

Director's Decision

Summary of Application

FILE NUMBER:	C26-0002
PROPOSAL:	The Columbia River Gorge Commission has received an application for a lot line adjustment.
APPLICANT:	David Minick and James Minick
LANDOWNER:	David Minick and James Minick
SIZE and LOCATION:	The subject parcels are described as Tax Lot Numbers 03-12-2855-0001/00 (2.41 acres) and 03-12-2855-0002/00 (0.50 acres) in the Southern 1/2 of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
LAND USE DESIGNATION:	General Management Area (GMA) – Residential (10)

Decision

Based upon the findings of fact and conclusions of law in the staff report accompanying this decision and the conditions of approval in this decision document, the land use application by David Minick and James Minick, for a lot line adjustment, is consistent with Commission Rules chapter 350, division 082, and thus consistent with the *Management Plan for the Columbia River Gorge National Scenic Area* and the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, 100 Stat. 4274 (1986), and is hereby **APPROVED**.

Conditions of Approval

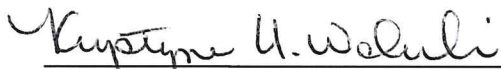
The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with these conditions of approval.

1. In accordance with Commission Rule 350-082-0150(3), the applicant shall record the Executive Director's decision and conditions of approval and approved site plan and elevation drawings in county deeds and records (at the Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The record shall be associated with all tax lots and parcels that constitute the subject property. The applicant need not record the separate staff report document containing the relevant

findings and conclusions. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-National Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development, alterations, or grading not included in the approved application or site plan will require a new application and review.
4. The lot line adjustment shall be conducted as shown on the approved surveyor's map. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
5. If cultural resources are discovered, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
6. If human remains are discovered, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.

DATED THIS 29 day of April 2026 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

Expiration of Approval

Commission Rule 350-082-0160 governs the expiration of this Director's Decision.

Expiration of this Director's Decision is automatic. The Executive Director does not notify applicants or landowners of decisions that are expired or may be close to expiring.

This decision of the Executive Director becomes void on the 29 day of April 2028 unless construction has commenced in accordance with Commission Rule 350-082-0160(4).

Commission Rule 350-082-0160(4) specifies that commencement of construction means actual construction of the foundation or frame of the approved structure.

Construction must be completed within two years of the date the applicant commenced construction. Commission Rule 350-082-0160(5) specifies that completion of the structure means completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the National Scenic Area approval.

Once the applicant has commenced construction of one element in this decision, the applicant must complete all elements in this decision in accordance with Commission Rule 350-082-0160. The Gorge Commission does not use different commencement of construction dates for different elements in this decision.

The applicant may request one 12-month extension of the time period to commence construction and one 12-month extension to complete construction in accordance with Commission Rule 350-082-0160(6). The applicant must submit the request in writing prior to the expiration of the approval. If the applicant requests an extension of time to complete construction after commencing construction, the applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site characteristics or new information indicate that the proposed use may adversely affect the scenic, cultural, natural or recreation resources in the National Scenic Area.

Appeal Process

The appeal period ends on the 29 day of May 2026.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Appeal with the Commission within thirty (30) days of the date of this decision. Commission Rule chapter 350, division 70 governs appeal of this decision. This rule is available on the Gorge Commission's website and at the Gorge Commission office. You may contact the Gorge Commission office if you have questions about appealing this decision.

Notes

1. Any new land uses or structural development such as driveways, parking areas, garages, workshops, fences or other accessory structures; or additions or alterations not included in the approved application or site plan will require a new application and review. New cultivation also requires a new application and review.
2. This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

In accordance with Commission Rule 350-082-0150(6), the Gorge Commission staff mailed notice of this decision to the following governments, agencies, and organizations and persons who provided comment on the application:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Washington Natural Heritage Program
Washington Department of Fish and Wildlife
Steve McCoy, Friends of the Columbia Gorge

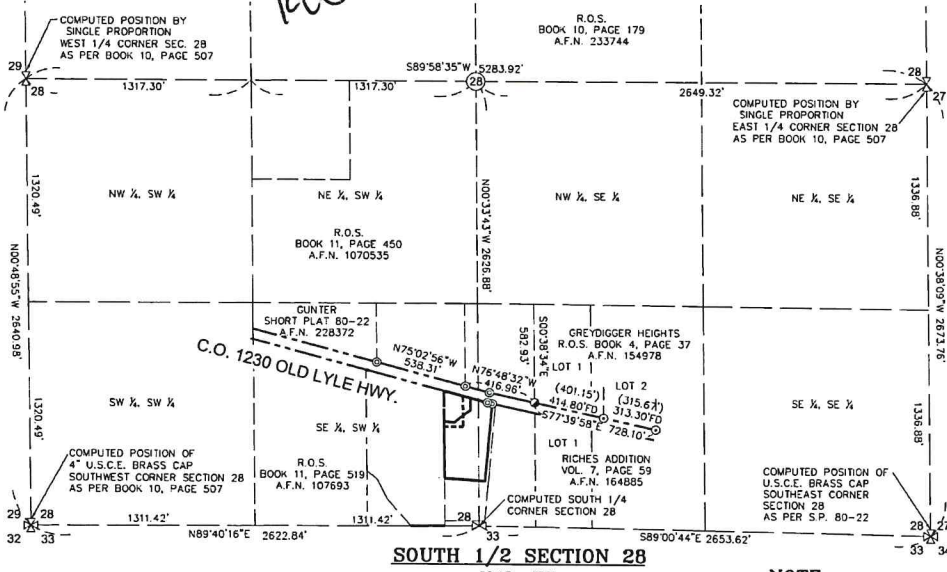
Attachments:

