



*Protecting Our Natural Heritage  
From the Coast to the Cascades*

P.O. Box 5347 • Eugene, OR 97405 • (541) 741-3625 • www.landwatch.net

May 2, 2019

Senate Committee - Environment and Natural Resources  
900 Court Street  
Salem OR

***Re: HB 3384A (limits reasons counties may deny expansion of certain schools  
on land zoned for exclusive farm use)***

Members of the Committee:

My name is Hope. I work with LandWatch Lane County, a nonprofit group who, in 2017, challenged Lane County's approval of the Oak Hill School expansion in LUBA No. 2017-043. LUBA reversed, the County appealed to the Court of Appeals on behalf of the school, and the Court affirmed LUBA's decision, without opinion.

Although LandWatch just learned of this bill 2 weeks ago I have watched the House Committee on Ag and Land Use public hearing (April 2) and would like to address several issues that received limited if any attention.

1 - SIZE/FOOTPRINT: The school was approved in 1994 by a building permit which allowed the conversion of a single family dwelling and agriculture structure to a school. At that time, the school's building footprint was shown as 3,163 square feet and it was said to accommodate 134 occupants. (**exhibit 1**)

The school has been expanded twice since then, in 2006 (**exhibit 2**) and 2012 (**exhibit 3**). In 2012, although the school already exceeded the 100 person indoor capacity rule, the County approved an additional three buildings totaling a 9266 square foot expansion.

In 2014, the school pursued parking lot expansions for their "lower/north" and "upper south" parking lots. (**exhibit 4**)

In 2016, the school applied for an additional expansion, requesting an additional 9500 square feet of development - one new building/additions to two existing buildings (**exhibit 5**)

The Lane County Regional Land Information Database shows the building footprint of the school is now 36,401 square feet. (**exhibit 6**) This is a building footprint increase of approximately 1000 percent in 25 years. The attorney for the school told the House the current student population is around 200. It appears the growth in capacity and building footprint is significantly higher than the actual student population increase over the past 25 years.

2. - PROXIMITY/DISTANCE FROM OTHER SCHOOLS: There is a public elementary school located about 3 miles from Oak Hill, a middle school is located about 4 miles away, and a public high school about 5 miles away. (**exhibit 7**) While Oak Hill school asserts they serve students from the rural area in which the school is located, they have never provided any evidence of that although there has been ample opportunity to do so. People in Eugene are very aware that the school has a large 'urban' population.

DLCD adopted criteria for schools in the EFU zone in part to help distinguish rural schools from urban schools.

The March 24, 2010 memo from Morrissey to LCDC explains: (**exhibit 8**)

*"The genesis for the three-mile limitation was to protect the integrity of UGBs in preventing urban-level uses on rural agricultural lands near UGBs. Schools, churches and parks are relatively land-extensive uses that often seek land to purchase outside of a UGB, but close enough to serve their predominantly urban communities.*

*Land outside UGBs is significantly less expensive than land inside UGBs due to the limits on rural and resource uses and the lack of available services. Uses regularly drawing from and serving urban populations, with urban impacts, are effectively urban uses. Under Goal 14, the state's long-standing policy is that urban uses of land should occur within urban growth boundaries."*

By removing the current language " *The expansion occurs on the tax lot on which the use was established on or before January 1, 2009; or (B) A tax lot that is contiguous to the tax lot described in subparagraph (A) of this paragraph and that was owned by the applicant on January 1, 2009*" from ORS 215.135 and replacing it with proposed language ". . . the expansion occurs on a tax lot: (A) On which the school was established; or (B) Contiguous to and under the same ownership as the tax lot on which the school was established", HB 3844A provides the ability for a school to continue to expand by purchasing contiguous tax lots that were not in their ownership "on January 1, 2009." This nuanced amendment is not accidental and will not be without consequence.

3 - ALTERNATIVE EXPANSION OPTION: Contrary to a misunderstanding expressed by the Chair of the House Committee on Agriculture and Land Use, schools that have exceeded the 100 person capacity rule do have an option for continued expansion pursuant to the existing law.

The existing law allows schools that have reached capacity to pursue an exception to Goal 3 and to adopt a new zone and plan designation. The House did not discuss whether or not Oak Hill School or any other school in an EFU zone and which has existed since 2009 or earlier has ever pursued this route. In the case of Oak Hill, the Lane Code allows schools at least in one other zone, that being the Rural Residential zone. (exhibit 9) Oak Hill School has not attempted to take an exception to Goal 3 for purposes of a zone change to Rural Residential.

### HB 3844A RUNS AFOUL OF FEDERAL LAW

The most significant issue related to this bill does not appear to have been brought to the attention of the House, making it even more important that this Committee consider, in consultation with the DoJ, whether the proposed amendments will violate the Religious Land Use and Institutionalized Persons Act, (RLUIPA). HB 3384A authorizes the enactment of a policy that was previously found to be in violation of RLUIPA by treating schools differently than churches. By exempting schools located in an EFU zone, and in existence since 2009, from specific provisions of the administrative rules this bill unlawfully creates a playing field more favorable to schools than churches (or other nonconforming uses located in an EFU zone).

This bill, as is the case with most special interest legislation, fails to consider repercussions of punching holes in legislation that is almost always connected to other legislation. That is the situation here. The sideboards in the Administrative Rules that were added in 2009 to protect the state from RLUIPA lawsuits are now being removed for a special group of schools, allowing some schools to be more special than churches, and even more special than other nonconforming uses.

It appears the Governor's office does not want DLCD defending their 2010 rule amendments, therefore it might be prudent for this Committee to request a DoJ opinion regarding this issue.

Please vote No on HB 3384. There is no problem with the existing law.

Thank you.  
Hope Vaccher  
LandWatch Lane County  
PO Box 5347, Eugene 97405

EXHIBIT 1

G6 3-1-94

DLN 3-1-94

CPCK 3-1-94



EMD

# AUTHORIZATION FORM

Land Management Division 125 E. 6th Ave. Eugene, OR 97401

PERMIT # 659-94

REQUEST FOR: CONVERT EXISTING SINGLE FAMILY DWELLING TO SCHOOL

ADDRESSING  VALID  NEW  
DATE 3-1-94 LEV CODE 4-67

TOWNSHIP 18 RANGE 03 SECTION 14 1/4 SECTION TAX LOT 2500 SUBDIVISION/PARTITION LOT/PARCEL BLOCK  
1465-172 # 2

LOCATION ADDRESS 66367 EASTWAY DR. EUGENE, OREGON

STRUCTURES NOW ON PROPERTY EXISTING SINGLE FAMILY DWELLING, (2) GARAGE AND AG BUILDING

PROPOSED USE COMMERCIAL USE SEPTIC INSTALLED WELL WATER INSTALLED WELL NO. OF STORIES 66 NO. OF EMPLOYEES 66 CONSTRUCTION COST/VALUE 162946 SDS DESIGNED FOR 990 GPD.

DESCRIPTION OF PROPOSED WORK CONVERT EXISTING SINGLE FAMILY DWELLING TO SCHOOL NO. OF BEDROOMS

DIRECTIONS TO SITE FROM NEAREST MAIN INTERSECTION 30TH AVE., RIGHT AT ELDON SCHAFER.

APPLICANT NAME & ADDRESS BERRY ARCHITECTS, (contact Alean Porter) PHONE 485-3970

OWNERS NAME & ADDRESS ED KING, SAME AS THE JOB ADDRESS ABOVE PHONE NONE GIVEN

CONTRACTOR/INSTALLER/BUILDER NAME DORMAN CONSTRUCTION CCB# 68801 PHONE

MAIL PERMIT TO: BERRY ARCHITECTS, 1670 WILLAMETTE STREET, EUGENE, OREGON 97401.

I have carefully read BOTH sides of this application and hereby certify that all information is true and correct  
BERRY ARCHITECTS [Signature] 02-28-94

### PLANNING/ZONING READ CAREFULLY! Your Authorization is Based On The Following Conditions

ZONE E-25/RCF Meter NA NA 1st MINIMUM 20' 10' 10'

COMMENTS SITE REVIEW: NO SIGNIFICANT DISTURBANCE

Private Schools permitted by CC-16.212(2)(c)  
Obtain Facility permits for new driveway. School OK per CC-16.212(2)(c)  
APPROVED BY: JR DATE 3-9-94

SANITATION 94-93 1500 1000 24"  INSTALL DIRT SYSTEM PER APPROVED PLOT PLAN, DATED 3-28-94

COMMENTS Install a serial distribution system.  
Reserve drainfield replacement area. Maintain 100' from wells.  
Student had not to exceed 66 without sewage authorization  
APPROVED BY: [Signature] DATE 4-13-94

BUILDING TYPE V-N GROUP E-1 USE SCHOOL

COMMENTS

FEES DUE: \$ 2572.78 APPROVED BY: [Signature] DATE 4/20/94

CALL FOR INSPECTIONS (SEE BACK OF FORM FOR INSTRUCTIONS) 687-4065  
SEPTIC permits are good for one year. ALL other permits expire after 180 days unless inspections are current.

paid 4/20/94

LANE COUNTY INSPECTION RECORD

Page 1 of 2

TRS# 18-03-14/2500

DATE ISSUED: 20-Apr-1994

PERMIT# 0659-94

OWNER'S NAME:

King, Ed

PHONE NUMBER

\*\*NONE\*\*

CONTRACTOR'S NAME:

Dorman Construction

CCB# 68801

PHONE NUMBER

\*\*NONE\*\*

PLANNING SETBACK REQUIREMENTS

PL FRONT: 20' PL SIDE: N/A INT 10' REAR 10' RIPARIAN N/A

BUILDING SETBACK REQUIREMENTS

PL FRONT: 20' PL SIDE: N/A INT 20' REAR 20' RIPARIAN N/A

WORK AUTHORIZED BY PERMIT:

Convert SFD & Apartment to School

DIRECTIONS TO SITE:

30th Ave.; right at Eastway Dr.

SITE ADDRESS:

86367 Eastway Dr., Eugene

FOOTING / FOUNDATION INSPECTION

Approved  Date 5-9-94 / Correction \_\_\_\_\_ Date \_\_\_\_\_ Inspector Jwb

PLUMBING GROUNDWORK INSPECTION ((Sewer only - Water lines require sep. permit)

Approved  Date 4 JAN 95 / Correction <sup>R</sup> <sub>OK</sub> Date \_\_\_\_\_ Inspector Jwb

ROUGH MECHANICAL INSPECTION

Approved  Date 5-18-94 / Correction \_\_\_\_\_ Date \_\_\_\_\_ Inspector ~~DB~~  
NOT READY 5-6-94 ~~DB~~

UNDERFLOOR PLUMBING INSPECTION

Approved  Date 4-26-94 / Correction yes Date 4-22-94 Inspector ~~DB~~ DB

ROUGH PLUMBING (TOP OUT) INSPECTION (See plans for required revisions)

Approved  Date 4-26-94 / Correction \_\_\_\_\_ Date \_\_\_\_\_ Inspector ~~DB~~ DB

FRAMING INSPECTION

Approved  Date 5-9-94 / Correction \_\_\_\_\_ Date \_\_\_\_\_ Inspector Jwb

REQUIRED AS BUILT ENGINEERED PLANS FOR BUILDING 'C' NOT SUBMITTED.  
8/14/95 DM

# B E R R Y A R C H I T E C T S

1670 WILLAMETTE STREET EUGENE, OREGON 97401 TELEPHONE (503) 485-3970 FAX (503) 485-3402

April 8, 1994

Mr. David White, Plans Examiner  
Lane County Building Department  
Lane County Courthouse  
125 E. 8th Ave.  
Eugene, OR 97401

Re: Application #BP 0659-94  
Oak Hill School  
86440 McVay Highway  
Eugene, OR 97405

Dear David:

The attached list of items refer directly to items #1 through #32 listed in your "Hold Slip" dated April 6, 1994. The solutions presented are as per our meeting on April 7, 1994 which was attended by Roger McGuckin, David White and myself.

