



**Regan Zoning Setback Variance
File Number VA-26-00001**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

I. GENERAL INFORMATION

Requested Action: Trace Regan, property owner, submitted a zoning setback variance requesting a 10-foot reduction from the 15-foot side lot line, and a 15-foot reduction from the front lot line required setbacks for a 28-foot by 28-foot detached pole barn/garage for personal vehicle and storage use. This will result in a 5-foot side lot line setback, and a 10-foot front lot line setback. The 25-foot Front lot line setback, and the 15-foot Side lot line setbacks are required by KCC 17.30A.050.

Location: The subject property is parcel #116734 located off Sky Meadows Drive, a private road, in Kittitas County. The property is in Section 17, Township 19, Range 16 in Kittitas County. Map number 19-16-17050-0003. The property is 1.10 acres and is zoned Rural-5 with a Rural-Residential land use designation.

II. SITE INFORMATION

Total Property Size:	1.10 acres
Number of Lots:	1 (no new lots are being proposed)
Sewage Disposal:	Existing Septic System
Fire Protection:	Fire District #7 (Cle Elum)
Irrigation District:	N/A

Site Characteristics:

- North: Low-density residential development in a forested setting within a Rural-5 zoning designation.
- South: Low-density residential development in a forested setting within a Rural-5 zoning designation.
- East: Low-density residential development in a forested setting within a Rural-5 zoning designation.
- West: Low-density residential development in a forested setting within a Rural-5 zoning designation.

Access: The site is accessed via Sky Meadows Drive, a private 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 Variance, to deviate from the prescribed 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:

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 subject property has unique topographical constraints that do not generally apply to surrounding parcels. An existing private road crosses through the buildable area, and the grade drops immediately beyond the road into a ravine. This combination of a grade change and natural ravine significantly limits feasible building locations. Constructing within the standard 25’ setback would require substantial grading, road modification, or engineering measures, all of which are impractical due to the natural slope and the existing road alignment. These site-specific topographic conditions create an unusual constraint that necessitates a reduced setback of approximately 5’ on side and 10’ on front.”

Staff Response

CDS staff has 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). Through cooperation with commenting agencies, the applicants have agreed to a reduction in the setback variance request. The applicant’s revised setback variance request is a five (5) foot reduction to the Front lot line setback, and a three (3) foot reduction to the side lot line setback. This shall reduce the lot line setbacks from 25-feet to 20-feet for the Front, and from 15-feet to 12-feet for the side.

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 17.30A.050. 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

“Granting this variance is necessary to allow the applicant to make reasonable use of the property similar to other owners in the vicinity. Due to the location of the existing road and the immediate drop in elevation into the ravine, the functional buildable area is significantly restricted. Without a reduced setback, the applicant would be unable to construct the proposed structure in a safe and practical location. Approval of the variance ensures the applicant retains the same substantial property rights enjoyed by neighboring property owners who are not affected by these unique topographical limitations.”

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.050. 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

“The requested variance will not be detrimental to the public welfare nor injurious to surrounding properties. The proposed structure location maintains adequate distance from neighboring parcels and will not impact visibility, access, drainage, or public safety. The reduced setback is located internal to the property due to the existing road configuration and the ravine, so the change does not impose any adverse effects on adjoining property owners or the general public.”

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. 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

“Granting the variance will not adversely affect the implementation of the community’s comprehensive plan or the established development pattern. The structure remains in alignment with rural residential land-use expectations and is situated in a manner that respects the natural topography and minimizes unnecessary land disturbance. Allowing a setback reduction in this specific, topographically constrained location supports thoughtful land use while maintaining consistency with surrounding development.”

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 February 9, 2026.

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 February 9, 2026, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on March 2, 2026, and all comments were transmitted to the applicant on March 3, 2026.

V. ENVIRONMENTAL REVIEW

CDS performed a critical area review of the subject parcel and found there to be a Type-4 Seasonal (N) stream on the Northern edge of the parcel. The stream present on the subject parcel has a buffer of 100 feet, as well as an additional structural setback of 15 feet, for a total setback buffer of 115 feet. CDS has determined that the Regan 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 Southwest 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: Bonneville Power Administration, Kittitas County Fire District #7, Kittitas County Public Health, Yakama Nation Fisheries, Kittitas County Public Works. 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.

Kittitas County Fire District #7

KCFD #7 provided comments stating that they do not support this variance request. KCFD #7 stated this is due to concerns they have regarding public safety, and that the limited space created by this variance may obstruct Fire Department/emergency vehicular access. KCFD #7 further stated concerns regarding fire risk, and defensible space. KCFD #7 also clarified that, if the variance is approved, they recommend requiring additional ignition-resistant construction features. The purpose of this recommendation is to mitigate the increased fire danger risks.

Staff Response

CDS has provided these comments to the applicant and has conditioned approval of this project upon successfully adhering to all building and fire codes established by Kittitas County and other applicable governing entities.

Applicant Response

“Regarding the concerns raised by Kittitas County Fire District #7, we want to note that the proposed structure will incorporate materials and features intended to directly

address fire safety concerns. Specifically: Metal roofing, metal siding, ember-resistant venting. These materials are non-combustible and were selected specifically to help reduce fire risk and respond to the concerns outlined in the agency's comments."

Kittitas County Public Health

KCPH provided comments related to building foundation setback requirements and gave specific distances that must be adhered to.

Staff Response

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

Applicant Response

No response.

