

**From:** [Oliver Orjiako](#)  
**To:** [Sonia Wiser](#)  
**Cc:** [Jose Alvarez](#)  
**Subject:** FW: Re: Reconsideration of cemetery request by Old Apostolic Lutheran Church  
**Date:** Monday, January 8, 2024 10:07:37 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

Hi Sonja:

For the record. Thank you.

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**From:** Kathleen Otto <Kathleen.Otto@clark.wa.gov>  
**Sent:** Monday, January 8, 2024 10:01 AM  
**To:** Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>  
**Subject:** FW: Re: Reconsideration of cemetery request by Old Apostolic Lutheran Church

FYI



**Kathleen Otto**  
County Manager

564.397.2458



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**From:** Clark County Citizens United, Inc. <cccuinc@yahoo.com>  
**Sent:** Monday, January 8, 2024 9:52 AM  
**To:** Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>  
**Subject:** Fw: Re: Reconsideration of cemetery request by Old Apostolic Lutheran Church

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Clark County Council

January 6, 2024

P.O. Box 5000

Vancouver, Washington 98666

FOR THE PUBLIC RECORD and the Comprehensive Plan

**Re: Reconsideration of cemetery request by Old Apostolic Lutheran Church, that was rejected on November 29, 2023 at Council Board Time**

Dear Councilors,

Clark County Citizens United, Inc. was reviewing councilor work sessions, when it noticed that "cemetery" was being considered at Council Board Time. As CCCU listened to presentations and conversation from staff and Council, it was clear, councilors did not have enough information, to come to such a sudden decision, given the countywide impact of that decision. Church cemeteries, otherwise known as graveyards, are scattered throughout the county.

Here are a few examples of these locations.

<https://www.interment.net/data/us/wa/clark/mt-view-cemetery.htm>  
<https://www.interment.net/data/us/wa/clark/sacred/heart.htm>  
<https://www.interment.net/data/us/wa/clark/salmon-creek/index.htm>  
<https://www.interment.net/data/us/wa/clark/st-mary-guadalupe/index.htm>  
<https://www.interment.net/data/us/wa/clark/washougal/index.htm>  
<https://www.elimscandia.org/cemetery.html>  
[Mother Joseph Catholic Cemetery in Vancouver, Washington - Find a Grave](#)  
[St. John Lutheran Cemetery, Clark County, WA](#)

These graveyards were and are common according to each religion. They are specific to each church, according to their beliefs, wants and needs. Why this church was singled out, is a mystery.

<https://gis.clark.wa.gov/gishome/propertyReports/?account=986051248>

<https://gis.clark.wa.gov/gishome/propertyReports/?account=256706000>

Allowing a church to have their own private burial ground, on their own private land, for their own congregation, is common and

beneficial to the overall county. Churches maintain them, eliminating the need for county maintenance. Private graveyards also eliminate the large vehicle processions that occur if the church was forced to use a different cemetery, many miles away. Therefore, it is a public safety issue, as well. CCCU believes all churches will be affected by this rejection, and reasoning by staff. It compromises the religious freedom we all enjoy in the United States, today.

Citizens expect their local governments to adhere to the Constitutional oath they aspired to, when they were placed in office. Never would the populace expect any government agency to ignore that responsibility, as they conduct business.

**Amendment I – Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; .....**

In this case, the county is prohibiting the free exercise of a religion, who believes they need a private graveyard on the church site to serve their congregation. Clark County Citizens United, Inc. asks the Clark County Council to consider a second review of the Old Apostolic Lutheran Church request for a cemetery, given the volume of information staff should have brought forward for review, on November 29, 2023. It is CCCU's belief that the councilors did not have enough information.

As CCCU researches this topic, many interesting facts emerge. The following information is part of an ongoing review of the available data on cemeteries.

Sincerely,

Susan Rasmussen, President

Clark County Citizens United, Inc.

P.O. Box 2188  
Battle Ground, Washington 98604

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- The Clark County Community Planning Director began his presentation to the Councilors with what he claimed to be in RCW [36.70A.170](#). He said this RCW, "says that agriculture land was to be conserved, protected maintained and enhanced for the commercial production of food or other agriculture products."

**CCCU Notes: The noted RCW has been copied and pasted to this email. As you can see, it does not say what the Director said. More importantly, it does say only "lands that are not already characterized by urban growth, and that have long-term significance for the commercial production of food or other agricultural products."**

**The cemetery requested land was once owned by the Battle Ground School District. After building the Tukes Mountain schools, on a portion of their property, the District deemed the remaining land as excess, and put it up for auction. The Old Apostolic Lutheran Church's bid for the land was accepted and the new church is now on that site. A portion of that land, which can't be divided, is where this church wants to place a cemetery.**

**The church is adjacent to the new schools and surrounded by five and ten acre rural parcels. It is just outside the urban growth boundary of Battle Ground, and the land was not farmed by the school district. This location would be considered already urbanized.**

RCW [36.70A.170](#)

#### **Natural resource lands and critical areas—Designations.**

(1) On or before September 1, 1991, each county, and each city, shall designate where appropriate:

**(a) Agricultural lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products;**

**(b) Forestlands that are not already characterized by urban growth and that have long-term significance for the commercial production of timber;**

**(c) Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals; and**

(d) Critical areas.

(2) In making the designations required by this section, counties and cities shall consider the guidelines established pursuant to RCW [36.70A.050](#).

RCW [36.70A.050](#)

#### **Guidelines to classify agriculture, forest, and mineral lands and critical areas.**

(1) Subject to the definitions provided in RCW [36.70A.030](#), the department shall adopt guidelines, under chapter [34.05](#) RCW, no later than September 1, 1990, to guide the classification of: (a) Agricultural lands; (b) forestlands; (c) mineral resource lands; and (d) critical areas. The department shall consult with the department of agriculture regarding guidelines for agricultural lands, the department of natural resources regarding forestlands and mineral resource lands, and the department of ecology regarding critical areas.

**(6) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by \*RCW [84.33.100](#) through [84.33.140](#), finfish in upland hatcheries, or livestock, and that has long-term commercial**

significance for agricultural production.

**CCCU Notes:** The land that is proposed for a cemetery fulfills none of these definitions for agriculture land. It is surrounded by urban development and surrounded by smaller parcels. In reality, the parcel was spot zoned. The soil is not conducive to long term commercial production, the land is not primarily devoted to commercial production, and the Battle Ground, School District did not use the land for agriculture. The land cannot be divided and the highest and best use of the land is a cemetery.

- The Director goes on to say that "there are four (OALC) churches in the Ag zone"...

**CCCU Notes:** CCCU's research does not find that to be true. The following are GIS excerpts of the (OALC) four churches. For the most part, they are all located in rural residential areas, except one, which is just outside the city of Yacolt, but still in an urbanized area. All of them are connected to Clark Public Utilities water systems. When resource land was determined in 1993-1994, only aerial photography was used. If there was a large body of land without trees, it was called agriculture. If there was a large body of land with trees, it was called forest. Such designations do not conform to the GMA's mandates and are fatally flawed. As a result, these kinds of parcels were inappropriately zoned as resource.

Property Identification Number: 195034000 [MapsOnline](#) [Fact Sheet](#)  
 Property Type: Real  
 Property Status: Active  
 Site Address: 16603 NE 142ND AVE, BRUSH PRAIRIE, WA 98606 ([Situes Addresses](#))  
 Abbreviated Description: #57 SEC 14 T3N R2EWM 8.25A (SEE SERIAL #195034001 FOR TAXABLE)  
 Tax Status: TOTAL EXEMPTION

### Info for Senior/Disabled Property Tax Exemption

[Account](#)

[Building](#) [Environmental](#) [Taxes](#) [Auditor](#) [Docs](#) [Misc](#) [Documents](#) [Permits](#) [Sales](#) [Search](#)

<b>Property Owner</b> OLD APOSTOLIC LUTHERAN CHURCH	<b>Owner Mailing Address</b> PO BOX 760 BRUSH PRAIRIE WA , 98606 US	<b>Property Site Address</b> 16603 NE 142ND AVE, BRUSH PRAIRIE, WA 98606 <a href="#">Google Maps Street View</a>
<b>Administrative Data</b> <a href="#">Info...</a>		
<b>Jurisdiction</b>	Clark County	
<b>Land Use Planning</b>		
Comprehensive Plan Designation	R-5	
Comprehensive Plan Overlay(s)	none	
Urban Growth Area	County	
Zoning Designation - <a href="#">Codes</a>	Rural-5 (R-5)	

Property Identification Number: 986036888 [MapsOnline](#) [Fact Sheet](#)  
 Property Type: Real  
 Property Status: Active  
 Site Address: ([Situes Addresses](#))  
 Abbreviated Description: #40 SEC 19 T4N R3EWM 12.64A (SEE 233510000 FOR TAXABLE PTN)  
 Tax Status: TOTAL EXEMPTION

### Info for Senior/Disabled Property Tax Exemption

[Account](#)

[Building](#) [Environmental](#) [Taxes](#) [Auditor](#) [Docs](#) [Misc](#) [Documents](#) [Permits](#) [Sales](#) [Search](#)

<b>Property Owner</b> OLD APOSTOLIC LUTHERAN CHURCH-HEISSON	<b>Owner Mailing Address</b> PO BOX 1780 BATTLE GROUND WA , 98604	<b>Property Site Address</b> <a href="#">Google Maps Street View</a>
<b>Administrative Data</b> <a href="#">Info...</a>		
<b>Jurisdiction</b>	Clark County	
<b>Land Use Planning</b>		
Comprehensive Plan Designation	R-5	
Comprehensive Plan Overlay(s)	none	
Urban Growth Area	County	
Zoning Designation - <a href="#">Codes</a>	Rural-5 (R-5)	

Property Identification Number: 221537001 [MapsOnline](#) [Fact Sheet](#)  
 Property Type: Real  
 Property Status: Active  
 Site Address: ([Situes Addresses](#))  
 Abbreviated Description: #85 #86 #87 #99 SEC 2-4-2EWM 21.4A (SEE 221537-000 FOR EX)  
 Tax Status: Regular

### Info for Senior/Disabled Property Tax Exemption

[Account](#)

[Building](#) [Environmental](#) [Taxes](#) [Auditor](#) [Docs](#) [Misc](#) [Documents](#) [Permits](#) [Sales](#) [Search](#)

<b>Property Owner</b> OLD APOSTOLIC LUTHERAN CHURCH LEWISVILLE	<b>Owner Mailing Address</b> PO BOX 1510 BATTLE GROUND WA , 98604	<b>Property Site Address</b> <a href="#">Google Maps Street View</a>
<b>Administrative Data</b> <a href="#">Info...</a>		
<b>Jurisdiction</b> Clark County		
<b>Land Use Planning</b>		
Comprehensive Plan Designation	R-5	
Comprehensive Plan Overlay(s)	none	
Urban Growth Area	County	
Zoning Designation - <a href="#">Codes</a>	Rural-5 (R-5)	

**Property Identification Number:** 279457000 [MapsOnline](#)  [Fact Sheet](#)   
**Property Type:** Real  
**Property Status:** Active  
**Site Address:** 35303 NE AMBOY RD, YACOLT, WA 98675 ([Situe Addresses](#))  
**Abbreviated Description:** #38 SEC 35 T5N R3EWM 17.20 A (SEE #986050386 FOR TAXABLE PORTION)  
**Tax Status:** TOTAL EXEMPTION

### Info for Senior/Disabled Property Tax Exemption

[Account](#)

[Building](#) [Environmental](#) [Taxes](#) [Auditor](#) [Docs](#) [Misc](#) [Documents](#) [Permits](#) [Sales](#) [Search](#)

<b>Property Owner</b> OLD APOSTOLIC LUTHERAN CHURCH OF YACOLT	<b>Owner Mailing Address</b> PO BOX 330 YACOLT WA , 98675	<b>Property Site Address</b> 35303 NE AMBOY RD, YACOLT, WA 98675 <a href="#">Google Maps Street View</a>
<b>Administrative Data</b> <a href="#">Info...</a>		
<b>Jurisdiction</b> Clark County		
<b>Land Use Planning</b>		
Comprehensive Plan Designation	FR-2	
Comprehensive Plan Overlay(s)	none	
Urban Growth Area	County	
Zoning Designation - <a href="#">Codes</a>	Forest-40 (FR-40)	

The Director goes on to say that if this proposal is allowed, "people have looked at different churches as a business..

**CCCU Notes:** Under state law, non-profit churches cannot make a profit as a business, otherwise they would be required to file with the Department of Revenue as a business. This church has not done this, and it is not a common occurrence among churches. But having on-site cemeteries is very common.

In our research, we came upon land that is owned by Clark County and located in the Agriculture 20 zone, But all of the Ag. Zone parameters are being ignored, when it comes to a cemetery and the use of the land. The county did not and does not farm the land, and has boundary adjusted and sold smaller parcels, through the years. One could say they are running a business. It would seem that the county should lead by example, but in this case, that's not happening. The following information comes from that data.

**Property Identification Number:** 264122000 [MapsOnline](#)  [Fact Sheet](#)   
**Property Type:** Real  
**Property Status:** Active  
**Site Address:** 38806 NE 119TH AVE, AMBOY, WA 98601 ([Situe Addresses](#))  
**Abbreviated Description:** #1 SEC 22 T5NR2EWM 26.09A  
**Tax Status:** TOTAL EXEMPTION

### Info for Senior/Disabled Property Tax Exemption

[Account](#)

[Building](#) [Environmental](#) [Taxes](#) [Auditor](#) [Docs](#) [Misc](#) [Documents](#) [Permits](#) [Sales](#) [Search](#)

<b>Property Owner</b> CLARK COUNTY CEMETERY DIST #4	<b>Owner Mailing Address</b> PO BOX 90 AMBOY WA , 98601	<b>Property Site Address</b> 38806 NE 119TH AVE, AMBOY, WA 98601 <a href="#">Google Maps Street View</a>
<b>Administrative Data</b> <a href="#">Info...</a>		
<b>Jurisdiction</b> Clark County		
<b>Land Use Planning</b>		
Comprehensive Plan Designation	AG	

Comprehensive Plan Overlay(s)	none
Urban Growth Area	County
Zoning Designation - <a href="#">Codes</a>	Agriculture-20 (AG-20)

- <https://gis.clark.wa.gov/gishome/property/?pid=FindSN&account=264133000#zone> 10 acres in agriculture zone
- <https://gis.clark.wa.gov/gishome/property/?pid=FindSN&account=264122000#agriculture zone> 26.09 acres in agriculture zone
- <https://gis.clark.wa.gov/gishome/property/?pid=FindSN&account=264124000#agriculture zone> 2.5 acres in agriculture zone
- <https://gis.clark.wa.gov/gishome/property/?pid=FindSN&account=264144000#zone> 2.5 acres in agriculture zone

Three parcels were quit claimed to Clark County Cemetery District 4, in January 2012, which included 1.04 acres, 2 acres, and .05 acres for a total 3.09 acres.

This was done via Jackson, Jackson and Kurtz #4827807, tax lot #s 264144000, 264122000, and 264124000. At some point the county bought the land for \$300,000 and increased the size of lot 264122000 to 26.09 acres, with no trace of county records to be found. The Clark County Cemetery District 4 then sold the 10 acres for \$375,000 to Trapnell/Able, which was later sold in 2022 for \$445,000.

(county advertisement) **Welcome to Clark County Cemetery District #4**

The District is comprised of Mt. View Cemetery, Amboy Cemetery, and Chelatchie Cemeteries in Amboy, WA. **We believe that cemeteries are a comfort to the living as well as a place to honor the dead.** We are dedicated to providing and maintaining such a place.

A cemetery district organized under Washington State Laws has the power to acquire, establish, maintain, manage, improve and operate cemeteries and conduct any and all of the businesses of a cemetery as defined by Washington State Law. A board of commissioners composed of three members manages the affairs of the cemetery district. The Commissioners are elected to six-year terms. **Cemetery districts are supported by tax levies, other local taxes and the sale of lots.**

The Cemetery District Commissioners meet at 1:00 pm the second Tuesday of every month at the Amboy Territorial Park. These meetings are open to the public.

**CCCU Notes: Clark County later boundary line adjusted the remaining parcels in 2020. At no time did Clark County use this land for agriculture purposes, even though the land is zoned Agriculture 20 and sits fallow and idle, today.**

1/2012 Per Real Estate Affidavit, J. J. & Kurtz  
 Quit Claim Deed  
 Mtn. View Cemetery Asssoc. To Clark County Cemetery Dist. 4  
 ( a Wa. Nonprofit corporation) (a municipal corporation)  
 264144. . .1.04 Acres \$42,245. Value  
 264122. . .2.00 Acres \$111,095. Value  
 264124. . . .50 Acre \$20,315. Value

Tom Self's 4-Lot BLA 12/2020  
 264144. . . 2.5 Acres \$128,800. Value per R.E. Ex. Tax Affidavit  
 264124. . . 2.5 Acres \$42,000. Value Tax Lot 3  
 264122. . . 26.09 Acres \$198,400. Value (has structure) Tax Lot 1  
 264133. . . 10 Acres \$486,091. Value (has structure) Tax Lot 14

[Landmark Web Official Records Search](#)

<a href="#">OLR-2020-00142</a>	PR-2020-000375	County	Clark County	Boundary Line Adjustment	09/29/2020	Self Thomas	11/03/2020	Closed - Approved	Applicant
<a href="#">OLR-2020-00061</a>	PR-2020-000375	County	Clark County	Lot Determination	04/01/2020	Self Thomas	05/13/2020	Closed - Approved	Applicant

**September 17, 1787, signing of the Constitution of the United State.**

*We the People of the United State, in Order to form a perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the the United States of America.*

*"The adoption of the Constitution will demonstrate as visibly the finger of Providence as any possible event in the course of*

*human affairs can even designate it"* (George Washington)

*"It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions"*  
(Daniel Webster)

*"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other.*  
(John Adams)

*"The sum of all is, if we would most truly enjoy the gift of Heaven, let us become a virtuous people; then shall we both deserve and enjoy it.* (Samuel Adams)

*"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports.* (George Washington)

*I know of no safe depository of the ultimate powers of a society but the people themselves.* (Thomas Jefferson)

**Article VI - ...*This Constitution, and the laws of the United State which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United State, shall be the supreme Law of the Land, and the Judges in every State shall be bound thereby,.....***

Clark County Citizens United, Inc. P.O. Box 2188 Battle Ground, Washington 98604 E-Mail [cccuinc@yahoo.com](mailto:cccuinc@yahoo.com)