Staff Report for C26-0002
Approved site plans

APPROVED

BOUNDARY LINE ADJUSTMENT

LOTS 1 & 2, OF SHORT SUBDIVISION G-14
 LOCATED IN S 1/2 OF SECTION 28 T. 3N., R. 12E., W.M.
 KLICKITAT COUNTY, STATE OF WASHINGTON
 ASSESSOR TAX PARCEL NO.
 03122855000100 & 03122855000200



REFERENCED SURVEYS

- R1. KLEIN & ASSOCIATES, RECORDED IN BLA2010-04, VOL. 1, PAGE 367, A.F.N. 1094272.
- R2. WASHINGTON DEPT. FISH & WILDLIFE, RECORD OF SURVEY BOOK 11, PAGE 519.
- R3. TRANTOW SURVEYING, RECORD OF SURVEY, BOOK 10, PAGE 450, A.F.N. 1070535.
- R4. MIKE BLUMENSTEIN, RECORD OF SURVEY, BOOK 10, PAGE 507, A.F.N. 258513.
- R5. DZAB SURVEYING, INC., RECORD OF SURVEY, BOOK 10, PAGE 179, A.F.N. 233744.
- R6. ROBERT EDWARDS, GREYDIGGER HEIGHTS, BOOK 4, PAGE 37, A.F.N. 154978.
- R7. ROBERT EDWARDS, RICHES ADDITION, BOOK 7, PAGE 59, A.F.N. 164885.
- R8. TRANTOW SURVEYING, INC., GUNTER SHORT PLAT, S.P. 80-22, SHORT SUBDIVISION, G-14, A.F.N. 154281

REFERENCED DEEDS

DEED OF TRUST, VOL. 301, PAGE 433
 STATUTORY WARRANTY DEED, AUDITOR'S FILE NO. 1076711
 STATUTORY WARRANTY DEED, AUDITOR'S FILE NO. 235880
 SEPTIC EASEMENT, AUDITOR'S FILE NO. 1077069

PROCEDURES

A FIELD TRAVERSE WAS PERFORMED AROUND LOTS 1 AND 2 OF GUNTER SHORT PLAT USING A 5" TOPCON 835, TOTAL STATION AND A RANGER DATA COLLECTOR. NO ADJUSTMENT MADE, MEETS MINIMUM STANDARDS AS DESIGNATED IN WAC 332-130-090

NOTE:

A DEED OVERLAP EXISTS BETWEEN THE EAST LINE OF THE EAST 460 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28 AND THE WEST 200 FEET, BEING THE WEST LINE OF LOTS 1, 2 AND 3 OF SHORT SUBDIVISION G-14 LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28. SAID OVERLAP OCCURS DUE TO THE DEEDS CALLING FOR 660 FEET, AS IF IT WAS AN ALIQUOT PART ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, IN WHICH COMPUTED DISTANCE MEASURES 655.71 FEET.

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO LOCATE THE EXTERIOR BOUNDARY AND PERFORM A PROPERTY LINE ADJUSTMENT BETWEEN LOTS 1 AND 2 OF SHORT SUBDIVISION G-14, AS DESCRIBED IN VOLUME 301 PAGE 431 AND 433. PREVIOUS WORK PERFORMED BY DZAB SURVEYING FOR A PROPOSED BOUNDARY LINE ADJUSTMENT IN 2009 ON AFORESAID LOTS 1 AND 2 AND PARCEL NO. 0312800001700 WAS PRELIMINARILY STARTED ALONG WITH MONUMENTS BEING SET AT THE SHOWN LOCATION OF THIS PLAT. NO RECORD OF SAID SURVEY WAS FOUND BY SAID DZAB SURVEYING AT THIS TIME. MONUMENTS THAT WERE SET BY DZAB SURVEYING WERE HELD FOR REFERENCE MONUMENTS.

DURING THE COURSE OF THIS SURVEY A REVIEW OF THE SUBJECTS DEEDS WAS PERFORMED BY OUR FIRM. A DISCREPANCY OF THE DESCRIPTION OF SAID LOT 1 WAS FOUND, WHICH SAID DESCRIPTION DESCRIBES A TRACT OF LAND DESCRIBED AS BEING PARALLEL TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 28, 460 FEET SOUTH OF THE COUNTY ROAD. SAID DESCRIPTION THEN GOES ON TO EXCEPT THE EAST 20 FEET OF A TRACT OF LAND WITH NO MENTION IF SAID TRACT WAS TO BE INCLUDED INTO SAID LOT 2, LEAVING A TRIANGLE SHAPE TRACT TO LOT 3 OF SAID SHORT SUBDIVISION G-14. AFTER A FURTHER REVIEW OF SAID EXHIBIT SHOWN IN SHORT SUBDIVISION G-14, IT WAS CONCLUDED THAT THE INTENT WAS TO INCLUDE SAID TRACT TO SAID LOT 1, WHICH AGREES WITH FOUND MONUMENTS SET BY DZAB SURVEYING.

