TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

STAFF REPORT

Date: December 8, 2021

To: TRPA Governing Board

From: TRPA Staff

Subject: Chapter 65 and Rules of Procedure Amendments to Implement Mobility Mitigation Fee Update

---

Summary and Staff Recommendation:
In April 2021, the Governing Board approved changes to Chapter 65 of the Code of Ordinances regarding project impact assessment for transportation to implement the new Vehicle Miles Travelled (VMT) Threshold at the project level. The update of the Mobility Mitigation Fee (MMF) will fully align it with the new threshold by focusing on VMT mitigating projects from the recently adopted 2020 Regional Transportation Plan (RTP).

Staff recommends a fee rate of $218 per VMT. The rate is based on the 25-year timeframe of the RTP for both VMT mitigating project costs and projected VMT from added development. The Regional Plan Implementation Committee (RPIC) unanimously recommended adoption by the Governing Board of the proposed amendments at its November 17, 2021 meeting as well as waiving the fee for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units, with the impact of the waiver assessed during the mandated two-year threshold review process.

Staff will present a summary and technical analysis for the recommendation and seek approval from the full Governing Board for final action.

Required Motions:
In order to recommend adoption of the update to the Mobility Mitigation Fee, including amendments to the TRPA Code of Ordinance and Rules of Procedure, the Governing Board must make the following motions, based on the staff report:

1) A motion to adopt the findings, including a finding of no significant effect, as set forth in Exhibit 1 to Attachment B
2) A motion to adopt Ordinance 21 - __ amending Ordinance 2019-03, as previously amended to amend the Code of Ordinances as set forth in Exhibit 3 to Attachment B
3) A motion to adopt Resolution 21 - __ to amend the Rules of Procedures as set forth in Exhibit 4 to Attachment B

In order for motions to pass, an affirmative vote of four Board members from each state is required.

Background:
TRPA has long charged mitigation fees for environmental impacts from increased automobile trips associated with development. Fees are then used by the region's jurisdictions and implementing agencies to leverage larger monies, typically as matching funds for federal grants, to provide the transportation infrastructure necessary to implement the policies and achieve the goals of the Regional Plan and Regional Transportation Plan (RTP). Those goals include concentrating development in town centers, incentivizing affordable housing in those centers, promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on private automobiles. Fees that link land use and transportation also further the regulatory intent of executive order and legislation from both California (SB 375 and SB 743) and Nevada (SB 256 and Executive Order 2019-22) to address climate change.

The Regional Plan contains a detailed Implementation Element that includes developing a fee to offset impacts from development and redevelopment. TRPA established the Air Quality Mitigation (AQM) fee for this purpose. The AQM fee was calculated by estimating the cost of needed improvements over a four-year period and dividing that cost by anticipated growth. The AQM fee was last updated in 2007: $362.04 per average daily trip end. It has not been adjusted for inflation since 2006.

At its April 2021 meeting, the Governing Board approved revising the AQM fee to the MMF, basing the fee on average daily VMT instead of average daily trip ends, providing for annual inflation adjustments based on the Consumer Price Index for the San Francisco region, and indexing to the current RTP constrained project list.

The fee recommendation is rooted in a three-step process: 1) Identifying VMT reducing projects from the RTP constrained project list, 2) Identifying development's proportional share of future VMT, and 3) Apportioning the fee to new development.

1) VMT Reducing Projects
The VMT mitigating projects are drawn from the 2020 RTP constrained project list and represent both transportation system and transportation demand management projects.

RTP Focus Area	**Project Examples**	**2045**
Transit	Microtransit, Water Taxi, and Mobility Hubs	$185,651,396
Trails	Multi-Use Paths & Pedestrian Improvements	$156,761,335
Technology	Smartphone App, Parking Management, Adaptive Traffic Management	$17,611,931
Communities	Corridor Planning and Implementation	$190,456,381
Total		**$550,481,043**

2) Proportional Share
The proportional share of future VMT from development is based on the 2020 RTP, forecast to 2045, and its 25-year constrained project list. The use of the full planning horizon is consistent with wider practice in the field used to develop transportation mitigation fees, most equitably distributes costs across development years, and is the most supportive of implementing the VMT per capita threshold, which will largely be achieved through implementation of the 2020 RTP.

Timeframe	VMT Project Costs Minus Secured Funding	Development Share of Projected Future Average Daily VMT	New Development Proportion of VMT Reducing Projects
25-year: 2045	$550,481,043	6.8%	$37,432,711

3) Fee Apportionment

Apportioning the fee across all future VMT aligns with implementation of the transportation and sustainable communities threshold (TSC1) VMT per capita threshold at the project level and supports attainment of that threshold. Consistent with the AQM fee, staff proposes to attribute 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, Tourist Accommodation Units (TAU), and campgrounds) and 10 percent to VMT attractors (all other uses).

Discussion:

Several considerations can influence fee setting, including fees charged by peer communities, transportation grant matching funds requirements, adjustments for inflation, and fee variations by trip generating (bed base) or trip attracting (in-basin attractions) land uses.

Considering peer community fees is valuable and addresses the potential unintended consequence of incentivizing desired development in lower fee jurisdictions. However, fee purpose (e.g., mitigating VMT, offsetting roadway impacts from development, or some combination of the two) and transportation goals differ across jurisdictional and regional boundaries (e.g., peer communities do not have an equivalent VMT per capita threshold). Further, transportation goals, projects, and programs, associated costs, and funding available to implement them can vary by jurisdiction. Therefore, it is not recommended that the MMF be set to match peer communities' fees. However, comparing the equivalent fee rates of peer communities to the recommended MMF finds them to be reasonably close to one another.

For decades Tahoe's transportation improvements have largely been funded by federal grants and limited jurisdictional and implementing agency funds. Grants, jurisdiction, and agency funds for transportation are becoming more competitive, less reliable, and are on the decline. Using a maximum fee based on grant matching funds requirements could result in more successful federal transportation grants in the region because applications with larger matching funds are typically more competitive. More successful transportation grants would in turn advance the implementation of the 2020 RTP and attainment of the VMT per capita threshold. However, this approach would increase the share of average daily VMT that development and redevelopment would be required to mitigate to a proportion greater than its expected impact, i.e., 9.3% weighted average matching funds requirements versus 6.8% of future VMT.

One approach to fee setting could be to adjust the MMF to reflect inflation from 2006 to 2020. However, this approach would continue to be based on a four-year project list from 2002. As a result, the fee would not fully align with implementing the new VMT per capita threshold standard at the project level through implementation of the 2020 RTP and would not represent development's proportional share for reducing its future average daily VMT. Therefore, it is not recommended.

Varying the MMF by project location, with projects in lower VMT generating areas such as town and regional centers charged a lower fee than projects in more remote locations, could further incentivize development in locations that have a greater mix of land uses and more transportation options. This incentive is inherent to the project impact assessment process.

Recent VMT data from the TRPA model recognizes that fewer vehicle trips and shorter trip distances are made in town and regional centers. This results in lower average daily VMT for projects in those locations. For example, a single-family home in a lower VMT neighborhood, such as Al Tahoe in the City of South Lake Tahoe, generates less than half the VMT of the same development in a higher VMT neighborhood, such as Glenbrook in Douglas County: 23.71 VMT/residential unit versus 58.79 VMT/residential unit, respectively.

Recommendation:
The proposed fee rate reflects the proportional share of average daily VMT from added development (i.e., development and redevelopment) in the region and should be the basis for the MMF rate. This would align with implementation of the VMT per capita threshold at the project level and supports attainment of that threshold. Therefore, the recommended MMF rate is $218.00 per VMT.

Consistent with the AQM fee, staff proposes to attribute 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, Tourist Accommodation Units (TAU), and campgrounds) and 10 percent to VMT attractors (all other uses). The effective rate paid per unit of VMT then becomes $196.20 /VMT for VMT generators and $21.80/VMT for VMT attractors.

RPIC and TRPA staff recommends waiving the MMF for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units. This recommendation is consistent with broad support expressed by stakeholders and governing board members for reducing or waiving the fee during the MMF update consultation process.

The implementation program for the transportation and sustainable communities threshold standard (TSC1) includes specific reporting and evaluation requirements for progress and revenue collection (among other metrics) every two years and makes programmatic adjustment(s) as necessary to attain the threshold standard. This process will evaluate the fee waiver and make recommendations, as needed. Additional supplemental funding may need to be identified and included in the RTP in accordance with the VMT monitoring protocol in order to continue the fee waiver.

The fee recommendation will result in higher fees for all types of development. The tables below provide an example of the likely range of fees for residential and TAU projects. The tables illustrate that fees increase marginally for some and significantly for others because: (1) inflation, (2) overall costs of RTP project costs, and most significantly, (3) location.

Use: Residential	**Old Trip-Based Fee (Inflation Adjusted fee)**	**Proposed VMT-Based Fee**
Low VMT Area	$3,258 ($4,673)	$3,738
Average VMT Area		$6,478
High VMT Area		$13,127

The average fee a residential unit would pay increases by 47% from the AQM fee, a third of which is attributable to inflation since 2006. The proposed fee recognizes location matters and so projects in lower VMT areas would pay lower fees and projects in higher VMT areas would pay higher fees.

The following table summarizes the estimated per unit fee for a TAU project and compares the fee to the AQM fee.

Use: Tourist Accommodation (TAU)	Old Trip-Based Fee (Inflation Adjusted Fee)	VMT-Based Fee
Low VMT Area	$2,724 ($3,907)	$6,020
Average VMT Area		$9,597
High VMT Area		$15,780

The average fee for a TAU would increase significantly, 17% of which is attributable to inflation since 2006. The higher fee for TAUs is due to the fee calculation recognizing longer trip lengths (i.e., VMT) associated with these land uses.

