

COLUMBIA RIVER GORGE COMMISSION DIRECTOR'S DECISION

CASE FILE: C22-0021

PROPOSAL: The Columbia River Gorge Commission has received an application for a boundary line adjustment.

APPLICANTS: Jim Minick

LANDOWNERS: Jim Minick (two lots) *tax lot: 03-12-2855-0001/00 (2.41 acres)*
tax lot: 03-12-2855-0002/00 (0.50 acres)

LOCATION: The subject parcels are located adjacent to Old Highway 8, in the southern half of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.

LAND USE

DESIGNATION: General Management Area (GMA) – Residential

DECISION:

Based upon the following findings of fact, the land use application for a boundary line adjustment by Jim Minick, and John & Deanna Nickols, is consistent with the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, P.L. 99-663, the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and approvable under Commission Rule 350-82, and is hereby **APPROVED**.


CONDITIONS OF APPROVAL:

The following conditions of approval are given to ensure that the subject request is consistent with the standards of Section 6 and the purposes of P.L. 99-663, and the Management Plan and approvable under Commission Rule 350-82. Compliance with them is required. **This decision must be recorded in county deeds and records to ensure notice of the conditions to all successors in interest** (Management Plan, Review Uses Guideline 1, page 306).

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C22-0021, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. 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-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 AND SIGNED THIS 19 day of April 2023 at White Salmon, Washington.



Krystyna U. Wolniakowski
Executive Director

EXPIRATION OF APPROVAL:

Commission Rule 350-82-0160 governs the expiration of this Director's Decision.

This decision of the Executive Director becomes void on the 19 day of April 2025 unless construction has commenced in accordance with Commission Rule 350-82-0160(4).

Commission Rule 350-82-0160(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. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development as required by this decision shall be considered the date the applicant commenced construction, unless the applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant will need to complete all elements in this decision in accordance with Commission Rule 350-82-0160.

The 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 350-82-0160(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 and/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 19 day of May 2023.

The decision of the Executive Director is final unless the applicants or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

NOTES:

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.

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.

- c: 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

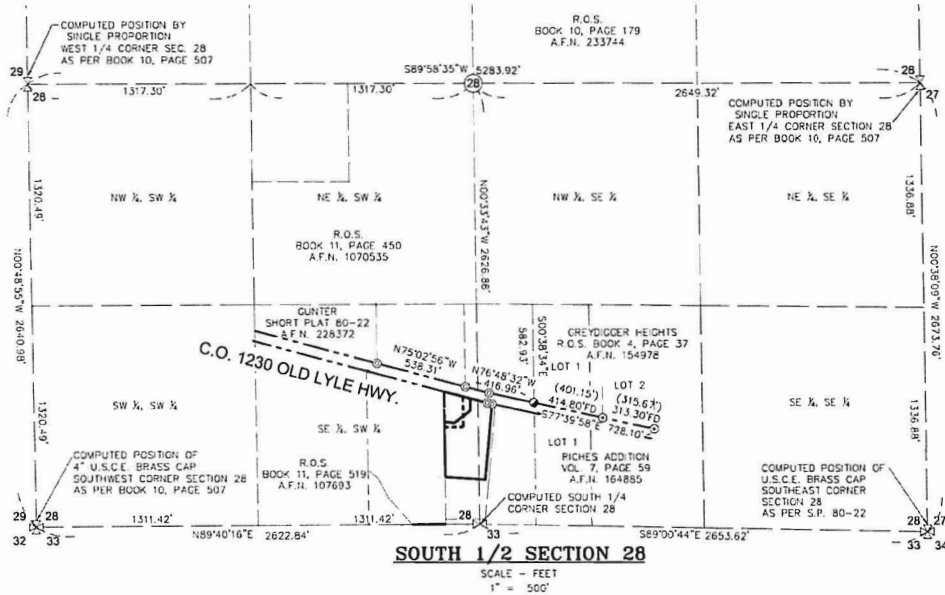
Attachments:

Staff Report for C22-0021

Approved site plan

PROPERTY 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



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 D2AB 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 D2AB SURVEYING AT THIS TIME. MONUMENTS THAT WERE SET BY D2AB 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 D2AB 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.

