

Regional Traffic Mitigation Fee Program Administrative Plan

The Economics of Land Use



Prepared for:

Nevada County Transportation Commission

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1. Introduction

Background

This 2023 Regional Transportation Mitigation Fee (RTMF) Program Administrative Plan (2023 Administrative Plan or Administrative Plan) updates the 2016 RTMF Program Administrative Plan prepared by WSP and Parsons Brinckerhoff (2016 Administrative Plan). The 2023 Administrative Plan retains many elements of the 2016 Administrative Plan, with portions excerpted directly from the 2016 Administrative Plan. In addition, the 2023 Administrative Plan includes modifications and additions to address changes in the RTMF Program and California laws since 2016.

This 2023 Administrative Plan is a companion document to the 2023 RTMF Nexus Study Update prepared by GHD and adopted in July 2023. The RTMF Program was established in 2001 through a partnership of three local jurisdictions (unincorporated Nevada County, Nevada City, and Grass Valley) and the Nevada County Transportation Commission (NCTC) to provide funding from new development to make improvements to the Regional Transportation System (Regional System) needed to accommodate anticipated future development in western Nevada County. Comprehensive RTMF Program updates were prepared in 2008, 2016, and most recently in 2023. The 2023 RTMF Program Nexus Study updates the RTMF Program to account for changes to projected development, improvements, and costs, as well as for changes in the fee structure and administration mandated by recent State of California (State) laws passed since 2016.

The RTMF Program provides significant additional funds from new development to make improvements to the Regional System, complementing local transportation fee programs and other funding sources. The RTMF fee provides local agencies with a mechanism to collect developers' fair share contribution toward sustaining the Regional System. The RTMF Program is a 20-year program and will be influenced by a variety of market factors that could cause a shortfall or surplus in the revenue projections. The RTMF Program shall be reviewed at least every 8 years, as mandated by state law to ensure the integrity of the program. The program is not designed to be the only source of revenue to construct the identified facilities, and it will be necessary for matching funds to be provided from a variety of available sources.

With approval from the local jurisdictions imposing the fees and the NCTC, RTMF obligations may be met by paying the fees, building eligible facilities, through public financing (e.g., Community Facility Districts and Assessment Districts), or through private financing vehicles consistent with local jurisdiction policies.

General RTMF Program parameters, definitions, and procedures are described in the RTMF Program resolutions adopted by the three participating western Nevada County jurisdictions (Nevada County, Grass Valley, and Nevada City). The NCTC is designated as the RTMF Program Administrator and works closely with member jurisdictions to coordinate transportation expenditure programs to maximize the effectiveness of future transportation investments.

This Administrative Plan may be amended from time to time, provided that any material amendments shall be approved by the NCTC Executive Committee. This Administrative Plan serves as the guideline to implement the RTMF Program and will be amended as needed to address changing conditions over the life of the program.

Purpose

The purpose of this Administrative Plan is to provide those jurisdictions that are participants in the RTMF Program with guidelines and policies for implementation and administration of the RTMF Program.

RTMF Program funds may only be used for capital and administrative expenditures associated with the Regional System as detailed in the 2023 RTMF Nexus Study. More specifically, the RTMF Program may be used to fund the following items:

- Engineering and design
- Environmental documentation
- Right-of-way acquisition
- Construction
- Construction management
- Fee program administration

Authority

The RTMF Program has been developed pursuant to and consistent with the provisions of California Assembly Bill 1600 legislation, as codified by the Mitigation Fee Act (California Government Code Section 66000 et seq.), which was most recently amended in 2021 to reflect the requirements of California Assembly Bill 602 (AB 602). In addition, AB 602 resulted in changes to reporting requirements for development impact fees, and Senate Bill 13 (SB 13), enacted in 2020, resulted in new requirements for development impact fees for accessory dwelling units (ADUs).

This Administrative Plan will detail the fee program administration procedures needed to meet the requirements of the Mitigation Fee Act and other development impact fee program requirements, including the recent changes resulting from AB 602 and SB 13.

2. RTMF Program Participation and RTMF Calculation

Participating jurisdictions in western Nevada County are responsible for collecting the fees on new development within their jurisdictions. To be considered a participant in the RTMF Program, a jurisdiction must have adopted the RTMF Program no later than September 1, 2008, and adopt any amendment of the RTMF Program within 90 days of approval by the NCTC Executive Committee, unless otherwise directed by the NCTC Executive Committee. Participating jurisdictions shall not modify the RTMF Program, except to meet local municipal codes and references. Further, to be considered a participating jurisdiction, local jurisdictions shall collect the full RTMF and transmit the fee to NCTC as provided herein. The current participating jurisdictions in western Nevada County are unincorporated Nevada County (Nevada County), Nevada City, and Grass Valley.

Land Uses Subject to the RTMF

The 2023 RTMF Nexus Study Update identifies the land uses subject to the RTMF Program by two types, residential and non-residential. For each land use type, **Exhibit 1** displays additional subcategories of residential and non-residential land uses and the average daily trip rate for each subcategory. The average daily trip rates are based on a review of land use categories and trip generation rates in the Trip Generation Manual, 11th Edition prepared by the Institute of Transportation Engineers (ITE Trip Generation Manual).

Residential Uses

For the RTMF obligation, a residential dwelling unit is defined as a building or portion thereof used by one family and containing one kitchen, which is primarily designed for residential occupancy. Residential dwelling units may include, but are not limited to, detached houses, apartment homes, condominiums, and mobile homes. Mobile homes located in a mobile home park will be calculated as Mobile Home in Park units while mobile homes located on individual lots will be calculated as single-family dwelling units.

Exhibit 1
Land Use Categories and Trip Generation Rates

Land Use Category	Unit	ITE Code	Weekday Trips per Unit
RESIDENTIAL			
Single Family Detached House	Dwelling Unit	210	9.43
Multi-Family			
Apartment	Dwelling Unit	220	6.74
Low Rise Apartment	Dwelling Unit	221	4.54
Residential Condominium/Townhouse	Dwelling Unit	230	3.44
<i>Median for Multi-Family</i>			<u>4.54</u>
Mobile Home in Park	Dwelling Unit	240	7.12
Senior Residential			
Senior Adult Housing - Detached	Dwelling Unit	251	4.31
Senior Adult Housing - Attached	Dwelling Unit	252	3.24
<i>Median for Senior Residential</i>			<u>3.78</u>
NON-RESIDENTIAL			
Office			
General Office	KSF	710	10.84
Single Tenant Office	KSF	715	13.07
Office Park	KSF	750	11.07
Business Park	KSF	770	12.44
Clinic	KSF	630	37.60
Medical-Dentist Office	KSF	720	36.00
<i>Median for Office</i>			<u>12.76</u>
Industrial			
General Light Industry	KSF	110	4.87
Industrial Park	KSF	130	3.37
Manufacturing	KSF	140	4.75
<i>Median for Industrial</i>			<u>4.75</u>
Warehousing	KSF	150	3.56
Retail/Service - Low			
Building Materials and Lumber	KSF	812	17.05
Hardware/Paint Store	KSF	816	8.07
Factory Outlet Center	KSF	823	26.59
New Car Sales	KSF	841	27.06
Tire Store	KSF	848	27.69
Tire Superstore	KSF	849	20.37
Home Improvement Superstore	KSF	862	30.74
Discount Home Furnishing Superstore	KSF	869	20.00
Department Store	KSF	875	22.88
Furniture Store	KSF	890	6.30
<i>Median for Retail - Low</i>			<u>21.63</u>
Retail/Service - Medium			
Day Care Center	KSF	565	47.62
Discount Superstore	KSF	813	50.52
Specialty Retail Center	KSF	814	63.66
Discount Store	KSF	815	53.87
Shopping Center	KSF	820	37.01
Auto Parts Store	KSF	843	54.57
Discount Club	KSF	857	42.46
Electronics Superstore	KSF	863	41.05
Arts and Crafts Store	KSF	879	56.55
<i>Median for Retail - Medium</i>			<u>50.52</u>

