

## COLUMBIA RIVER GORGE COMMISSION MINOR CHANGE TO A DIRECTOR'S DECISION

**CASE FILE:** Minor Change to C20-0012

### MINOR CHANGE

**APPLICANT:** Eric Becker

### ORIGINAL

**APPLICANT:** Eric Becker

**LANDOWNER:** John and Megan Murphy

### ORIGINAL

**PROPOSAL:** The Columbia River Gorge Commission has received an application for a new accessory building.

### MINOR CHANGE

**REQUEST :** The same development as in the original approved Director's Decision with changes as follows :

1. Reconfigure the size and location of an accessory building from 440 sq ft to 480 sq ft.

**LOCATION:** The subject property is 5 acres, located in the northwest 1/4 of Section 34, Township 3 North, Range 11 East, Willamette Meridian, Klickitat County, WA, tax lot: 03-11-3457-0004/00.

### LAND USE

**DESIGNATION:** Special Management Area – Agriculture

### AUTHORITY TO APPROVE MINOR CHANGE:

This application was received and reviewed under Commission Rule 350-81. The proposed minor changes are therefore being reviewed pursuant to Commission Rule 350-81-046.

Commission Rule 350-81-046 states:

*Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusions, and conditions of approval deemed to be consistent with the guidelines of Commission Rule 350-81 and the findings and conclusions for the original action. If the Executive Director approves a minor change, the Director shall notify all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the*

*county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.*

**DECISION:**

Based upon the findings of fact in the Staff Report for Director’s Decision C20-0012, the request for a minor change by Eric Becker is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544d(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby approved.

**AMENDED 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 350-81. 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, pg. II-96).** *(Note: Conditions with changes are shown with strikethrough text indicating deletions to the original condition and underlined text indicating additions to the original condition.)*

1. To ensure notice of the conditions to successors in interest, this Director’s Decision, Staff Report for C20-0012, 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 such as roads, buildings, or other accessory structures, additions, alterations, or grading not included in the approved application or site plan will require a new application and review.
4. The developments shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.
5. The accessory structure shall be used in a manner that is incidental and subordinate to the existing dwelling. The accessory structure shall not contain appliances distinctive of a cooking area or kitchen including, but not limited to, a stove, range, refrigerator, kitchen sink or other appliances for food preparation, storage, and clean up. The accessory structure shall not be used as a second dwelling unit or a short-term rental.

6. All exterior building materials, including roof, doors, siding, trim, window casing and sash, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following materials and colors submitted by the applicants for the exterior of the house are consistent with this condition and are hereby approved:

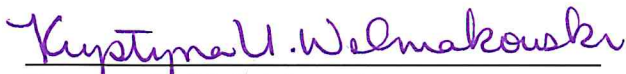
Exterior: Corten® weathered steel, pre-rusted  
Trim: matte, low-gloss black  
Roof: membrane roof with dark basalt gravel ballast

Any proposed changes to these colors shall be submitted to the Gorge Commission for consistency review with this condition of approval. The color of the development shall be maintained by painting and staining as necessary to maintain the approved color.

7. The Corten® weathered steel siding shall be the approved dark earth-tone rusted color and have a rusted finish at the time of installation. The Corten steel shall not be installed prior to the completion of the rusting process. All exterior building materials, including the siding roof, doors, siding, trim, window casing and sash, decks, and railings shall be nonreflective or have low reflectivity. Exterior metal materials shall be painted with a matte, low-gloss black colored finish and maintained as necessary to ensure that the material is non-reflective.
8. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required. The applicant has chosen Anderson 100 series windows with Low-E glass for exterior of the building. Any proposed changes shall be submitted to the Gorge Commission for consistency review with this condition of approval.
9. All outdoor lighting shall be directed downward and sited, hooded, and shielded. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
10. Except for dead trees or other dead vegetation that may pose a hazard, all existing vegetation on the site shall be retained and maintained for screening purposes, or as indicated on the approved site plan.
11. All disturbed areas on the property disturbed during construction activities shall be reseeded with grasses from the Recommend Seed Mixes for East Side Environments. Disturbed areas shall be revegetated immediately upon completion of the project (or as soon as possible thereafter if the project is completed during the winter) with at least 80 percent vegetative coverage within 1 year.
12. If cultural resources are discovered during construction activities, 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](mailto: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.

