



Krebs Zoning Setback Variance

File Number VA-25-00003

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Scott Krebs, property owner, submitted a zoning setback variance requesting a 165-foot reduction from the 200-foot West lot line required setback for a Shop/Accessory Dwelling Unit, as well as a future Single-Family Residence, which would result in a 35-foot West lot line setback. The applicant is also requesting an increase to the building envelope from 100 feet by 100 feet, to 120 feet by 100 feet. The 200-foot West lot line setback is required by KCC 17.30A.055 & KCC 17.57.050.2.

Location: The subject property is parcel #815434 located off F.S. Road 4517-117 in Kittitas County. The property is in a portion of the SW $\frac{1}{4}$ of Section 3, Township 19, Range 14 in Kittitas County. Map number 19-14-03000-0007. The property is 3.00 acres and is zoned Rural-5 with a Rural-Residential land use designation.

II. SITE INFORMATION

Total Property Size:	3.00 acres
Number of Lots:	1 (no new lots are being proposed)
Sewage Disposal:	N/A
Fire Protection:	Fire District #7 (Cle Elum)
Irrigation District:	N/A

Site Characteristics:

North: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.

South: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.

East: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.

West: Undeveloped, forested land within a Commercial-Forest zoning designation.

Access: The site is accessed via F.S. Road 4517-117, a US Forest Service Road.

III. ZONING AND DEVELOPMENT STANDARDS

The subject property has a zoning designation of Rural-5 and a Rural-Residential Land Use designation. The purpose and intent of the Rural-5 zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting 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 setback requirements in KCC 17.57.050. 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:

KCC 17.84.010 Granting Criteria (all four must be met):

1. Unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography.

Applicant Response

“The lot is only 245 feet wide and has many topographical challenges with hills in all directions. Back in about 2007 a site pad was built where we are proposing to build our new Shop/ADU and future home by either the developer or previous builder/owner. This existing pad is the most feasible area to use but now does not meet the setback without approval of this Variance. If we were to have to create another building area it would require an enormous amount of excavation to the property not only to create a new pad but to put back the original pad that was constructed back in 2006-07 to its natural state. Our goal is to keep as much of the 3 acres natural with the least amount of disturbance while allowing us to enjoy the property and view. The proposed site would allow us to be able to enjoy the property with a building area on the most level portion of the property.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of “unusual circumstances or conditions” that does not generally apply to other property in the same vicinity. Further the applicant has demonstrated in a factual and meaningful way the existence “undue hardship” caused by the application of the yard requirements as stipulated in KCC 17.56.060(2). The variance, as presented, is consistent with KCC 17.84.010(1).

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity.

Applicant Response

“If we cannot build in the area mapped out on the attached maps it will make it difficult to access and use the property year round as we plan to retire here. This variance allows us to preserve the property, enjoy it to it’s fullest and not disrupt or be detrimental to surrounding properties. The current temp electrical box, phone and water supply are both already located at this existing pad. Without this variance we would have to relocate the utilities.”

Staff Response

CDS staff have reviewed the complete file information, including but not limited to, the applicant’s submitted information and comments received during the comment period. CDS agrees that without this variance, the applicant would be unfairly burdened by development costs necessary to enjoy use of the subject parcel. The stated uses are a common component found on properties in the area. CDS finds that the applicant has satisfied the criteria outlined in KCC17.84.010(1).

The applicant has demonstrated in a factual and meaningful way the existence of a “substantial property right” that may be negated by the application of the yard requirements as stipulated in

KCC 17.30A.055 & KCC 17.57.050.2. The variance, as presented, is consistent with KCC 17.84.010(2).

3. Authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity.

Applicant Response

“We have worked hard fire wising the property with the DNR while still keeping the natural forest setting for wildlife and maintaining a healthy forest environment.”

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 35 feet from the West 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 build 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

“No elements of this application will have any negative effects on the development pattern with in this development area of Granite Creek or any other developments. Many of the existing and adjacent land owners (4 properties) have homes built within 38-57 feet from the Commercial forest line in this development to over come topographical and access challenges like my lot.”

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 associated non-residential structures.

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 18, 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 18, 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.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be no critical area designations present. The subject parcel does not include any buffers associated with nearby streams and/or wetlands. CDS has determined that the Krebs Zoning Setback Variance is exempt from SEPA review pursuant to WAC 197-11-800(6)(e). The subject property is not located within Shoreline jurisdiction. There is hazardous slope located on the Northern edge of the property, which may be subject to applicable building codes and regulations.