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.

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

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 11, PAGE 450, A.F.N. 1070535.
- R4. MIKE BLUMENSTEIN, RECORD OF SURVEY, BOOK 10, PAGE 507, A.F.N. 258513.
- R5. D2AB 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. 256880
SEPTIC EASEMENT, AUDITOR'S FILE NO. 1077069

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 _____

APPROVED

Klyptima U. Wolnaker

LEGEND

- | | |
|--|---|
| <ul style="list-style-type: none"> ○ SET 5/8" X 30" REBAR W/YELLOW PLASTIC CAP (KA WA 426505) ⊙ FOUND 1/2" REBAR, VISITED 2003 ● 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 (D2AB SURVEYING, INC., PLS 25552) NOT OF RECORD, VISITED 2011 ⊙ FOUND 1" IRON PIPE, VISITED 2011 ● ANGLE POINT, NOT MONUMENTED (XX') RECORD PLAT DISTANCE R/S RECORD OF SURVEY A.F.N. AUDITOR FILE NO. RM REFERENCE MONUMENT | <ul style="list-style-type: none"> —— BOUNDARY LINE - - - - ORIGINAL BOUNDARY LINE SUB. G-14 —— EDGE OF ROAD RIGHT-OF-WAY - x - x - BARBIRE FENCE-VEANDERING - - - - GRAVEL DRIVEWAY — — TELEPHONE (BURIED) — — ELECTRICAL (BURIED) — — ELECTRICAL (AERIAL) — — WATERLINE — — UTILITY POLE ⊙ WELL ⊙ SEPTIC TANK |
|--|---|

OWNER

JAMES W. MINICK
AND
D. JAMES MINICK

SHEET INDEX

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

SURVEY PERFORMED FOR:
JM MINICK
DATE: JANUARY, 2022
PROJECT: 22-01-12
FILE: 220112.DWG
DRAFT: JMK, GD

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

Klein & Associates, Inc.
ENGINEERING • SURVEYING • PLANNING
1411 13th Street • Hood River, OR 97035
TEL: 503-385-3322 • FAX: 541-386-2515



SHEET 1 OF 3
WILLAMETTE MERIDIAN
Klickitat County, Washington

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

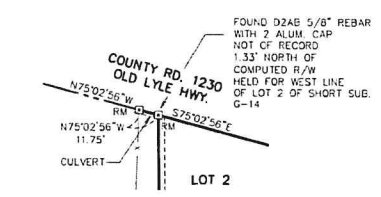
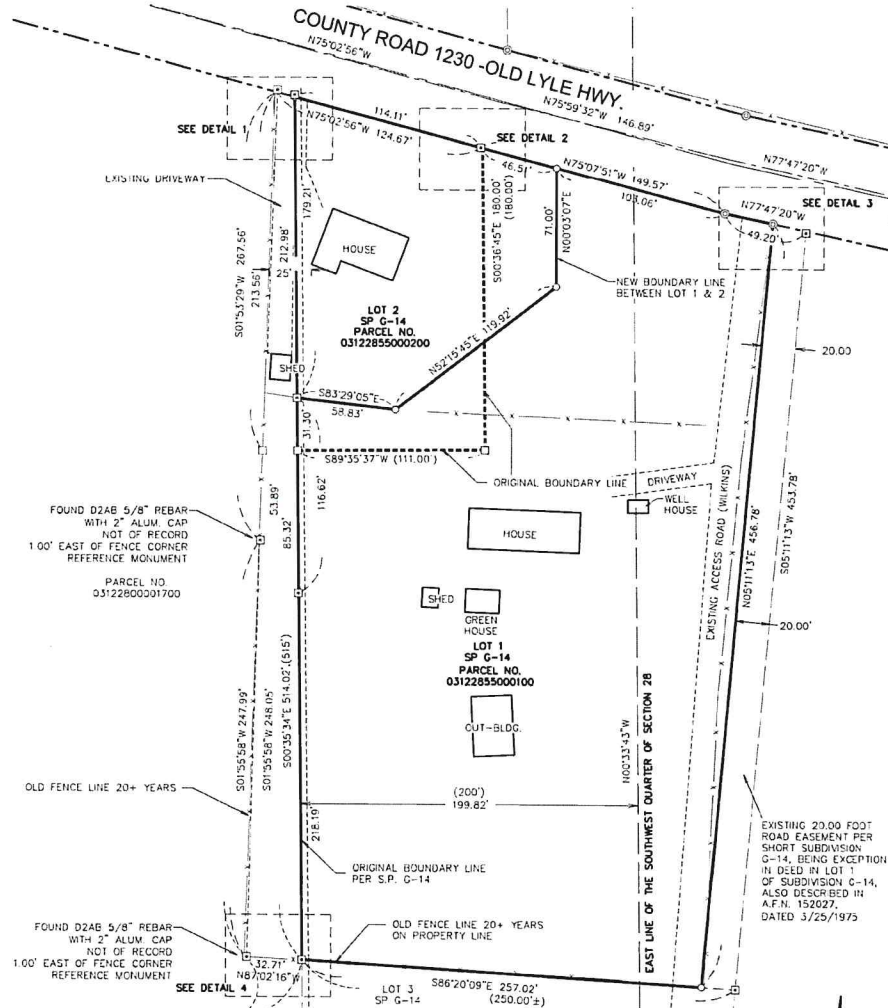
PROPERTY LINE ADJUSTMENT

