

**ORDINANCE No. 2018-03**

**AN ORDINANCE AMENDING SKAMANIA COUNTY CODE TITLE 21 – ZONING, TO ALLOW FOR RELIGIOUS FACILITIES AND EXPANSION OF EXISTING QUARRIES IN CERTAIN ZONES**

**WHEREAS**, RCW 36.70 authorizes Skamania County (the County) to adopt or amend zoning regulations; and

**WHEREAS**, religious facilities are not listed as an allowable, administrative review, or conditional use in several residential zones in the County where such facilities are common or otherwise appropriate; and

**WHEREAS**, this omission precludes the expansion of existing religious facilities and development of accessory uses in such County zones where they are considered non-conforming; and

**WHEREAS**, the County's West End Forest Lands 20 zone allows new quarries only when in conjunction with on-site forestry uses; and

**WHEREAS**, the West End Forest Lands 20 zone does not allow preexisting commercial quarries to expand; and

**WHEREAS**, after receiving public comment in 2017, the Board of County Commissioners directed staff to prepare text amendments regarding the aforementioned issues; and

**WHEREAS**, the Planning Commission, having provided proper notice in the Skamania County Pioneer, and with a quorum present, conducted a public hearing at its February 6, 2018, meeting; and

**WHEREAS**, the Planning Commission, after said hearing, voted to recommend approval of zoning text amendments; and

**WHEREAS**, a SEPA Determination of Non-Significance (DNS) was issued on February 14, 2018, after environmental review of the draft text was completed; and

**WHEREAS**, the zoning text amendments add "religious facilities" to the list of allowable uses in residential zones where they are not currently permitted; and

**WHEREAS**, the zoning text amendments would allow for the expansion of existing commercial quarries through the conditional use process; and

**WHEREAS**, the zoning text amendments protect the general health, safety, and welfare of the public; and

**WHEREAS**, the Board of County Commissioners, having provided proper notice in the Skamania County Pioneer, held a public hearing on April 17, 2018, on Ordinance 2018-03; and

**WHEREAS**, the Board of County Commissioners approved Ordinance 2018-03 on April 17, 2018.

**NOW THEREFORE BE IT HEREBY ORDAINED AND ESTABLISHED** the Board of County Commissioners adopts Ordinance 2018-03, amending Title 21 as follows:

**SECTION 1:** The following sections shall be amended to add "religious facilities" as an allowable use in the Residential 1, Residential 2, Residential 5, Residential 10, High Density Residential, Rural Residential, and Rural Estate zones as follows:

Chapter 21.28 RESIDENTIAL 1 ZONE CLASSIFICATION (R-1)

...  
21.28.020 Allowable uses.

...  
O. Religious facilities.

Chapter 21.32 RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)

...  
21.32.020 Allowable uses.

...  
M. Religious facilities.

Chapter 21.36 RESIDENTIAL 5 ZONE CLASSIFICATION (R-5)

...  
21.36.020 Allowable uses.

...  
L. Religious facilities.

Chapter 21.40 RESIDENTIAL 10 ZONE CLASSIFICATION (R-10)

...  
21.40.020 Allowable uses.

...  
L. Religious facilities.

Chapter 21.65 CARSON FINAL ZONING

...  
21.65.060 High density residential zone classification (HDR).  
A. Allowable Uses.

...  
7. Religious facilities.

...  
21.65.070 Rural residential zone classification (RR).  
A. Allowable Uses.

...  
9. Religious facilities.

...  
21.65.080 Rural estate zone classification (RE).  
A. Allowable Uses.

...  
9. Religious facilities.

**SECTION 2:** Section 21.67.090 shall be amended as follows to add expansion of existing commercial quarries to the list of conditional uses in the West End Forest Lands 20 zone:

21.67.090 West End Forest Lands 20 (WE-FL20).

...  
D. Conditional Uses.

...  
7. Expansion of existing legally established commercial mineral resource extraction and/or processing sites.

ORDINANCE NO. 2018-03 PASSED INTO LAW THIS 17<sup>th</sup> DAY OF April 2018.

**SKAMANIA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

J. M. Lanner 4-17-2018  
Chair Date

[Signature] 4-17-2018  
Commissioner Date

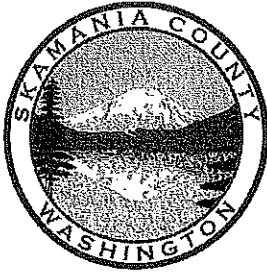
[Signature] 4-17-18  
Commissioner Date

ATTEST:

[Signature] 4/17/18  
Clerk of the Board Date

APPROVED AS TO FORM ONLY:

[Signature]  
Prosecuting Attorney Date



**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

**SKAMANIA COUNTY PLANNING COMMISSION  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS  
TO APPROVE ZONING CODE AND COMPREHENSIVE PLAN AMENDMENTS  
REGARDING RELIGIOUS FACILITIES AND EXPANSION OF EXISTING  
QUARRIES IN CERTAIN ZONES**

The Skamania County Planning Commission conducted a public hearing to consider proposed zoning code and comprehensive plan amendments regarding religious facilities and expansion of existing quarries in certain zones on February 6, 2018.

