

132074

Return Address:

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SKAMANIA CO. WASH  
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JUL 1 12 51 PM '98  
*P. Lowry*  
AUDITOR  
GARY H. OLSON

Please Print or Type Information.

Document Title(s) or transactions contained therein: 1. Summons-Case No. 98-2-00073-4 2. 3. 4.
GRANTOR(S) (Last name, first, then first name and initials) 1. Cowlitz County Fire District No. 7 2. Boundary Review Board of Skamania County 3. 4. <input type="checkbox"/> Additional Names on page ____ of document.
GRANTEE(S) (Last name, first, then first name and initials) 1. Skamania County Fire District No. 6 2. 3. 4. <input type="checkbox"/> Additional Names on page ____ of document.
LEGAL DESCRIPTION (Abbreviated: IE, Lot, Block, Plat or Section, Township, Range, Quarter/Quarter) Section 16, Township 7 North, Range 5 E.W.M. <input type="checkbox"/> Complete legal on page 26 of document.
REFERENCE NUMBER(S) Of Documents assigned or released: <input type="checkbox"/> Additional numbers on page ____ of document.
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER <input type="checkbox"/> Property Tax Parcel ID is not yet assigned. <input type="checkbox"/> Additional parcel #'s on page ____ of document.
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

132074

FILED FOR RECORD  
SKAMANIA CO. WASH  
BY

JUL 1 12 51 PM '98

AUDITOR  
GARY M. OLSON

SKAMANIA COUNTY  
ORIGINAL FILED

JUL 01 1998

Lorena E. Hollis, Clerk

SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

SKAMANIA COUNTY FIRE DISTRICT  
NO. 6,

Plaintiff,

vs.

COWLITZ COUNTY FIRE DISTRICT  
NO. 7 and BOUNDARY REVIEW BOARD OF  
SKAMANIA COUNTY,

Defendant.

NO. 98 2 00073 4

SUMMONS

TO THE DEFENDANTS: COWLITZ COUNTY FIRE DISTRICT NO. 7 and  
BOUNDARY REVIEW BOARD OF SKAMANIA COUNTY.

A lawsuit has been started against you in the above-entitled  
Court by Skamania County Fire District No. 7, Plaintiff. Plaintiff's  
claim is stated in the written Complaint, a copy of which is served  
upon you with this Summons.

In order to defend against this lawsuit, you must respond to the  
Complaint by stating your defense in writing, and serve a copy upon  
the undersigned attorney for the plaintiff within 20 days after the  
date this Summons was served upon you, excluding the day of service,  
if this Summons was served within the State of Washington, or within  
60 days after the date this Summons was served upon you, excluding  
the day of service, if this Summons was served outside the State of  
Washington, or a default judgment may be entered against you without  
notice. A default judgment is one where the plaintiff is entitled to  
what is asked for because you have not responded. If you serve a

Blair, Schaefer, Hutchison & Wolfe, L.L.P.

Attorneys at Law  
185 West Evergreen Boulevard  
Post Office Box 1148  
Vancouver, Washington 98666-1148  
Telephone (360) 693-5853

SUMMONS - 1



1 Notice of Appearance on the undersigned attorney, you are entitled to  
2 notice before a default judgment may be entered.

3 You may demand that plaintiff file this lawsuit with the Court.  
4 If you do so, the demand must be in writing and must be served upon  
5 the person signing this Summons. Within 14 days after you serve the  
6 demand, the plaintiff must file this lawsuit with the Court, or  
7 service on you of the Summons and Complaint will be void.

8 If you wish to seek advice of any attorney in this matter, you  
9 should do so promptly so that your written response, if any, may be  
10 served on time.

11 This Summons is issued pursuant to Rule 4 of the Superior Court  
12 Civil Rules of the State of Washington.

13 DATED this June 30, 1998.

14 BLAIR, SCHAEFER, HUTCHISON & WOLFE, LLP

15  
16 By Denise J. Lukins  
17 Denise J. Lukins  
18 WSB No. 24688  
Of Attorneys for Plaintiff

19 File Response with:  
20 Clerk of the Court  
21 Skamania County Courthouse  
22 240 Vancouver  
PO Box 790  
23 Stevenson, WA 98648-0790

Serve a copy of your Response on:  
BLAIR, SCHAEFER, HUTCHISON & WOLFE, LLP  
Attorneys at Law  
105 West Evergreen Boulevard  
PO Box 1148  
Vancouver, WA 98666-1148  
Telephone No. (360) 693-5883

24  
25  
26  
SUMMONS - 2

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Attorneys at Law  
105 West Evergreen Boulevard  
Post Office Box 1148  
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SKAMANIA COUNTY  
ORIGINAL FILED  
JUL 01 1998  
Linda E. Hollis, Clerk

SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

SKAMANIA COUNTY FIRE DISTRICT  
NO. 6,

Plaintiff,

vs.

COWLITZ COUNTY FIRE DISTRICT  
NO. 7 and BOUNDARY REVIEW BOARD OF  
SKAMANIA COUNTY,

Defendant.

NO. 98 2 00073 4  
AFFIDAVIT OF FRANKLIN L. YELA

STATE OF WASHINGTON )  
County of Skamania : ss.

FRANKLIN L. YELA, first being duly sworn on oath, deposes and  
says:

1. Cowlitz County Fire District No. 7 is a Fire Protection  
District formed under the laws of the State of Washington.

2. Plaintiff Skamania County Fire District No. 6 is a Fire  
Protection District formed under the laws of the State of Washington.

3. On October 27, 1997, the commissioners of Cowlitz County  
Fire District No. 7 were presented with petitions and voted to annex  
an area of land included in Skamania County as part of Cowlitz County  
Fire District No. 7. Between the two Fire District lies a large area  
that is not currently part of any district. The area annexed by  
Cowlitz County Fire District No. 7 is a portion of this area. The  
Commissions voted to annex the area.