Fees paid by commercial development are more difficult to estimate because of the large variation in VMT generated by different types of commercial development (e.g., a high-turnover restaurant has a significantly different impact than an apparel store), project size, and location. With new commercial development representing only 2.2% of projected VMT growth by 2045 and the influence of these variables, an estimate of average costs for commercial development was not undertaken.

The project impact assessment process evaluates a project's net-VMT impact, meaning redevelopment is assessed and charged a fee only when it generates a net increase in VMT. Additionally, the process recognizes and encourages projects located in low-VMT areas, such a town centers, and VMT reducing strategies, such as project design, VMT mitigations, and jurisdiction VMT credit programs, which can further reduce a project's VMT effect. These VMT reductions will be reflected in lower MMF fees.

TRPA's Mitigation Fund Release Policy Guidelines (Attachment C in the packet) detail how collected mitigation funds can be used. The draft guidelines stipulate that MMF funds shall be used only for VMT mitigating transportation projects. Use of up to 25% of MMF funds may still be set aside for EIP project/program related administration, regular operations and maintenance costs or monitoring expenditures. Use of the fees will continue to require approval by the TRPA Governing Board to ensure funds reduce VMT in the region.

Air quality related projects, such as street sweepers, vacuum trucks, and wood stove retrofit program, will not be eligible for MMF funds. The balance of fees collected under the previous Air Quality Mitigation Fee (AQMF) program can be used for VMT and air quality projects by local jurisdictions until expended. In addition, other mitigation funds may be available for projects that benefit other resource areas (e.g., water quality).

Public Comment:
Comments received through stakeholder outreach with members of the development and affordable housing development communities, local jurisdictions, and the League to Save Lake Tahoe, and from the RPIC at their October 2021 meeting, expressed broad support for the update, and specific concerns, from the impact higher fees may have on development, and more specifically affordable, moderate, and achievable housing development (i.e., workforce housing), to the fee's ability to incentivize development in and near to town centers. The final recommendation presented here responds to each of the comments and concerns received.

Placer County is updating their Tahoe Transportation Fee simultaneous to the MMF update. Placer County has requested the two fees be coordinated and avoid duplication. Staff are working with Placer County to address these implementation concerns.

Contact Information:
For questions regarding this agenda item, please contact Melanie Sloan, Senior Transportation Planner, at (775) 589-5208 or msloan@trpa.gov.

Attachments:
A. Mobility Mitigation Fee Update Policy Paper
B. Resolution 2021-__ to Adopt Amendments to Article 10.8.5 of the TRPA Rules of Procedure
    - Exhibit 1 Required Findings
    - Exhibit 2 Mobility Mitigation Fee Initial Determination of Environmental Impact Checklist
    - Exhibit 3 Amendments to Code of Ordinances
    - Exhibit 4 Amendments to Rules of Procedure
C. Mitigation Fund Release Policy Guidelines

Attachment A

Mobility Mitigation Fee Update Policy Paper

TAHOE REGIONAL PLANNING AGENCY

ATTACHMENT A:
MOBILITY MITIGATION FEE UPDATE POLICY PAPER

DECEMBER 7, 2021

Background

Mitigation and impact fees ensure that added development contribute their fair share to promote regional mobility and reduce vehicle miles travelled (VMT) but cannot be imposed to address existing deficiencies except where they are worsened by added development.

TRPA is authorized to charge mitigation fees per 65.2.5 (C) Standards for Changes in Operation – Required Offsets in the TRPA Code of Ordinances. Fees are used by the region's jurisdictions and implementing agencies to leverage larger monies, typically as matching funds for federal grants, to provide the transportation infrastructure necessary to implement the policies and achieve the goals of the TRPA Regional Plan and Regional Transportation Plan (RTP). Those goals include concentrating development in town centers, incentivizing affordable housing in those centers, and promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on private automobiles.

Additionally, mitigation fees abate a project's environmental impacts through actions identified in an adopted plan's Environmental Impact Report (EIR), such as the Regional Transportation Plan's EIR.

Under Federal case law findings, mitigation fees require (a) a nexus between the impact and fee charged (Nollan v. California Coastal Commission[1]), and (b) rough proportionality between the burden created and the fee charged (Dolan v. City of Tigard[2]).

In California, mitigation fees attributed to added development are subject to the Mitigation Fee Act (Government Code §§ 66000-66025[3], commonly referred to as "AB 1600 requirements"). In Nevada, NRS 278B[4] defines the methodology for charging mitigation fees.

Updating the TRPA mitigation fee requires a revision of the TRPA Code of Ordinances and Rules of Procedure and Governing Board action at a public hearing.

Air Quality Mitigation Fee

The adopted Regional Plan Goals and Policy for the Lake Tahoe Region contains a detailed Implementation Element.

Policy 2 of Goal #4 of the Development and Implementation Priorities Sub-element states:

ALL PROJECTS SHALL OFFSET THE TRANSPORTATION AND AIR QUALITY IMPACTS OF THEIR DEVELOPMENT

> *The implementing Ordinances for the Regional Plan will define stationary sources of air pollution that may locate in the Region and define what constitutes a significant environmental impact on air quality from stationary sources. Commercial and residential developments both contribute indirect impacts to air quality by increasing the number of vehicle trips in the Region. The cumulative impacts of such trips are significant.*

[1] Nollan v. California Coastal Commission | Case Brief for Law School | LexisNexis
[2] Dolan v. City of Tigard | Case Brief for Law School | LexisNexis
[3] Codes Display Text (ca.gov)
[4] NRS: CHAPTER 278B - IMPACT FEES FOR NEW DEVELOPMENT (state.nv.us)

The Ordinances will establish a fee to offset the impacts from minor projects. The fee will be assessed on both commercial and residential development. The ordinances will also define what projects have significant environmental impacts; these projects will be required to complete an EIS and mitigate air quality and traffic impacts with specific projects and programs.

In addition to this, Goal #1 of the Financing sub-element states:

In cooperation with other agencies, provide funds to carry out the capital improvements program and other programs of the Regional Plan, provide for the revenue sources that distribute costs equitably among users of the basin, meet performance objectives, and attain environmental thresholds.

Mitigation of development impacts is often financed through fees imposed at the time of project approval.

TRPA established the Air Quality Mitigation (AQM) fee to address these policies.

Rate Determination

The AQM fee was calculated by estimating the cost of needed improvements over a defined time period and dividing that cost by anticipated growth.

The TRPA EIP estimated that, between fiscal year 2002 and fiscal year 2006, approximately $94.0 million would be needed to implement transit, bicycle, and pedestrian projects and programs from the EIP project list that provide both transportation and air quality benefits. Vehicle trips for 2006 were forecasted to identify future demand. The growth rate of the proportion of trips that were internal to the TRPA region was then applied to the estimated project costs to determine the total costs attributed to added development.

Charging the Fee

The AQM fee was calculated using the average daily vehicle trip ends (DVTE), determined by multiplying the appropriate ITE Trip Generation Manual land use trip rate by the size of the project (e.g., number of residential units, thousand square feet of commercial floor area, number of bowling lanes, etc.).

Each trip has an origin and a destination. The origin is the production of the trip, and the destination is the attraction of the trip, with each being responsible for a proportional share of the trip's impact to transportation. Since 1987, TRPA has weighted the origin/production of a vehicle trip at 90 percent, and the destination/attraction end of the trip at 10 percent. Within this framework, "beds" account for the origins/productions (e.g., houses, hotel/motel rooms, campgrounds) and commercial, recreation, public service, and other uses as the destinations/attractions.

AQM Fee Rate

The AQM fee rate was last updated in 2007 to $362.04 per DVTE. It was charged based on a project's land use and calculated DVTE[5]:

- Residential $325.84 per DVTE
- Commercial $36.20 per DVTE

[5] Per the TRPA-Mitigation Fees (03/08).

- Tourist Accommodation Unit $325.84 per DVTE
- Campsites & RV sites $325.84 per DVTE
- Other $36.20 per DVTE

Inflation

Section 93.6 of the Code of Ordinances also states:

> *As part of the biennial revisions to the Regional Transportation Plan, TRPA shall review the fee schedules in 93.3D and 93.4 D in light of the costs of needed improvements and the funds available to support those improvements, and recommend adjustments to the fee schedules as appropriate.*

In 2007, the AQM fee was updated by the TRPA Governing Board using the California Construction Cost Index through 2006 as an inflationary index. However, the fee has not been adjusted for inflation since and so is not indexed to the current RTP constrained project list.

Mobility Mitigation Fee

The Governing Board, at its April 28, 2021, approved changes to the Code of Ordinance project impact assessment process to implement the new VMT Threshold at the project level. The changes included renaming the AQM fee to the Mobility Mitigation Fee (MMF), basing the fee on average daily VMT instead of average daily trip ends, and providing for annual inflation adjustments based on the Consumer Price Index for the San Francisco region[6].

These updates further the approach of the Regional Plan to concentrate development in town centers and incentivize affordable and achievable housing in those centers; the vision and goals of the RTP for promoting mobility, reducing mobile source greenhouse gas emissions, and reducing reliance on the private automobile through implementing the priority transportation projects from the Bi-State Consultation; and the sustainable revenue planning process that seeks to fill the gap in transportation funding needed to fully implement the RTP vision.

Finally, charging the MMF based on a development project's net generated VMT furthers the land use and transportation connection regulatory intent of executive order and legislation from both California (SB 375[7] and SB 743[8]) and Nevada (SB 256[9] and Executive Order 2019-22[10]) to address climate change.