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

LEGEND

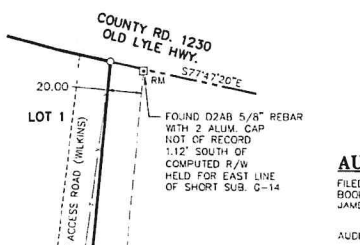
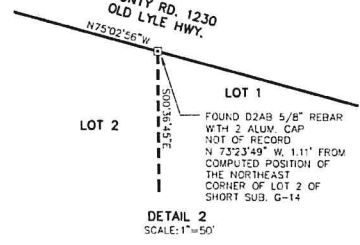
- SET 5/8" X 30" REBAR W/YELLOW PLASTIC CAP (KA WA 42690LS)
- ⊙ FOUND 1/2" REBAR, VISITED 2009
- FOUND 3/4" IRON PIPE W/PLASTIC PLUG (TRANLOW SURVEYING, INC., PLS 15673) VISITED 2009
- ⊖ FOUND 1/2" REBAR W/PLASTIC CAP (TRANLOW SURVEYING, INC., PLS 15673) VISITED 2009
- ⊠ FOUND 5/8" REBAR W/2.5 ALUM. CAP (D2AB SURVEYING, INC., PLS 25542) NOT OF RECORD, VISITED 2011
- ⊙ FOUND 1" IRON PIPE, VISITED 2011
- ANGLE POINT, NOT MONUMENTED
- (XX) RECORD PLAT DISTANCE
- RDS 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
- BARB WIRE FENCE—MEANDERING
- - - GRAVEL DRIVEWAY
- TELEPHONE (BURIED)
- - - ELECTRICAL (BURIED)
- - - ELECTRICAL (AERIAL)
- 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



APPROVED
Kristina U. Wolniewski

AUDITOR'S CERTIFICATE:

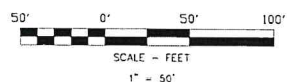
FILED FOR RECORD THIS _____ DAY OF _____, 2022 IN BOOK _____ OF SURVEYS, PAGE _____ AT THE REQUEST OF JAMES M. KLEIN, REGISTERED LAND SURVEYOR, NO. 42630.

