



COUNCIL ORDINANCE NO. 20695

**AN ORDINANCE ESTABLISHING THE S-HM HISTORIC MIMS HOUSES
SPECIAL AREA ZONE AND AMENDING THE EUGENE ZONING MAP.**

ADOPTED: October 9, 2023

SIGNED: October 10, 2023

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Semple

EFFECTIVE: November 10, 2023



ORDINANCE NO. 20695

AN ORDINANCE ESTABLISHING THE S-HM HISTORIC MIMS HOUSES SPECIAL AREA ZONE AND AMENDING THE EUGENE ZONING MAP.

The City Council of the City of Eugene finds as follows:

A. Recognition of historic landmarks enhances the beautification of the City, promotes the City's economic health, and preserves the value of these properties. The regulation of designated historic landmarks provides a means to review changes to a landmark and ensure that historic and architectural values are preserved. The Mims Houses site was designated by Ordinance No. 18371 as a City of Eugene Historic Landmark on April 11, 1979.

B. An Historic Special Area Zone is desirable for the Mims Houses site to foster the continued preservation of the property by allowing appropriate uses and densities beyond those permitted in the R-2 Medium Density Residential zone and the /20 Residential Density Range Overlay Zone and by establishing appropriate development standards for the site.

C. Sections 9.3020 and 9.3450 of the Eugene Code 1971, (EC) provide that site-specific historic zones, such as the S-HM Historic Mims Houses Special Area Zone, are generally established by ordinance without codification. Copies of ordinances establishing site-specific historic zones are to be maintained at the City's Planning and Development Department.

NOW, THEREFORE,

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. The S-HM Historic Mims Houses Special Area Zone is hereby established and shall be subject to the following:

(a) Purpose of the S-HM HISTORIC MIMS HOUSES SPECIAL AREA ZONE. The S-HM Historic Mims Houses Special Area Zone is intended to afford the Mims Houses site special treatment and protection so that the uses permitted, and restrictions imposed, will preserve and allow for rehabilitation of the site's character-defining architectural features as an example of the Gothic Revival architectural style. For Mims House I, that style is evident in the steep gable roof and pointed arch window. The Mims House II also contains vernacular structure influenced by the Gothic Revival style with shiplap siding and a steeply pitched gable roof. Those character-defining features are described in detail in the attached Exhibit A, Oregon Cultural Resource Inventory for 330 and 336 High Street.

(b) S-HM Historic Mims Houses Special Area Zone Siting Requirements. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the S-HM Historic Mims Houses Special Area Zone applies only to the parcel of land located at 330 High Street, 334 High Street, and 336 High Street, Eugene, Oregon, Assessor's Map 17-03-30-44, Tax Lot 07000, as more particularly described in the attached Exhibit B.

(c) **S-HM Historic Mims Houses Special Area Zone Land Use and Permit Requirements.** The following Table, S-HM Historic Mims Houses Special Area Zone Uses and Permit Requirements, identifies uses in the S-HM zone that are:

- (P) Permitted
- (C) Subject to an approved conditional use permit or an approved final planned unit development.
- (S) Permitted subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.
- (#) Permitted, subject to the S-HM Mims Houses Historic Zone Special Use Limitations.

S-HM Historic Mims Houses Special Area Zone Uses and Permit Requirements	
	S-HM
Accessory Uses	
Accessory Uses. A use incidental to at least one primary use on the development site. Examples include parking, storage shed, cultural and historic events, and services provided by a primary use on the development site.	P
Agricultural, Resource Production and Extraction	
Community and Allotment Garden	P
Urban Animal Keeping (EC 9.5250 shall apply)	S
Education, Cultural, Religious, Social and Fraternal	
Church, Synagogue, and Temple	C
Club and Lodge of State or National Organization, such as the NAACP	P
Community and Neighborhood Center	P
Schools, Elementary through High School	C
University or College	C
Entertainment and Recreation	
Park and Non-Publicly Owned Open Space Use – examples include Gazebo, Arbor, Benches, Interpretive Signage, Water Fountain, and other Water Features	P
Government	
Government Services, not specifically listed in this or any other uses and permit requirements table.	P
Lodging	
Bed and Breakfast Facility (EC 9.5100(3) shall apply)	S
Manufacturing	
Recycling, small collection facility (EC 9.5650 shall apply)	S
Motor Vehicle Related Uses	
Transit, Neighborhood Improvement	P

Residential Dwellings	
Dwelling. All dwellings are subject to the S-HM Mims Houses Historic Zone Residential Density standard	
Single-Unit Dwelling	P
Accessory Dwelling (EC 9.2751(17) shall apply)	P
Duplex	P
Triplex (EC 9.5550 shall apply)	S
Fourplex (EC 9.5550 shall apply)	S
Townhouse (EC 9.5550 shall apply)	S
Cottage Cluster (EC 9.5550 shall apply)	S
Multiple-Unit Dwellings (EC 9.5500 shall apply)	S
Assisted Care & Day Care (Residences Providing Special Services, Treatment or Supervision)	
Assisted Care	P
Day Care (4 to 16 people served) (EC 9.5200 shall apply)	S
Rooms for Rent Situations	
Boarding and Rooming House	P
Other Commercial Services	
C-1 Neighborhood Commercial Zone Permitted Uses – Uses listed as P(Permitted) or SR (subject to site review) in C-1 and which are not listed elsewhere in this Table 1. Examples include General Office, Specialty Store, and Artist Gallery.	P(1)
Home Occupation (EC 9.5350 shall apply)	S
Temporary Activity (EC 9.5800 shall apply)	S

(d) **S-HM Historic Mims Houses Special Area Zone Special Use Limitations for Table 1.**

(1) C-1 Neighborhood Commercial uses are permitted, subject to a maximum of 3,500 square feet on the development site.