THIS SURVEY NOTED THAT THE FENCE LINES ON THE WEST SIDE OF THE PROPERTY DID NOT MATCH THE DEED. THE OLD FENCE CORNER AT THE SOUTHWEST CORNER OF LOT 1 APPEARS TO BE THE INTENT OF THE DEED, AS IT CLOSELY MATCHES THE DEED DISTANCE ALONG THE WEST EDGE OF LOT 1. IT IS ALSO NOTED THAT THE EAST ROADWAY WAS NOT LOCATED WITHIN THE DESIGNATED EASEMENT. THE PHYSICAL LOCATION OF THE PROPERTY SEEMS TO FIT BETTER WITH THE DEED DESCRIPTION BY MOVING THE DEED DISTANCES OF LOTS 1, 2, AND 3 OF SUBDIVISION G-14 30 FEET WEST. THIS MAY BE DUE TO THE POINT OF BEGINNING OF THE DEED DESCRIPTION BEING 30 FEET EAST OF THE SOUTH QUARTER CORNER AND THEN GOES WEST TO THE SOUTH QUARTER CORNER. SAID 30 FEET WOULD BE NEEDED TO SHIFT THE DEED WEST IN ORDER TO FIT THE OCCUPATION LINES.

- LEGEND**
- SET 5/8" X 30" REBAR W/YELLOW PLASTIC CAP (KA WA 42690LS)
 - ⊙ FOUND 1/2" REBAR, VISITED 2009
 - FOUND 3/4" IRON PIPE W/PLASTIC PLUG (TRANTOW SURVEYING, INC., PLS 15673) VISITED 2009
 - ⊙ FOUND 1/2" REBAR W/PLASTIC CAP (TRANTOW SURVEYING, INC., PLS 15673) VISITED 2009
 - ⊠ FOUND 5/8" REBAR W/2.5 ALUM. CAP (DZAB SURVEYING, INC., PLS 25552) NOT OF RECORD, VISITED 2011
 - FOUND 1" IRON PIPE, VISITED 2011
 - ⊙ ANGLE POINT, NOT MONUMENTED
 - (XX) RECORD PLAT DISTANCE
 - ROS RECORD OF SURVEY
 - A.F.N. AUDITOR FILE NO.
 - RM REFERENCE MONUMENT
 - BOUNDARY LINE
 - - - ORIGINAL BOUNDARY LINE SUB. G-14
 - - - EDGE OF ROAD RIGHT-OF-WAY
 - x BARBWARE FENCE-MEANDERING
 - - - GRAVEL DRIVEWAY
 - T TELEPHONE (BURIED)
 - BE ELECTRICAL (BURIED)
 - AP ELECTRICAL (AERIAL)
 - W WATERLINE
 - ⊕ UTILITY POLE
 - ⊙ WELL
 - ⊙ SEPTIC TANK

SOUTH 1/2 SECTION 28
 SCALE - FEET
 1" = 500'

OWNER
 JAMES W. MINICK
 AND
 D. JAMES MINICK

SHEET INDEX
 SHEET 1 - SECTION DETAIL
 SHEET 2 - LOT DETAIL
 SHEET 3 - EASEMENT AND UTILITIES



Klein & Associates, Inc.
 ENGINEERING • SURVEYING • PLANNING
 1411 13th Street • Hood River, OR 97031
 TEL: 503-366-3322 • FAX: 541-366-2515

SHEET 1 OF 3
 WILLAMETTE MERIDIAN
 KLICKITAT COUNTY, WASHINGTON

1/4	SEC	T.	R.
28	3N.	12E.	

WE, THE OWNER OF THIS BOUNDARY LINE ADJUSTMENT SHOWN HEREIN, HEREBY DECLARE THAT THIS DIVISION OF LAND HAS BEEN MADE WITH MY FREE CONSENT AND IN ACCORDANCE WITH MY DESIRES.

JAMES W. MINICK DATE _____
 D. JAMES MINICK DATE _____

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,

RESIDING IN _____ COUNTY.

NOTARY NO. _____ EXPIRATION DATE _____

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON,

RESIDING IN _____ COUNTY.

NOTARY NO. _____ EXPIRATION DATE _____

SURVEYOR'S CERTIFICATE

I, JAMES M. KLEIN, REGISTERED AS A LAND SURVEYOR BY THE STATE OF WASHINGTON, CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL SURVEY OF THE LAND DESCRIBED HEREIN, CONDUCTED BY ME OR UNDER MY SUPERVISION. THAT THE DISTANCES, COURSES AND ANGLES ARE SHOWN HEREON CORRECTLY, AND THAT THE MONUMENTS, OTHER THAN THE MONUMENTS APPROVE FOR SETTING AT A LATER DATE, HAVE BEEN SET AND LOT CORNERS STAKED ON THE GROUND AS DEPICTED ON THE PLAT.

JAMES M. KLEIN, PLS 42690 DATE _____

I HEREBY CERTIFY THAT THIS BOUNDARY LINE ADJUSTMENT HAS BEEN EXAMINED BY ME AND WILL NOT CAUSE A VIOLATION OF COUNTY HEALTH DEPARTMENT REQUIREMENTS.

KLICKITAT COUNTY HEALTH OFFICER DATE _____

I HEREBY CERTIFY THAT THIS BOUNDARY LINE ADJUSTMENT HAS BEEN EXAMINED BY ME AND THAT IT CONFORMS WITH COUNTY STANDARDS FOR SURVEY DATA, ACCESS, AND EASEMENTS

KLICKITAT COUNTY ENGINEER

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

I HEREBY CERTIFY THAT ALL TAXES AND COMPENSATION TAX AND/OR PENALTIES ON PROPERTY CONTAINED WITHIN THE PLAT SHOWN HEREIN HAVE BEEN PAID, DISCHARGED, OR SATISFIED.

KLICKITAT COUNTY TREASURER DATE _____

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

I HEREBY CERTIFY THAT THIS BOUNDARY LINE ADJUSTMENT HAS BEEN EXAMINED BY ME AND IS CONSISTENT WITH THE KLICKITAT COUNTY COMPREHENSIVE PLAN, ZONING ORDINANCE, AND/OR APPLICABLE LAWS OR POICIES.

