Attachment C

Code of Ordinance Changes – Strikethrough RPIC 3/24/2021 – 4/20/2021

TAHOE REGIONAL PLANNING AGENCY

ATTACHMENT C

CODE OF ORDINANCE CHANGES

(STRIKETHROUGH SINCE RPIC 3/24/2021)

APRIL 20, 2021

Amendments to the Code of Ordinances

#	Code Citation	Title	Action
	Chapter 2: Applicability of the Code of Ordinances		
(1)	2.2.2.A	General Projects or Matters	Eliminate trip generation and Level of Service as a determining factor for Governing Board or Hearings Officer review of a project.
(2)	2.3.6.A.8	Changes in Operation	Revise the Qualified Exemption for changes in business operation to be determined based on vehicle miles travelled rather than trip generation.
	Chapter 3: Environmental Documentation		
(3)	3.2.2.A.2	Projects Exempt from Preparation of Environmental Impact Statement	Revise the Environmental Impact Statement exemption to be based on vehicle miles travelled rather than vehicle trip generation.
	Chapter 22: Temporary Uses, Structures, and Activities		
(4)	22.7.6	Traffic Mitigation	Require a traffic control plan rather than a traffic analysis for temporary closures of US Highway 50.
	Chapter 34: Driveway and Parking Standards		
(5)	34.3	Driveways	Establish driveway standards based on whether a project requires a VMT analysis rather than a traffic analysis.
	Chapter 39: Subdivisions		
(6)	39.2.3.J	Air Quality Mitigation Fees	Require a mobility mitigation fee be paid for subdivisions based on an increase in vehicle miles travelled, rather than an air quality fee based on vehicle trip generation.
(7)	39.2.5.J	Air Quality Mitigation Fees	Require a mobility mitigation fee be paid for subdivisions based on an increase in vehicle miles travelled, rather than an air quality fee based on vehicle trip generation.
	Chapter 50: Allocation of Development		
(8)	50.4.3	LOS and VMT Monitoring	Delete the requirement for residential allocations to be based upon LOS and VMT monitoring.
(9)	50.6.1.B.2.b	"Additional" Commercial Floor Area	Revise the criteria for small commercial additions to be excluded from Commercial Floor Area. The revised criterion would be based upon vehicle miles rather than vehicle trips.

(10)	50.9.2	Definition of "Additional Recreation"	Replace vehicle trips with vehicle miles travelled as a determining factor for "additional recreation."
	Chapter 65: Existing Structures and Exempt Activities		
(11)	65.2	Traffic and Air Quality Mitigation Program	Revise the framework for Project Impact Assessment and the Mobility Mitigation Fee (formerly Air Quality Mitigation Fee).
(12)	65.3.1	Purpose	Update the reference to the Active Transportation Plan.
(13)	65.3.3.E.1	Air Quality Mitigation	Update the name of the mitigation fee – Mobility Mitigation Fee replaces Air Quality Mitigation Fee.
	Chapter 82: Existing Structures and Exempt Activities		
(14)	82.5.6	Qualified Exempt Activities	Revise the Qualified Exemption for changes in business operation to be determined based on vehicle miles travelled rather than trip generation.
	Chapter 90: Definitions		
(15)	90.2	Definitions	Delete obsolete definitions.
(16)	90.2	Definitions	Move two definitions from Chapter 65 to Chapter 90 and revise Chapter 65 references within two additional definitions.