**RECOMMENDATION**

The Planning Commission recommends to the Board of County Commissioners that they adopt the proposed text amendments with the changes proposed by resident Joe Kear.

Motion by Cyndi Soliz. Second by John Prescott.

Dee Bajema: Aye; Tony Coates: Aye; Lesley Haskell: Aye; Cliff Nutting: Aye; John Prescott: Aye; Cyndi Soliz; Aye

\_\_\_\_\_  
Lesley Haskell, Chair  
Skamania County Planning Commission

3.6.2018

\_\_\_\_\_  
Date Signed



# 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

### STAFF REPORT

**TO:** Skamania County Planning Commission  
**FROM:** Alan Peters, Assistant Planning Director

**REPORT DATE:** January 8, 2018  
**HEARING DATE:** January 16, 2018  
**PROPOSAL:** Zoning Code Amendments regarding religious facilities, cemeteries, and expansion of existing quarries in certain zones

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#### Background and Review Process

The Planning Commission or Board of County Commissioners may initiate amendments to the County's comprehensive plan and development regulations. These amendments – often called "legislative" amendments – are subject to Section 21.18.020 of the County Code and RCW 36.70, but are not subject to any specific criteria such as those required for individual or "quasi-judicial" zone map amendments.

After receiving public comment in 2017, the Board of County Commissioners directed staff to prepare text amendments regarding the following issues:

#### Religious facilities/cemeteries

The Evergreen Community Church in Cook is interested in developing a cemetery on church property adjacent to the church. The church is considered a non-conforming use in the Residential 2 zone. This zone does not list religious facilities or cemeteries as an allowable, administrative review, or conditional use.

The church requested to the Board of County Commissioners that the County amend the text to allow "religious facilities" in this zone. This is the narrowest change that would allow the cemetery as a cemetery owned and operated by a church could be considered a religious facility. After reviewing the Zoning Code, Staff recommends that "religious facilities" be listed as an allowable use in other residential zones also.

#### Expansion of Quarries

Within the West End Subarea, new quarries are allowed only in the West End Commercial Resource Land 40 (WE-CRL40) zone. The West End Forest Lands 20 (WE-FL20) allows new quarries only when in conjunction with on-site forestry uses. Preexisting quarries may expand within any zone in the West End, except for the WE-FL20 zone and the Neighborhood Commercial (NC) zone. This includes quarries in the Rural lands zones which are primarily residential zones.

HQ Stone Products operates an existing quarry in the WE-FL20 zone and has expressed interest in expanding the size of the quarry. Existing quarries in this zone cannot currently expand. Staff proposes that the zoning text be amended to make the WE-FL20 zone consistent with the Rural Lands zone in regard to quarry expansion by allowing quarries to expand through the conditional use process.

A public hearing on the proposed amendments is scheduled for January 16, 2018. Notice of this hearing was published in the Skamania County Pioneer on January 3, 2018, and on the County's website. After holding a public hearing, the Planning Commission may make a recommendation to the Board of County Commissioners on the proposed text amendments or may propose changes to these text amendments. The proposal will then be reviewed under the State Environmental Policy Act before being forwarded to the Board of County Commissioners for their consideration.

### **Proposed Text Amendments**

#### Religious facilities/cemeteries

Staff proposes amending the lists of allowable uses in the Residential 1, Residential 2, Residential 5, Residential 10, Carson High Density Residential, Carson Rural Residential, and Carson Rural Estate zones to allow "religious facilities" as follows (additions are underlined):

#### *Chapter 21.28 RESIDENTIAL 1 ZONE CLASSIFICATION (R-1)*

\*\*\*  
21.28.020 Allowable uses.

\*\*\*  
O. Religious facilities.

#### *Chapter 21.32 RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)*

\*\*\*  
21.32.020 Allowable uses.

\*\*\*  
M. Religious facilities.

#### *Chapter 21.36 RESIDENTIAL 5 ZONE CLASSIFICATION (R-5)*

\*\*\*  
21.36.020 Allowable uses.

\*\*\*  
L. Religious facilities.

#### *Chapter 21.40 RESIDENTIAL 10 ZONE CLASSIFICATION (R-10)*

\*\*\*  
21.40.020 Allowable uses.

\*\*\*  
L. Religious facilities.

#### *Chapter 21.65 CARSON FINAL ZONING*

\*\*\*  
21.65.060 High density residential zone classification (HDR).

A. Allowable Uses.

\*\*\*  
Z. Religious facilities.

...  
 21.65.070 Rural residential zone classification (RR).  
 A. Allowable Uses.

...  
 9. Religious facilities.

...  
 21.65.080 Rural estate zone classification (RE).  
 A. Allowable Uses.

...  
 9. Religious facilities.

Staff Findings:

The term "religious facilities" is undefined in the Zoning Code. Merriam-Webster defines "religious" as "of, relating to, or devoted to religious beliefs or observances" and "facility" as "something (such as a hospital) that is built, installed, or established to serve a particular purpose". Staff finds that a church cemetery would constitute a religious facility. (A public cemetery would be considered a "public facility" under the Zoning Code).