ATTEST:

KLICKITAT COUNTY PLANNING DIRECTOR

EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

BOUNDARY LINE ADJUSTMENT EXAMINED AND APPROVED THIS _____ DAY OF _____ 20____

CHAIRMAN _____
 COMMISSIONER _____
 COMMISSIONER _____
 CLERK OF THE BOARD _____
 CONSTITUTING THE KLICKITAT COUNTY BOARD OF COMMISSIONERS KLICKITAT COUNTY, WASHINGTON

BOUNDARY LINE ADJUSTMENT FILED FOR RECORD AT THE REQUEST OF _____ THIS _____ DAY OF _____ 20____ AT _____ AND RECORDED IN VOLUME _____ OF B/LA PAGE _____ RECORDS OF KLICKITAT COUNTY, WASHINGTON.

AUDITOR'S FILE NO. _____

KLICKITAT COUNTY AUDITOR AUDITOR FILE NUMBER _____

SURVEY PERFORMED FOR:
 JM MINICK
 DATE: JANUARY, 2022
 PROJECT: 22-01-12
 FILE: 220112 DWG
 DRAFT: JWK, CD

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUISICENCE.

BOUNDARY LINE ADJUSTMENT

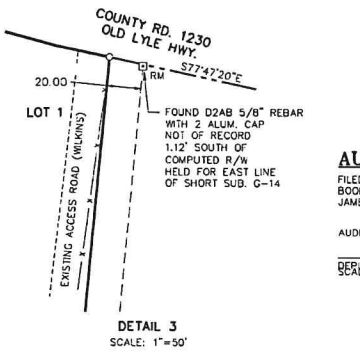
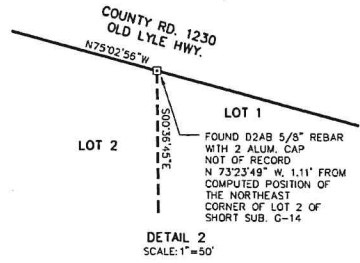
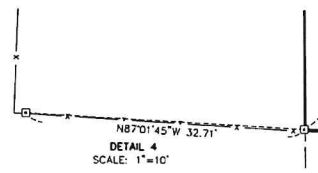
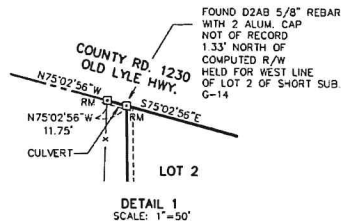
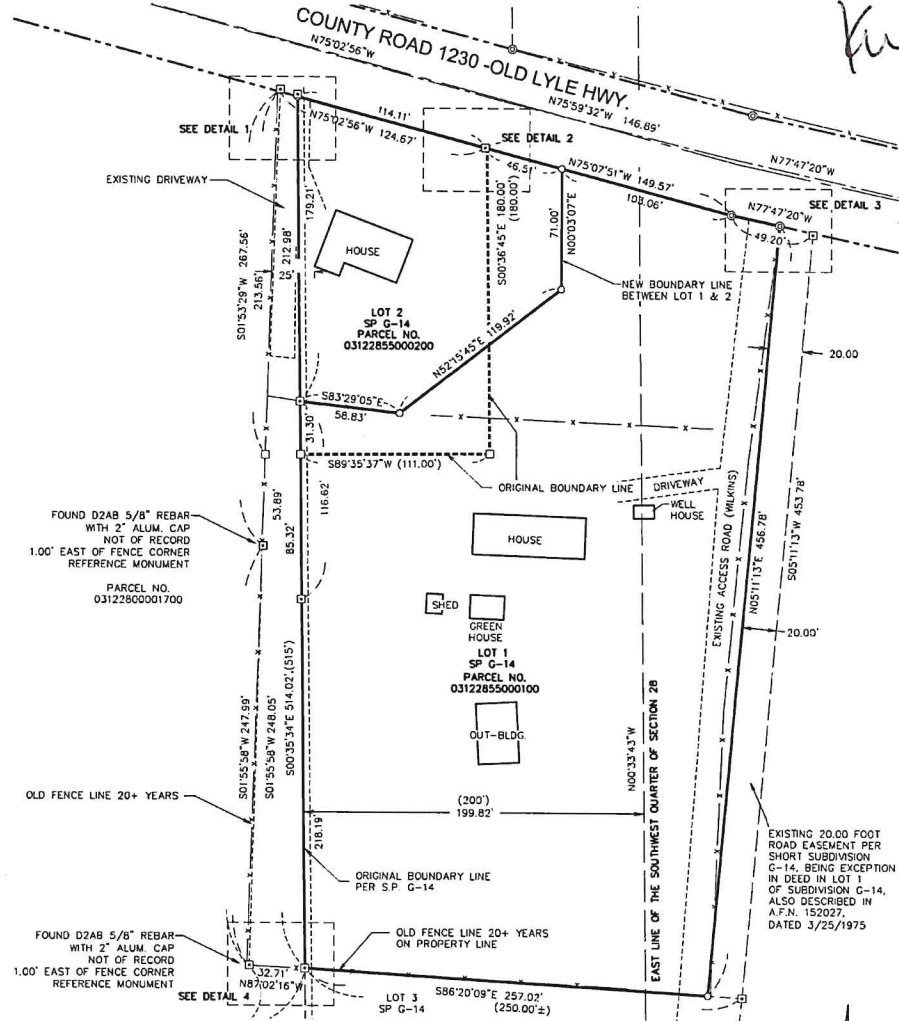
LOTS 1 & 2, OF SHORT SUBDIVISION G-14
 LOCATED IN S 1/2 OF SECTION 28 T. 3N., R. 12E., W.M.
 KLICKITAT COUNTY, STATE OF WASHINGTON
 ASSESSOR TAX PARCEL NO.
 03122855000100 & 03122855000200