(1) Modify Subparagraph A, *General Projects or Matters*, of Subsection 2.2.2, *Projects and Matters to be Approved by the Governing Board or Hearings Officer*, to read as follows:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.2 PROJECT REVIEW

2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

A. General Projects or Matters

1. Governing Board Review

The following projects or matters require review and approval by the Governing Board:

a. EIS certification (Chapter 3: Environmental Documentation);

b. Projects for which an EIS has, or will be prepared, or at the discretion of the Executive Director;

c. Plan amendments, ordinances and resolutions;

d. Community Plans, including preliminary plan or work program, redevelopment, master or special plans;

e. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (Section 5.12 Remedial Action Plans);

f. Increases in supply of land coverage (Chapter 30: Land Coverage);

g. Delegation Memoranda of Understanding pursuant to Section 2.5 (except as otherwise provided in this Code);

h. Substantial harvest or tree removal plans (61.1.8) except for fuels management projects (61.1.7.D);

i. Mitigation fund expenditures and projects (Section 60.2 and Section 65.2);

j. Permit revocations (Chapter 5: Compliance);

k. Historic resource designations (Chapter 67: Historic Resource Protection);

l. Allocation systems (Chapter 50: Allocation of Development);

m. Establishing the level defining the top-ranked parcels, lowering the line defining the top-ranked parcels pursuant to subsection 53.5.1 and determining allowable base land coverage pursuant to subsection 53.8.1;

n. Findings of the demonstration of commitment for affordable housing pursuant to subparagraph 39.2.5.F;

o. Special project allocations (subparagraph 50.6.4.D);

p. Area Plan conformity review (Chapter 13: Area Plans); and

q. In jurisdictions with conforming Area Plans, projects that are not eligible to be delegated from TRPA review, and delegated projects that are appealed to TRPA.

2. Hearings Officer Review

The following projects or matters require review and approval by the Hearings Officer:

a. Special uses, including changes, expansions or intensifications of existing uses (Chapter 21: Permissible Uses);

b. Additional height for eligible structures, in special height districts for adopted community and redevelopment plan areas (subsection 37.5.4);

c. Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: Historic Resource Protection);

d. Modification to SEZs, excluding modifications for residential projects in accordance with subparagraph 30.5.2.A and erosion

control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D;

e. Land capability challenges and man-modified challenges, except land capability challenges pursuant to subsection 30.3.4 submitted under the special provisions for designated land banks (Chapter 30 and 80);

f. Additional land coverage in excess of 1,000 square feet in land capability districts 1-3; and

(2) Modify Subparagraph A.8, *Changes in Operation*, of Subsection 2.3.6, *Qualified Exempt Activities*, to read as follows:

CHAPTER 2: APPLICABILITY OF THE CODE OF ORDINANCES

2.3. EXEMPT ACTIVITIES

2.3.6. Qualified Exempt Activities

The activities listed below are not subject to review and approval by TRPA, provided the applicant certifies on a TRPA-qualified exempt form that the activity fits within one or more of the following categories and the activity shall not result in the creation of additional land coverage or relocation of existing land coverage, and will comply with all restrictions set forth below. The statement shall be filed with TRPA for all qualified exempt activities at least three working days, before the activity commences and shall be made under penalty of perjury.

A. General Activities

The general activities listed below are qualified exempt.

8. Changes in Operation

Changes in operation resulting in generation of less than 650 vehicle miles travelled, in connection with a commercial, recreation or public service use, provided there is no change from one major use classification to another, the resulting use is an allowed use, and the applicant pays a mobility mitigation fee in accordance with subparagraph 65.2.4.D.

(3) Modify Paragraph A.2 of Subsection 3.2.2., *Activities and Projects Exempt from Preparation of Environmental Impact Statement*, to read as follows:

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

3.2 APPLICABILITY

3.2.2. Activities and Projects Exempt from Preparation of Environmental Impact Statement

Article VII(f) of the Compact, requires TRPA to adopt by ordinance a list of classes of projects which TRPA has determined will not have a significant effect on the environment and therefore shall be exempt from the requirement for the preparation of an environmental impact statement.

A. Projects Exempt From Preparation of Environmental Impact Statement
The projects listed below shall be exempt from preparation of an EIS and other environmental documents.