Exhibit 1
Land Use Categories and Trip Generation Rates

Land Use Category	Unit	ITE Code	Weekday Trips per Unit
Retail/Service - High			
Nursery (Garden Center)	KSF	817	68.10
Supermarket	KSF	850	93.84
Apparel Store	KSF	876	66.40
Pharmacy/Drugstore w/o Drive Through Window	KSF	880	90.08
Pharmacy/Drugstore with Drive Through Window	KSF	881	108.40
Drive-in Bank	KSF	912	100.35
Quality Restaurant	KSF	931	83.84
High Turnover (Sit-Down) Restaurant	KSF	932	107.20
<i>Median for Retail - High</i>			<u>91.96</u>
Lodging			
Hotel	Room	310	7.99
All Suites Hotel	Room	311	4.40
Business Hotel	Room	312	4.02
Motel	Room	320	3.35
<i>Median for Lodging</i>			<u>4.21</u>
Public & Quasi-Public			
Church	KSF	560	7.60
Library	KSF	590	72.05
Government Office Building	KSF	730	22.59
State Motor Vehicles Department	KSF	731	11.21
United States Post Office	KSF	732	103.94
<i>Median for Public Sector</i>			<u>22.59</u>
School K-8th Grade	Student	520 & 522	2.25
School 9th-12 Grade	Student	522 & 530	1.98
Junior/Community College	Student	540	1.15
Other Non-Residential			
All Port and Terminal Uses		000-099	<div style="display: flex; align-items: center;"> <div style="font-size: 4em; margin-right: 10px;">}</div> <div> <p>The trip generation for any project in these categories shall be computed using the ITE daily trip-generation rate for their land use type or, at the discretion of agency staff, through a separate traffic study</p> </div> </div>
All Recreational Uses		300-399	
All Private Institutional Uses (Public Institutions are Exempt)		500-599	
Convenience Market		851	
Convenience Market with Gasoline Pumps		853	
Fast Food Restaurant with Drive Through		934	
Coffee/Donut Shop with Drive Through		937	
Coffee/Donut Shop Drive Through No Seating		938	
Gasoline/Service Station		944	
Gasoline/Service Station with Convenience Market		945	
Gasoline/Service Station with Convenience Market and Car Wash		946	
Self-Service Car Wash		947	

Based on ITE Trip Generation Manual, 11th Ed.

Nonresidential Uses

For the purpose of calculating the RTMF obligation, non-residential development is defined as Retail/Service, Office, Industrial, Warehousing, and Lodging development that is designed primarily for use as a business and is not intended for residential occupancy or dwelling use. The applicable non-residential land use category for a non-residential development is determined by the predominate use of the building or structure associated with the new development and may be related to the underlying land use zoning of the new development site.

Retail developments with an average daily trip generation rate of 35 or fewer trips per thousand square feet are included in the Retail-Low category. Retail developments with an average daily trip generation rate between 36 and 65 trips per thousand square feet are included in the Retail-Medium category. Retail developments with an average daily trip generation rate greater than 65 trips per thousand square feet are included in the Retail-High category.

Other non-residential land uses are those that have trip generation characteristics that do not match any of the major categories. In these cases, the city or county may require a project-specific traffic study or will calculate the appropriate fee based on the ITE Trip Generation Manual (latest edition).

Exempt Uses

Public/Quasi-Public uses and schools are included in **Exhibit 1** for the purposes of calculating trips but are exempt from paying the RTMF.

Calculation of the RTMF

Each participating jurisdiction shall calculate and collect the RTMF for projects as outlined in this Administrative Plan. The RTMF shall be calculated using the fee schedule in effect at the time the fee is due. The procedures for calculating fees differ for standard residential and nonresidential development and ADUs.

Residential and Nonresidential Development (excluding ADUs)

Exhibit 2 is a form to calculate the amount of RTMF to be charged to residential or commercial development projects when applying for building permits. It contains three sections for Residential, Nonresidential, and Other development. The Residential and Nonresidential categories apply to the majority of development. The Other category applies to residential and nonresidential development that does not fit into one of the RTMF standard fee categories. Several examples of land uses in the Other category include convalescent homes, youth group homes, gasoline/service stations, and convenience stores.

Exhibit 2
Regional Transportation Mitigation Fee Calculation Form

Owner	Contractor
Permit Reference Number	Permit Type
Property ID	Job Address
Date	

RESIDENTIAL	Units		Fee per Unit Effective Date:		Total
Single Family Residential					
Small (<1,500 sq. ft.)		X	\$4,030	=	\$
Medium (1,501 to 2,500 sq. ft.)		X	\$4,868	=	\$
Large (> 2,500 sq. ft.)		X	\$5,396	=	\$
Multiple Family Residential					
Small (<1,500 sq. ft.)		X	\$1,128	=	\$
Medium (1,501 to 2,500 sq. ft.)		X	\$1,363	=	\$
Large (> 2,500 sq. ft.)		X	\$1,511	=	\$
Mobile Home in Park					
Small (<1,500 sq. ft.)		X	\$2,775	=	\$
Medium (1,501 to 2,500 sq. ft.)		X	\$3,352	=	\$
Large (> 2,500 sq. ft.)		X	\$3,716	=	\$
Retirement/Senior Residential					
Small (<1,500 sq. ft.)		X	\$780	=	\$
Medium (1,501 to 2,500 sq. ft.)		X	\$942	=	\$
Large (> 2,500 sq. ft.)		X	\$1,045	=	\$

NON-RESIDENTIAL	KSF/ Rooms		Fee per KSF/Room Effective Date:		
Retail/Service – Low	KSF	X	\$1,280	=	\$
Retail/Service – Medium	KSF	X	\$2,990	=	\$
Retail/Service – High	KSF	X	\$5,443	=	\$
Office	KSF	X	\$755	=	\$
Industrial	KSF	X	\$281	=	\$
Warehousing	KSF	X	\$211	=	\$
Lodging	rooms	X	\$249	=	\$
Public/Quasi-Public and Schools	KSF	X	Exempt	=	\$

OTHER	Description	Units/KSF	Daily Trips Per Unit/KSF (from ITE Manual)		Cost per Trip Effective Date:		Total
Residential		units	X		\$516.20	=	\$
Non-Residential		KSF	X		\$59.19	=	\$

TOTAL					Total Mitigation Fees	\$
					Credits Applied	\$
					Net Mitigation Fees	\$

Regardless of the type of development, the information requested about the project at the top of the form needs to be entered before calculating the fees. The steps to complete the RTMF calculation form for each type of development are detailed below.

*Note that the RTMF per dwelling unit and nonresidential thousand building square feet (KSF) and the residential and nonresidential cost per trip shown on **Exhibit 2** are the 2023 fees and costs. **Exhibit 2** should be updated annually to reflect annual fee updates. The fees should be updated to the new fee levels, and the costs per trip should be updated by the same percentage escalation as used for the fee updates. The percentage escalation process is detailed in the RTMF Program Update section of Chapter 4 (page 20).*

Residential Development

1. Complete the project information section at the top of **Exhibit 2**.
2. For each applicable residential land use category included on **Exhibit 2**, enter the number of units for which building permits are to be issued. Note that it is necessary to know the habitable square feet for all residential units to determine the land use categories. Backup documentation specifying each unit's habitable square feet (excluding garages and other uninhabitable areas) should be submitted when applying for building permits.
3. For each land use category, multiply the number of units by the RTMF per unit and enter the calculated amount in the Total column.
4. Add the amounts in the Total column and enter the sum on the Total Mitigation Fees line.
5. Enter any credits on the next line labeled Credits Applied.
6. Subtract the credits, if any, from the Total Mitigation Fees and enter the amount on the line labeled Net Mitigation Fees. This is the amount of RTMF for the project.

Nonresidential Development

1. Complete the project information section at the top of **Exhibit 2**.
2. The RTMF for nonresidential projects, except for lodging, is charged per thousand building square feet (KSF). The RTMF for lodging is charged per room. For each applicable nonresidential land use category included on **Exhibit 2**, excluding lodging, enter the KSF for which building permits are to be issued. For any lodging development, enter the number of rooms.
3. For each land use category in the project other than lodging, multiply the KSF by the RTMF per KSF and enter the calculated amount in the Total column. For lodging, multiply the number of rooms by the RTMF per room and enter the calculated amount in the Total column.

4. Add the amounts in the Total column and enter the sum on the Total Mitigation Fees line.
5. Enter any credits on the next line labeled Credits Applied.
6. Subtract the credits, if any, from the Total Mitigation Fee and enter the amount on the line labeled Net Mitigation Fees. This is the amount of RTMF for the project.