APPROVED

KW

LEGEND

- SET 5/8" X 30' REBAR W/YELLOW PLASTIC CAP (KA WA 42690LS)
 - FOUND 1/2" REBAR, VISITED 2009
 - FOUND 3/4" IRON PIPE W/PLASTIC PLUG (TRANLOW SURVEYING, INC., PLS 15673) VISITED 2009
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 - - - ORIGINAL BOUNDARY LINE SUB. G-14
 - EDGE OF ROAD RIGHT-OF-WAY
 - x-x- BARBWARE FENCE-MEANDERING
 - - - GRAVEL DRIVEWAY
 - T- TELEPHONE (BURIED)
 - BC- ELECTRICAL (BURIED)
 - AP- ELECTRICAL (AERIAL)
 - W- WATERLINE
 - ⊕ UTILITY POLE
 - ⊙ WELL
 - ⊙ SEPTIC TANK



AREA TABLE

PARCEL NO.	ORIGINAL AREA	ADJUSTED AREA
ORIGINAL LOT 1 SUB. G-14	2.41± ACRES	2.41± ACRES
ORIGINAL LOT 2 SUB. G-14	0.50± ACRES	0.50± ACRES

AUDITOR'S CERTIFICATE:

FILED FOR RECORD THIS _____ DAY OF _____, 2022 IN BOOK _____ OF SURVEYS, PAGE _____ AT THE REQUEST OF JAMES M. KLEIN, REGISTERED LAND SURVEYOR, NO. 42690.

AUDITORS FILE NO. _____

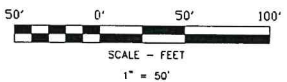
DEPUTY AUDITOR _____ DATE _____

SCALE: 1"=10'



SURVEY PERFORMED FOR: **OWNER**
 JIM MINICK
 DATE: JANUARY, 2022
 PROJECT: 22-01-14
 FILE: 220114.DWG
 DRAFT: JMK, GD

JAMES W. MINICK
 AND
 D. JAMES MINICK



BASIS OF BEARINGS
 SOUTH LINE OF LOT 2
 CENTER SHORT PLAT 80-22
 A.F.N. 179920

KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUESCENCE.

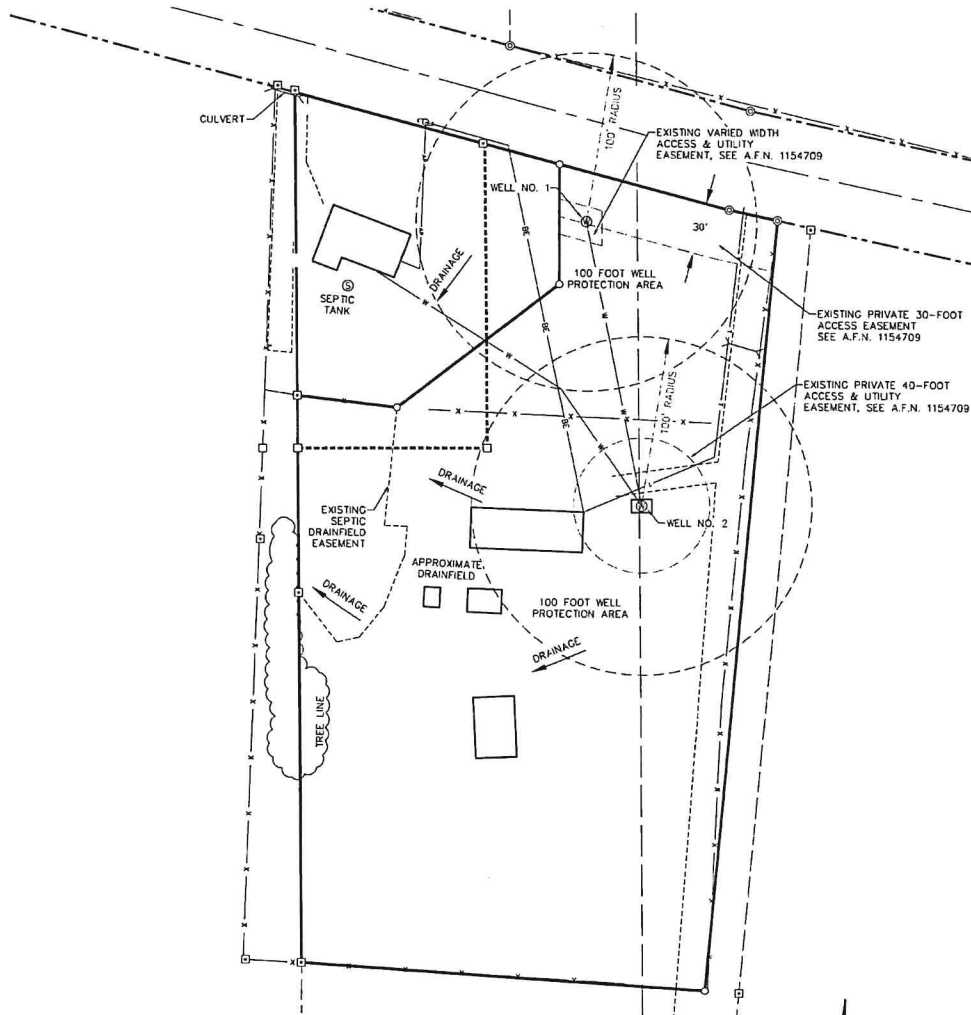
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SHEET 2 OF 3
 WILLAMETTE MERIDIAN
 KLICKITAT COUNTY, WASHINGTON

1/4	SEC	T.	R.
28	3N.	12E.	