1. Construction of single-family houses and additions and accessory structures thereto, in compliance with the provisions of the Code;

2. Changes in use consisting of an increase in no more than 650 vehicle miles travelled (See Subparagraph 65.2.3.D.2); and

3. Transfers or conversions of development rights (does not include construction of new units).

(4) Modify Subsection 22.7.6, *Traffic Mitigation*, to read as follows:

CHAPTER 22: TEMPORARY USES, STRUCTURES, AND ACTIVITIES

22.7. STANDARDS FOR TEMPORARY ACTIVITIES

Except as otherwise provided in Section 22.6, temporary activities shall comply with the standards in this section.

22.7.6. Traffic Mitigation

For a temporary activity that includes the closure of a traffic lane or intersection of a state or federal highway for more than one hour, or the closure of U.S. 50 at any point between

the South Y and Kingsbury Grade for any period of time, the applicant shall submit a traffic control plan.

(5) Modify Section 34.3, *Driveways*, to read as follows:

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

34.3. DRIVEWAYS

To ensure organized and well-designed ingress and egress of vehicles from driveways, TRPA shall review the design of driveways according to the standards and procedures in this section.

34.3.1. Compliance Program

The standards set forth in subsections 34.3.2 through 34.3.5, inclusive, shall be conditions of approval for projects with driveways, and for projects for which TRPA finds that the driveways are not in compliance with the standards set forth in subsections 34.3.2 through 34.3.5, inclusive, and are causing significant adverse impacts on traffic, transportation, air quality, water quality, or safety. If TRPA finds that driveways associated with existing development are causing such impacts, TRPA may implement corrective measures pursuant to Section 5.12 Remedial Action Plans.

34.3.2. General Standards

Driveways shall comply with the following standards:

A. New Driveways
New driveways shall be designed and located so as to cause the least adverse impacts on traffic, transportation, air quality, water quality, and safety.

B. Shared Driveways
In the application of subsections 34.3.3 through 34.3.5, inclusive, TRPA shall encourage shared driveways if TRPA finds that the effect is equal or superior to the effect of separate driveways.

C. Role of Community Plans
Approved community plans may replace the standards in subsections 34.3.3 through 34.3.5, inclusive, with alternative specific provisions, provided such provisions are more appropriate to the situation and provide equal or superior measures to satisfy the environmental thresholds. See also subparagraph 12.6.3.C.

D. Standards of Caltrans and Nevada Department of Transportation
On state and federal highways, the ingress/egress standards of the California or Nevada Department of Transportation shall apply, as appropriate, in addition to

the standards in subsections 34.3.3 through 34.3.5, inclusive. Where the state standards conflict with subsections 34.3.3 through 34.3.5, inclusive, the state standards shall control.

E. Slope of Driveways

Slopes of driveways shall not exceed the standards of the county or city in whose jurisdiction the driveway is located. Driveways shall not exceed ten percent slope, unless TRPA finds that construction of a driveway with a ten percent or less slope would require excessive excavation and that the runoff from a steeper driveway shall be infiltrated as required in Section 60.4. In no case shall the driveway exceed 15 percent slope.

F. Best Management Practices

Driveways shall be managed in accordance with Section 60.4.

34.3.3. Numbers of Driveways

Projects generating up to 1,300 vehicle miles travelled shall be served by a single driveway with no more than two points of ingress/egress from the public right-of-way or other access road. Additional or transferred development that generates more than 1,300 vehicle miles travelled shall conform to the ingress/egress provisions necessary to mitigate all transportation and air quality impacts under subsection 65.2.4.

34.3.4. Width of Driveways

Driveway widths shall conform to the following standards:

A. Other Residential Uses

Two-way driveways serving residential uses other than single-family homes shall have a minimum width of 20 feet and a maximum width of 24 feet. One-way driveways serving other residential uses shall have a minimum width of ten feet and maximum width of 12 feet.

B. Commercial, Tourist Accommodation, Recreation, and Public Service Uses

Two-way driveways serving commercial, tourist accommodation, recreation, and public service uses shall have a minimum width of 20 feet and a maximum width of 30 feet. One-way driveways serving such uses shall have a minimum width of ten feet and a maximum width of 15 feet. For two-way driveways with median dividers serving such development, each direction shall have a minimum width of ten feet and a maximum width of 17 feet.