---

[6] 65.2.4.D of the TRPA Code of Ordinances

[7] Bill Text - SB-375 Transportation planning: travel demand models: sustainable communities strategy: environmental review. (ca.gov)

[8] Bill Text - SB-743 Environmental quality: transit-oriented infill projects, judicial review streamlining for environmental leadership development projects, and entertainment and sports center in the City of Sacramento. (ca.gov)

[9] SB256 Overview (state.nv.us)

[10] Executive Order 2019-22 Directing Executive Branch to Advance Nevada's Climate Goals (nv.gov)

What remains is the need to update the MMF to fully align with the new VMT threshold by focusing on VMT mitigating projects from the recently adopted RTP constrained project list and to update the MMF to further incentivize deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units[11] through waiving mitigation fees on these projects.

Mobility Mitigation Fee

There are three elements to the MMF:

1. Fee structure: identifying impacts to transportation that are subject to the fee
2. Fee amount: the fee to be charged based on quantifying the identified impact, and
3. Fee use: identifying projects that are eligible to use fees

The following sections discuss each of these three elements and provides the background and reasoning for the scenario analysis and fee recommendation sections that complete this report.

Fee Structure

The April 2021 Governing Board approved Code of Ordinance updates to the project impact assessment process to implement the VMT per capita threshold at the project level.

The updated process requires all projects mitigate their impacts to transportation through paying the MMF and, for projects that produce significant VMT per defined levels based on a project's land use type(s)[12] and location, do more at the project level.

The project impact assessment process defined deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units[11] as having a less-than-significant VMT impact absent evidence to the contrary and so exempted these projects from further analysis but did not address waiving payment of the fee.

An applicant determines a project's net generated VMT, and significant VMT if applicable, by conducting a VMT assessment (described in the TRPA Project Impact Assessment Guidelines[13]). For many projects, the online project impact assessment tool[14], developed by TRPA staff, can be used to calculate the net VMT generated by the project and the MMF amount.

Fee Use

TRPA's Mitigation Fund Release Policy Guidelines (Attachment C in the packet) detail how collected mitigation funds can be used. The draft guidelines stipulate that MMF funds shall be used only for VMT mitigating transportation projects. Use of up to 25% of MMF funds may still be set aside for EIP project/program related administration, regular operations and maintenance costs or monitoring expenditures.

---

[11] Residential bonus unit-eligible areas include areas within one-half mile of existing transit stops or designated town centers, or where multi-family dwellings are an allowed or special use (TRPA Code Subparagraph 52.3.4.F).

[12] Chapter 65: Air Quality / Transportation of the TRPA Code of Ordinances details the defined levels

[13] Found at TRPA.gov under Permitting à Applications & Forms à General

[14] https://trpa.shinyapps.io/PIA_Tool/

Air quality related projects, such as street sweepers, vactor trucks, and wood stove retrofit program, will not be eligible for MMF funds. The balance of fees collected under the previous Air Quality Mitigation Fee (AQMF) program can be used for VMT and air quality projects by local jurisdictions until expended. Use of the fees will continue to require approval by the TRPA Governing Board to ensure funds reduce VMT in the region.

Similar projects to those included in the MMF VMT mitigating project list (Attachment A), or projects that provide substantial evidence of VMT mitigation benefits, may be eligible for use of collected mobility mitigation funds upon approval of TRPA staff and the TRPA Governing Board. The project list is not exhaustive but is representative of the types of projects that could use mobility mitigation funds.

Fee Amount

There are two steps to determining an updated MMF. The first calculates the MMF amount by selecting the timeframe of VMT mitigating projects and determining the proportional share of future VMT for which development and redevelopment (i.e., added development) is responsible. The second step is setting the MMF, which can be any amount up to, but not over, the calculated fee. The following two sections detail the background and reasoning for each step.

Calculated Fee

VMT Mitigating Projects

The VMT mitigating projects are drawn from the 2020 RTP constrained project list. The projects are part of a larger system of transportation improvements that includes transportation demand management and transportation system management programs. Projects range from construction of sidewalks to micro-transit and are supplemented by travel-demand management programs such as employee shuttles and end of trip facilities to encourage walking and biking to work. Each of these contribute to achieving and maintaining the VMT per capita Threshold and result in fewer VMT in the region from added development.

Where project costs include non-VMT reducing elements, for example relocating existing utility lines underground, the project costs are adjusted to remove those elements. Secured funding and associated project and program operating costs are also not included in the project cost calculations. Further, the MMF will not duplicate costs associated with local jurisdiction VMT mitigation fee(s), transportation improvements required for project mitigations, or those provided as project benefits.

Attachment A lists the VMT mitigating projects used for calculating the MMF.

Timeframes

VMT mitigating project costs and apportioning development's share of projected future VMT is the 25-year (2045) timeframe of the 2020 RTP and the 2020 RTP 25-year constrained project list. The full-plan approach is the most common used to develop transportation impact or mitigation fees, most equitably distributes costs across development years, and is the most supportive of implementing the VMT per capita threshold, which will largely be achieved through implementation of the 2020 RTP.

Table 1: 25-Year VMT Mitigating Project Costs from the 2020 RTP

	VMT Project Costs Minus Secured Funding
25-year: 2045	$550,481,043

VMT Reducing Project Types

Table 2 summarizes the VMT mitigating project costs by RTP Focus Areas (Transit, Trails, Technology, and Communities).

Table 2: Project Costs by Type

RTP Focus Area	Project Examples	2045
Transit	Microtransit, Water Taxi, and Mobility Hubs	$185,651,396
Trails	Multi-Use Paths & Pedestrian Improvements	$156,761,335
Technology	Smartphone App, Parking Management, Adaptive Traffic Management	$17,611,931
Communities	Corridor Planning and Implementation	$190,456,381
Total		**$550,481,043**

VMT from Added Development

The same approach to apportioning projected average daily VMT from added development is used, 25-year (2045), which represents 6.8% of all total projected VMT by 2045 (Table 3).

Table 3: Average Daily VMT from Development by 2045

	Total VMT in the Region in 2045	VMT from New Development	Development Share of Projected Future Average Daily VMT
25-year: 2045	1,410,202	95,476	6.8%

Average Daily VMT by Land Use Type

New average daily VMT from added development were quantified by land use type for the 25-year timeframe. (Table 4)

Table 4: Average Daily VMT from Development

Residential Units				
	Base Year (2018)	**Average Daily VMT[15] (2018)**	**Annual Rate of Development**	**New Units/*New VMT***
				2045
UNITS	47,655	18.0	172	4,597/ *82,699*

[15] Includes trips from STRs, seasonal residents, and full-time residents. Commercial Trips from Full Time Residents, Seasonal Residents, and Visitors staying in STRs are assigned 90% of the trip length

Tourist Accommodation Units (TAU)				
	Base Year (2018)	**Average Daily VMT[16] (2018)**	**Annual Rate of Development**	**New Units/*New VMT***
				2045
UNITS	11,107	11.3	35	945/ *10,721*
Commercial Floor Area (CFA)				
	Base Year (2018)	**Average Daily VMT[17] (2018)**	**Annual Rate of Development**	**New Units/*New VMT***
				2045
UNITS	6,327,319	0.01	7,650	206,550/ *2,055*
Total Average Daily VMT from Development				*95,475*

Development Share of Future VMT

To determine added development's proportional share of VMT mitigating project costs, development's proportional share of future VMT (6.8%) was applied to the 25-year VMT mitigating project costs from the 2020 RTP (Table 5).

Table 5: Proportional Cost to Mitigate Average Daily VMT of Future Development

Timeframe	VMT Project Costs Minus Secured Funding	Development Share of Projected Future Average Daily VMT	New Development Proportion of VMT Reducing Projects: Timeframe
25-year: 2045	$550,481,043	6.8%	$37,432,711

Maximum Fee Rate

The calculated fee rate divides the VMT mitigating project costs by the future average daily VMT from added development. The final step is to revise this calculation to adjust for the standard practice for project level analysis, which assumes full occupancy of all projects (where the regional VMT forecast includes a blend of unoccupied and occupied, similar to current development), and for TRPA's approach to apportioning trips between projects that generate trips and attracts trips (as described in the Charging the Fee section of this document). Adjusting for these differences results in a maximum fee rate of $218 per VMT. (Table 6).

[16] Commercial Trips from Overnight Visitors Staying in TAUs are assigned 90% of the trip length

[17] Average daily VMT From All Work, Shopping, Eating, Gaming, and Other Trips are assigned 10 % of the trip length

Table 6: Maximum Fees

Fee Approach	New Development % of VMT Reducing Project Costs	Total Average Daily VMT from Development	Calculated Fee per VMT	Maximum Fee per VMT
25-year: 2045	$37,432,711	95,476	$392.06	**$218.00**

Setting the Fee

The MMF may be set up to the maximum fee, $218.00. Several considerations may influence the decision for the fee amount, which are detailed in the next sections

Peer Communities

Similar fees charged within the Region and in nearby communities could be considered when setting the MMF to ensure that the fees are in line with those charged in nearby communities and to address the potential unintended consequence of incentivizing desired development in lower fee jurisdictions.

However, no communities in or near to the region charge a strictly VMT mitigating fee. Rather, all fees considered here also fund roadway improvements. This is important to consider when comparing the fees as the MMF is strictly for mitigating project impacts to transportation, while fees that include roadway improvements are revenue generating to offset the vehicular impacts of a project.

The scenario analysis section evaluates the maximum fee and the fees considered here.

