptable terms any public or private transportation system or
3 facility within the region.

4 (4) Hire the employees of existing public transportation systems
5 that are acquired by the district, without loss of benefits to the
6 employees, bargain collectively with the employees, and extend
7 pension and other collateral benefits to employees.

8 (5) Fix the rates and charges for transportation services provided
9 pursuant to this article.

10 (6) Issue revenue bonds and other evidence of indebtedness and
11 make other financial arrangements appropriate for developing and
12 operating a public transportation system.

13 (7) Contract with private companies to provide supplementary
14 transportation or provide any of the services needed in operating
15 a system of transportation for the region.

16 (8) Contract with local governments in the region to operate
17 transportation facilities and services under mutually agreeable
18 terms and conditions.

19 (9) By resolution, determine and propose for adoption a tax for
20 the purpose of obtaining services of the district. The proposed tax
21 shall be of general and of uniform operation throughout the region
22 and may not be graduated in any way, except for a sales and use
23 tax. If a sales and use tax is approved by the voters, as provided
24 in this paragraph, it may be administered through the State of
25 California and the State of Nevada, respectively, in accordance
26 with the laws that apply within their respective jurisdictions and
27 shall not exceed a rate of 1 percent of the gross receipts from the
28 sale of tangible personal property sold in the district. The district
29 is prohibited from imposing an ad valorem tax, a tax measured by
30 gross or net receipts on business, a tax or charge that is assessed
31 against persons or vehicles as they enter or leave the region, or
32 any tax, direct or indirect, on gaming tables and devices. Any such
33 proposition shall be submitted to the voters of the district and shall
34 become effective upon approval in accordance with the applicable
35 voter approval requirement for the voters voting on the proposition
36 who reside in the State of California and upon approval in
37 accordance with the applicable voter approval requirement for the
38 voters voting on the proposition who reside in the State of Nevada.
39 The revenues from the tax shall be used for the services for which
40 it was imposed and for no other purpose.

1 (10) Provide services from inside the region to convenient
2 airport, railroad, and bus terminals without regard to the boundaries
3 of the region.

4 (11) If the Legislature of the State of California or the State of
5 Nevada authorizes the creation of local transportation districts at
6 Lake Tahoe, these local districts shall be entitled to a voting seat
7 on the board of directors. Prior to assuming that seat, the local
8 district and the district shall agree in writing on the allocation of
9 fiscal and policy responsibilities between the two entities,
10 including, but not limited to, the distribution of any voter-approved
11 revenues. If a seat is assumed under this subdivision, the voting
12 requirements under subdivision (e) shall be deemed adjusted by
13 operation of law to require a majority vote to take action.

14 (12) The Legislature of the State of California and the
15 Legislature of the State of Nevada may, by substantially identical
16 enactments, amend this article.

17

18

ARTICLE X. MISCELLANEOUS

19

20 (a) It is intended that the provisions of this compact shall be
21 reasonably and liberally construed to effectuate the purposes
22 thereof. Except as provided in subdivision (c), the provisions of
23 this compact shall be severable and if any phrase, clause, sentence
24 or provision of this compact is declared to be contrary to the
25 Constitution of any participating state or of the United States or
26 the applicability thereof to any government, agency, person or
27 circumstance is held invalid, the validity of the remainder of this
28 compact and the applicability thereof to any government, agency,
29 person or circumstance shall not be affected thereby. If this
30 compact shall be held contrary to the Constitution of any state
31 participating therein, the compact shall remain in full force and
32 effect as to the remaining state and in full force and effect as to
33 the state affected as to all severable matters.

34 (b) The agency shall have such additional powers and duties as
35 may hereafter be delegated or imposed upon it from time to time
36 by the action of the Legislature of either state concurred in by the
37 Legislature of the other.

38 (c) A state party to this compact may withdraw therefrom by
39 enacting a statute repealing the compact. Notice of withdrawal
40 shall be communicated officially and in writing to the Governor

1 of the other state and to the agency administrators. This provision
2 is not severable, and if it is held to be unconstitutional or invalid,
3 no other provision of this compact shall be binding upon the State
4 of Nevada or the State of California.

5 (d) No provision of this compact shall have any effect upon the
6 allocation, distribution or storage of interstate waters or upon any
7 appropriative water right.

