



**PUBLIC WORKS DEPARTMENT**  
33325 8<sup>th</sup> Avenue South  
Federal Way, WA 98003-6325  
253-835-2700  
[www.federalwaywa.gov](http://www.federalwaywa.gov)

## RIGHT-OF-WAY IMPROVEMENT MODIFICATION REQUEST

### WHEN PUBLIC IMPROVEMENTS MUST BE INSTALLED

In accordance with Chapter 19.135.030 of the *Federal Way Revised Code* (FWRC), right-of-way improvements are required when an applicant engages in any activity that requires a development permit. There are two exceptions to this requirement. The first exception is if the proposed improvements do not exceed 25 percent of the assessed or appraised value of all structures on the subject property, whichever is greater. The second exception is if within the preceding four years, public right-of-way improvements were installed as part of any subdivision or discretionary land use approval under the city code or any prior zoning code.

### WHAT PUBLIC IMPROVEMENTS MUST BE INSTALLED

Required improvements are determined by the classification of the roadway as defined in FWRC 19.135.210 and 19.135.220. Improvements may include right-of-way dedication, minimum pavement widths, curbs, sidewalks, street trees, streetlights, or landscaping/utility strips. The improvements are required along the entire frontage and width of each abutting right-of-way.

### HOW TO APPLY FOR A MODIFICATION, DEFERMENT, OR WAIVER

The applicant must apply for a development permit on the subject property and pay a Right-of-Way Code Variance Request fee (for current fee contact the Permit Center at 253-835-2607). The applicant must make a written request to the Director of Public Works to modify, defer, or waive the requirements of FWRC Title 19, Chapter 135, "Development Improvements," for the following reasons:

- 1. The improvement as required would not be harmonious with existing street improvements, would not function properly or safely or would not be advantageous to the neighborhood or City as a whole.*
- 2. Unusual topographic or physical conditions preclude the construction of improvements as required.*
- 3. Proper vertical or horizontal alignments cannot be determined because the existing streets do not have correct alignments.*
- 4. The required improvement is part of a larger project that has been scheduled for construction in the city's adopted six-year transportation improvement program.*

For more complete information, see the latest edition of the FWRC Chapters 19.135.010 – 19.135.080.