Other Development

The RTMF calculation for residential and nonresidential development that does not fit into one of the standard RTMF categories may be based on trip generation rates from the latest ITE Trip Generation Manual. In these cases, the following steps are required to calculate the fees:

1. Complete the project information section at the top of **Exhibit 2**.
2. Use the most recent edition of the ITE Trip Generation Manual to identify the development type and average daily trips per dwelling unit or nonresidential KSF.
3. Enter the development type, project dwelling units or nonresidential KSF, and average daily trips per dwelling unit or nonresidential KSF.
4. For residential land uses, multiply the dwelling units, trips per dwelling unit, and cost per trip to obtain the total fees, and enter the result in the Total column.
5. For nonresidential land uses, multiply the KSF, trips per KSF, and cost per trip to obtain the total fees, and enter the result in the Total column.
6. Add the amounts in the Total column and enter the sum on the Total Mitigation Fees line.
7. Enter any credits on the next line labeled Credits Applied.
8. Subtract the credits, if any, from the Total Mitigation Fees and enter the amount on the line labeled Net Mitigation Fees. This is the amount of RTMF for the project.

Accessory Dwelling Units

Exhibit 3 is a form to calculate the RTMF to be charged for a residential ADU. If there are multiple ADUs planned on one residential parcel, each ADU should be treated separately, and a separate form should be completed for each ADU. ADUs with fewer than 750 habitable square feet are exempt from paying development impact fees.

Exhibit 3
Accessory Dwelling Unit (ADU) RTMF Calculation Form

Owner _____

Contractor _____

Permit Reference Number _____

Permit Type _____

Property ID _____

Job Address _____

Date _____

Primary Residence

Property ID _____

Land Use Category _____

Building Square Feet **(A)**
(excluding garage and other uninhabitable space) _____

Fee for Primary Unit, if it were new **(B)**
(See table below) _____

ADU Building Square Feet (C)
(excluding garage and other uninhabitable space) _____

Exempt (Y or N)
(Exempt if ADU square feet < 750) _____

If Not Exempt (Exempt = N), provide information below:

ADU Percentage **[(D) = (C)/(A)]**
(ADU Sq. Ft. / Primary Residence Sq. Ft.) _____

ADU RTMF Calculation

ADU Floor Space Percentage * Fee for Primary Residence
(E) = (B) * (D) _____ * _____ = _____

Fee Table for Primary Residence (if it were new)

Effective Date:



Single Family Residential

Small (<1,500 sq. ft.)	\$4,030
Medium (1,501 to 2,500 sq. ft.)	\$4,868
Large (> 2,500 sq. ft.)	\$5,396

Multiple Family Residential

Small (<1,500 sq. ft.)	\$1,128
Medium (1,501 to 2,500 sq. ft.)	\$1,363
Large (> 2,500 sq. ft.)	\$1,511

Mobile Home in Park

Small (<1,500 sq. ft.)	\$2,775
Medium (1,501 to 2,500 sq. ft.)	\$3,352
Large (> 2,500 sq. ft.)	\$3,716

Retirement/Senior Residential

Small (<1,500 sq. ft.)	\$780
Medium (1,501 to 2,500 sq. ft.)	\$942
Large (> 2,500 sq. ft.)	\$1,045

TOTAL

Total Mitigation Fees

\$ _____

Credits Applied

\$ _____

Net Mitigation Fees

\$ _____

The steps listed below describe how to complete the RTMF calculation for an ADU. Example calculations are provided in **Appendix A**.

1. Complete the project information section at the top of **Exhibit 3**.
2. Record the building square feet excluding garages and other uninhabitable areas (habitable square feet) of the planned ADU in the indicated area of **Exhibit 3**.
3. If the ADU habitable square feet are less than 750, then the ADU is exempt from the RTMF and no further calculations are necessary.
4. If the ADU habitable square feet are at least 750, then the ADU must pay the RTMF and the following steps below should be completed.
 - a. Record the primary residence Property ID (e.g., address or APN) and habitable square feet. Square feet of existing residences should be obtained from the Nevada County Geographic Information System (GIS). *Recall that habitable square feet exclude uninhabitable areas such as garages.*
 - b. Enter the primary residence land use category, which is determined by the type (single family, multifamily, mobile home, or age-restricted) and habitable square feet of the primary unit.
 - c. Record the ADU habitable square feet as a percentage of the primary residence habitable square feet in the ADU Percentage area for the applicable primary residence land use, using the formula below:
ADU Percentage = ADU Building Square Feet/Primary Residence Building Square Feet.
 - d. Multiply the ADU Percentage by the Fee per Unit. Enter the result in the Total column.
 - e. Enter the same amount on the Total Mitigation Fees line.
 - f. Enter any credits on the next line labeled Credits Applied.
 - g. Subtract the credits, if any, from the Total Mitigation Fee and enter the amount on the line labeled Net Mitigation Fees. This is the amount of RTMF for the ADU.

Expiration of Building Permits

RTMF Refund

If a building permit should expire, is revoked, or is voluntarily surrendered, and is therefore voided, and no construction or land improvements have commenced, then the applicant is entitled to a refund of the RTMF collected, which was paid as a condition of approval, less administrative costs (\$500 or two percent of the fee amount, whichever is greater). The administrative cost shall be used to offset the

cost of collection, accounting, and refund. The applicant shall submit an application for a refund to the local jurisdiction. If the local jurisdiction has not yet forwarded the fees to NCTC, the local jurisdiction will process the application and return the fees less the administrative costs. If the local jurisdiction has already forwarded the fees to NCTC, the local jurisdiction will process the refund and account for the reimbursement in the next transfer of fees collected to NCTC.

Permit Reapplication

The applicant must pay the appropriate RTMF in full if the applicant reapplies for a permit for which a refund was processed.

RTMF Exemptions

The following types of development are exempt from the RTMF Program:

- The reconstruction of, or addition to, a commercial building, as long as the building continues a use in the same fee category as the prior use and does not result in additional square feet.¹
- The reconstruction of, or addition to, a residential dwelling unit, as long as the unit continues to be in the same fee category or in a residential fee category with lower fees.²
- Public/Quasi-Public development and schools.
- ADUs with fewer than 750 habitable square feet.
- Ancillary uses.

For example, a club house in an apartment building would be exempt from RTMF fees because it would serve the apartment residents and would not generate additional trips.

¹ If the reconstruction or addition results in additional commercial square feet but not in a fee category change, the RTMF will only be paid on the additional square feet.

² If the reconstruction or addition causes a change in the residential fee category to a residential fee category with higher fees, then the RTMF paid will be the difference in the fees between the two fee categories. Note that there are 12 residential fee categories as shown on **Exhibit 2**. Each residential fee category consists of a combination of unit type (Single Family, Multiple Family, Mobile Home in Park, and Retirement/Senior) and unit size (Small, Medium, and Large).

RTMF Credits for Prior Uses

Reconstruction of, or addition to, an existing building is eligible for an RTMF credit. The RTMF applicable to the existing and new development shall be calculated using the current fee schedule, and the new development will receive a fee credit of up to the RTMF that would have applied for the existing development:

- If the existing development RTMF is less than the new development RTMF, then the new development credit equals the existing development RTMF, and the new development will pay the difference between the existing and new development RTMF.
- If the existing development RTMF is greater than the new development RTMF, then the new development will receive a full credit and not pay any RTMF.

Other Fee and Funding Programs

The RTMF is in addition to any other fees, conditions, or exactions for on-site and off-site improvements imposed on a project according to state law, local ordinances, or administrative policy. In addition, the developer of a project shall not be entitled to any RTMF credits for other fees, conditions, or exactions not part of the RTMF Program.

Allocation of RTMF Program Funds

RTMF Program funds shall be distributed in accordance with Executive Committee actions, the most current RTMF Nexus Study, this 2023 Administrative Plan, and any future amendments thereto.

3. RTMF Program Credits and Reimbursements

Administration of RTMF Credits for Construction of Eligible Facilities

Each local jurisdiction shall be responsible for the administration of RTMF credit agreements for development in its jurisdiction. Each jurisdiction shall transmit all RTMF credit agreements to the NCTC within 60 days of execution by that jurisdiction. The NCTC may administer credit agreements upon written request from that jurisdiction. The credit agreements shall be in accordance with the following requirements.

