Chapter 93 TRAFFIC AND AIR QUALITY MITIGATION PROGRAM

Chapter Contents

93.7

93.0	Purpose
93.1	Applicability
93.2	Definitions
93.3	Standards For Additional or Transferred Development
93.4	Standards For Changes In Operation
93.5	Use And Distribution Of Mitigation Funds
93.6	Revision of Fee Schedules

Mitigation Fee Credit

- 93.0 <u>Purpose</u>: The purpose of this chapter is to implement TRPA's 1992 Air Quality Plan, and Goal #4, Policy 2 of the Development and Implementation Priorities Subelement, Implementation Element of the Goals and Policies with respect to the establishment of fees and other procedures to offset impacts from indirect sources of air pollution.
- 93.1 <u>Applicability</u>: The provisions of this chapter are applicable to all additional development or transferred development and all changes in operation as defined in this chapter.
- 93.2 Definitions: The following terms are defined as follows:
 - 93.2.A <u>Approved Center</u>: A multi-use commercial center, with sufficient size, parking, diversity of use, level of service, and access management, as to which TRPA has found that limited changes in operation would cause insignificant increases in new vehicle trips.
 - 93.2.B <u>Change In Operation</u>: A change in operation is any modification, change, or expansion of an existing or previous use resulting in additional vehicle trip generation. Changes in operation include, but are not limited to:
 - (1) Expansion of gross floor area; or
 - (2) Change in the type of generator on the Trip Table, normally indicated by a substantial change in products or services provided.
 - 93.2.C <u>Insignificant Increase</u>: An insignificant increase is an increase of 100 or fewer daily vehicle trips, determined from the Trip Table (Subsection 93.2.H) or other competent technical information.

- 93.2.D <u>Maintenance Area</u>: Maintenance areas are defined as the urbanized portions of El Dorado and Douglas Counties within the Tahoe Region, which are designated as maintenance areas for carbon monoxide under the federal Clean Air Act. The following plan areas are within the maintenance area and partially or entirely within the parameters of subsections 93.3.B and 93.4.B:§
 - (1) Within the County of Douglas: PASs 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 070A, 070B, 071, 072, 073, 074, 076, 080, and 089A;
 - (2) Within the City of South Lake Tahoe: PASs 089B, 090, 091, 092, 093, 098, 099, 100, 101, 103, 104, 105, 108, 110, 111, 114, and 116:
 - (3) Within the County of El Dorado: PASs 116, 118, 119, 120, 122, 123, 124, 125, 130, 135, 136, 139, and 140.
- 93.2.E <u>Minor Increase</u>: A minor increase is an increase of more than 100, but not more than 200 daily vehicle trips, determined from the Trip Table or other competent technical information.
- 93.2.F Previous Use: A previous use shall be the most recent permanent use in the project area, which existed for more than 90 consecutive days of operation within the 24 months preceding submission of a complete application to TRPA for review of a change in operation. Uses which have received CTRPA or TRPA approval, but have not operated for 90 consecutive days within the previous 24 months, shall not be recognized as previous uses. A use which regularly operated fewer than seven days per week shall have operated for 13 consecutive weeks within the previous 24 months to constitute a previous use.
- 93.2.G <u>Significant Increase</u>: A significant increase is an increase of more than 200 daily vehicle trips, determined from the Trip Table or other competent technical information.
- 93.2.H <u>Trip Table</u>: TRPA shall adopt and maintain a trip table for the purpose of estimating the number of vehicle trips resulting from additional development or changes in operation. TRPA shall generate and update the data in the Trip Table by referring to recent publications on traffic and trip generation (for example, publications of the Institute of Transportation Engineers and California Department of Transportation) and field surveys conducted in the Tahoe Region by TRPA or other competent technical experts.
- 93.2.I <u>Vehicle Trip</u>: A vehicle trip is a one directional vehicle movement to or from a project area. The number of vehicle trips assigned to a project shall be the total daily vehicle trips to or from the project at its maximum hours of full operation during the review period. When exact numbers of vehicle trips are not known for a use, they shall be determined from the Trip Table or other competent technical information.