13. If human remains are discovered during construction activities, 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.
14. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for a FINAL INSPECTION to confirm compliance with all of the conditions of approval. Project completion means completion of all work to the exteriors of structures (including painting). The applicants shall arrange the inspection by calling the Gorge Commission at (509) 493-3323 or info@gorgecommissin.org. Each inspection may take up to seven business days from the time of calling for the inspection.

DATED AND SIGNED THIS 8 day of February 2023 at White Salmon, Washington.



Krystyna U. Wolniakowski  
Executive Director

**EXPIRATION OF APPROVAL:**

Commission Rule 350-81-044 governs the expiration of this Director's Decision.

***This decision of the Executive Director becomes void on the 8 day of February 2025 unless construction has commenced in accordance with Commission Rule 350-81-044(4).***

Commission Rule 350-81-044(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 that 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 350-81-044. 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 350-81-044(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 applicants shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicants were not

responsible, would prevent the applicants 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 10 day of March 2023.*

The decision of the Executive Director is final unless the applicant 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 C20-0012
- Approved site plan and elevation drawings
- International Dark-Sky Association example sheet of acceptable & unacceptable light fixtures
- Recommend Seed Mixes for East Side Environments

**COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:**

Notice of the original 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 NSA)
- 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
- Skamania County
- Washington Natural Heritage Program
- Washington Department of Fish and Wildlife
- Friends of the Columbia Gorge

Written comments were received from:

- Chris Donnermeyer, Heritage Resource Program Manager, USFS NSA
- Steve McCoy, attorney, Friends of the Columbia Gorge

**AMENDED FINDINGS OF FACT AND CONCLUSIONS AND ANALYSIS OF CONSISTENCY OF PROPOSED CHANGES:** *(Note: Findings and Conclusions with changes are shown with strikeout text indicating deletions to the original findings and underlined text indicating additions to the original findings. Original, unchanged Findings and Conclusions are not included.)*

**A. LAND USE**

3. Commission Rule 350-81-190(2)(i) allows accessory buildings on lands designated SMA-Agriculture. Commission Rule 350-81-190(2)(i) states:

*Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:*

*(A) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.*

*(B) The height of any individual accessory building shall not exceed 24 feet.*

There are no other accessory buildings on the subject parcel. The proposed building has a ~~480 sq. ft.~~ 440-sq. ft. footprint (~~20 ft. x 24 ft.~~) (20 ft. x 22 ft.) and a height of 16 ft., consistent with this rule.

**CONCLUSION:**

With conditions of approval requiring the proposed developments are allowed review uses, subject to Commission Rules 350-81-520 through 350-81-620 that protect scenic, cultural, natural, and recreation resources.

**ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:**

This finding is hereby amended to accurately describe the proposed changes. The amended findings continue to support the conclusion that the project will be consistent with Commission Rule 350-81-520.

**C. CULTURAL RESOURCES**

2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated September 11, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would not disturb the ground and would involve a lot-line adjustment or partition, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site.

While reviewing the minor change request, Gorge Commission staff contacted Chris Donnermeyer, U.S. Forest Service Archeologist Heritage Program Manager. Mr. Donnermeyer concluded in a message dated February 1, 2023, the proposed changes to the dwelling and the garage do not change his original survey determination.

**CONCLUSION:**

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposed development is consistent with the guidelines in Commission Rule 350-81-540 that protects cultural resources in the National Scenic Area.