Fees in the Tahoe Region

Placer County

Placer County is the only jurisdiction within the Tahoe region that charges a Traffic Impact fee[18]: $5,440 per dwelling unit equivalent[19] for both residential and commercial development. Placer County is in the process of updating its fee to one based on VMT (the fee will continue to include roadway improvements). Placer County's fee update will be completed over the next several months and is anticipated to be effectively similar in rate to the current fee.

Fees Outside of the Tahoe Region

El Dorado County

The El Dorado County Traffic Impact Mitigation[20] fee uses a dwelling unit equivalent[19] to calculate the fee amount. In El Dorado County, fees vary by three defined zones. Zone A includes all rural areas of El Dorado County including those adjacent to the Tahoe region. Zone B includes Shingle Springs and Cameron Park areas. Zone C includes the El Dorado Hills area. The El Dorado County portion of the Tahoe region is not included in any zone and thus projects in Tahoe do not pay county traffic impact mitigation fees.

---

[18] Traffic Impact Fee Program | Placer County, CA

[19] Dwelling unit equivalency uses the transportation impact of an average single-family residence as the uniform standard of measure of a project's transportation impact.

[20] Traffic Impact Fees Schedule (edcgov.us)

The Traffic Impact Mitigation fee varies by project size, with single-family residence ranging from $7,882 to $32,675, depending on the size of the residence and the zone, with smaller residences charged less than larger ones. To simplify the analysis, fees for an average single-family residence were calculated, assuming a size of 2,000 and 2,999 square feet. Fees for nonresidential uses range from $.27 to $10.18 per square foot depending on the land use type and zone. Fees for Tourist Accommodation Units (TAUs) range from $302 to $1,839 per room, depending on the zone. (Table 7)

Table 7: El Dorado County Traffic Impact Mitigation Fee

Land Use	**Traffic Impact Mitigation Fee: Zone A (Rural)**	**Traffic Impact Mitigation Fee: Zone B (Cameron Park & Shingle Springs)**	**Traffic Impact Mitigation Fee: Zone C (El Dorado Hills)**
Single Family Residential[21]	$9,697	$23,343	$30,333
Multi-Family Residential[21]	$5,749	$13,715	$16,931
Non-Residential Uses (per square foot)	$.27 - $1.69	$1.18 - $7.34	$1.68 - $10.41
Tourist Accommodation Unit (per room)	$305	$1,326	$1,880

Placer County

Outside of the Tahoe Region, Placer County charges a Traffic Impact Fee[18] using a dwelling unit equivalency[19] based on the district where the project is located. Districts directly to the east and north of the Tahoe Region are charged $3,993 per dwelling unit equivalent for both residential and commercial development (Placer East District) and $5,393 per dwelling unit equivalent for residential development and $2,805 per dwelling unit equivalent for commercial development (Foresthill District) (Table 8).

Table 8: Placer County Traffic Impact Fee

Land Use	**Traffic Impact Fee**	
All Types	Placer East District	Foresthill District
	$3,993 per dwelling unit equivalent	
Residential		$5,393 per dwelling unit equivalent
Commercial		$2,805 per dwelling unit equivalent

[21] Not age restricted

RTC Washoe

RTC Washoe, covering Reno, Sparks, and Washoe County outside of Tahoe, charges a Regional Road Impact fee[22]. The fee is charged to development based on the VMT it generates. The fee is charged per dwelling unit for residential uses, gross floor area for commercial, retail, industrial, and office uses, except for lodging (which is charged per room) and regional recreation facility (which is charged per acre). The per VMT fee is $328.34 per VMT for the North Service Area and $320.63 per VMT for the South Service Area. This equates, depending on zone, to a single-family residence being charged $4,559.36 to $4,934.95, a multi-family residence being charged $3,103.70 to $3,358.92 per dwelling unit, land uses charged based on gross floor area paying from $1.46 to $46.90 per 1,000 GFA, depending on use, TAUs being charged $1,035.63 to $1,119.64 per room, and regional recreation facilities being charged $705.39 to $761.75 per acre (Table 9).

Table 9: RTC Washoe Regional Road Impact Fees

Land Use	**Regional Road Impact Fee**	
	North Service Area	**South Service Area**
Single Family Residential	$4,934.95	$4,559.36
Multi-Family Residential	$3,358.92	$3,103.70
Commercial	From $1.54 – $46.90 per gross floor area, depending on use	From $1.46 - $44.37 per gross floor area, depending on use
Tourist Accommodation Unit	$1,119.64 per room	$1,035.63 per room
Regional Recreation Facility	$761.75 per Acre	$705.39 per Acre

Truckee

The Town of Truckee charges a Traffic Impact Fee[23] on all development. Charges are per square foot for residential, commercial (except gas stations, which are charged per fueling station), industrial, and institutional (except for public parks, which are charged per acre) uses, and a per room fee for TAU. Fees vary by type of land use for all but residential land uses (Table 10).

[22] 6th-Edition-RRIF-Brochure-Index-Year-1-2020.12.01.pdf (rtcwashoe.com)
[23] 637511399657500000 (townoftruckee.com)

Table 10: Town of Truckee Traffic Fee

Land Use	Traffic Fee	Exception
Residential (all types)	$2.60 per square foot	
Commercial	$9.46 - $55.7 per square foot	Gas Station: $11,363 per fueling station
Industrial	$2.03 - $6.16 per square foot	
Institutional	$4.57 - $12.89 per square foot	Public Park: $1,270 per Acre
Tourist Accommodation Unit	$4,444 per room	

Scenario Analysis

Single family residential development is the largest proportion of projected land use development in the Tahoe region (Table 4), and so is used as the example land use type for a fee setting scenario analysis.

The scenario analysis assumes an average single-family residence is 2,500 square feet, is fully occupied, and is represented by the region's average daily VMT estimate for an occupied single-family residence: 28.9 VMT.

Comparison Fees

The calculated fee as shown in Table 6 in the Maximum Fee Rate section of this document is compared to per VMT fee equivalents of fees discussed in the Fee Setting Considerations section of this report (Table 11).

Table 11: Fee Comparison

Fee Comparison (Average single-family residence: 2,500 square feet, fully occupied, 28.9 VMT)	Fee	Equation	Equivalent Fee per Average Daily VMT
Placer-Placer East	$3,993	/28.9 VMT	**$138.37**
RTC Washoe – South	$4,559.36	/28.9 VMT	**$157.99**
RTC Washoe – North	$4,934.95	/28.9 VMT	**$171.01**
Placer-Foresthill	$5,393	/28.9 VMT	**$186.88**
Placer – in Region	$5,440	/28.9 VMT	**$188.51**
Maximum Fee: 25-year Timeframe			**218.00**
Truckee	$2.60 per square foot	* 2,500 square feet & /28.9 VMT	**$224.91**
El Dorado - zone A (rural)	$9,613	/28.9 VMT	**$333.11**
El Dorado - zone B (Diamond Springs to Cameron Park)	$24,062	/28.9 VMT	**$833.80**
El Dorado - zone C (El Dorado Hills)	$29,704	/28.9 VMT	**$1,029.31**

Considering peer community fees is valuable and addresses the potential unintended consequence of incentivizing desired development in lower fee jurisdictions. However, fee purpose (e.g., mitigating VMT, offsetting roadway impacts from development, or some combination of the two) and transportation goals differ across jurisdictional and regional boundaries (e.g., peer communities do not have an equivalent VMT per capita threshold). Further, transportation projects and programs, associated costs, and funding available to implement them can vary by jurisdiction.

Setting the MMF to match those of peer communities is prone to overlooking these impactful variations. Therefore, it is not recommended that the MMF be set to match peer communities' fees. However, review of the equivalent fee rates (Table 11) finds the maximum fee to be reasonably close to those of peer communities

Other Considerations

A few additional considerations to peer community fees were analyzed. Those considerations are detailed below.

Matching Fees

For decades, Tahoe's transportation improvements have largely been funded by federal grants and limited jurisdictional and implementing agency funds. Grants, jurisdiction, and agency funds for transportation are becoming more competitive, less reliable, and are on the decline. Using a maximum fee based on matching funds requirements could result in more successful federal transportation grants in the region because applications with larger matching funds are typically more competitive. More successful transportation grants would in turn advance the implementation of the 2020 RTP and attainment of the VMT per capita threshold.

This approach recognizes the importance of mitigation funds to attaining additional funding for the total project costs.

Grant funding match requirements vary by state:

- California requires 11.47% local match
- Nevada requires 5% local match

This approach uses a weighted average of the two state's match requirements, based on the region being one-third in Nevada and two-thirds in California: 9.31%.

Table 12 shows the calculation of a maximum fee using this approach and compares it to the approach determined in the Maximum Fee section:

Table 12: Matching Funds Maximum Fee

Timeframe	VMT Project Costs Minus Secured Funding	Matching Funds Requirement	New Development Proportion of VMT Reducing Projects: Matching Funds	Total Average Daily VMT from Development	Maximum Fee per VMT
Matching Funds: 2045	$550,481,043	9.31%	$43,701,504	95,476	**$457.72**
Maximum Fee:		6.8%	$37,432,711		**$218.00**

Though this approach links the proportion of VMT mitigating project costs to the role of the mitigation funds to leverage larger funding sources to implement the VMT reducing projects in the region it would increase the share of average daily VMT that added development would mitigate to a proportion greater than its impact, i.e., 9.3% weighted average matching funds requirements versus 6.8% of future VMT.