8 *SEC. 3. Section 66802 is added to the Government Code, to*
9 *read:*

10 *66802. (a) The Legislature finds and declares all of the*
11 *following:*

12 *(1) The State of California, by and through the Governor, agrees*
13 *to cooperate with the State of Nevada in seeking to have*
14 *amendments to Section 66801 made by Senate Bill 630 of the*
15 *2013–14 Regular Session ratified by Congress as amendments to*
16 *the Tahoe Regional Planning Compact.*

17 *(2) The State of California supports the full implementation of*
18 *the regional plan update adopted by the Tahoe Regional Planning*
19 *Agency in December 2012.*

20 *(3) The State of California acknowledges the authority of either*
21 *the State of California or the State of Nevada to withdraw from*
22 *the Tahoe Regional Planning Compact pursuant to subdivision*
23 *(c) of Article X of the compact, or pursuant to any other provision*
24 *of the laws of each respective state.*

25 *(b) The Secretary of the Senate shall transmit certified copies*
26 *of Senate Bill 630 of the 2013–14 Regular Session to the Governor*
27 *of the State of Nevada and the governing body of the Tahoe*
28 *Regional Planning Agency, and shall also provide two certified*
29 *copies of that legislation to the Secretary of the State of Nevada*
30 *for delivery to the respective houses of its Legislature.*

31 *SEC. 4. This act shall not become effective unless on or before*
32 *January 1, 2014, the Governor issues a written declaration stating*
33 *that the State of Nevada has enacted substantially similar*
34 *legislation to this act, and that the Nevada legislation became*
35 *operative on or before January 1, 2014.*

36 ~~*SEC. 2. Section 67022.5 is added to the Government Code, to*~~
37 ~~*read:*~~

38 ~~*67022.5. “Environmental threshold carrying capacity” means*~~
39 ~~*an environmental standard necessary to maintain a significant*~~
40 ~~*scenic, recreational, educational, scientific, or natural value of the*~~

1 ~~region or to maintain public health and safety within the region.~~
2 ~~Those standards shall include, but not be limited to, standards for~~
3 ~~air quality, water quality, soil conservation, vegetation preservation,~~
4 ~~and noise.~~

5 ~~SEC. 3. Section 67022.7 is added to the Government Code, to~~
6 ~~read:~~

7 ~~67022.7. “Feasible” means capable of being accomplished in~~
8 ~~a successful manner within a reasonable period of time, taking~~
9 ~~into account economic, environmental, social, and technological~~
10 ~~factors.~~

11 ~~SEC. 4. Section 67023 of the Government Code is amended~~
12 ~~to read:~~

13 ~~67023. “Governing body” means the governing board of the~~
14 ~~California Tahoe Regional Planning Agency.~~

15 ~~SEC. 5. Section 67025 of the Government Code is amended~~
16 ~~to read:~~

17 ~~67025. “Interim plan” shall mean the interim regional plan~~
18 ~~adopted pending the adoption of the regional plan. For purposes~~
19 ~~of this title, the interim regional plan shall be the regional plan~~
20 ~~adopted by the Tahoe Regional Planning Agency on December~~
21 ~~12, 2012, as the plan is required to be modified by Section 67070.~~
22 ~~Unless the context otherwise requires, the provisions of this title~~
23 ~~concerning the regional plan shall also apply to the interim plan.~~

24 ~~SEC. 6. Section 67027 is added to the Government Code, to~~
25 ~~read:~~

26 ~~67027. “Project” means an activity undertaken by any person,~~
27 ~~including any public agency, if the activity may substantially affect~~
28 ~~the land, water, air, space, or any other natural resources of the~~
29 ~~region.~~

30 ~~SEC. 7. Section 67041 of the Government Code is repealed.~~

31 ~~SEC. 8. Section 67041 is added to the Government Code, to~~
32 ~~read:~~

33 ~~67041. The governing body of the agency shall contain the~~
34 ~~following nine members:~~

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

1 ~~(b) Three members appointed by the Governor who have a~~
2 ~~demonstrated interest and appreciation for the natural beauty and~~
3 ~~economic productivity of the Lake Tahoe region who shall~~
4 ~~represent the public at large and the geographic diversity of~~
5 ~~California. All of these appointees are subject to Senate~~
6 ~~confirmation.~~