34.3.5. Service Drives

Uses, other than single-family homes, that do not require vehicle miles travelled (VMT) analysis pursuant to subparagraph 65.2.3.D may be permitted an additional service driveway for maintenance and garbage removal. The service driveway shall be at least ten feet wide and no more than 12 feet wide. Uses that do require VMT analysis pursuant to subsection 65.2.3.D may be permitted an additional service driveway or driveways for maintenance and garbage removal provided the transportation and air quality impacts of such driveways shall be mitigated under subsection 65.2.4.

(6) Modify Subparagraph J, *Air Quality Mitigation Fees*, of Subsection 39.2.3, *Subdivision of Existing Structures*, to read as follows:

CHAPTER 39: SUBDIVISION

39.2. SUBDIVISION STANDARDS

39.2.3. Subdivision of Existing Structures

Subdivision of eligible existing structures, as set forth in subparagraph 39.1.3.E, may be permitted subject to the following requirements:

J. Mobility Mitigation Fees
If the subdivision of an existing structure effects a change in use (e.g., multi-family to single-family) that results in an increase in vehicle miles travelled, then a mobility mitigation fee shall be assessed pursuant to subparagraph 65.2.4.D.

(7) Modify Subparagraph K, *Air Quality Mitigation Fees*, of Subsection 39.2.5, *Subdivision of Post-1987 Projects*, to read as follows:

CHAPTER 39: SUBDIVISION

39.2. SUBDIVISION STANDARDS

39.2.5. Subdivision of Post-1987 Projects

Subdivision of projects approved after July 1, 1987 pursuant to the 1987 Regional Plan, as it may be amended, may be permitted subject to the following requirements:

K. Mobility Mitigation Fees
Subdivisions that result in a change of use that increases vehicle miles travelled shall be assessed a mobility mitigation fee pursuant to subparagraph 65.2.4.D. Approval of a subdivision shall not be cause for a partial refund of mitigation fees assessed in connection with the underlying project approval.

(8) Delete Subsection 50.4.3, *LOS and VMT Monitoring.*

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.4 ALLOCATION AND ACCOUNTING OF DEVELOPMENT RIGHTS

TRPA shall allocate the development of additional residential units as follows:

(9) Modify Subsection 50.6.1, *Definition of "Additional Commercial Floor Area"*, Subparagraph B.2.b. to read as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.6 ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. In order to construct the project or commence the use, the recipient shall comply with all other applicable provisions of this Code.

B. "Additional" Commercial Floor Area
Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

2. Additional commercial floor area excludes the following:

b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less, provided:

(i) The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;

(ii) The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;

(iii) There is no change in use;

(iv) The change in operation generates no more than 650 vehicle miles travelled;

(v) The exempt addition or expansion occurs within a single project area; and

(vi) The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;

(10) Modify Subsection 50.9.2, *Definition of "Additional Recreation"*, to read as follows:

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle miles travelled that requires a VMT analysis pursuant to subparagraph 65.2.4.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

A. The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;

B. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;

C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or

D. Dispersed recreation.

(11) Modify Section 65.2, *Air Quality Mitigation Program*, to read as follows:

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.2 AIR QUALITY, GREENHOUSE GAS REDUCTION, AND MOBILITY MITIGATION PROGRAM

65.2.1 Purpose

The purpose of this section is to implement TRPA's 1992 Air Quality Plan and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies in the Regional Plan, with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution; reduce mobile source greenhouse gas emissions per capita; and provide a more effective multimodal transportation system that reduces vehicle miles traveled per capita.

65.2.2 Applicability

The provisions of this section are applicable to all additional development or transferred development and all changes in operation as defined in this section.

65.2.3 Definitions and Standards

For purposes of this section, the following terms are defined as provided below:

A. Change in Operation
Any modification, change, or expansion of an existing or previous use resulting in additional vehicle miles travelled. Changes in operation include, but are not limited to:

1. Expansion of gross floor area; or

2. Change in the type of generator on the trip table, normally indicated by a substantial change in products or services provided.