If you have any questions or wish to discuss this matter further, please do not hesitate to call.

Thank you for your consideration.

Sincerely,



Allan L. Porter  
Architect

ALP:lsr  
Enclosure

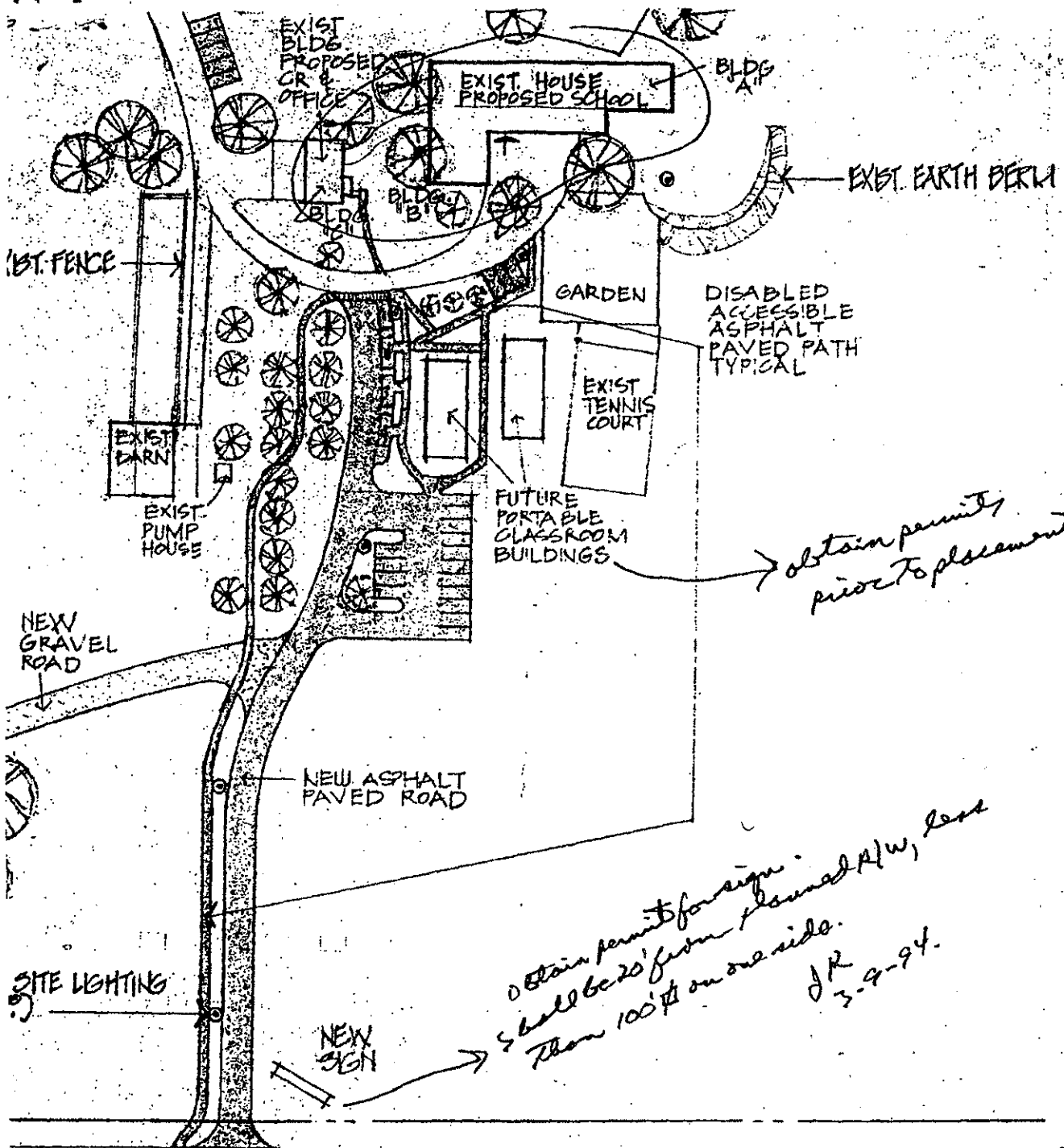


ARCHITECTURE  
PLANNING  
INTERIORS

| <u>Items</u> | <u>Room Name</u>      | <u>Dimensions/Occupant Load</u>             |
|--------------|-----------------------|---|
| 1&2          | Classroom #1          | (12)(18) = 216 sq. ft. ÷ 20 = 11 occupants  |
|              | Classroom #2          | (19)(12) = 228 sq. ft. ÷ 20 = 11 occupants  |
|              | Classroom #3          | (20)(16) = 320 sq. ft. ÷ 20 = 16 occupants  |
|              | Office #115           | (12)(14) = 168 sq. ft. ÷ 100 = 11 occupants |
|              | Classroom #5          | (28)(18) = 504 sq. ft. ÷ 20 = 25 occupants  |
|              | Classroom #6          | (14)(17) = 238 sq. ft. ÷ 20 = 12 occupants  |
|              | Classroom #7          | (11)(14) = 154 sq. ft. ÷ 20 = 8 occupants   |
|              | Classroom #8          | (14)(12) = 168 sq. ft. ÷ 20 = 8 occupants   |
|              | Classroom #9          | (18)(19) = 342 sq. ft. ÷ 20 = 17 occupants  |
|              | Teacher's Office #149 | (23)(13) = 299 sq. ft. ÷ 100 = 3 occupants  |
|              | School Office #140    | ( 9)(14) = 126 sq. ft. ÷ 100 = 1 occupants  |
|              | Classroom #11         | (18)(10) = 180 sq. ft. ÷ 20 = 9 occupants   |
|              | Classroom #12         | (20)(11) = 220 sq. ft. ÷ 20 = 11 occupants  |
|              |                       | Total = 134 occupants                       |

Proposed student population at this time is less than 50.

total: 3,163 sq. feet



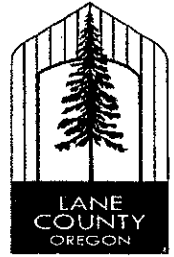
obtain permits prior to placement / JK

obtain permits for sign. shall be 20' from planned A/W, less than 100' on one side. JK 3-9-94.

This school meets the definition of school found in L.C.R. 090  
 Allan J. Porter / Analyzed / JK  
 3-9-94



# Notice of Pending Land Use Decision By The Lane County Planning Director



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LM](http://www.LaneCounty.org/PW_LM)

**Mailing Date:** 12/1/06  
**Department File:** PA 06-6733  
**Property Owners:** Oak Hill School  
**Applicant:** Oak Hill School  
**Assessor's Map & Tax Lot:** 18-03-14-00-0250018-03-14-00-02501  
**Address or Location:** 86397 East Way Drive  
**Acreage:** 59.68  
**Base Zone:** Exclusive Farm Use Zone:E-25  
**Comprehensive Plan:** Lane County Rural Comprehensive Plan (/RCP)  
 Eugene-Springfield Metropolitan Area General Plan

You own or occupy property near the above referenced property that is the subject of a land use application and pending decision for conditional **Approval** of this application by the Lane County Planning Director. **The conditions of approval are contained in the attached Exhibit A.**

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

The purpose of this notice is to inform you about the proposal and pending decision, where you may receive more information, and the requirements if you wish to appeal the pending decision by the Director to the Lane County Hearings Official. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

**PROPOSAL: Request for Planning Director Approval of a Special Use Permit to expand an existing school in the EFU Zone, pursuant to Lane Code 16.212(4)(b-b).**

**Enclosed is a plot plan of the subject property.**

**The proposed use that could be authorized by approval of the land use application is: expansion of an existing school**

The application, all documents and evidence relied upon by the applicant, the applicable criteria, and a copy of the Lane County Planning Director's report are available for inspection at the Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact is **Rafael Sebba** and the telephone number where more information can be obtained is **(541) 682-4620**.

This decision will become final at 5 P.M. on 12/13/06 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Lane County Land Management Division. **This form is enclosed and must be used if you wish to appeal this decision.**

**Oak Hill School**  
 Applicant Name: Mike Spislar  
 Project Agent: Mike Spislar  
 Applicant Phone #: (541) 888-6560  
 Applicant Address: 86387 Eastway Dr, Eugene, OR 97405  
 Applicant Phone #: (541) 744-0954  
 Applicant Address: 86387 Eastway Dr, Eugene, OR 97405  
 Mapland Taxlot # 18-03-14-2500/2501  
 Scale - 1" = 100'  
**Site Plan Draft #9**  
**November, 2006**

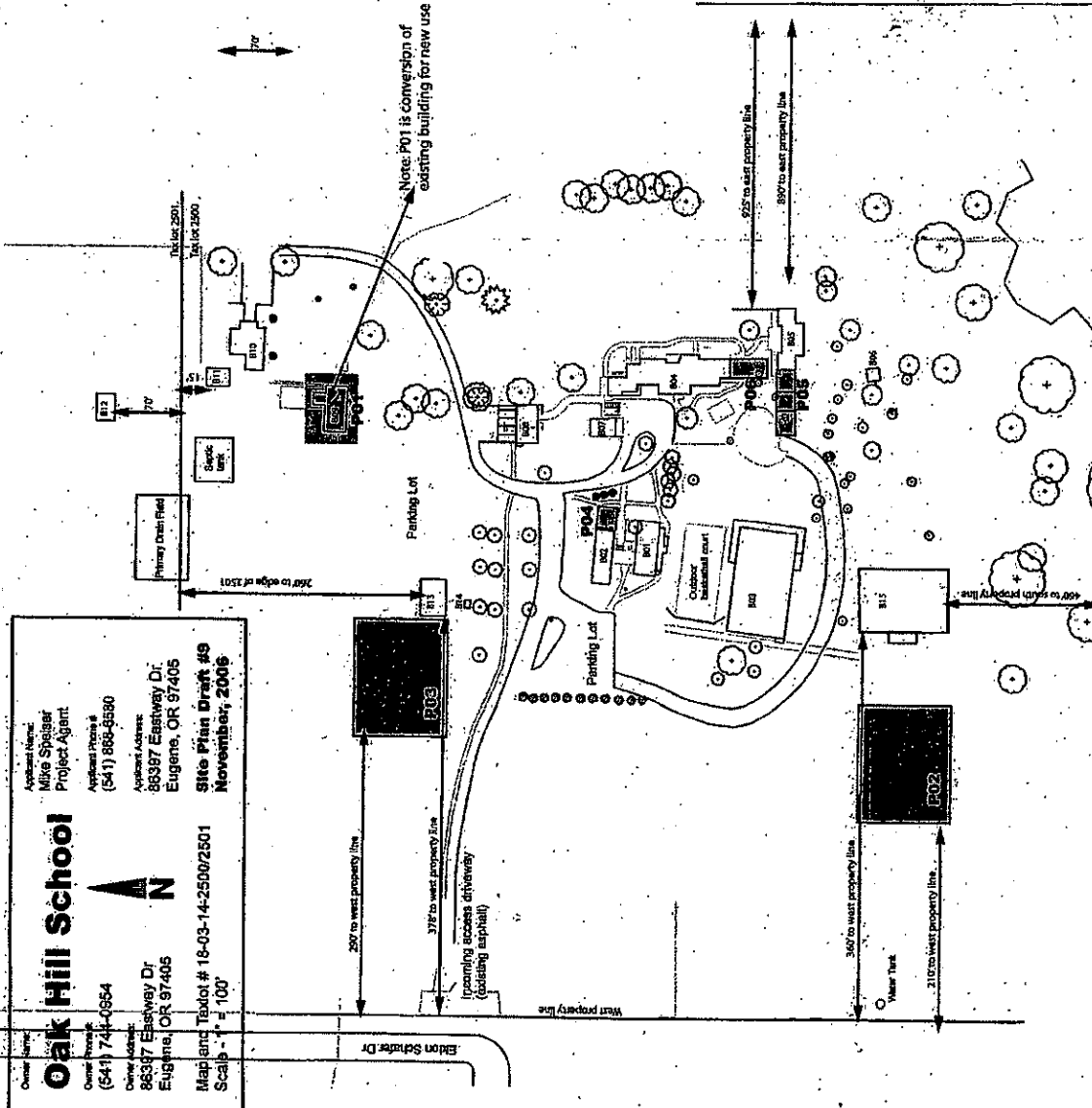
**Existing Buildings (in Blue)**

- 809 - Carriage house (garage/shop)
- 810 - Carcete house
- 811 - Carcete storage
- 812 - Storage barn
- 813 - Red barn (storage/temporary shop)
- 814 - Pump house #2
- 815 - Middle-upper school classroom building