Blair, Schaefer, Hutchison & Wolfe, L.L.P.

Attorneys at Law  
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Vancouver, Washington 98666-1148  
Telephone (360) 693-5883

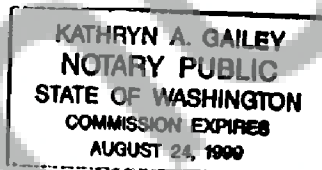
AFFIDAVIT OF FRANKLIN L. YELA - 1

1 4. Skamania County Fire Protection District No. 6 filed a  
2 request invoking Boundary Review Board review of the annexation, as  
3 provided in RCW Chapter 36.93. The basis for the request for review  
4 was, in part, that the annexation petitions submitted on behalf of  
5 Kyle Witham, Ane Forests of Lewis River, Inc., and Plum Creek Timber  
6 Company lacked the attached plat prescribed by the RCWs.  
7 Additionally, the petition submitted on behalf of Pacificorp was  
8 improper because the owner in title of the property is Pacific Power  
9 and Light Company. In addition, that petition was unsigned and did  
10 not contain a legal description.

11 5. The Boundary Review Board determined that it did not have  
12 jurisdiction to determine the validity of the petitions once they  
13 were certified by the county assessor. The Boundary Review Board  
14 approved the proposed annexation to Cowlitz County Fire District  
15 No. 7.

16 Franklin L. Yela  
17 FRANKLIN L. YELA

18 1998. SIGNED AND SWORN to before me on June 30, 1998



Kathryn A. Gailey  
Notary Public  
My Appointment Expires: 8-24-99

AFFIDAVIT OF FRANKLIN L. YELA - 2

Blair, Schaefer, Hutchison & Wolfe, L.L.P.  
Attorneys at Law  
105 West Evergreen Boulevard  
Post Office Box 1148  
Vancouver, Washington 98666-1148  
Telephone (360) 493-5883



SKAMANIA COUNTY  
ORIGINAL FILED

JUL 01 1998

Lorena E. Hallis, Clerk

SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

SKAMANIA COUNTY FIRE DISTRICT  
NO. 6,

Plaintiff,

vs.

COWLITZ COUNTY FIRE DISTRICT  
NO. 7 and BOUNDARY REVIEW BOARD  
OF SKAMANIA COUNTY

Defendant.

NO. 98 2 00073 4

NOTICE OF APPEAL AND  
APPLICATION FOR WRIT  
OF REVIEW  
(Prohibition)

COMES NOW the applicant, by and through its attorney, Denise J. Lukins and Blair, Schaefer, Hutchison & Wolfe, LLP, and alleges as follows:

1. Cowlitz County Fire District No. 7 is a Fire Protection District formed under the laws of the State of Washington.
2. Plaintiff Skamania County Fire District No. 6 is a Fire Protection District formed under the laws of the State of Washington.
3. RCW Chapter 52.04 allows a fire protection district to annex territory contiguous to it by a petition of the owners of sixty percent (60%) of the area of land proposed to be annexed. See RCW 52.04.031.
4. A valid petition must be signed by the owners and is required to set forth a legal description of the property and be accompanied by a plat which outlines the boundaries of the property to be annexed. See RCW 52.04.031.
5. On October 27, 1997, the commissioners of Cowlitz County

Blair, Schaefer, Hutchison & Wolfe, L.L.P.

Attorneys at Law  
105 West Evergreen Boulevard  
Post Office Box 1148  
Vancouver, Washington 98666-1148  
Telephone (360) 693-5833

NOTICE OF APPEAL AND APPLICATION  
FOR WRIT OF REVIEW - 1

1 Fire District No. 7 were presented with petitions and voted to annex  
2 an area of land included in Skamania County as part of Cowlitz County  
3 Fire District No. 7.

4 6. A full legal description is attached as Exhibit "A".

5 7. The Cowlitz County Fire Protection District No. 7  
6 commissioners adopted the resolution attached as Exhibit "B"  
7 regarding annexation of the area into the fire district. However,  
8 the annexation petitions submitted on behalf of Kyle Witham, Ane  
9 Forests of Lewis River, Inc., and Plum Creek Timber Company lacked  
10 the attached plat prescribed by the RCWs. Additionally, the petition  
11 submitted by Pacificorp is improper because the owner in title of the  
12 property is Pacific Power and Light Company. In addition, the  
13 petition submitted by Pacificorp is unsigned. See petitions attached  
14 as Exhibit "C". Because the petitions are inadequate, the  
15 Commissioners of Cowlitz County Fire District No. 7 lacked  
16 jurisdiction to annex the property into the Fire District.

17 8. Skamania County Fire District No. 6, as an affected  
18 government, appealed the decision of the Cowlitz County Fire District  
19 Commissioners to the Boundary Review Board in Skamania County. It  
20 was determined that the Boundary Review Board did not have  
21 jurisdiction to determine the validity of the petitions once they  
22 were certified by the county assessor. The Boundary Review Board  
23 approved the proposed annexation to Cowlitz County Fire District No.  
24 7. See Findings of Fact and Conclusions of law attached as Exhibit  
25 "D".

26 9. Because the petitions are inadequate, plaintiff requests a

NOTICE OF APPEAL AND APPLICATION  
FOR WRIT OF REVIEW - 2

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Attorneys at Law  
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Post Office Box 1148  
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1 writ of prohibition prohibiting the annexation as provided in RCW  
2 Chapter 7.16.

3 10. This application is based upon the facts alleged and the  
4 attached affidavit of Frank Yela, Chief of Skamania County Fire  
5 District No. 6.

6 11. Plaintiff also appeals the decision of the Boundary Review  
7 Board on the grounds that the decision was affected by other error of  
8 law as provided in RCW 36.93.160(6)(d), based on the inadequacy of  
9 the petitions.

