

ORDINANCE NO. 1633

CITY OF LACEY

AN ORDINANCE RELATING TO TRAFFIC MITIGATION AND CONCURRENCY REQUIREMENTS AND ADDING A NEW CHAPTER, 14.21, TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY,

WASHINGTON as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 14.21,

Traffic Mitigation and Concurrency, to read as follows:

14.21.010 Definitions. For purposes of this chapter, the terms contained herein shall be defined as follows:

A. **Affected Intersection.** “Affected Intersection” means an intersection to which the proposed development is projected to add more than ten total PM Peak Hour Trips. Distribution of PM Peak Hour Trips shall be made in accordance with the latest adopted revision of the Thurston Regional Planning Council’s Traffic Distribution Model or such other method as is specifically approved by the city.

B. **Background Traffic.** “Background Traffic” means that volume of traffic that is projected to occur on the street system or through an intersection as of the anticipated date of completion of a development but not including the traffic generated from such development. Background Traffic shall include anticipated traffic from all other approved developments located inside or outside of the city except those developments where governmental approval has lapsed.

C. **Capacity** “Capacity” means the maximum number of vehicles that can be accommodated at a specific intersection at a specified level of service. “Capacity” shall be calculated according to the most recent Highway Capacity Manual, or alternative method approved by the city.

D. **Completion of Development.** “Completion of Development” is achieved:

1. In residential developments other than multifamily residential and planned community developments, upon final plat approval.
2. In planned community developments and village centers upon final city approval of the phase of the development which caused the traffic mitigation measures to be required.

3. In all other developments, when a certificate of occupancy has been issued by the city.

E. Comprehensive Plan. “Comprehensive Plan” means the city of Lacey Comprehensive Plan, including any joint comprehensive plan adopted by the city and Thurston County.

F. Degradation. “Degradation” occurs when the level of service on a transportation facility decreases even though such level of service does not decline below the level of service standard set forth in subsection I. of this section.

G. Development. “Development” means preliminary plat, short plat, proposal to substantially intensify the type of use of existing land or structures, additions to existing structures and any proposed project requiring site plan review pursuant to LMC Section 16.84.010.

H. Financial Commitment. “Financial Commitment” means funds known or reasonably forecasted to be available and designated for transportation facilities or strategies and/or funds that are deposited or assured by an applicant in a form approved by the city

I. Level of Service (LOS) “Level of Service” means the capacity standard for traffic flow through a specified area defined in the latest addition of the “Highway Capacity Manual.” The adopted levels of service for the city of Lacey are as follows:

1. Lacey Core Area = level E The Lacey Core Area is defined as that area bounded by the northerly right-of-way line of Martin Way on the north, the southerly right-of-way line of Lacey Boulevard on the south, the westerly city limit line on the west and the easterly right-of-way line of Carpenter Road on the east.
2. All areas other than the Lacey Core Area = level D

J. Mitigation. “Mitigation” shall mean facility improvements constructed or financed either directly by a developer or in conjunction with the construction or financing of such improvements by other developers and/or the city.

K. PM Peak Hour. “PM Peak Hour” shall mean the sixty-minute period between 4:00 p.m. and 6:00 p.m. with the greatest sum of traffic volumes on a roadway segment or passing through a roadway intersection.

L. PM Peak Hour Trips “PM Peak Hour Trips” means total vehicular trips entering and leaving a project during the p m. peak hour of the adjacent streets. The trip generation rate is as defined in the most recent ITE Trip Generation Manual, published by the Institute of Transportation Engineers. Other trip generation rate sources may be used where ITE data are based on a limited survey base or where there may be special trip generating characteristics of the proposal.

Section 14.21.020 Application and Administration.

A. General Application. This chapter shall apply to all applications hereafter filed for developments which will generate more than 20 new total PM Peak Hour Trips on adjacent streets. This chapter shall further apply to developments which will add more than 10 PM Peak Hour Trips to an individual intersection even though such development generates less than 20 new total PM Peak Hour Trips on adjacent streets.

B. Phased Development. A Phased Development is any development involving multiple buildings where issuance of building permits will occur for individual buildings. In determining general application of this chapter to a particular building or buildings in such a development, the city shall consider the generation of all traffic from buildings approved for construction within six years prior to the date upon which the consideration of applicability is determined except for that traffic to which this chapter has been previously applied.

C. Building Enlargement and Intensification of Use. In determining general application of this chapter to developments consisting of substantial intensification of use or additions to existing structures, the city shall consider the generation of all traffic from buildings constructed or enlarged and uses intensified within six years prior to the date upon which the consideration of applicability is determined except for that traffic to which this chapter has been previously applied.