AUDITORS FILE NO. _____
 REALTY AUDITOR _____ DATE _____



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

OWNER
 JAMES W. MINICK
 AND
 D. JAMES MINICK



BASIS OF BEARINGS

SOUTH LINE OF LOT 2
 QUINCY SHORT PLAT 80-22
 A.F.N. 179920

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

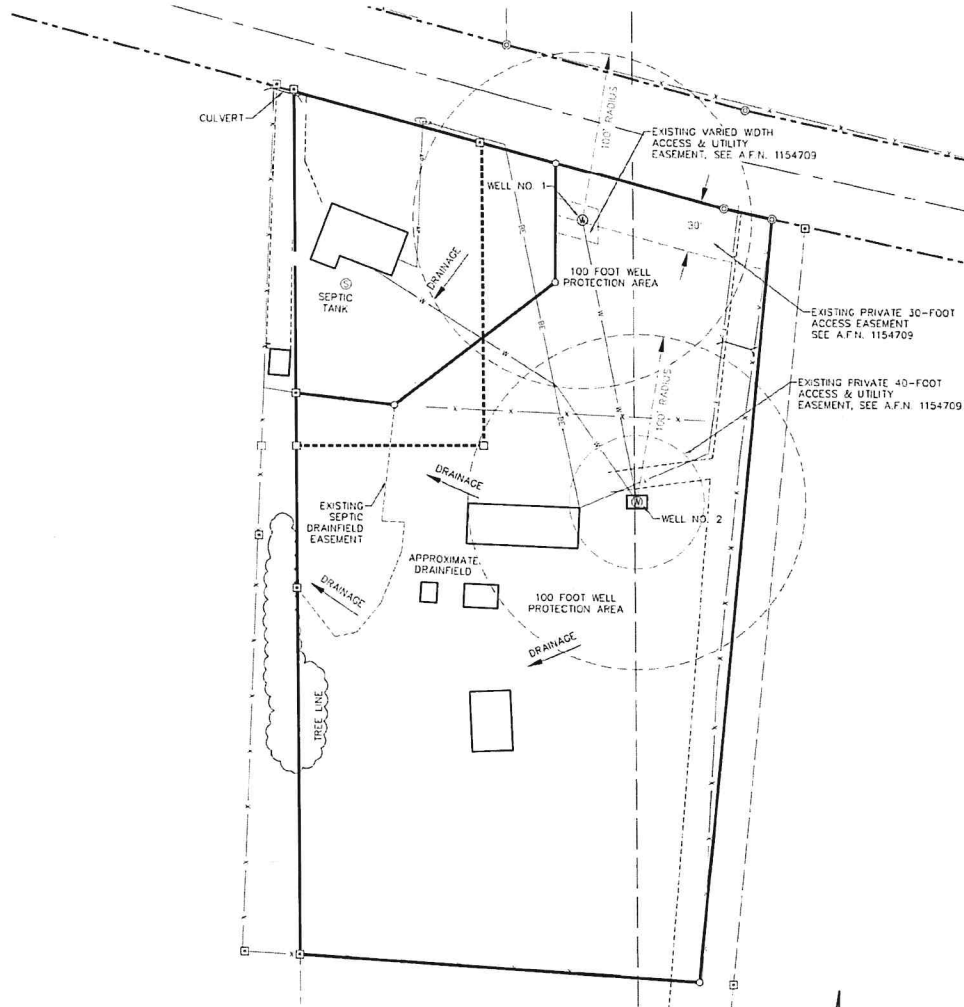
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SHEET 2 OF 3
 WILLAMETTE MERIDIAN
 KLICKITAT COUNTY, WASHINGTON

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

PROPERTY LINE ADJUSMENT

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



LEGEND

- SET 5/8" X 30" REBAR W/YELLOW PLASTIC CAP (KA WA 42600LS)
 - ⊙ FOUND 1/2" REBAR, VISITED 2009
 - ⊙ FOUND 3/4" IRON PIPE W/PLASTIC PLUG (TRAHTOW SURVEYING, INC., PLS 15673) VISITED 2009
 - ⊙ FOUND 1/2" REBAR W/PLASTIC CAP (TRAHTOW SURVEYING, INC., PLS 15673) VISITED 2009
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 - 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 BARBWIRE FENCE-MEANDERING
 - - - GRAVEL DRIVEWAY
 - - - TELEPHONE (BURIED)
 - - - ELECTRICAL (BURIED)
 - - - ELECTRICAL (AERIAL)
 - - - WATERLINE
 - ⊙ UTILITY POLE
 - ⊙ WELL
 - ⊙ SEPTIC TANK

APPROVED
Kyrtine U. Wasmakowski

AUDITOR'S CERTIFICATE:

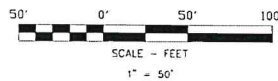
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 JAMES M. KLEIN, REGISTERED LAND SURVEYOR, NO. 42690.