Developer Credits Conditions

Any RTMF credit shall be used first by the developer to offset any obligation of the developer to pay RTMF impact fees of the same development project and are subject to the following conditions:

- Credits may not be transferred or sold to other development projects.
- Developers must exhaust all credits before they are eligible for reimbursements.
- Credits shall run with the sale of the land.

Amount of Credits

If a developer constructs improvements identified on the Regional System, the developer shall, upon execution of an approved fee agreement, receive credit for all costs associated with the improvements based on approved project cost estimates for the Regional System.

The amount of the development fee credit shall not exceed the maximum amount determined by the most current project cost estimates for the Regional System, or actual costs, whichever is less. This shall be known as the maximum RTMF credit. The maximum RTMF credit shall be determined based on approved Improvement Plans and after Conditions of Approval have been determined. The maximum RTMF credit shall identify, at a minimum, the facility, the dimensions of the facility, the number of lanes, and the applicable project cost estimates as identified in the most current adopted RTMF Nexus Study.

Repayment of Credits

Should the NCTC Executive Committee determine that a jurisdiction granted credits exceeding the maximum RTMF credit, that jurisdiction shall provide NCTC payment in the amount equal to the excess credit amount.

Administration of RTMF Reimbursements for Construction of Eligible Facilities

Local jurisdictions/agencies and developers are eligible for reimbursement for construction of RTMF facilities. The processes for both are different and are described below.

Developer Reimbursements

Each local jurisdiction shall be responsible for the administration of reimbursement agreements. If a developer constructs Regional System improvements in excess of its RTMF fee obligation, the developer may be reimbursed for the difference between eligible costs and the RTMF obligation. The eligible costs are based on actual costs or the approved project cost estimates, whichever is less at the time of the agreement.

Reimbursements shall be made through agreements between developers and the local jurisdiction and are contingent upon funds being available. In all cases, reimbursements under such agreements must coincide with construction of the transportation improvements as scheduled in the most current Five-Year Transportation Improvement Program (TIP) adopted by NCTC.

Developer Reimbursement Conditions

A developer may enter into a reimbursement agreement with a local jurisdiction to reimburse the developer/owner for the direct and verifiable costs of constructing improvements to the Regional System when all of the following conditions are met:

- All available credits are exhausted.
- The improvements received prior approval from the jurisdiction and NCTC Executive Committee based on the review of the RTMF project priority list.
- The jurisdiction and NCTC Executive Committee have reviewed and approved the scope of the project to be constructed.

In no event shall a developer be reimbursed for improvements to the Regional System in excess of the most current approved project cost estimates for the RTMF at the time of the agreement.

Local Jurisdiction/Agency Reimbursements

In cases where a local jurisdiction constructs RTMF facilities, the jurisdiction is eligible for reimbursement up to the maximum share identified in the Nexus Study or actual cost, whichever is less, in accordance with the prioritization schedule in the adopted TIP. Local jurisdictions are required to enter into a reimbursement agreement with NCTC to be eligible to receive RTMF funds from NCTC.

4. Administrative Responsibilities and Costs

The NCTC shall administer the RTMF Program as described in this Administrative Plan adopted by the participating jurisdictions. This chapter describes the administration governing structure, responsibilities, and costs.

Regional Administration

As set forth in Chapter 1, NCTC is designated as the RTMF Program Administrator. As Administrator, NCTC will receive all fees generated from the RTMF that are collected by local jurisdictions. NCTC shall invest, account for, and expend such fees in accordance with this Administrative Plan and applicable state laws. **Exhibit 4** provides a flow chart of the administrative decision-making process.

Exhibit 4. RTMF Administrative Decision-Making Process



NCTC Executive Director

The NCTC Executive Director reports to the NCTC Executive Committee and shall be responsible for the following RTMF Program activities:

- Administration of the RTMF Program, including development of credit agreements, fee collection processes, and processing RTMF Program appeals.
- An independent fiscal audit conducted to report on the evidence that the expenditure of funds collected is in accordance with the Mitigation Fee Act. The audit shall be presented to the Executive Committee and made available to the public.
- Establishment and management of the RTMF Program Trust Fund for the purposes of depositing RTMF revenues and interest earned on Trust Fund deposits.
- Preparation of an Annual Report for consideration by the Executive Committee detailing the status of the RTMF Program including, but not limited to, fees collected and disseminated; capital projects planned for, prioritized, and built; reimbursement and credit agreements; appeals; and recommendations for RTMF Program adjustments.
- Preparation of periodic comprehensive RTMF Program review reports that provide, in concert with requirements of the California Mitigation Fee Act, an analysis of the RTMF Program, including review of the various RTMF Nexus Study inputs and assumptions, and preparation of recommendations on potential RTMF Program revisions for consideration by the Executive Committee. Such reports may include but are not limited to recommended fee adjustments based on changes in the facilities required to be constructed, and revenues received pursuant to the Program.
- Preparation of technical studies/analysis required to select and prioritize Regional System projects.
- Development of a Strategic Plan that identifies long term planning goals and objectives for implementation of the RTMF Program.
- Development of a Five-Year TIP that identifies projects that are scheduled and funded for construction over a specified period of time and is reviewed on an annual basis. See **Appendix B**.
- Other related activities as directed by the Executive Committee.

NCTC Executive Committee

The Executive Committee shall be comprised of three members, with each member representing a distinct participating jurisdiction (Nevada County, Grass Valley, and Nevada City). The Executive Committee has final authority and shall be responsible for reviewing and acting on recommendations for project selection and prioritization of projects in the RTMF Capital Improvement Plan (CIP),

Strategic Plan, and TIP. The Executive Committee shall review and consider recommendations on projects from the Administrative Committee and the NCTC Technical Advisory Committee (TAC). The Executive Committee shall also be responsible for approval of this Administrative Plan and any subsequent amendments thereto. From time to time the Executive Committee shall recommend changes to the Program for consideration by participating jurisdictions. All actions by the Executive Committee must be approved by all three members to be enforced. If there is a dispute at the Executive Committee level regarding project prioritization of a specific project(s) and a consensus cannot be reached, that project shall be tabled until such time as new information is presented and the matter can be resolved.

In developing recommendations on RTMF projects for consideration by the Executive Committee, NCTC staff and TAC shall work to coordinate compatibility with local project priorities and schedules of area transportation improvements.

NCTC TAC

The TAC shall review the technical documents and recommendations for RTMF Program projects. Additionally, the TAC shall meet annually in February or March to review the proposed RTMF inflation adjustment (detailed in RTMF Program Update section below) and make a recommendation on whether or not to adjust the fees. The TAC shall forward any recommendations to the Executive Committee for its consideration. The TAC shall also provide additional assistance to the RTMF Program as requested by the Executive Committee.

Administrative Committee

The Administrative Committee shall be comprised of the chief administrative officer, public works director or designee from the three participating jurisdictions, and NCTC's Executive Director. The Administrative Committee shall have the following responsibilities:

- Develop objective criteria for project selection and prioritization, including, but not limited to, the following factors: traffic safety issues potentially created by growth, regional significance, availability of matching funds, mitigation of congestion created by new development, system continuity, geographic balance, project readiness, and completed projects with reimbursement agreements.
- Provide additional assistance to the RTMF Program as requested by the Executive Committee and/or the NCTC TAC.
- Prepare the Strategic Plan.
- Prepare the Five-Year TIP, which will be reviewed annually.
- Review and recommend changes in project priorities to the NCTC TAC and Executive Committee.

- Select a lead agency for each of the projects in the CIP.
- Review the Annual Report prepared by NCTC.
- Review and revise the roadways in the Regional System as necessary (at a minimum of every 5 years).
- Review and revise project cost estimates for the Regional System projects as necessary (at a minimum of every 5 years).

RTMF Program Update

The NCTC Executive Committee shall undertake a review of all components of the RTMF Program in accordance with AB 1600 and other applicable laws, and, if necessary, recommend Program amendments and/or adjustments. Amendments to the Administrative Plan will be subject to the approval of the NCTC Executive Committee. Required RTMF Program amendments shall be approved by the three participating jurisdictions acting on recommendations provided by the Executive Committee. The review shall consider whether adjustments to future administration costs are needed. The RTMF program is subject to annual inflation adjustments and 8-year nexus study updates. The purpose of each update is described in this section.