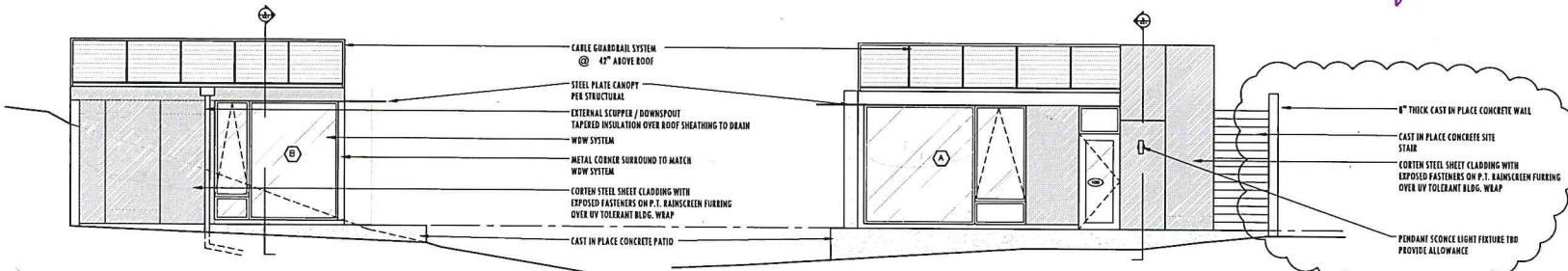
**ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:**

This finding is hereby amended to accurately describe the proposed changes. The amended finding continues to support the conclusion that the project will be consistent with Commission Rule 350-81-540.

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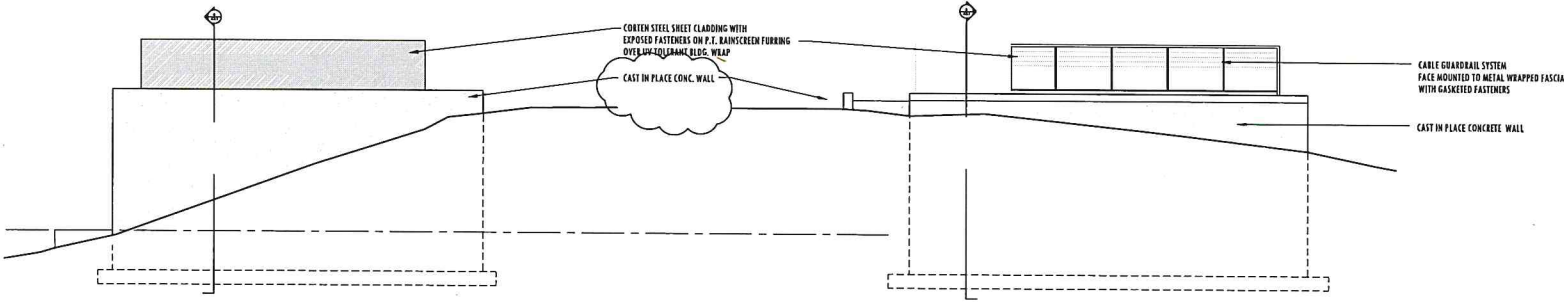
APPROVED

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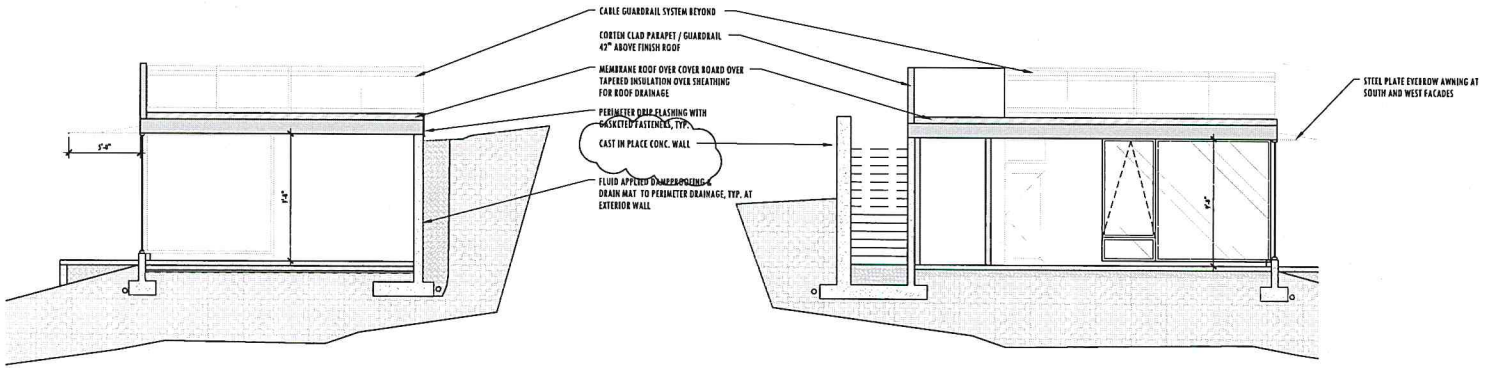
1 WEST ELEVATION