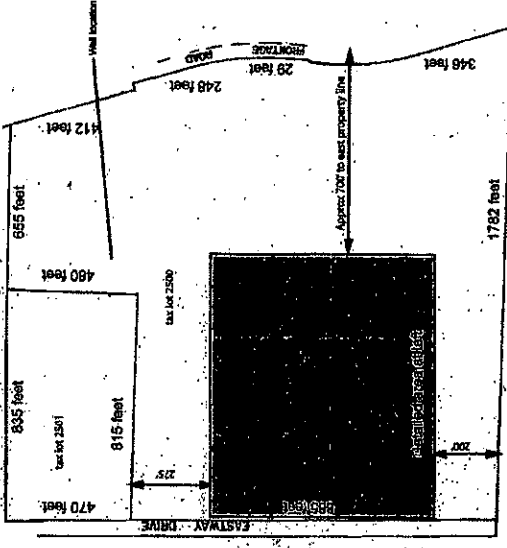
- 801 - Spanish, ELL, Social Studies Modular
- 802 - Library, Computer Lab Modular
- 803 - Gym (Multi-purpose building)
- 804 - Lower School building
- 805 - 4-5 Grade Classroom building (French)
- 806 - Original Cabin (dormitory)
- 807 - Arts Classroom
- 808 - Administration Building

**Proposed Projects (in Purple) - Total square feet: 13,782**

- P01 - Carriage House conversion to Office, Meeting Room, Music Classroom - 25x60 - 1550 sq feet
- P02 - New Upper School classroom building - partial daylight basement - 50x85x1.25 - 5312 sq feet
- P03 - New Arts building - 40x75 - 3000 sq feet
- P04 - Computer Lab Office, Server Room, Storage Addition (next to modular) - 16x20 - 320 sq feet
- P05 - New classrooms west of 4-5 classroom building - 30x90 - 2700 sq feet
- P06 - New classroom south of Lower School classroom building - 25x36 - 900 sq feet



Note: County maps show road to west of property as Eastway Drive when in fact it is Edson Schuler. In order to match county maps we have shown Eastway Drive here.

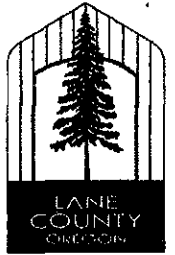


**Complete property overview - scale 1" = 500'**

**PLOT PLAN SUBMITTAL FORM (revised)**

Exhibit

**NOTICE OF PENDING LAND USE DECISION  
BY THE LANE COUNTY PLANNING DIRECTOR**



**Date:** 6/1/2012  
**Department File:** PA 12-5149  
**Property Owners:** Robert Sarkisian  
**Applicant:** Oak Hill School  
**Agent:** Jesse Elliott / 2G Construction  
**Assessor's Map & Tax Lot:** 18-03-14-00-02500  
**Address:** 86397 Eldon Schafer Drive  
**Acreage:** 59.7 acres  
**Base Zone:** Exclusive Farm Use Zone (E-25)  
**Comprehensive Plan:** Eugene/Springfield Metropolitan Area General Plan (/Metro)

LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LM](http://www.LaneCounty.org/PW_LM)

You own or occupy property near the above referenced property that is the subject of a land use application and pending decision for conditional Approval of this application by the Lane County Planning Director.

**Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.**

The purpose of this notice is to inform you about the proposal and pending decision, where you may receive more information, and the requirements if you wish to appeal the pending decision by the Director to the Lane County Hearings Official. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

**PROPOSAL: A request for Director approval to construct three new buildings totaling 9,266 sq. ft. on the campus of an existing school in the Exclusive Farm Use Zone, pursuant to Lane Code 16.212(4)(b-b) and OAR 660-033-0120 and 0130.**

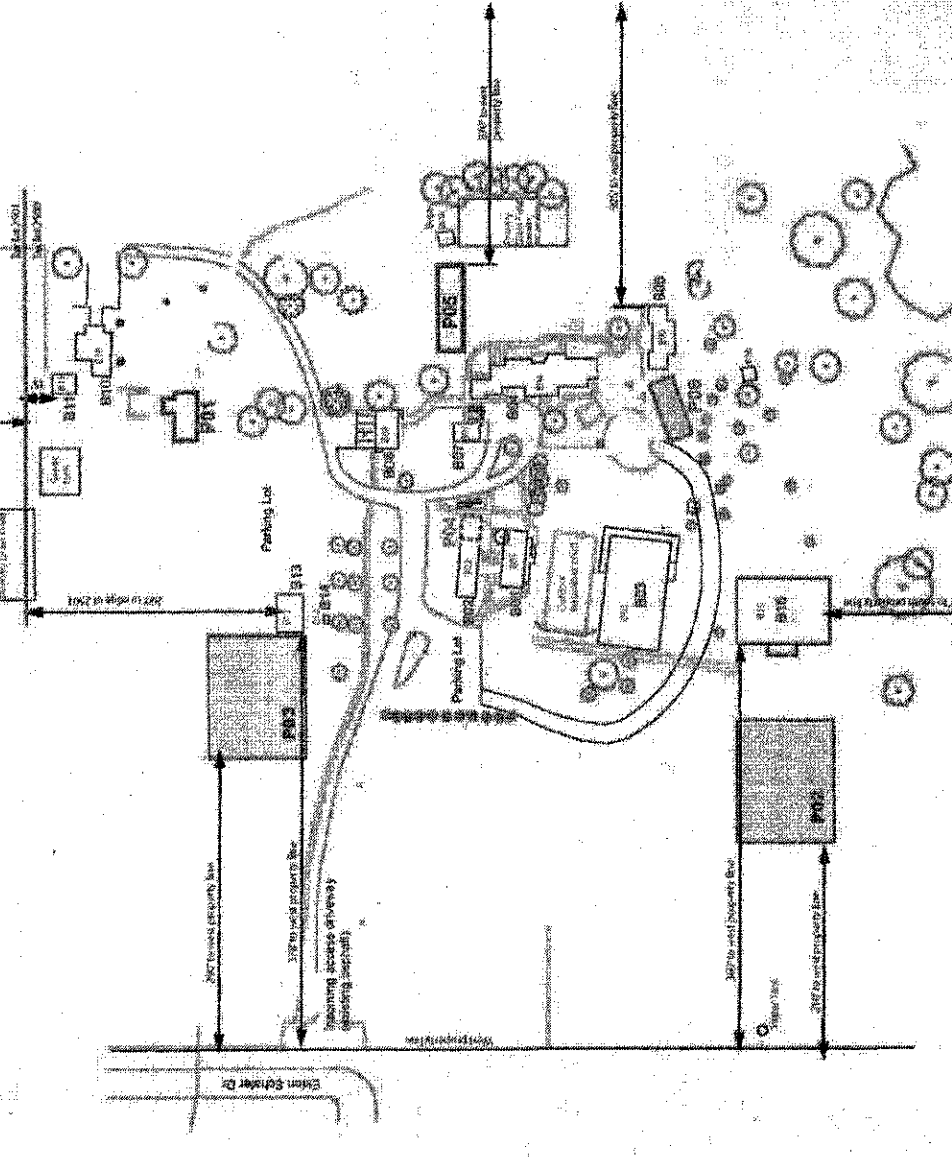
**Enclosed is a site plan showing the proposed location of the educational buildings.**

**The proposed use that could be authorized by approval of the land use application is: three new buildings totaling 9,266 sq. ft.**

The application, all documents and evidence relied upon by the applicant, the applicable criteria, and a copy of the Lane County Planning Director's report are available for inspection at the Lane County Land Management Division at no cost, and copies will be provided at reasonable cost. The name of the Lane County Land Management Division representative to contact Rafael Sebba and the telephone number where more information can be obtained is (541) 682-4620.

This decision will become final at 5 P.M. on 6/13/2012 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is

Owner Name: **Oak Hill School**  
 Applicant Name: **Jesse Elliott**  
 Owner Phone #: **(541)744-0954**  
 Applicant Phone #: **(541)689-3850**  
 Owner Address: **86398 Eldon Schafer Dr. P.O. Box 11735, Eugene**  
 Applicant Address:  
**Map & Taxlot # 18-03-14-2500/2501**



**General Land Use Application**  
**Plot Plan**  
**03/14/2012**

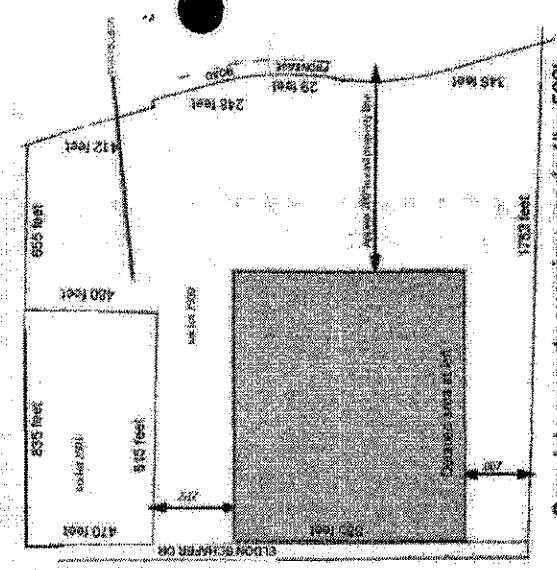
- Existing Buildings (in Blue)**
- B01 - Spanken, Ell. Social Studies Modular
  - B02 - Library, Computer Lab Modular
  - B03 - Gym (Multi-purpose building)
  - B04 - Lower School Building
  - B05 - 4-5 Grade Classroom (French)
  - B06 - Original Cabin (reconstruction)
  - B07 - Arts Classroom
  - B08 - Administration Building
  - B09 - Carriage house (garage/shed)
  - B10 - Caravaner house
  - B11 - Caretaker storage
  - B12 - Storage barn
  - B13 - Red barn (storage/temporary shop)
  - B14 - Pump house #2
  - B15 - Middle-Upper school classroom building

**Projects Completed under Land Use Application #66 6733 (in blue) - Total square feet: 4,516**

- P01 - Carriage House conversion to Offices, Meeting Room, Music Classroom  
33 x 50 - 1638 sq. feet
- P02 - New classrooms east of foyer school building  
28.8 x 100 - 2880 sq. feet

**Proposed Projects (in Purple) - Total square feet: 8,265**

- P02 - New Upper School Classroom building - partial daylight basement  
48 x 96 - 4608 sq. feet
- P03 - New Arts building  
40 x 75 - 3000 sq. feet
- P04 - Computer Lab Office, Server Room, Storage Addition (next to modular)  
0 sq. feet (no addition proposed)
- P05 - New classrooms west of existing building B05  
28 x 54 - 1538 sq. feet



Complete property overview - scale 1" = 500'



# Lane County

LAND MANAGEMENT DIVISION  
3050 NORTH DELTA HIGHWAY  
EUGENE, OREGON 97408

PHONE: 541-682-4065  
WEB: www.lanecounty.org/lmd

February 28, 2014

Oak Hill School / Esther Foss  
86397 Eldon Schafer Drive  
Eugene, OR 97405

RE: 509-PA14-05077  
Land Use Compatibility Statement Regarding Access, Circulation, and Parking  
18-03-14-00-02500

Dear Ms. Foss,

On February 4, 2014, Lane County received an application for a Land Use Compatibility Statement that requests information pertaining to access, circulation, and proposed parking expansions at Oak Hill School. The submitted written statement includes three questions and three site plans. I have discussed your questions with the Planning Director and offer the following responses.