The TRPA led Transportation Sustainable Funding Initiative[24] is being undertaken in recognition of the need for additional transportation funding in the region to deliver the projects and programs of the 2020 RTP. The initiative is the appropriate avenue for identifying additional funding for more successful grant applications and to more fully support jurisdiction and implementing agency implementation of VMT mitigating projects without federal grant funds.

Because of the disproportionate impact this approach would have on added development and the ongoing Transportation Sustainable Funding Initiative, the matching funds maximum fee is not recommended.

Revenue Neutral

A revenue neutral approach to setting the MMF would ensure that the fee approximates the annual revenue received under the AQM fee.

A revenue neutral approach is calculated using the average daily VMT of an occupied single-family residence (28.9) to determine the fee amount. Dividing the average AQM fee paid by single-family residential development since 2007 ($3,258.00) by 28.9 average daily VMT results in a per VMT fee amount of: $112.73.

However, the AQM fee rate had not been adjusted for inflation since 2006, as discussed in the Inflation sub-section of the Air Quality Mitigation Fee section above. Therefore, this approach has significantly less purchasing power than was intended by the 2007 Governing Board's approval of an annual inflation adjustment and so should not be advanced.

Inflation Adjusted

One approach to fee setting could be to adjust the AQM fee rate for inflation through 2020 using the Consumer Price Index for the San Francisco region[25], which equates to a per trip fee amount of $522.37 (Table 13: Current Fee Rate Adjusted for Inflation).

Table 13: Current Fee Rate Adjusted for Inflation

Year	Inflation Rate	Inflation Adjusted Fee Rate	AQM Fee Rate
2007	3%	$ 373.89	$362.04
2008	3%	$ 381.14	
2009	1%	$ 397.66	
2010	1%	$ 395.78	
2011	3%	$ 425.84	

[24] Sustainable Funding Initiative Tahoe Regional Planning Agency — TRPA

[25] CPI San Francisco Source: https://data.bls.gov/pdq/SurveyOutputServlet?data_tool=dropmap&series_id=CUURS49BSA0,CUUSS49BSA0

Year	Inflation Rate	Inflation Adjusted Fee Rate	AQM Fee Rate
2012	3%	$ 432.56	
2013	2%	$ 437.16	
2014	3%	$ 449.84	
2015	3%	$ 454.68	
2016	3%	$ 466.46	
2017	3%	$ 488.00	
2018	4%	$ 508.23	
2019	3%	$ 512.09	
2020	2%	**$ 522.37**	

Since 1987, TRPA has weighted the origin/production of a vehicle trip at 90 percent, and the destination/attraction end of the trip at 10 percent. Within this framework, "beds" account for the origins/productions (e.g., houses, hotel/motel rooms, campgrounds) and commercial, recreation, public service, and other uses as the destinations/attractions.

To determine the equivalent fee for an average single family residential development the inflation adjusted fee is multiplied by 90% and then multiplied by the average DVTE in Tahoe for a single-family residential development: 9.98. Multiplying this rate by the inflation adjusted mitigation fee rate produces an equivalent inflation adjusted mitigation fee:

$522.37 * .90 = $475.11

$475.11 x 9.88 trips = $4,694.09

Dividing this fee by the average daily VMT for an occupied single-family residence (28.9) results in a per VMT fee amount of: $162.43.

However, this approach would continue to be based on a four-year project list from 2002. As a result, the fee would not fully align with implementing the new VMT per Capita Threshold at the project level through implementation of the 2020 RTP and would not represent development's proportional share for reducing its future average daily VMT. Therefore, it is not advanced for consideration.

Variation Factor by Location

Varying the MMF rate by project location, with projects in lower VMT generating areas such as town and regional centers charged a lower fee rate than projects in more remote locations, could further incentivize development into locations that have a greater mix of land uses and more transportation options.

This incentive is inherent to the project impact assessment process. Recent VMT data from the TRPA model recognizes that fewer vehicle trips and shorter trip distances are made in town and regional centers. This results in lower average daily VMT for projects in those locations. For example, VMT for a single-family residential development in a lower VMT neighborhood, such as Al Tahoe in the City of South Lake Tahoe, generates less than half the VMT of the same development in a higher VMT neighborhood, such as Glenbrook in Douglas County: 23.71 VMT/residential unit versus 58.79 VMT/residential unit, respectively.

This variation would be reflected in the per VMT fees paid be these two developments, meaning the Al Tahoe residential development would pay less and, conversely, the Glenbrook residential development would pay more.

Therefore, a location-based adjustment to the MMF would duplicate the effect of the data and the project impact assessment process and so is not advanced for consideration.

Fee Recommendation

Maximum fees most accurately reflect the proportional share of average daily VMT from added development in the region and so should be the basis for the MMF rate. Therefore, the recommended MMF rate is $218.00 per VMT. Consistent with the AQM fee, TRPA proposes to attribute 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, tourist accommodation units, campgrounds) and 10 percent to VMT attractors (all other uses). The final proposed per VMT MMF then becomes $196.20 /VMT for VMT generators and $21.80/VMT for VMT attractors.

Affordable Housing

The need for more affordable, moderate, and achievable housing in the Tahoe Region has been identified by numerous jurisdictions and independent groups. TRPA and partners have responded to the need with adopted policies and implemented programs to encourage development of these housing types. The Tahoe Living Working Group has identified fees as an impediment to the development of affordable and workforce housing and is exploring numerous options to streamline and reduce costs.

TRPA staff recommends waiving the MMF for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units[11]. This recommendation is consistent with broad support expressed by stakeholders and governing board members for reducing or waiving the fee during the MMF update consultation process.

The implementation program for the transportation and sustainable communities threshold standard (TSC1) includes specific reporting and evaluation requirements for progress and revenue collection (among other metrics) every two years and makes programmatic adjustment(s) as necessary to attain the threshold standard. This process will evaluate the fee waiver and make recommendations, as needed. Additional supplemental funding may need to be identified and included in the RTP in accordance with the VMT monitoring protocol in order to continue the fee waiver.

Fee Estimation

Average daily VMT generated by single family residential development varies based on the project's location. To estimate fees charged using the fee recommendation, fees were calculated for a single-family residential development in various locations within the region, as projected in the TRPA Travel Demand Model for the 2020 RTP.

Example Project Costs

The average single-family residential AQM fee had been $3,258. The tables below (Table 14 and Table 15) provide an example of the likely range of fees for residential and TAU projects and illustrate that fees increase marginally for some and significantly for others because: (1) inflation, (2) overall costs of RTP project costs, and most significantly, (3) location.

Table 14: Single Family Residential Fee Estimates

Use: Residential	Old Trip-Based Fee (Inflation Adjusted fee)	Proposed VMT-Based Fee
Low VMT Areas	$3,258 ($4,673)	$3,738
Average VMT Areas		$6,478
High VMT Areas		$13,127

The average fee a residential unit would pay increases by 47% from the AQM fee, a third of which is attributable to inflation since 2006. The proposed fee recognizes location matters and so projects in lower VMT areas would pay lower fees and projects in higher VMT areas would pay higher fees.

The following table (Table 15) summarizes the estimated per unit fee for a TAU project and compares the fee to the AQM fee.

Table 15: Tourist Accommodation Unit Fee Estimates

Use: Tourist Accommodation Unit (TAU)	Old Trip-Based Fee (Inflation Adjusted Fee)	VMT-Based Fee
Min (low VMT areas)	$2,724 ($3,907)	$6,020
Average		$9,597
Max (High VMT areas)		$15,780

The average fee for a TAU would increase significantly, 17% of which is attributable to inflation since 2006. The higher mobility mitigation fee for TAUs is due to the fee calculation recognizing longer trip lengths (i.e., VMT) associated with these land uses.

Fees paid by commercial development are more difficult to estimate because of the large variation in VMT generated by different types of commercial development (e.g., a high-turnover restaurant has a significantly different impact than an apparel store), project size, and location. With new commercial development representing only 2.2% of projected VMT growth by 2045 and the influence of these variables, an estimate of average costs for commercial development was not undertaken.

Attachment A

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Corridors	03.02.01.0025	NDOT Complete Streets Project	NDOT	2022	$ 1,600,000
Corridors	03.02.01.0017	SR 28 Central Corridor Improvements – Sand Harbor to Spooner State Park	TTD	2022	$ 67,096,109
Corridors	03.02.01.0052	Meeks Bay Highway Corridor Improvements	USFS	2023	$ 1,500,000
Corridors	03.01.02.0044	State Route 89 Recreation Corridor Improvements	TRPA/USFS	2023	$ 19,628,341
Corridors	03.02.01.0041	Tahoe City Downtown Access Improvements	Placer County	2023	$ 1,200,000
Corridors	03.02.02.0006	Apache Avenue Pedestrian Safety and Connectivity Project	El Dorado County	2025	$ 378,136
Corridors	01.01.01.0168	Kings Beach Western Approach	Placer County	2025	$ 5,956,000
Corridors	03.02.01.0007	U.S. 50 South Shore Community Revitalization Project	TTD	2026	$ 86,208,175
Corridors	03.02.01.0024	Tahoe City Complete Streets Highway Improvements	Placer County	2027	$ 770,000
Corridors	03.01.02.0017	Tallac Historic Site, Valhalla, and the Visitor Center Improvements	USFS	2027	$ 5,550,000
Corridors	03.02.02.0087	U.S. 50 Corridor Collision Reduction "Y" to Park Ave, lighting, crossing improvements, green bike lanes	Caltrans	2027	$ -
Corridors	03.02.01.0026	Meyers Corridor Operational Improvement Project	El Dorado County	2030	$ 569,620
Corridors	03.02.01.0004	SR 89/Fanny Bridge Community Revitalization Project Complete Street	Placer County	2031	$ -
Technology	03.02.01.0034	Adaptive Traffic Management on SR 89 and SR 267 Phase 1A and 1B	Placer County	2021	$ 9,550,000

