



## Halvorson Zoning Setback Variance

### File Number VA-25-00002

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

### I. GENERAL INFORMATION

Requested Action: Jason and Heather Halvorson, property owners, submitted a zoning setback variance requesting a 10-foot reduction from the 25-foot front yard (west lot line) setback for a proposed single-family residence, which would result in a 15-foot front yard (west lot line) setback. The 25-foot front yard setback is required by KCC 17.30A.050.

Location: The subject property is parcel # 956182 (Lot 2 of Sun Country Highlands) located at 240 Oakmont Drive in Cle Elum, WA. The property is in Section 35, Township 20, Range 14 in Kittitas County. Map number 20-14-35059-0002. The property is 0.40 acres and is zoned Rural 5 with a Rural Residential land use designation.

### II. SITE INFORMATION

Total Property Size:	0.40 acres
Number of Lots:	1
Sewage Disposal:	On Site-Sewage
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	Not within Irrigation District Boundary

Site Characteristics:

- North: Low-density residential and recreation development in a Rural 5 zoning designation.
- South: Low-density residential and recreation development in a Rural 5 zoning designation.
- East: Low-density residential and recreation development in a Rural 5 zoning designation.
- West: Low-density residential development in a Rural 5 zoning designation.

Access: The site is accessed via Oakmont Drive.

### III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of Rural 5 with a Rural Residential land use designation. The purpose and intent of Rural 5 zoning is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in R-5 zones is to minimize adverse effects on adjacent natural resource lands. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variance, to deviate from the prescribed front yard setback requirements in KCC 17.30A.050. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal **has met all four criteria**. The following is a summary describing whether each criterion has been satisfactorily demonstrated:

Applicant Response

*“Granting this variance will not harm public welfare or injure surrounding properties—in fact, it enhances safety and community value! By maintaining the golf course field in its current state, we ensure an uninterrupted experience for golfers and preserve a cherished recreational asset for the neighborhood.”*

Staff Response

CDS could not find any reason that the proposed setback reduction would be injurious to adjacent property owners or the public welfare in any material way. The proposed structure will be located at least 15 feet from front property line. CDS finds that the applicant has demonstrated the project to be consistent with KCC 17.84.010(3).

**The applicant has demonstrated in a factual and meaningful way that the proposed site will maintain substantial property line setbacks despite granting of the variance. The variance will not be “materially detrimental to the public welfare or injurious to property in the vicinity” as required in KCC 17.84.010(3).**

4. The granting of such a variance will not adversely affect the realization of the comprehensive development pattern of this area.

Applicant Response

*“The adjustment of the front setback from 25 feet to 15 feet is minimal and will not alter the area’s character or impact on traffic, visibility, or safety. Moreover, moving the home forward on the lot creates a larger buffer between the homeowners’ living space and the active golf course, protecting both their property and personal well-being from potential hazards. The home’s design remains aesthetically consistent with the neighborhood, and all other zoning requirements”*

Staff Response

CDS has concluded that the requested zoning setback variance reduction will not adversely affect the realization of the comprehensive development pattern of the area. The area contains similarly sized lots with single family residences and appurtenances.

**The applicant has demonstrated in a factual and meaningful way that the proposed build site will “not adversely affect the realization of the comprehensive development pattern.” The variance, as presented, is consistent with KCC 17.84.010(4).**

Staff Conclusions

Staff finds that the zoning variance request **does** meet all four criteria outlined in KCC 17.84.010 as described above. Therefore, the zoning variance request is consistent with the conditions necessary to grant a variance under KCC 17.84.

#### IV. ADMINISTRATIVE REVIEW

Deem Complete: The application was determined complete on June 16, 2025.

Notice of Application: Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on June 20, 2025, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on July 7, 2025, and all

*Applicant Response: No response.*

*Staff Response: CDS has provided these comments to the applicant*

Snoqualmie Indian Tribe

The Snoqualmie Indian Tribes stated they have no concerns regarding the proposed project.