Annual Inflation Adjustment

The RTMF may, at NCTC's discretion, be adjusted to account for the inflation of construction, right-of-way acquisition, and design costs.

The proposed fees in the 2023 RTMF Nexus Study Update were adopted in July 2023. The fees in each jurisdiction will go into effect no sooner than 60 days after adoption. In February or March of each calendar year thereafter, the RTMF should be reviewed, and fee adjustments should be recommended by the TAC based on the percentage change in the San Francisco Construction Cost Index (CCI) as reported in the Engineering News Record for the 12-month period ending in December of the prior year. The inflation adjustment should then be adopted by the member agencies in April. This will allow for a 60-day noticing period before the new fee schedule becomes effective on July 1st of each year.

Below is an example of a percentage adjustment calculation.

San Francisco CCI - December 2021	14,228.24
San Francisco CCI - December 2022	14,977.94
Percentage Change	5.27%

RTMF Nexus Study Update

State law requires that impact fees be subject to periodic updates based on changes in developable land, cost estimates, or outside funding sources. This update of the nexus findings must be performed at least once every eight years. During the nexus update studies, the TAC will analyze the following items:

- Changes to the required facilities listed in the CIP.
- Changes in the cost to update or administer the fee.
- Changes in costs greater than inflation.
- Changes in assumed land uses.
- Changes in other funding sources.

Any changes to the RTMF based on a nexus study update will be presented to the Executive Committee for approval and recommendation to the participating jurisdictions.

During a nexus study update, the Executive Committee may change the funding priority of a project. Such a change will be based on level of service evaluations, the location and timing of new development that will add significant housing or jobs, or other considerations. RTMF revenues may be spent on any of the projects identified in the CIP without regard to the location of the project and the location of collected fees, so long as there is a nexus between the development paying the fee and the project being funded, as shown in the most recent nexus study update.

Five-Year Reporting Requirements

RTMF funds will be deposited, invested, and expended in accordance with Government Code Section 66006. In the fifth year following the first deposit into the RTMF account or fund and every 5 years thereafter, NCTC staff will provide the local jurisdictions with information required to make all of the following findings with respect to that portion of the account or fund remaining unexpended:

- Identify the purpose for which the RTMF is to be used.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing of incomplete CIP projects.
- Designate the approximate dates that the RTMF funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

The local jurisdictions must refund the unexpended or uncommitted revenue portion of the RTMF for which a need cannot be demonstrated in the above findings unless the administrative costs exceed the amount of the refund.

Noticing Requirements

State law imposes certain requirements related to providing public notice when impact fees are changed. The requirements most relevant to the RTMF are listed below:

- **Adoption of Nexus Studies:** All studies shall be adopted at a public hearing with at least 30 days' notice. The city, county, or special district shall notify any member of the public that requests notice of intent to begin an impact fee nexus study of the date of the hearing (see CGC§ 66016.5).

The new nexus study must be posted on the agency's website within 30 days of adoption.

- **Changes to Fees:** For any fee, notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this subdivision is available shall be mailed at least 14 days prior to the first meeting to an interested party who files a written request with the agency for mailed notice of a meeting on a new or increased fee to be enacted by the agency. Notices may be sent electronically (see CGC§ 66019).

At least 10 days prior to the meeting, the agency shall make available to the public the data indicating the amount of cost, or the estimated cost, required to provide the public facilities and the revenue sources anticipated to fund those public facilities, including general fund revenues.

The new fees must be posted on the agency's website for at least 60 days before going into effect.

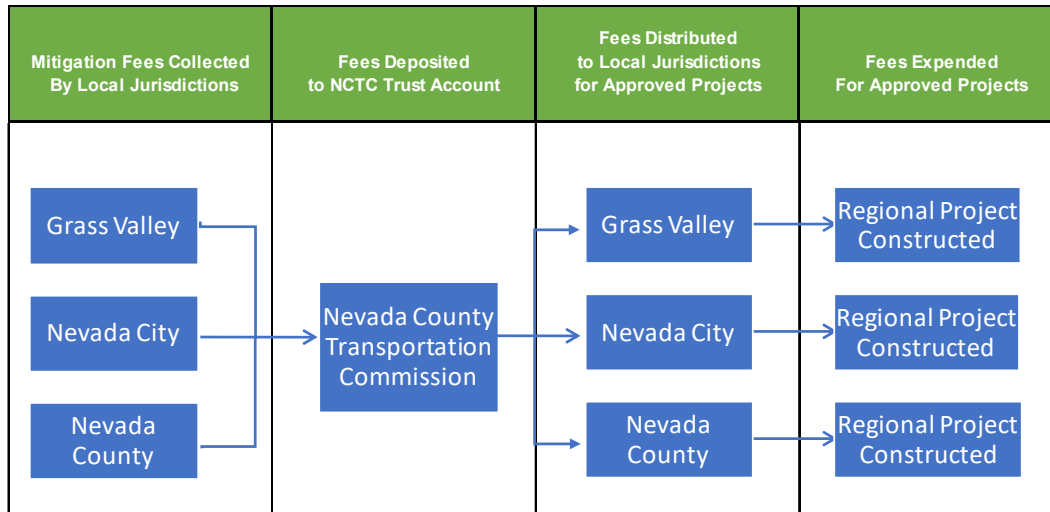
- **Annual Report:** The local agency shall review the information in the Annual Report at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year (see CGC§ 66006(b)(2)).
- **Five-Year Report:** Five-Year Reports have the same requirements for noticing and review as described above for annual reports. The five-year report should be reviewed at the same meeting as that year's annual report.

Disposition of RTMF Revenues

The fees that are paid to Nevada County, Grass Valley, and Nevada City are to be deposited into a trust account for which the NCTC is the treasurer. The three local jurisdictions are then responsible for implementing and constructing the projects

approved by the NCTC Executive Committee. They are to be reimbursed by NCTC for the cost incurred up to, but not exceeding, the project cost estimates in the approved CIP, upon submittal of valid invoices. A graphical illustration of the fee collection and disposition process is shown in **Exhibit 5**.

Exhibit 5. Fee Collection and Disposition Process



Annual Program Accountability

An annual report will be produced that will show the most current revenue balance for the RTMF Program, as well as provide a status of the Regional System projects to be constructed with the fee revenues. This report must be made available to the public within 180 days after the last day of each fiscal year (see CGC§ 66006(b)(1)).

In addition, annual fiscal audits by an independent accounting firm are required by law to examine the fiscal responsibility of local governments. The NCTC is subject to an annual financial audit. The annual report and the annual financial audit will serve as the accountability mechanisms for the collection and use of the RTMF revenue.

Surplus Funds

If the RTMF program is terminated, then in accordance with State law, the jurisdictions may use the funds to complete eligible projects included in the RTMF Program and/or return surplus or unexpended funds to the current owners of the properties that paid the unexpended funds remaining in the RTMF program.

Local Administration

The RTMF fee schedule will be adopted by Grass Valley, Nevada City, and Nevada County through ordinances authorizing collection of the RTMF, and through resolutions establishing the RTMF. The RTMF fee schedule will be effective no sooner than 60 days following final action by each local agency on the ordinances authorizing collection of the RTMF, and on the resolutions establishing the RTMF. The local ordinances or resolutions should reference the annual inflation adjustment process discussed in this Administrative Plan.

The local jurisdictions are responsible for collecting the RTMF. Fees collected and a corresponding activity report are to be transmitted to the Executive Director of NCTC either annually or bi-annually (in January and July) depending on the amount of fees generated. If over \$10,000 has been collected during the prior 6 months, then the fees shall be transmitted within 30 days of the six-month period (January through June or July through December) in which the fees were collected. Otherwise, the jurisdiction may wait to transmit the fees until 30 days following the calendar year in which the fees were collected.

In accordance with the Mitigation Fee Act, NCTC will deposit, invest, account for, and disburse the transmitted fees. Participating jurisdictions are required to transmit quarterly reports to NCTC that shall include, but not be limited to, the following information regarding the RTMF Program status:

- **Quarterly Remittance/Activity Reports**—Within 30 days of the end of the quarter in which RTMF was collected, the participating jurisdiction shall submit the standard Remittance/Activity Report to NCTC containing information necessary for NCTC to determine the total amount of fees collected within each fee category as it relates to the number of building permits, certificates of occupancy, or final inspections issued during the same period of time. The information in the Remittance/Activity Report shall include: the name of the developer or payee, project address, APN, total square feet or number of dwelling units, credits issued, and such other information as requested by NCTC. This information will assist NCTC in tracking new development, total revenue received, and revenue projections for purposes of program audits and program updates. If an audit is required due to reporting and remittance irregularities, the jurisdiction will incur the cost of the audit.