AUDITORS FILE NO. _____
 DEPUTY AUDITOR _____ DATE _____



SURVEY PERFORMED FOR:
 JM MINICK
 DATE: JANUARY, 2022
 PROJECT: 22-01-14
 FILE: 220114.DWG
 DRAFT: JMK, GD
**KLEIN & ASSOCIATES, MAKES NO WARRANTY AS TO MATTERS OF
 UNWRITTEN TITLE, ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE.**

OWNER
 JAMES W. MINICK
 AND
 D. JAMES MINICK



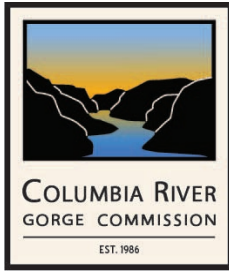
BASIS OF BEARINGS

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

KA
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SHEET 3 OF 3
 WILLAMETTE MERIDIAN
 KLIKKITAT COUNTY, WASHINGTON

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



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

CASE FILE: C22-0021

PROPOSAL: The Columbia River Gorge Commission has received an application for a boundary line adjustment between three parcels to resolve a boundary dispute.

APPLICANT: Jim Minick

LANDOWNERS: Jim Minick (two lots) *tax lot: 03-12-2855-0001/00, (2.41 acres)*
tax lot: 03-12-2855-0002/00, (0.50 acres)

LOCATION: The subject parcels are located adjacent to Old Highway 8, in the southern half of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.

LAND USE

DESIGNATION: General Management Area (GMA) – Residential (10)

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the subject request was mailed to property owners within 200 feet of the subject parcel and the following organizations/agencies/governments:

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 (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
Washington Natural Heritage Program
Washington Department of Fish and Wildlife (WDFW)
Friends of the Columbia Gorge

Written comments were received from:

Chris Donnermeyer, Heritage Resource Program Manager, USFS CRGNSA
Steve McCoy, Staff Attorney, Friends of the Columbia Gorge

FINDINGS OF FACT:

A. LAND USE

1. Jim Minick has 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. 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 a half-acre. 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 350-82-0070(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 platted. 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 350-82-0220(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 350-82-0220(2). Commission Rule 350-82-0220(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 350-82-0220(2) which describes the resource protection guidelines for the expedited review process.

4. Commission Rule 350-82-0570(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 350-82-0570(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 350-82-0570(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 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 350-82-0570(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 .5 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).

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 350-82-0220(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 350-82-0220(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 350-82-0220(2)(a)(E) states:

Signs shall comply with 350-082-0520.

No signs are included in the applicants' proposal.

5. Commission Rule 350-82-0220(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.

CONCLUSION:

The proposed development is consistent with the expedited review guidelines for scenic resources in Commission Rule 350-82-0220(2)(a).

C. CULTURAL RESOURCES

1. Commission 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).

Chris Donnermeyer, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area, provided a cultural resources survey determination for the proposed development on December 29, 2022. Mr. Donnermeyer 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 350-82-0220(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 350-82-0620(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.

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 350-82-0220(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 350-82-0220(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 350-82-0220(2)(d)(B) contains guideline for the protection of sensitive wildlife and rare plants. Commission Rule 350-82-0220(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 350-82-0220(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.

CONCLUSION:

The proposed lot line adjustment is consistent with the expedited review use guidelines in Commission Rule 350-82-0220(2)(d) that protects natural resources in the National Scenic Area.

E. RECREATION RESOURCES

1. 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.

CONCLUSION:

The proposed development is consistent with the recreation resource guidelines for expedited review in Commission Rule 350-82-0220(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.

CONCLUSION:

The proposed development is consistent with the treaty rights protection guidelines for expedited review uses in Commission Rule 350-82-0220(2)(e).

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