

ORDINANCE NO. 1059

CITY OF LACEY

AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING A TRANSPORTATION IMPROVEMENT PROGRAM PURSUANT TO REVISED CODE OF WASHINGTON (RCW) CHAPTER 39.92, THE LOCAL TRANSPORTATION ACT, AMENDING AND ADDING SECTIONS TO LACEY MUNICIPAL CODE CHAPTER 14.21 IN ORDER TO CARRY OUT THE PROVISIONS OF SUCH TRANSPORTATION PLAN PURSUANT TO SUCH STATUTORY AUTHORITY AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the city has previously adopted chapter 14.21 of the Lacey Municipal Code (LMC) relating in part to the various means by which the owners of the properties proposed to be developed can mitigate traffic impacts caused by such development, and

WHEREAS, the City Council desires to adopt a Transportation Improvement Program pursuant to the authority granted by RCW Chapter 39.92, The Local Transportation Act in order to make provisions for joint, public and private financing of transportation improvement projects and to allow the mitigation of the cumulative impacts of growth and development within the city by the owners of land sought to be developed, and

WHEREAS, in adopting such transportation improvement program, the City Council determines that it is in the best interest of the citizens of the city of Lacey that previously adopted city policies be recognized. Such policies include encouragement of job creation businesses and industries, promotion of new affordable housing and facilitating the establishment of such beneficial services as day care facilities, and

WHEREAS, the Council recognizes that taxes generated by new commercial and industrial development will aid in offsetting expenditures by the city for transportation improvement projects, and

WHEREAS, the City Council wishes to balance the transportation costs to be paid by new development with the promotion of the policies set forth above, now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, as follows:

Section 1. Section 14.21.010 of the Lacey Municipal Code is hereby amended 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 Transportation Improvement Project.~~ "Affected Intersection Transportation Improvement Project" means ~~an intersection~~ a Transportation Improvement Project identified in the manner set forth in Section 14.21.026 to which the proposed development is projected to add ~~more than ten total~~ at least one 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~~ in the area of a transportation improvement project at a specified level of service. "Capacity" shall be calculated according to the most recent Highway Capacity Manual, signal warrant analysis, 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 development, 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.~~

GF. Development. "Development" means preliminary plat, short plat, proposal to substantially intensify the type of use of existing land or structures, additions to existing structures other than one or two family residential structures and any proposed project requiring site plan review pursuant to LMC Section 16.84.010. Except for those residential lots within plats described in section 14.21.050, the term shall not include individual one or two family residential lots.

HG. 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.

EH. Level of Service (LOS). "Level of Service" means the capacity standard for traffic flow through a specified area defined in the latest edition 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

FI. 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.

KJ. 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~~ the area of a transportation improvement project.

EK. PM Peak Hour Trips. "PM Peak Hour Trips" means total vehicular trips entering and leaving a ~~project development~~ 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 approved by the city 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.

L. Plan Area. "Plan Area" means that geographic area described in section 14.21.022 as generally benefited by the transportation improvements identified in the manner specified in Section 14.21.026 and within which transportation mitigation fees may be imposed.

M. Transportation Improvement Project. "Transportation Improvement Project" means any and all transportation improvement projects identified as specified in section 14.21.026 to be designed and constructed in accordance with the City's development guidelines and Public Works standards or by the requirements of the State of Washington for transportation improvement projects controlled and regulated by the State of Washington

N. Transportation Mitigation Fee. "Transportation Mitigation Fee" means the monetary charge imposed on a development within the plan area for the purpose of providing that portion of the funding for identified transportation improvement projects which is reasonable and necessary to mitigate the cumulative impacts of growth and development upon such identified transportation improvement projects.

Section 2. Section 14.21.020 of the Lacey Municipal Code is hereby amended to read as follows:

**14.21.020 Application and administration.**

A. General Application. This chapter shall apply to all applications hereafter filed for a developments which will ~~generate more than twenty new total~~ add at least one new PM Peak Hour Trips to the area of on adjacent streets. ~~This chapter shall further apply to developments which will add more than ten PM Peak Hour Trips to an individual intersection identified~~ traffic improvement project.

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.~~ Mitigation shall not be required for trip impacts previously mitigated either under this ordinance or under the requirements in effect at the time of the previous development.