Administrative Costs

The RTMF Program includes the costs of program administration and comprehensive program updates. NCTC administration costs will be reimbursed on a time and materials basis, but not to exceed \$10,000 per year. The total cost for comprehensive program updates has been set at \$150,000 for each update.

5. Challenging the RTMF Program

Any member of the public, including an applicant for a development project, may submit evidence that the RTMF nexus findings are insufficient or failed to comply with state law. Evidence submitted pursuant to this subdivision may include, but is not limited to, information regarding the proposed fee calculation, assumptions, or methodology or the calculation, assumptions, or methodology for an existing fee upon which the proposed fee or fee increase is based.

If such a challenge arises, then the governing board of RTMF, or the member agency to which the evidence was submitted, shall consider the evidence in a timely manner. After considering the evidence, the governing board may change the fee as deemed necessary by the board (see CGC§ 66019(d)).

6. RTMF Program Appeals

RTMF Program appeals shall only be made in accordance with the provisions of this chapter.

Persons or Entities Who Have Standing to Appeal

No person or entity shall have standing to initiate an RTMF Program appeal except those persons or entities who are responsible for paying the RTMF and have an unresolved appealable issue or matter.

Appealable Issues and Matters

No issue or matter shall be heard or reviewed under the appeals process detailed in this chapter unless the issue or matter is appealable. An issue or matter is appealable if a qualified person or entity (Appellant) has a good-faith dispute directly related to Appellant's Property regarding one or more of the following items (RTMF Dispute):

- Amount of Appellant's RTMF obligation
- Administration of RTMF Credits
- Exemption of Appellant's property from the RTMF Program
- Administration of RTMF reimbursements
- RTMF refunds

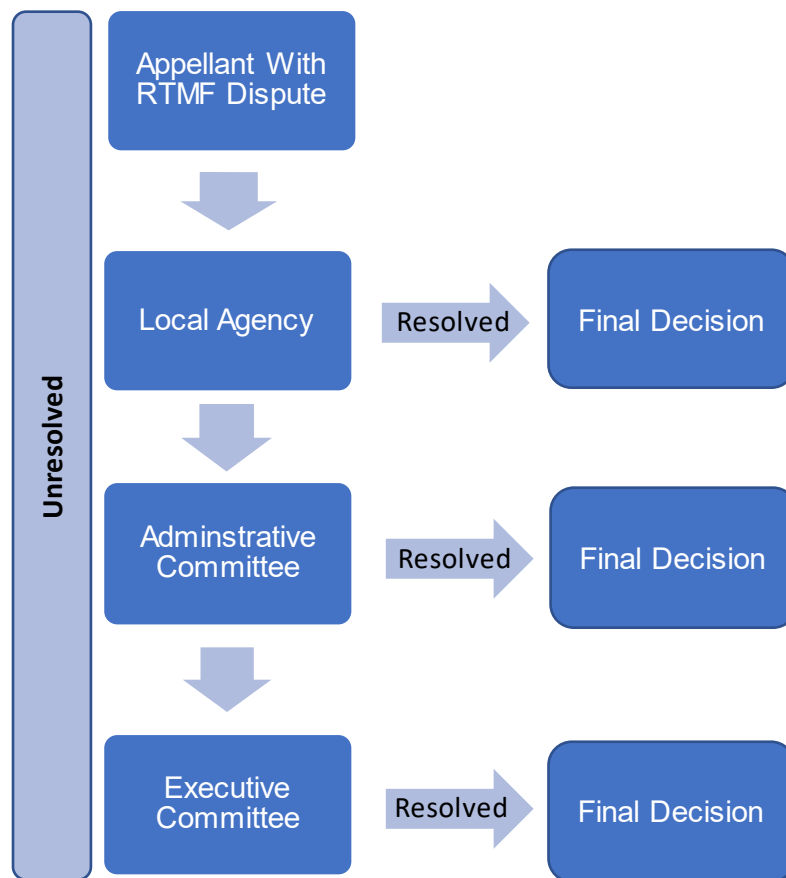
Appeals Process

Exhibit 6 outlines the potential levels of the Appeals process.

1. If an Appellant has an RTMF dispute, the Appellant shall first attempt to resolve the dispute with the staff of the local jurisdiction.
2. If the RTMF dispute remains unresolved after a reasonable attempt to address it at the local level, the Appellant may submit a written appeal to the NCTC Executive Director. The written appeal shall clearly identify key issues in the RTMF dispute. The NCTC Executive Director shall present the matter to the Administrative Committee. If the Administrative Committee determines the issue or matter is not a RTMF dispute, the written appeal shall be rejected. The Administrative Committee's decision shall be provided in writing to the Appellant.

3. If the Appellant desires further review and consideration, the Appellant must submit a written request for review to the NCTC Executive Director within five days of receiving the Administrative Committee's written decision.
4. The RTMF dispute shall be presented to the NCTC Executive Committee within 30 days of the receipt of the appeal.
5. At the conclusion of the 30-day period, the Executive Committee shall render a written decision on the appeal. The decision of the Executive Committee shall be final.

Exhibit 6. Appeals Process



7. California Environmental Quality Act Mitigation

The RTMF Program is a current financing mechanism dependent on future actions of the NCTC Executive Committee for improvements to the Regional System. The NCTC Executive Committee and its associated committees prioritize and schedule Regional System improvements. The appropriate environmental documentation, as required by the California Environmental Quality Act (CEQA), must be completed before a project can commence construction.

The RTMF Program was developed to mitigate the cumulative impacts of future growth on the Regional System. It was not developed to mitigate project-specific traffic impacts. Accordingly, the program does not relieve any development project of the responsibility to mitigate project-specific impacts identified in the environmental analysis prepared for the project. When a development project is required to construct Regional System facilities as project-specific mitigation, it shall be eligible for credit or reimbursement.



APPENDICES:

Appendix A: RTMF Calculation Examples for
Accessory Dwelling Units

Appendix B: Guidelines for Administration of
Programmed Projects in the
Adopted Five-Year
Transportation Improvement
Program

APPENDIX A:

RTMF Calculation Examples for Accessory Dwelling Units



Example 1: Exempt Accessory Dwelling Unit

Accessory Dwelling Unit (ADU) RTMF Calculation Form

Owner	Contractor
Permit Reference Number	Permit Type
Property ID	Job Address
Date	

Primary Residence

Property ID	<u>APN: 123-456-789</u>
Land Use Category	<u>Single Family Residential Large</u>
Building Square Feet (A) (excluding garage and other uninhabitable space)	<u>2,850</u>
Fee for Primary Unit, if it were new (B) (See table below)	<u>\$5,396</u>

ADU Building Square Feet (C)

(excluding garage and other uninhabitable space)	<u>700</u>
Exempt (Y or N) (Exempt if ADU square feet < 750)	<u>Y</u>

If Not Exempt (Exempt = N), provide information below:

ADU Percentage [(D) = (C)/(A)] (ADU Sq. Ft. / Primary Residence Sq. Ft.)	<u></u>
---	---------

ADU RTMF Calculation

ADU Floor Space Percentage * Fee for Primary Residence		*		=	
(E) = (B) * (D)	<u></u>				<u></u>

Fee Table for Primary Residence (if it were new)

Single Family Residential	
Small (<1,500 sq. ft.)	\$4,030
Medium (1,501 to 2,500 sq. ft.)	\$4,868
Large (> 2,500 sq. ft.)	\$5,396
Multiple Family Residential	
Small (<1,500 sq. ft.)	\$1,128
Medium (1,501 to 2,500 sq. ft.)	\$1,363
Large (> 2,500 sq. ft.)	\$1,511
Mobile Home in Park	
Small (<1,500 sq. ft.)	\$2,775
Medium (1,501 to 2,500 sq. ft.)	\$3,352
Large (> 2,500 sq. ft.)	\$3,716
Retirement/Senior Residential	
Small (<1,500 sq. ft.)	\$780
Medium (1,501 to 2,500 sq. ft.)	\$942
Large (> 2,500 sq. ft.)	\$1,045