VI. AGENCY AND PUBLIC COMMENTS

Applicable agencies, adjacent property owners, and interested parties have been given the opportunity to review this proposal. All comments are on file and available for public review. The following agencies provided comments: Washington State Dept. of Natural Resources, Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Works, Snoqualmie Tribe. A review of these comments can be seen below.

Bonneville Power Administration

The BPA provided comments stating that the proposed project will not impact their nearby facilities and that they have no objections.

Staff Response

As the provided comments stated that the BPA has no concerns associated with this project, staff has no further comment.

Applicant Response

No response.

Confederated Tribes of the Colville Reservation

CTCR provided comments recommending an Inadvertent Discovery Plan (IDP) be in place prior to any ground disturbing activities associated with this project.

Staff Response

CDS has provided these comments to the applicant and has conditioned approval of this project upon successfully adhering to all listed requirements.

Applicant Response

“My goal is to keep the property as natural as possible as we like the natural forest setting.”

Washington State Dept. of Natural Resources

WA DNR provided comments stating that a Forest Practices Application will be required if merchantable timber is removed during the course of this project.

Staff Response

CDS has provided these comments to the applicant and has conditioned approval of this project upon adhering to requirements stated by the WA DNR.

Applicant Response

“Also in regards to the Department of Resources feedback at this time no merchantable timber is planned to be harvested. Only 3-4 trees will need to be removed for the building site/envelope or that might be deemed hazardous to the future ADU/Shop. Those trees will be used for firewood for my personal use and are not merchantable trees. If needed I will file a Forest Practices Application but at this time I have already firewised the property per a Department of Natural Resources Grant 2 years ago while working with their forester and feel I have an open safe area to build. My goal is to keep the property as natural as possible as we like the natural forest setting.”

Kittitas County Public Works

KCPW provided comments pertaining to access permits, driveway maintenance, road standards, and issues with site plan components.

Staff Response

CDS has provided these comments and has conditioned approval of this project upon successfully adhering to all requirements and regulations stated by KCPW.

Applicant Response

“I have attached an updated Site/Map that has been updated showing the 35” set back from the Western Property Line/forest Service area. This shows where the Shop/Adu is planned to be located once variance is approved.”

Snoqualmie Tribe

The Snoqualmie Tribe stated that they have no comments at this time. The Snoqualmie Tribe also stated that they should be contacted if the scope of the project changes and that they reserve the right to issue comments if the scope does change.

Staff Response

CDS has provided these comments to the applicant, and has conditioned approval upon notifying the Snoqualmie Tribe if the scope of the project changes in the future.

Applicant Response

“My goal is to keep the property as natural as possible as we like the natural forest setting.”

No comments were received from members of the public during the designated comment period.

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:

Staff conducted an administrative critical area review in accordance with KCC 17A. There are no critical areas or any associated buffers present on the subject property.

Consistency with the provisions of KCC 17.30A.055 Yard Requirements - Zones adjacent to Commercial Forest Zone:

This proposal, with approval of the zoning setback variance, is consistent with the setbacks outlined in Kittitas County Zoning Code 17.30A.055 Yard Requirements – Zones adjacent to Commercial Forest Zone.

Consistency with the provisions of KCC 17.84, Variances:

This proposal must meet all four of the criteria for granting a zoning variance. The four criteria are: 1) unusual circumstances or conditions applying to the property and/or the intended use that do not apply generally to other property in the same vicinity or district, such as topography; 2) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; 3) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located; and 4) That the granting of such variance will not adversely affect the realization of the comprehensive development pattern. A variance so authorized shall become void after the expiration of one year if no substantial construction has taken place. This proposal is consistent with the required variance criteria as described above in Section III of this staff report.

Consistency with the provisions of the KCC Title 14.04, Building Code:

All buildings must be consistent with International Building Codes and approved building plans as issued by Kittitas County.

Consistency with the provisions of KCC Title 20, Fire and Life Safety:

The proposal must be consistent with the provisions of KCC Title 20.

Agency Comments:

Comments were received from the following agencies: Washington State Dept. of Natural Resources, Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Works, Snoqualmie Tribe. All comments are on file and available for public review.