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

8 ~~(d) Two members appointed by the Speaker of the California~~
9 ~~Assembly.~~

10 ~~SEC. 9. Section 67049 of the Government Code is amended~~
11 ~~to read:~~

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

24 ~~SEC. 10. Section 67061 of the Government Code is repealed.~~

25 ~~SEC. 11. Section 67070 of the Government Code is amended~~
26 ~~to read:~~

27 ~~67070. (a) The regional plan adopted by the Tahoe Regional~~
28 ~~Planning Agency on December 12, 2012, shall be considered the~~
29 ~~interim regional plan of the agency, except as provided in~~
30 ~~paragraphs (1) to (6), inclusive. Amendments to the interim plan~~
31 ~~or the adoption of a comprehensive long-term general plan and~~
32 ~~amendment to that plan shall comply with the rules and regulations~~
33 ~~prescribed in Section 67101. The agency shall implement the~~
34 ~~interim regional plan as follows:~~

35 ~~(1) No project may be developed in the region without obtaining~~
36 ~~the review and approval of the agency. Any delegated authority~~
37 ~~for the issuance of permits under areas plans is terminated as of~~
38 ~~January 1, 2014.~~

39 ~~(2) On or before October 1, 2015, the agency shall determine~~
40 ~~whether the boundaries of town center districts and regional center~~

1 ~~districts are empirically shown to create a less auto-dependent~~
2 ~~development pattern, and, if not, the agency shall adjust the~~
3 ~~boundaries so that they promote that pattern.~~

4 ~~(3) Resort recreational districts shall be eliminated.~~

5 ~~(4) Provisions in the interim regional plan that allow up to 70~~
6 ~~percent land coverage shall be reduced to allow up to 50 percent~~
7 ~~land coverage.~~

8 ~~(5) Provisions in the interim regional plan that allow for the~~
9 ~~calculation of land coverage on an areawide basis shall be~~
10 ~~eliminated, and coverage shall be calculated on a per parcel basis.~~

11 ~~(6) Certification of compliance with all best management~~
12 ~~practices shall be a condition for the sale of commercial property~~
13 ~~parcels.~~

14 ~~(b) The Tahoe Regional Planning Agency environmental~~
15 ~~threshold carrying capacities for the region in effect on December~~
16 ~~12, 2012, shall be the agency's environmental threshold carrying~~
17 ~~capacities unless and until the agency modifies those capacities.~~

18 ~~(c) Within one year after the effective date of the agency's~~
19 ~~interim regional plan, the agency shall review the interim regional~~
20 ~~plan and either adopt it as the agency's regional plan or, if~~
21 ~~necessary, alter it to ensure that, at a minimum, the plan and all~~
22 ~~its elements, as implemented through agency ordinances, rules,~~
23 ~~and regulations, achieves and maintains the environmental~~
24 ~~threshold carrying capacities. Each element of the plan shall contain~~
25 ~~implementation provisions and time schedules for implementation~~
26 ~~of the plan, prescribed by ordinance. The governing body shall~~
27 ~~continuously review and maintain the regional plan. The regional~~
28 ~~plan shall consist of one or more diagrams, or texts setting forth~~
29 ~~the projects and proposals for implementation of the regional plan,~~
30 ~~a description of the needs and goals of the region, and a statement~~
31 ~~of the policies, standards, and elements of the regional plan. The~~
32 ~~regional plan shall be a single, enforceable plan, which shall~~
33 ~~include all of the following 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 and permitted uses.~~

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

1 to, parkways, highways, transportation facilities, transit routes,
2 waterways, navigation facilities, public transportation facilities,
3 bicycle facilities, and appurtenant terminals and facilities for the
4 movement of people and goods within the region. Transportation
5 planning shall include both of the following goals:

6 (i) ~~The reduction of dependency on the automobile by making~~
7 ~~more effective use of existing transportation modes and of public~~
8 ~~transit to move people and goods within the region.~~

9 (ii) ~~The reduction, to the extent possible, of feasible air pollution~~
10 ~~that is caused by motor vehicles.~~

11 (B) ~~If increases in capacity are required, the agency shall give~~
12 ~~preference to providing that capacity through public transportation~~
13 ~~and public programs and projects related to transportation. The~~
14 ~~agency shall review and consider all existing transportation plans~~
15 ~~in preparing its regional transportation plan pursuant to this~~
16 ~~paragraph. Until such time that the regional plan is revised, or a~~
17 ~~new transportation plan is adopted in accordance with this~~
18 ~~paragraph, the regional transportation plan adopted by the Tahoe~~
19 ~~Regional Planning Agency on December 12, 2012, shall be~~
20 ~~considered the interim transportation plan of the agency, to the~~
21 ~~extent that it is consistent with this section.~~