1. Classification of Eldon Schafer Drive south of Eastway Drive: The portion of Eldon Schafer Drive, south of Eastway Drive, is classified as a Local Access Road.

Local Access Roads are defined in Lane Code 15.010(35)(e)(v):

Local Access Road. A Public Road that is not a County road, state highway, or federal road. Pursuant to ORS 368, the County and its officers, employees and/or agents, is not liable for failure to improve Local Access Roads and is not liable to keep Local Access Roads in repair...

Local Access Roads are subject to the requirements of Lane Code 15.045 and Lane Code 15.706. Lane Code 15.138(3) identifies the Driveway Approach Spacing Standards for local access roads outside urban growth boundaries. However, the County does not maintain local access roads and does not issue facility permits for improvements within the rights-of-way of local access roads.

2. Lower/North Parking Lot Expansion: Given that the area of the proposed lower/north parking lot expansion was approved as the development site for an arts building through 509-PA12-05149, its development as a parking lot is permissible. As the approval contained in 509-PA12-05149 provides justification for development of this site, the proposed parking lot expansion should be constructed with the timeline of that special use permit. No further land use approvals are necessary, but building permits may be required depending on how the parking lot drainage is designed and whether lighting is proposed. A parking lot in this area should be limited in size to the development area approved under 509-PA12-05149. The proposed parking lot depicted on the submitted site plan appears to extend slightly further south than the development area depicted on the approved site plan for 509-PA12-05149.

\* T.d.n.a.2

3. **Upper/South Parking Lot Expansion:** The proposed upper/south parking lot expansion as depicted on the submitted site plan can be considered incidental to and supportive of the classroom building approved through 509-PA12-05149. As stated above, because the approval contained in 509-PA12-05149 provides justification for development of this site, the proposed parking lot expansion should be constructed with the timeline of that special use permit. No further land use approvals are necessary, but building permits may be required depending on how the parking lot drainage is designed and whether lighting is proposed.

If you have any questions about this Land Use Compatibility Statement please do not hesitate to contact me.

Sincerely,

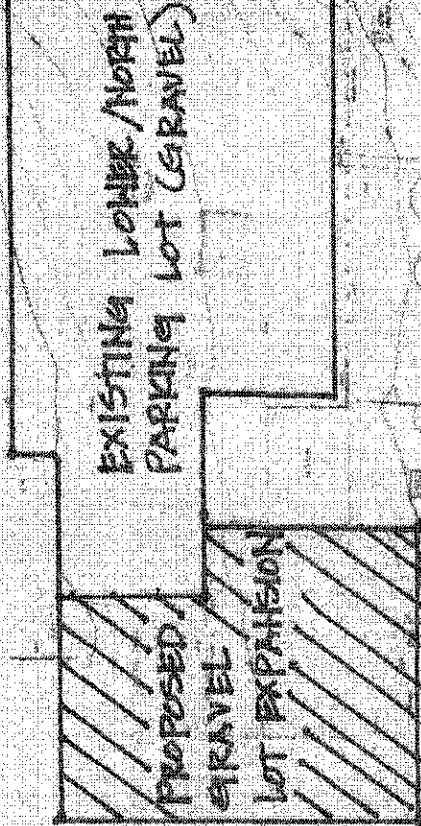
Rafael Sebba, Associate Planner  
Land Management Division  
3050 North Delta Highway | Eugene, OR 97408  
541/682-4620 | FAX 541/682-3947  
rafael.sebba@co.lane.or.us | [www.lanecounty.org](http://www.lanecounty.org)



QUESTION #2

ELDON SCHAFER DR.

EXISTING DRIVEWAY



QUESTION #3

EXISTING NORTH/LOWER  
PARKING LOT

MAIN DRIVEWAY

EXISTING  
UPPER/SOUTH  
PARKING  
LOT

PROPOSED  
PAVED  
PARKING  
PEDESTRIAN

EXISTING  
GRAVEL ROADWAY (SERVICE RD)

ADA 201  
PARKING

MOST MAJOR  
SCHOOL EVENTS  
HELD HERE

2015  
CLASSROOM  
BLDG.

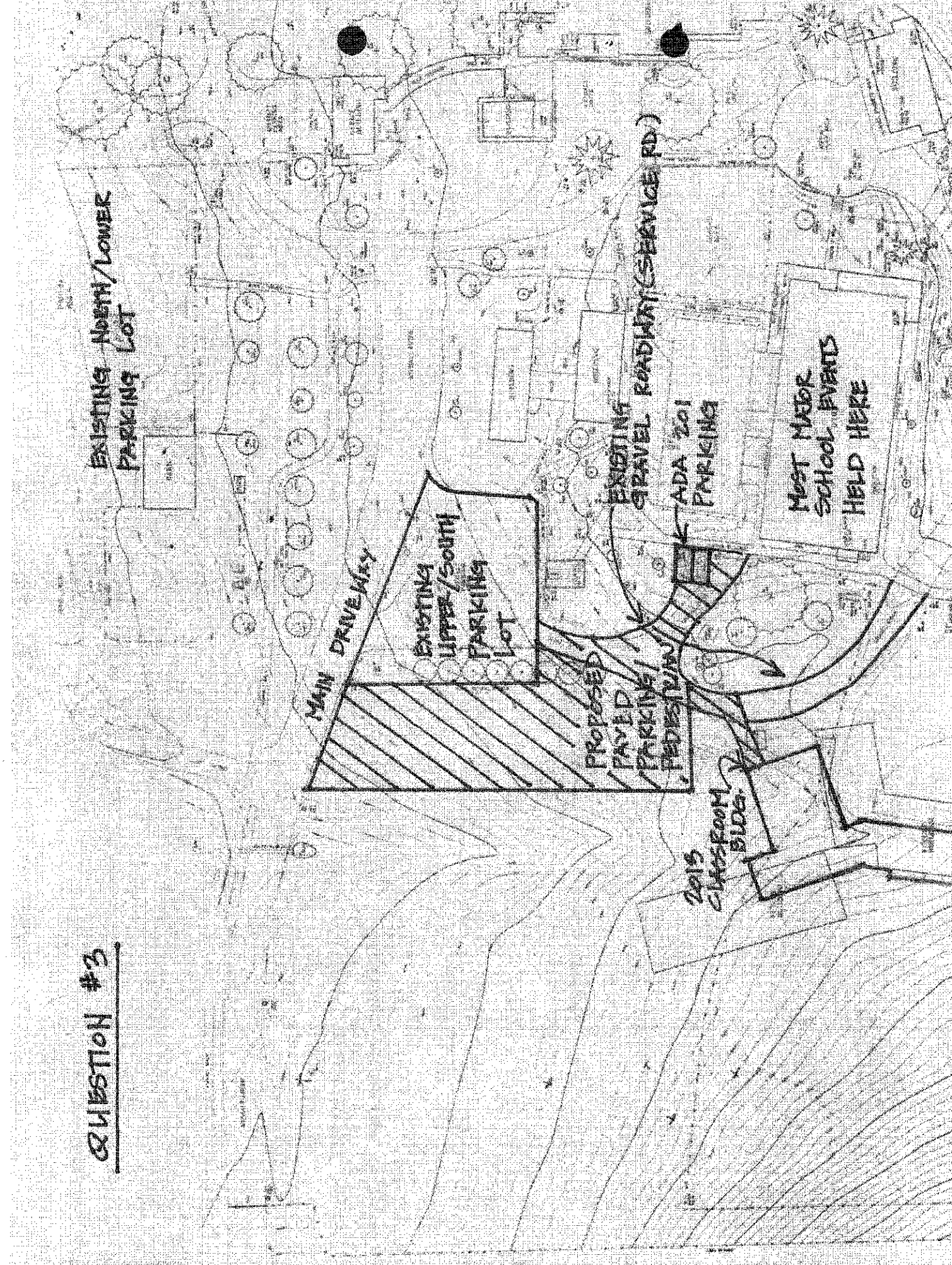




Exhibit 5

Date Received: RECEIVED APR 21 2016



LAND MANAGEMENT DIVISION

GENERAL LAND USE APPLICATION

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

509-PA16-05321

For Office Use Only: FILE # CODE: FEE \$2600.00 DMW

Applicant (print name): Bob Sarkisian

Mailing address: 86397 Eldon Schafer Drive

Phone: 541-744-0954 Email: bsarkisian@oakhillschool.net

Applicant Signature: [Signature]

Agent (print name): Jesse Elliott / 2G Construction

Mailing address: P.O.Box 11735, Eugene 97440

Phone: 541-606-3929 Email: jelliott@2gc.com

Agent Signature: [Signature]

Planner see Inquiring NR16 02761

Land Owner (print name): Oak Hill School

Mailing address: 86397 Eldon Schafer Drive

Phone: 541-744-0954 Email: bsarkisian@

Through applying for this application I authorize the Lane County Planning to enter upon the property subject of the application to conduct a site visit application. Lane County shall contact the Land Owner prior to the site the site visit.

Land Owner Signature: [Signature]

LOCATION

18 03 14 2500 E-25 / Metro Township - Range - Section - Taxlot

86397 Eldon Schafer Drive Site address

PROPOSAL. In one sentence, identify what you are proposing.

Construct 1 (one) new building and add onto 2 (two) existing buildings - a total of 9,500 sf.

This proposal is in compliance with the previously approved Land Use Application PA12-5149 (enclosed).