2 SOUTH ELEVATION



3 EAST ELEVATION

4 NORTH ELEVATION



5 SOUTH NORTH BUILDING SECTION

6 EAST WEST BUILDING SECTION



WEEKLY RESIDENCE  
WHITE SALMON, WA

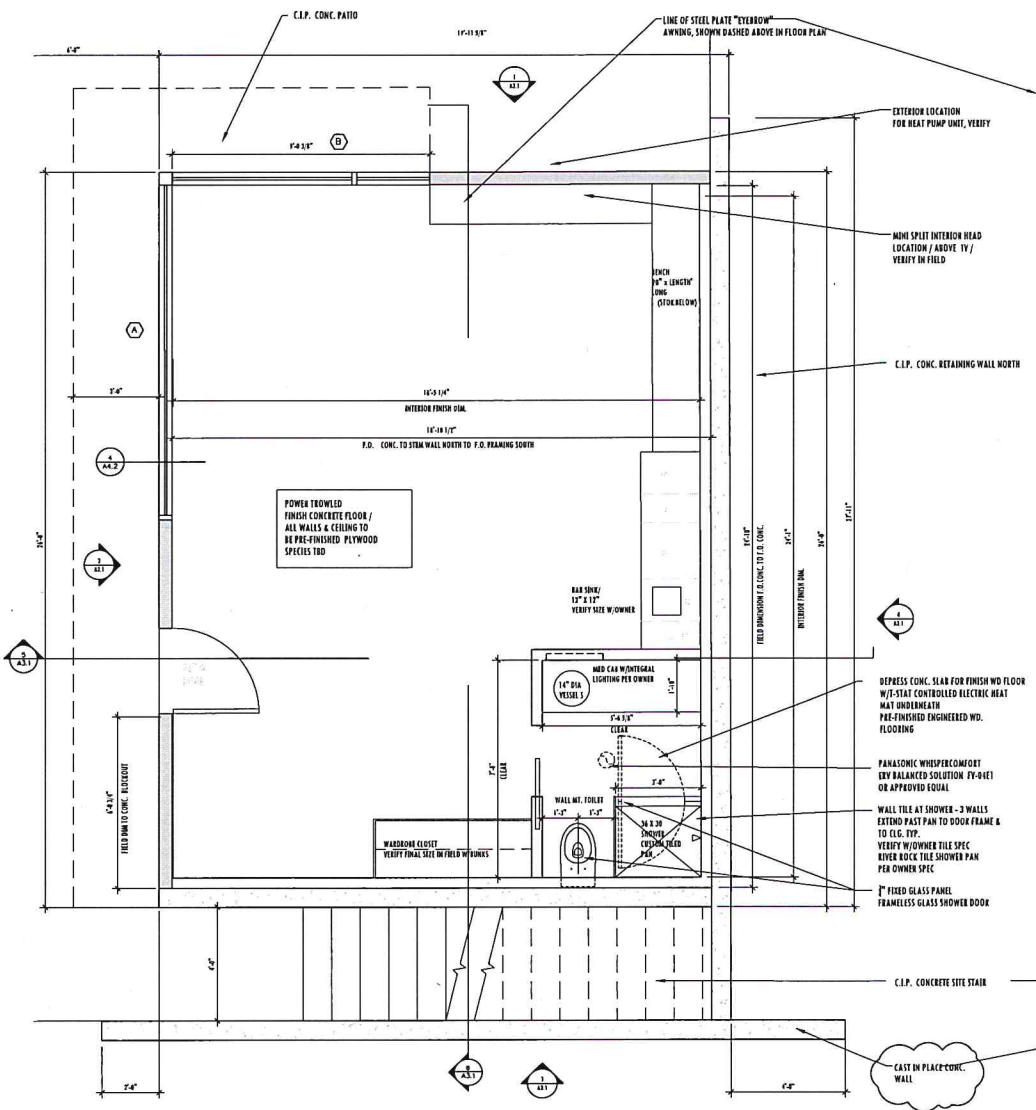