(e) **S-HM Historic Mims Houses Special Area Zone Development standards.** The S-HM Historic Mims Houses Special Area Zone development standards include the General Standards for All Development beginning at EC 9.6000 and the development and lot standards for the R-2 Medium Density Residential zone unless specifically modified as set forth below. In cases of conflicts between the general standards, the R-2 zone standards, and this historic zone, the historic zone standards shall apply.

(1) **Development Standards.**

(a) **Residential Density.** A total of five dwellings are permitted within this S-HM zone. There is no minimum residential density requirement. For calculating residential density, each guest room in a Bed and Breakfast Facility and each guest room in a Rooming and Boarding House is equivalent to one dwelling.

(b) **Minimum Building Setbacks.** The minimum front yard setback is ten feet except for the existing building footprint of Mims House II. The minimum interior yard setback along the north property line is five feet, except for the existing building footprint of Mims House I. The minimum setback along the south and west property lines adjacent to the alleys is five feet. If the existing lot is divided, the minimum setback is five feet along any new interior property lines.

(c) **Motor Vehicle Parking Standards.** Uses on the site are not subject to provisions of the Eugene Code that would require a minimum number of off-street parking spaces, nor are uses on the site subject to EC 9.6420 Parking Area Standards. Parking areas in existence as of the date of this ordinance are permitted in the existing configuration.

(d) **Landscape Standards.** Landscape standards in EC 9.6207 – 9.6255 establish minimum landscape requirements that apply to any development in the S-HM Mims Houses Historic Zone, except: 1) building alterations, 2) site improvements not listed in Table 9.6205, 3) change of use, and 4) new off-street parking areas with four or fewer parking spaces using alley access. New landscaping is not required for the continuation of existing parking spaces on the development site.

(e) **Lot Standards.** The minimum lot area is 2,250 square feet or, if applicable, as specified in EC 9.2761(3). Lot width and frontage standards in EC 9.2760 and EC 9.2761 applicable to the R-2 zone shall apply.

(2) **Historic Property Alteration Approval.** Any building alterations or additions and all new construction shall comply with EC 9.8175 Historic Property Alteration Approval Criteria.

Section 2. The Eugene Zoning Map is amended to rezone the property located at 330 High Street, 334 High Street, and 336 High Street, Eugene, Oregon, 97401 Assessor's Map 17-03-30-44, Tax Lot 07000, and more particularly described in Exhibit B to this Ordinance, from its existing zoning of R-2 Medium Density Residential with a /20 Residential Density Range Overlay, to S-HM Historic Mims Houses Special Area Zone.

Section 3. The findings attached as Exhibit C and incorporated herein by reference are adopted in support of this Ordinance.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, such portion shall be deemed a separate, distinct,

and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals or a court of competent jurisdiction, those sections, subsections, sentences, clauses, phrases, or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Passed by the City Council this

9th day of October, 2023.



City Recorder

Approved by the Mayor this

10 day of October, 2023.



Mayor

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

ADDR: 330 HIGH ST

RANKING: Secondary
NEIGHBORHOOD: WH
TYPE: Building

FINAN. STATUS:

HISTORIC NAME: MIMS HOUSE

COMMON NAME: MIMS HOUSE

CURR. HIST. STATUS: NR

EARLY AD: 0

OWNER: Mims Family Trust

ADDR: 2767 Harris St

Eugene 97405

T/R/S# 17 3 30 SE 1/4 SE 1/4

MAP NO.: 17033044 TAXLOT: 7000

ADD: Eugene Original PlaBLK:8 LOT:4

ZONING:

PLAN SHAPE: T-Shape w/addition

FOUNDATION MATERIAL: Post & Pad

ROOF FORM & MATERIALS: Intersecting gables; Wood shingles

WALL CONSTRUCTION: Wood

STRUCTURAL FRAME: Light wood

PRIMARY WINDOW TYPE: 1/1; Lancet S & N ; single pane fixed(alt)

EXT. SURFACING MATERIALS: Clapboard; shiplap on addition

DECORATIVE FEATURES: Frieze; Capitals on cornerboards; mullions in lancet;

OTHER: lamb's tongues.

CONDITION: Fair

MOVED: N DATE MOVED:

EXT. ALTERATIONS/ADDITIONS(DATED): E. wind. Single pane fixed; major early addit. at W.; Orig. full porch replaced w/ small porch; shed addit. to South

NOTEWORTHY LANDSCAPE FEATURES: Maple; walnuts; Hydrangea; Grape; Apple; numerous perennials

ASSOCIATED STRUCTURES: Outbuilding to West (Nearly fallen, made of scrap)

KNOWN ARCHAEOLOGICAL FEATURES: Unknown

GEOG. LOC. & IMMED. SETTING Deep setback between houses w/ long path;

Facing High St. to West; Residential area with commercial on East side of High St.