JOHNSON  
BRODERICK  
ENGINEERING

Tel (541) 338-9488  
Fax (541) 338-9483  
Civil and Structural Engineers

325 W. 13th Ave  
Eugene, Or  
97401

Owner Name:  
Oak Hill School

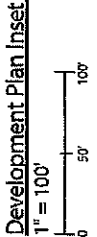
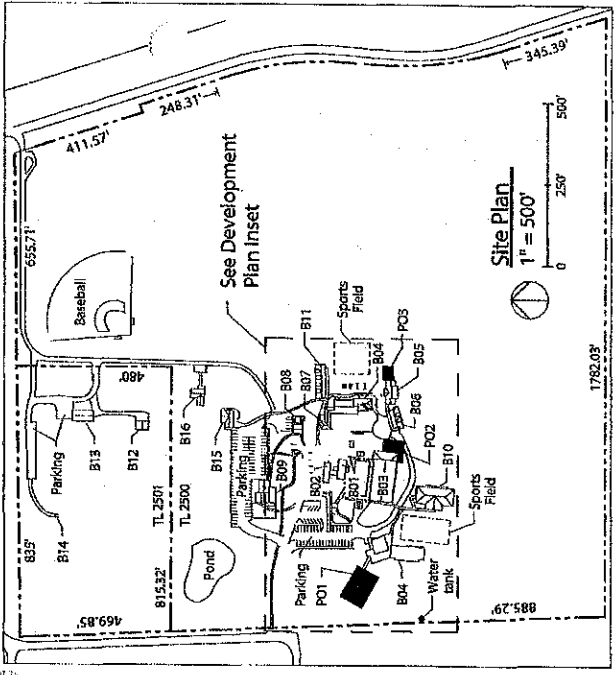
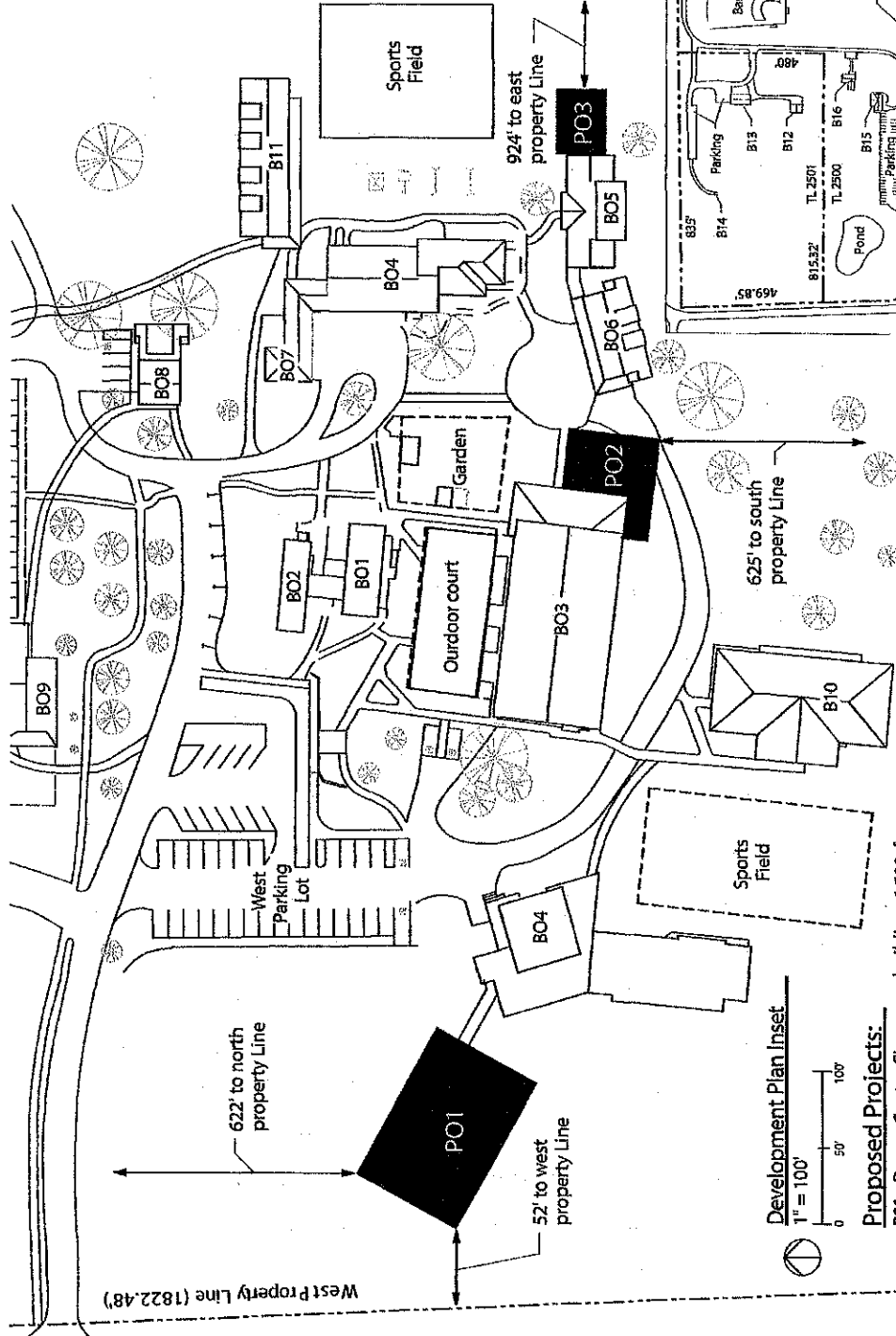
Agent Name:  
Jesse Elliott

Agent Phone:  
(541) 606-3929

Owner/Applicant Address:  
86397 Eldon Schafer Dr.  
Eugene, OR 97405

Map & Taxlot #:  
18-03-14-2500/2501

April 19, 2016



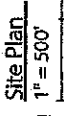
**Proposed Projects:**

- P01 - Drama Center Classroom building: 6,500sf
- P02 - Dining hall addition: 2,000sf
- P03 - Classroom addition: 1,000sf

**Existing Buildings:**

- B01 - Modular Classroom building
- B02 - Modular Classroom building: Drama
- B03 - Gym (Multi-purpose building)
- B04 - Classroom building and Offices
- B05 - 5th Grade classroom building, Language
- B06 - 4th Grade building
- B07 - Cottage (conference/classroom)
- B08 - Technology classroom building
- B09 - Arts Center and Barn
- B10 - Middle School building
- B11 - K-3 Classroom building

- B12 - Tractor Shed
- B13 - Storage Barn
- B14 - Wall/Pump house
- B15 - Carriage House, Music
- B16 - Caretaker House



**Site Plan**

Site Address: 86997 Eldon Schafer Dr Eugene, OR 97405-8548  
 Map & Taxlot# 18-03-14-00-02500  
 Account# 1108222

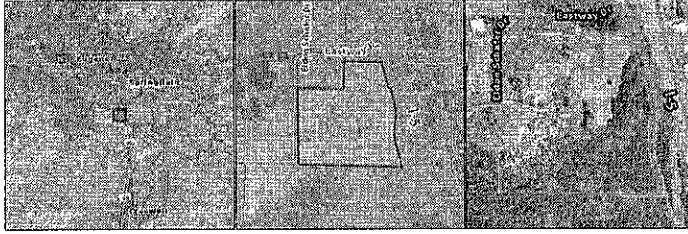
Property Owner:  
 Oak Hill School Inc  
 86997 Eldon Schafer Dr  
 Eugene, OR 97405  
 Tax account acreage 5.00  
 Mapped taxlot acreage 61.86

Mapped Taxlot Acreage is the estimated area of a taxlot as derived from the county GIS taxlot layer, and is not to be used for legal purposes.

Code Split - Other land tax account(s) associated with this taxlot 1703014  
 Related Accts 5637292 5684079

Maps

Map & Taxlot # 18-03-14-00-02500



Business Information

Improvements

Photos & Sketches for Tax Account



total square footage  
 of development  
 36,401

Building Part: C01

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 8          | Sq Ft                      | 1665 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1950       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1986       | Wood Joist Sq Ft           | 1665 |
| Grade                 | 5          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

Building Part: C02

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 4548 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1950       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1986       | Wood Joist Sq Ft           | 4548 |
| Grade                 | 5          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

Building Part: C03

|                       |                           |                            |      |
|-----------------------|---------------------------|----------------------------|------|
| Floor Number          | 1                         | Sq Ft                      | 1268 |
| Occupancy Description | Residence - Single Family | Fireproof Steel Sq Ft      | 0    |
| Use Description       | SFD - 1 UNIT              | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1930                      | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1982                      | Wood Joist Sq Ft           | 1268 |
| Grade                 | 3                         | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8                         | Pre-engineered Steel Sq Ft | 0    |

Building Part: C03

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 1076 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1947       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1992       | Wood Joist Sq Ft           | 1076 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

Building Part: C03

|                       |            |                            |     |
|-----------------------|------------|----------------------------|-----|
| Floor Number          | 2          | Sq Ft                      | 368 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0   |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0   |
| Year Built            | 1947       | Fire Resistant Sq Ft       | 0   |
| Effective Year Built  | 1992       | Wood Joist Sq Ft           | 368 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0   |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0   |

Building Part: C04

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 2640 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1995       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1995       | Wood Joist Sq Ft           | 2640 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

Building Part: C05

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 2003 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1995       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1995       | Wood Joist Sq Ft           | 2003 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

Building Part: C06

|                       |                    |                       |      |
|-----------------------|--------------------|-----------------------|------|
| Floor Number          | 1                  | Sq Ft                 | 9210 |
| Occupancy Description | Gymnasium (School) | Fireproof Steel Sq Ft | 0    |

|                      |      |                            |      |
|----------------------|------|----------------------------|------|
| Use Description      | GYM  | Reinforced Concrete Sq Ft  | 0    |
| Year Built           | 1996 | Fire Resistant Sq Ft       | 0    |
| Effective Year Built | 1996 | Wood Joist Sq Ft           | 9210 |
| Grade                | 4    | Pole Frame Sq Ft           | 0    |
| Wall Height Ft       | 20   | Pre-engineered Steel Sq Ft | 0    |

**Building Part: Co7**

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 5594 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 1996       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 1996       | Wood Joist Sq Ft           | 5594 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

**Building Part: Co8**

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 2929 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 2007       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 2007       | Wood Joist Sq Ft           | 2929 |
| Grade                 | 4          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

**Building Part: Co9**

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 1632 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 2007       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 2007       | Wood Joist Sq Ft           | 1632 |
| Grade                 | 3          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

**Building Part: C10**

|                       |            |                            |      |
|-----------------------|------------|----------------------------|------|
| Floor Number          | 1          | Sq Ft                      | 1652 |
| Occupancy Description | Classroom  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 2012       | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 2012       | Wood Joist Sq Ft           | 1652 |
| Grade                 | 4          | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 8          | Pre-engineered Steel Sq Ft | 0    |

**Building Part: C12**

|                       |                       |                            |      |
|-----------------------|-----------------------|----------------------------|------|
| Floor Number          | 1                     | Sq Ft                      | 1716 |
| Occupancy Description | Classrooms - College  | Fireproof Steel Sq Ft      | 0    |
| Use Description       | CLASSROOMS (old barn) | Reinforced Concrete Sq Ft  | 0    |
| Year Built            | 2014                  | Fire Resistant Sq Ft       | 0    |
| Effective Year Built  | 2014                  | Wood Joist Sq Ft           | 1716 |
| Grade                 | 4                     | Pole Frame Sq Ft           | 0    |
| Wall Height Ft        | 10                    | Pre-engineered Steel Sq Ft | 0    |

**Commercial Appraisal Card 1803140092500**

**Site Address Information**

86397 Eldon Schafer Dr  
Eugene, OR 97405-8648

|             |               |             |  |     |                 |       |
|-------------|---------------|-------------|--|-----|-----------------|-------|
| House #     | 86397         | Suffix      |  | N/A | Pre-directional | N/A   |
| Street Name | Eldon Schafer | Street Type |  | Dr  | Unit type / #   | N/A   |
| Mail City   | Eugene        | State       |  | OR  | Zip Code        | 97405 |
| Zip + 4     | 8648          |             |  |     |                 |       |