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Technology	04.02.02.0007	Parking Lot Information and Guidance System Integration/Parking Lot Detection System	TTD	2021	$ 236,931
Technology	03.01.02.0102	Improved Parking Management and Wayfinding in Tahoe City	Placer County	2023	$ 2,000,000
Technology	04.02.02.0010	Tahoe Basin Smartphone Application Pilot	TTD	2025	$ 350,000
Technology	03.02.01.0047	Adaptive Traffic Management on US 50	Caltrans	2040	$ 5,000,000
Technology	04.02.02.0011	Transit Signal Priority Along South Shore	Caltrans	2040	$ 475,000
Trails	03.02.02.0077	Lake Tahoe Boulevard Class 1 Bicycle Trail (Viking Way to South Wye)	City of South Lake Tahoe	2021	$ -
Trails	03.02.02.0030	Pope Beach Bike Path	USFS	2021	$ 500,000
Trails	03.02.02.0075	South Tahoe Greenway Shared Use Trail Phases 1b & 2	El Dorado County	2021	$ -
Trails	03.02.02.0058	US Highway 50 Sidewalk Construction - Kingsbury Grade to Lake Parkway	Douglas County	2021	$ 590,000
Trails	03.02.02.0080	Middle School SR2S Project - Rufus Allen Connector	City of South Lake Tahoe	2022	$ 750,000
Trails	03.02.02.0078	Pioneer Trail Pedestrian Project - Phase II	City of South Lake Tahoe	2022	$ 2,000,000
Trails	03.02.02.0027	Class I Bike Path: East San Bernardino - West San Bernardino	El Dorado County	2023	$ 1,395,000
Trails	03.02.02.0088	Highway 89 Corridor Tahoe Trail Feasibility Study	USFS	2023	$ 44,097
Trails	03.02.01.0055	Kahle Complete Street Project	NTRCD	2023	$ 784,000
Trails	03.02.02.0055	Nevada Stateline to Stateline Bikeway Laura Drive to Stateline (Phase 1A)	TTD	2023	$ 2,870,314
Trails	03.02.02.0085	South Tahoe Greenway - Upper Truckee Connector Middle Reaches Pedestrian Bridge	El Dorado County	2023	$ 6,760,126

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Trails	03.02.02.0089	Tahoe City Lakeside Trail Missing Link	Placer County	2023	$ 800,000
Trails	03.02.02.0022	Class I Bike Trail: Third Street/Tahoe Valley Elementary	City of South Lake Tahoe	2024	$ 700,000
Trails	01.01.01.0033	Tahoe Valley Stormwater and Greenbelt Improvement Project	City of South Lake Tahoe	2024	$ 2,420,929
Trails	03.02.02.0072	Class I Bike Trail along State Route 28 from Preston Field to Northwood Blvd.	Washoe County	2025	$ 600,000
Trails	03.02.02.0066	Upper Truckee River Class I Trail Widening - Tahoe City to Squaw Valley	Placer County	2025	$ 1,875,000
Trails	03.02.02.0064	Class I Bike Trail - Pine Boulevard to end of Linear Park Path	City of South Lake Tahoe	2026	$ 120,000
Trails	03.02.02.0065	Class I Bike Trail Along US Highway 50 from City Limits to Sawmill Road	El Dorado County	2026	$ 2,900,000
Trails	03.02.02.0062	Nevada Stateline to Stateline Bikeway - Crystal Bay to Incline	TTD	2026	$ 20,000,000
Trails	01.01.01.0124	Camp Richardson Resort & Campground BMPs & Retrofit	USFS	2027	$ 6,500,000
Trails	03.02.01.0054	Fallen Leaf Road Pavement Rehabilitation and Recreational Access Project	El Dorado County	2028	$ 3,500,000
Trails	03.02.02.0003	North Tahoe Regional Bike Trail	Placer County	2030	$ 10,850,000
Trails	03.02.02.0076	South Tahoe Greenway Shared Use Trail Planning and Future Phases	CTC	2031	$ 6,244,474
Trails	03.02.01.0032	Nevada Stateline to Stateline Corridor Improvements - Glenbrook Entrance to Round Hill Pines Beach	TTD	2033	$ 32,000,000
Trails	03.02.02.0073	Brockway Vista Multi-Use Trail	Placer County	2035	$ 3,000,000
Trails		Regional Bicycle and Pedestrian Improvements from the Active Transportation Plan 2026-2035	Various	2035	$ 20,256,180

RTP Focus Area	EIP Project Number	Project Title	Lead Implementer	Completion Year (per EIP Tracker)	VMT Mitigating Project Costs, Minus Secured/ Expended Funding
Trails		Regional Bicycle and Pedestrian Improvements from the Active Transportation Plan 2036-2045	Various	2045	$ 29,301,215
Transit		Private community/microtransit	Public-Private	2025	$ 1,029,350
Transit		TART Phase 2025 Transit Capital Enhancements and Fleet Replacement	Placer County	2025	$ 4,730,714
Transit	03.02.01.0039	TTD Phase 2025 Transit Capital Enhancements and Fleet Replacement	TTD	2025	$ 1,669,625
Transit	03.02.01.0043	Mobility Hub and Transit Center Capital	TRPA	2030	$ 33,161,068
Transit	-	Private community/microtransit	Public-Private	2035	$ 5,362,820
Transit		TART Phase 2035 Transit Capital Enhancements and Fleet Replacement	Placer County	2035	$ 2,420,000
Transit	03.02.01.0013	TTD Maintenance & Administration Facility	TTD	2035	$ 66,161,684
Transit	03.02.01.0050	TTD Phase 2035 Transit Capital Enhancements and Fleet Replacement	TTD	2035	$ 12,180,265
Transit		Private community/microtransit	Public-Private	2045	$ 6,665,870
Transit	03.02.01.0046	Regional Water Taxi Service Capital	Public-Private	2045	$ 6,400,000
Transit	03.02.01.0046	Regional Water Taxi Service Capital - Phase 2035/2045	Public-Private	2045	$ 7,000,000
Transit		TART Phase 2045 Transit Capital Enhancements and Fleet Replacement	Placer County	2045	$ 920,000
Transit	03.02.01.0040	TTD Phase 2045 Transit Capital Enhancements and Fleet Replacement	TTD	2045	$ 37,950,000

Attachment B

Resolution 2021-__ to Adopt Amendments to Article 10.8.5 of the TRPA Rules of Procedure

TAHOE REGIONAL PLANNING AGENCY

ATTACHMENT B: RESOLUTION

DECEMBER 7, 2021

AGENDA ITEM NO. VIII.B

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2021 –

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO ADOPT AMENDMENTS TO ARTICLE 10.8.5 OF THE TRPA RULES OF PROCEDURE REGARDING THE MOBILITY MITIGATION FEE (FORMER AIR QUALITY MITIGATION FEE)

WHEREAS, the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities ("threshold standards") for the Tahoe Region; and

WHEREAS, the Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, TRPA adopted Rules of Procedure to govern its affairs, including Rule 10.8.5 regarding the assessment of mitigation fees; and

WHEREAS, Chapter 65 of the TRPA Code of Ordinance provisions that regulate the assessment of transportation and air quality impacts was recently amended pursuant to TRPA Ordinance 2021-05; and

WHEREAS, the revisions to Chapter 65 of the TRPA Code of Ordinances replace the air quality mitigation fee with a mobility mitigation fee and identify procedures necessary to assess and mitigate for transportation and air quality impacts; and

WHEREAS, the Tahoe region has a great need for affordable, moderate, and achievable housing, and policies and programs are in place to encourage development of these housing types, and there is broad support for the MMF to serve these housing goals; and

WHEREAS, TRPA made the necessary findings to adopt the amendments to 10.8.5 of the Rules of Procedure as required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends Chapter 65 of the TRPA Code of Ordinances adopted under Ordinance 2021-05 and amends TRPA Rules of Procedure Rule 10.8.5 as shown in Exhibit 1 to implement the Mobility Mitigation Fee Update.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ___ day of _____, 2021, by the following vote:

Ayes:
Nays:
Absent:

_____
Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board

Exhibit 1 to Attachment B

Required Findings

EXHIBIT 1

REQUIRED FINDINGS/RATIONALE

TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Rules of Procedure amendment will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendment to the Code of Ordinances (see Exhibit 3) amendment to the Rules of Procedure (see Exhibit 4). The IEC found that the proposed amendments would not have a significant effect on the environment. The proposed amendments are consistent with and will implement the Regional Plan and Code of Ordinances. The amendments, which waive a fee for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for residential bonus units, and resets a fee, is minor in nature and is not anticipated to result in environmental effects.

TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Code of Ordinances and Rules of Procedure) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The Code of Ordinances was recently updated (Ordinance 2021-05) to replace the air quality mitigation fee program with a mobility mitigation fee program. The amendment to the Code of Ordinances waives the mobility mitigation fee for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for residential bonus units to align with the Regional Plan goal of concentrating development in town centers and incentivizing affordable housing in those centers. The amendment is consistent with the Regional Plan's goals and policies, including those which seek to reduce Vehicle Miles Travelled. Based on the analysis in the IEC, the Code of Ordinances amendment is minor in

nature and will not result in environmental effects. As such, the amendment will support the achievement and maintenance of thresholds.