22 (3) ~~A conservation plan for the preservation, development,~~
23 ~~utilization, and management of the scenic and other natural~~
24 ~~resources within the Tahoe Basin, including, but not limited to,~~
25 ~~soils, shoreline and submerged lands, scenic corridors along~~
26 ~~transportation routes, open spaces, and recreational and historical~~
27 ~~facilities.~~

28 (4) ~~A recreational plan for the development, utilization, and~~
29 ~~management of the recreational resources of the region, including,~~
30 ~~but not limited to, wilderness and forested lands, parks and~~
31 ~~parkways, riding and hiking trails, beaches and playgrounds,~~
32 ~~marinas, and areas for skiing and other recreational facilities.~~

33 (5) ~~A public services and facilities plan for the general location,~~
34 ~~scale, and provision of public services and facilities, which, by~~
35 ~~nature of their function, size, extent, and other characteristics are~~
36 ~~necessary or appropriate for inclusion in the regional plan.~~

37 (d) ~~The regional plan shall provide for the attainment and~~
38 ~~maintenance of federal, state, or local air and water quality~~
39 ~~standards, whichever are most restrictive, in the respective areas~~
40 ~~of the region to which those standards apply. However, the agency~~

1 may adopt air or water quality standards or control measures that
2 are more restrictive than the applicable state implementation plan
3 or the applicable federal, state, or local standards for the region,
4 if it finds that those additional standards or control measures are
5 necessary to achieve the purposes of this title. Each element of the
6 regional plan, where applicable, shall, by ordinance, identify the
7 means and time schedule by which air and water quality standards
8 will be attained.

9 ~~SEC. 12.~~ Section 67072 of the Government Code is amended
10 to read:

11 ~~67072.~~ All provisions of the regional plan shall be enforced
12 by the agency and by the counties and cities in the region.

13 ~~SEC. 13.~~ Section 67072.1 is added to the Government Code,
14 to read:

15 ~~67072.1.~~ (a) (1) Commencing January 1, 2014, a project shall
16 not be developed in the region without obtaining the review and
17 approval of the agency, and a project shall not be approved unless
18 it is found by the agency to comply with the regional plan and with
19 the ordinances, rules, and regulations enacted to effectuate that
20 plan.

21 ~~(2)~~ The agency may approve a project in the region only after
22 making the written findings required by this subdivision or
23 subdivision (b). Those findings shall be based on substantial
24 evidence in the record.

25 ~~(3)~~ The agency's regulations shall permit the agency to approve
26 a project in the region only after making written findings, on the
27 basis of substantial evidence in the record, that the project is
28 consistent with the regional plan then in effect, and consistent with
29 applicable plans, ordinances, regulations, and standards of federal
30 and state agencies relating to the protection, maintenance, and
31 enhancement of environmental quality in the region.

32 ~~(b)~~ The agency's regulations shall prescribe specific written
33 findings that the agency is required to make prior to approving
34 any project in the region. These findings shall relate to
35 environmental protection and shall ensure that the project under
36 review will not adversely affect implementation of the regional
37 plan and will not cause the adopted environmental threshold
38 carrying capacities of the region to be exceeded.

39 ~~(e)~~ If the agency is required to review or approve any project,
40 public or private pursuant to this title or any ordinance, rule,

1 regulation, or policy adopted pursuant to this title, it shall take
2 final action by vote, whether to approve, to require modification,
3 or to reject the project, within 180 days after the application for
4 the project is accepted as complete by the agency in compliance
5 with the agency's rules and regulations governing the delivery
6 unless the applicant has agreed to an extension of this time limit.
7 If a final action by vote does not occur within 180 days, the
8 applicant may bring an action in a court of competent jurisdiction
9 to compel a vote unless he has agreed to an extension.

10 (d) If the Tahoe Regional Planning Agency has issued a permit
11 or otherwise approved a project before the date on which the State
12 of Nevada withdraws from the Tahoe Regional Planning Compact,
13 both of the following shall apply:

14 (1) The permit or approval shall remain valid after that date.

15 (2) The California Tahoe Regional Planning Agency shall
16 assume the responsibility of enforcing the conditions, if any, of
17 the approval or permit.

18 (e) If an application was pending before the Tahoe Regional
19 Planning Agency on the date on which the State of Nevada
20 withdraws from the Tahoe Regional Planning Compact, the agency
21 shall process the application based upon its regional plan and
22 implementing ordinances.