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. Provided, however, a transportation mitigation fee shall not be required for a development when mitigation of the same off-site transportation impacts caused by the development is required by any other government agency. 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.

Section 3. There is hereby added to the Lacey Municipal Code a new section, 14.21.022 to read as follows:

**14.21.022 Plan Area.** The transportation improvement plan area established in this chapter shall be that portion of Thurston County lying easterly of Lilly Road NE and Wiggins Road SE, Extended, Northerly of 93rd Avenue SE, Extended and westerly of a line running north and south and located 1320' east of the line of the Willamette Meridian. The location of Meridian Road is generally the same as the line of the Willamette Meridian.

Section 4. There is hereby added to the Lacey Municipal Code a new section, 14.21.024 to read as follows:

**14.21.024 Transportation Improvement Plan.** The city's transportation improvement plan consists of those certain plans and documents designated herein as the same now exist or are hereafter amended or updated:

A. City of Lacey 1994 Comprehensive Transportation Plan.

B. Transportation Element-1996-2016 Capital Facilities Plan, City of Lacey, Washington.

C. Six-Year Comprehensive Transportation Improvement Program for the City of Lacey.

Section 5. There is hereby added to the Lacey Municipal Code a new section, 14.21.026 to read as follows:

**14.21.026 Transportation Improvements.** The transportation improvements reasonably necessary to mitigate the cumulative impacts of growth and development in the plan area are set forth on exhibit A, attached to this ordinance. The transportation improvements so designated shall be reviewed annually at the time of review of the city's Six-Year Transportation Improvement Program. After such review, the city council may modify such list of transportation improvements and if revisions are made, adopt such revised list by resolution or ordinance. Provided, however, the council shall not include on such list any transportation improvement project that is incapable of being reasonably carried out because of lack of public funds or other foreseeable impediment.

Section 6. Section 14.21.030 of the Lacey Municipal Code is hereby amended to read as follows:

**14.21.030 Review of development proposals.**

A. Traffic Impacts+ . Subject to the provisions of subsection B of this section, approval of a proposed development will be conditioned upon the mitigation of ~~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. The city may require the submittal of supplementary information and studies by a developer for any development which may reasonably cause a transportation facility to decline below such level of service standard. Such transportation improvements or strategies may be provided by the following method or combination of methods:

1. Public transportation projects which are fully initially funded and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to section 14.21.040B(2) of this chapter;

2. Transportation improvements which are under contract as part of the completion of other approved developments and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to section 14.21.040B(2) of this chapter;

3. Transportation improvements ~~provided directly~~ constructed by the ~~project~~ proponent or to the costs of which the proponent has paid a dollar amount or dedicated land of a fair market value equal to or in excess of the mitigation fee which would otherwise have been paid by such proponent pursuant to Section 14.21.040B(2). The proponent shall be given credit against the development's total obligation for transportation mitigation fees to the extent that such construction, contribution or dedication to a particular transportation improvement project exceeds the transportation mitigation fee which would otherwise have been due for that transportation project. If the value of such construction, contribution, or dedication exceeds the total of the transportation impact fee obligation for the proponent's development, the proponent shall be entitled to reimbursement from transportation mitigation fees attributable to that particular transportation improvement project and paid by subsequent developers within the plan area. Such reimbursement shall be made to the proponent in the same proportion as the proponent's construction, payment or dedication bears to the total of the new development portion of the costs of such project;

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~~ in support of which the proponent has paid or agreed to pay a mitigation fee 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~~ concurrency required under this chapter is met.

2. If concurrency is met but mitigation is required, the committee shall ~~determine if the~~ require mitigation ~~proposed by the proponent meets~~ in accordance with the requirements of Section 14.21.040. Notice of the committee's decision and the mitigation ~~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.

D. Review of Developments Outside City Limits.

The City shall review developments which are within the plan area but located outside of the City limits in the same manner as it reviews developments located within the City limits. The City shall further cooperate with Thurston County and other cities within the county to expeditiously review the transportation impacts of developments located within such jurisdiction. Such cooperation shall include the exercise of all powers under existing contractual agreements, the promotion of future contractual agreements, and the adoption by the county of common development standards. All cooperative efforts shall be directed towards evaluating and mitigating the actual impacts of development projects upon the transportation improvement projects located within the respective jurisdictions. If the projected transportation impacts on Lacey transportation improvement projects of those developments located outside the city but within the plan area are not required to be mitigated by the jurisdiction in which such development is located or voluntarily mitigated by the developer in a manner equal to the requirements of this ordinance, the City shall not extend utility services to such development unless required to do so by prior agreement or force of law.