B. New Development
Additional development, transferred development, or a change in operation.

C. Previous Use
The most recent permanent use in the project area that existed for more than 90 consecutive days of operation within the 60 months preceding submission of a complete application to TRPA for review of a change in operation. Uses which have received CTRPA or TRPA approval, but have not operated for 90 consecutive days within the previous 60 months, shall not be recognized as previous uses. A use that regularly operated fewer than seven days per week shall have operated for 13 consecutive weeks within the previous 60 months to constitute a previous use.

D. Screened from Additional Transportation Impact Assessment

If a project meets one or more of the following criteria it shall be be screened from further transportation analysis:

1. Affordable, Moderate, or Achievable Housing

Affordable housing that is 100 percent deed-restricted affordable, moderate, or achievable and meets the requirements of Subsection 52.3.4, *Affordable, Moderate, and Achievable-Income Housing*.

2. Projects Generating Low VMT

Projects will be screened from further transportation analysis using the following vehicle miles travelled calculations:

a. 1,300 VMT ~~outside~~within Centers and the half-mile buffer around them.

b. 715 VMT in all other areas.

~~a. A 20% reduction in VMT calculation within Town Centers and the half-mile buffer around them.~~

~~c. A 35% reduction in VMT calculation in the Regional Center and High-Density Tourist District and the half-mile buffer around it.~~

3. ~~Active~~ Transportation Projects

Any of the following projects: Bicycle, pedestrian, and transit projects (excluding mobility hubs).

E. Standards of Significance

A project would have a significant impact and therefore require additional analysis and mitigation if it exceeds the applicable standards for land uses as shown in Table 65.2.3-1.

Where a project replaces existing VMT-generating land uses that leads to a net overall decrease in VMT the project will lead to a less-than-significant transportation impact. If the project leads to a net overall increase in VMT, then the standards of significance described in Table 65.2.3-1 would apply.

Standards of Significance

APPLICABLE LAND USE	STANDARD OF SIGNIFICANCE
Commercial	No-net unmitigated VMT
Mixed Uses	Evaluate each land use component of a mixed-use project independently, and apply the threshold of significance for each land use type included
Public Services	15% below existing sub-regional average VMT
Recreation – Campgrounds	Evaluated on a case-by-case basis
Recreation – Other Uses	No-net unmitigated VMT

Residential Uses	15% below existing sub-regional average VMT per resident
Tourist Accommodation Unit (TAU)	15% below existing sub-regional average VMT per TAU
Transportation	No-net unmitigated VMT

~~To determine sub-regional standards of significance~~, TRPA will prepare and maintain standards of significance at the local government jurisdiction level. The boundaries used for these standards must be consistent with the VMT Generation Areas in 65.2.3.F, calculated using the same methodology used to calculate VMT metrics for the region per 65.2.3.G, and must support greenhouse gas emissions reduction, encourage development of multimodal transportation networks, and promote a diversity of land uses that will reduce VMT per capita.

Proposed projects found to have a significant impact will be required to mitigate the project impact to at or below the standards of significance using mitigation measures in 65.2.4.C.2, 65.2.4.C.3, and payment of mobility mitigation fees.

F. VMT Generation Areas

TRPA shall create zones for each land use type and for all areas in the region. These zones will be used to calculate VMT generation for impact assessment and fee calculation. Zones will be classified as to whether they are above or below the corresponding standard of significance. Zones that are above the corresponding standard of significance are those where individuals travel farther distances to get between home, work, and shopping, and are generally reliant on the automobile to move between their destinations. Zones that are below the corresponding standard of significance are those that are characterized by shorter distance trips between destinations, and where options other than the personal automobile (e.g., bike paths, transit service, sidewalks) are in place and chosen more frequently for trips. TRPA will document and make available to applicants and the general public the zones as part of the documentation of the project impact analysis methodology.