Yakama Nation Fisheries

YNF provided comments stating that no further investigation is required of potential impacts to cultural resources.

Staff Response

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

Applicant Response

No response.

Kittitas County Public Works

KCPW provided comments pertaining to access requirements, road certification requirements and further specifications, as well as fire apparatus turnaround language. KCPW also stated that a Road Certification permit is required. KCPW further detailed road standards specifications, and grading/filling specifications. The County Surveyor highly recommended that, due to the minimal requested setbacks, the building envelope be staked by a professional land surveyor. KCPW closed by indicating that a Floodplain Development Permit is not required.

Staff Response

As the comments provided by KCPW contained requirements, staff has conditioned this project upon successfully adhering to the stated requirements.

Applicant Response

"We would like to respectfully clarify the following based on direct communication with Public Works staff:

- We spoke with Rebecca at Public Works, who advised that an access permit would not be required, as the proposed structure is uninhabitable and not a residential dwelling.

- We also confirmed that a formal survey is not required, but rather recommended.

Based on these discussions, it is our understanding that these items should not be considered barriers to approval of the revised variance request."

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. A Type-4 Seasonal (N) stream lies on the Northern edge of the parcel. The associated buffer extends outward from the stream 100 feet, with an additional structural setback of 15 feet, for a total setback buffer of 115 feet.

Consistency with the provisions of KCC 17.30A.050 Yard Requirements:

This proposal, with approval of the zoning setback variance, is consistent with the setbacks outlined in Kittitas County Zoning Code 17.30A.050 Yard Requirements.

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: Bonneville Power Administration, Kittitas County Fire District #7, Kittitas County Public Health, Yakama Nation Fisheries, Kittitas County Public Works. 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. Trace Regan, property owner, submitted a zoning setback variance application requesting a 10-foot reduction from the 15-foot Side lot line required setback, and a 15-foot reduction from the 25-foot Front lot line required setback, for a 28 ft. by 28 ft. detached pole barn/garage, which would result in a 5-foot Side lot line setback, and a 10-foot Front lot line setback.

2. Parcel #116734 located on Sky Meadows Drive, a private road. The property is in Section 17, Township 19, Range 16, in Kittitas County. Map number 19-16-17050-0003.

3. Site Information

Total Property Size:	1.10 acres
Number of Lots:	1 (no new lots are being proposed)
Sewage Disposal:	Existing Septic System
Fire Protection:	Fire District #7 (Cle Elum)
Irrigation District:	N/A

4. Site Characteristics:

North:	Low-density residential development in a forested setting within a Rural-5 zoning designation.
South:	Low-density residential development in a forested setting within a Rural-5 zoning designation.
East:	Low-density residential development in a forested setting within a Rural-5 zoning designation.
West:	Low-density residential development in a forested setting within a Rural-5 zoning designation.

The site is accessed via Sky Meadows Drive, a private road.

5. The Comprehensive Plan land use designation is Rural-Residential within Rural-5 zoning.
6. 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 17.30A.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 January 26, 2026.
8. The application was determined complete on February 9, 2026.
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 February 9, 2026, all in conformance with the Kittitas County Project Permit Application Process (Title 15A). The comment period ended at 5:00 pm on March 2, 2026, and all comments were transmitted to the applicant on March 3, 2026.
10. CDS performed a critical areas review of the subject parcel and found a mapped Type-4 Seasonal (N) stream on the Northern edge of the parcel. The buffer of the mapped stream extends 100 feet outward from the stream, and includes an additional 15-foot structural setback for a total setback buffer of 115 feet. Based upon review of the submitted application materials and a critical areas review, CDS determined that the Regan 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.050, 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, Kittitas County Fire District #7, Kittitas County Public Health, Yakama Nation Fisheries, Kittitas County Public Works. 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:

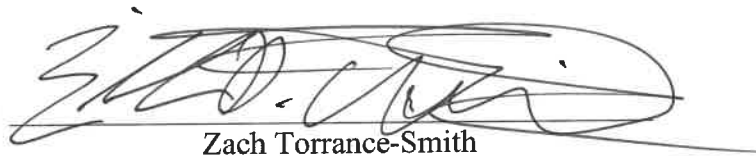
Kittitas County Community Development Services finds that the Regan Zoning Setback Variance (VA-26-00001) is hereby **approved** subject to the conditions below. The Regan Zoning Setback Variance has satisfied the requirements of a zoning setback variance pursuant to KCC 17.84.010.

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. 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.
7. Maintenance of driveway approaches shall be the responsibility of the owner whose property they serve. The County will not maintain any accesses.
8. All applicable Kittitas County Road Standards apply to this proposal. Access is not guaranteed to any existing or created parcel on this application.
9. 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).
10. Building foundation setback shall be five (5) feet from septic tank, five (5) feet from property line/easement, and ten (10) feet from drain field.
11. This setback variance shall be approved for the reduction that was ultimately agreed upon by the applicants and the various commenting agencies. The approved setback reductions are:
 - a. A 5-foot reduction to the front lot line setback for a reduced setback of 20 feet.
 - b. A 3-foot reduction to the side lot line setback for a reduced setback of 12 feet.
12. The proposed structure shall incorporate materials and features to address fire safety concerns.

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: April 3, 2026

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 April 24, 2026. Aggrieved parties are encouraged to contact Community Development Services at (509) 962-7506 for more information on the appeal process.

