

From: [Oliver Orjiako](#)
To: [Sonja Wiser](#)
Cc: [Christine Cook](#)
Subject: FW: A church can file a claim with the federal government when a cemetery request is denied.
Date: Wednesday, January 10, 2024 8:25:00 AM

Good morning Sonja:

For the record. Thanks.

From: Clark County Citizens United, Inc. <cccuinc@yahoo.com>
Sent: Monday, January 8, 2024 9:57 PM
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>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: A church can file a claim with the federal government when a cemetery request is denied.

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Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

January 8, 2024

FOR THE PUBLIC RECORD

Re: Old Apostolic Lutheran Church cemetery request denial - A church can file a claim with the federal government against a local government when a religious cemetery request is denied.

Dear Councilors,

Clark County Citizens United, inc. continues to research the rights of churches and religion under federal law. Under that heading, there are numerous documents that all confirm the same thing. Codes and zoning cannot prevent the free exercise of religion, which includes all aspects of worship and beliefs, including religious cemeteries. The federal civil rights law is very clear.

The Councilors made a mistake when they rejected a cemetery request from Old Apostolic Lutheran Church. The cemetery/graveyard was to be placed adjacent to the church and would serve the congregation's burial needs. That incorrect decision by the Council needs to be corrected and OALC notified that the cemetery will be approved, under an exemption from the code.

CCCU has talked with representatives of this church, and they agree that there would be a substantial burden to the congregation if they are prohibited from constructing a cemetery on their church land. They would have to transport their deceased miles away to another cemetery, that is almost to capacity. In addition, the funeral

processions are large, with many vehicles involved, which creates a serious hazard on the roads that they would have to travel. This church is trying to do the right thing, and the councilors need to do likewise.

Sincerely,

Carol Levanen, Exec. Secretary

Clark County Citizens United, Inc.
P.O. Box 2188
Battle Ground, Washington 98604

Report on the Twentieth Anniversary of the Religious Land Use and Institutionalized Persons Act September 22, 2020

U.S. Department of Justice Civil Rights Division

<https://www.justice.gov/crt/case-document/file/1319186/download>

Court decisions regarding religious cemeteries.

- **United States v. City of Farmersville (E.D. Tex.):** In April 2019, the Department filed suit alleging that the city violated RLUIPA's substantial burden and nondiscrimination provisions by denying zoning approval for a **Muslim congregation to construct a religious cemetery**. The parties entered into a settlement agreement requiring the city to approve the cemetery, to provide RLUIPA training to its employees and officials, and to notify the public of its compliance with RLUIPA in its land use actions.
- **United States v. Stafford County (E.D. Va.):** In June 2020, the Department filed a lawsuit alleging that Stafford County violated RLUIPA by enacting overly restrictive zoning regulations prohibiting an Islamic organization from **developing a religious cemetery** after the Islamic group purchased a 27-acre tract of land in the county for that purpose. The case is pending.