

ORDINANCE NO. 1048

CITY OF LACEY

AN ORDINANCE RELATING TO TRAFFIC MITIGATION AND
CONCURRENCY REQUIREMENTS AND AMENDING SECTION 14.21.040 OF
THE LACEY MUNICIPAL CODE

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

WASHINGTON as follows:

Section 1. Section 14.21.040 of the Lacey Municipal Code is hereby amended to read as follows:

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 affected 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 19TH day of December, 1996.

CITY COUNCIL

BY: Nancy Peterson
Mayor

Attest:

Charlotta Taylor
City Clerk

Approved as to form:

[Signature]
City Attorney