PHYSICAL DESCRIPTION: Exterior alterations cont. - Front door with Queen Anne Details.

SOURCES: N R Nomination for East Skinner Butte District;
Eugene City Directories;
Sanborn Insurance Maps.

ROLL NO.: 19
NEGATIVE NO. 005
SLIDE ROLL#: 000
SLIDE NO: 000000

RECORDED BY: J. Catlin / K. Bartoy
RESEARCHED BY: K. Guzowski
DATE RECORDED: 4/13/1994
FIELD INVENTORY NO: 00000
STATE INVENTORY NO: 0

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

HISTORIC NAME: MIMS HOUSE
ADDR: 330 HIGH

T/R/S# 17 3 30 SE 1/4 SE 1/4
ST TAXLOT: 7000

330 High Street (Mims House)

STATEMENT OF SIGNIFICANCE

The Mims House is particularly distinguished by a steep gable roof with cross-gable and pointed arch windows, representative of the Gothic Revival style of architecture. "It is the concern for the bit of trim in the elaboration of the porch. . . the occasional pointed windows, that point so clearly to the desire for something more than rude shelter among the settlers in Oregon. Pointed arches are not a very convenient form of window for an ordinary house, and they are not easily constructed. The desire to give character to the cottage is there. . ." ¹ The front porch and wooden-railed balcony at the second-story level, which was reached by means of the Gothic arched door, was lost when the house was moved from 4th and High sometime between 1918 and 1921. The house, built in 1867, appears to be one of the oldest residences constructed in the East Butte area.

Although "this house is believed to have been the home of James Huddleston, one of Eugene's early settlers, no documents have been found at this time to substantiate this. Since 1892, residents of this house have been working men and women (carpenter, painter, marble cutter, logger, dressmaker, and bus boy). In 1955, C E and Annie D Mims purchased 330 High where they had been living since 1948. Annie Mims still resides there and this is without question the longest term of residency and/or ownership of this property and warrants changing the name of it from the Huddleston House to the Mims House." ²

¹ Downing, Andrew Jackson. Cottage Residences, Rural Architecture, and Landscape Gardening. Watkins, Glen, New York, Library of Victorian Culture, 1967.

² McMillan, Gail. "The Mims House," a research paper completed September 11, 1978, and on file in the Housing & Community Conservation Department, City Hall, Eugene, Oregon.

FIELD SURVEY NO: 00000
STATE INVENTORY NO: 0

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

HISTORIC NAME: MIMS HOUSE
ADDR: 330 HIGH

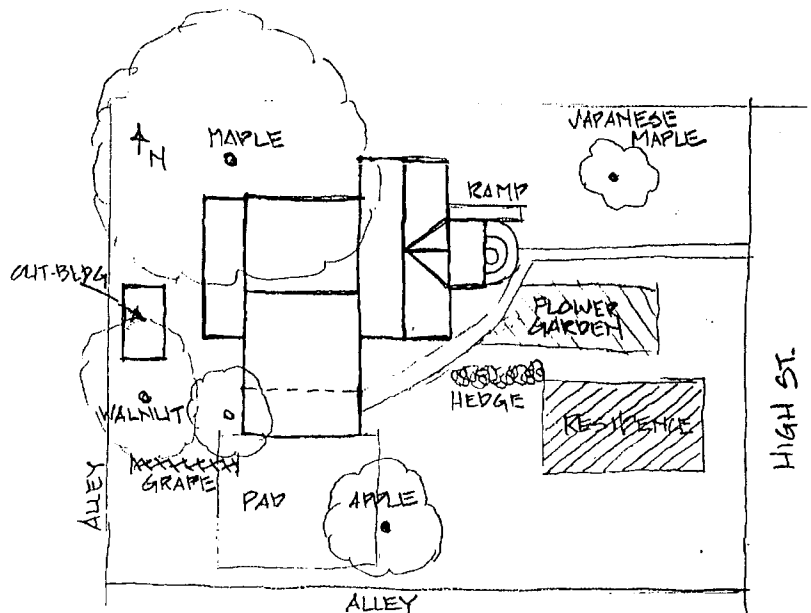
T/R/S# 17 3 30 SE 1/4 SE 1/4
ST TAXLOT: 7000



ROLL NO: 19
NEGATIVE NO.: 005

SLIDE ROLL NO: 000
SLIDE NO. 000000

MIMS HOUSE



SITE PLAN DRAWN BY:
GRAPHIC & PHOTO SOURCES:

FIELD SURVEY NO: 00000
STATE INVENTORY NO: 0

STATE OF OREGON INVENTORY
HISTORIC SITES AND BUILDINGS
State Historic Preservation Office
Oregon State Parks, Salem, 97310



County Lane

Theme 1D-A

Name
(Common) Huddleston (James) House

(Historic) (same)

Address 330 High Street
Eugene, Ore.

Present Owner _____

(Address) _____

Original Use Residence

Date of Construction c. 1860's

Physical

historical significance:

This house, which is believed to be the James Huddleston residence, is a one and one-half story, wood frame house in the Gothic Revival Style. The building has a steep, gable roof and a cross gable on the east (front) elevation. A pointed (Gothic-style) door opens under the cross gable. Two new "picture" windows have been cut into the front elevation. Another Gothic style window remains on the gable end on the north elevation's second story. Various lean-tos have been attached on the west and south elevations. The condition of the structure is fair. The exterior is clapboards.