Section 7. Section 14.21.040 is hereby amended to read as follows:

**14.21.040. Methods of providing transportation improvements. A development proponent may be required to directly mitigate the transportation impacts of such proposed development or be required to pay transportation mitigation fees. Such mitigation methods shall be carried out as follows:**

~~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.~~

A. Direct Mitigation. 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 percent 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. The direct payment of a lump sum for signal timing shall be considered a direct mitigation under this subsection.

B. The transportation impacts from each development within the plan area except those impacts directly mitigated as provided in subsection A of this section shall be mitigated by the payment of a transportation mitigation fee. Such fee shall be determined, paid and expended as follows:

1. The city shall determine, the number of PM Peak Hour Trips generated from or to such development which impact each transportation improvement project listed in the transportation improvement program. In making such determination, the city shall consider all relevant factors, including the developer's participation in public transportation, ride sharing and other transportation demand management programs and services. Further, in order to recognize the increased tax revenue to be received by the City to offset transportation improvement project costs from nonresidential developments and the jobs created by such developments, the City shall divide the number of PM Peak Hour Trips generated from or to such nonresidential development which impact each transportation improvement project by a factor of 2. Provided, however, that such division shall not be made of those PM Peak Hour Trips generated which impact that transportation improvement project designated as Marvin and I-5 interchange improvements.

~~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. Payment of such funds shall be made at the time of building permit issuance, final plat approval or other approval to proceed.~~

2. The number of PM Peak Hour Trips determined in subsection B.1. for each transportation improvement project shall be multiplied by the cost per trip as set forth on exhibit A as the same may annually be hereafter modified for each transportation improvement project included within the program. Such cost per trip is determined by dividing the total estimated or actual cost of the transportation improvement project by the consistent denominator of traffic volume set forth for each such project. The cost per trip is determined by such calculation in order to provide a reasonable portion of the funding of such projects to solve the cumulative impacts of planned growth and development within the plan area. A cost per trip which is less than the cost determined by such calculation may be approved by the city council as part of its periodic review of the

transportation improvement program in order to assure that such transportation mitigation fees do not exceed those fees reasonably necessary as a direct result of a proposed development. If the cost per trip as set forth changes between the date of development approval and the date of mitigation fee payment or first payment pursuant to the installment method due to projected construction cost increases or decreases, the fee due shall be in accordance with the cost per trip in effect at the date of such payment or first installment. Provided, however, that the average cost per trip for a residential development not generating trips to or from that transportation improvement project designated as Marvin and I-5 interchange improvements shall not exceed the sum of \$1,040.00. The average cost per trip for those residential developments generating trips which impact the transportation improvement project designated as Marvin and I-5 interchange improvements shall not exceed the sum of \$1,040.00 plus a sum equal to the per trip cost exceeding \$1,040.00 for those trips generated by the development and impacting the Marvin and I-5 interchange improvements project. The \$1,040.00 limitation set forth herein shall be increased on July 1 of 1998 and July 1 of each year thereafter in an amount equal to the increase in the Engineering News Record Construction Cost Index over a date one year earlier.

~~3. All funds received by the city under paragraph B.2. of this section shall be expended within five 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 five years after receipt shall be refunded in full to the property owner of record of the time of the refund.~~

3. The transportation mitigation fee determined shall be payable for those designated transportation improvement projects constructed or to be constructed after the passage of this ordinance. The requirement to pay such fees shall apply even though the transportation project has been completed prior to development application or the due date of mitigation fee payments. Such requirement shall continue until the trips generated for a particular transportation improvement project from developments which have paid mitigation fees for that project equal the number of trips shown as mitigated volume on the transportation improvement mitigation list.

~~4. Nothing herein shall prevent the city from approving proposed transportation latecomer agreements or local improvement districts should the city so determine. (Ord. 1048 §1, 1996; Ord. 1033, 1996).~~

4. The City shall maintain accurate accounting records showing the amount of mitigation fees paid for each transportation improvement project, the source of the funds, the date the funds were contributed and the date, amount and purpose of all expenditures of such fees. The accounting records shall be public records and open to inspection.

