

**PROPOSED Chapter 18.350:
MODIFICATIONS TO STANDARDS**

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18.350.010 - General.

The city may approve, subject to the provisions of the chapter, modifications to the requirements of this title or to the city of Ridgefield public works standards. There are two types of modifications:

- A. Adjustments. Adjustments may be approved under Type II procedures, unless considered in relation to a Type III development application, in which case they shall be combined into the Type III review process. The intent of the adjustment process is to allow for minor modifications to standards where consistent with the professional judgment of the planning director or city engineer, and where consistent with approval standards and the RUACP.
- B. Variances. Variances may be approved under Type III procedure, because they are more likely to have adverse impacts on the city or surrounding neighborhoods. An applicant shall use the variance process where there is disagreement between professional staff and an applicant as to the impact a proposal might have upon the community or area. (*Ord. 802 § 10 (part), 2002; Ord. 676 § 1 (part), 1995*).

18.350.020 - Adjustments.

Adjustments are limited to modifications of 20 percent or less to any numerical standard in this title or the Ridgefield Engineering Standards. Adjustments cannot be used in lieu of a zone change or to modify explicit policy provisions of the RUACP.

- A. When not related to a Type III application:
 - 1. The planning director shall make decisions regarding adjustments to this title; and
 - 2. The city engineer shall make decisions regarding adjustments to Ridgefield Engineering Standards;
 - 3. Type II review procedures shall apply to the decision in either case.
- B. The hearing examiner shall have the authority to approve adjustments they are proposed in conjunction with a Type III development application.
 - 1. For the planning director or city engineer to recommend consideration of an adjustment to the hearing examiner, each adjustment shall:

a. Solve a practical problem related to a documented topographical or development constraint without adversely affecting neighboring property owners or the environment; and

b. Be consistent with sound engineering and planning principles.

2. If the planning director or city engineer does not support a proposed adjustment the hearing examiner shall not consider the adjustment. However, the applicant may apply for a separate variance under Type III procedures.

3. The city shall notify the applicant at the earliest reasonable date if the staff does not support the adjustment:

a. If an adjustment is proposed in writing at the pre-application conference, the applicant shall be notified of staff opposition in the pre-application letter.

b. If an adjustment is proposed in conjunction with a Type III development application, the planning director shall notify the applicant of staff's professional opinion when the application is determined to be technically complete.

c. The planning director shall explain, in writing, the reasons why staff does not support the proposed adjustment, based on subsection (B)(1) of this section.

C. An applicant shall initiate a request for an adjustment.

1. A written application stating the reasons for the adjustment shall accompany each adjustment request.

2. Scaled maps showing existing topography, structures, streets and vegetative cover shall accompany each request.

3. Each adjustment shall require payment of a separate fee.

(Ord. 802 § 10 (part), 2002: Ord. 676 § 1 (part), 1995).

18.350.030 - Decision standards for adjustments.

Any decision approving an adjustment request shall be in writing and supported by findings of fact and conclusions demonstrating that all of the criteria below have been satisfied:

A. There are topographic or built conditions, such as steep slopes, wetlands, water areas, structures, streets, utilities, lot patterns, street patterns or similar conditions which justify departure from strict adherence to the standard to be modified.

B. No significant adverse impacts to neighboring properties or to the environment will result from the modification; the cumulative effects of more than one adjustment shall be considered in this regard.

C. The adjustment is consistent with sound engineering principles, and will be safe, practical and efficient.

D. The modification is not contrary to the purpose section of this chapter, or to any applicable policy or provision of the RUACP or CFP.

E. There are no other remedies prescribed in this title or the City Engineering Standards to alleviate the practical problem identified in subsection A of this section.

- F. The proposed adjustment is the minimum necessary to resolve the identified problem.
- G. The proposed adjustment is no greater than twenty percent of the relevant numeric standard.
- H. The adjustment is required to comply with other regulatory schemes, for example, state licensing, and subsections B, C, D, and G of this section are satisfied.

(Ord. 744 § 18, 1999: Ord. 676 § 1 (part), 1995).

18.350.040 - Variances.

Type III procedures apply to variances. Variances include modifications of greater than 20 percent to any numerical standard in this title or the Ridgefield Engineering Standards. Variances may also include modifications of 20 percent or less which, in the professional judgment of the planning director or city engineer, are inconsistent with sound planning or engineering principles, and therefore merit consideration by the hearing examiner. Variances cannot be used in lieu of a zone change or to modify explicit policy provisions of the RUACP.

- A. A request for a variance may be initiated by a property owner or authorized agent by filing an application with the planning director.
- B. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The director may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties.
- C. A separate fee shall be required for each variance application. *(Ord. 802 § 10 (part), 2002: Ord. 676 § 1 (part), 1995).*

18.350.050 - Decision criteria for variances.

The burden of proof is on the applicant to demonstrate compliance with the decision criteria in this section. Any decision granting a variance request shall be in writing and supported by findings of fact and conclusions demonstrating that the decision standards for adjustments in Section 18.350.030 and all of the criteria below have been satisfied:

- A. Unusual circumstances or conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district;
- B. The proposed variance is necessary for the preservation and enjoyment of a substantial property right of the applicant which is possessed by the owners of other properties in the same vicinity or district;
- C. The authorization of the proposed variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;
- D. The granting of the proposed variance will be necessary to realize of specific goals and policies of the RUACP and RCFP, and will not adversely affect any goal or policy in the RUACP or RCFP;
- E. The variance is required to comply with other regulatory schemes, for example, state licensing, and subsections B, C and D of this section are satisfied. *(Ord. 744 § 19, 1999: Ord. 676 § 1 (part), 1995).*

18.350.060 - Conditions and limitations.

A. Conditions of approval may be required to protect the public interest, achieve compliance with the RUACP or CFP, or to mitigate any adverse impacts resulting from approval of the modification.

B. Failure to comply with required conditions within the time period specified by the approval body shall render the adjustment or variance null and void.

C. The adjustment or variance is limited to the specific application with which it is associated, and shall not be transferable to subsequent land use applications.

D. Approval of a variance or adjustment shall be void after three years, unless a building permit has been issued and substantial construction has taken place.

1. The planning director and city engineer, for good cause, may extend approval for no more than one year.

2. If a variance or adjustment is specifically related to an approved phasing program, the validity of the adjustment or variance shall be limited only by the phasing plan. (*Ord. 676 § 1 (part), 1995*).

18.350.070 - Relationship to SEPA.

To the extent that a proposed modification of standards adversely impacts sensitive lands or otherwise may have significant adverse environmental impacts, the provisions of RDC 18.810 et seq. (SEPA) shall apply, and the city shall require an environmental checklist. (*Ord. 676 § 1 (part), 1995*).

18.350.080 - Appeal.

Appeals of Type III adjustment or variance decisions are governed by Chapter 18.310.

However, a decision by the planning director to recommend an adjustment for hearing examiner consideration may not be appealed, except as a result of a formal Type III variance application.

(*Ord. 802 § 10 (part), 2002; Ord. 676 § 1 (part), 1995*).