James Huddleston was born October 15, 1822, in Fayette County, Virginia. In 1850 he left for California but came to Oregon instead where he arrived October 2, 1850. Huddleston then went to the mines at Yreka for six weeks but returned and in July, 1851, settled in Eugene, Oregon. He ran a mercantile business until 1854 then became a farmer. He married Samantha Ann Davis who came to Lane County in 1847.

It is possible that this house has been resited.

Continue back if necessary

Recorded by Stephen Dow Beckham Date 18 May 1976 Sources Consulted:

For Oregon State Historic Preservation Office Walling, A.G. Illustrated History of Lane County, Oregon. Portland, Ore.: A.G. Walling, 1884, p. 491.

Please enclose map Township 17 ^N _S Range 3 ^E _W Section 30

(over)

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

ADDR: 336 HIGH ST

RANKING: Primary
NEIGHBORHOOD: WH
TYPE: Building

FINAN. STATUS:

HISTORIC NAME: MIMS HOUSE II

COMMON NAME:

CURR. HIST. STATUS: NR

EARLY AD: 0

OWNER: Mims Family Trust

ADDR: 1212 S. A St.
Springfield, OR 97477

T/R/S# 17 3 30 SE 1/4 SE 1/4

MAP NO.: 17033044 TAXLOT: 7000

ADD: Eugene Original Pla BLK: 8 LOT: 4

ZONING:

PLAN SHAPE: L shape

FOUNDATION MATERIAL: Post & Stone

ROOF FORM & MATERIALS: Intersecting gable w/ shed addition; Cedar shingle

WALL CONSTRUCTION: Wood stud

PRIMARY WINDOW TYPE: 4/4 Double-hung

EXT. SURFACING MATERIALS: Shiplap w/ bottom beveled

DECORATIVE FEATURES: Soffit in gable; boxed eaves; cornerboard w/ cap; ball

DATE OF CONSTRUCTION: C 1880

ORIGINAL USE: Single-Family Residence

PRESENT USE: Single-Family Residence

DATE:

ARCH./BLDR.:

ARCH./STYLE: Carpenter Gothic
Vernacular

INTEGRITY: Minor modifications

THEME: 002 000

PROP. GROUP DI / /

#STORIES: 1.5 BASEMENT (Y/N/?): N

OTHER: finials on porch corners; capped porch columns; architrave over wind.

CONDITION: Excellent

MOVED: N DATE MOVED:

EXT. ALTERATIONS/ADDITIONS(DATED): L-shaped enclosed porch to W & N; E & W
porches redone

NOTEWORTHY LANDSCAPE FEATURES: Large walnut, laurel, boxwood and day lilies

ASSOCIATED STRUCTURES: None

KNOWN ARCHAEOLOGICAL FEATURES: Unknown

GEOG. LOC. & IMMED. SETTING House faces E. on High St.; Residential to
North, Commercial to South

PHYSICAL DESCRIPTION: Porch step appropriate to period of house; Paned front
door w/ recessed panels; Two 4-paned casements on N & W sides

SOURCES: N R Nomination for East Skinner Butte District;
Eugene City Directories;
Sanborn Insurance Maps.

ROLL NO.: 19
NEGATIVE NO. 003
SLIDE ROLL#: 000
SLIDE NO: 000000

RECORDED BY: A Welsh & K Guzowski
RESEARCHED BY: K. Guzowski
DATE RECORDED: 4/12/1994
FIELD INVENTORY NO: 00000
STATE INVENTORY NO: 0 0000

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

HISTORIC NAME: MIMS HOUSE II
ADDR: 336 HIGH

T/R/S# 17 3 30 SE 1/4 SE 1/4
ST TAXLOT: 7000

336 High

STATEMENT OF SIGNIFICANCE

Although the East Skinner Butte neighborhood was the first platted in Eugene, frequent flooding forced its quick abandonment in favor of a more sheltered site south of Skinner Butte. The neighborhood began filling in as a residential enclave as the city grew to the north, and by the turn of the century it was a neighborhood of generous lots and homes both grand and modest.

The house now standing at 336 High is said to have been built in 1879, making it the oldest house in East Skinner Butte on its original site. The 1879 date is consistent with the style and detailing of the house. City directories do not help illuminate the early history of the house, yielding no occupant until 1902, when owner H. D. Offutt, a local painter, lived here with his wife. John Dixon, whose family occupied several houses on this side of High at various times, lived here around 1910. Although the porches have been replaced and other minor changes have been made, the house is nearly intact and in good condition.