23 SEC. 14. Section 67073 of the Government Code is repealed.

24 SEC. 15. Section 67074 of the Government Code is repealed.

25 SEC. 16. Section 67075 of the Government Code is amended
26 to read:

27 67075. The agency shall maintain the data, maps, and other
28 information developed in the course of formulating and
29 administering the regional plan, in a form suitable to assure a
30 consistent view of developmental trends and other relevant
31 information for the availability of and use by other agencies of
32 government and by private organizations and individuals
33 concerned.

34 SEC. 17. Section 67100 of the Government Code is repealed.

35 SEC. 18. Section 67100 is added to the Government Code, to
36 read:

37 67100. (a) The governing body shall adopt all necessary
38 ordinances, rules, and regulations to effectuate the adopted regional
39 plan. Except as otherwise provided in this title, every ordinance,
40 rule, or regulation shall establish a minimum standard applicable

1 throughout the region. Any political subdivision or public agency
2 may adopt and enforce an equal or more stringent requirement
3 applicable to the same subject of regulation in its territory. The
4 regulations of the agency shall contain standards, including, but
5 not limited to, the following: water purity and clarity; subdivision;
6 zoning; tree removal; solid waste disposal; sewage disposal;
7 landfills, excavations, cuts and grading; piers, harbors, breakwaters,
8 or channels, and other shoreline developments; waste disposal in
9 shoreline areas; waste disposal from boats; mobilehome parks;
10 house relocation; outdoor advertising; flood plain protection; soil
11 and sedimentation control; air pollution; and watershed protection.

12 ~~(b) The agency shall prescribe by ordinance those activities that~~
13 ~~it has determined will not have substantial effect on land, water,~~
14 ~~air, space, or any other natural resources in the region and therefore~~
15 ~~will be exempt from its review and approval.~~

16 ~~SEC. 19. Section 67101 of the Government Code is repealed.~~

17 ~~SEC. 20. Section 67101 is added to the Government Code, to~~
18 ~~read:~~

19 ~~67101. (a) The Tahoe Regional Planning Agency Code of~~
20 ~~Ordinances, which was adopted by the Tahoe Regional Planning~~
21 ~~Association Governing Board on December 12, 2012, and its Rules~~
22 ~~of Proceedure, which were in effect on that date, shall be considered~~
23 ~~the interim agency ordinances and rules, with the exception of any~~
24 ~~requirements for the interim regional plan set forth in subdivision~~
25 ~~(a) of Section 67070. Unless the context otherwise requires, the~~
26 ~~requirements of this title concerning agency ordinances, rules, and~~
27 ~~regulations shall also apply to its interim ordinances, rules, and~~
28 ~~regulations.~~

29 ~~(b) Within 90 days of the effective date of the interim regional~~
30 ~~plan, the agency shall amend its interim agency ordinances and~~
31 ~~rules so that they conform to the requirements of subdivision (a)~~
32 ~~of Section 67070. Any amendments to the interim agency~~
33 ~~ordinances and rules shall be exempt from the requirements of~~
34 ~~Chapter 3.5 (commencing with Section 11340) of Part 1 of Division~~
35 ~~3 of Title 2.~~

36 ~~SEC. 21. Section 67102 of the Government Code is amended~~
37 ~~to read:~~

38 ~~67102. All ordinances, rules, regulations and policies required~~
39 ~~by this title, or adopted by the agency shall be enforced by the~~
40 ~~agency, and by the counties and cities.~~

1 ~~SEC. 22.~~ Section 67103 of the Government Code is amended to
2 read:

3 ~~67103.~~ All public works projects shall be reviewed prior to
4 construction and approved by the agency as to the project's
5 compliance with the regional plan.

6 ~~SEC. 23.~~ Section 67103.1 of the Government Code is repealed.

7 ~~SEC. 24.~~ Section 67105 of the Government Code is amended
8 to read:

9 ~~67105.~~ The agency shall police the region to ensure compliance
10 with the regional plan and adopted ordinances, rules, regulations
11 and policies. If it is found that the regional plan, or ordinances,
12 rules, regulations and policies are not being enforced by a local
13 jurisdiction, the agency may bring action in a court of competent
14 jurisdiction to ensure compliance.

15 ~~SEC. 25.~~ Section 67106.2 is added to the Government Code,
16 to read:

17 ~~67106.2.~~ (a) A legal action arising out of or alleging a violation
18 of this title, the regional plan, or an ordinance or regulation of the
19 agency or of a permit or a condition of a permit issued by the
20 agency shall be governed by this section if it involves any of the
21 following:

22 (1) An action arising out of activities directly undertaken by the
23 agency.