5. Transportation mitigation fees collected as a result of a particular new development shall be used to pay for transportation improvements mitigating the impacts of such development within six years after actual receipt of such funds. Mitigation fees paid towards more than one transportation improvement may be pooled and expended on any one of the improvements impacted by the development. Application of fees received to reimburse the public or other developers for designated transportation improvement projects previously completed shall be deemed to be an expenditure of such fees for purposes of this subsection. Any funds not expended in the manner set forth in this subsection within six years of collection of such funds shall be refunded in full to the property owner of record at the time of the refund.

6. The transportation mitigation fee as so determined, shall be due and payable at the time of issuance of a building permit. In all cases except residential subdivisions, the property owner may pay the transportation mitigation fee in a lump sum upon building permit issuance or, at the owners option, by annual installments, with interest, over a period of five years. In the case of residential subdivisions or short subdivisions, if the developer chooses to pay the transportation mitigation fee at the time of final plat approval, such developer shall have the same installment option as set forth for non residential developments. If the option to pay by installment is chosen, the property owner or developer shall be required to pay twenty percent of the total fee at the time the building permit is issued or in the case of residential subdivisions, at the time the final plat is approved and the remaining balance in equal installments over a period of five years with interest at the rate set by the State Treasurer and published in the Washington State Register pursuant to RCW 19.52.025 for the month of December of the year immediately preceding the calendar year in which the promissory note is provided to the City. The developer or property owner may pay the outstanding balance with accumulated interest at any time without penalty. If any installment is not paid within ten days of the date it is due, the total outstanding balance shall immediately be due and payable. The installment method of payment may only be used if additional security, satisfactory to the city is provided to guarantee such payment. For those developments not requiring a building permit, the initial development or construction permit issued shall be treated as a building permit for purposes of determining the due date and manner of payment of the transportation mitigation fee. Payment of a mitigation fee is intended to mitigate the transportation impacts for a particular

location. Therefore, mitigation fee credit cannot be transferred to any other location.

7. Nothing herein shall prevent the city from approving local improvement districts, proposed transportation latecomer agreements or other means of financing transportation improvements. Provided, however, that the developer or owner of properties shall be given credit against such other means of financing for mitigation fees paid under this chapter for the specific transportation improvement project to be financed.

Section 8. There is hereby added to the Lacey Municipal Code a new section, 14.21.050 to read as follows:

**14.21.050 Prior plats.** Notwithstanding anything in this chapter to the contrary, the provisions herein shall apply upon the issuance of building permits within plats, the approval of which was made contingent upon addressing the issue of traffic impacts at the time of building permit application.

Section 9. The summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 22 day of May, 1997.

CITY COUNCIL

BY: Nancy Peterson  
Mayor

Attest:

Charlotta M. Taylor  
City Clerk

Approved as to form:

[Signature]  
City Attorney

*Published: Monday, May 26, 1997*

## TRANSPORTATION IMPROVEMENT MITIGATION LIST

Account Number	Project	Project Cost	Consistent Denominator	Cost per Trip	Existing Volume	Remaining Volume	Mitigated Volume	Collection	% of Total
102-0000-224 50-03	45th Avenue and College Street Improvements	\$ 150,000	3500	\$ 43	1,645	1,855	1,113	\$ 47,700	32%
102-0000-224 50-08	45th Avenue and Ruddell Road Improvements	\$ 250,000	3500	\$ 71	1,156	2,344	1,406	\$ 100,457	40%
102-0000-224 50-21	Marvin Road Capacity Improvements South of I-5	\$ 2,100,000	4000	\$ 525	2,797	1,203	722	\$ 378,945	18%
102-0000-224 50-22	Pacific Ave and Lacey Blvd -- CBD Capacity Improvements SI-Kinney to Carpenter Road	\$ 4,000,000	4000	\$ 1,000	2,662	1,338	803	\$ 802,800	20%
102-0000-224 50-23	Sleater-Kinney at 14th Ave Improvements	\$ 250,000	3500	\$ 71	1,448	2,052	1,231	\$ 87,943	35%
102-0000-224 50-24	Ruddell Road at 22nd Avenue Improvements	\$ 250,000	3500	\$ 71	1,154	2,346	1,408	\$ 100,543	40%
102-0000-224 50-25	College Street Extension NE	\$ 1,500,000	3500	\$ 429	1,017	2,483	1,490	\$ 638,486	43%
102-0000-224 50-26	Mullen Road Extension	\$ 3,500,000	4000	\$ 875	1,731	2,269	1,361	\$ 1,191,225	34%
102-0000-224 50-27	Yelm Highway Improvements College Street to Ruddell Road	\$ 2,250,000	4000	\$ 563	1,703	2,297	1,378	\$ 775,238	34%
102-0000-224 50-28	Carpenter Road Capacity /Safety Improvements Pacific to Shady Lane	\$ 2,000,000	4000	\$ 500	1,521	2,479	1,487	\$ 743,700	37%
102-0000-224 50-29	Mullen Road Capacity/Safety Improvements East of Ruddell	\$ 3,000,000	4000	\$ 750	1,138	2,862	1,717	\$ 1,287,900	43%
102-0000-224 50-30	Shady Lane Improvements	\$ 2,500,000	3500	\$ 714	1,130	2,370	1,422	\$ 1,015,714	41%
102-0000-224 50-31	Carpenter Road Widening / Pacific To Martin	\$ 5,100,000	4000	\$ 1,275	3,272	728	437	\$ 556,920	11%
102-0000-224 50-32	Ruddell Road / 54th Avenue Improvements	\$ 150,000	3500	\$ 43	979	2,521	1,513	\$ 64,826	43%
102-0000-224 50-33	Martin Way & I-5 Interchange Improvements	\$ 3,000,000	5000	\$ 600	3,915	1,085	651	\$ 390,600	13%
102-0000-224 50-35	Marvin & I-5 Interchange Improvements	\$ 8,100,000	5000	\$ 500	1,791	3,209	3,209	\$ 2,340,000	29%
102-0000-224 50-36	Marvin Road -- Hogum Bay to Britton	\$ 3,057,000	4000	\$ 764	580	3,420	2,052	\$ 1,568,241	51%
102-0000-224 50-37	Willamette Drive Extension	\$ 2,351,000	4000	\$ 588	580	3,420	2,052	\$ 1,206,063	51%
102-0000-224 50-38	Carpenter Rd/Draham Rd Intersection Realignment	\$ 2,100,000	4000	\$ 525	295	3,705	2,223	\$ 1,167,075	56%
102-0000-224 50-39	Marvin Road-- Britton to 44th NE	\$ 1,729,000	4000	\$ 432	580	3,420	2,052	\$ 886,977	51%
102-0000-224 50-40	Rainier Road -- Yelm Hwy to south CL	\$ 1,300,000	4000	\$ 325	774	3,226	1,936	\$ 629,070	48%
102-0000-224 50-41	Yelm Highway Improvements Ruddell Road to East City Limits	\$ 2,250,000	4000	\$ 563	1,277	2,723	1,634	\$ 919,013	41%
		\$ 50,887,000	86,500	\$ 11,227	33,145	53,355	33,297	\$ 16,899,435	33%

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ORDINANCE 1059

SUMMARY FOR PBLICATION

ORDINANCE 1059

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on MAY 22, 1997, Ordinance No. 1059 entitled "AN ORDINANCE OF THE CITY OF LACEY, WASHINGTON, ADOPTING A TRANSPORTATION IMPROVEMENT PROGRAM PURSUANT TO REVISED CODE OF WASHINGTON (RCW) CHAPTER 39.92, THE LOCAL TRANSPORTATION ACT, AMENDING AND ADDING SECTIONS TO LACEY MUNICIPAL CODE CHAPTER 14.21 IN ORDER TO CARRY OUT THE PROVISIONS OF SUCH TRANSPORTATION PLAN PURSUANT TO SUCH STATUTORY AUTHORITY AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the ordinance are described as follows:

The ordinance amends the existing City regulations relating to traffic mitigation and concurrency by modifying the sections contained within Chapter 14.21 of the Lacey Municipal Code. These amendments accomplish the following purposes:

1. A Local Transportation Improvement Program is adopted. Such a program is authorized by RCW Chapter 39.92.

2. By virtue of adopting such a plan, the mitigation fees called for in LMC Chapter 14.21 will be applicable for transportation improvement projects even though those projects have been completed.