Issue / Revision

EXTERIOR  
ELEVATIONS

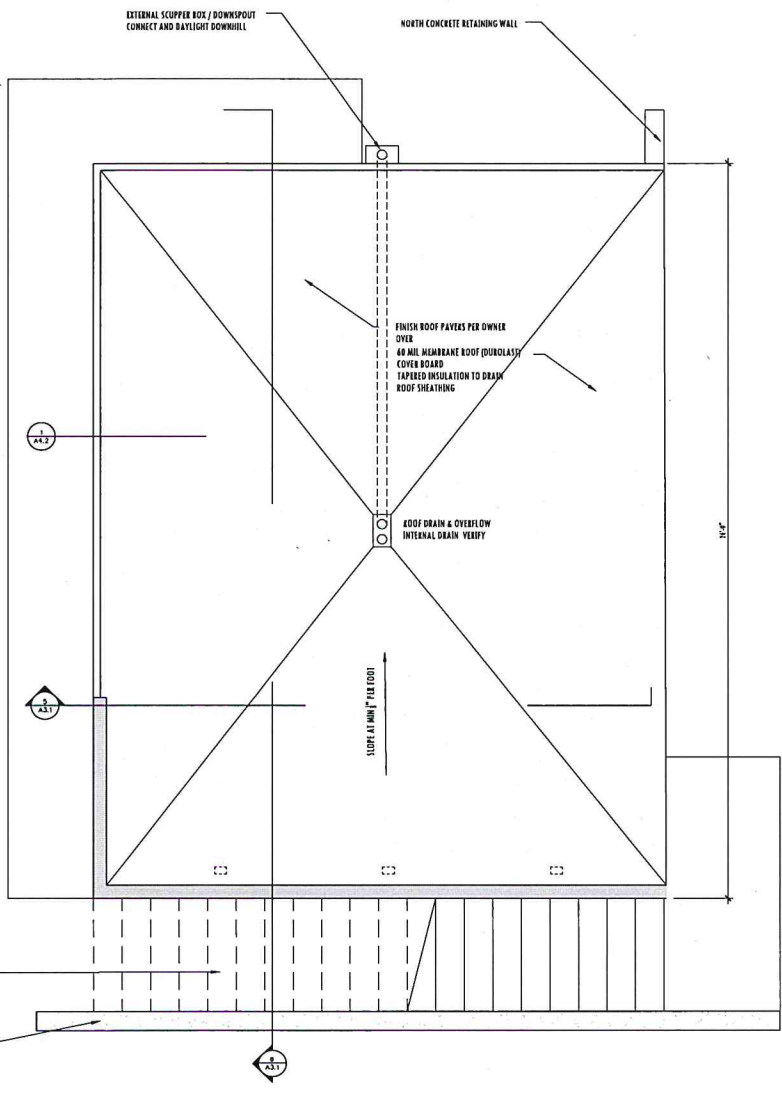
UPDATED 6.22.22

A3.1





**01 FLOOR PLAN**  
plan



**02 ROOF PLAN**  
plan

**REVISION 6.22.22** **A2.1**