The amendment to the Rules of Procedure is intended to reset the fee rate to align the recently adopted 2020 Regional Transportation Plan, to implement the VMT threshold standard at the project level, and to align with the Code of Ordinances. The amendment is consistent with the Regional Plan's goals and policies, including those which seek to reduce Vehicle Miles Travelled. Based on the analysis in the IEC, the Rules of Procedure amendment is minor in nature and will not result in environmental effects. As such, the amendment will support the achievement and maintenance of thresholds.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded;

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. The proposed amendments facilitate implementation of the Transportation and Sustainable Communities threshold on a project level and are expected to benefit threshold compliance.

3. Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. The amendments waives fees for affordable, moderate, and achievable housing, and resets the existing rate for a mitigation fee to implement the VMT threshold standard at the project level and align with the 2020 Regional Transportation Plan.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: Please see the rationales for the Section 4.4 findings above. The proposed amendments would not adversely affect threshold attainment and would likely benefit it.

FINDING OF NO SIGNIFICANT EFFECT

Project Description: Proposed amendments to the Code of Ordinances to waive the mobility mitigation fee for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for residential bonus units, and proposed amendments to the Rules of Procedure to reset the mobility mitigation fee rate.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

_____ _____

TRPA Executive Director/Designee Date

Exhibit 2 to Attachment B

Mobility Mitigation Fee Initial Determination of Environmental Impact Checklist

INITIAL DETERMINATION OF

ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Mobility Mitigation Fee Program Update

Project Description:

This action would waive the mobility mitigation fee for deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units and reset the mobility mitigation fee rate to align with the recently adopted 2020 Regional Transportation Plan, to implement the VMT threshold standard at the project level, and to align with the Code of Ordinances. Recent updates to the Code of Ordinances Section 65.2, Air Quality, Greenhouse Gas Reduction, and Mobility Mitigation Program converted the air quality mitigation fee into a mobility mitigation fee to better align with the new environmental threshold for Transportation and Sustainable Communities. In accordance with the Code, the mobility mitigation fee is to be set in the Rules of Procedure. This action would entail amending the code of ordinances to waive fees for affordable, moderate, and achievable housing, and amending the Rules of Procedure to reset the mobility mitigation fee amount to $218.00 per Vehicle Miles Travelled (VMT). The fee attributes 90 percent of the impact to VMT generators (i.e., increases in the bed base via new residential units, tourist accommodation units, campgrounds) and 10 percent to VMT attractors (all other uses). The final proposed per VMT MMF then becomes $196.20 /VMT for VMT generators and $21.80/VMT for VMT attractors. Revenue collected from the mobility mitigation fee will fund projects that reduce VMT.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

I. Environmental Impacts

II. Land

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	☐	☒	☐	☐
b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	☐	☒	☐	☐
c. Unstable soil conditions during or after completion of the proposal?	☐	☒	☐	☐
d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	☐	☒	☐	☐
e. The continuation of or increase in wind or water erosion of soils, either on or off the site?	☐	☒	☐	☐
f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	☐	☒	☐	☐
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	☐	☒	☐	☐

III. Air Quality

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Substantial air pollutant emissions?	☐	☒	☐	☐
b. Deterioration of ambient (existing) air quality?	☐	☒	☐	☐
c. The creation of objectionable odors?	☐	☒	☐	☐
d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☒	☐	☐
e. Increased use of diesel fuel?	☐	☒	☐	☐

IV. Water Quality

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Changes in currents, or the course or direction of water movements?	☐	☒	☐	☐
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	☐	☒	☐	☐
c. Alterations to the course or flow of 100-yearflood waters?	☐	☒	☐	☐
d. Change in the amount of surface water in any water body?	☐	☒	☐	☐
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	☐	☒	☐	☐
f. Alteration of the direction or rate of flow of ground water?	☐	☒	☐	☐
g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	☐	☒	☐	☐
h. Substantial reduction in the amount of water otherwise available for public water supplies?	☐	☒	☐	☐
i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	☐	☒	☐	☐
j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	☐	☒	☐	☐

V. Vegetation

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	☐	☒	☐	☐
b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	☐	☒	☐	☐

c.	Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	☐	☒	☐	☐
d.	Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?	☐	☒	☐	☐
e.	Reduction of the numbers of any unique, rare or endangered species of plants?	☐	☒	☐	☐
f.	Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	☐	☒	☐	☐
g.	Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?	☐	☒	☐	☐
h.	A change in the natural functioning of an old growth ecosystem?	☐	☒	☐	☐

VI. <u>Wildlife</u>

Will the proposal result in:		Yes	No	No, with mitigation	Data insufficient
a.	Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	☐	☒	☐	☐
b.	Reduction of the number of any unique, rare or endangered species of animals?	☐	☒	☐	☐
c.	Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	☐	☒	☐	☐
d.	Deterioration of existing fish or wildlife habitat quantity or quality?	☐	☒	☐	☐

VII. Noise

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	☐	☒	☐	☐
b. Exposure of people to severe noise levels?	☐	☒	☐	☐
c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	☐	☒	☐	☐
d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	☐	☒	☐	☐
e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	☐	☒	☐	☐
f. Exposure of existing structures to levels of ground vibration that could result in structural damage?	☐	☒	☐	☐

VIII. Light and Glare

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Include new or modified sources of exterior lighting?	☐	☒	☐	☐
b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	☐	☒	☐	☐
c. Cause light from exterior sources to be cast off -site or onto public lands?	☐	☒	☐	☐
d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?	☐	☒	☐	☐

IX. Land Use

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Include uses which are not listed as permissible uses in the applicable Area Plan, Plan Area Statement, adopted Community Plan, or Master Plan?	☐	☒	☐	☐
b. Expand or intensify an existing non-conforming use?	☐	☒	☐	☐

X. Natural Resources

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. A substantial increase in the rate of use of any natural resources?	☐	☒	☐	☐
b. Substantial depletion of any non-renewable natural resource?	☐	☒	☐	☐

XI. Risk of Upset

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	☐	☒	☐	☐
b. Involve possible interference with an emergency evacuation plan?	☐	☒	☐	☐

XII. Population

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?	☐	☒	☐	☐

b. Include or result in the temporary or permanent displacement of residents?	☐	☒	☐	☐

XIII. Housing

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Affect existing housing, or create a demand for additional housing? To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:				
1. Will the proposal decrease the amount of housing in the Tahoe Region?	☐	☒	☐	☐
2. Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	☐	☒	☐	☐
b. Will the proposal result in the loss of housing for lower-income and very-low-income households?	☐	☒	☐	☐

XIV. Transportation / Circulation

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?	☐	☒	☐	☐
b. Changes to existing parking facilities, or demand for new parking?	☐	☒	☐	☐
c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	☐	☒	☐	☐
d. Alterations to present patterns of circulation or movement of people and/or goods?	☐	☒	☐	☐
e. Alterations to waterborne, rail or air traffic?	☐	☒	☐	☐
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☒	☐	☐

XV. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?:	Yes	No	No, with mitigation	Data insufficient
a. Fire protection?	☐	☒	☐	☐
b. Police protection?	☐	☒	☐	☐
c. Schools?	☐	☒	☐	☐
d. Parks or other recreational facilities?	☐	☒	☐	☐
e. Maintenance of public facilities, including roads?	☐	☒	☐	☐
f. Other governmental services?	☐	☒	☐	☐

XVI. Energy

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Use of substantial amounts of fuel or energy?	☐	☒	☐	☐
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	☐	☒	☐	☐

XVII. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:	Yes	No	No, with mitigation	Data insufficient
a. Power or natural gas?	☐	☒	☐	☐
b. Communication systems?	☐	☒	☐	☐

XVII. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:	Yes	No	No, with mitigation	Data insufficient
c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	☐	☒	☐	☐
d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	☐	☒	☐	☐
e. Storm water drainage?	☐	☒	☐	☐
f. Solid waste and disposal?	☐	☒	☐	☐

XVIII. Human Health

Will the proposal result in:	Yes	No	No, with mitigation	Data insufficient
a. Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☒	☐	☐
b. Exposure of people to potential health hazards?	☐	☒	☐	☐

XIX. Scenic Resources / Community Design

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	☐	☒	☐	☐
b. Be visible from any public recreation area or TRPA designated bicycle trail?	☐	☒	☐	☐
c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	☐	☒	☐	☐
d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?	☐	☒	☐	☐

XIX. Scenic Resources / Community Design

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	☐	☒	☐	☐

XX. Recreation

Will the proposal:	Yes	No	No, with mitigation	Data insufficient
a. Create additional demand for recreation facilities?	☐	☒	☐	☐
b. Create additional recreation capacity?	☐	☒	☐	☐
c. Have the potential to create conflicts between recreation uses, either existing or proposed?	☐	☒	☐	☐
d. Result in a decrease or loss of public access to any lake, waterway, or public lands?	☐	☒	☐	☐

XXI. Archaeological / Historical

	Yes	No	No, with mitigation	Data insufficient
a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	☐	☒	☐	☒
b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	☐	☒	☐	☐
c. Is the property associated with any historically significant events and/or sites or persons?	☐	☒	☐	☐
d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☒	☐	☐

XXI. Archaeological / Historical

	Yes	No	No, with mitigation	Data insufficient
e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	☐	☒	☐	☐

XXII. Findings of Significance

	Yes	No	No, with mitigation	Data insufficient
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	☐	☒	☐	☐
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	☐	☒	☐	☐
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	☐	☒	☐	☐
d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	☐	☒	☐	☐

Determination:

On the basis of this evaluation:

a.	The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure	☒ YES	☐ NO
b.	The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.	☐ YES	☒ NO
c.	The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedures.	☐ YES	☒ NO