D. Reconstruction of Destroyed Buildings. If a building is destroyed by fire, explosion or act of God or war, and is reconstructed in accordance with city code, it will not be required to comply with this chapter unless the reconstructed building is anticipated to produce trips in excess of those produced by the destroyed building.

E. SEPA and other code requirements This chapter establishes minimum standards which are to be applied to all developments in order to provide street capacity improvements to minimize traffic congestion on the streets and highways in the city. Nothing herein is intended to limit the further application of the State Environmental Policy Act to specific developments. Each development shall be reviewed and may be conditioned or denied under the authority of the State Environmental Policy Act and LMC Chapter 14.24. Further, nothing herein shall limit or modify requirements contained within this code, including the city's Development Guidelines and Public Works Standards, relating to frontage improvements or improvements interior to the development.

F Administration The Site Plan Review Committee shall be responsible for the administration of this chapter. The information to be provided by applicants and the criteria for determining traffic generation and impact of development shall be in accordance with section 1G.040 of the city's Development Guidelines and Public Works Standards, provided, however, that in case of conflict between the terms of this chapter and the provisions of said section 1G.040, the provisions of this chapter shall prevail.

14.21.030. Review of Development Proposals.

A. Traffic Impacts: Subject to the provisions of subsection B of this section, a proposed development will meet the requirements of this chapter as long as the traffic impacts of such development, as mitigated pursuant to section 14.21.040 will not result in the traffic degradation of a transportation facility. In determining the transportation impact of a proposed development, transportation improvements provided by fully funded public projects and projects under contract as part of other approved developments shall be considered.

B. Concurrency Requirement. A proposed development will not be approved under this chapter if traffic generated by such development, when added to the background traffic volumes, causes the level of service on a transportation facility to decline below the level of service standard set forth in section 14.21.010 I., unless transportation improvements or strategies to cure such decline are made concurrent with the development. Such transportation improvements or strategies may be provided by the following method or combination of methods: (1) public transportation projects which are fully funded , (2) transportation improvements which are under contract as part of the completion of other approved developments, (3) transportation improvements provided directly by the project proponent, (4) planned transportation improvements or strategies for which there is in place a financial commitment to assure completion within six years after completion of the development and to which financial commitment the proponent has provided funds pursuant to section 14.21.040B(2) of this chapter.

C. Decision and Appeal Process.

1. The Site Plan Review Committee shall determine if mitigation is required under this chapter.
2. If mitigation is required, the Committee shall determine if the mitigation proposed by the proponent meets the requirements of Section 14.21.040. Notice of the e Committee's decision and the transportation improvements required shall be provided in written form to the proponent.
3. The decision of the Site Plan Review Committee shall be appealable to the city's Hearings Examiner pursuant to LMC Section 16.84.030. Said appeal shall be combined with the appeal of any other matter relating to the development from the Site Plan Review Committee to the Hearings Examiner.

14.21.040. Methods of Providing Transportation Improvements.

A. Mitigation Methods. If mitigation is required, the applicant may choose to (1) reduce the size of the development to the point that traffic degradation does not occur, (2) delay the development schedule until the city, and or other developers provide needed improvements, or (3) provide the mitigation pursuant to paragraph B of this section.

B. Payment for and Timing of Improvements.

1. Construction of traffic improvements which are required of a proponent as direct mitigation under section 14.10.030 must be completed by the time of completion of development or an assurance device to guarantee completion of such improvements must be deposited with the city. The assurance device shall be in an amount equal to 150% of the estimated improvement cost. Such assurance device shall be deposited with the city at the time of building permit issuance, final plat approval or other approval to proceed.
2. The Site Plan Review Committee may allow a proponent to provide funds to the city in an amount equal to the portion of the estimated improvement cost caused by the trips generated by the development through an intersection beyond that number of trips causing the intersection to become an "affected intersection". Payment of such funds shall be made at the time of building permit issuance, final plat approval or other approval to proceed.
3. All funds received by the city under paragraph B.2. of this section shall be expended within 5 years after receipt. The city shall maintain accounting records showing the amount and source of the funds, the date the funds were contributed, and the date, amount and purpose of all expenditures of such funds. The accounting records shall be open to inspection by contributing proponents and record owners of property for which the contributions have been made. Any funds not expended within 5 years after receipt shall be refunded in full to the property owner of record of the time of the refund.
4. Nothing herein shall prevent the city from approving proposed transportation latecomer agreements or local improvement districts should the city so determine.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON,

this 11 day of April, 1996.


CITY COUNCIL

BY: 
Mayor

Attest:


City Clerk

Approved as to form


City Attorney