BOUNDARY LINE ADJUSTMENT

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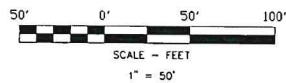


LEGEND

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 - ⊙ FOUND 1/2" REBAR, VISITED 2009
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 - ⊙ SEPTIC TANK

APPROVED

KW



SURVEY PERFORMED FOR:
 JM MINICK
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 PROJECT: 22-01-14
 FILE: 220114.DWG
 DRAFT: JWK, GD
 KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.

OWNER
 JAMES W. MINICK
 AND
 D. JAMES MINICK

BASIS OF BEARINGS
 SOUTH LINE OF LOT 2
 GUNTER SHORT PLAT 80-22
 A.F.N. 179920

AUDITOR'S CERTIFICATE:

FILED FOR RECORD THIS ____ DAY OF _____, 2022 IN
 BOOK ____ OF SURVEYS, PAGE ____ AT THE REQUEST OF
 JAMES M. KLEIN, REGISTERED LAND SURVEYOR, NO. 42690.

AUDITORS FILE NO. _____

DEPUTY AUDITOR _____

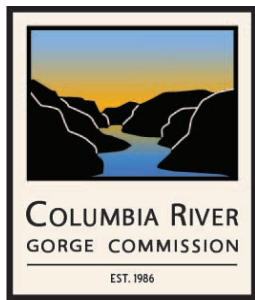
DATE _____



KA
Klein & Associates, Inc.
 ENGINEERING • SURVEYING • PLANNING
 1411 13th Street • Hood River, OR 97031
 TEL: 503-386-3322 • FAX: 541-386-2515

SHEET 3 OF 3
 WLLAMETTE MERIDIAN
 KLUCKITAT COUNTY, WASHINGTON

1/4	SEC	T.	R.
28	3N.	12E.	



Development Review Staff Report

Summary of Application

FILE NUMBER:	C26-0002
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APPLICANT:	David Minick and James Minick
LANDOWNER:	David Minick and James Minick
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LAND USE DESIGNATION:	General Management Area (GMA) – Residential (10)

Notice of Application Mailed to:

In accordance with Commission Rule 350-082-0110, the Gorge Commission staff mailed notice of this application to property owners within 200 feet of the subject parcel and sent email notice of this application to the following governments, agencies, and organizations:

Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation Oregon (CTWSRO)
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office (USFS CRGNSA)
Washington Department of Archaeology and Historic Preservation (DAHP)
Klickitat County Planning Department
Klickitat County Building Department
Klickitat County Public Works Department
Klickitat County Health Department
Klickitat County Assessor
Skamania County
Washington Natural Heritage Program
Washington Department of Fish and Wildlife (WDFW)
Friends of the Columbia Gorge

Written Comments Received From:

Friends of the Columbia Gorge (Steve McCoy, Staff Attorney)
USFS CRGNSA (Luciano Legnini, Archaeologist)

Findings of Fact

A. Land Use

1. Commission Rule 350-0082-0200(4)(d) David and James Minick have applied for a lot line adjustment to their two parcels, located on Old Highway 8, west of Lyle. Both properties are designated GMA Residential with a 10-acre minimum parcel size.

The first Minick parcel 'Lot 1' (03-12-2855-0001/00) is 2.41 acres and currently owned by David Minick. Development includes a single-family dwelling, garage and shed. Staff obtained a copy of the original building permit from Klickitat County. The three existing buildings were approved by the Klickitat County Planning Department on March 9, 1976, under permit B0759. The application for the permit was submitted before the date of the National Scenic Area Act, November 17, 1986.

The second Minick parcel 'Lot 2' (03-12-2855-0002/00) is 0.50 acres and currently owned by James Minick. Development includes a mobile home and utility shed. The mobile home was approved by the Klickitat County Planning Department (M3259) on Nov 18, 1987, and by the US Forest Service (87-0370-K-G-C11) on January 8, 1988, subject to consistency with the Final Interim Guidelines.

2. Commission Rule 350-082-0070(133)(b) defines “parcel” to include:

Any unit of land legally created and separately described by deed, sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

From January 1, 1983, through May 10, 1995, land divisions in Klickitat County were subject to the “Klickitat County Subdivision and Short Platting Ordinance, As Amended.” Section 4.00 of this ordinance included the following definition:

“Lot” is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts, parcels, building sites, or divisions. A lot shall be considered as all contiguous land under single ownership unless legally plated or short plated. Property bisected by a public road or river shall not be deemed contiguous.

The two Minick parcels are Lots 1 and 2 of a three-lot subdivision created in 1975 (Short Plat # G-14, Charles Carse, recorded October 8, 1975, Klickitat County Auditor’s No. 154281). The two subject parcels are legal parcels, consistent with this definition.

3. Commission Rule 350-082-0220(1) contains a list of developments that may be reviewed using the expedited review process, as long as they comply with the resource protection guidelines contained in 350-082-0220(2). Commission Rule 350-082-0220(1)(k) includes the following use as eligible for expedited review:

Lot line adjustments in the GMA that would not result in the potential to create additional parcels through subsequent land divisions, as determined by 350-082-0570(1), except all lot line adjustments for parcels designated Open Space, Agriculture-Special, Public Recreation, or Commercial Recreation shall be reviewed through the full development review process.