10 12. Jurisdiction is proper in Skamania County Court because the  
11 property annexed is located in Skamania County.

12 DATED this June 30, 1998.

13 BLAIR, SCHAEFER, HUTCHISON & WOLFE, LLP

14  
15 By Denise J. Lukins  
16 Denise J. Lukins  
17 WSBA No. 24688  
18 Of Attorneys for Plaintiff  
19  
20  
21  
22  
23  
24  
25  
26

NOTICE OF APPEAL AND APPLICATION  
FOR WRIT OF REVIEW - 3

Blair, Schaefer, Hutchison & Wolfe, L.L.P.

Attorneys at Law  
105 West Evergreen Boulevard  
Post Office Box 1148  
Vancouver, Washington 98666-1148  
Telephone (360) 693-5883



Item 3

# EXHIBIT A



## HAGEDORN, INC.

1924 Broadway, Suite B • Vancouver, WA 98663  
(360) 696-4428 • (503) 283-6778 • FAX (360) 694-8934

December 12, 1996

### LEGAL DESCRIPTION FOR COWLITZ COUNTY FIRE PROTECTION DISTRICT NO. 7

#### PROPOSED ANNEXATION AREA (SWIFT DAM VICINITY):

A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at the intersection of the West line of Section 31 with the center of the North fork of the Lewis River (old channel), said point being on the boundary between Cowlitz County and Clark County; thence North 600 feet, more or less, to the Northwest corner of Section 31; thence North along the West line of Section 30, for a distance of 5280 feet, more or less, to the Northwest corner of Section 30; thence East, along the North line of Section 30, for a distance of 5140 feet, more or less, to the Northeast corner of Section 30; thence East, 2640 feet, more or less, to the quarter corner between Sections 20 and 29; thence North, 5280 feet, more or less, to the quarter corner between Sections 17 and 20; thence North, 1320 feet, more or less, to the Northwest corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southwest quarter of Section 16; thence South, 1320, more or less, to the quarter corner between Sections 16 and 21; thence South, 5280 feet, more or less, to the quarter corner between section 21 and 28; thence South 5280 feet, more or less, to the quarter corner between Sections 28 and 33; thence South, 2640, more or less, to the center of Section 33; thence West, 2640, more or less, to the quarter corner between Sections 33 and 32; thence West 5280 feet, more or less, to the quarter corner between Sections 32 and 31; thence West, 5200 feet, more or less, to the West quarter corner of Section 31; thence North 2000 feet, more or less, to the POINT OF BEGINNING.

LD\FIRED#7.cew

Cowlitz COUNTY FIRE PROTECTION DISTRICT NO. 7  
Orill, Washington

Resolution No. 4-97

WHEREAS, The Board of Commissioners of Cowlitz County Fire Protection District No. 7 was presented with an annexation petition signed by over 60% of the registered land owners included in the following legal description;

A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington. (Complete Legal Description attached.) and,

WHEREAS, the registered owners who signed the petition to annex believe that it would be conducive to the public safety, welfare and peace of mind to be included in the fire district; and,

WHEREAS, the area is located in no fire protection district and is contiguous to current fire district boundaries.

NOW THEREFORE BE IT RESOLVED, that the board of commissioners does hereby adopt a resolution accepting the annexation petition set forth in the following legal description and plat of the boundaries of the area to be annexed; A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington. and,

BE IT FURTHER RESOLVED, that in accordance with RCW 52.04.031, this resolution was adopted after the public hearing has taken place in response of RCW 52.04.041.

Mark D. Parker  
Chairperson

Gene F. Davis  
Commissioner

James A. Campling  
Commissioner

Judith C. Vaska  
Secretary

The above Resolution was adopted at the regular commissioners' meeting held at Orill WA Station Ave. on Nov 3 1997.

Judith C. Vaska  
Secretary

EXHIBIT B



## AN. EXATION PETITION

To: The Honorable Board of Fire Protection District Commissioners of Fire Protection District #7 of Cowlitz County, Washington

We, the undersigned property owners of record or legal representative of the property owners of record believe it would be conducive to the public safety, welfare and convenience to annex into Cowlitz County Fire Protection District #7, and we believe that it would be a benefit to the property therein for the protection of life and property, and the elimination of fire hazards. We do hereby request that you accept this annexation petition in the following described area (attached).

**NAME**

**ADDRESS**

DESCRIPTION OF AREA OF LEGAL  
OWNERSHIP TO 1/4 SECTION  
24 1/4 1/4 1/4 1/4

Kyle Witham

P.O. Box 653  
Lakeview

Sec. 31 T1N1R5E1W1

# EXHIBIT C



# COCAINE

We, the undersigned property owners of record or legal representative of the property owners of record believe it would be conducive to the public safety, welfare and convenience to annex into Cowlitz County Fire Protection District #7, and we believe that it would be a benefit to the property therein for the protection of life and property, and the elimination of fire hazards. We do hereby request that you accept this annexation petition in the following described area (attached).

NAME	ADDRESS	DESCRIPTION OF AREA OF LEGAL OWNERSHIP TO 1/4 SECTION
John L. O. J.		
Dept for Adult Forest	90 Woodland Management	S 1/2 SW 1/4 Sec
of Lewis River Lake	Lake	778;
	5285 SW Meadows Rd S. 7c 288	
	Lake Oswego OR 97035	

200410

We, the undersigned property owners of record or legal representative of the property owners of record believe it would be conducive to the public safety, welfare and convenience to annex into Cowlitz County Fire Protection District #7, and we believe that it would be a benefit to the property therein for the protection of life and property, and the elimination of fire hazards. We do hereby request that you accept this annexation petition in the following described area (attached).