FIELD SURVEY NO: 00000
STATE INVENTORY NO: 0

OREGON CULTURAL RESOURCE INVENTORY
CITY OF EUGENE

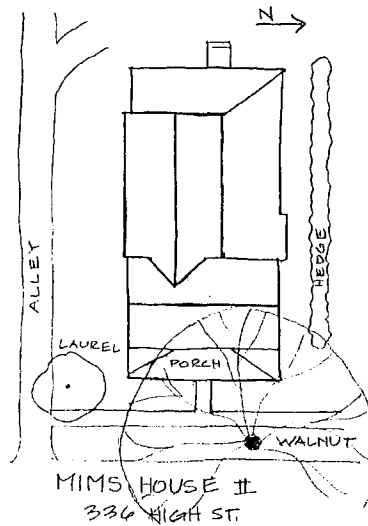
HISTORIC NAME: MIMS HOUSE II
ADDR: 336 HIGH

T/R/S# 17 3 30 SE 1/4 SE 1/4
ST TAXLOT: 7000



ROLL NO: 19
NEGATIVE NO.: 003

SLIDE ROLL NO: 000
SLIDE NO. 000000



SITE PLAN DRAWN BY:AWKG
GRAPHIC & PHOTO SOURCES:

FIELD SURVEY NO: 00000
STATE INVENTORY NO: 00000

EXHIBIT B

LEGAL DESCRIPTION

Lot 4, Block 8 of the original plat of Eugene City, as platted and recorded in Volume A, Page 2 of Lane County, Oregon.

Zone Change Findings

File Name (Number):	Mims Houses (Z 23-1)
Subject Site:	330, 336, and 334 High Street, Eugene, OR 97401
Map No. / Tax Lot:	17-03-30-44 / 07000
Size:	Approximately .29 acres or 12,800 square feet
Existing Zoning:	Medium-Density Residential Zone (R-2) & Residential Density Range Overlay Zone (/20)
Requested Zoning:	S-HM Historic Mims Houses Special Area Zone

Application Summary

The applicant requests the establishment of a S-HM Historic Mims Houses Special Area Zone for the Mims Houses property (located at 330, 334, and 336 High Street).

Application Details and Procedure

The applicant is requesting approval for a Zone Change to zone the entirety of the approximately 0.29-acre site to S-HM Historic Mims Houses Special Area Zone. The subject property contains two buildings (identified as Mims House I and Mims House II) on the National Register of Historic Places and designated as a City of Eugene Historic Landmark. The subject parcel is surrounded by a mixture of R-1 and R-2 zoned properties.

Timing, Notice, and Testimony

Application Timeline	Application Submitted	February 14, 2023
	Deemed Complete	June 8, 2023
	DLCD Notice	June 6, 2023
	Public Notice (per EC 9.7315)	June 9, 2023
	Planning Commission Public Hearing	July 11, 2023
	Planning Commission Deliberation	August 22, 2023

Testimony

Twelve pieces of testimony were received in reference to this proposal. The majority of the written testimony is supportive. Testimony is available in the application file for reference.

Public Notice and Referrals

Public notice was provided in accordance with the requirements of Eugene's Land Use Code. The Planning Division also provided information concerning the application to appropriate City departments, public agencies, neighborhood organization, and service providers. All referral comments received by the Planning Division on this application are included in the application file for reference. The substance of any relevant referral comments is addressed in the context of applicable approval criteria and standards in the following evaluation.

Zone Change Evaluation

In accordance with EC 9.7535 and EC 9.7550, the Eugene Planning Commission and City Council are required to provide a recommendation or decision of approval, approval with conditions, or denial of a Type V application. The recommendation and decision must be based on findings that explain the criteria and standards considered relevant to the proposal. It must also state the facts relied upon in rendering the decision and explain the justification for the recommendation or decision based upon the criteria, standards, and facts set forth.

The Planning Commission and City Council will review the application and consider relevant evidence and testimony as to whether the proposed Zone Change is consistent with EC 9.3020 and EC 9.8865 required for approval, shown below in **bold** typeface. To assist the Planning Commission or City Council in making a recommendation or decision on the Zone Change request, staff's findings in response to each of the criteria are provided below.

EC 9.3020 Criteria for Establishment of an S Special Area Zone. Before adopting an ordinance establishing a S Special Area Zone, the city council shall find that the proposal is in compliance with following criteria:

- (1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:**
 - (a) Is identified in the Metro Plan or a refinement plan as appropriate for nodal development or for a special range of uses or development that can best be achieved with the use of a special area zone; or**
 - (b) Possesses distinctive buildings or natural features that require special consideration to ensure appropriate development, preservation, or rehabilitation. In order to be considered distinctive, it must be demonstrated that:**
 - 1. The area is characterized by buildings that merit preservation in order to protect their special features; or**
 - 2. The area contains natural features that have been identified by the city as worthy of special treatment or preservation.**

The Mims Houses is listed on the National Register of Historic Places and designated by the City of Eugene as a City Landmark. The findings of the National Historic Register, City Landmark designation, and the applicant's written statement, which are included herein by reference, demonstrate this site's significant historic value and merits preservation due to its distinctive architecture and association with Eugene's past.

(2) An analysis of the area demonstrates how the uses and development standards of the S Special Area zone ordinance will facilitate implementation of the planned use of the property or the preservation or rehabilitation of distinctive buildings or natural features of benefit to the community.

The proposed uses and development standards for the S-HM Historic Mims Houses Special Historic Area Zone are set forth in proposed draft ordinance provisions, to which these supporting findings are attached. The purpose of the Historic Special Area zone is to encourage preservation of the site's historic qualities and support the site's use as the regional headquarters of the NAACP (Mims House I), duplex residence (Mims House II), and the site of historic and cultural events.