G. VMT Metrics

For the purposes of this section the metrics to be used for applicable land uses are as shown in Table 65.2.3-2:

VMT Metrics

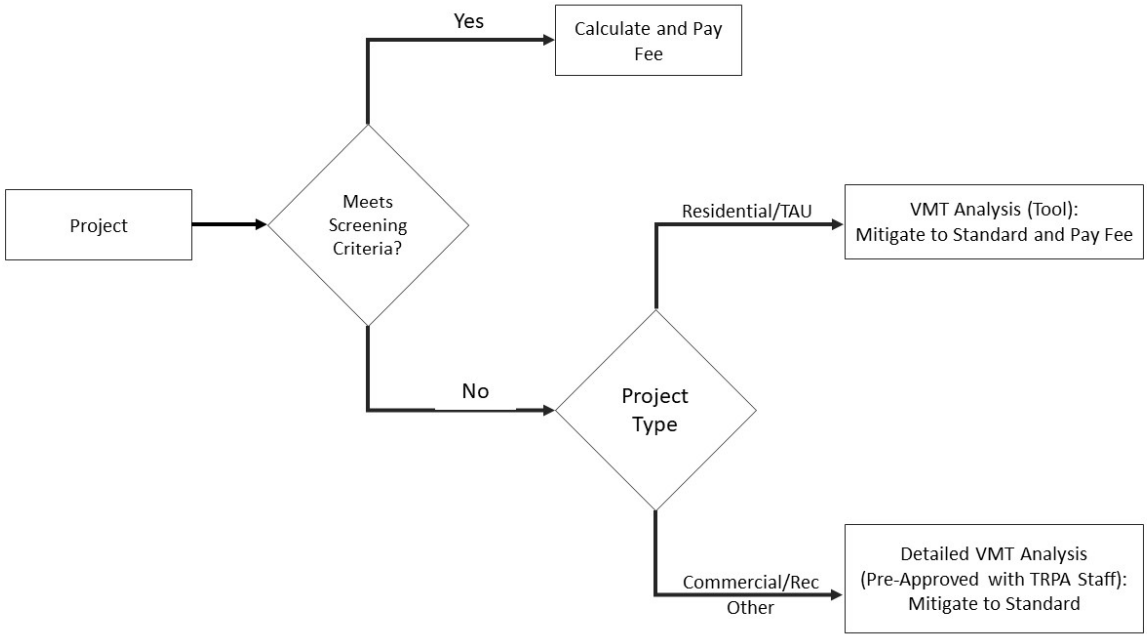
APPLICABLE LAND USE	VMT METRIC
Commercial	Total VMT
Public Service	VMT per Public Service Use
Recreation - Campgrounds	Evaluated on a case-by-case basis
Recreation – Other Uses	Total VMT
Residential Uses	VMT per resident
Tourist Accommodation Unit	VMT per TAU
Transportation Projects	Total VMT

65.2.4 Requirements for New Development

New development shall be subject to the requirements provided below and illustrated in Figure 65.2.4-1.

FIGURE 65.2.4-1

Project Impact Analysis and Mitigation Fee Process Summary



A. Applicant Responsibility

Project information about proposed uses, transportation demand management features included in the proposed project, vehicle trip generation, vehicle miles travelled, and other information relevant to the project and required for analysis of the project transportation impact shall be made available to TRPA by the applicant at the time application is made.

B. Project Impact Analysis

As part of the project application for new development, the applicant shall prepare and submit to TRPA an analysis of potential transportation and air quality impacts using the TRPA project impact analysis methodology. If more detailed VMT analysis than what can be provided using the project impact analysis methodology is necessary, the applicant shall submit a technically adequate analysis of potential transportation impacts in addition to the analysis from the project impact analysis methodology. If a project's impacts to air quality cannot fully be evaluated using the project impact analysis methodology,

additional air quality analysis may be required. ~~A traffic~~The analysis shall also include:

1. Impacts of the proposed project on regional and subregional air quality;

2. Measures necessary to mitigate all air quality impacts to a level consistent with the environmental thresholds, the Goals and Policies, the Regional Transportation Plan, and the 1992 Air Quality Plan; and

3. Additional information that TRPA may require.

C. Required Offsets

New development shall offset the potential transportation and air quality impacts of the project in accordance with the provisions provided below.