DESCRIPTION OF AREA OF LEGAL OWNERSHIP TO 1/4 SECTION

PLUM CREEK TIMBER CO. 1813 PARKER  
T. Hulme WHY LOOP.  
KELSO, WYO. PORTION OF SE 1/4 SE 1/4, W 1/2 SW 1/4  
SEC 29 T7N R5E

PORTION OF SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>

Sec 29 T7N R5E

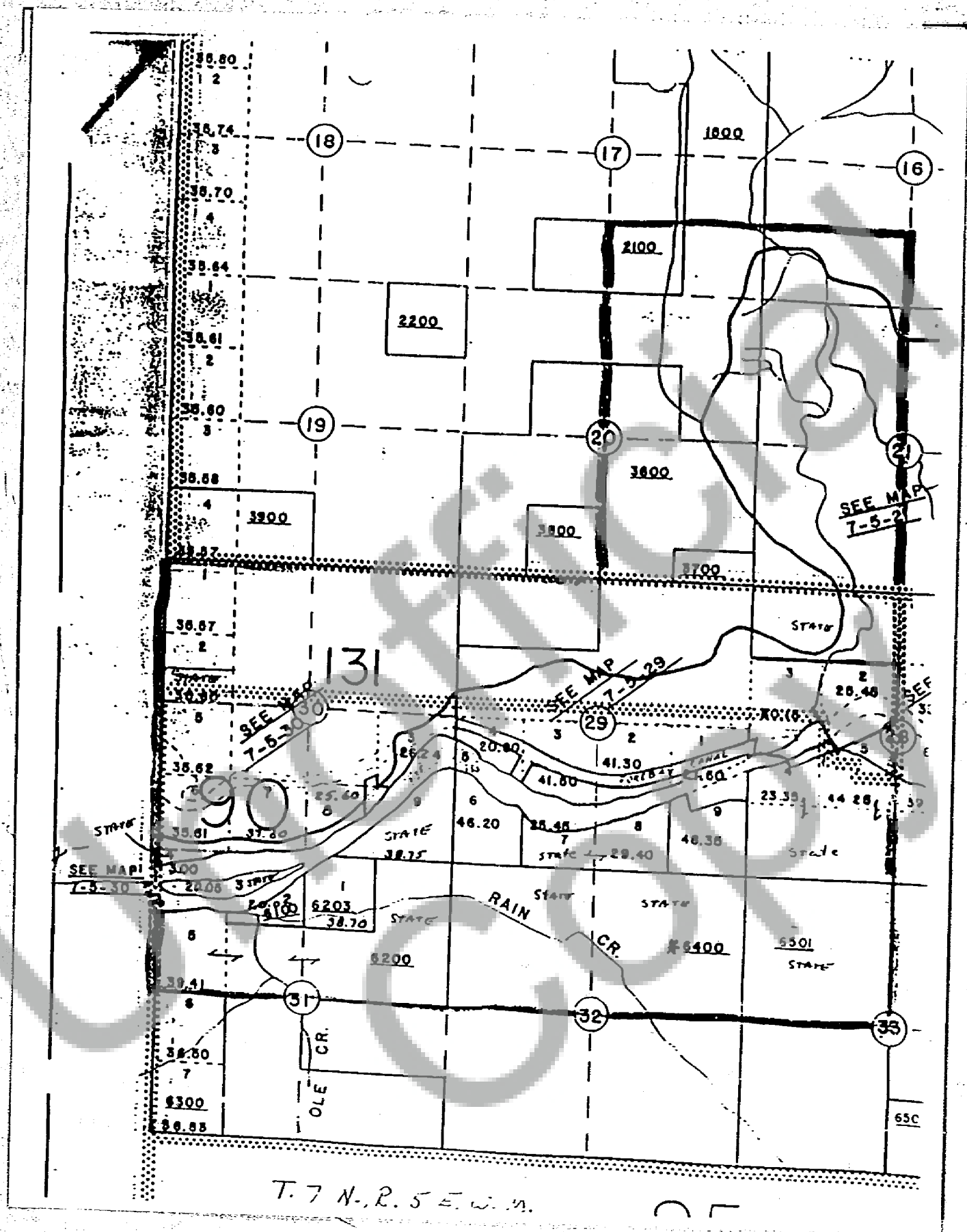
# ANNEXATION PETITION

**To: The Honorable Board of Fire Protection District Commissioners of Fire Protection District #7 of Cowlitz County, Washington**

We, the undersigned property owners of record or legal representative of the property owners of record believe it would be conducive to the public safety, welfare and convenience to annex into Cowlitz County Fire Protection District #7, and we believe that it would be a benefit to the property therein for the protection of life and property, and the elimination of fire hazards. We do hereby request that you accept this annexation petition in the following described area (attached).

NAME	ADDRESS	DESCRIPTION OF AREA OF LEGAL OWNERSHIP TO 1/4 SECTION
James D. Tano, Region Mgr	Washington State Dept of Natural Resources	part Govt lots 4, 5, and $1/2$ NW $1/4$ , S $1/2$ SW $1/4$ Section 28;
P.O. 280, Castle Rock, WA 98011		Govt lots 7, 8 Section 29;
		Govt lot 9 and S $1/2$ SW $1/4$ NW $1/4$ Section 30;
		Govt lots 3, 4, 5 and E $1/2$ NE $1/4$ , SW $1/4$ NE $1/4$ , SE $1/4$ NW $1/4$ Section 31;
		N $1/2$ Section 32;
		NW $1/4$ Section 33 all in T 7N R 5E W.M.





# ANNEXATION PETITION

To: The Honorable Board of Fire Protection District Commissioners of Fire Protection District #7 of Cowlitz County, Washington

We, the undersigned property owners of record or legal representative of the property owners of record believe it would be conducive to the public safety, welfare and convenience to annex into Cowlitz County Fire Protection District #7, and we believe that it would be a benefit to the property therein for the protection of life and property, and the elimination of fire hazards. We do hereby request that you accept this annexation petition in the following described area (attached).