24 (2) An action arising out of the issuance to a person of a lease,
25 permit, license, or other entitlement for use by the agency.

26 (3) An action arising out of any other act or failure to act by
27 any person or public agency.

28 (b) With regard to the venue for actions subject to this section,
29 the following shall apply:

30 (1) If a civil or criminal action challenges an activity by the
31 agency or any person that is undertaken or to be undertaken upon
32 a parcel of real property, it shall be filed in the county where the
33 real property is situated or the County of Sacramento.

34 (2) If an action challenges an activity that does not involve a
35 specific parcel of land, including an action challenging an
36 ordinance of the agency, it shall be filed in the County of El
37 Dorado, Placer, or Sacramento.

38 (c) Any aggrieved person may file an action in an appropriate
39 court of the State of California alleging noncompliance with the
40 provisions of this compact or with an ordinance or regulation of

1 the agency. In the case of governmental agencies, “aggrieved
2 person” means the agency or any other state, federal, or local
3 agency. In the case of any person other than a governmental agency
4 who challenges an action of the agency, “aggrieved person” means
5 any person who has appeared, either in person, through an
6 authorized representative, or in writing, before the agency at an
7 appropriate administrative hearing to register objection to the action
8 which is being challenged, or who had good cause for not making
9 an appearance.

10 (d) Any aggrieved person shall have a right to judicial review
11 of any administrative decision of the agency by filing a petition
12 for a writ of mandate in accordance with Section 1094.5 of the
13 Code of Civil Procedure, within 60 days after the decision has
14 become final. All other legal actions shall be commenced within
15 one year after discovery of the cause of action.

16 (e) The agency shall monitor activities in the region and may
17 bring enforcement actions in the region to ensure compliance with
18 the regional plan and adopted ordinances, rules, regulations, and
19 policies. If it is found that the regional plan, or ordinances, rules,
20 regulations, and policies are not being enforced by a local
21 jurisdiction, the agency may bring action in a court of competent
22 jurisdiction to ensure compliance.

23 (f) Any person who violates this title or of any ordinance or
24 regulation of the agency or of any condition of approval imposed
25 by the agency shall be subject to a civil penalty not to exceed five
26 thousand dollars (\$5,000). A person is subject to an additional civil
27 penalty, not to exceed five thousand dollars (\$5,000) per day, for
28 each day on which a violation persists. In imposing the penalties
29 authorized by this subdivision, the court shall consider the nature
30 of the violation and shall impose a greater penalty if it was willful
31 or resulted from gross negligence than if it resulted from
32 inadvertence or simple negligence.

33 (g) Approval by the agency of any project shall expire 3 years
34 after the date of final action by either the agency or the Tahoe
35 Regional Planning Agency, whichever is later, unless construction
36 is begun within that time and diligently pursued thereafter, or the
37 use or activity has commenced. In computing the 3-year period,
38 any period of time during which the project is the subject of a legal
39 action that delays or renders impossible the diligent pursuit of that
40 project shall not be counted. Any license, permit, or certificate

1 issued by the agency that has an expiration date shall be extended
2 by that period of time during which the project is the subject of
3 the legal action as provided in this subdivision.

4 SEC. 26. Section 67107.1 is added to the Government Code,
5 to read:

6 67107.1. (a) ~~The Legislature hereby finds and declares that~~
7 ~~aquatic invasive species pose a serious threat to the waters and~~
8 ~~other natural resources of the Lake Tahoe region, and an equally~~
9 ~~serious threat to the region's economy.~~

10 (b) ~~The agency shall work with appropriate federal, state, and~~
11 ~~local entities, as well as appropriate State of Nevada entities, to~~
12 ~~ensure lake-wide aquatic species protection and control.~~

13 SEC. 27. Section 67109 of the Government Code is repealed.

14 SEC. 28. Section 67120 of the Government Code is amended
15 to read:

16 67120. On or before December 30 of each calendar year, the
17 agency shall establish, consistent with the usual practices of the
18 Department of Finance with regard to funding requests to be
19 included in the annual budget process, the amount of money
20 necessary to support its activities for the next succeeding fiscal
21 year commencing July 1 of the following year and transmit a
22 request for that amount to the Legislature.

23 SEC. 29. Section 67125 of the Government Code is repealed.

24 SEC. 30. Sections 11 and 13 of this act shall not become
25 operative if Nevada Senate Bill 271 of the 2011 Regular Session
26 (Chapter 530 of the Statutes of 2011) is repealed on or before
27 January 1, 2014.