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FILED FOR RECORD
SKAMANIA CO. WASH
BY *Skamania County*
JAN 5 2 54 PM '01
D. Laury
AUDITOR
GARY M. OLSON

IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF SKAMANIA

FRIENDS OF THE COLUMBIA GORGE, INC.,)

Petitioner,

Case No. _____

v.

SUMMONS

SKAMANIA COUNTY and DAVID and
GRETCHEN L'HOMMEDIEU,

Respondents.)

To the Respondent: Skamania County
240 Vancouver
P.O. Box 790
Stevenson, WA 98648-0790

A lawsuit has been started against you in the above-entitled court by Friends of the Columbia Gorge, Inc., Petitioner. Petitioner's claim is stated in the written Petition for Review, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Petition for Review by stating your defense in writing, and serve a copy upon the undersigned attorney for the Petitioner within 20 days after the date of 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 outside the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where the Petitioner is entitled to what is asked for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.


1 You may demand that Petitioner file this lawsuit with the court. If you do so, the demand
2 must be in writing and must be served upon the Petitioner. Within 14 days after you serve the
3 demand, the Petitioner must file this lawsuit with the court or service on you of the Summons and
4 Petition for Review will be void.

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

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

9 DATED this 31 day of January, 2001.

10 REEVES, KAHN & EDER

11 
12 Gary K. Kahn / WSB 17928
13 Of Attorneys for Petitioner

14 File Response with:

15 Clerk of the Court
16 Skamania County
17 240 Vancouver
18 P.O. Box 790
19 Stevenson, WA 98648-0790
20 (509) 427-9431

21 Serve a copy of your Response on:

22 Gary K. Kahn
23 Attorney for Petitioner
24 4035 SE 52nd Avenue
25 P.O. Box 86100
26 Portland, OR 97286-0100
(503) 777-5473

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IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF SKAMANIA

FRIENDS OF THE COLUMBIA GORGE, INC.,)
Petitioner,)
v.)
SKAMANIA COUNTY and DAVID and)
GRETCHEN L'HOMMEDIEU,)
Respondents.)

Case No. _____
PETITION FOR JUDICIAL
REVIEW

I.
PARTIES

1.1 Friends of the Columbia Gorge, Inc. is, and at all times material herein, was a non-profit organization incorporated under the laws of the State of Oregon.

1.2 Respondent Skamania County is a political subdivision of the State of Washington.

1.3 At all times material herein, Respondents David and Gretchen L'Hommedieu owned real property in Skamania County, Washington.

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II.

JURISDICTION

2.1 Jurisdiction is vested in this Court pursuant to 16 U.S.C. § 544m(b)(4).

III.

CLAIM FOR RELIEF

3.1 On or about April 11, 2000, Skamania County approved an application submitted by Respondent L'Hommedieu to construct a single-family dwelling.

3.2 Under the provisions of the Columbia River Gorge National Scenic Area, 16 U.S.C. § 544 et seq., final decisions of counties may be appealed to the Columbia River Gorge Commission.

3.3 On or about May 2, 2000, Petitioner, Friends of the Columbia Gorge, filed an appeal of the County decision to the Gorge Commission.

3.4 After briefing and oral argument, the Commission issued its Final Opinion and Order on October 16, 2000, affirming the County's decision.

3.5 Pursuant to Section 15(b)(4) of the Scenic Act, 16 U.S.C. § 544m(b)(4), the final order of the Commission may be challenged by bringing an action in this Court.

3.6 The Skamania County land use ordinance for the portion of Skamania County governed by the National Scenic Act, requires that, for parcels visible from a key viewing area, structural development take place in the manner that minimizes visibility.

3.7 The subject parcel is visible from key viewing areas.

3.8 The final decision of the County as affirmed by the Gorge Commission allows structural development to take place in a location that does not minimize visibility, in violation of the Skamania County Ordinance and the National Scenic Area Act.

3.9 There is not substantial evidence to support the Gorge Commission's determination that the least visible site on the parcel is not buildable.

3.10 In its final decision, the Gorge Commission erred in transferring the burden of proof to Petitioner to demonstrate that the least visible site was buildable.

1 3.11 In taking the actions referred to above, the Commission's decision was arbitrary,
2 capricious and should be reversed.

3 WHEREFORE, Petitioner prays for an Order:


4 (a) reversing the Commission's decision and remanding it for entry of an order overturning
5 the County's final decision;

6 (b) awarding Petitioner its costs and disbursements; and

7 (c) any other relief the Court deems just and proper.

8 DATED this 14th day of December, 2000.

9
10 REEVES, KAHN & EDER

11 
12 Gary K. Kahn
13 Of Attorneys for Petitioner
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