1. Regional and Cumulative Impact Fees

In order to offset regional and cumulative impacts, additional development shall contribute to the Mobility Mitigation Fund, except as provided for in subparagraph 2 below. The amount of contribution is established in subparagraph 65.2.4.D.

2. Regional and Cumulative Mitigation Measures

To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 65.2.4.C.1, additional development may provide mitigation measures. The cost of such measures shall be equal to or greater than the contribution required under subparagraph 65.2.4.C.1. Regional and cumulative mitigation measures may include, but are not limited to:

a. Transfer and retirement of remote offsite development rights;

~~b. Integration of affordable, moderate, and achievable (i.e., below market rate) housing into the project;~~

~~c.~~b. Offsite transit facility construction and other measures to increase transit accessibility;

~~d.~~c. Offsite facilities to reduce commuter trips;

~~e.~~d. Inclusion of features in the proposed development that will reduce vehicle miles travelled, including, but not limited to, publicly available parking restricted to carpool and transit users, transit facilities, bicycle facilities, and pedestrian facilities;

~~f. Contribution to the Mobility Mitigation Fund in an amount sufficient to pay for the necessary mitigation measures; and~~

~~g.~~e. Other measures included in the project impact analysis methodology.

3. Localized Mitigation Measures

In order to offset the localized impacts of a project, when a project impact analysis has been prepared pursuant to subparagraph 65.2.4.B, all necessary mitigation measures shall be required as a condition of project approval for all new development. Mitigation measures may include, but are not limited to:

a. Inclusion of features in the proposed development that will reduce vehicle miles traveled, including, but not limited to, publicly available parking restricted to carpool and transit users, transit facilities, bicycle facilities, and pedestrian facilities;

b. Unbundle parking costs from property costs and implement market price public parking;

c. Contribution to the Mobility Mitigation Fund in an amount sufficient to pay for the actual cost of the necessary mitigation measures after exhausting all project-level mitigation options; and

d. Other measures included in the project impact analysis methodology.

D. Fee Schedule

The mobility mitigation fee shall be assessed in accordance with the mitigation fee schedule in the Rules of Procedure. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region. Fee adjustments are limited to increases, even in instances when the calculation may result in a negative percentage growth, to preserve the intent of the mobility mitigation fee and maintain consistency with the costs to implement VMT reduction measures. The current mobility mitigation fee shall be included within the schedule provided in the Rules of Procedures subsection 10.8.5.

E. Limited Exception for New Development within Adopted Area or Community Plans

New development shall be exempt from the requirements of subparagraph 65.2.4.C if located within an adopted area or community plan~~,~~ where~~in~~ the ~~transportation and air quality~~ impacts under Threshold Standard TSC-1 were evaluated in the EIS, EA, or IEC for the area or community plan and ~~mitigated by the provisions of the area or community plan, shall be exempt from the requirements of subparagraph 65.2.4.C, provided~~ TRPA finds that the new development's impacts are mitigated by the implementation element of the area or community plan ~~as a whole meets~~ consistent with the standards of subparagraphs 65.2.4.B and 65.2.4.C.

65.2.5 Use and Distribution of Mitigation Funds

A. TRPA shall deposit mobility mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on ~~mobility~~ VMT mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District at the local jurisdiction's request, for expenditure within the jurisdiction of origin on VMT reducing projects and programs, provided TRPA finds that the expenditure is consistent with TRPA's Regional Transportation Plan constrained project list or the 1992 Air Quality Plan and is included as a project in the most recent transportation improvement program and Five Year Environmental Improvement Program (EIP) Priority Project List. . Pursuant to subparagraph 65.2.4.C.2, certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.