The subject parcels are designated GMA Residential with a 10-acre minimum lot size. A minimum of 20 acres is needed for a parcel to qualify for a land division. The proposed lot line adjustment only reconfigures the dimensions of each parcel; it does not change the total acreage of either parcel. Each parcel is currently less than the minimum parcel size before the lot line adjustment, and each parcel will be less than the minimum parcel size after the lot line adjustment. Because the proposed lot line adjustment will not create a parcel that is 20 acres or greater in size, the proposal will not result in the potential to create additional parcels through any future land division. Therefore, the proposal is eligible for expedited review, and this staff report reviews the proposal pursuant to Commission Rule 350-082-0220(2) which describes the resource protection guidelines for the expedited review process.

4. Commission Rule 350-082-0570(1) states the review standards for lot line adjustments in the General Management Area, outside of Agriculture Special, Open Space, Commercial, Public Recreation, or Commercial Recreation land use designations. The proposed lot line adjustment takes place within the GMA outside of the listed land use designations and is therefore subject to this rule. Commission Rule 350-082-0570(1)(a)(A) states:

The lot line adjustment shall not result in the creation of any new parcel(s).

As explained in Finding A.3, the proposed lot line adjustment will not result in the creation of any new parcels.

5. Commission Rule 350-082-0570(1)(a)(B) states:

The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the maximum density allowed by the land use designation(s) for the affected parcels.

As explained in Finding A.3, the proposed lot line adjustment will not result in the creation of any new parcels. The two subject parcels are designated GMA Residential with a 10-acre minimum parcel size. The Residential land use designation allows one dwelling per parcel and the maximum density allowed by the land use designation is one dwelling per 10 acres. Both parcels are developed with dwellings and are smaller than the minimum parcel size. The current development of the two parcels already exceeds the maximum density allowed by the land use designation of the parcels. As proposed, each parcel will contain one dwelling and will not be capable of residential

development in excess of the maximum density allowed by the Residential land use designation. The proposed lot line adjustment is consistent with this rule.

6. Commission Rule 350-082-0570(1)(a)(C) states:

The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

As described above, the parcels have a 10-acre minimum parcel size. The proposed lot line adjustment only reconfigures the dimensions of each parcel; it does not change the total acreage of either parcel. Each parcel is currently less than the minimum parcel size before the lot line adjustment, and each parcel will be less than the minimum parcel size after the lot line adjustment. Therefore, the proposed lot line adjustment is consistent with this rule.

7. Commission Rule 350-82-0570(1)(a)(D) states:

The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

(i) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided (1) the parcel to be enlarged would not become eligible for a subsequent land division and (2) the amount of land transferred would be the minimum necessary to resolve the issue.

(ii) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

Both subject parcels are currently less than the minimum parcel size. The proposed lot line adjustment only reconfigures the dimensions of each parcel; it does not change the total acreage of either parcel. Neither parcel will be reduced in size. The proposed lot line adjustment is consistent with this rule.

8. Commission Rule 350-82-0570(1)(a)(E) states:

The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture, Agriculture-Special, Commercial Forest Land, Large Woodland or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent guidelines (e.g., extending a parcel designated GMA Large-Scale Agriculture into a parcel designated Rural Center or Residential).

Both subject parcels are designated GMA Residential. This rule does not apply.

9. Commission Rule 350-82-0570(1)(a)(F) states:

The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection guidelines, including, but not limited to, requirements for buffer zones and landscaping.

There are no previous Director's Decisions for the first Minick parcel, Lot 1 (03-12-2855-0001/00). The parcels will not become out of compliance or further out of compliance with existing land use and resource protection guidelines as a result of the proposed lot line adjustment. The mobile home on the second Minick parcel, Lot 2 (03-12-2855-0002/00) was approved by the Forest Service (87-0370-K-G-C11) under the Final Interim Guidelines. There are no conditions of approval included in the decision affected by the proposed lot line adjustment. The lot line adjustment will not allow the parcels to violate applicable conditions of approval or become out of compliance with existing land use and resource protection guidelines.

10. Commission Rule 350-82-0570(1)(a)(G) states:

The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection guidelines, including, but not limited to requirements for buffer zones and landscaping.

This provision ensures that the resulting parcels from the proposed lot line adjustment could be buildable in compliance with land use and resource protection standards. Both parcels are already developed with a single-family dwelling and other associated improvements. The new configuration of Lot 1, the larger lot at 2.41 acres, will continue to allow new or replacement development on the parcel that complies with existing land use and resource protection guidelines. The new configuration of Lot 2, the smaller lot at 0.50 acres, incorporates more of the cleared area adjacent to the existing dwelling, and provides adequate space for new or replacement development on the parcel to comply with existing land use and resource protection guidelines. The lot line adjustment would not affect the ability of the subject parcels to comply with existing land use or resource protection guidelines and is consistent with Commission Rule 350-82-0570(1)(a)(G).

Land Use Conclusion:

The proposed lot line adjustment is an allowed expedited review use, subject to Commission Rule 350-82-0220(2) which protects scenic, cultural, natural, and recreation resources and treaty rights for uses reviewed through the expedited review process.

B. SCENIC RESOURCES

1. Commission Rule 350-82-0220(2)(a)(B) states:

Except signs, the colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions to existing buildings smaller in total area in square feet than the existing building, which may be the same color as the existing building.

No new structures or physical development are included in the applicants' proposal.

2. Commission Rule 350-082-0220(2)(a)(C) states:

Except signs, structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents and chimneys.

