

Exhibit 3

1 **40.550 MODIFICATIONS AND VARIANCES**

2 **40.550.010 ROAD MODIFICATIONS**

3 A. Criteria.

- 4 1. Modifications to the standards contained within Chapter [40.350](#) may be
5 granted in accordance with the procedures set out herein when any one (1) of
6 the following conditions are met:
 - 7 a. Topography, right-of-way, existing construction or physical conditions, or
8 other geographic conditions impose an unusual hardship on the applicant,
9 and an equivalent alternative which can accomplish the same design
10 purpose is available.
 - 11 b. A minor change to a specification or standard is required to address a
12 specific design or construction problem which, if not enacted, will result in
13 an unusual hardship.
 - 14 c. An alternative design is proposed which will provide a plan equal to or
15 superior to these standards.
 - 16 d. Application of the standards of Chapter [40.350](#) to the development would
17 be grossly disproportional to the impacts created.
- 18 2. In reviewing a modification request, consideration shall be given to public
19 safety, durability, cost of maintenance, function, appearance, and other
20 appropriate factors, such as to advance the goals of the comprehensive plan
21 as a whole. Any modification shall be the minimum necessary to alleviate the
22 hardship or disproportional impact. Self-imposed hardships shall not be used
23 as a reason to grant a modification request.
- 24 3. To address issues associated with rapid growth, the legislature enacted the
25 Growth Management Act which requires that urban growth areas be sized to
26 accommodate growth and prevent urban sprawl by focusing development in
27 underdeveloped portions of an urban area. The board therefore finds and
28 concludes, consistent with that legislation, that right-of-way dedicated, frontage
29 improvements and crossroads constructed in urban growth areas in Clark
30 County will be substantially completed within the twenty (20) year period
31 provided in RCW [36.70A.110](#) in the absence of geographic or development
32 constraints.

33 *(Amended: Ord. 2006-11-07)*

34 B. Categories.

35 For the purpose of processing, modification requests fall within the following two (2)
36 categories:

- 37 1. Administrative Modification. Administrative modification requests deal with the
38 construction of facilities, rather than their general design, and are limited to the
39 following when deviating from the standard specifications:
 - 40 a. Surfacing materials for roads or pedestrian facilities;
 - 41 b. Asphalt and/or base rock thickness less than required;
 - 42 c. Pavement marking layout;
 - 43 d. Exceeding the maximum street grade;
 - 44 e. Type and/or location of signage;

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- 1 f. Channelization;
- 2 g. Intersection interior angles and curb radii less than required;
- 3 h. Utilizing the current set of standards in lieu of the standards that were in
- 4 place when the applicant's proposed project was vested;
- 5 i. Access-related modifications onto collectors and arterials; provided, other
- 6 substantive criteria such as sight distance and limited access points are
- 7 met; and provided further, that access to a lesser classification of road is
- 8 not available;
- 9 j. Field changes during construction; and
- 10 k. Similar revisions to the standards;
- 11 l. Shed section or inverted crown.
- 12 2. Design Modifications. Design modifications deal with the vertical and horizontal
- 13 geometrics and safety related issues and include the following when deviating
- 14 from the standard specifications:
- 15 a. Reduced sight distances;
- 16 b. Intersection spacing;
- 17 c. Vertical alignment;
- 18 d. Horizontal alignment;
- 19 e. Geometric design (length, width, bulb radius, etc.);
- 20 f. Design speed;
- 21 g. Crossroads;
- 22 h. Access policy;
- 23 i. A proposed alternative design which will provide a plan superior to these
- 24 standards; and
- 25 j. All other standards.

26 *(Amended: Ord. 2004-06-11)*

27 C. Procedures.

- 28 A modification request shall be classified as administrative or design by the County
- 29 Engineer.
- 30 1. Administrative Modification. Administrative modifications may be requested at
 - 31 any time by filing a written application with the County Engineer. The
 - 32 application shall include sufficient technical analysis to enable a reasoned
 - 33 decision. The County Engineer shall provide a written decision on the
 - 34 application. No fee is applicable to the administrative modification.
 - 35 2. Design Modification. Design modifications shall be proposed in conjunction
 - 36 with the application for the underlying development proposal in accordance
 - 37 with Chapter [40.500](#). Design modification requests shall be processed in
 - 38 conjunction with the underlying development proposal; provided, that where
 - 39 the modification request is filed subsequent to the decision on the development
 - 40 proposal, such request shall be processed in accordance with the post-
 - 41 decision review procedures of Section [40.520.060](#) and subject to the fees
 - 42 listed in Title 6. The design modification application, to be filed with the
 - 43 responsible official, shall:
 - 44 a. Include a written request stating the reasons for the request and the
 - 45 factors which would make approval of the request reasonable;

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2 b. Be accompanied by a map showing the applicable existing conditions and
3 proposed construction such as contours, wetlands, significant trees, lakes,
4 streams and rivers, utilities, property lines, existing and proposed roads
5 and driveways, existing and projected traffic patterns, and any unusual or
6 unique conditions not generally found in other developments;
7 c. In the case of modification requests based upon alleged disproportionality,
8 include an engineering analysis of the standard sought to be modified
9 which contrasts relevant traffic impacts from the development with the cost
10 of complying with the standard; and
11 d. For crossroad and frontage construction and right-of-way dedication, shall
12 include information indicating whether there are geographic or other
13 factors which render connection/completion of the road unlikely.

14 D. Infill Road Modifications.

15 In order to encourage and facilitate infill development, access spacing, which has
16 been certified by the applicant's traffic engineer to have no identifiable safety
17 hazard, the following road standards may be considered for administrative road
18 modification for residential infill developments pursuant to Section [40.260.110](#).

- 19 ~~1. Partial or full frontage improvements, if consistent with existing or anticipated~~
20 ~~improvements along neighborhood roadways directly serving and within eight~~
21 ~~hundred (800) feet of the boundaries of an infill development site. For~~
22 ~~purposes of this subsection, neighborhood roadways shall mean non-arterial~~
23 ~~and non-collector roadways; and/or~~
24 ~~2. Access spacing, which has been certified by the applicant's traffic engineer to~~
25 ~~have no identifiable safety hazard.~~

26 *(Amended: Ord. 2004-06-11; Ord. 2004-09-02)*

27 E. Road Modification for County Projects.

28 County public road improvements, when varying from the standards of this chapter,
29 are required to meet the road modification procedures for changes in design;
30 provided, that a county project may include less than the full planned improvement
31 or allow for staged construction. The submission of construction plan should be
32 considered as development application.

33 *(Amended: Ord. 2004-06-11)*

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