The proposed uses of the S-HM Historic Mims Houses Special Area Zone are a combination of residential and non-residential uses stemming from a tabulation of uses listed within the R-2 Medium-Density Residential zone and C-1 Neighborhood Commercial zone. In summary, the proposed S-HM zone differs from the R-2 zone use table at EC 9.2740 as the S-HM Zone does not allow Manufactured Home Parks, Controlled Income and Rent Housing, and Day Care (17 or more people). The use listed as Boarding and Rooming House is added to the list of allowed S-HM uses. Proposed site changes due to existing or future uses will continue to be subject to the City's Historic Property Applications, including: Historic Property – Alteration Approval Criteria review starting at EC 9.8175; Historic Landmark - Removal of Designation Approval Criteria starting at EC 9.8170; Historic Property – Demolition Approval Criteria starting at EC 9.8180; and Historic Property – Moving Approval Criteria starting at EC 9.8185. Subject to historic review, the residential uses in the proposed zone, as stated by the applicant, facilitate the preservation of the existing buildings and accommodate for the intended uses of the site.

New, non-residential land uses are permitted within the S-HM Zone. Additionally, non-residential uses with amended review procedures are permitted in the S-HM Zone. New and amended non-residential uses include: Club and Lodge of State or National Organization; Park; Community and Neighborhood Center; Bed and Breakfast Facility; and Neighborhood Commercial Uses (only those already Permitted or subject to Site Review in C-1). Eliminated non-residential uses include Athletic Facility and Sports Club, Athletic Field outdoor, Correctional Facility, Residential Treatment Center, Amateur Radio Antenna Structure, Electrical Substation, Fiber Optic Station, Telecommunications Tower, Water Reservoir, and Minor Transit Station.

The applicant states the zone change amendments of residential and non-residential uses within the S-HM Historic Mims Houses Special Area zone will "allow long-term flexibility in the use of the property to support preservation and renovation of the historic buildings." Further, the applicant states "Due to the size of the site and the scale of the existing historic buildings requiring a CUP for the above uses would cause an excessive financial burden on the property owner and decrease flexibility. In addition, the proposed S-H zone limits C-1 uses to a total of 3,500 square feet on the site to ensure the scale fosters historic preservation goals." The introduced, amended, or deleted residential and non-residential uses as proposed in the S-HM Zone facilitate the existing and intended (both immediate and future) uses of the site. The

applicant's written statement with additional findings (pages 9-11) regarding this criterion are incorporated herein by reference.

The S-HM Historic Mims Houses Special Area Zone contains amended development and lot standards that facilitate preservation of elements within the subject property. Historic property review approval criteria starting at EC 9.8150 remain applicable for review of proposed changes. The proposed S-HM Zone includes the following development standards to facilitate preservation: residential density, minimum building setbacks, motor vehicle parking (both the number of off-street motor vehicle parking spaces and motor vehicle parking space dimensions), and landscape standards in addition to lot standards.

The subject property is currently zoned R-2/20 Medium-Density Residential zone with a Residential Density Range Overlay zone that limits the property to no more than 20 units per net acre. Given the size of the property and the residential density limitation, it could currently be developed with 5 dwelling units. The applicant proposes the same maximum net density (i.e. 5 dwellings on the subject property) within this proposed S-HM Zone as the maximum unit net density threshold in the existing R-2/20 zone.

EC 9.2751(1)(f) states the number of dwelling units are not to be reduced below the number present at the time of historic landmark designation. The site earned City of Eugene City Landmark status on April 11, 1979, by Ordinance Number 18371. At that time, the site contained two dwellings. The R-2 Medium-Density Residential zone minimum density is 13 units per net acre. The applicant states the S-HM site “does not require the retention of residential use on the site to help ensure long-term preservation of the historic buildings.” Further, the draft S-HM Zone provisions state that “the site does not have a minimum residential density requirement.” At the time the subject site was designated as a City Landmark, two dwellings existed on the property (i.e., below the minimum net density threshold for the R-2 zone). However, in accordance with EC 9.2751(1)(a)2., the minimum density requirements of Table EC 9.2750 do not apply to this property because it zoned R-2 and is less than one-half acre in size. Therefore, consistent with the lack of minimum density requirements for the subject property, the proposed code eliminates any minimum density requirements. Finally, the proposed S-HM Zone, as implemented by this zone change review, supersedes the R-2 development standards.

Given the above findings, the proposal complies with this criterion.

(3) Except for areas zoned S-H Historic Special Area zone, the area to be classified S Special Area includes at least ½ acre in area.

This request proposes the establishment of an S-H Historic Special Area zone. This criterion is not applicable.

(4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of a special area zone ordinance are consistent with the criteria required for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.

Except for ordinances establishing individual site-specific historic zones, copies of which are maintained at the City's planning and development department, all existing Special Area Zones are set forth in the City's land use code. EC 9.8865 requires that the zone change request meets the following approval criteria (listed in **bold**). Findings are provided below with respect to each of the applicable criteria.

EC 9.8865 Zone Change

(1): The proposed change is consistent with applicable provisions of the Metro Plan. The written text of the Metro Plan shall take precedence over the Metro Plan diagram where apparent conflicts or inconsistencies exist.

