

ORDINANCE NO. 1268

CITY OF LACEY

AN ORDINANCE RELATING TO TRAFFIC CONCURRENCY, IDENTIFYING CERTAIN STRATEGY CORRIDORS, EXEMPTING SUCH CORRIDORS FROM LEVEL OF SERVICE STANDARDS, AMENDING SECTIONS 14.21.010 AND 14.21.030 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, the Council has previously set level of service standards for traffic flow within areas of the City and has determined that certain corridors or intersections are, from a practical standpoint, fully improved and yet may not meet the level of service standards previously set, and

WHEREAS, such corridors and intersections are located in areas where development should be encouraged and alternate strategies are available to aid in the accommodation of congestion,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, 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 Transportation Improvement Project.** “Affected Transportation Improvement Project” means a Transportation Improvement Project identified in the manner set forth in Section 14.21.026 to which the proposed development is projected to add at least one PM Peak Hour Trip. 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 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, a 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. 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.
- G. 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.
- H. 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. Subject to the provisions for Strategy Corridors set forth in Subsection M of this Section, 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
- I. 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.
- J. 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 the area of a transportation improvement project.
- K. PM Peak Hour Trips. "PM Peak Hour Trips" means total vehicular trips entering and leaving a 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. Strategy Corridors. "Strategy Corridors" are those streets or intersections which typically have been constructed or improved to 4 or 5 lanes in width between intersections or are streets or intersections bounded by existing land use or environmental features that preclude further widening. Such Strategy Corridors are in areas where, pursuant to other policies of the City, growth is encouraged and typically coincide with the designation of a High Density Corridor, City Centers, Core Areas or Activity Centers where a concentration of commercial and other uses is desired, especially when that growth increases densities and proximity of different types of land use. Peak hour vehicular congestion in these corridors is likely to exceed levels of service which would otherwise be acceptable within the transportation system. Such corridors should be identified in the City's Transportation Plan. Such Strategy Corridors shall be exempt from the level of service standards set forth in Subsection H of this Section. However, strategies tailored to each of such corridors may be required in accordance with the procedures and authority set forth in Section 14.21.030. Such strategies should include an appropriate mix of:

1. High quality and fully integrated bike, pedestrian, carpool, vanpool, and transit facilities and services.
2. Complete and connected street grids.
3. Transportation technology measures that improve overall system operating efficiency and safety.
4. Access management.
5. Parking management.
6. Aggressive travel demand management strategies; and/or
7. Land use intensification.

~~M~~N. 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~~O. 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 14.21.030 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 the traffic impacts of such development, pursuant to Section 14.21.040.
- 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(H), 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. Further, for identified Strategy Corridors, the City may require a combination of those strategies set forth in Section 14.21.010.M to be constructed or instituted. Such transportation improvements or strategies may be provided by the following method or combination of methods:
1. Public transportation projects which are initially funded and in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to Section 14.21.040.B(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 14.21.040.B(2) of this chapter;
 3. Transportation improvements constructed by the 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 14.21.040.B(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 in support of which the proponent has paid or agreed to pay a mitigation fee pursuant to Section 14.21.040.B(2) of this chapter.
- C. Decision and Appeal Process.
1. The Site Plan Review Committee shall determine if concurrency required under this chapter is met.

2. If concurrency is met but mitigation is required, the committee shall require mitigation in accordance with the requirements of Section 14.21.040. Notice of the committee's decision and the mitigation required shall be provided in written form to the proponent.
3. Any decision of the city of Lacey in the administration of this chapter may be appealed in accordance with Chapter 1D of the City of Lacey Development Guidelines and Public Works Standards.

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.

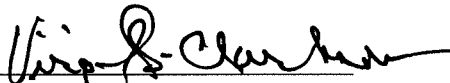
Section 3. The Summary attached hereto is hereby approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,

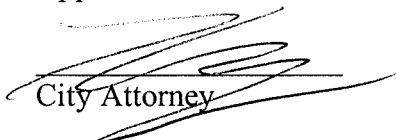
WASHINGTON, at a regularly-called meeting thereof, held this 13TH day of

 JULY , 2006.

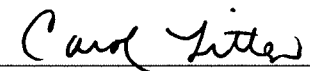
CITY COUNCIL

By: 
Mayor

Approved as to form:


City Attorney

Attest:


City Clerk

SUMMARY FOR PUBLICATION

ORDINANCE NO. 1268

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on JULY 13, 2006, Ordinance No. 1268, entitled "AN ORDINANCE RELATING TO TRAFFIC CONCURRENCY, IDENTIFYING CERTAIN STRATEGY CORRIDORS, EXEMPTING SUCH CORRIDORS FROM LEVEL OF SERVICE STANDARDS, AMENDING SECTIONS 14.21.010 AND 14.21.030 OF THE LACEY MUNICIPAL CODE AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Council declares that there are certain corridors and intersections within the City that have been constructed to their maximum width and despite such past improvements, may not meet transportation level of service standards previously set by the City. Such corridors and intersections are identified as Strategy Corridors and are limited to those streets and intersections such as High Density Corridors, City Centers, Core Areas and Activity Centers which should be allowed to further develop despite congestion occurring in the PM Peak Hour.
2. The ordinance exempts such Strategy Corridors from the levels of service otherwise set in the City's ordinances. However, in doing so, the Council has specified that other strategies for transportation, access and parking management be required.
3. The ordinance amends Section 14.21.010 and 14.21.030 to carry out this policy.
4. The Ordinance approves this Summary for Publication.

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: JULY 17, 2006.