[§] Amended 05/27/98

- 93.3 <u>Standards For Additional or Transferred Development</u>: Additional development or transferred development shall be subject to the following requirements:
 - 93.3.A <u>Applicant Responsibility</u>: Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.
 - 93.3.B <u>Traffic Analysis</u>: As part of the project application for additional or transferred development which would result in a significant increase in daily vehicle trips at the project area, the applicant shall prepare and submit to TRPA, a technically adequate analysis of potential traffic and air quality impacts. For additional or transferred development which would result in a minor increase in daily vehicle trips at the project area and the subject parcel is located within 300 feet of the center of the U.S. Highway 50 right-of-way, in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, an analysis of potential traffic and air quality impacts. A traffic analysis shall include: §
 - (1) Trip generation rates of the proposed project,
 - (2) Impacts of the proposed project on the level of service at any impact intersections,
 - (3) Impacts of the proposed project on regional vehicle miles travelled (VMT),
 - (4) Impacts of the proposed project on regional and subregional air quality,
 - (5) Ingress and egress characteristics of the proposed project, and their impacts on traffic flow adjacent to the project area,
 - (6) Measures necessary to mitigate all traffic and 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
 - (7) Additional information that TRPA may require.
 - 93.3.C Required Offsets: Additional or transferred development shall offset the potential traffic and air quality impacts of the project in accordance with the following provisions:
 - (1) Regional And Cumulative Impact Fees: In order to offset regional and cumulative impacts, additional development shall contribute to the Air Quality Mitigation Fund, except as provided for in Subparagraph (2), below. The amount of contribution is established in Subsection 93.3.D.

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- (2) Regional And Cumulative Mitigation Measures: To offset regional and cumulative impacts, and in lieu of the contribution required under subparagraph 93.3.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 93.3.C(1). Regional and cumulative mitigation measures may include, but are not limited to:
 - (a) Transit facility construction;
 - (b) Transportation Systems Management measures, including, but not limited to, bicycle facilities, pedestrian facilities, and use of alternative fuels in fleet vehicles; or
 - (c) Transfer and retirement of offsite development rights.
- (3) <u>Localized Mitigation Measures</u>: In order to offset the localized impacts of a project, when a traffic analysis has been prepared pursuant to subsection 93.3.B, all necessary mitigation measures shall be required as a condition of project approval for all additional or transferred development. Mitigation measures may include, but are not limited to:
 - (a) Acceleration/deceleration lanes;
 - (b) Left turn lanes;
 - (c) Stop or yield controls;
 - (d) Access management;
 - (e) Transportation Systems Management measures, including, but not limited to, bicycle facilities and pedestrian facilities; or
 - (f) Contribution to the Air Quality Mitigation Fund in an amount sufficient to pay for the necessary mitigation measures.
- 93.3.D <u>Fee Schedule</u>: As provided in subsection 93.3.C, TRPA shall assess an air quality mitigation fee, based on information, according to the following schedule: § §§
 - (1) For new residential units \$325.84/daily vehicle trip.
 - (2) For new tourist accommodation units \$325.84/daily vehicle trip.
 - (3) For new campground site or recreational vehicle site \$325.84/daily vehicle trip.
 - (4) For new commercial floor area \$36.20/daily vehicle trip.

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[§] Amended 04/24/02

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- (5) For all other development \$36.20/daily vehicle trip. §§
- 93.3.E <u>Limited Exception for Additional or Transferred Development Within Adopted Community Plans</u>: Additional or transferred development located within an adopted community plan, the traffic and air quality impacts of which were evaluated in the EIS for the community plan and mitigated by the provisions of the community plan, shall be exempt from the requirements of Subsection 93.3.C, provided TRPA finds that the implementation element of the community plan as a whole meets the standards of Subsections 93.3.B and 93.3.C.
- 93.4 <u>Standards for Changes in Operation</u>: The following standards shall apply to changes in operation:
 - 93.4.A <u>Applicant Responsibility</u>: Information about vehicle trip generation relevant to the project shall be made available to TRPA by the applicant at the time application is made.
 - 93.4.B <u>Traffic Analysis</u>: As part of the project application for changes in operation which would result in a significant increase in daily vehicle trips, the applicant shall prepare and submit to TRPA, a technically adequate analysis of potential traffic and air quality impacts. For changes in operation which would result in a minor increase in daily vehicle trips and are located within 300 feet of U.S. Highway 50 in a maintenance area, the applicant shall prepare and submit to TRPA, as part of the project application, a technically adequate analysis of potential traffic and air quality impacts. A traffic analysis shall include the elements listed in Subsection 93.3.B. §
 - 93.4.C Required Offsets: All changes in operation shall offset the potential traffic and air quality impacts of the project in accordance with the following provisions:
 - (1) Regional And Cumulative Impact Fees: To offset regional and cumulative impacts, changes in operation shall contribute to the Air Quality Mitigation Fund, except as provided for in Subparagraph (2), below. The amount of contribution is established in Subsection 93.4.D.
 - (2) Regional And Cumulative Mitigation Measures: To offset regional and cumulative impacts, and in lieu of the contribution required under Subparagraph 93.4.C(1), mitigation measures may be provided. The cost of such measures shall be equal to, or greater than, the contribution required under Subparagraph 93.4.C(1). Regional and cumulative mitigation measures may include, but are not limited to, the elements listed in Subparagraph 93.3.C(2).
 - (3) <u>Localized Mitigation Measures</u>: In order to off set the localized impacts of a project, when a traffic analysis has been prepared pursuant to subsection 93.4.B, all necessary mitigation measures shall be required as a condition of project approval. Mitigation

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[§] Amended 05/27/98

measures may include, but are not limited to, the elements listed in Sub paragraph 93.3.C(3).