The applicant is requesting approval to change the subject property's zoning from R-2 /20 to S-HM. The Metro Plan diagram designates the subject property as Medium Density Residential. However, the Metro Plan recognizes that approximately 32 percent of residentially designated areas typically accommodate non-residential uses such as parks, schools, churches and neighborhood commercial uses (page III-A-4). The proposed Special Area Zone includes a list of limited residential and non-residential uses consistent with the Metro Plan's consideration of other auxiliary uses within residential designations. Staff does not see any specific policies from the Metro Plan that would serve as mandatory approval criteria for the applicant's request. However, relevant policies are discussed below.

Residential Land Use and Housing Element

Policy A.22: Expand opportunities for a mix of uses in newly developing areas and existing neighborhoods through local zoning and development regulations (Page III-A-9)

The proposed Special Area Zone expands opportunities on this property by allowing for residential or commercial uses, consistent with this policy.

Policy A.25: Conserve the metropolitan area's supply of existing affordable housing and increase the stability and quality of older residential neighborhoods through measures such as revitalization; code enforcement; appropriate zoning; rehabilitation programs; relocation of existing structures; traffic calming; parking requirements; or public safety considerations. These actions should support the planned densities in the area. (Page III-A-11)

The proposed zoning helps preserve existing onsite dwellings by assuring uses and development standards that are appropriate for this historic site.

Policy A.9: Establish density ranges in local zoning and development regulations that are consistent with the broad density calculations of this plan.

Low density: Through 10 dwelling units per gross acre...

Medium density: Over 10 through 20 dwelling units per gross acre...

High density: Over 20 dwelling units per gross acre...

This policy sets forth the “gross density”, which is the number of dwelling units per acre including areas such as streets, parks, sidewalks and public facilities. However, Eugene’s land use code also utilizes “net density”, which is the same calculation except that it only calculates land in residential use and excludes areas such as dedicated streets, parks, and other public facilities. For this reason, the gross density included in the policy above was recalculated and adopted into the land use code as net density, which was set at a higher rate to account for the lack of additional area (i.e. streets, parks, and public facilities) in the calculation.

The S-HM Zone establishes a maximum net density standard consistent with the objective to facilitate preservation of onsite elements. The S-HM Zone net density threshold meets the proposed maximum density of the “Medium Density” range established by the Metro Plan but does not meet the minimum net density threshold. Instead, the minimum net density standard is zero to allow for flexibility to meet the historic zone’s preservation objectives as described in detail at EC 9.3020(2) of these findings and incorporated herein. Additionally, as discussed above, the minimum net density requirements of the Eugene Code do not apply to the subject property due to the size of the property.

As described at EC 9.8865(1) above, the Metro Plan permits non-residential uses within residentially designated areas under certain circumstances. As the S-HM Zone proposed a unique combination of both residential and non-residential uses and cannot be described as entirely residential or commercial, the S-HM Zone supports Policy A.9 by establishing a maximum net density range that is below the 20 dwelling units per gross acre “Medium density” residential maximum, while accommodating for a future scenario in which non-residential uses are supported by allowing a minimum net density standard of zero units per net acre. As the proposed S-HM Zone contains density thresholds that are broadly within the “Medium density” category of density range, the proposal is consistent with this policy.

Historic Preservation Element

Policy 1.1: Adopt and implement historic preservation policies, regulations; and incentive programs that encourage the inventory, preservation, and restoration of structures: landmarks; sites; and areas of cultural, historic or archeological significance, consistent with overall policies. (Page 111-1-2)

The Mims Houses site is historically significant as the site holds Mims House I and Mims House II, both registered on the National Register of Historic Places. The adoption of this Historic Special Area Zone implements regulations that protect the historic value of the Mims Houses site by providing site specific development standards and uses that encourage preservation and restoration.

Policy 1.2: Institute and support projects and programs that increase citizen and visitor awareness of the area's history and encourage citizen participation in and support of programs designed to recognize and memorialize the area's history.

The S-HM Zone will help increase citizen and visitor awareness by expanding the site’s set of uses to facilitate opportunities for visitor engagement with the property. This S-HM Zone will

allow visitors to be made aware of the building's role in the history of the area and memorialize the Mims Houses' tie to the area's past.

Based on the available information, the request complies with this criterion.

(2): The proposed zone change is consistent with applicable adopted refinement plans. In the event of inconsistencies between these plans and the Metro Plan, the Metro Plan controls.

The Whiteaker Plan is the applicable adopted plan for the area of the requested zone change. Consistent with the Metro Plan, the Whiteaker Plan designates the subject site as Medium-Density Residential. The applicant notes that the land use diagram, and policies from the Whiteaker Plan are generally supportive of their application. However, there do not appear to be any polices from Whiteaker Plan that serve as mandatory approval criteria for the requested zone change.

Based on the available evidence, and findings above, the applicant's request is consistent with the applicable refinement plans and this criterion is met.

(3): The uses and density that will be allowed by the proposed zoning in the location of the proposed change can be served through the orderly extension of key urban facilities and services.

Key urban facilities and services are defined in the Metro Plan as: wastewater service, stormwater service, transportation, solid waste management, water and electric service, fire and emergency medical services, police protection, City-wide parks and recreation programs, land use controls, communication facilities, and public schools on a district-wide basis (see Metro Plan page V-3).

Wastewater:

The existing structures are currently connected to the public main line available in High Alley.

Stormwater:

Stormwater catch basins are in the High Alley right-of way, southwest of the subject property. A public storm sewer line exists in the right-of-way of East 4th Avenue to the south of the property and another line is within High Street with curb and gutter for conveyance to the public system. In the event of future development, applicants may be required to address all applicable stormwater management standards including flood control, water quality, oil control, easements, and operation and maintenance.