_____ Date _____

Signature of Evaluator

_____

Title of Evaluator

Exhibit 3 to Attachment B

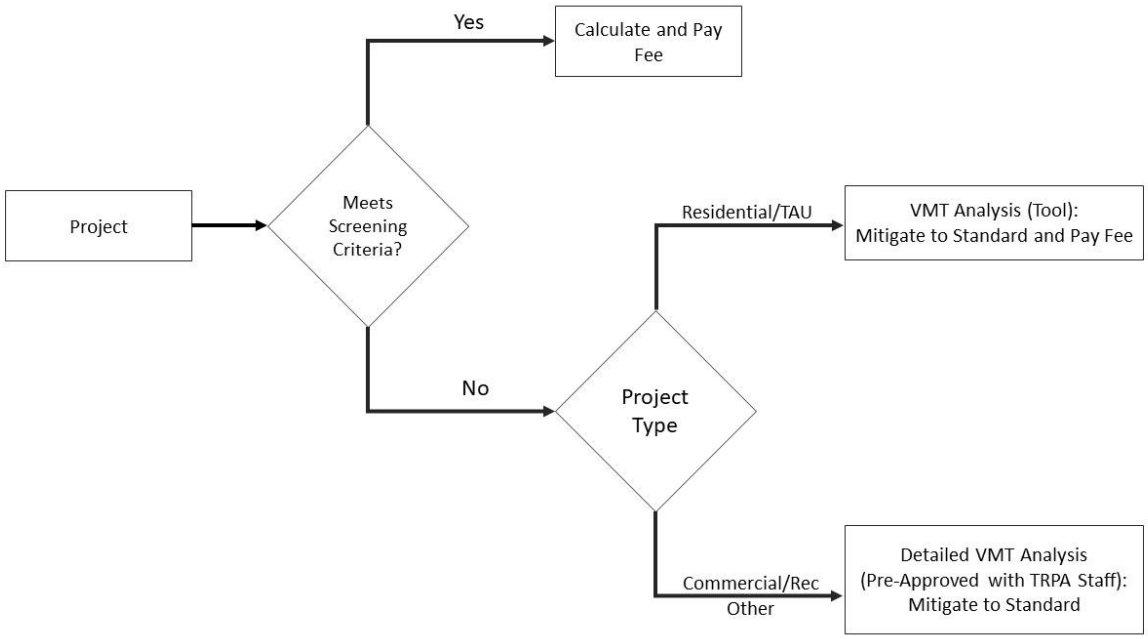
Amendments to Code of Ordinances

#	Code Citation	Title	Action
1	65.2.4.C.1	Regional and Cumulative Impact Fees	Not require deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units from contributing to the Mobility Mitigation Fund.

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. Traffic 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. 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, excepting deed-restricted affordable, moderate, and achievable housing developed within areas eligible for Residential Bonus Units, 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. Offsite transit facility construction and other measures to increase transit accessibility;

c. Offsite facilities to reduce commuter trips;

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;

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.

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 the impacts under Threshold Standard TSC-1 have been evaluated in the EIS, EA, or IEC for the area or community plan and TRPA finds that the new development's impacts are mitigated by the implementation element of the area or community plan consistent with the standards of subparagraphs 65.2.4.B and 65.2.4.C.

Exhibit 4 to Attachment B

Amendments to Rules of Procedure

Rule of Procedure 10.8.5.A, *Air Quality Mitigation Fee* shall be amended to read as follows:

Text to be added shown in blue with underline.
Text to be deleted shown in ~~red with strikethrough~~.

ARTICLE 10: MISCELLANEOUS

10.8. FEES FOR REVIEWS

10.8.5. Mitigation Fees

A. ~~Air Quality~~ Mobility Mitigation Fee

1. TRPA shall assess a mobility mitigation fee according to the following schedule:

a. For new residential units - ~~$49.90~~ $196.20/average daily Vehicle Mile Travelled.

b. For new tourist accommodation units - ~~$49.90~~ $196.20/average daily Vehicle Mile Travelled.

c. For new campground site or recreational vehicle site - ~~$49.90~~ $196.20/average daily Vehicle Mile Travelled.

d. For new commercial floor area - ~~$5.54~~ $21.80/average daily Vehicle Mile Travelled.

e. For all other development - ~~$5.54~~ $21.80/average daily Vehicle Mile Travelled.

2. TRPA shall review the fee schedules in this subsection in light of the costs of needed improvements and the funds available to support those improvements and recommend adjustments to the fee schedules as appropriate.

3. Refund: Mobility mitigation fees may be refunded, under certain conditions, in accordance with these Rules.

Attachment C

Mitigation Fund Release Policy Guidelines

TAHOE REGIONAL PLANNING AGENCY

ATTACHMENT C:
MITIGATION FUND RELEASE POLICY GUIDELINES

DECEMBER 7, 2021

Attachment C

Mitigation Fund Release Policy Guidelines

Background

TRPA collects mitigation fees from project applicants to mitigate the impacts of project development. These fees are kept in TRPA accounts and may be requested for use by the region's local jurisdictions to implement Environmental Improvement Program (EIP) projects on the 5-year EIP priority list and/or projects included in the Regional Transportation Plan.

Procedure

Each local jurisdiction (City of South Lake Tahoe, Douglas County, El Dorado County, Placer County and Washoe County) is required to update its EIP projects and Regional Transportation projects annually in LT Info online: https://laketahoeinfo.org/.

Local jurisdictions submit mitigation fund requests to TRPA staff for initial review and TRPA Governing Board approval.

Local jurisdictions must use the standard Mitigation Fund Request Form which includes the following:

- EIP project number
- Project description
- Project stage and schedule for completion
- Amount and type of mitigation funds requested
- Details of any other funding sources targeted or secured for the project

Before TRPA approves a release of funds, the requesting jurisdiction must show documentation that all mitigation funds collected by their jurisdiction on behalf of TRPA have been paid to TRPA.

The local jurisdiction must report to TRPA annually through the EIP reporting process online (https://laketahoeinfo.org/) on the progress, performance measures, and funding expenditures of each EIP project and/or Regional Transportation project for which mitigation funds were authorized.

Policies

Mobility Mitigation Funds:

TRPA may disperse funds from the mobility mitigation fund to the local jurisdictions, or the Tahoe Transportation District (TTD) upon approval from the appropriate jurisdiction, for Vehicle Miles Travelled (VMT) mitigating transportation projects/programs.

The project/program must also be consistent with the most recently approved Regional Transportation Plan constrained project list.

The intended use of mobility mitigation funds is for implementation and project delivery activities for shovel-ready projects (e.g., project-level environmental review, preliminary engineering/design, construction phase, etc.). Principal account funds cannot be used for project planning which includes design/feasibility studies, environmental impact documents, or application or permitting costs.

Mobility Mitigation Interest Funds: Accrued interest may be used for VMT mitigating transportation projects as outlined above, and/or:

- Project planning including design/feasibility studies, environmental impact documents, or application or permitting costs.
- Monitoring or project-specific research
- Special one-time project costs (to be reviewed and approved by TRPA legal counsel)

Note: The balance of fees collected under the previous Air Quality Mitigation Fee (AQMF) program can be used for VMT and air quality projects by local jurisdictions until expended. Examples of projects eligible for the AQMF, and not the MMF, are high efficiency street sweepers, vactor trucks, wood stove retrofit programs, and other directly related air quality projects.

Water Quality Mitigation Funds:

TRPA may disperse funds from the water quality mitigation fund to the local jurisdictions for water quality Environmental Improvement Projects/programs on the EIP 5-year list.

The project/program must also be consistent with TRPA's 208 Water Quality Management Plan and the Environmental Improvement Program.

The intended use of water quality mitigation funds is for the implementation of shovel-ready projects. Funds can also be used to purchase equipment to improve water quality, such as vactor trucks, high efficiency street sweepers, etc., provided the local jurisdiction commits to funding the ongoing operations and maintenance costs of the equipment or vehicles.

Principal account funds cannot be used for project planning which includes design/feasibility studies, environmental impact documents, or application or permitting costs.

Water Quality Mitigation Interest Funds: Accrued interest may be used for water quality projects/programs as outlined above, and/or:

- Project planning including design/feasibility studies, environmental impact documents, or application or permitting costs
- Monitoring or project-specific research
- Special one-time project costs (to be reviewed and approved by TRPA legal counsel)

Stream Environment Zone (SEZ) Funds:

As provided in Section 82.6 of the TRPA code, at least 25% of the water quality mitigation funds shall be set aside in a separate account for SEZ restoration projects that are consistent with TRPA's 208 Water Quality Management Plan and the Environmental Improvement Program. This jurisdictional set-aside shall be evaluated annually and may be waived if TRPA determines that there are no more SEZ restoration projects identified in a given jurisdiction.

Operations and Maintenance (O&M) Funds:

Up to 25% of the mobility mitigation and water quality mitigation funds received, may be set aside for EIP project/program related administration, regular operations and maintenance costs or monitoring expenditures.

- All O&M mitigation fund releases require a 1:1 local funding match. This is funding provided by the local jurisdictions, exclusive of state or federal funds. Matching funds may include in-kind general fund expenses provided which are directly related to EIP project/program implementation.
- O&M mitigation funds cannot be used for project planning such as design/feasibility studies, environmental impact documents, or application or permitting costs.

Restrictions

Mitigation funds cannot be used to fund mitigation measures that are required as conditions of project approval if a project is required to fully fund implementation of the mitigation measure. For example, water quality mitigation funds cannot be used to finance an SEZ restoration project, if that restoration is a required condition of project approval.