

**CHELAN COUNTY
LAND USE HEARING EXAMINER**

IN THE MATTER OF ZC 24-501 Puls Zone Change))))))	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION
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THIS MATTER having come on for hearing in front of the Chelan County Hearing Examiner on February 19, 2025, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, and Decision as follows:

I. FINDINGS OF FACT

1. On December 17, 2024, the Board of Chelan County Commissioners (BOCC) approved, by Resolution 2024-123, the Comprehensive Plan Map Amendment 24-052, changing approximately 6.05 acres from Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5) to Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5).
2. The proposed zoning map amendment will establish the corresponding zoning districts on the subject properties, consistent with the Comprehensive Plan Map.
3. General Information:

Project Location:	480 Banks Ave, Manson, WA 98831
Parcel Number: Address:	28-21-26-608-325
Legal Description:	480 Banks Ave, Manson, WA 98831
Size:	Lot B BLA 2018-422 6.05 acres
Owner:	Wolfgang Puls & Lindy Stewart
Agent:	Wolfgang Puls & Lindy Stewart
Urban Growth Area:	The subject property is not located within an Urban Growth Area (UGA).
Current Zoning:	Rural Residential/Resource – 1 Dwelling Unit per 5 Acres (RR5)
Proposed Zoning:	Rural Residential/Resource – 1 Dwelling Unit per 2.5 Acres (RR2.5)
Site Size:	6.05 acres
Critical Areas:	The subject site contains erosive soils and known Northern Spotted Owl and Wolverine habitat areas.

4. Pursuant to WAC 197-11-800(6)(C)(i), the proposed action is exempt from SEPA review.
5. Application and Public Hearing Notice Compliance:

Application Submitted:	December 31, 2024
Determination of Complete Issued:	January 08, 2025
Notice of Application and Public Hearing:	January 23, 2025
Public Hearing:	February 19, 2025

5.1. Site specific zoning map amendments fall under the Hearing Examiners duties and powers per Chelan County Code (CCC), Section 1.61.080(a)(4). The Hearing Examiner will issue a decision within 10 working days from the close of the hearing. This decision will have a 21-day appeal period.

6. CHELAN COUNTY CODE

6.1. Comprehensive Plan Amendment 24-052 was approved by the BOCC, by resolution 2024-123, on December 17, 2024, which was shown to have satisfied the evaluation criteria found in CCC, Section 14.14.060 (see Exhibit A):

6.1.1.14.14.060 Evaluation criteria.

6.1.1.1. The approval, modification or denial of a development regulation amendment application shall be evaluated on, but not limited to, the following criteria:

6.1.1.1.1. The amendment is necessary to resolve a public land use issue or problem.

6.1.1.1.2. The amendment is consistent with goals of the Growth Management Act, Chapter 36.70A RCW.

6.1.1.1.3. The amendment complies with or supports Comprehensive Plan goals and policies and/or county-wide planning policies.

6.1.1.1.4. The proposed amendment does not adversely affect lands designated as resource lands of long-term commercial significance or critical areas in ways that cannot be mitigated.

6.1.1.1.5. The amendment is based on sound land use planning practices and would further the general public health, safety and welfare.

7. AGENCY AND PUBLIC COMMENTS

7.1. Comments were received from the following agencies:

7.1.1. Chelan County PUD, January 22, 2025: No additional comments.

7.1.2. Chelan-Douglas Health District, January 29, 2025: No objections to the proposal.

7.2. One public comment was received from Jim and Cheryl Koenig on January 26, 2025. No objections to proposal.

8. An open record public hearing was held, after legal notice, on February 19, 2025

9. Appearing and testifying on behalf of the Applicant was Wolfgang Puls. Mr. Puls testified that he was the applicant and property owner. He stated that the purpose of the rezone to a lower lot size requirement is to maintain buffer with his neighbors and to allow him to build a home for their needs later in life.
10. Also testifying on behalf of the applicant was Buell Hawkins. Mr. Hawkins testified that he was an agent authorized to appear and speak on behalf of the applicant and property owner. Mr. Hawkins briefly described the application process and encouraged the Hearing Examiner to grant the zone change to make the zoning of the property consistent with the comprehensive plan designation.
11. No member of the public testified at the hearing.
12. The following exhibits were admitted into the record:
 - 12.1. Ex. A Resolution 2024-123;
 - 12.2. Ex. B Application;
 - 12.3. Ex. C Staff Report;
 - 12.4. Ex. D Remainder of Planning Staff File.
13. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

II. CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted the authority to render this decision.
2. As conditioned, this zone change is consistent with Resolution 2024-123 passed by the Chelan County board of Commissioners.
3. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, ZC 24-501 is hereby **APPROVED**.

Dated this 20 day of February, 2025

CHELAN COUNTY HEARING EXAMINER



Andrew L. Kottkamp

Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Chelan County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as “(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available” or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) “...the date

the decision is entered into the public record.” Anyone considering an appeal of this decision should seek legal advice.

Chelan County Code Section 1.61.130 provides that any aggrieved party or agency may make a written request for reconsideration by the Hearing Examiner within ten (10) days of the filing of the written record of decision. The request for reconsideration shall be submitted to the Community Development Department. Reconsideration of the decision is wholly within the discretion of the Hearing Examiner. If the Hearing Examiner chooses to reconsider, the Hearing Examiner may take such further action deemed proper and may render revised decision within five (5) days after the date of filing of the request for reconsideration. A request for reconsideration is not a prerequisite to filing an appeal under Section 1.61.160.

The complete case file, including findings, conclusions, and conditions of approval (if any) is available for inspection during the open office hours at Chelan County Department of Community Development. Their address is 316 Washington Street, Suite 301, Wenatchee, WA 98801. Their telephone number is (509) 667-6225.