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SKAMANIA CO. WASH
BY *Skamania County*

SEP 6 2 57 PM '96

O'Leary
AUDITOR
GARY M. OLSON

SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF SKAMANIA

NAME JOSEPH ALAN BACUS
Plaintiff,

NO.

vs. SKAMANIA COUNTY

SUMMONS

AND

NAME SKAMANIA COUNTY BOARD OF
COMMISSIONERS Defendant.

TO THE DEFENDANT:

A lawsuit has been started against you in the above entitled court by Joseph Alan Bacus, 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 by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned person, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within fourteen (14) days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

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

This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated this 6th day of September, 1996.

[Signature]
[name], Pro se
Plaintiff

RECORDER'S NOTE:
NOT AN ORIGINAL DOCUMENT

By ✓
Indexed, ✓
Indirect ✓
Filed ✓
Noted ✓

JOSEPH ALAN BACUS
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91 Sprague Landing Rd.
Stevenson, Washington 98648
(509) 427-7868

IN THE SUPERIOR COURT OF WASHINGTON
FOR SKAMANIA COUNTY

JOSEPH ALAN BACUS
Plaintiff,

V.

SKAMANIA COUNTY

AND

SKAMANIA COUNTY BOARD
OF COMMISSIONERS,

Defendants.

No.

PETITION FOR
DECLARATORY JUDGMENT

COMES NOW plaintiff and respectfully requests this Honorable Court to enter a Declaratory Judgment against the Defendants and in favor of Plaintiff for the following good and sufficient reasons:

1. That Plaintiff is a resident and real estate owner in that portion of Skamania County located within the General Management Area, Residential Zone of the National Scenic Area.
2. That Defendant Skamania County is a body corporate with the power to sue and be sued pursuant to RCW Chapter 36.01.
3. That the corporate powers of Defendant Skamania County, including the power to enact ordinances controlling use of property within the county, are exercised by the Defendant Skamania County Board of Commissioners pursuant to RCW 36.01.030.

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IN THE SUPERIOR COURT OF WASHINGTON
FOR SKAMANIA COUNTY

JOSEPH ALAN BACUS

Plaintiff,

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PETITION FOR
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COMES NOW plaintiff and respectfully requests this Honorable Court to enter a Declaratory Judgment against the Defendants and in favor of Plaintiff for the following good and sufficient reasons:

1. That Plaintiff is a resident and real estate owner in that portion of Skamania County located within the General Management Area, Residential Zone of the National Scenic Area.
2. That Defendant Skamania County is a body corporate with the power to sue and be sued pursuant to RCW Chapter 36.01.
3. That the corporate powers of Defendant Skamania County, including the power to enact ordinances controlling use of property within the county, are exercised by the Defendant Skamania County Board of Commissioners pursuant to RCW 36.01.030.

3. That Title 22 of the Skamania County Code, which controls the use of real property, personal property and mixed real and personal property in that portion of the National Scenic area located within Skamania County, was enacted in an effort to comply with the Columbia River Gorge National Scenic Area Act, Pub.L. 99-663, 16 USC 544 et seq., (the Act), and the Comprehensive Management Plan adopted by the Columbia River Gorge Commission.

4. That the Act defines the purpose of Title 22 at 16 USC 544a as "(1) ... to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" and "(2) to protect and support the economy of the Columbia River Gorge ... by allowing future economic development in a manner that is consistent with paragraph (1)."

5. That Title 22 enforces its provisions through Section 22.06.010 which provides that "no building, structure or land shall be used ...except as allowed in this Title."

6. That Title 22, Chapter 22.08, entitled Zoning, specifically states those uses that are permitted in each of the six zones, Agricultural, Forest, Residential, Commercial Recreational and Open Space.

7. That all uses in that portion of the National Scenic Area located in Skamania County are forbidden unless they are specifically permitted in the applicable zone by Title 22, Chapter 22.08.

8. That in the General Management Area, Residential Zone, Title 22, Section 22.08.090, permits four uses and conditionally permits 15 more uses. All other uses are forbidden.

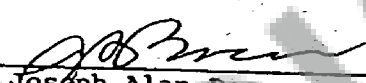
9. That Title 22 does not permit and therefore forbids hundreds of uses in the General Management Area, Residential Zone that are necessary for human habitation and development and several of these forbidden uses are constitutionally protected.

10. That, in the General Management Area, Residential Zone, Title 22 does not permit and therefore forbids the following constitutionally protected activities: (1) The display of the American flag and other expressions of the freedom of speech; (2) The erection of religious symbols and the peaceful assembly of people for religious and other purposes as an expression of the right to free exercise of religion and the right of peaceful assembly and (3) The due process right to freedom from governmental control that is more restrictive of individual freedom than is reasonably necessary to achieve the lawful purposes of the Title 22.

11. That Plaintiff demands to be free of the oppression imposed by Title 22.

12. That Title 22 violates the First, Fifth and Fourteenth Amendments to the Constitution of the United States and Article I, Sections 3, 5 and 11 of the Constitution of the State of Washington.

WHEREFORE, Plaintiff prays that this honorable court enter a Declaratory Judgment adjudging Title 22 to be in violation of the Constitutions of both the United States and the State of Washington.


Joseph Alan Bacus
Plaintiff