

ATTACHMENT D

Jon Elward Zoning Variance Application

VARIANCE CRITERIA

1. Unusual circumstances applying to the property.

The topography of this particular site is unusually steep, much more so than most of the adjoining properties. The existing gravel access road on the parcel leads to the only area on the property that is flat enough to be suitable for construction. Locating the structure anywhere else on the parcel will require extensive intrusion into or near critical areas in order to construct the building and access road.

As noted on the County's Preliminary Site Assessment, the property contains steep slopes:

"Geotechnical engineering may be required. 33% slope or greater must follow KCC 17A.06.015: Areas identified as high risk erosion/landslide geologic hazard areas including cliff or talus slopes, may require specialized engineering to ascertain the property is suitable for development purposes."

Areas of steep slope near the proposed building site are indicated on the Site Plan included in this application.

There is a paved road running along parcel's west property line. The road is the primary access road for houses in the area. Paralleling that road there is a steep wooded gulley that runs the entire length of the subject property. The gulley, classified in the PSA as a Type 4 Stream, is steep, with the sides varying in slope from 36% to nearly 60%. Directly adjacent to the east of the gulley is an area approximately 80' x 100' which has a slope of approximately 3%. It is the sole accessible area on the lot that is flat enough to be suitable for construction. The only practical access across the gulley is via the existing road at the northwest corner of the parcel, which runs east from the main road approximately 300 feet to the only accessible area on the lot flat enough to be suitable as a building site.

Further, locating the house far enough to the south to meet the 200-foot setback requirement would necessitate construction of a new, second access road, resulting in an additional crossing of the existing Type 4 Stream.

2. Preservation and enjoyment of a substantial property right.

The variance is necessary for the preservation and enjoyment of the right to reasonably construct a home on the subject property, a right enjoyed by many adjacent property owners whose property is in the Forest and Range zoning classification. Due to the steep topography, clearing and building a new access road, or extending the existing one, through the steep, wooded terrain would be difficult, costly, and negatively impact the landscape. Constructing a house on the slope would be cost prohibitive for a number of reasons: large amounts of grading, shoring, engineering, etc. It would also place the

house in a location more vulnerable to wildfire due to its steepness and more difficult to defend should a wildfire occur.

Electrical service, water, and septic are also made substantially more difficult and expensive by the steep terrain.

As noted the subject property is in the Forest and Range zone. The following is an excerpt from the Kittitas County Code section addressing typical yard requirements for this zone.

Forest and Range Zone:

17.56.060 Yard requirements.

1. Front Yard. There shall be a minimum front yard of twenty-five (25) feet.
2. Side Yard. Side yard shall be ten (10) feet, except on corner lots which shall have a fifteen-(15)-foot side yard.
3. Rear Yard. There shall be a rear yard with a minimum depth of ten (10) feet to the main building. (Ord. 2013-001, 2013; Ord. 96-19 (part), 1996; Ord. 92-6 (part), 1992; Res. 83-10, 1983)

The proposed location of the house, on the only location viable for building, vastly exceeds the typical setbacks for this zone were it nit adjacent to a parcel in the Commercial Forest zone.

There are numerous properties in the vicinity on which houses have been constructed. There are 14 residential properties in the Vistas development, including the subject property, and a similar number in the Cle Elum Ridge development adjacent to the east.

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

As previously, the subject parcel is part of the Vistas residential development, which consists of 14 parcels of 20 acres or more, as does the similar-sized Cle Elum Ridge residential development adjacent to the east.

All the properties in the vicinity are used for the same purpose intended by this project: single family homes on parcels of 20 acres or more. Its construction in the proposed location will be of no detriment to either the neighboring properties or the general public. The subject parcel and the adjoining parcels are heavily forested. The property owner proposes to remove only the timber necessary to accomplish construction of the house, and will not impact the surrounding property owners' forests, or the use of their property.

The proposed location will minimize impacts to critical areas, and to the forest and landscape in general, as it would require a fraction of the clearing and grading that would be necessary at any other location.

Further, construction of the house will be accompanied by tending the forest through thinning, maintenance, and fuel reduction ("fire-wising") across the parcel, helping to reduce the risk of fire in what is a generally high-risk area, which is a benefit to the adjoining property owners and the general public.

4. Construction of the project in the proposed location will not adversely affect the realization of the comprehensive development pattern.

The area in which the subject parcel is located consists of single-family homes on 20-acre parcels. These parcels lie in various residential developments across the hillside north of Cle Elum. The proposed house will be consistent with that pattern of development.

The purpose and intent of the zone is excerpted below

Forest and Range Zone:

7.56.010 Purpose and intent.

The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged.

The adjoining property to the north is in the Commercial Forest Zone. Assuming it was used for commercial purposes, a house in the proposed location on the subject property would not impact the adjacent owner's ability to use the property in the manner described for Commercial Forest Zones in the Kittitas County land use code. The applicable code is excerpted below.

Commercial Forest Zone:

17.57.010 Purpose and intent.

The purpose and intent of this zone is to provide for areas of Kittitas County wherein natural resource management is the highest priority and where the subdivision and development of lands for uses and activities incompatible with resource management are discouraged consistent with the commercial forest classification policies of the comprehensive plan. The commercial forest classification applies to lands which have long-term commercial significance for the commercial production of timber, and which *have been designated as commercial forest in the comprehensive plan*. Nothing in this chapter shall be construed in a manner inconsistent with the Washington State Forest Practices Act. Nothing in this chapter shall be construed in a manner to prohibit uses permitted prior to the effective date of this chapter. (Ord. 94-1 (part), 1994)

Construction of the house in the proposed location will affect the 200-foot buffer nowhere other than in the area of the house. Further, construction of the house in a location meeting the 200-foot setback line would require significantly more disturbance within the buffer in order to clear and grade to extend the existing access road and utilities to a new location.

Building anywhere else on the parcel will require extensive excavation, clearing and construction on or near critical areas to construct the building and access road. Building in the proposed location requires only minimal clearing and grading beyond what already exists.

The subject parcel and the adjoining parcels are heavily forested. The property owner proposes to remove only the timber necessary to accomplish construction of the house, and will not impact the surrounding property owners' forests, or the use of their property.