B. As an alternative to distributing mobility mitigation funds to the jurisdiction of origin, a portion of the mobility mitigation funds may be distributed across jurisdictional boundaries to support projects of regional priority that are specifically identified in a regional capital improvement program developed in cooperation with local jurisdictions, such as the Five Year Environmental Improvement Program (EIP) Priority Project List.

65.2.6 Revision of Fee Schedules

TRPA shall review the fee schedules in accordance with subsection 10.7 in the Rules of Procedure.

65.2.7 Mitigation Credit

The two programs below address mobility mitigation credit.

A. Mitigation Fee Credit

If a project approval expires and the project is not complete, then a mobility mitigation fee credit may be given for a subsequent similar project approval. This subparagraph shall not be construed to require a refund of a mobility mitigation fee. Credit shall be given if the following requirements are met:

1. The prior project approval was granted within the same project area as the project approval for which a credit is sought;

2. The applicant provides sufficient evidence of the payment of a mobility (previously air quality) mitigation fee; and

3. A mobility mitigation fee is required as part of the project approval for which a credit is sought.

B. Regional and Cumulative Mitigation Credit Programs

In those instances when a reduction in VMT will result from the implementation of a project that is in the most recent transportation improvement program and is an EIP Priority Project that is not associated with any required mitigation, TRPA may allow for a regional and cumulative mitigation credit to be given to the participating entities. Credit shall be given based on the number of VMT that will be reduced as a result of the proposed project. Credit cannot be awarded when the reduction in vehicle trips/VMT is a mitigation requirement pursuant to subparagraphs 65.2.4.C above. Candidate credit recipients shall submit a plan to TRPA describing the proposed project, quantifying the reduction in VMT, and specifying the areas where the credit can be used. The award of mitigation credit shall be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit shall be awarded at such time that the proposed project is implemented.

(12) Modify Subsection 65.3.1, *Purpose*, to read as follows:

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.3 BICYCLE AND PEDESTRIAN FACILITIES

65.3.1 Purpose

The requirements in this section are intended to implement ~~Map 5 of the Regional Plan (Bicycle and Pedestrian Facilities) and~~ the current Active Transportation Plan.

(13) Modify Subsection 65.3.3, *Standards*, Subparagraph E.1 to read as follows:

CHAPTER 65: AIR QUALITY/TRANSPORTATION

65.3 BICYCLE AND PEDESTRIAN FACILITIES

65.3.3 Standards

E. Relationship to Other Code Requirements

1. Mobility Mitigation

Any dedication made pursuant to this section may qualify toward required offsets of the mobility mitigation program (See Section 65.2.4.C).

(14) Modify Subsection 82.5.6 to read as follows:

CHAPTER 82: EXISTING STRUCTURES AND EXEMPT ACTIVITIES

82.5. QUALIFIED EXEMPT ACTIVITIES

No TRPA review and approval is necessary for the following activities if the activity fully meets one or more of the categories in this section and the applicant files a properly completed TRPA Qualified Exempt declaration form pursuant to subsection 2.3.7 with TRPA at least five working days before the activity begins.

82.5.6. A change in operation that generates less than 650 additional vehicle miles travelled and adds less than five additional motorized watercraft, provided there is no change from one use classification to another, the resulting use is allowed by this Chapter, there is no increase in threshold impacts (e.g., noise, water quality, etc.), and the applicant pays the applicable TRPA air quality mitigation fee.

(15) Delete the following terms from Section 90.2, *Definitions: Approved Center, Insignificant Increase, and Maintenance Area*

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section 81.5.

(16) Modify the following terms in Section 90.2, *Definitions* to read as follows:

CHAPTER 90: DEFINITIONS

90.2. OTHER TERMS DEFINED

For definitions of uses see Section 21.4 (List of Primary Uses), and Section 81.5.

Change in Operation
See subparagraph 65.2.3.A

Previous Use
See subparagraph 65.2.3.C

Trip Table
TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the trip table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe region by TRPA or other competent technical experts.

Vehicle Trip
A one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to and from the project during its maximum hours of operation for the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the trip table or other competent technical information.