Religious facilities or other religious land uses are currently only allowed in the following zones:

<b>ZONE</b>	<b>USE</b>	<b>USE TYPE</b>
West End – Rural Lands 2	<i>Religious facilities</i>	Allowable
West End – Rural Lands 5	<i>Religious facilities</i>	Allowable
West End – Rural Lands 10	<i>Religious facilities</i>	Allowable
Rural Estate	<i>Churches, cemeteries and mausoleums.</i>	Conditional
Community Commercial	<i>Membership Organization - Religious</i>	Allowable
Swift – Mountain Recreational 5	<i>Meeting halls, (such as religious, civic, social, and fraternal)</i>	Conditional
Swift – Mountain Recreational 10	<i>Meeting halls, (such as religious, civic, social, and fraternal)</i>	Allowable
Swift – Mountain Recreational 20	<i>Meeting halls, (such as religious, civic, social, and fraternal)</i>	Allowable

Except for the Community Commercial zone, these are all residential zones. The Rural Lands and Mountain Recreational zones are similar in purpose to the Residential zones elsewhere in the county and in Carson. The proposed changes would be consistent with the allowance of religious facilities in other county zones.

Expansion of Quarries

Staff proposes that the following text amendment be adopted in the West End – Forest Lands 20 zone (additions are underlined):

*Chapter 21.67 WEST END SUBAREA FINAL ZONING*

...  
 21.67.090 West End Forest Lands 20 (WE-FL20).

...  
 D. Conditional Uses.

...  
 7. Expansion of existing legally established mineral resource extraction and/or processing sites.

Staff Findings:

The proposed text amendment would allow for expansion of existing legally established quarries in the WE-FL20 zone. This change would be consistent with what is allowed throughout the majority of the West End. Preexisting quarries may expand within any zone in the West End (including residential Rural Lands zones), except for the WE-FL20 zone and the Neighborhood Commercial (NC) zone.

**Review Criteria and Findings**

Skamania County Code (SCC) Chapter 21.18 – Zoning Text and Map Amendments

*21.18.020 Textual amendments.*

*The board of county commissioners, upon recommendation of the planning commission, or upon its own motion and referral to and report from the planning commission and after a public hearing, may amend, delete, supplement, or change by ordinance the regulations herein established, provided such revision is in accordance with the procedures set forth in RCW 36.70. An amendment to the text of this title may only be initiated by the board of county commissioners or the planning commission and shall be consistent with the terms of the comprehensive plan.*

Staff Findings:

The proposed text amendments were prepared by Planning Staff after being directed to address these issues by the Board of County Commissioners. The Planning Commission will hold a public hearing and make a recommendation to the Board of County Commissioners. No amendments to the comprehensive plan are required for these changes.

Revised Code of Washington (RCW) 36.70 Planning Enabling Act

*36.70.580 Official controls—Public hearing by commission.  
Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.*

*36.70.590 Official controls—Notice of hearing.  
Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.*

*36.70.600 Official controls—Recommendation to board—Required vote.  
The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chair and the secretary of the commission and of such others as the commission in its rules may designate.*



*Staff Findings:*

A public hearing on the proposed amendments is scheduled for January 16, 2018. Notice of this hearing was published in the Skamania County Pioneer on January 3, 2018, and on the County's website. After the public hearing, the Planning Commission may make a recommendation to the Board of County Commissioners on the proposed text amendments. The proposed recommendation will then be reviewed under the State Environmental Policy Act before being forwarded to the Board of County Commissioners for their consideration.

**Recommendation**

Based on the analysis in this report, Planning Staff recommends that the Planning Commission forward a positive recommendation to the Board of County Commissioners to approve the proposed amendments to Title 21. A model motion is included with this report.

PROPOSED RELIGIOUS FACILITIES TEXT AMENDMENTS

**Chapter 21.28 RESIDENTIAL 1 ZONE CLASSIFICATION (R-1)**

...  
21.28.020 Allowable uses.

...  
O. Religious facilities.

**Chapter 21.32 RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)**

...  
21.32.020 Allowable uses.

...  
M. Religious facilities.

**Chapter 21.36 RESIDENTIAL 5 ZONE CLASSIFICATION (R-5)**

...  
21.36.020 Allowable uses.

...  
L. Religious facilities.

**Chapter 21.40 RESIDENTIAL 10 ZONE CLASSIFICATION (R-10)**

...  
21.40.020 Allowable uses.

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L. Religious facilities.

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...  
21.65.060 High density residential zone classification (HDR).

A. Allowable Uses.  
...  
7. Religious facilities.

...  
21.65.070 Rural residential zone classification (RR).

A. Allowable Uses.  
...  
9. Religious facilities.

...  
21.65.080 Rural estate zone classification (RE).

A. Allowable Uses.  
...  
9. Religious facilities.

PROPOSED QUARRY EXPANSION TEXT AMENDMENTS

**Chapter 21.67 WEST END SUBAREA FINAL ZONING**

...

21.67.090 West End Forest Lands 20 (WE-FL20).

...

D. Conditional Uses.

...

7. Expansion of existing legally established mineral resource extraction and/or processing sites.