TOTAL	Total Mitigation Fees	\$ <u></u>
	Credits Applied	\$ <u></u>
	Net Mitigation Fees	\$ <u></u>

Example 2: 1,000 Sq. Ft. Accessory Dwelling Unit; 2,850 Sq. Ft. Primary Residence

Accessory Dwelling Unit (ADU) RTMF Calculation Form

Owner	Contractor
Permit Reference Number	Permit Type
Property ID	Job Address
Date	

Primary Residence

Property ID APN: 123-456-789

Land Use Category Single Family Residential Large

Building Square Feet (A)
(excluding garage and other uninhabitable space) 2,850

Fee for Primary Unit, if it were new (B)
(See table below) \$5,396

ADU Building Square Feet (C)
(excluding garage and other uninhabitable space) 1,000

Exempt (Y or N)
(Exempt if ADU square feet < 750) N

If Not Exempt (Exempt = N), provide information below:

ADU Percentage [(D) = (C)/(A)]
(ADU Sq. Ft. / Primary Residence Sq. Ft.) 35%

ADU RTMF Calculation

ADU Floor Space Percentage * Fee for Primary Residence
(E) = (B) * (D) \$5,396 * 35% = \$1,893.49

Fee Table for Primary Residence (if it were new)

Single Family Residential

Small (<1,500 sq. ft.)	\$4,030
Medium (1,501 to 2,500 sq. ft.)	\$4,868
Large (> 2,500 sq. ft.)	<u>\$5,396</u>

Multiple Family Residential

Small (<1,500 sq. ft.)	\$1,128
Medium (1,501 to 2,500 sq. ft.)	\$1,363
Large (> 2,500 sq. ft.)	\$1,511

Mobile Home in Park

Small (<1,500 sq. ft.)	\$2,775
Medium (1,501 to 2,500 sq. ft.)	\$3,352
Large (> 2,500 sq. ft.)	\$3,716

Retirement/Senior Residential

Small (<1,500 sq. ft.)	\$780
Medium (1,501 to 2,500 sq. ft.)	\$942
Large (> 2,500 sq. ft.)	\$1,045

TOTAL	Total Mitigation Fees	\$
	Credits Applied	\$
	Net Mitigation Fees	\$

Example 3: 1,000 Sq. Ft. Accessory Dwelling Unit; 2,500 Sq. Ft. Primary Residence

Accessory Dwelling Unit (ADU) RTMF Calculation Form

Owner _____

Contractor _____

Permit Reference Number _____

Permit Type _____

Property ID _____

Job Address _____

Date _____

Primary Residence

Property ID

APN: 123-456-789

Land Use Category

Single Family Residential Medium

Building Square Feet (A)

2,500

(excluding garage and other uninhabitable space)

Fee for Primary Unit, if it were new (B)

\$4,868

(See table below)

ADU Building Square Feet (C)

(excluding garage and other uninhabitable space)

1,000

Exempt (Y or N)

(Exempt if ADU square feet < 750)

N

If Not Exempt (Exempt = N), provide information below:

ADU Percentage [(D) = (C)/(A)]

(ADU Sq. Ft. / Primary Residence Sq. Ft.)

40%

ADU RTMF Calculation

ADU Floor Space Percentage * Fee for Primary Residence

(E) = (B) * (D)

\$4,868

*

40%

=

\$1,947.10

Fee Table for Primary Residence (if it were new)

Single Family Residential

Small (<1,500 sq. ft.)

\$4,030

Medium (1,501 to 2,500 sq. ft.)

\$4,868

Large (> 2,500 sq. ft.)

\$5,396

Multiple Family Residential

Small (<1,500 sq. ft.)

\$1,128

Medium (1,501 to 2,500 sq. ft.)

\$1,363

Large (> 2,500 sq. ft.)

\$1,511

Mobile Home in Park

Small (<1,500 sq. ft.)

\$2,775

Medium (1,501 to 2,500 sq. ft.)

\$3,352

Large (> 2,500 sq. ft.)

\$3,716

Retirement/Senior Residential

Small (<1,500 sq. ft.)

\$780

Medium (1,501 to 2,500 sq. ft.)

\$942

Large (> 2,500 sq. ft.)

\$1,045

TOTAL

Total Mitigation Fees

\$

Credits Applied

\$

Net Mitigation Fees

\$



APPENDIX B:
Guidelines for Administration of
Programmed Projects in the
Adopted Five-Year
Transportation Improvement Program

Annual Review of Five-Year TIP

Once a Five-Year TIP is adopted by the Executive Committee, the TIP shall be incorporated into and governed by these guidelines, the Administrative Plan, and the Strategic Plan in accordance with AB 1600. NCTC staff should meet with the Technical Advisory Committee annually to review the status of all programmed projects on the Five-Year TIP and bring any project adjustment requests to the Executive Committee for approval. The goals of the annual review process are as follows:

- To update project cost estimates.
- To review project status.
- To determine the continued viability of projects.
- To review the backlog of reimbursement projects.
- To address local jurisdiction issues.
- To address compliance with AB 1600.

Annual Adjustments to Five-Year TIP

In accordance with the Five-Year TIP and the original reimbursement agreement with the NCTC (lead jurisdiction), all approved projects' funding and schedules are directly tied to critical milestones. As such, requests to change a project's funding or schedule shall necessitate an amendment to the original agreement and the adopted Five-Year TIP.

Annual Five-Year TIP adjustments could include, but are not limited to:

- Scope of work reductions or additions
- Project or phase delays
- Project or phase cancellations
- New shelf-ready network projects being added as replacement projects
- Project or phase advances

Levels of Approval for Five-Year TIP Adjustments

Executive Committee

The following shall be approved and adopted by the Executive Committee as required in the Administrative Plan:

1. Annual updates to the TIP.
2. Requests to increase total RTMF funding allocations to projects in the TIP.
These requests may be made by the local jurisdiction administratively outside of the annual TIP update cycles if deemed necessary by one of the

participating jurisdictions and NCTC management due to unforeseen circumstances that necessitate immediate action. Such unforeseen circumstances shall include, but not be limited to, higher than expected bid prices. NCTC staff will obtain action from the Executive Committee in these cases either by calling for a Special Executive Committee meeting or through individual consultation.

3. Administrative requests to advance funds or adjust project schedules on TIP approved projects, upon the recommendation of the Administrative Committee. Such advancements are subject to the following conditions:
 - Jurisdiction's proof of readiness to move forward with project.
 - Confirmation that RTMF current cash flow can support the advancement or change.

NCTC Executive Director

The NCTC Executive Director shall be responsible for the review and approval of the following changes to an approved TIP, including the review and approval of any necessary agreements:

1. Change in lead jurisdiction, with the written consent of both the transferring and accepting lead jurisdiction.
2. Cancellation of project upon request of the local jurisdiction. In the event of cancellation, all RTMF funds programmed to said project shall revert to the RTMF Trust Account.
3. Approval of final completion of the project. Upon notification from the jurisdiction that a project has been completed, all unused funds programmed for that project shall revert to the RTMF Trust Account.
4. All other administrative requests, upon consultation with the Administrative Committee.

Administrative Committee

The Administrative Committee shall have the following responsibilities:

1. Provide review and approval of requests to move funds within project categories (environmental, design, etc.) administratively, contingent upon participating jurisdiction's certification of viability of all phases.
2. Provide recommendations to the NCTC Executive Director on any other requests that are deemed administrative in nature by the Executive Director.

All administrative adjustments will be submitted to the Executive Committee as part of the next Annual Review Report for final adoption.

Obligating Programmed Funds

The RTMF Program has established the policy that construction projects take priority, and therefore NCTC limits the obligation of RTMF dollars. NCTC has two options by which to obligate RTMF. In both options, steps 1, 2 and 3 (Option A) or 6 (Option B) must be completed by the local jurisdiction to ensure RTMF funding can be made available for use on an eligible project. Since RTMF project funds are generally obligated on a first come first served basis, failure to follow the prescribed steps for either option may preclude a project sponsor from receiving RTMF payments for completed work until sufficient funds are available to be obligated.