No new structures are included in the applicants' proposal.

3. Commission Rule 350-082-0220(2)(a)(D) states:

Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

No outdoor lights are proposed as part of the application.

4. Commission Rule 350-082-0220(2)(a)(E) states:

Signs shall comply with 350-082-0520.

No signs are included in the applicants' proposal.

5. Commission Rule 350-082-0220(2)(a)(F) states:

Structures within one-half mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

No new structures are included in the applicants' proposal.

Scenic Resources Conclusion:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-082-0220(2)(a).

C. CULTURAL RESOURCES

1. Rule 350-82-0220(2)(b) includes cultural resource protection provisions for uses eligible for the expedited review process. Commission Rule 350-82-0220(2)(b)(A) states:

The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey as determined by 350-082-0620(2)(a)(A).

Luciano Legnini, Archeologist for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on January 30, 2026. Mr. Legnini determined that the proposed development does not require a reconnaissance survey or historic survey pursuant to Commission Rule 350-82-0620(2)(a)(A) because it: would not disturb the ground and would involve a lot line adjustment or partition; would occur on a site that has been adequately surveyed in the past; would occur on a site that has been determined to be located within a low probability zone; does not occur within 500 feet of a known archaeological site; would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older, and; would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.

2. Commission Rule 350-082-0220(2)(b)(B) states:

The GMA guidelines that protect cultural resources and human remains discovered during construction (350-082-0620(6) and (7)) shall be applied as conditions of approval for all development approved under the expedited development review process, including development in the SMAs.

Commission Rule 350-082-0620(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100-feet of the discovered cultural resource cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval is included in the director's decision consistent with this rule.

Commission Rule 350-82-0620(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

Cultural Resources Conclusion:

With conditions to protect unknown cultural resources or human remains discovered during construction, the proposed development is consistent with the cultural resource guidelines for expedited review in Commission Rule 350-82-0220(2)(b).

D. NATURAL RESOURCES

1. Commission Rule 350-082-0220(2)(d) contains the natural resource protection guidelines for expedited review uses. Proposed developments reviewed using the expedited review process must comply with the resource protection guidelines to be eligible for expedited review.

2. Commission Rule 350-082-0220(2)(d)(A) contains guidelines for the protection of water resources. It states:

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

This application is for a lot line adjustment. This guideline does not apply.

3. Commission Rule 350-082-0220(2)(d)(B) contains guideline for the protection of sensitive wildlife and rare plants. Commission Rule 350-082-0220(2)(d)(B)(i) states:

The development meets one of the following:

(I) The development is at least 1,000 feet from known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range) and known rare plants.

(II) The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained.

(III) For sensitive wildlife, the development is within 1,000 feet of known Priority Habitats or sensitive wildlife sites (excluding sensitive aquatic species and deer and elk winter range), but an appropriate federal or state wildlife agency determines the Priority Habitat or sensitive wildlife site is not active, the proposed development would not compromise the integrity of the Priority Habitat or wildlife area, or the proposed development would not occur during the time of the year when wildlife species are sensitive to disturbance.

(IV) For rare plants, the development is within 1,000 feet of known rare plants, but the Oregon Biodiversity Information Center or Washington Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the rare plants.

This application is for a lot line adjustment and will not disturb the ground. The proposal will have no effect on natural resources and is eligible for expedited review, consistent with Commission Rule 350-82-0220(2)(d)(B)(i)(II).

4. Commission Rule 350-082-0220(2)(d)(B)(ii) states:

Development eligible for expedited review shall be exempt from the field survey requirements for sensitive wildlife or rare plants in 350-082-0650(1)(d) and (2) and 350-082-0660(1)(d) and (2).

Because the development is eligible for expedited review, a field survey is not required.

Natural Resources Conclusion:

The proposed development is consistent with Commission Rule 350-082-200(4) that allows the replacement of existing structures destroyed by disaster. Therefore, the proposed development is consistent with the rules in Commission Rule 350-082, Sections 0640 through 0690, that protect natural resources in the National Scenic Area.

E. RECREATION RESOURCES

1. The Commission Rule 350-82-0220(2)(c) contains the guidelines for the protection of recreation resources. It states:

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

The parcels are designated Recreation Class 2 according to the Gorge Commission's Recreation Intensity Class Map. There are no established recreation sites on adjacent parcels. The proposal is consistent with this rule.

Recreation Resources Conclusion:

The proposed development is consistent with the recreation resource guidelines for expedited review in Commission Rule 350-082-0220(2)(c).

F. TREATY RIGHTS PROTECTION

1. Commission Rule 350-82-0220(2)(e) describes the treaty rights protection guidelines for expedited review uses.
2. Commission Rule 350-82-0220(2)(e)(A) states:

Proposed developments shall not affect or modify any treaty or other rights of any Indian tribe.

The proposed lot line adjustment will not affect or modify treaty or other rights of any Indian tribe, consistent with this rule.

3. Commission Rule 350-82-0220(2)(e)(B) states:

The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an tribal government submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

No comments were received from any Indian tribe during the comment period.

4. Commission Rule 350-82-0220(2)(e)(C) states:

Except as provided in subsection (B) above, 350-082-0130 shall not apply to proposed developments reviewed under the expedited review process.

Commission Rule 350-082-0130 contains the GMA and SMA Tribal Treaty Rights and Consultation requirements. Commission Rule 350-082-0130 has not been applied to this application, in compliance with this guideline.

Treaty Rights Conclusion:

The proposed development is consistent with the guidelines in Commission Rule 350-082-0130, which provides protection for treaty rights and any other rights of any Indian tribe.

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