- 93.4.D <u>Fee Schedule</u>: As provided in Subsection 93.4.C, TRPA shall assess an air quality mitigation fee, based on data from the Trip Table or other competent technical information, according to the fee schedule in Subparagraph 93.3.D(5).
- 93.4.E <u>Limited Exception For Approved Centers</u>: TRPA shall evaluate multiuse commercial centers and the adjacent roadways, as to their size, parking, diversity of use, level of service, and ingress and egress. Where TRPA finds that limited changes in operation in a multi-use commercial center would cause insignificant increases in new vehicle trips, the center shall be included on a list of approved centers. An approved center in an area with a monitored decrease in level of service of nearby streets or intersections may be removed from changes in operation shall be exempt from subsections 93.4.A, 93.4.B, 93.4.C and 93.4.D, with the following exceptions:
 - (1) Changes in operation where the previous or proposed use occupies more than 5,000 square feet of gross floor area,
 - (2) Changes in operation where the previous or proposed use is identified for case by case review on the Trip Table, or
 - (3) Changes in operation where the vehicle trip generation rate of the proposed use is identified on the Trip Table as being greater than 300 vehicle trips per 1,000 square feet of gross floor area.
- 93.5 <u>Use And Distribution Of Mitigation Funds</u>: TRPA shall deposit air quality mitigation funds in a trust account. Interest accruing to the trust account shall remain in the account until used on air quality mitigation projects. TRPA shall keep track of the amount of funds collected for each local jurisdiction, with interest, and shall disburse funds to the local jurisdiction, or to the Tahoe Transportation District, at their request, for expenditure within the jurisdiction of origin, provided TRPA finds that the expenditure is consistent with TRPA's Regional Transportation Plan or the 1992 Air Quality Plan. Pursuant to subparagraphs 93.3.C(2) and 93.4.C(2), certain funds may be identified for the construction of specific projects. By October 1 of each year, the recipient shall submit to TRPA an annual report of the funds expended as of June 30 each year.
- 93.6 Revision of Fee Schedules: As part of the biennial revisions to the Regional Transportation Plan, TRPA shall review the fee schedules in 93.3.D 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.
- 93.7 <u>Mitigation Credit</u>: The following two programs address air quality mitigation credit:[§]
 - 93.7.A <u>Mitigation Fee Credit</u>: If a project approval expires and the project is not complete, then an air quality mitigation fee credit may be given for a

[§] Amended 05/27/98

subsequent similar project approval. This subsection shall not be construed to require a refund of an air quality mitigation fee. Credit shall be given if the following requirements are met:

- (1) The prior project approval was granted within the same project area as the project approval for which a credit is sought;
- (2) The applicant provides sufficient evidence of the payment of an air quality mitigation fee; and
- (3) An air quality mitigation fee is required as part of the project approval for which a credit is sought.
- Regional and Cumulative Mitigation Credit Programs: In those 93.7.B instances when a reduction in daily vehicle trip ends (DVTE) of 1,000 or greater will result from the implementation of an EIP program that is not associated with any required mitigation, TRPA may allow for a regional and cumulative mitigation credit to be given to the participating entities. Credit will be given based on the number of DVTE that will be reduced as a result of the proposed program. Credit can not be awarded when the reduction in vehicle trips is a mitigation requirement pursuant to Subsection 93.3.C or Subsection 93.4.C of the Code. Candidate credit recipients shall submit a plan to TRPA describing the proposed program, quantifying the reduction in DVTE, and specifying the areas where the credit can be used. The award of mitigation credit will be reviewed and approved by TRPA, in consultation with the appropriate local jurisdiction and the Tahoe Transportation District, on an individual basis. Credit will be awarded at such time that the proposed program is implemented. TRPA staff will reevaluate the 1.000 DVTE minimum requirement by July 31, 2000 to determine if the level should be adiusted. §
- 93.8 <u>Mitigation Fee Refunds</u>: Air quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

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