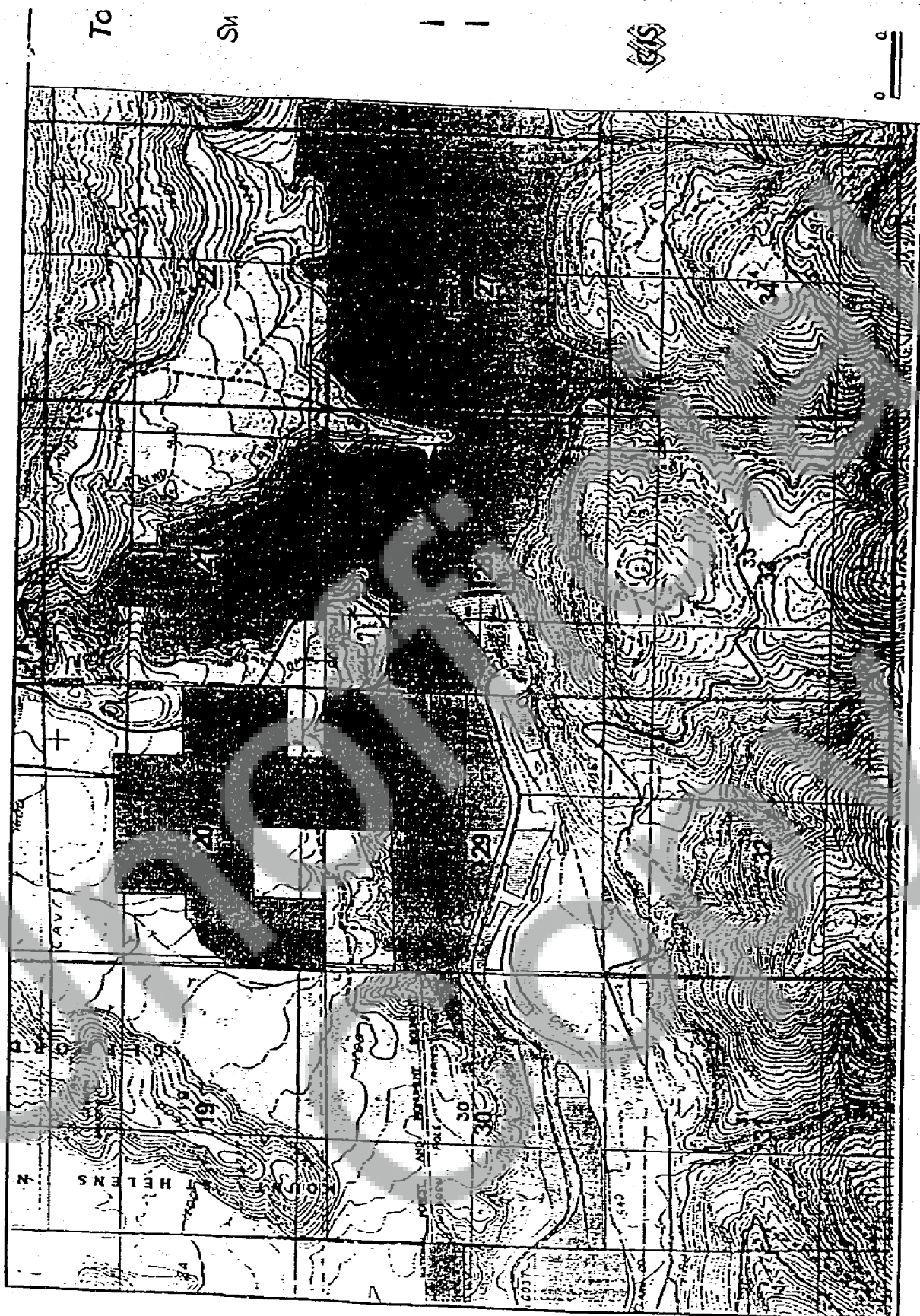
**NAME****ADDRESS**

**DESCRIPTION OF AREA OF LEGAL OWNERSHIP TO 1/4 SECTION**

Pacifi Corp 920 SW Sixth Ave, Rm 1030  
Attn: Fisher Portland, OR 97204  
(503) 464-5395

"See Attached Map"









## HAGEDORN, INC.

Registered Land Surveyors • Oregon Washington California  
1924 Broadway, Suite B • Vancouver, WA 98663 • (360) 696-4428 • (503) 283-6778

December 12, 1996

LEGAL DESCRIPTION  
FOR  
COWLITZ COUNTY  
FIRE PROTECTION DISTRICT NO. 7

PROPOSED ANNEXATION AREA (SWIFT DAM VICINITY):

A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at the intersection of the West line of Section 31 with the center of the North fork of the Lewis River (old channel), said point being on the boundary between Cowlitz County and Clark County; thence North 600 feet, more or less, to the Northwest corner of Section 31; thence North along the West line of Section 30, for a distance of 5280 feet, more or less, to the Northwest corner of Section 30; thence East, along the North line of Section 30, for a distance of 5140 feet, more or less, to the Northeast corner of Section 30; thence East, 2640 feet, more or less, to the quarter corner between Sections 20 and 29; thence North, 5280 feet, more or less, to the quarter corner between Sections 17 and 20; thence North, 1320 feet, more or less, to the Northwest corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southwest quarter of Section 16; thence South, 1320, more or less, to the quarter corner between Sections 16 and 21; thence South, 5280 feet, more or less, to the quarter corner between section 21 and 28; thence South 5280 feet, more or less, to the quarter corner between Sections 28 and 33; thence South, 2640, more or less, to the center of Section 33; thence West, 2640, more or less, to the quarter corner between Sections 33 and 32; thence West 5280 feet, more or less, to the quarter corner between Sections 32 and 31; thence West, 5200 feet, more or less, to the West quarter corner of Section 31; thence North 2000 feet, more or less, to the POINT OF BEGINNING.