Option A

Funding for a project programmed in the Five-Year TIP is not considered obligated by NCTC until certain steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted Five-Year TIP.
2. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.
3. Submit **an invoice for RTMF eligible work** prior to the end of the fiscal year to obligate the project phase funding. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.
4. NCTC will obligate the entire phase of the project if there is available revenue at the time the invoice is submitted.

Option B

Funding for a project programmed in the Five-Year TIP is not considered obligated by NCTC until the steps outlined below have been accomplished by the local jurisdiction.

1. Ensure that funding for the project phase is **programmed in the current year** of an adopted Five-Year TIP.
2. Ensure that there is a **signed (executed) reimbursement agreement** that matches the funding amount with the funding amount of the project phase in the adopted TIP.

3. Send NCTC a letter of **notice of intent** to issue a request for proposal (RFP), solicit bids, make an offer to purchase ROW, or other similar actions to verify that sufficient funding is available and that funds are obligated and reserved exclusively for the particular project phase.
4. Receive a **notice of obligation** from NCTC within 14 working days of receipt of the notice of intent confirming the amount of funding that is obligated and reserved exclusively for the particular project phase. Alternatively, the project sponsor will receive a **notice of deferred obligation** if NCTC determines that insufficient funds are available for the project phase to be obligated.
5. Award the project and execute a contract within four months of receipt of the notice of obligation from NCTC, and send a letter of **confirmation of award** to NCTC, including evidence of a Board/Council action relating to the project award and contract execution.
6. Commence project work and submit the **first invoice** for payment within nine months of receipt of a letter of obligation by NCTC to preserve fund obligation. At the time of submitting the first invoice, the project sponsor will be required to submit all necessary supporting documentation (not previously submitted) in accordance with the provisions of the reimbursement agreement.

If a contract has not been executed within four months of receipt of the notice of obligation from NCTC (step 5), there will be a review of the project status. Based on the review of project status, NCTC will either:

1. Extend the fund obligation for up to a total of nine months from the notice of obligation if the project sponsor can demonstrate a realistic expectation that the project will be awarded and a confirmation of award can be provided to NCTC within that time frame; or
2. De-obligate the funds.

Similarly, if the first invoice has not been submitted to NCTC within nine months of receipt of the letter of obligation (step 6), there will be a review of the project status. Based on the review of project status, NCTC will either:

1. Extend the fund obligation for up to an additional nine months if the project sponsor can demonstrate a realistic expectation that the project work will commence and a first invoice is submitted within that time frame; or
2. De-obligate the funds.

Project Priorities and Expenditure Plans

Setting project priorities and establishing an Expenditure Plan are two critical steps necessary in implementing a mitigation fee program. In **Exhibit 7**, the RTMF Capital Improvement Program, there is a column titled Funding Priority where NCTC will record project priorities once they are adopted.

Exhibit 8, the RTMF Expenditure Plan, will be based on the project priorities in **Exhibit 7** and an assumed revenue generation across the twenty years of the program, with 30 percent of the funding from the fee collections set aside for repayment of the bonds issued for the Dorsey Drive Interchange project. Once the project priorities have been adopted by NCTC, they will be used to allocate the funding available for other projects on a year-by-year basis. The project priorities used in the Expenditure Plan can only be changed by unanimous vote of the NCTC Executive Committee.

Exhibit 7. RTMF Capital Improvement Program

Project ID	Facility	Location	Updated Cost Estimate	% of Need Attributable to New Development	Costs Attributable to New Development	Funds from Other Sources Beyond Amount Needed for Existing Deficiencies	RTMF Funds Currently Available or Collected in Prior Years	Amount Potentially Collectable from RTMF	Funding Priority (to be determined)
			(A)	(B)	(C) = (A)*(B)	(D)	(E)	(F)=(C)-(D)-(E)	
1	SR-49 Interchange	Dorsey Drive	\$24,000,000	33%	\$7,991,555	\$3,377,164	\$2,729,732	\$1,884,659	
2	E.Main St	@ Bennett St/Richardson St	\$1,500,000	100%	\$1,500,000	\$0	\$1,500,000	\$0	
3	SR-49 SB	PM 13.1 to PM 11.0 (SB)	\$21,000,000	48%	\$10,040,404	\$7,440,404	\$0	\$2,600,000	
4	McKnight Way Interchange	@ S. Auburn St/La Barr Meadows Rd	\$9,663,269	100%	\$9,663,269	\$2,000,000	\$0	\$7,663,269	
5	McCourtney Rd	@ SR 20 EB Ramps	\$2,083,969	63%	\$1,317,068	\$0	\$0	\$1,317,068	
6	SR 20/49 NB Ramps	@ Idaho Maryland Rd	\$1,847,696	100%	\$1,847,696	\$0	\$0	\$1,847,696	
7	SR 20/SR 49	@ Uren St	\$1,457,566	39%	\$568,304	\$0	\$0	\$568,304	
8	Brunswick Road	@ SR 174/Colfax Highway	\$1,384,179	100%	\$1,384,179	\$0	\$0	\$1,384,179	
9	SR-49	@ Coyote St	\$468,604	43%	\$199,938	\$0	\$0	\$199,938	
10	Admin Costs and 5-year reviews (2% of program)			100%				\$349,302	
Total			\$63,405,283		\$34,512,413	\$12,817,568	\$4,229,732	\$17,814,415	
As a percent of total costs for needed projects					54%	20%	7%	28%	

Exhibit 8. RTMF Expenditure Plan

Fiscal Year	Anticipated Revenue	Share of Revenue for Dorsey Drive (30% until Bonds are paid off)	Cumulative Funding for Dorsey Drive	Share of Revenue for Other Projects	Expense	Balance of Funding Available for All Other Projects	Projects
	(A)	(B)	(C) = Previous(C) + (B)	(D)=(A)-(B)	(E)	(F)=Previous(F)+(A)-(E)	
22-Jul			\$ 22,115,341			\$ 91,702	
2023/24	\$ 886,136	\$ 265,841	\$ 22,381,182	\$ 620,295	\$ 265,841	\$ 711,997	#1 Dorsey Drive bonds
2024/25	\$ 886,136	\$ 265,841	\$ 22,647,023	\$ 620,295	\$ 265,841	\$ 1,332,292	#1 Dorsey Drive bonds
2025/26	\$ 886,136	\$ 265,841	\$ 22,912,863	\$ 620,295	\$ 265,841	\$ 1,952,587	#1 Dorsey Drive bonds
2026/27	\$ 886,136	\$ 265,841	\$ 23,178,704	\$ 620,295	\$ 265,841	\$ 2,572,882	#1 Dorsey Drive bonds
2027/28	\$ 886,136	\$ 265,841	\$ 23,444,545	\$ 620,295	\$ 265,841	\$ 3,193,177	#1 Dorsey Drive bonds
2028/29	\$ 886,136	\$ 265,841	\$ 23,710,385	\$ 620,295	\$ 265,841	\$ 3,813,472	#1 Dorsey Drive bonds
2029/30	\$ 886,136	\$ 265,841	\$ 23,976,226	\$ 620,295	\$ 265,841	\$ 4,433,767	#1 Dorsey Drive bonds
2030/31	\$ 886,136	\$ 23,774	\$ 24,000,000	\$ 862,362	\$ 23,774	\$ 5,296,128	#1 Dorsey Drive bonds
2031/32	\$ 886,136			\$ 886,136		\$ 6,182,264	
2032/33	\$ 886,136			\$ 886,136		\$ 7,068,400	
2033/34	\$ 886,136			\$ 886,136		\$ 7,954,535	
2034/35	\$ 886,136			\$ 886,136		\$ 8,840,671	
2035/36	\$ 886,136			\$ 886,136		\$ 9,726,807	
2036/37	\$ 886,136			\$ 886,136		\$ 10,612,942	
2037/38	\$ 886,136			\$ 886,136		\$ 11,499,078	
2038/39	\$ 886,136			\$ 886,136		\$ 12,385,213	
2039/40	\$ 886,136			\$ 886,136		\$ 13,271,349	
2040/41	\$ 886,136			\$ 886,136		\$ 14,157,485	
2041/42	\$ 886,136			\$ 886,136		\$ 15,043,620	
2042/43	\$ 886,136			\$ 886,136		\$ 15,929,756	
Total	\$ 17,722,712	\$ 1,884,659		\$ 15,838,053	\$ 1,884,659		