Land Use 6812 Elementary Schools  
USPS Carrier Route R013

**General Taxlot Characteristics**

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>Geographic Coordinates<br/>X 4256515 Y 863362 (State Plane X,Y)<br/>Latitude 44.0080 Longitude -123.0269</li> <li>Zoning<br/>Zoning Jurisdiction Lane County<br/>Lane County<br/>Parent Zone E25 Exclusive Farm Use (25 acre minimum)</li> <li>Land Use<br/>General Land Use<br/>Code Description<br/>E Educational</li> <li>Detailed Land Use<br/>Code Description<br/>6812 Elementary Schools</li> </ul> | <b>Taxlot Characteristics</b><br>Incorporated City Limits none<br>Urban Growth Boundary none<br>Year Annexed N/A<br>Annexation # N/A<br>Approximate Taxlot Acreage 61.86<br>Approx Taxlot Sq Footage 2,694,622<br>Plan Designation Metro Plan Map<br>Eugene Neighborhood N/A<br>Metro Area Nodal Dev Area No<br>Senior Well data not available<br>Landscaping Quality data not available<br>Historic Property Name N/A<br>City Historic Landmark? No<br>National Historical Register? No |
|---|--|

**Service Providers**

|                          |                   |
|--------------------------|-------------------|
| Fire Protection Provider | Goshen RFPD       |
| Ambulance Provider       | Eugene Fire & EMS |
| Ambulance District       | WC                |
| Ambulance Service Area   | West/Central      |
| LTD Service Area?        | Yes               |
| LTD Ride Source?         | Yes               |

**Environmental Data**

**FEMA Flood Hazard Zone**

Code Description  
X Areas determined to be outside of 500-year flood.

FIRM Map Number 41039C144F  
Community Number 415591  
Post-FIRM Date 12/18/1985  
Panel Printed? Yes

| Soil Map Unit# | Soil Type Description  | % of Taxlot | Ag Class | Hydric % |
|----------------|--|-------------|----------|----------|
| 43E            | Dixonville-Philomath-Hazelair complex, 12 to 35 percent slopes | 42%         | 4        | 0        |
| 43C            | Dixonville-Philomath-Hazelair complex, 3 to 12 percent slopes  | 27%         | 6        | 4        |
| 102C           | Panther silty clay loam, 2 to 12 percent slopes                | 18%         | 6        | 85       |
| 107C           | Philomath silty clay, 3 to 12 percent slopes                   | 13%         | 6        | 0        |
| 113G           | Rilner cobble silty clay loam, 30 to 60 percent slopes         | 0%          | 7        | 0        |

**Schools**

| School District   | Code | Name         |
|-------------------|------|--------------|
|                   | 4J   | Eugene       |
| Elementary School | 4739 | Canus Ridge  |
| Middle School     | 526  | Roosevelt    |
| High School       | 539  | South Eugene |

**Political Districts**

|                                       |              |                                  |                                |                                       |
|---------------------------------------|--------------|----------------------------------|--------------------------------|---------------------------------------|
| Election Precinct                     | 742          | State Representative District 11 | Emerald PUD Board Zone         | N/A                                   |
| City Council Ward                     | N/A          | State Representative             | Hoccia PUD Board Zone          | N/A                                   |
| City Councilor                        | N/A          | State Senate District            | Central Lincoln PUD Board Zone | N/A                                   |
| County Commissioner District 5 (East) |              | State Senator                    | Soil Water Cons. Dist/Zone     | Upper Willamette / data not available |
| County Commissioner                   | Heather Buch |                                  |                                |                                       |
| EWEB Commissioner                     | N/A          |                                  |                                |                                       |
| ICC Board Zone                        | 4            |                                  |                                |                                       |

**Census Information**

The information provided below is only a small sampling of the information available from the US Census Bureau. The links at the end of each section below will take you to source tables at American Fact Finder, with additional details. Those links will take you to the most current estimates, but estimates for several previous years will also be available.

To view more Census detail about this tract, visit [Census Reporter](#).

**Demographic Characteristics**

|                         | Tract 3600 |                 | City Limits |                 | Lane County |                 | Oregon    |                 |
|-------------------------|------------|-----------------|-------------|-----------------|-------------|-----------------|-----------|-----------------|
|                         | Estimate   | Margin of Error | Estimate    | Margin of Error | Estimate    | Margin of Error | Estimate  | Margin of Error |
| Total Population        | 3,498      | +/-270          | *See below  | *See below      | 360,273     | *****           | 3,982,267 | *****           |
| Percent age 5 and Under | 4.2%       | +/-1.8          | *See below  | *See below      | 5.0%        | *****           | 5.8%      | +/-0.1          |
| Percent Age 18 and Over | 84.6%      | +/-2.3          | *See below  | *See below      | 80.0%       | *****           | 78.4%     | +/-0.1          |
| Percent Age 65 and Over | 18.4%      | +/-2.9          | *See below  | *See below      | 17.3%       | +/-0.1          | 15.9%     | +/-0.1          |
| Median Age              | 45.6       | +/-4.4          | *See below  | *See below      | 39.3        | +/-0.2          | 39.1      | +/-0.1          |

For a complete breakdown of population by age, gender, race, ethnicity and more, visit [American Fact Finder](#).

**Housing Characteristics**

|                                       | Tract 3600 |                 | City Limits |                 | Lane County |                 | Oregon    |                 |
|---------------------------------------|------------|-----------------|-------------|-----------------|-------------|-----------------|-----------|-----------------|
|                                       | Estimate   | Margin of Error | Estimate    | Margin of Error | Estimate    | Margin of Error | Estimate  | Margin of Error |
| Occupied Housing Units                | 1,550      | +/-105          | *See below  | *See below      | 146,692     | +/-720          | 1,545,745 | +/-4,059        |
| Vacant Housing Units                  | 168        | +/-99           | *See below  | *See below      | 11,545      | +/-668          | 160,545   | +/-4,132        |
| Percent Owner Occupied Housing Units  | 73.6%      | +/-6.7          | *See below  | *See below      | 58.8%       | +/-0.6          | 61.4%     | +/-0.3          |
| Percent Renter Occupied Housing Units | 26.4%      | +/-6.7          | *See below  | *See below      | 41.2%       | +/-0.6          | 38.6%     | +/-0.3          |
| Homeowner Vacancy Rate                | 4.4%       | +/-4.8          | *See below  | *See below      | 1.6%        | +/-0.3          | 1.6%      | +/-0.1          |
| Rental Vacancy Rate                   | 0.0%       | +/-7.4          | *See below  | *See below      | 3.6%        | +/-0.6          | 3.8%      | +/-0.2          |
| Median House Value (dollars)          | 275,500    | +/-24,054       | *See below  | *See below      | 221,000     | +/-2,536        | 247,200   | +/-962          |
| Median Monthly Mortgage (dollars)     | 1,994      | +/-271          | *See below  | *See below      | 1,427       | +/-17           | 1,563     | +/-5            |
| Median Monthly Rent (dollars)         | 929        | +/-114          | *See below  | *See below      | 885         | +/-10           | 941       | +/-4            |

For a complete breakdown of housing by tenure, number of bedrooms, year built and more, visit [American Fact Finder](#).

**Economic Characteristics**

|                                   | Tract 3600 |                 | City Limits |                 | Lane County |                 | Oregon   |                 |
|-----------------------------------|------------|-----------------|-------------|-----------------|-------------|-----------------|----------|-----------------|
|                                   | Estimate   | Margin of Error | Estimate    | Margin of Error | Estimate    | Margin of Error | Estimate | Margin of Error |
| Median Household Income (dollars) | 44,808     | +/-10,288       | *See below  | *See below      | 45,222      | +/-822          | 53,270   | +/-327          |
| Unemployment Rate                 | 5.8%       | +/-3.0          | *See below  | *See below      | 5.7%        | +/-0.5          | 8.1%     | +/-0.2          |
| Poverty Rate                      | 17.5%      | +/-5.7          | *See below  | *See below      | 19.7%       | +/-0.8          | 15.7%    | +/-0.2          |

For a complete breakdown of incomes, poverty, employment, commute patterns and more, visit [American Fact Finder](#).

**Social Characteristics**

|  | Tract 3600 |                 | City Limits |                 | Lane County |                 | Oregon   |                 |
|--|------------|-----------------|-------------|-----------------|-------------|-----------------|----------|-----------------|
|  | Estimate   | Margin of Error | Estimate    | Margin of Error | Estimate    | Margin of Error | Estimate | Margin of Error |
| Percent Bachelor Degree or Higher      | 43.9%      | +/-6.0          | *See below  | *See below      | 28.7%       | +/-0.5          | 31.4%    | +/-0.2          |
| Percent High School Graduate or Higher | 92.9%      | +/-2.7          | *See below  | *See below      | 91.1%       | +/-0.5          | 90.0%    | +/-0.2          |

For a complete breakdown of educational attainment, school enrollment, marital status, ancestry and more, visit [American Fact Finder](#).

\* Outside city limits. Census data are not available.

Source: U.S. Census Bureau, 2012-2016 American Community Survey 5-Year Estimates

**Explanation of Symbols:**

An "\*\*\*\*\*" entry in the margin of error column indicates that the estimate is controlled, and a margin of error is not provided.

**Liens**

**Building Permits**

**Land Use Applications**

**Petitions**

**Tax Statements & Tax Receipts**

Account#: 1108222

View tax statement(s) for:  
 2018  
 2017

**Tax Receipts**

| Receipt Date | Amount Received<br>\$0.00 | Tax<br>\$0.00 | Discount<br>\$0.00 | Interest<br>\$0.00 | Applied Amount<br>\$0.00 |
|--------------|---------------------------|---------------|--------------------|--------------------|--------------------------|
|--------------|---------------------------|---------------|--------------------|--------------------|--------------------------|

Data source: Lane County Assessment and Taxation

**Owner/Taxpayer**

**Owners**

| Owner               | Address                | City/State/Zip   |
|---------------------|------------------------|------------------|
| Oak Hill School Inc | 86397 Eldon Schafer Dr | Eugene, OR 97405 |

**Taxpayer**

| Party Name          | Address                | City/State/Zip   |
|---------------------|------------------------|------------------|
| Oak Hill School Inc | 86397 Eldon Schafer Dr | Eugene, OR 97405 |

Data source: Lane County Assessment and Taxation

**Account Status**

Status Active Account Current Tax Year

Code Split - Other land tax account(s) associated with this taxlot 12930214

Related Accts 5637292 5684079

Account Status none  
 Remarks Potential Additional Tax; 2000 Postponed Farm Tax \$3,291.97  
 Special Assessment Program N/A

Data source: Lane County Assessment and Taxation

**General Tax Account Information**

Tax Account Acreage 5.00  
 Fire Acres N/A  
 Property Class 211 - Commercial, residential zone, improved  
 Statistical Class 481 - School  
 Neighborhood 80404 - South Eugene  
 Category Land and Improvements