LD\FIRED#7.cew

GLOBAL POSITIONING • BOUNDARIES • TOPOGRAPHY • SUBDIVISIONS & SHORT PLATS • LEGALS • CONSTRUCTION



Washington State  
**Boundary Review Board**  
For Skamania County  
P.O.Box 790  
Stevenson, Washington 98648  
(509) 427-9447

**EXHIBIT D**

**BEFORE THE  
WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR SKAMANIA COUNTY**

In the Matter of )  
ANNEXATION OF 3,200 ACRES )  
TO THE COWLITZ COUNTY FIRE )  
PROTECTION DISTRICT No.7)

File No. 1997-05  
RESOLUTION AND HEARING  
DECISION

**HEARING DECISION**

BRB 1997-05: Proposed Annexation of approximately 3,200 acres to Cowlitz County Fire Protection District No. 7) is hereby approved by the Washington State Boundary Review Board of Skamania County. Pursuant to RCW 36.93 et. seq., this action is based upon the following Findings of Fact, Purpose and Objectives.

**PROPOSED LEGAL DESCRIPTION**

The legal description of the proposed annexation is:

A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington described as follows:

BEGINNING at the intersection of the West line of Section 31 with the center of the North fork of the Lewis River (old channel), said point being on the boundary between Cowlitz County and Clark County; thence North 600 feet, more or less, to the Northwest corner of Section 31; thence North along the West line of Section 30, for a distance of 5280 feet, more or less, to the Northwest corner of Section 30; thence East, along the North line of Section 30, for a distance of 5140 feet, more or less, to the Northeast corner of Section 30; thence East, 2640 feet, more or less, to the quarter corner between Sections 20 and 29; thence North, 5280 feet, more or less, to the quarter corner between Sections 17 and 20; thence North, 1320 feet, more or less, to the Northwest corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southwest quarter of Section 16; thence South, 1320, more or less, to the quarter corner between Sections 16 and 21; thence South, 5280 feet, more or less, to the quarter corner between section 21 and 28; thence South 5280 feet, more or less, to the quarter

BRB - 1997-05  
COWLITZ FIRE DISTRICT No. 7

Page 1 of 8

corner between Sections 28 and 33; thence South, 2640, more or less, to the center of Section 33; thence West, 2640, more or less, to the quarter corner between Sections 33 and 32; thence West 5280 feet, more or less, to the quarter corner between Sections 32 and 31; thence West, 5200 feet, more or less, to the West quarter corner of Section 31; thence North 2000 feet, more or less to the POINT OF BEGINNING.

#### RESOLUTION

WHEREAS, the Cowlitz County Fire Protection District No. 7 received a petition from various property owners requesting that their property be annexed into the Cowlitz County Fire Protection District No. 7's fire district boundaries; and

WHEREAS, on November 3, 1997, the Cowlitz County Fire Protection District No. 7 accepted the area for annexation and approved the petition as submitted; and

WHEREAS, on January 2, 1998, the Cowlitz County Fire Protection District No. 7 submitted its Notice of Intention proposing the annexation of 3200 acres of land adjacent to the existing Cowlitz County Fire District No. 7 boundaries, a copy of which is attached as Exhibit A; and

WHEREAS, on January 16, 1998, the Boundary Review Board held a public meeting to informally review this proposed annexation from the Cowlitz County Fire Protection District No. 7. The Boundary Review Board declared that as of January 26, 1998 the Notice of Intention was complete and assigned file No. BRB 1997-05 to this proposal; and

WHEREAS on January 26, 1998, affected agencies and interested parties were sent copies of the Notice of Intention for their review allowing 10 working days to respond; and

WHEREAS, on February 3, 1998, pursuant to RCW 36.93.100(2), the Skamania County Fire District No. 6 submitted a request that the Boundary Review Board invoke its jurisdiction in this matter, a copy of which is attached as Exhibit B; and

WHEREAS, on March 4, 1998, pursuant to RCW 36.93.120, the Skamania County Fire District No. 6 submitted the fee for invoking jurisdiction in this matter, a copy of which is attached as Exhibit B-1; and

WHEREAS, on March 12, 1998, the Boundary Review Board by Resolution No. 1998-01 did invoke its jurisdiction and set a public hearing to consider the proposed annexation for May 21, 1998, 7:00 p.m. in Room 18 in the Lower Level of the Skamania County Courthouse, 240 SW Vancouver Avenue, Stevenson, Washington and directed the Clerk to advertise the hearing, a copy of which is attached as Exhibit C; and

WHEREAS, public notice was sent and given in compliance with RCW 36.93.160: notice to affected jurisdictions thirty days prior to the public hearing (April 17, 1998), publication of legal

BRB - 1997-05  
COWLITZ FIRE DISTRICT No. 7



notices in the Skamania County Pioneer (May 6, 13, 20, 1998); Lewis River News (May 6, 13, 20, 1998); Columbian (May 6, 13, 15, 1998) three times prior but not later than five days before the hearing, posting of notice (May 2, 1998) in at least ten places in the proposed area, as set forth in Exhibit D; and

WHEREAS, prior to the public hearing, the Boundary Review Board received the following letters:

Exhibit E, re: Brian K. Snure, Attorney for Cowlitz County Fire Protection District No. 7, dated 5/11/98; and

WHEREAS, a public hearing was held on May 21, 1998 at 7:00 p.m. in Room 18 in the Lower Level of the Skamania County Courthouse, 240 SW Vancouver Avenue, Stevenson, Washington and all proceedings were tape recorded; and

WHEREAS, the Clerk administered an oath to those planning to testify, presented a staff report on the proposal and introduced the Proponent of the project to the Boundary Review Board; and

WHEREAS, Brian Snure, Attorney, Cowlitz County Fire Protection District No. 7 then presented the proposal of the Cowlitz County Fire Protection District No. 7 to annex 3200 acres and responded to questions of the Board; and

WHEREAS, Frank Yela, Chief of Skamania County Fire Protection District No. 6 then presented their proposal of the Skamania County Fire Protection District No. 6 and their five year plan and responded to questions of the Board; and

WHEREAS, the following written exhibits were received during the 21, 1998 public hearing and were considered by the Boundary Review Board:

Exhibit F, re: Frank Yela, Chief for Skamania County Fire Protection District No. 6, dated 5/21/98

Exhibit G, re: Brian Snure Cowlitz County Fire Protection District No. 7, dated 5/20/98

WHEREAS, the Board then closed the testimony to consider the factors and objectives set forth in RCW 36.93.170 and 36.93.180 and continued the hearing to June 4, 1998.

WHEREAS, the Board reopened the hearing to include additional testimony on questions that were asked of both parties; and

WHEREAS the following written exhibits were received during the June 4, 1998 public hearing and were considered by the Boundary Review Board:

Exhibit H, re: Skamania County Fire Protection District No. 6, dated 6/4/98

Exhibit I, re: Cowlitz County Fire Protection District No. 7, dated 6/2/98

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Exhibit J, re: 6 Assessor Maps of the area;  
Exhibit K, re: Cowlitz County Fire Protection District No. 7 map noting owners in the area;

WHEREAS, a public meeting was set for June 12, 1998 at 4:30 p.m. to review and consider the written Hearing Decision;

WHEREAS, all proceedings were tape recorded;

WHEREAS, no public testimony was offered or allowed at the public meeting;

WHEREAS, the Boundary Review Board in open public meetings on May 21 and June 4, 1998, reviewed and considered the purpose of the Boundary Review Board law (RCW 36.93.100) and considered each factor listed in RCW 36.93.170, and considered and determined which objectives as defined in RCW 36.93.180 were met or not met by the proposal and voted two in favor and one opposed to approve the proposal.

WHEREAS, the Boundary Review Board is entering its written decision concerning this matter pursuant to RCW 36.93.160(4), and is adopting and filing its decision with the Board of County Commissioners and the Clerk of each governmental unit directly affected on or before July 2, 1998.

## FINDINGS

BRB 1997-05: Proposed Annexation of 3200 acres to the Cowlitz County Fire Protection District No. 7 (Swift Reservoir Area) is hereby **APPROVED** to annex approximately 3200 by the Washington State Boundary Review Board of Skamania County. This action is based upon the following findings pursuant to RCW 36.93.100, "Purpose of the Boundary Review Board", RCW 36.93.170, "Factors to be considered by the Board", RCW 36.93.180, and "Objectives of the Boundary Review Board".

## FACTORS (RCW 36.93.170)

The Boundary Review Board considered all of the factors identified in RCW 36.93.170 which include, but were not limited to the following:

### Population and territory:

There is no permanent population existing in the proposed annexation area. The territory is 3,200 acres with seasonal recreation use.

### Population and density:

The area proposed to be annexed is approximately 3200 acres. The proposed annexation area is adjacent to the existing Cowlitz County Fire Protection District No. 7 fire district boundaries.

There is no permanent population known or existing in the area.

### Land Area and Land Uses:

Proposal has 3,200 acres. Basically forestry land with seasonal recreation use. No permanent residents.

### Comprehensive Use Plans and Zoning:

Area is not covered by any comprehensive plans or zoning, other than under state Forest Protection Act.

### Per Capita Assessed Valuation:

Zero per capita as there are no residents.

### Topography and Natural Boundaries, and Drainage basins proximity to other populated areas:

There are no distinct barriers. There is a natural barrier in the Lewis River. The only practical way to service the south side of the river is from the west or Cowlitz Fire Protection District No. 7 because Skamania Fire District No. 6 would have to come approximately 100 feet into Cowlitz Fire Protection District No. 7's area to get back to the southwestern portion of the annexation area to service it. That is really the only natural boundary other than steep land and lack of roads. The

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drainage basin flows into the Lewis River. It is not significant drainage. The nearest populated area would be Cougar.

**Existence and preservation of prime agricultural soils and productive agricultural uses:**  
None of the area would classify as prime agricultural soils. This area is good for growing timber.

**Likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas in the next 10 years:**

Minimal growth will occur in this area or the adjacent area over the next ten years due to location of area.

**Location and most Desirable Future Location of Community Facilities:**  
Area has no residents, therefore, future community facilities will be very limited if any at all.

**Need for Municipal Services that are existing:**  
There are no residents in this area, therefore, there is not a need for municipal services.

**Effect of Ordinances, Governmental Codes, Regulations and Resolutions on existing uses:**  
The proposal has no effect.

**Present Cost and Adequacy of Governmental Services and Controls in the Area:**  
No effect on the proposal because it does not change the cost of any services that are there presently.

**Prospects of Governmental Services from Other Sources:**  
It is possible that Skamania County Fire Protection District No. 6 could serve this proposed area.

**Probable future needs for such services and controls:**  
Land owners in the proposed area have petitioned to be annexed by Cowlitz County Fire Protection District No. 7, therefore, there is a foreseen need for rapid fire and emergency medical response. This area is currently being serviced by both fire districts under a mutual aid agreement.

**Probable effect of proposal or alternative on cost and adequacy of services and controls in area and adjacent area:**  
The annexation if approved would increase revenue to the Cowlitz County Fire Protection District No. 7 and therefore, may improve adequacy of services and controls of the area. Effect to the west side of the proposal may improve services due to the increase in revenues. Effect to the east and north sides of the proposal may make it difficult to obtain adequate fire protection or adequately serve the area due to loss of potential future revenues to Skamania County Fire Protection District No. 6. There may be some confusion in the area as to whether you are served by Skamania County or Cowlitz County, since Deputy patrol is provided by Skamania County.

**Effect on Finances, Debt Structure, and Contractual Obligations and Rights of all Effectuated Governmental Units:**  
The annexation proposal, if approved, would produce approximately \$30,000 additional dollars in revenue to Cowlitz County Fire Protection District No. 7. There is no current effect on Skamania

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County or Skamania County Fire Protection District No. 6 but could effect future ability of Skamania County Fire Protection District No. 6 to adequately serve the surrounding area.

**Effect of the Proposal or Alternative on Adjacent Areas on Mutual Economic and Social Interest and on the Local Government Structure of the County:**

The annexation proposal if approved would produce approximately \$30,000 additional dollars in revenue to Cowlitz County Fire Protection District No. 7. No change to the local government structure of the county. We have a possible negative effect to potential future economic interest and growth of Skamania County Fire Protection District No. 6.

**OBJECTIVES (RCW 36.93.180)**

**Preservation of Natural Neighborhoods and Communities:**

This proposal has no residents therefore, there is no effect.

**Use of Physical Boundaries including but not limited to Bodies of Water, Highways, Land Contours:**

The area is undeveloped and contains no geographical features on which to base annexation boundaries. The proposed boundaries, therefore, are based on section lines. The only physical boundary is Lewis River. Access to the southwest side of the proposal requires comes from Cowlitz County.

**Creation and Preservation of Logical Service Areas:**

The proposal is adjacent to an inhabited unincorporated area, it's served by a road that is accessible year round and it is contiguous to an existing fire district (Cowlitz County Fire Protection District No. 7). That is a logical service area. It may cause confusion in emergency situations with the area served by Skamania County Sheriff's personnel for Sheriff patrol and call out and if approved will be served by Cowlitz County Fire District No. 7 personnel for fire service. The logical service area would be the entire area up there. The proposed annexation is ready to go and it meets the requirements of the law. Skamania County Fire Protection District No. 6 would have to come approximately 100 feet into Cowlitz County to service the southwest portion of the annexation proposal.

**Prevention of Abnormally Irregular Boundaries:**

The proposed annexation area does not create abnormally irregular boundaries.

**Discouragement of Multiple Incorporation, Etc.:**

There is no incorporation.

**Discouragement of Inactive Special Purpose Districts:**

Does not create an inactive Special Purpose District.

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**Adjustment of Impractical Boundaries:**

The proposed annexation area does not create impractical boundaries, therefore, there is no need to adjust the boundaries.

**Incorporation of Cities or Towns or Annexation To Cities or Towns of Unincorporated Areas Which are Urban In Character:**

This is not an incorporation or annexation to a town or city.

**Protection of Agricultural and Rural Lands Designated For Long Term Agricultural and Resource Use:**

The proposed annexation has no effect on agricultural, rural or resource uses. The annexation will provide Cowlitz County Fire Protection District No. 7 additional revenues to provide more effective fire service.

**THEREFORE, BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SKAMANIA COUNTY** that based upon the record, testimony and exhibits in File No. 1997-05 and the above findings and conclusions, the proposed annexation is hereby **APPROVED**.

**ADOPTED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR SKAMANIA COUNTY** by a vote of two in favor and one against on this 17<sup>th</sup> day of June, 1998, and signed by me in authentication of its adoption said date.

**WASHINGTON STATE BOUNDARY  
REVIEW BOARD FOR SKAMANIA  
COUNTY**

Robert Cunningham, Chair

**ATTESTED TO** and filed by me on this 17<sup>th</sup> day of June, 1998.

Debra Van Camp, Clerk

**DECISION SHALL BE FINAL AND CONCLUSIVE UNLESS WITHIN THIRTY DAYS FROM THE DATE OF THE ACTION A GOVERNMENTAL UNIT AFFECTED BY THE DECISION OR ANY PERSON OWNING REAL PROPERTY OR RESIDING IN THE AREA AFFECTED BY THE DECISION FILES THE SUPERIOR COURT A NOTICE OF APPEAL.**

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APPROVED FOR ANNEXATION BY THE BOUNDARY REVIEW BOARD

BRB-1997-05: Proposed Annexation of approximately 3200 Acres to the Cowlitz County Fire Protection District No. 7 (Swift Reservoir Area). The legal description of the proposed annexation is:

A portion of Sections 16, 17, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 5 East, Willamette Meridian, Skamania County, Washington described as follows:

BEGINNING at the intersection of the West line of Section 31 with the center of the North fork of the Lewis River (old channel), said point being on the boundary between Cowlitz County and Clark County; thence North 600 feet, more or less, to the Northwest corner of Section 31; thence North along the West line of Section 30, for a distance of 5280 feet, more or less, to the Northwest corner of Section 30; thence East, along the North line of Section 30, for a distance of 5140 feet, more or less, to the Northeast corner of Section 30; thence East, 2640 feet, more or less, to the quarter corner between Sections 20 and 29; thence North, 5280 feet, more or less, to the quarter corner between Sections 17 and 20; thence North, 1320 feet, more or less, to the Northwest corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southeast quarter of Section 17; thence East, 2640 feet, more or less, to the Northeast corner of the South half of the Southwest quarter of Section 16; thence South, 1320, more or less, to the quarter corner between Sections 16 and 21; thence South, 5280 feet, more or less, to the quarter corner between section 21 and 28; thence South 5280 feet, more or less, to the quarter corner between Sections 28 and 33; thence South, 2640, more or less, to the center of Section 33; thence West, 2640, more or less, to the quarter corner between Sections 33 and 32; thence West 5280 feet, more or less, to the quarter corner between Sections 32 and 31; thence West, 5200 feet, more or less, to the West quarter corner of Section 31; thence North 2000 feet, more or less to the POINT OF BEGINNING.