3. The ordinance specifically adopts a list of transportation projects to which the regulations apply. Further, the ordinance requires this list to be reviewed annually in conjunction with the adoption of the City's Six Year Street Plan.

4. The ordinance specifically adopts a plan area within the county within which traffic impacts will be reviewed for purposes of determining applicability of the ordinance.

5. The existing regulations are modified to provide for mitigation of all trips impacting a proposed transportation improvement project rather than utilizing the present thresholds for study.

A copy of the full text of this Ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: May 20, \_\_\_\_\_, 1997.

*Monday*

# Affidavit of Publication

STATE OF WASHINGTON  
County of Thurston County  
ss.

Legal #6452  
**NOTICE OF ACTION**  
 Notice is given under SEPA, RCW 43.21C 080, that City of Lacey took the action described in (2) below on May 22, 1997

1 Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of non-compliance with the provisions of Chapter 43.21C RCW (State Environmental Policy Act) shall be commenced on or before December 29, 1997

2 Description of Agency Action  
 Adoption of ordinance #1059 for the City of Lacey, Washington, adopting a Transportation Improvement Program pursuant to Revised Code of Washington (RCW) Chapter 39 92, the Local Transportation Act, amending, and adding sections to Lacey Municipal Code Chapter 14.21 in order to carry out the provisions of such transportation plan pursuant to such statutory authority.

3. Description of Proposal (if not covered by 2.):  
 Adoption of a Transportation Improvement Program pursuant to the authority granted by RCA Chapter 39.92, The Local Transportation Act, in order to make provisions for joint, public and private financing of transportation projects and to allow the mitigation of the cumulative impacts of growth and development within the city by the owners of land sought to be developed.

4. Location of Proposal. (A sufficient description should be given to locate the site, if any, but a complete legal description is not required):  
 The transportation improvement plan area established shall be that portion of Thurston County lying easterly of Lily Road NE and Wiggins Road SE, extended, northerly of 93rd Avenue SE, extended and westerly of a line running north and south and located one thousand three hundred twenty feet east of the line of the Wilamette Meridian. The location of Meridian Road is generally the same as the line of the Wilamette Meridian.

5 Types of environmental review under SEPA (include name and date of any environmental documents):  
 Reference to an environmental impact statement prepared for the City's Comprehensive Plan and an addendum prepared for the zoning code and development regulations. The EIS Reports looked at general impacts associated with goals and policies put forth in the plan and implementing legislation. The action is part of Lacey's overall program to implement the goals of the land use and transportation elements and would therefore have similar impacts as discussed in the EIS reports.

6. Documents may be examined during regular business hours at Lacey City Hall, 420 College St SE, between the hours of 8 00 a m and 5 00 p m Monday through Friday

7. Name of Agency, Proponent, or Applicant giving notice  
 City of Lacey

8 This notice is filed by (signature of individual and capacity in which the person is signing)  
 /s/ Jerry Litt  
 Director of Community Development

Publish November 30,  
 December 7, 1997

The undersigned being first duly sworn on oath deposed and says: That she is the Principal Clerk of The Olympian which is a legal newspaper printed and published in the City of Olympia, Thurston County, Washington: of general circulation in said City, County and State; that the Notice of Action in the case of Sepa Files RCW 197-11-990 of which the attached is a printed copy, was published in said newspaper:

On the 30th day of November 1997  
 the 7th day of December 1997  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1997  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1997  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1997  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1997  
 the \_\_\_\_\_ day of \_\_\_\_\_ 1997

that the said newspaper was generally circulated during all of said time, and has been published for more than six months prior to the dates of the publication of this legal document, and that said notice was published in the newspaper proper and not in supplement form.

The amount of fee charged for this publication \$ 220.<sup>28</sup>

Ruth Richard  
 Principal Clerk

Subscribed and sworn to me this 7th day of December 1997.

Marsha J. Hogan  
 Notary Public and for the State of Washington  
 residing at Olympia, Thurston County, Washington



The Olympian has been appointed as a legal newspaper by order of the Superior Court of the State of Washington for Thurston County, dated July 10, 1941, in the county in which said newspaper is published in accordance with RCW 65.16.020 and RCW 63.16.040.

Note - The fee for this affidavit and fee is in compliance with RCW 63.16.030 and Sec. 3, Chapter 34, Laws of 1977.