*Applicant Response: No response.*

*Staff Response: CDS has provided these comments to the applicant*

Kittitas County Fire District 7

KCFD7 stated that reduced setbacks can present challenges for fire access and defensible space and if variance is allowed for this parcel, they recommend flowing following mitigation measures be incorporated as conditions of approval:

- Use of ignition-resistant construction materials, including Class A roofing, noncombustible siding, and ember-resistant vents.
- Establishment of a noncombustible zone within 5 feet of the structure using gravel or hardscape.
- Strategic fire-resistant landscaping and removal of ladder fuels within the remaining defensible space.
- Maintenance of clear access for emergency vehicles and unobstructed egress routes.
- Compliance with all applicable Wildland Urban Interface (WUI) building standards.

*Applicant Response: The applicant stated they will ensure the listed precautions are met along with current WUI standards.*

*Staff Response: As the comments provided contained requirements, staff hereby reaffirm the requirements outlined by KCFD7 and has conditioned this project upon successfully adhering to those requirements.*

One comment was received from the public during the designated comment period.

Brynne McWhirter

Brynne McWhirter expressed his support for the zoning variance stating its necessity for the safety and well-being of the future homeowners.

*Applicant Response: No response.*

*Staff Response: CDS has provided these comments to the applicant*

## **VII. PROJECT ANALYSIS**

In review of this proposal, it is important to consider the applicable county code, public and agency comments, any identified environmental concerns and state and federal requirements. Identified below is planning staff's analysis and consistency review for the subject application.

Consistency with the provisions of KCC 17A, Critical Areas:

CDS performed a critical area review of the subject parcel and GIS data indicates no critical areas on the parcel or nearby that would impact any development on the parcel.

Total Property Size:	0.40 acres
Number of Lots:	1
Sewage Disposal:	On Site-Sewage
Fire Protection:	Fire District 7 (Cle Elum)
Irrigation District:	Not within Irrigation District Boundary

4. Site Characteristics:

North: Low-density residential and recreation development in a Rural 5 zoning designation.  
 South: Low-density residential and recreation development in a Rural 5 zoning designation.  
 East: Low-density residential and recreation development in a Rural 5 zoning designation.  
 West: Low-density residential development in a Rural 5 zoning designation.

The site is accessed via Homestead Lane.

5. The Comprehensive Plan land use designation is Rural Residential in Rural 5 zoning.
6. The purpose and intent of Rural 5 zoning is to provide areas where residential development may occur on a low-density basis. A primary goal and intent in sitting R-5 zones will be to minimize adverse effects on adjacent natural resource lands. The applicant is requesting to utilize the variance process pursuant to KCC 17.84 Variances, to deviate from the prescribed front yard setback requirements in KCC 17.30A.050. Title 17.84.010 of the Kittitas County Code outlines four criteria in which a variance can be granted. The applicant must demonstrate that the proposal has met all **four criteria**.
7. A Zoning Variance Application was submitted to Kittitas County Community Development Services department on June 10, 2025.
8. The application was determined complete on June 16, 2025.
9. Notice of Application was sent to property owners within 500 feet and all agencies with jurisdiction, published in the official newspaper of record for Kittitas County, and posted on the Kittitas County website on June 20, 2025, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on July 7, 2025, and all comments were transmitted to the applicant on July 8, 2025.
10. CDS performed a critical area review of the subject parcel and GIS data indicates no critical areas on the parcel or nearby that would impact any development on the parcel.
11. The proposal is consistent with the provisions of KCC 17A, Critical Areas.
12. The proposal is not consistent with the provisions of KCC 17.30A.050, Rural 5 zoning, without approval of the zoning setback variance.
13. The proposal is consistent with the KCC 17.84 Variances. All four criteria in KCC 17.84.010 have been satisfied.
14. This proposal is consistent with the provisions of the KCC Title 14.04, Building Code as conditioned.
15. The proposal is consistent with the provisions of KCC Title 20, Fire and Life Safety as conditioned.
16. Comments were received from the following agencies: Bonneville Power Administration (BPA),

**Responsible Official**



Ellie Myers

**Title:** Planner 1  
**Address:** Kittitas County Community Development Services  
411 N. Ruby Street, Suite 2  
Ellensburg, WA. 98926  
Phone: (509) 962-7079  
**Date:** July 10, 2025

**Pursuant to Chapter 15A.07 KCC, this determination may be appealed by submitting specific factual objections in writing with a fee of \$1670 to the Kittitas County Community Development Services at 411 N Ruby St Ste. 2, Ellensburg, WA 98926. Timely appeals must be received no later than 5:00 pm on July 31, 2025. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7048 for more information on the appeal process.**