Public Comments:

No comments were received from the public during the comment period.

VIII. FINDINGS OF FACT

1. Scott Krebs, property owner, submitted a zoning setback variance application requesting a 165-foot reduction from the 200-foot West lot line required setback for a Shop/Accessory Dwelling Unit, as well as a future Single-Family Residence, which would result in a 35-foot West lot line setback. The applicant also requested an increase to the building envelope from 100 feet by 100 feet, to 120 feet by 100 feet.
2. Parcel #815434 located off F.S. Road 4517-117. The property is in a portion of the SW ¼ of Section 3, Township 19, Range 14, in Kittitas County. Map number 19-14-03000-0007.

3. Site Information

Total Property Size: 3.00 acres
Number of Lots: 1 (no new lots are being proposed)
Sewage Disposal: N/A
Fire Protection: Fire District #7 (Cle Elum)
Irrigation District: N/A

4. Site Characteristics:

North: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.
South: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.
East: Existing low-density residential development within a Rural-5 zoning designation. Bonneville Power Administration power lines run through this general vicinity.
West: Undeveloped, forested land within a Commercial Forest zoning designation.

The site is accessed via F.S. Road 4517-117.

5. The Comprehensive Plan land use designation is Rural-Residential within Rural-5 zoning.
6. The purpose and intent of the Forest & Range zone is to provide areas where residential development may occur on a low density basis. A primary goal and intent in siting 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 setback requirements in KCC 17.30A.055 & KCC 17.57.050.2. 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 16, 2025.
8. The application was determined complete on June 18, 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 18, 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 areas review of the subject parcel and found no identified critical areas or associated buffers that extend onto the subject property. Based upon review of the submitted application materials and a critical areas review, CDS determined that the Krebs Zoning Setback Variance is exempt from SEPA review pursuant to WAC 197-11-800(6)(e).
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.055 & KCC 17.57.050.2, 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: Washington State Dept. of Natural Resources, Bonneville Power Administration, Confederated Tribes of the Colville Reservation, Kittitas County Public Works, and the Snoqualmie Tribe. All comments are on file and available for public review.
17. No public comments were received regarding this proposal.

IX. STAFF CONCLUSIONS:

1. This proposal has satisfied all four criteria of KCC Title 17.84.010.
2. The proposal is consistent with state and federal regulations.
3. The proposal is consistent with local regulations as conditioned including Kittitas County Code Title 14.04 Buildings & Construction, Title 17 Zoning, Title 17A Critical Areas, and Title 20 Fire and Life Safety.

X. DECISION AND CONDITIONS OF APPROVAL:

Kittitas County Community Development Services finds that the Krebs Zoning Setback Variance (VA-25-00003) is hereby **approved** subject to the conditions below. The Krebs Zoning Setback Variance has satisfied the requirements of a zoning setback variance pursuant to KCC 17.84.010.

CONDITIONS OF APPROVAL:

1. The project shall proceed in substantial conformance with the plans and application materials on file.
2. The applicant shall comply with all Local, State and Federal environmental standards and regulations in place at the time of building application submittal.
3. The applicant shall obtain all necessary permits required by Kittitas County Community Development Services.
4. All structures and buildings shall be compliant with the International Fire Code.
5. This lot line setback variance shall expire after one year of the decision date if no substantial construction has taken place or an extension has not been applied for under KCC 17.84.010(4).
6. If ground disturbing activities related to construction are conducted, the applicants are required to have an Inadvertent Discovery Plan in place and all construction personnel shall be required to review the IDP prior to beginning ground disturbing construction activities.

7. If merchantable timber is harvested from the property at any point during construction, the applicant shall obtain a Forest Practices Application from the Washington State Dept. of Natural Resources.
8. An approved access permit shall be required from the Kittitas County Department of Public Works prior to creating any new driveway access or altering an existing access.
9. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain any accesses.
10. All applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
11. Except as exempted in KCC 14.05.060, no grading or filling upon a site involving more than one hundred (100) cubic yards shall be performed without a grading permit from the County Engineer or Public Works designee (KCC 14.05.050). An application for grading in excess of five hundred (500) cubic yards shall be accompanied by an engineered grading plan (KCC 14.05.080).



Responsible Official _____

Zach Torrance-Smith

Title: Planner I

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 August 1, 2025. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.