Transportation/Streets:

Both High Street and East 4th Avenue are fully developed with adequate paving and right-of way, as well as bike paths, setback sidewalk, street trees and ADA ramp on the corner. This proposal can be served by the existing street configuration and access points.

Solid Waste:

Collection service is provided by private entities. Regional disposal sites and the Short Mountain Landfill are operated by Lane County.

Water and Electric:

The properties have existing services or access to services for water and electrical services, operated by Eugene Water and Electric Board (EWEB). Any future development will require coordination with EWEB to ensure that water and electric services comply with City standards and EWEB requirements.

Public Safety:

Police protection is provided by Eugene Police Department within the City limits. Fire protection is provided by Eugene/Springfield Fire Department. Emergency services are currently provided on a regional basis by the cities of Eugene and Springfield.

Parks and Recreation:

Specific to the subject property, the following parks and recreation amenities are in the general vicinity of the subject property: Skinner Butte Park, Campbell Community Center, Ruth-Bascom Riverbank path. Further, Eugene Parks and Recreation programs are provided on a City-wide basis.

Planning and Development Services:

Planning and building permit services are provided for all properties located within the urban growth boundary by the City of Eugene. The Eugene Code, Chapter 9, provides the land use controls for future development of the subject property.

Communication:

A variety of telecommunications providers offer communications services throughout the Eugene/Springfield area. These services are accessible for future development.

Public Schools:

The subject property is within Eugene School District 4J and is within the district boundary of Edison Elementary School, Roosevelt Middle School, and South Eugene High School.

Based on these findings, this criterion is met.

(4): The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in:

(v) An uncodified ordinance establishing a site specific S-H Historic Special Area Zone, a copy of which is maintained at the city's planning and development department.

The proposed zone change establishes a site specific S-H Historic Special Area Zone. Criteria to establish this zone begin at EC 9.3020 and are addressed above. The uncodified ordinance, if

adopted, will be maintained at the City's Planning and Development Department consistent with this criterion. This criterion is met.

(5): In cases where the NR zone is applied based on EC 9.2510(1)(b), the property owner shall enter into a contractual arrangement with the city to ensure the area is maintained as a natural resource area for a minimum of 50 years.

The applicant is not requesting the NR zone and the subject site is not located in an area that would otherwise require the application of the NR zone. Based on the available information and evidence, this criterion is not applicable.

Transportation Planning Rule (TPR)

Staff finds that Goal 12 Transportation of the Statewide Planning Goals, adopted by the Land Conservation and Development Commission (LCDC), must be specifically addressed as part of the requested zone change and in the context of Oregon Administrative Rules, as follows.

As adopted, OAR 660-012-0060(1) states:

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9), or (10) of this rule. A plan or land use regulation amendment affects a transportation facility if it would:

The applicant requests a zone change from R-2/20 to S-HM for 330, 334, and 336 High Street, also identified as Tax Lot 7300 of Assessor's Map 17-03-30-44. The properties included in this proposal are bounded by High Street, High Alley, and East 3rd Alley. The subject property is approximately .29 acres.

The applicant's consultant prepared a scoped transportation analysis that references projected trip generation from a reasonable worst-case development scenario. The consultant compared assumed uses, densities, and buildout outcomes consistent with the existing zone and the proposed uses of the S-HM Zone. The applicant has provided an analysis consistent within the parameters of the agreed scope of work and using industry best practices.

Public Works staff concurs with the consultant's methodology, traffic study, and findings to determine that this proposal has no significant effect on existing or planned transportation facilities. A detailed discussion of the study and conformance with the TPR is addressed below.

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The applicant has provided a transportation technical memo consistent with the requirements for TPR Analysis as coordinated between the City of Eugene and the applicant. The analysis is written to uphold industry best standards. The applicant's traffic study identified an increase in

the average daily traffic. The increase in average daily trips is not expected to require a change in the functional classification of any street within the study area. The applicant has not proposed any changes to the functional classification of any roadway within the study area.

(b) Change standards implementing a functional classification system; or

The zone change does not propose to change the standards implementing the current functional classification system adopted in the City of Eugene 2035 TSP. The current TSP (City of Eugene 2035 Transportation System Plan) and street classification map were developed and adopted assuming City wide transportation impacts based upon the policy, designations, planning horizons and growth assumptions identified in the Metro Plan at the time of its adoption. The proposed zone change does not change the standards implementing the current functional classification system adopted in the City of Eugene 2035 TSP.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The applicant's engineer has provided an analysis based upon the projected impacts of the proposed zone change. The study provides trip generation estimates for reasonable worst-case scenarios of the proposed zone as compared to trip generation estimate of the existing zone. A "significant effect" on existing or planned transportation facilities is defined by the criteria identified in subsections (A) through (C). The proposed zone change results in none of the effects identified in subsections (A) through (C). The proposal does not include, and the

proposal does not require, an enforceable, ongoing requirement that would demonstrably limit traffic generation.

Therefore, staff agrees with the applicant's findings that this proposal has no significant effect on existing or planned transportation facilities as defined within OAR 660-012-0060(1).

Therefore, the proposed zone change satisfies the Transportation Planning Rule.