Data source: Lane County Assessment and Taxation

**Township-Range-Section / Subdivision Data**

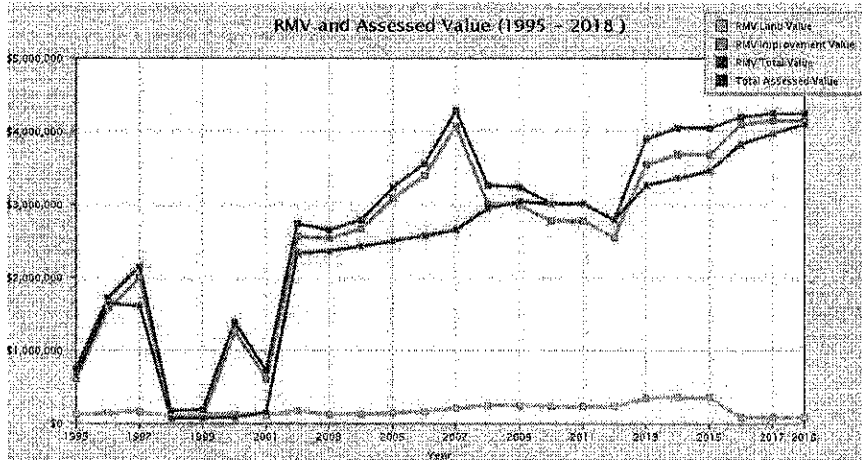
| Subdivision Type | N/A | Subdivision Name | N/A      | Subdivision Number | N/A |
|------------------|-----|------------------|----------|--------------------|-----|
| Phase            | N/A | Lot/Tract/Unit # | TI_02500 | Recording Number   | N/A |

Data source: Lane County Assessment and Taxation

Property Values & Taxes

The values shown are the values certified in October unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The tax shown is the amount certified in October. This is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing or previous years owing. It also does not reflect any value changes.

| Year | RMV       | RMV Improvement | RMV Total Value | Total Assessed Value | Tax         |
|------|-----------|-----------------|-----------------|----------------------|-------------|
| 2018 | \$90,988  | \$4,154,094     | \$4,245,082     | \$4,095,021          | \$ 0.00     |
| 2017 | \$90,988  | \$4,154,094     | \$4,245,082     | \$3,976,719          | \$ 0.00     |
| 2016 | \$90,988  | \$4,103,055     | \$4,194,043     | \$3,898,237          | \$ 0.00     |
| 2015 | \$365,249 | \$3,689,308     | \$4,054,557     | \$3,465,201          | \$ 0.00     |
| 2014 | \$365,249 | \$3,689,308     | \$4,054,557     | \$3,364,273          | \$ 0.00     |
| 2013 | \$361,222 | \$2,847,422     | \$3,208,644     | \$2,866,284          | \$ 0.00     |
| 2012 | \$237,118 | \$2,854,711     | \$3,091,829     | \$2,791,829          | \$ 0.00     |
| 2011 | \$237,118 | \$2,776,860     | \$3,013,978     | \$3,013,978          | \$ 0.00     |
| 2010 | \$237,118 | \$2,776,860     | \$3,013,978     | \$3,013,978          | \$ 0.00     |
| 2009 | \$244,969 | \$2,985,870     | \$3,230,839     | \$3,042,028          | \$ 0.00     |
| 2008 | \$472,643 | \$3,046,839     | \$3,519,482     | \$2,953,155          | \$ 0.00     |
| 2007 | \$214,911 | \$4,076,839     | \$4,291,750     | \$2,872,150          | \$ 0.00     |
| 2006 | \$159,194 | \$3,397,360     | \$3,556,554     | \$2,574,003          | \$ 0.00     |
| 2005 | \$144,722 | \$3,088,510     | \$3,233,232     | \$2,499,906          | \$ 0.00     |
| 2004 | \$124,761 | \$2,662,510     | \$2,787,271     | \$2,427,093          | \$ 0.00     |
| 2003 | \$118,820 | \$2,535,720     | \$2,654,540     | \$2,356,401          | \$ 0.00     |
| 2002 | \$176,170 | \$2,561,330     | \$2,737,500     | \$2,335,906          | \$ 0.00     |
| 2001 | \$113,148 | \$617,640       | \$730,788       | \$155,671            | \$ 0.00     |
| 2000 | \$121,404 | \$1,264,392     | \$1,385,794     | \$82,033             | \$4,485.92  |
| 1999 | \$120,390 | \$71,640        | \$191,930       | \$79,630             | \$ 815.62   |
| 1998 | \$106,170 | \$73,759        | \$179,929       | \$72,072             | \$ 732.84   |
| 1997 | \$185,240 | \$1,939,188     | \$2,124,428     | \$1,917,375          | \$17,951.82 |
| 1996 | \$147,890 | \$1,577,719     | \$1,725,609     | \$1,649,540          | \$15,668.32 |
| 1995 | \$129,732 | \$617,288       | \$747,020       | \$646,930            | \$6,327.29  |



Current Year Assessed Value \$4,095,021  
 Less Exemption Amount \* (\$4,095,021)  
 Taxable Value \$0  
 \* Frozen Assessed Value

Exemption Type Schools-Private

Data source: Lane County Assessment and Taxation

Tax Code Area & Taxing Districts

Tax Code Area (Levy Code) for current tax year 00467  
 Taxing Districts for TCA 00467  
 Eugene School District 4J  
 Goshen Rural Fire Protection District  
 Lane Community College  
 Lane County  
 Lane Education Service District

\*\*NOTE Lane County Assessment and Taxation Tax Code Area & Taxing Districts reflect the current certified year. The Billing Rate Document may still reference the prior year's rates and details until we receive the current report from Lane County.

Data source: Lane County Assessment and Taxation

Sales & Ownership Changes

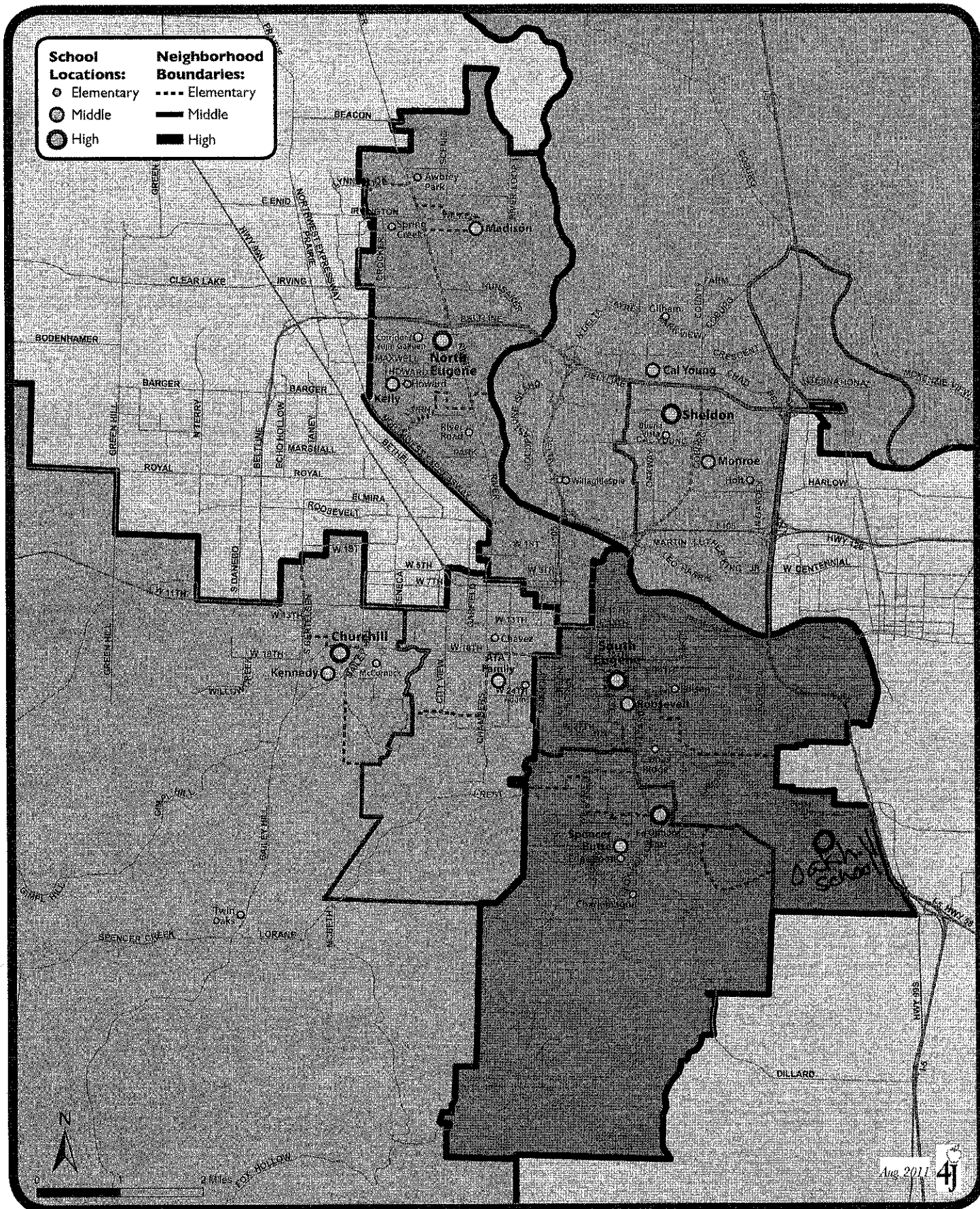
| Sale Date  | Sale Price  | Doc #      | Image | Analysis Code | Multiple Accts? | Grantor(s)          | Grantee(s)      |
|------------|-------------|------------|-------|---------------|-----------------|---------------------|-----------------|
| 10/05/1999 | \$2,185,000 | 1999-86295 |       | 3             | Yes             | Timberking Partners | Oak Hill School |

Data source: Lane County Assessment and Taxation

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# Eugene School District 4J: School Locations





# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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May 24, 2010

TO: Land Conservation and Development Commission  
FROM: Michael Morrissey, Policy Analyst  
SUBJECT: Agenda Item 7, June 2-4, 2010, LCDC Meeting

**PUBLIC HEARING AND POSSIBLE ADOPTION OF PROPOSED  
PERMANENT RULES AMENDING OAR CHAPTER 660, DIVISION 33,  
AGRICULTURAL LANDS, FOR THE PURPOSE OF CONSISTENCY  
WITH THE RELIGIOUS LAND USE AND INSTITUTIONALIZED  
PERSONS ACT (RLUIPA)**

**I. SUMMARY**

This item is a rulemaking hearing for the commission to consider adoption of amendments to OAR 660-033-0120 and 0130 -- relating to uses allowed on EFU zoned lands within three miles of an urban growth boundary. The proposed amendments are for the purpose of addressing a recent decision by the Oregon Land Use Board of Appeals (LUBA) that found that the rules in question as applied to a particular land use application in Jackson County were not consistent with the "equal terms" provisions of the federal Religious Land Use and Institutionalized Persons Act (RLUIPA).<sup>1</sup> The proposed rules are a product of a rules advisory committee that met four times between October of 2009 and April 2010, chaired by LCDC commissioner Greg Macpherson.

**II. RECOMMENDED ACTION**

The department recommends that the commission hold a public hearing and adopt the proposed rule amendments.

**III. BACKGROUND**

OAR-660-033-0130 sets forth standards for permitted and conditional non-farm uses on agricultural lands. That rule and OAR 660-033-0120 prohibit new schools, new churches, and

<sup>1</sup> Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), Pub. L. No. 106-274, 114 Stat. 803 (codified as amended at 42 U.S.C. § 2000cc (2006)).



new private parks, playgrounds, hunting and fishing preserves and campgrounds within three miles of an urban growth boundary (UGB) unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4. The genesis for the three-mile limitation was to protect the integrity of UGBs in preventing urban-level uses on rural agricultural lands near UGBs. Schools, churches and parks are relatively land-extensive uses that often seek land to purchase outside of a UGB, but close enough to serve their predominantly urban communities. Land outside UGBs is significantly less expensive than land inside UGBs due to the limits on rural and resource uses and the lack of available services. Uses regularly drawing from and serving urban populations, with urban impacts, are effectively urban uses. Under Goal 14, the state’s long-standing policy is that urban uses of land should occur within urban growth boundaries.

