

Return Address: Nancy Boucher-Elwood  
6444 NE Going St  
Portland, OR 97218

**Skamania County**  
**Community Development Department**  
**Building/Fire Marshal • Environmental Health • Planning**  
Skamania County Courthouse Annex  
Post Office Box 1009  
Stevenson, Washington 98648  
Phone: 509-427-3900 Inspection Line: 509-427-3922

**ADMINISTRATIVE DECISION**

**APPLICANT:** Nancy Boucher-Elwood

**FILE NO.:** NSA-15-29

**DESCRIPTION:** A proposed boundary line adjustment between parcel #03-09-34-2-1-0-0201-00 and parcel #03-09-34-2-1-0200-00 in order to correct physical encroachments and resolve boundary disputes.

**LOCATION:** 271 Cook Underwood Rd, Cook Section 34 of T3N, R9E, W.M., and identified as Skamania County Tax Lots #03-09-34-2-1-0200-00 and #03-09-34-0-0-0201-00.

**LEGAL:** See attached pages 5-7.

**ZONING:** General Management Area – Residential (R-10) and Special Management Area – Forest (F)

**DECISION:** Based upon the record and the Staff Report, the applicant's proposal, described above, is found to be consistent with SCC Title 22 and is hereby **APPROVED** subject to the conditions set forth below.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

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### CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **THIS DOCUMENT, OUTLINING THE CONDITIONS OF APPROVAL, MUST BE RECORDED BY THE APPLICANT IN THE DEED RECORDS OF THE SKAMANIA COUNTY AUDITOR** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

1. As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
2. All developments shall be consistent with the enclosed plans, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval.
3. All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 45 feet from the centerline of the street or road or 15 feet from the front property line, whichever is greater. **Side yard:** 5 feet. **Rear yard:** 15 feet. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
4. A variance has been granted to allow a rear setback of 6.5 ft. on Parcel #03-09-34-2-1-0201-00.
5. The following procedures shall be effected when cultural resources are discovered during construction activities:
  - a. Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
  - b. Notification. The project applicant shall notify the Administrator and the Gorge Commission within twenty-four (24) hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within twenty-four (24) hours.
  - c. Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP (See Revised Code of Washington 27.53). It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
  - d. Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
6. The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.

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- a. Halt of Activities. All survey, excavation and construction activities shall cease.
- b. Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
- c. Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
- d. Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
- e. Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and signed this 14<sup>th</sup> day of March, 2016, at Stevenson, Washington.



Alan Peters  
Planner  
Planning Division

**NOTE:**

Any new development not included in this approved site plan, will require a new application and review.

**EXPIRATION:**

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

**APPEALS:**

**The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be

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made to the Skamania County Hearing Examiner, P.O. Box 1009, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$2,450.00 nonrefundable-filing fee and a Certificate of Mailing.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

**A copy of the Decision was sent to the following:**

Skamania County Building Division

**A copy of this Decision, including the Staff Report, was sent to the following:**

Persons submitting written comments in a timely manner

Yakama Indian Nation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission

U.S. Forest Service - NSA Office

Board of County Commissioners

State of Washington Department of Commerce – Paul Johnson

Department of Fish and Wildlife

**Legal Description**

NSA-15-29 (Boucher)

108844

BOOK 118, PAGE 21

**DEED OF PERSONAL REPRESENTATIVE**

THE GRANTOR, MILDRED BOUCHER, in her capacity as Personal Representative of the Estate of R. H. JACKMAN, deceased, in settling said estate, does hereby convey and quitclaim to MILDRED BOUCHER and VICTOR BOUCHER, her husband, the following described real property situated in Skamania county, State of Washington, to-wit:

**Parcel 1:** The easterly 8.6 feet of Lot 5, and all of Lots 6 through 14 of Block 6, of the TOWNSITE OF COOKS.

**Parcel 2:** All of Block 7, TOWNSITE OF COOKS, excepting the following: Lot 1; that portion of Lots 2 through 8 lying southerly of a line 85 feet distant from and parallel with the south line of the said Block 7, and Lots 9 through 12 of said Block 7.

**Parcel 3:** A tract of land located in the SW quarter of the SE quarter of Section 27, Township 3 North, Range 9 E.W.M., more particularly described as follows: Beginning at a point on the south line of the said Sec. 27 W 243 feet from the SE corner of the SW quarter of the SE quarter of the said Sec. 27; thence N 23 deg. 08 min. W 44 ft.; thence N 28 deg. E 209 ft. to intersection with the Taylor & Graves Rd.; thence westerly following said road 471 ft. to a point parallel and in line with the east line of the parkway bordering on the west side of the former school district grounds; thence S 23 deg. 08 min. E 80 ft. to the S line of the said Sec. 27, said point being the northwest corner of the said school district grounds; thence E 307 ft. more or less to POB.

**Parcel 4:** A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 27, Township 3 North, Range 9 E.W.M., Skamania County, Washington, more particularly described as follows: Beginning on the section line between Sections 27 and 34, Township 3 N., Range 9 E.W.M., said point being the southeast corner of Lot 15 of Block 6 of the TOWNSITE OF COOKS according to the official plat thereof; and 539.3 ft., more or less, N 28 deg. 44 min. W of the Southeast corner of the Southwest Quarter of the Southeast Quarter of the said Section 27;

Deed of Personal Representative - Page 1 of 2

REAL ESTATE EXCISE TAX

133.50

MAR 2 1950

PAUL J. BUCHER  
V. J. BUCHER  
SKAMANIA COUNTY TREASURER

Registered  
Tax & CW  
Index  
Filed 3-4-50  
Mildred

Clara J. O'Connell Skamania County Auditor  
By: 3-9-50 11-200

## Legal Description

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BOOK 118 PAGE 22

thence South 88 deg. 44 min. E 78.8 ft., more or less, along the South line of the said Section 27 to the northwest corner of Lot 14 of Block 7 of the TOWNSITE OF COOKS aforesaid; thence North 23 deg. 08 min. West 32.6 ft.; thence South 66 deg. 52 min. West 73.6 ft., more or less, to the point of beginning.

TOGETHER WITH all water rights and personal property attendant thereto.

R. M. JACKMAN died testate on December 23, 1979, and MILDRED BOUCHER was confirmed as Personal Representative of his estate on February 8, 1980, and ever since has been and is now the duly appointed, qualified and acting Personal Representative thereof. This deed is made pursuant to an Order of Solvency entered in The Matter of the Estate of R. M. JACKMAN, deceased, being Probate Cause No. 2976-P, in the Superior Court of Skamania County, Washington, on September 25, 1980.

DATED this 2 day of March, 1990.

*Mildred Boucher*  
MILDRED BOUCHER, Personal Representative  
of the Estate of R. M. Jackman, Deceased.

STATE OF WASHINGTON )

County of Skamania ) ss.

I certify that I know or have satisfactory evidence that MILDRED BOUCHER signed the foregoing instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned therein.

Dated: March 2, 1990.



*Shirley A. Olson*  
Notary Public in and for the State of  
Washington, residing at Stevenson  
My commission expires 8-12-91

FILED FOR RECORD  
SKAMANIA CO WASH  
BY Robert Leach

MAR 22 1990

GARY M. OLSON

Deed of Personal Representative - Page 2 of 2



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**Revised Legal Descriptions for Adjusted Parcels**

NSA-15-29 (Boucher)

See attached.

Legal Description  
Adjusted Parcel 03093421020000 ("A")

A tract of land located in the Southeast Quarter of Section 27 and the Northeast Quarter of Section 34, Township 3 North; Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

All that real property described in Deed filed in Book 118, Page 21, Skamania County:

Parcel 1: The easterly 8.6 feet of Lot 5, and all of Lots 6 through 14 of Block 6, of the TOWNSITE OF COOKS.

Parcel 2: All of Block 7, TOWNSITE OF COOKS, excepting the following: Lot 1; that portion of Lots 2 through 8 lying southerly of a line 85 feet distant from and parallel with the south line of the said Block 7, and Lots 9 through 12 of said Block 7.

Parcel 3: A tract of land located in the SW quarter of the SE quarter of Section 27, Township 3 North, Range 9 East., W.M., more particularly described as follows: Beginning at a point on the south line of the said Sec. 27 W 243 feet from the SE corner of the SW quarter of the SE quarter of the said Sec. 27; thence N 23 deg. 08 min. W 44 ft.; thence N 28 deg. E 209 ft, to intersection with the Taylor & Graves Rd.; thence westerly following said road 471 ft. to a point parallel and in line with the east line of the parkway bordering on the west side of the former school district grounds; thence S 23 deg., 08 min. E 80 ft. to the S line of the said Sec. 27, said point being the northwest corner of the said school district grounds; thence E 207 ft. more or less to POB.

Parcel 4: A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 27, Township 3 North, Range 9 E., W.M., Skamania County, Washington, more particularly described as follows: Beginning on the section line between Sections 27 and 34, Township 3 N, Range 9 E., W.M., said point being the southeast corner of Lot 15 of Block 6 of the TOWNSITE OF COOKS according to the official plat thereof, and 539.3 ft., more or less, N 88 deg. 44 min. W of the Southeast corner of the Southwest Quarter of the Southeast Quarter of the said Section 27; thence South 88 deg. 44 min. E 78.8 ft., more or less, along the South line of the said Section 27 to the northwest corner of Lot 14 of Block 7 of the TOWNSITE OF COOKS aforesaid; thence North 23 deg. 08 min. West 32.6 ft.; thence South 66 deg. 52 min. West 73.6 ft., more or less, to the point of beginning.

TOGETHER WITH all water rights and personal property attendant thereto.

AND ALSO:

The West 31.7 feet of that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks South of a line 85 feet North of and parallel to the South lines of said Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks.

LESS:

All that area in Lots 2,3,4,5,6 & 7, Block 7, Townsite of Cooks North of a line 85 feet North and parallel to the South lines of said Lots 2,3,4,5,6 & 7, Block 7, Townsite of Cooks, laying East of a line that is parallel and East of the West line of said Lot 1, a distance of 31.7 feet.

LESS:

All that area in Lot 13, Block 7, Townsite of Cooks laying East of a line that is parallel and East of the West line of said Lot 13, a distance of 31.7 feet.

LESS:

A tract of land located in the Southwest quarter of the Southeast quarter of Section 27, Township 3 North, Range 9 East, W.M., more particularly described as follows: Beginning at a point on the south line of the said Section 27 which is West, 243 feet from the Southeast corner of the Southwest quarter of the Southeast quarter of the said Section 27; thence N 23 08'00" W, a distance of 44 feet; thence Southwesterly a distance of 110 feet, more or less to the Easternmost corner of Lot 14, Block 7, Townsite of Cooks; thence East, 120.6 feet to the Point of Beginning.

Legal Description  
15' Easement over  
Adjusted Parcel 03093421020000 ("A")

A 15' (15 foot) Easement for ingress, egress & utilities, laying left of the following described centerline:

Commencing at a point on the south line of the said Section 27 which is West, 243 feet from the Southeast corner of the Southwest quarter of the Southeast quarter of the said Section 27; thence N 23 08'00" W, a distance of 44 feet; thence Southwesterly a distance of 110 feet, more or less to the Easternmost corner of Lot 14, Block 7, Townsite of Cooks; thence South 66°32'01" West along the South line of said Lot 14, a distance of 56.32 feet to the True Point of Beginning;

Thence Northeasterly along the following courses:

Along the South line of said Lot 14, North 66°32'01" East, a distance of 56.32 feet; thence North 69°36'19" East, a distance of 109.97 feet; thence North 68°55'07" East, a distance of 209.00 feet, more or less, to the end of said centerline and the intersection of Jackman Road .

Said Easement laying entirely within the following described Tract:

A tract of land located in the Southeast Quarter of Section 27 and the Northeast Quarter of Section 34, Township 3 North; Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

All that real property described in Deed filed in Book 118, Page 21, Skamania County:

Parcel 1: The easterly 8.6 feet of Lot 5, and all of Lots 6 through 14 of Block 6, of the TOWNSITE OF COOKS.

Parcel 2: All of Block 7, TOWNSITE OF COOKS, excepting the following: Lot 1; that portion of Lots 2 through 8 lying southerly of a line 85 feet distant from and parallel with the south line of the said Block 7, and Lots 9 through 12 of said Block 7.

Parcel 3: A tract of land located in the SW quarter of the SE quarter of Section 27, Township 3 North, Range 9 East., W.M., more particularly described as follows: Beginning at a point on the south line of the said Sec. 27 W 243 feet from the SE corner of the SW quarter of the SE quarter of the said Sec. 27; thence N 23 deg. 08 min. W 44 ft.; thence N 28 deg. E 209 ft, to intersection with the Taylor & Graves Rd.; thence westerly following said road 471 ft. to a point parallel and in line with the east line of the parkway bordering on the west side of the former school district



grounds; thence S 23 deg., 08 min. E 80 ft. to the S line of the said Sec. 27, said point being the northwest corner of the said school district grounds; thence E 207 ft. more or less to POB.

Parcel 4: A tract of land located in the Southwest Quarter of the Southeast Quarter of Section 27, Township 3 North, Range 9 E., W.M., Skamania County, Washington, more particularly described as follows: Beginning on the section line between Sections 27 and 34, Township 3 N, Range 9 E., W.M., said point being the southeast corner of Lot 15 of Block 6 of the TOWNSITE OF COOKS according to the official plat thereof, and 539.3 ft., more or less, N 88 deg. 44 min. W of the Southeast corner of the Southwest Quarter of the Southeast Quarter of the said Section 27; thence South 88 deg. 44 min. E 78.8 ft., more or less, along the South line of the said Section 27 to the northwest corner of Lot 14 of Block 7 of the TOWNSITE OF COOKS aforesaid; thence North 23 deg. 08 min. West 32.6 ft.; thence South 66 deg. 52 min. West 73.6 ft., more or less, to the point of beginning.

TOGETHER WITH all water rights and personal property attendant thereto.

AND ALSO:

The West 31.7 feet of that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks South of a line 85 feet North of and parallel to the South lines of said Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks.

LESS:

All that area in Lots 2,3,4,5,6 & 7, Block 7, Townsite of Cooks North of a line 85 feet North and parallel to the South lines of said Lots 2,3,4,5,6 & 7, Block 7, Townsite of Cooks, laying East of a line that is parallel and East of the West line of said Lot 1, a distance of 31.7 feet.

LESS:

All that area in Lot 13, Block 7, Townsite of Cooks laying East of a line that is parallel and East of the West line of said Lot 13, a distance of 31.7 feet.

LESS:

A tract of land located in the Southwest quarter of the Southeast quarter of Section 27, Township 3 North, Range 9 East, W.M., more particularly described as follows: Beginning at a point on the south line of the said Section 27 which is West, 243 feet from the Southeast corner of the Southwest quarter of the Southeast quarter of the said Section 27; thence N 23 08'00" W, a distance of 44 feet; thence Southwesterly a distance of 110 feet, more or less to the Easternmost corner of Lot 14, Block 7, Townsite of Cooks; thence East, 120.6 feet to the Point of Beginning.

Legal Description  
Adjusted Parcel 03093421020100 ("B")

A tract of land located in the Southeast Quarter of Section 27 and the Northeast Quarter of Section 34, Township 3 North; Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

All that real property described in Quit Claim Deed filed in Book 65, Page 619, Skamania County:

All that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks South of a line 85 feet North of and parallel to the South lines of said Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks.

AND ALSO:

All that area in Lots 2,3,4,5,6,7 & 8 of Block 7, Townsite of Cooks North of a line 85 feet North and parallel to the South lines of said Lots 2,3,4,5, 6,7 & 8 of Block 7, Townsite of Cooks.

AND ALSO:

All that area in Lot 13, Block 7, Townsite of Cooks laying East of a line that is parallel and East of the West line of said Lot 13, a distance of 31.7 feet.

AND ALSO:

A tract of land located in the Southwest quarter of the Southeast quarter of Section 27, Township 3 North, Range 9 East, W.M., more particularly described as follows: Beginning at a point on the south line of the said Section 27 which is West, 243 feet from the Southeast corner of the Southwest quarter of the Southeast quarter of the said Section 27; thence N 23 08'00" W, a distance of 44 feet; thence Southwesterly a distance of 110 feet, more or less to the Easternmost corner of Lot 14, Block 7, Townsite of Cooks; thence East, 120.6 feet to the Point of Beginning.

LESS:

The West 31.7 feet of that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks

Legal Description  
5' Easement over  
Adjusted Parcel 03093421020100 ("B")

A 5' (5 foot) Easement for ingress, egress & utilities, over the North five feet of the tract described as follows:

A tract of land located in the Southeast Quarter of Section 27 and the Northeast Quarter of Section 34, Township 3 North; Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

All that real property described in Quit Claim Deed filed in Book 65, Page 619, Skamania County:

All that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks South of a line 85 feet North of and parallel to the South lines of said Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks.

AND ALSO:

All that area in Lots 2,3,4,5,6,7 & 8 of Block 7, Townsite of Cooks North of a line 85 feet North and parallel to the South lines of said Lots 2,3,4,5, 6,7 & 8 of Block 7, Townsite of Cooks.

AND ALSO:

All that area in Lot 13, Block 7, Townsite of Cooks laying East of a line that is parallel and East of the West line of said Lot 13, a distance of 31.7 feet.

AND ALSO:

A tract of land located in the Southwest quarter of the Southeast quarter of Section 27, Township 3 North, Range 9 East, W.M., more particularly described as follows: Beginning at a point on the south line of the said Section 27 which is West, 243 feet from the Southeast corner of the Southwest quarter of the Southeast quarter of the said Section 27; thence N 23 08'00" W, a distance of 44 feet; thence Southwesterly a distance of 110 feet, more or less to the Easternmost corner of Lot 14, Block 7, Townsite of Cooks; thence East, 120.6 feet to the Point of Beginning.

LESS:

The West 31.7 feet of that area in Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Block 7, Townsite of Cooks