The case which calls the application of the commission’s rule into question is *Young v. Jackson County*, LUBA No. 2008-076 (affirmed without opinion by the Oregon Court of Appeals in 2009). The LUBA opinion states that the application of the 3-mile rule with regard to the proposed church in that case violated the “equal terms” provisions in RLUIPA. The “equal terms” provision of RLUIPA, 42 USC section 2000cc-(b)(1) provides that:

“No government shall impose or implement a land use regulation in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.”

This portion of RLUIPA (unlike the “general rule” of that statute) does not require that a showing of substantial burden on religious exercise be made. *Digrugilliers v. Consolidated City of Indianapolis*, 506 F.3d 612 (7<sup>th</sup> Cir. 2007). Under the equal terms provisions of RLUIPA, it also is not relevant whether the proposed religious use is allowed elsewhere. *Id.* Under the equal terms provisions of RLUIPA, the two pertinent questions are: (a) first, whether the regulation in question permits some secular assemblies or institutions while excluding religious ones; and (b) if the regulation does so, whether there is a neutral and generally applicable basis for doing so. *Centro Familiar Cristiano Buenas Nuevas v. City of Yuma*, 615 F. Supp 2d 980 (D. Ariz. 2009). If the answer to the first question is positive, then the burden shifts to the government to prove a neutral and generally applicable basis for the disparate treatment. *Id.*<sup>2</sup>

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<sup>2</sup> “If a city permits a few nonreligious assemblies or institutions in a given district, that does not necessarily mean that it must permit all religious assemblies or institutions under RLUIPA. In such a hypothetical case, numerous other secular assemblies and institutions would be excluded from the district in addition to religious organizations. The government might be able to prove that some neutral and generally applicable principle causes the disadvantage, not religion. Read in the greater context of RLUIPA, the principal effect of the equal terms provisions is to enable a religious organization to easily shift to the zoning authority the burden of proving that the regulation is neutral and generally applicable. This serves Congress’s purpose of rooting out covert discrimination without overreaching existing *Free Exercise Clause* principles by exempting religious uses from zoning regulation. A zoning regulation does not violate the equal terms provision, even if it permits some secular assemblies or institutions, so long as there is a neutral and generally applicable principle for doing so.” *Id.* at 996

#### IV. ANALYSIS

With the proposed rule amendments in OAR 660-033-0120, table 1, and 0130 **Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses**, new uses involving the assembly of a significant number of people within a structure would generally be prohibited on agricultural lands within three miles of an urban growth boundary unless an exception is taken. The proposed amendments to the rules focus on assemblies in structures. In limiting the design capacity of an enclosed structure or group of structures to no greater than 100 persons, the proposed rules at 660-033-0130(2)(a) intend that the use of the structure remain rural in orientation and intensity, thus supporting the underlying purposes of statewide land use planning goals 3 and 14. Structures exceeding the capacity limits may be developed only if an exception is approved under ORS 197.732 and OAR 660-004, or if they are described in state and local park master plans adopted through a comprehensive plan amendment under provisions of OAR 660, division 34 (those rules contain their own limitations on uses and the intensity of uses).<sup>3</sup>

Section (2)(b) further reinforces the underlying purpose of avoiding urban uses on rural lands by imposing a minimum distance of one half mile between qualifying structures or groups of structures. This is intended to prevent development of a cluster of smaller structures that would function as an urban use in a rural area. Consideration was given by the rules committee to substituting or adding an acreage provision instead of a linear provision. Under this concept, the number of structures would be scaled to the acreage of the ownership. However, the advisory committee felt that a distance limitation was a more direct means of assuring that structures not function as an urban use.

The limitation of the design capacity of structures in the 0130 rule would apply to schools, parks (except as provided in OAR 660-034<sup>4</sup>), playgrounds, hunting and fishing preserves, campgrounds, community centers, golf courses, living history museums, firearms training facilities, and armed forces reserves centers as well as religious institutions to the extent such uses are allowed on agricultural lands zoned for exclusive farm use. These uses comprise all uses allowed (without an exception) on agricultural lands zoned EFU that involve assembly within a structure, and they are all limited for the same reason – to ensure that these uses are allowed within three miles of a UGB only if they are rural in nature, as contemplated by Goal 14. Of course, other land uses involving a structure for an assembly generally are not permitted on agricultural lands (such as a university facility, a sports stadium, retail, industrial and residential uses involving large numbers of people) without an exception to Goal 3 and Goal 14.

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<sup>3</sup> OAR 660-034-0035(2). That rule provides that if the uses listed at OAR 660-034-0035(2) must “\* \* \* meet all other applicable requirements of statewide goals, \* \* \*” which include the Goal 14 requirement that urban uses be located within an urban growth boundary. In other words, if a use listed at OAR 660-034-0035(2) is urban in nature, a Goal 14 exception is required.

<sup>4</sup> The proposed standards in OAR 660-033-0130(2)(a), (b) and (c) apply only to park facilities that have are not approved through the (alternate path of a) master plan process under OAR chapter 660, division 34.

**V. DEPARTMENT RECOMMENDATION AND DRAFT MOTION**

The department recommends the commission adopt proposed rule amendments to OAR 660-033-0120 Table 1, and OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses, limiting allowed uses on EFU zoned lands within three miles of urban growth boundaries.

***Proposed Motion:*** I move the commission adopt amendments to OAR 660-033-0120 Table 1, and OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses.

**ATTACHMENT A.** Proposed Amendments to OAR 660-033-0120, Table 1, and OAR 660-033-0130 Minimum Standards Applicable to the Schedule of Permitted and Conditional Uses.

Lane Code  
CHAPTER 16 CONTENTS

RURAL RESIDENTIAL ZONE (RR) RURAL COMPREHENSIVE PLAN

16.290 Residential Zone (RR).

RURAL COMMERCIAL ZONE (RC, RCP)

16.291 Rural Commercial Zone (RC, RCP).

**RURAL RESIDENTIAL ZONE (RR) RURAL  
COMPREHENSIVE PLAN**

**16.290 Residential Zone (RR).**

(1) Purpose. The purposes of the Rural Residential Zone (RR) are:

(a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands. LC 16.290 does not apply to lands designated by the RCP as non-resource lands;

(b) To promote a compatible and safe rural residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and

(d) To provide that LC 16.290 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.290 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.290 was applied to the subject property.

(2) Permitted Uses. The following uses and activities are allowed subject to the general provisions and exceptions specified by this chapter of Lane Code:

(a) The placement, alteration, and maintenance of not more than one permanent single-family dwelling or manufactured dwelling on a lot or parcel of any size.

(b) When there are two or more lawfully (not in violation of LC Chapter 16) existing dwellings or manufactured dwellings on a lot or parcel, then the alteration, restoration, or replacement of these dwellings or manufactured dwellings shall be allowed subject to compliance with these requirements:

(i) The property owner shall submit to the Director building permit records from the Lane County Land Management Division indicating that the existing dwellings or manufactured dwellings were lawfully constructed or placed on the subject property pursuant to a building permit and the required building inspection approvals; or

(ii) The property owner shall submit to the Director a verification of replacement rights application containing records from the Lane County Assessment and Taxation Office indicating that the dwelling or manufactured dwelling has existed on the property and has been taxed on a continuous annual basis from a date that predates zoning that would restrict or regulate the establishment of a dwelling on the subject property. The Director shall determine when restrictive zoning was enacted based upon the official zoning records on file with the Department.

(iii) Replacement dwellings or manufactured dwellings shall be located on the same foundation footprint as the removed or destroyed dwelling or manufactured dwelling, or shall be located in compliance with LC 16.290(7)(a) through (d) below.

(iv) In the case of replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable use within three months of the completion of the replacement dwelling.

(c) Not more than one duplex on a lot or parcel that:

(i) Is located within the boundaries of an area designated by the Rural Comprehensive Plan as an unincorporated community;

(ii) Does not have a dwelling, manufactured dwelling or duplex on it; and

(iii) Contains at least the minimum area required by LC 16.290(6)(b) below.

(d) Not more than one manufactured home or recreational vehicle on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex allowed by LC 16.290(2)(a) through (c) above, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(aa) 3,000 square feet for any parcel or lot located outside an unincorporated community; or

(bb) 4,000 square feet for any parcel or lot located inside an unincorporated community.

(e) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.290(2) above on nearby parcels without residences. Compliance with LC 16.290(3)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(i) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(ii) Buffering or screening of outdoor storage allowed under LC 16.290(3)(d)(i) above;

(iii) Fire safety;

(iv) The hours of operation;

(v) Any noise or odors;

(vi) Outdoor lighting; and

(vii) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(f) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

(4) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.290(4)(a) through (s) and (u) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable requirements of LC 16.290(5) below and elsewhere in LC Chapter 16.

(a) Feeding, breeding and management of livestock, poultry, or fur bearing animals in excess of the standards in LC 16.290(2)(i) above.

(b) Not more than one group care home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "group care home" is any home or institution maintained and operated for the care, boarding, housing or training of six or more physically, mentally or socially handicapped persons or delinquent or dependent persons by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons. The occupancy of the dwelling for a group care home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(c) Not more than one nursing home on a lot or parcel and in a dwelling, manufactured dwelling or duplex allowed by LC 16.290(2)(a) through (c) above. A "nursing home" is any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that permitted for a residential home by LC 16.290(2)(f) above. The occupancy of the dwelling for a nursing home shall comply with the requirements of the building code as defined in ORS 455.010(8) and administered in ORS 455.150 and .153.

(d) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(e) Radio and television transmission facilities.

- (o) Lodges and grange halls that:
  - (i) are owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural area; or
  - (ii) do not contain more than 4,000 square feet if located in an unincorporated community or not more than 3,000 square feet if located outside an unincorporated community.
- (p) Parks, playgrounds, community centers.
- (q) Public and private schools. A "school" is a place or institution for learning and teaching in which regularly scheduled and suitable instruction meeting the standards of the Oregon State Board of education is provided.
- (r) Storage facilities for boats and recreational vehicles.
- (s) Uses and development similar to uses and development allowed by LC16.290(2) or (4) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.290(2) through (4) above. Such a finding shall be made by the Director and shall comply with the following criteria:
  - (i) The proposed use and development shall be consistent with the purpose in LC 16.290(1).
  - (ii) When compared with the uses and development permitted by LC 16.290(2) or (4) above, the proposed use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:
    - (aa) Goods or services traded from the site;
    - (bb) Bulk, size, and operating characteristics of the proposed use;
    - (cc) Parking demand, customer types and traffic generation; and
    - (dd) Intensity of land use of the site.
  - (iii) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.
  - (iv) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
  - (v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.
  - (t) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).
  - (u) Stables, riding academies or commercial riding.
- (5) Approval Criteria. Uses and development in LC 16.290(4)(a) through (s) and (u) above, except for telecommunication facilities allowed in LC 16.290(4)(d) above, shall comply with the requirements in LC 16.290(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.
  - (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
  - (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
  - (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
  - (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.
- (6) Area. The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements: