

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



---

Action: An Ordinance Establishing the S-HBS Historic Brunner-Schmitz House Special Area Zone, and Amending the Eugene Zoning Map

---

Meeting Date: June 13, 2011  
Department: Planning and Development  
[www.eugene-or.gov](http://www.eugene-or.gov)

Agenda Item Number: 3  
Staff Contact: Steve Ochs  
Contact Telephone Number: 541/682-5453

---

### ISSUE STATEMENT

The City Council is scheduled to take action on an ordinance establishing a Historic Special Area Zone (S-HBS) (City File Z 10-12) for the Brunner-Schmitz House and property on a 0.44 acre parcel at 1410 River Road. The Eugene Code requires that Historic Special Area Zones be established by ordinance, which requires action by the City Council.

### BACKGROUND

On April 5, 2011, the Eugene Planning Commission held a public hearing on this zone change to establish a Historic Special Area Zone for the Brunner-Schmitz House at 1410 River Road. Following the public hearing the Planning Commission voted unanimously to recommend approval of the zone change to the City Council. On May 16, 2011, the City Council held a public hearing and closed the record. No public testimony was provided at the hearing. In response to questions from councilors, staff noted that the zone change was not a requirement but rather an option for the property owner. If adopted, the ordinance would permit limited commercial and residential uses that would not be permitted in the existing zoning.

The Brunner-Schmitz House was approved as a City of Eugene Historic Landmark in December 2010, (City File HD 10-1). The subject parcel is currently zoned R-2 medium density residential and is designated for medium density in the Metro Plan and applicable refinement plan, the River Road - Santa Clara Urban Facilities Plan (RRSC). The intent for establishing Special Area Zones for historic properties is to allow a range of use and activity that encourage preservation of historic qualities. The draft ordinance included as Attachment A sets out development standards and permitted uses specific to this property. If adopted, the Historic Special Area Zone will be implemented as an un-codified ordinance specific to this property.

The criteria to establish a Special Area Zone are set forth at EC 9.3020. Preliminary findings related to the approval criteria are attached as Exhibit C to the draft ordinance (Attachment A). Additional background information regarding this request and relevant application materials are included for reference as Attachment B. A full copy of all materials in the record will be provided to the City Council in a binder in the council office and will also be available at the Permit and Information Center located at 99 West 10<sup>th</sup> Avenue.

## **RELATED CITY POLICIES**

The Metro Plan and River Road - Santa Clara Urban Facilities Plan (RRSC), the applicable refinement plan, contain policies related to this zone change request. The policies applicable to this request are addressed in the attached preliminary Findings (Exhibit C to Attachment A).

## **COUNCIL OPTIONS**

The council may adopt the ordinance as attached, adopt the ordinance with specific amendments or deny the ordinance:

1. Adopt the zone change by ordinance as attached;
2. Modify and approve the zone change request by ordinance; or,
3. Deny the ordinance.

## **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the City Council approve the zone change and adopt the ordinance as attached.

## **SUGGESTED MOTION**

I move to adopt Council Bill No. 5048 an ordinance establishing the S-HBS Historic Brunner-Schmitz House Special Area Zone and amending the Eugene zoning map.

## **ATTACHMENTS**

- A. Draft Ordinance with Exhibits A-C:
  - Exhibit A: Final Order for the Historic Landmark Designation by Eugene's Historic Review Board, December 9, 2010.
  - Exhibit B: Map and Legal Description
  - Exhibit C: Preliminary Findings
- B. Application Materials

## **FOR MORE INFORMATION**

Staff Contact: Steve Ochs, Associate Planner  
Telephone: 541/682-5453  
Staff E-Mail: [steve.p.ochs@ci.eugene.or.us](mailto:steve.p.ochs@ci.eugene.or.us)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ESTABLISHING THE S-HBS HISTORIC BRUNNER-SCHMITZ HOUSE SPECIAL AREA ZONE, AND AMENDING THE EUGENE ZONING MAP.**

**The City Council of the City of Eugene finds that:**

**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 Brunner-Schmitz House was designated as a City of Eugene Historic Landmark on December 9, 2010.

**B.** A Historic Special Area Zone is desirable for the Brunner-Schmitz House to foster the continued preservation of the property by allowing appropriate uses beyond those permitted in the R-2, Medium Density Residential zone and establishing appropriate development standards.

**C.** Site specific historic zones are generally established by ordinance without codification. Copies of such ordinances are to be maintained at the City's Planning and Development Department (Sections 9.3020 and 9.3450 of the Eugene Code, 1971 ("EC")). The S-HBS Brunner-Schmitz House Special Area Zone is such a site-specific historic zone.

**NOW, THEREFORE,**

**THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The S-HBS Historic Brunner-Schmitz House Special Area Zone is hereby established and shall be subject to the following:

**(a) Purpose of the S-HBS Historic Brunner-Schmitz House Special Area Zone.** The S-HBS Special Area Zone is intended to afford the Brunner-Schmitz House Historic Landmark ("Brunner-Schmitz House") special treatment and protection so that the uses permitted and restrictions imposed will preserve and allow rehabilitation of the landmark's character-defining architectural features as an example of the American Foursquare architectural style that is evident in the square floor plan, wide overhanging eaves, two story height with one story porch, large square porch posts and hipped roof dormers, a bay window which contains five casement windows with decorative leaded glass in the upper casements, a one-story sunroom with multiple six over one casement windows, horizontal siding, half-width front porch and porte cochere along the east and north elevations. Those character-defining features are described in detail in the attached Exhibit A, Final Order for the Historic Landmark Designation by Eugene's Historic Review Board, December 9, 2010.

(b) **S-HBS Historic Brunner-Schmitz House Special Area Zone Siting Requirements**. In addition to the approval criteria at EC 9.8865 Zone Change Approval Criteria, the S-HBS Historic Brunner-Schmitz House Special Area Zone applies only to the parcel of land located at 1410 River Road, Eugene, Oregon, Assessor's Map 17-04-13-33, Tax Lot 4602, as shown on the attached Exhibit B.

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

- (P) Permitted
- (S) Permitted subject to the Special Development Standards for Certain Uses beginning at EC 9.5000.

<b>S-HBS Historic Brunner-Schmitz House Special Area Zone Uses and Permit Requirements</b>	
	<b>S-HBS</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential use include a garage, storage shed, and services primarily for use by residents on the site, such as recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P
Accessory Uses. <u>Examples</u> related to non-residential use include accessory services that are related to specialty retail, food and beverage uses, such as storage, food preparation areas, and outdoor product display (screened from public view).	P
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Gallery/ Studio	P
<b>Office Uses</b>	
Administrative, General and Professional Office	P
<b>Personal Services</b>	
Barber, Beauty, Nail, Tanning Shop	P
Day Care Facility (not associated with a residence)	P
Shoe Repair	P
Tailor	P
<b>Residential</b>	
One-family Dwelling (1 Per Lot in R-1)	P
Secondary Dwelling (Either Attached or Detached from Primary One-family Dwelling on same lot subject to EC 9.2741(2))	P
Duplex (Two-Family Attached on Same Lot)	P
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (5 or fewer people living in facility)	P
Assisted Care (6 or more people living in facility)	P
Day Care (3 to 12 people served)	P
Day Care (13 or more people served)	P



<b>Commercial Services</b>	
Restaurant	P
Specialty Food and Beverage	P
Specialty Retail, including Antiques	P
Bed and Breakfast Facility (EC 9.5100(2) shall apply)	S
Home occupation (See EC 9.5350)	S

**(d) S-HBS Historic Brunner-Schmitz House Special Area Zone Development Standards.** In addition to applicable provisions in the Eugene Code, 1971, the development standards listed in subsections (3) to (5) of this section shall apply to all development in the S-HBS zone. In cases of conflict, the standards specifically set out in this ordinance shall apply.

**(1) Adjustment.** An adjustment may be made to any of the standards referenced in subsections (3), (4), or (5) of this section in accordance with EC 9.8030(15).

**(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.

**(3) Residential Development Standards.** All residential development allowed pursuant to subsection (d)(2) shall be governed by General Standards for all Development in EC 9.6000 through 9.6885 and the development standards applied to the R-2 zone in EC 9.2750 and 9.2751, except that there shall be no minimum density requirement and except that EC 9.6200 to 9.6255 and EC 9.6400 to 9.6440 do not apply.

**(4) Non-Residential Development Standards.** Except as provided in subsection (d)(5), all non-residential development allowed pursuant to subsection (c) shall be governed by General Standards for all Development in EC 9.6000 through 9.6110 and 9.6400 through 9.6885 and the development standards applied to the C-1 zone in EC 9.2170 and 9.2171.

**(5) Parking and Parking Lot Landscaping.** Change of use to any non-residential use requiring 10 or fewer parking spaces in accordance with EC 9.6410 shall not require the parking lot to be upgraded to meet requirements at EC 9.6420 Parking Area Standards. Change of use to any non-residential use requiring 11 or more spaces will require the entire parking area to meet requirements at EC 9.6420 Parking Area Standards. All parking spaces provided shall be behind the house to the west or north of the house and west of the portico.

**Section 2.** The Eugene Zoning Map is amended to rezone the property located at 1410 River Road, Eugene, Oregon, Assessor's Map 17-04-13-33, Tax Lot 4602 from its existing R-2

Medium Density Residential zone to S-HBS Historic Brunner-Schmitz House Special Area Zone, as described on the attached Exhibit B.

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

**Passed by the City Council this**

**Approved by the Mayor this**

\_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**City Recorder**

\_\_\_\_\_  
**Mayor**

# EXHIBIT A

## BEFORE THE HISTORIC REVIEW BOARD OF THE CITY OF EUGENE, OREGON

Final Decision and Order in HD 10-1

The Historic Review Board of the City of Eugene finds as follows:

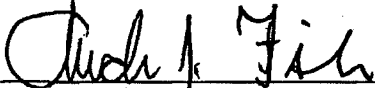
1. The following application for a Historic Landmark Designation was submitted:
  - Tax Lot 4602 of Assessor's Map 17-04-13-33
  - Location: 1410 River Road
  - Request to consider the Brunner-Schmitz House for listing as a City of Eugene Historic Landmark
  - Applicant: Sherry Sylvia
2. The application was initiated and submitted in accordance with EC 9.8160(1). Timely and sufficient notice of the Historic Landmark Designation request hearing under EC 9.7315 has been provided.
3. On December 9, 2010, a public hearing on the Historic Landmark Designation was held. The Planning Department staff notes and recommendation, together with the written materials submitted into the record and testimony of persons testifying at the public hearing, have been considered and are a part of the record of this proceeding.
4. On the basis of this record, the requested Historic Landmark Designation is found consistent with the criteria set forth in EC 9.8165. This general finding is supported by the specific findings of the Planning Divisions Staff Report consisting of the AIS and attachments for the requested Historic Landmark Designation, dated December 9, 2010, which is adopted and incorporated herein. The Staff Report establishes that the requested Historic Landmark Designation complies with each applicable approval criterion.

NOW, THEREFORE, based upon the above findings and the record in this proceeding, IT IS HEREBY ORDERED THAT:

The application for Historic Landmark Designation is APPROVED.

Approval dated December 9, 2010:

The action will become final and effective on the 13<sup>th</sup> day following the date of mailing, unless appealed.

  
Andrew Fisher – Historic Review Board

12/13/10  
Date

---

**NOTICE OF APPEAL RIGHTS:** This decision may be appealed to the Eugene Planning Commission. Appeals must be filed within twelve (12) days of the approval date shown above. Appeals are governed by the provisions of EC 9.7655.

**AGENDA ITEM SUMMARY**  
**December 9, 2010**

**TO:** Historic Review Board

**FROM:** Steve Ochs, Eugene Planning Division

**SUBJECT:** The Brunner-Schmitz House (HD 10-1) City of Eugene Historic Landmark application

---

**ACTION REQUESTED**

The Historic Review Board will hold a public hearing, followed by deliberation and action on the City of Eugene Historic Landmark designation request for the Brunner-Schmitz House (HD 10-1).

**BRIEFING STATEMENT**

Application for City of Eugene Historic Landmark designation for the Brunner Schmitz House was submitted on September 13, 2010 and deemed complete on October 20, 2010. Information concerning the application was sent to other appropriate City departments, public agencies, and the affected neighborhood group (River Road Community Organization) on October 25, 2010. City staff mailed and posted the public hearing notice on November 9, 2010. No written testimony has been received. Written testimony received after the date of this report but prior to the public hearing will be forwarded to the Historic Review Board for consideration in making a decision. Public testimony, written or otherwise, may also be presented at the public hearing and submitted into the record for this application.

The applicant for this proposal is Sylvia J. Sherry. Liz Carter, the applicant's representative, completed the research, writing and documentation of the Brunner-Schmitz House City of Eugene Historic Landmark application. The application materials are attached for your review. Also attached is a memorandum prepared by Ken Guzowski as the City's Historic Preservation Consultant which evaluates the application materials submitted in relation to the approval criteria and provides a recommendation for approval. This Agenda Item Summary together with Mr. Guzowski's memorandum constitutes the "staff report" for this item.

The Historic Review Board is scheduled to hold a public hearing on this application on December 9, 2010. The Eugene Code (EC) requires City staff to prepare a written report concerning any request for designation of a property as a City of Eugene Historic Landmark. In accordance with the Type III land use application procedures (see EC 9.7320); the staff report is printed and available 7 days prior to the public hearing on the request, to allow citizens an opportunity to learn more about the request and to review the staff analysis of the application. The staff report provides only preliminary information and recommendations and the Historic Review Board will also consider

additional public testimony and materials presented at the public hearing before making a decision on the application.

Following the public hearing and deliberations, the Historic Review Board will take action in accordance with code requirements to approve, approve with conditions, or deny this Historic City Landmark Designation request. For reference, the quasi-judicial hearing procedures applicable to this City Historic Landmark Designation request are described at EC 9.7065 through EC.9.7095.

To assist the Historic Review Board in rendering a decision on this application, the attached memorandum from Mr. Guzowski addresses the City Historic Landmark Designation approval criteria with findings related to each, based on the evidence available as of the date of this agenda summary. In addition, staff incorporates the applicant's findings and materials herein by reference, as additional evidence that the City Historic Landmark Designation approval criteria have been met.

#### **BACKGROUND INFORMATION**

The Brunner-Schmitz House built between 1920 and 1922 is located at 1410 River Road. The property is zoned R-2 Medium-Density Residential. The R-2 property includes 0.44 acres of land located on the west side of River Road, north of Lindner Lane and south of Maynard Avenue identified as Tax Lot 4602, Assessor's Map 17-04-13-33. The property is surrounded on three sides by open fields comprising approximately nine acres that were once part of the agricultural operations of the Brunner Commercial Dryer. The surrounding land is not included in this application and is in separate ownership.

The proposed historic name is considered appropriate as it reflects the ownership and management of the property as associated with the Brunner and Schmitz families, owners for the past 80 years. If the Brunner-Schmitz House is successfully listed as a City of Eugene Historic Landmark, the property will be subject to review according to Eugene Code (EC) provisions for Historic Property Applications including alterations, moving or demolition according to EC 9.8150 through EC 9.8185.

For additional details of the requested City Historic Landmark Designation, site characteristics and history of the structure, please refer to the applicant's written statement and other supporting application materials, as well as the supporting evaluation and attachments.

#### **RECOMMENDATION**

Based on the information and materials in the record, and findings provided, the application complies with the applicable criteria at EC 9.8165. Staff recommends approval of the Historic City Landmark Application for the Brunner-Schmitz House (HD 10-1). Following close of the public hearing, the Historic Review Board should deliberate and take action to incorporate the staff report as the final decision approving the request. Staff will provide draft motions to the board for this action.

**ATTACHMENTS**

The entire application file is available for review at the Eugene Planning Division offices; and will be made available at the public hearing before the Historic Review Board. The following items from the public record are attached for reference:

1. Memorandum from Ken Guzowski, City of Eugene Historical Consultant, dated November 14, 2010.
2. Applicant's written statement and other application materials

**FOR MORE INFORMATION:**

Please contact Steve Ochs, Eugene Planning Division, by phone at (541) 682-5453, or by e-mail at [steve.p.ochs@ci.eugene.or.us](mailto:steve.p.ochs@ci.eugene.or.us)

# Memorandum

**Date:** November 14, 2010  
**To:** City of Eugene Planning Staff  
**From:** Ken Guzowski, Historic Consultant  
**Subject:** Brunner-Schmitz House Historic Designation (HD 10-1)

To assist the City of Eugene Staff in providing a recommendation to the Historic Review Board, the following findings are presented regarding City Historic Landmark Designation approval criteria (shown below in bold typeface).

**EC 9.8165(1): Designation is consistent with applicable provisions of the Metro Plan and applicable refinement plans.**

Applicable provisions of the Metropolitan Area General Plan (Metro Plan), and applicable refinement plan, the River Road – Santa Clara Urban Facilities Plan (RRSC) are addressed below.

## Metro Plan – Historic Preservation Element

**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.” (Policy 1, page III-1-2)**

Recognition of the historic significance of the Brunner-Schmitz House as a City of Eugene Historic Landmark aids in implementation of this policy because it was identified and documented in the River Road Cultural Resource Survey of 2005. Historic landmark designation will encourage the preservation and restoration of the Brunner-Schmitz House and its significant, historic landscape for the future through compliance with historic alteration, moving and demolition requirements of Eugene’s land use code.

**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.” (Policy 2, page III-1-2)**

Listing of the Brunner-Schmitz House as a City of Eugene Historic Landmark is consistent with this policy as the research found in the application contributes to the body of knowledge that the City of Eugene maintains on the history of development of the River Road area of Eugene. Historic landmark designation helps to ensure the preservation of the Brunner-Schmitz House and will help to increase citizen awareness of historic preservation and local history.



## **River Road- Santa Clara Urban Facilities Plan – Environmental Design Element**

### **4. 6 Historic Structures**

**Inventory structures, landmarks, sites, and areas of cultural, historic, or archaeological significance. (Policy 1, Page 4-6)**

Consistent with this policy, on April 14, 2005, the Brunner-Schmitz House was identified as a potential significant historic resource and recorded as part of the River Road Cultural Resource Inventory. This was included on a Historic Resource Survey Form in the Oregon Inventory of Historic Properties for the River Road area which was funded by the Oregon State Historic Preservation Office in collaboration with the City of Eugene.

**Encourage the preservation and restoration of structures, landmarks, sites, and areas of cultural, historic, or archaeological significance. (Policy 2, page 4-6)**

Listing the Brunner-Schmitz House as a City of Eugene Historic Landmark is consistent with this policy as it ensures that the historic resource will be preserved into the future through the historic review process, and the support and enthusiasm of the property owner. The owner recognizes the significance of the Brunner-Schmitz House and intends to take actions to continue the preservation and restoration of the building and grounds with oversight by the City of Eugene.

### **City of Eugene Historic Landmark Criteria**

**EC 9.8165(2): Designation is based on a determination of historic significance according to one or more of the following:**

- (a) Is associated with events that have made a significant contribution to the broad patterns of history.**

The land associated with the Brunner-Schmitz House was once part of the Benjamin and Catharine Davis Donation Land Claim (DLC) of 1851. The 1857 DLC Survey Map indicates that the primary landowners in the River Road area were members of the Davis family, with Joseph and Benjamin Davis each holding slightly over 640 acres and L.E. Davis holding another claim of slightly over 300 acres. Subsequent parceling of the Benjamin and Catharine Davis DLC land deeded the northeast quadrant of their claim to their son, Lycurgus Davis, which is where the Brunner-Schmitz house and acreage is located.

In the early 1900s, small-scale farming was promoted by boosters like the Southern Pacific Railroad and the Eugene Commercial Club. Their promotions glorified the virtues of the small family farm ranging in size from four to twenty acres along with instructions for maximizing profits from nut, fruit and row crops. The annual value of fruit production in the Northwest

nearly doubled between 1880 and 1900, fueled by the improved transportation networks and processing facilities like prune and nut dryers.

Within this period of development the small family-owned farm flourished in the River Road area, as is indicated in the Agriculture Section of the context statement titled *Eugene's Historic River Road*, June 2006. In 1920 Frank and Bertha Brunner purchased 24 acres on the west side of River Road from Fred and Mary Chambers. Records indicate that the Brunner's maintained prune and cherry orchards and developed a prune drying facility as early as 1921, concurrent with construction of the Brunner-Schmitz House.

Over time the success of the "Brunner Commercial Dryer" was assured due to the perseverance of the Brunner and Schmitz families until changes in agricultural production, particularly the demise of fruit and nut production in the local area resulted in the closure of the Brunner Commercial Dryer in 2003, when the dryer buildings were demolished.

Research indicates that the dryer business grew substantially between 1940 and 1960 and became lucrative and well respected in the region. In 1944 only six Dehydrators & Dryers of Fruits and Nuts<sup>1</sup> existed in the local area, indicating that this was a significant niche business that served local orchardists and fruit growers of the community. During World War II the Schmitz family had a government contract to provide dried fruit for the war effort. The Brunner Commercial Dryer became an agent for the wholesale distributor of Hudson House in Portland, Oregon, further ensuring their success.

The Brunner-Schmitz House remains as a testament to the long tenure of agricultural practices in the River Road area by the Brunner and Schmitz families. Based on the information above, it appears that the Brunner-Schmitz House is associated with agricultural events, particularly the drying of nuts and fruit that made a significant contribution to the broad patterns of agricultural history in the River Road area and Eugene.

**(b) Is associated with the lives of persons significant to our past.**

Frank Brunner was born in Germany in 1869 and immigrated to the United States in 1890, having reached the age of 21. Bertha Thoni was born in Switzerland in 1872 and immigrated to the United States in 1894. Frank and Bertha were married in 1903 and for the next sixteen years resided in Poweshiek County, Iowa. The couple moved to Lane County Oregon in 1919 and Frank worked at the Eugene Fruit Growers Association. Frank and Bertha Brunner purchased their twenty-four acres of land on the west side of River Road on August 18, 1920. The couple was obviously busy during these early years with the construction of their new house, the prune dryer, and managing their agricultural enterprise. In 1904, Ernest Brunner was born to the couple.

---

<sup>1</sup> Liz Carter completed research in the Eugene City Directories to determine the number and location of Dehydrators & Dryers in the area.

Ernest Brunner worked the family farm and dryer operations and married Marie Darrington at the age of thirty-three, she was twenty-eight. Marie was born in Nye Hill, Montana and attended nursing school in Portland between 1927 and 1930. She ultimately worked as a nurse and anesthesia specialist in Eugene. In 1938 Ernest and Marie became parents with the birth of their son Joe. In March of 1939, Ernest died in a tragic tractor accident on the family farm, leaving Marie a young widow and mother.

On July 9, 1940, Marie married Peter Schmitz, Jr., who had been best man at her marriage to Ernest Brunner. Peter Schmitz, Jr. was born in Minnesota in 1909 and his family arrived in the Cheshire area of Oregon between 1910 and 1913. Following their marriage the couple purchased the house at 1410 River Road from the elder Brunner's, along with ten acres of land. Peter Schmitz oversaw all aspects of the Brunner Commercial Dryer and was instrumental in developing the peak growth and prosperity of this business. Peter Schmitz died in 1989, when Joe Brunner took over management of the operations.

Information garnered from the application, personal interviews with the Schmitz relatives, and an understanding of the development of the River Road areas suggests that the Brunner and Schmitz families associated with the Brunner Commercial Dryer operation were persons significant to Eugene's past because of their long tenure as operators of the dryer business. Nut and fruit dryers were not common in the community and Ms. Carter's research reveals that only six existed in 1944 and only four were existant in 1955. The Brunner Commercial Dryer continued in operation until 2003, making it one of the longest lived commercial dryers in Eugene.

- (c) Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.

The American Foursquare form of architecture is a building type that was popularized between 1900 and 1920 in the Pacific Northwest and is considered an outgrowth of the Prairie Style that was made popular by Frank Lloyd Wright in the Midwest. Key elements of the style include a square or rectangular floor plan; wide overhanging eaves; two stories in height with one story porches or wings; massive square porch posts and hipped roof dormers; paired and triple casement windows sometimes with leaded glass; and horizontal board siding. A low-pitched hipped roof helps to create a sense of horizontality in this building form. *Eugene's Historic River Road*, page 12.8, collaborates that the American Foursquare is less a style than a form and was popular for some farmhouses in the River Road area.

The Brunner-Schmitz House is a distinctive example of the American Foursquare form of residential architecture for Eugene. The house is in excellent condition and includes all of the key elements referenced above. The house exhibits a porte cochere<sup>2</sup> on the north elevation

---

<sup>2</sup> Porte Cochere: 1. A carriage porch. 2. A doorway large enough to let a vehicle pass from street to parking area.

that is designed as an extension of the expansive porch that covers two-thirds of the east (front) elevation. A bay window with a hipped roof announces the living room at the front elevation just south of the front porch. This bay window contains five casement windows with decorative leaded glass in the upper casements. A one-story sunroom extends the horizontal orientation of the front façade and contains multiple six over one casement windows that flood this room with natural light from three directional points.

The house has at least an 80-foot setback from River Road and is surrounded by an expanse of lawn with foundation shrubs around the perimeter of the house. A large lilac and holly are located to the southeast of the house near the curving concrete walk that accesses the front entrance. An oversized walnut tree defines and shades the southwest quadrant of the backyard, where grape vines also exist. An asphalt parking area covers half of the backyard north of the walnut tree in proximity to the small garage that is not part of tax lot 4602. Originally, the garage was used by the Brunner and Schmitz families for the storage of their personal vehicles. A concrete drive accesses the porte cochere from River Road and a second driveway to the north served as access for vehicles which traveled to and from the Brunner Commercial Dryer that was once located west of the house.

The application informs us that the Brunner-Schmitz House was designed and built by Frank Brunner between 1920 and 1922. During the August 24, 2010 interview with Lenore Barrett, Liz Carter learned that the house design was chosen after touring the residential neighborhoods around the University of Oregon, where a wide variety of period residential styles still exist. It is assumed that Frank and Bertha Brunner customized the design of this house to suit their needs.

The Brunner-Schmitz House embodies the distinctive characteristics of a residential building type designed in the American Foursquare form of architecture that was popularized in the first quarter of the twentieth century. The building possesses methods of construction typical of this era and is built entirely of wood with a concrete foundation. High quality construction techniques and materials were identified from on-site evaluation of the property. The design of the house is not the work of a master, but possesses high artistic values as conceived and constructed by Frank and Bertha Brunner.

**(d) Yields, or may be likely to yield, information important to prehistory or history.**

It is unknown if any archaeological resources exist at this site, making this criterion not applicable to this application.

**(3) In addition to EC 9.9165(1) and (2) above, criteria for designation of a historic resource that was moved, is primarily commemorative in intent, or less than fifty years of age shall include the following considerations:**

- (a) A historic resource moved from its original location or a place that has historic significance can be eligible if it has historic architectural significance or is the surviving property most importantly associated with a historic person or event.**

This criterion is not applicable because the Brunner-Schmitz house has not been moved from its original location.

- (b) A historic resource that is primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.**

This criterion is not applicable because the Brunner-Schmitz House is not a commemorative historic resource (like a monument or plaque).

- (c) A historic resource achieving significance within the last fifty years can be eligible if it is of exceptional importance.**

This criterion is not applicable because the Brunner-Schmitz House is over fifty years of age with a construction date of 1922.

**Recommendation:**

Based on the information and materials in the record, and the findings contained in this report, approval of the Historic Landmark Application for the Brunner-Schmitz House (HD 10-1) is recommended as the proposal complies with EC 9.8165(1), and 9.8165(2)(a) events, (b) persons and (c) architecture.

FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4 S.W.1/4 SEC.13, T.17S. R.4 W.W.M.

17 04 13 33

NAD 83/91

LANE COUNTY

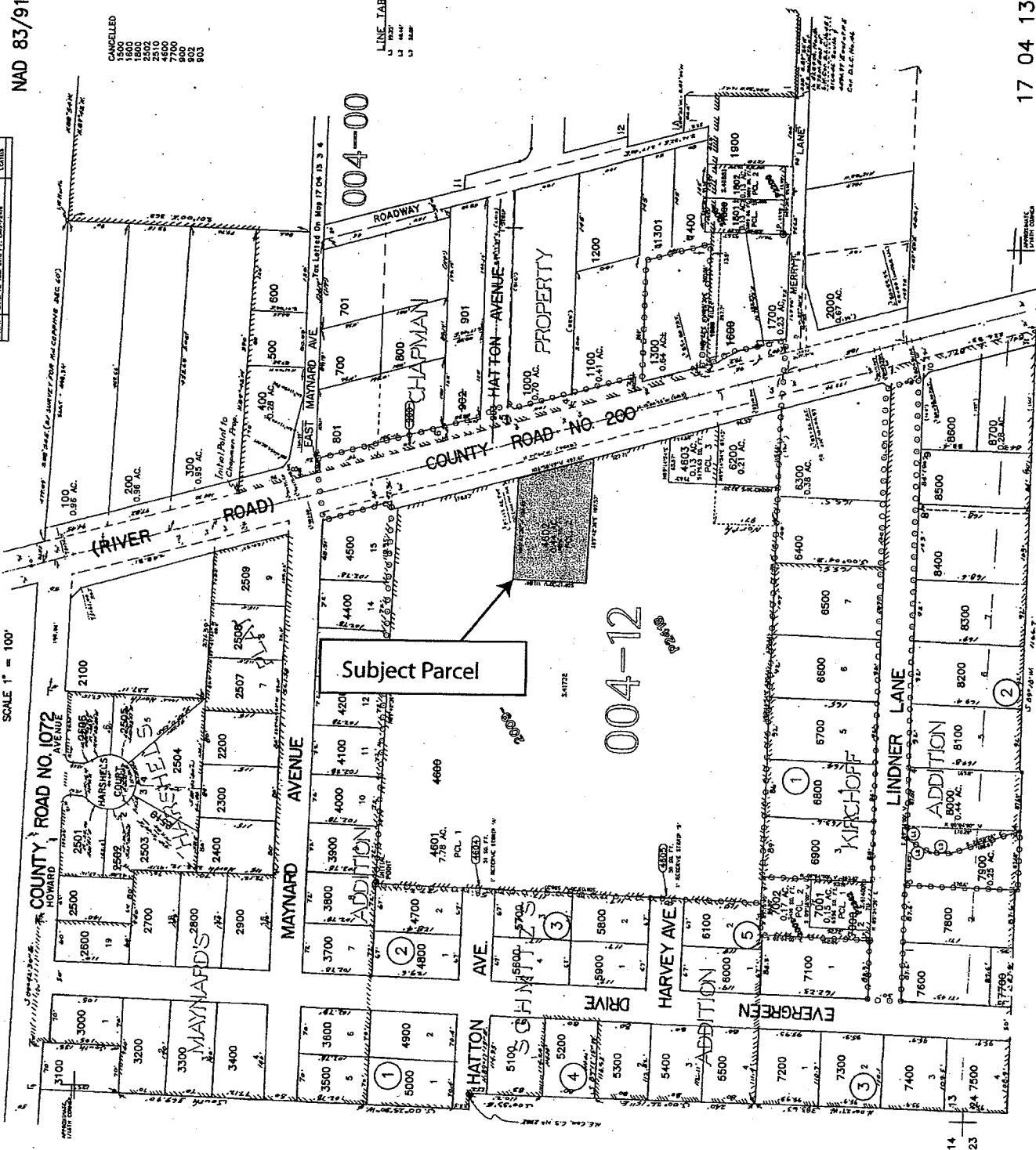
SCALE 1" = 100'

NO.	OWNER	ACRES	APPROX. VALUE
1	LANE COUNTY	0.00	0.00
2	LANE COUNTY	0.00	0.00
3	LANE COUNTY	0.00	0.00
4	LANE COUNTY	0.00	0.00
5	LANE COUNTY	0.00	0.00
6	LANE COUNTY	0.00	0.00
7	LANE COUNTY	0.00	0.00
8	LANE COUNTY	0.00	0.00
9	LANE COUNTY	0.00	0.00
10	LANE COUNTY	0.00	0.00
11	LANE COUNTY	0.00	0.00
12	LANE COUNTY	0.00	0.00
13	LANE COUNTY	0.00	0.00
14	LANE COUNTY	0.00	0.00
15	LANE COUNTY	0.00	0.00
16	LANE COUNTY	0.00	0.00
17	LANE COUNTY	0.00	0.00
18	LANE COUNTY	0.00	0.00
19	LANE COUNTY	0.00	0.00
20	LANE COUNTY	0.00	0.00
21	LANE COUNTY	0.00	0.00
22	LANE COUNTY	0.00	0.00
23	LANE COUNTY	0.00	0.00
24	LANE COUNTY	0.00	0.00
25	LANE COUNTY	0.00	0.00
26	LANE COUNTY	0.00	0.00
27	LANE COUNTY	0.00	0.00
28	LANE COUNTY	0.00	0.00
29	LANE COUNTY	0.00	0.00
30	LANE COUNTY	0.00	0.00
31	LANE COUNTY	0.00	0.00
32	LANE COUNTY	0.00	0.00
33	LANE COUNTY	0.00	0.00
34	LANE COUNTY	0.00	0.00
35	LANE COUNTY	0.00	0.00
36	LANE COUNTY	0.00	0.00
37	LANE COUNTY	0.00	0.00
38	LANE COUNTY	0.00	0.00
39	LANE COUNTY	0.00	0.00
40	LANE COUNTY	0.00	0.00
41	LANE COUNTY	0.00	0.00
42	LANE COUNTY	0.00	0.00
43	LANE COUNTY	0.00	0.00
44	LANE COUNTY	0.00	0.00
45	LANE COUNTY	0.00	0.00
46	LANE COUNTY	0.00	0.00
47	LANE COUNTY	0.00	0.00
48	LANE COUNTY	0.00	0.00
49	LANE COUNTY	0.00	0.00
50	LANE COUNTY	0.00	0.00
51	LANE COUNTY	0.00	0.00
52	LANE COUNTY	0.00	0.00
53	LANE COUNTY	0.00	0.00
54	LANE COUNTY	0.00	0.00
55	LANE COUNTY	0.00	0.00
56	LANE COUNTY	0.00	0.00
57	LANE COUNTY	0.00	0.00
58	LANE COUNTY	0.00	0.00
59	LANE COUNTY	0.00	0.00
60	LANE COUNTY	0.00	0.00
61	LANE COUNTY	0.00	0.00
62	LANE COUNTY	0.00	0.00
63	LANE COUNTY	0.00	0.00
64	LANE COUNTY	0.00	0.00
65	LANE COUNTY	0.00	0.00
66	LANE COUNTY	0.00	0.00
67	LANE COUNTY	0.00	0.00
68	LANE COUNTY	0.00	0.00
69	LANE COUNTY	0.00	0.00
70	LANE COUNTY	0.00	0.00
71	LANE COUNTY	0.00	0.00
72	LANE COUNTY	0.00	0.00
73	LANE COUNTY	0.00	0.00
74	LANE COUNTY	0.00	0.00
75	LANE COUNTY	0.00	0.00
76	LANE COUNTY	0.00	0.00
77	LANE COUNTY	0.00	0.00
78	LANE COUNTY	0.00	0.00
79	LANE COUNTY	0.00	0.00
80	LANE COUNTY	0.00	0.00
81	LANE COUNTY	0.00	0.00
82	LANE COUNTY	0.00	0.00
83	LANE COUNTY	0.00	0.00
84	LANE COUNTY	0.00	0.00
85	LANE COUNTY	0.00	0.00
86	LANE COUNTY	0.00	0.00
87	LANE COUNTY	0.00	0.00
88	LANE COUNTY	0.00	0.00
89	LANE COUNTY	0.00	0.00
90	LANE COUNTY	0.00	0.00
91	LANE COUNTY	0.00	0.00
92	LANE COUNTY	0.00	0.00
93	LANE COUNTY	0.00	0.00
94	LANE COUNTY	0.00	0.00
95	LANE COUNTY	0.00	0.00
96	LANE COUNTY	0.00	0.00
97	LANE COUNTY	0.00	0.00
98	LANE COUNTY	0.00	0.00
99	LANE COUNTY	0.00	0.00
100	LANE COUNTY	0.00	0.00

CANCELLED  
 1500  
 1600  
 1700  
 1800  
 1900  
 2000  
 2100  
 2200  
 2300  
 2400  
 2500  
 2600  
 2700  
 2800  
 2900  
 3000

LINE TABLE  
 1. 1500  
 2. 1600  
 3. 1700  
 4. 1800  
 5. 1900  
 6. 2000  
 7. 2100  
 8. 2200  
 9. 2300  
 10. 2400  
 11. 2500  
 12. 2600  
 13. 2700  
 14. 2800  
 15. 2900  
 16. 3000

SEE MAP 17 04 13 34



SEE MAP 17 04 14 44

17 04 13 33

0014-00

**LEGAL DESCRIPTION**

PARCEL 2 OF PARTITION PLAT 2009-P2418 AS RECORDED WITH LANE COUNTY INSTRUMENT NUMBER  
2009-071906.

## Exhibit C

### Preliminary Findings

#### Brunner-Schmitz House (Z 10-12)

##### Zone Change (Z 10-12)

The proposed zone change rezones the property from R-2 Medium Density residential to S-HBS Historic Special Area Zone on 0.44 acres of the Brunner Schmitz Home site located on the west side of River Road, at 1410 River Road.

Eugene Code (EC) Section 9.3020 requires that the following criteria (in bold) be applied to a Metro Plan diagram amendment:

**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 Brunner-Schmitz House meets criterion (1)(b)(1) above. The area (subject property) is characterized by the Brunner-Schmitz House, found by the City of Eugene Historic Review Board in HD 10-1 to have significant historic value and merit preservation as a Historic City Landmark due its distinctive architecture and association with Eugene's past.

The Brunner-Schmitz House was designed and built by Frank Brunner between 1920 and 1922. The Brunner-Schmitz House is a distinctive example of the American Foursquare (an outgrowth of the Prairie Style made popular by Frank Lloyd Wright in the Midwest) form of residential architecture for Eugene and is in excellent condition. The Brunner and Schmitz families associated with the Brunner Commercial Dryer operation were persons significant to Eugene's past because of their long tenure as operators of the dryer business. Nut and fruit dryers were not common in the community and the Brunner Commercial Dryer continued in operation until 2003, making it one of the longest lived commercial dryers in Eugene. Preservation of the house contributes to Eugene's history.



The findings of the Historic Review Board in HD 10-1 and the applicant's written statement, which are included herein by reference, further demonstrate the significance of the structure and the value of its preservation.

- (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 Brunner-Schmitz House are set forth in a proposed draft ordinance to which these supporting findings are attached. The purpose of the Historic Special Area Zone is to ensure permitted uses and development on the site, encourage preservation of historic qualities. The proposed uses include both residential and non-residential uses permitted in low density residential and neighborhood commercial zones. The proposed residential uses are reduced from the existing medium density residential use list which would allow for multi-family development, to limiting the development to a one-family dwelling or duplex. These residential uses facilitate the preservation of the existing building it is currently being used as a single family dwelling but may allow for changes that would allow for a duplex or secondary dwelling unit (subject to Historic alterations review).

The non-residential uses include limited office and commercial services as well artist studios and assisted care and daycare uses. All of these nonresidential uses proposed, could occur in the building while preserving its historic character. Non-residential uses would further benefit the community as the use of the site would then draw citizens to the property where the historic nature of the building and property can be further shared.

The Special Area Zone ordinance further facilitates preservation by clarifying the historic aspects of the building and clarifying that parking lot alterations, building alterations or additions and all new construction shall comply with Historic Property Alteration approval criteria, which ensures that all applicable future alterations are reviewed to ensure compatibility with the existing historic building. The applicant's written statement (pages 4- 6) which includes additional findings regarding this criterion is incorporated herein by reference.

The proposed ordinance includes development standards related to the existing parking lot and landscaping on the site. The following changes to the ordinance proposed by the applicant have been made in order to ensure future improvements complement the historic nature of the building.

- Section 1. (c) Remove (C) subject to an approved conditional use permit (no uses are listed as conditional).
- Section 1. (c) add Secondary Dwelling Unit as permitted use.
- Section 1.(c) remove Tea Room and maximum seating capacity limitation

- Section 1(d)(5)Parking and Parking Lot Landscaping. Change of use to any non-residential use requiring 10 or fewer parking spaces in accordance with EC 9.6410 shall not require the parking lot to be upgraded to meet requirements at EC 9.6420 Parking Area Standards. Change of use to any non-residential use requiring 11 or more spaces will require the entire parking area to meet requirements at EC 9.6420 Parking Area Standards. All parking spaces provided shall be behind the house to the west or north of the house and west of the portico.

Additionally, the applicant's findings (pages 4- 6) are incorporated herein by reference to further show compliance with this criterion.

With these changes, 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.**

The area is requesting the 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 this 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 Metro Plan designates the property for medium density residential use. 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 historic Brunner-Schmitz House is an example of an appropriate site for limited non-residential use within a residential area as the zoning will maintain the residential character of the house even if limited commercial uses are allowed. The proposed Special Area Zone includes a list of limited residential and non-residential uses, including office uses and certain small scale commercial uses, consistent with the Metro Plan diagram. Applicable Metro Plan policies are discussed below.

## Residential Land Use and Housing Element

Policy A22: 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 small scale office or commercial uses, consistent with this policy.

Policy A25: 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-10)

The proposed zoning helps assure the preservation of the existing building by providing for uses that are appropriate in this historic building. Additionally, historic properties are eligible for low interest loans from the City and tax credits from the state and federal governments which are an incentive for rehabilitation. As the property was partitioned from the surrounding R-2 land, which will not be part of this Special Area Zone, planned densities in the area will continue to be supported.

## Historic Preservation Element

Policy I.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 III-I-2)

The Brunner Schmitz House is of historic significance and has therefore been designated a Historic City Landmark (see City File HD 10-1). As a historic landmark, the building is included on the City Landmark list consistent with this policy. The adoption of this Historic Special Area zone implements regulation that protects the historic value of the Brunner Schmitz House by providing site specific development standards and uses that encourage preservation and restoration.

Policy I.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 Special Area Zone will help increase citizen and visitor awareness by allowing a specific set of uses that will encourage visitors to the property. This will allow visitors to be made aware of the building's role in the history of the area and memorialize the Brunner Schmitz House's tie to the agricultural past of the area. As this information is provided to the public, it is likely to increase awareness of the history of the River Road area.

**(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 applicable adopted refinement plan for the area of the proposed zone change is the River Road Santa Clara Urban Facilities Plan (RRSC). The Land Use Diagram (p. 2-3) in the RRSC indicates that the subject property is appropriate for medium density residential use, consistent with the Metro Plan and the existing R-2 Medium Density Residential zoning. The S-HBS zone is also consistent with the designation as it will maintain the residential character of the property. The following plan policies are also applicable to this request:

#### 4.6 Historic Structures

Policy 2: Encourage the preservation and restoration of structures, landmarks, sites and areas of cultural, historic, or archaeological significance.

As noted above in regards to Metro Plan policies, the proposed Special Area Zone will encourage preservation and restoration of this historic property by providing site specific development standards and allowed uses that are compatible with the historic character. Additionally, the Special Area Zone specifies that that building additions, alterations as well as parking lot alterations and all new construction shall comply with Historic Property Alterations criteria set forth in the Eugene Code. These criteria are designed to ensure that as alterations occur, they can be reviewed through a public process and remain consistent with the historic character.

In addition to a Land Use Diagram and plan policies, the RRSC includes 12 subareas, which were identified in order to consider and suggest future land use in the Land Use Diagram component (see page 2-22 of the RRSC). Each of these subareas contains a description and recommendations. As found by the Hearings Official in City File # Z 02-19 (Merritt-Truax, Inc.), as these are listed under the heading of “recommendations” they do not constitute mandatory approval criteria.

While not mandatory approval criteria, staff provides findings regarding two of the recommendations below to demonstrate how the proposal remains consistent with these recommendations. The applicable River Road/Howard Subarea recommendations (page 2-27) are as follows:

#### Recommendations

2. Maintain the status of existing medium-density land use.
3. Encourage medium-density residential development for all portions of the subarea, with the exception of the following areas: Hatten Street commercial area, the area west of River Road between Maxwell and Howard, and the area east of River Road between Owosso and Corliss.

The 0.44 acre portion of land subject to this request is zoned medium-density residential. As noted previously, the parcel was partitioned from a larger 7.78 parcel in 2008 that is also zoned for medium density residential. While the 0.44 acre portion that contains the historic home will be re-zoned to a Special Area Zone, the remaining larger parcel will remain available for medium density

residential use based on the current zoning. This proposal balances the recommendations to maintain medium-density lands with Metro Plan and refinement plan policy to protect historic resources by separating the historic building from the surrounding land, preserving the resource while allowing the remainder of the land to develop as medium density.

**(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.**

The minimum level of key urban facilities and services are defined in the Metro Plan and include wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, City-wide parks and recreation programs, electric service, land use controls, communication facilities, and public schools on a district wide basis (Metro Plan page V-3). The findings related to this criterion on pages 8-11 of the applicant's narrative describe the availability of each of these services and are incorporated herein by reference. Public Works referral comments confirm the availability of wastewater services, stormwater services and transportation facilities below.

*Wastewater* service is provided to the existing structure on the subject property via an eight-inch public wastewater system located within the abutting River Road. The public system has sufficient capacity to accommodate the proposed uses.

*Stormwater* service could be provided for any future impervious surface area by a variety of on-site management techniques. As part of the previous land division (City file PT 09-12), a conceptual development plan demonstrated the ability to comply with the City's stormwater development standards as follows: pollution-reduction of stormwater runoff by a manufactured treatment facility; detention of stormwater runoff via a flow-control mechanical structure; and overflow from these on-site facilities to the 48-inch stormwater system located within the abutting River Road. Documentation from Lane County (June 4, 2008, Brad Lemhouse letter) regarding expectations and limitations of the River Road stormwater system, located within their operating jurisdiction, confirms that controlled discharge to their specifications would be permissible.

*Transportation* is provided by the property's frontage and driveway access on River Road. The segment of River Road adjacent to the subject property is classified as a major arterial and currently has 70 feet of paving within 100 feet of right-of-way abutting the subject property. The roadway is fully improved to urban standards, with two travel lanes in each direction, a center turn lane, bike lanes, setback sidewalks, street trees, and street lights.

As an informational item, this segment of River Road is currently in Lane County's operational jurisdiction. As such, Lane County access management standards may apply to future development of the property. As part of the previous land partition, a deed restriction was established to provide an orderly extension of streets from the west (Hatton and Harvey Avenues) through adjacent lands (Parcel 1) and to the subject property (Parcel 2). The future extension of Hatton Avenue will provide street frontage to the subject property in the event that County access management guidelines require the closure of the existing driveway. In the interim, the existing driveway to the structure on the property may remain.

All other key urban services are currently available to the subject property, or can be extended in an orderly and efficient manner to the property as needed to serve development.

Based on the findings above, key urban facilities and services are currently available, or can be extended in an orderly manner to the subject property as required, consistent with this criterion.

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

**(u) 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 is to establish 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.

**(5) In cases where the NR zone is applied based on EC 9.2510(3), 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 NR zone is not requested or applicable in this instance. Therefore, the above criterion is inapplicable.

**Transportation Planning Rule:**

The Transportation Planning Rule (TPR) (OAR 660-012-0060(1)) requires compliance if a change to a functional plan, acknowledged comprehensive plan, or land uses regulation would significantly affect an existing or planned transportation facility. The Hearings Official in the zone change decision for Hahn, et al (City file Z 08-9) concluded that City of Eugene's zoning map changes are not categorically excluded from the Transportation Planning Rule (Oregon Administrative Rule OAR 660-012-0060).

The applicant's State Transportation Planning Rule (Goal 12) analysis indicates that no significant impact to the transportation system will occur as a result of the proposed zone change from R-2 to S-H. As noted in the analysis, under the existing zoning of the 0.44 acre property, a reasonable assumption based on allowed uses would be multi-family development with a maximum of 12 dwelling units, which translates into a potential eight (8) trips during the PM peak hour (ITE Land Use Code 220; 0.55 trips per dwelling). The worst-case development scenarios (the most intense traffic generators) of uses to be permitted by the proposed S-H ordinance are as follows:

Use	ITE Land Use Code	Estimated PM Peak
Professional Office	710	3 trips
Restaurant	931	16 trips

The greatest relative increase due to the zone change would be eight (8) additional trips in the PM peak hour, which is a minor contribution of trips. The nearest signalized intersections are approximately: 730 feet to the north at Howard Avenue and River Road; and 1,630 feet to the south at Horn Lane and River Road. The industry standard for determining intersections to be studied for traffic impacts by a development is 50 peak trips; therefore, the anticipated eight trips would not warrant review of any operational issues at these intersections. Nevertheless, these intersections are performing above required level of service (LOS) standard, which is "D" for signalized intersections; the intersection at Horn is operating at LOS A and LOS B at Howard. Further, given the current operating levels of the adjacent street (River Road currently carries around 20,000 average daily trips and has the capacity to carry 1,500 vehicles per hour), the contribution of trips will not exacerbate existing traffic problems in the area. Nor would the proposal change the functional classification of adjacent streets. Therefore, the proposed change in zone results in no significant effect on any planned or existing facilities under OAR 660-012-0060(1)(a), (b) or (c) and, therefore, OAR 660-012-0060(2) is inapplicable in this instance.

Given the findings above the zone change is consistent with TPR.

February 3, 2011

**BRUNNER-SCHMITZ HOUSE ZONE CHANGE APPLICATION:  
WRITTEN STATEMENT**

**Received**

**PL 1100**

**City of Eugene  
Planning Division**

**Property Owner & Applicant:**  
Sylvia Sherry  
P.O. Box 41960  
Eugene, Oregon 97404

**I. Land Use Request**

The applicant is requesting a zone change from Medium Density Residential (R-2) to Historic Special Area Zone (S-H) for one (1) lot totaling 0.44 acres, identified on Assessor's Map 17-04-13-33 as Tax Lot 4602. Both the Metro Plan and the River Road Santa Clara Urban Facilities Plan designate the parcel as Medium Density Residential. This zone change request follows a successful Historic Landmark designation rendered by the Historic Review Board on December 9, 2010.

**II. Property Information**

City File Number	Z-10-12 (Brunner-Schmitz House)
City Limits:	Inside Eugene City Limits
Urban Growth Boundary:	Inside UGB
Local Government:	City of Eugene
Utilities - Storm Sewer:	City of Eugene
Sanitary Sewer:	Metro Wastewater Service District
Water:	Eugene Water and Electric Board
Electricity:	Eugene Water and Electric Board
Schools:	41 Eugene (Howard, Kelly, North)
Parks and Recreation:	Eugene Parks and Recreation Department
Fire and EMS:	Eugene Fire and EMS
Map and Tax Lot:	Map: 17-04-13-33 Tax Lot: 4602
Area:	0.44 Acre (19,026 sq. ft.)
Metro Plan Designation:	Medium Density Residential
Refinement Plan:	River-Road Santa Clara Urban Facilities Plan
Refinement Plan Designation:	Medium Density Residential
Existing Zoning/Overlay:	R-2, Medium Density Residential/No Overlay
Site Address:	1410 River Road
Eugene Neighborhood Group:	River Road Community Organization
Current Use:	Single Family Housing

**Adjacent Zoning:**

<u>Direction</u>	<u>Use</u>	<u>Zone</u>
North/ West/ South	Vacant	Medium-Density Residential
East	Commercial	Neighborhood Commercial



### **III. The Site and Existing Conditions**

#### **A. Tax Lot**

This proposal applies to Tax Lot 4602 on Lane County Assessor's Map 17-04-13-33. The subject parcel was platted as Parcel 2 as recorded on Partition Plat 2009-P2418 (December 30, 2009). The property is known as the Brunner-Schmitz House. The subject lot is developed with an existing single-family dwelling. The two story house fronts east on a flat, irregular lot located adjacent to River Road.

#### **B. Location and Site Context**

The parcel, roughly 0.44 acre in area, is located on the east side of River Road, South of Maynard Avenue and north of Horn Lane. The parcel abuts vacant residential land further to the west, north and south are single family homes. Across River Road is a mixture of residential and commercial uses.

#### **C. History of Land Use Approvals**

The parcel has been involved in several recent land use approvals listed below in chronological order.

Annexation. The subject parcel was annexed to the City of Eugene in 2007, City of Eugene file A-06-031, Boundary Commission File

Zoning. The existing zoning was applied to the subject parcel, prior to its existing configuration when it was a part of Tax Lot 4600, in 2008, City of Eugene file Z-07-009.

Partition. The existing lot configuration was established with the final plat approved and recorded in 2009; City of Eugene files PT-09-12, PF-09-026, recorded Partition Plat 2009-P2418 (Instrument No. 2009-071906).

Historic Landmark. The site and house were designated a Historic Landmark by the Historic Review Board on December 9, 2010; City of Eugene file HD-10-001.

#### **D. Description and Purpose**

The Brunner-Schmitz House, at 1410 River Road, is designated as a City of Eugene Historic Landmark according to the approval rendered by the Historic Review Board on December 9, 2010. The Brunner-Schmitz House possesses historic value because of its distinctive architecture and its association with the broad historical patterns that have shaped the River Road area of Eugene. Overall the Brunner-Schmitz House is in excellent condition and retains a very high degree of historical integrity. It retains its integrity of location, design, materials, workmanship and association. In the areas of setting and feeling the building also a high degree of integrity, although planned development of the surrounding acreage is likely to eventually alter the site's integrity in these areas. The house clearly conveys its style, type and period of construction, and the

large yard and open land around it allow it to also express its historical use as a farmhouse.

Historic Landmark designation affords the Brunner-Schmitz House special treatment and protection so that the uses permitted and restrictions imposed upon it will preserve and allow rehabilitation of the building's significant historic features. Recognition of historic landmarks enhances the beautification of the City, promotes the community's economic health, and preserves the value of these properties. The regulation of designated historic landmarks is a means to review changes to a landmark and ensure that historic and architectural values are preserved.

The purpose of Historic zoning is to permit a range of uses that are not found together in one of the standard zoning districts on historically significant buildings and sites that are subject to the Historic Landmark Ordinance and Alteration Review. Historic Zoning enables preservation of these historic resources where their maintenance and productive use would not otherwise be economically practical, and where a standard zoning classification would not be appropriate. Uses permitted, and permitted conditionally, under existing zoning classifications that are not appropriate to specific historic buildings are omitted in the Historic zone. Historic zoning incorporates standards that ensure the activities associated with permitted uses or new development are compatible with the historic character of existing development.

Historic zoning will foster the continued preservation and enhancement of the Brunner-Schmitz House and site by clearly delineating an expanded range of uses permitted on the property and by establishing development standards. Historic zoning will ensure the long-term viability of the Brunner-Schmitz House.

The Brunner-Schmitz House is an excellent example of the American Foursquare type with clear references to the Prairie Style. Its high degree of historical integrity makes it one of the best examples of an early 20<sup>th</sup> -century farmhouse remaining in the River Road area. Although the agricultural outbuildings and orchards originally associated with the historic property are gone, the house remains (for the moment) surrounded by open fields and stands as a reminder of the agricultural character once prevalent in the River Road area.

Please review the Historic Landmark application and recent approval by the Historic Review Board for more detailed information on the history of the site and historic significance of the architecture. City of Eugene file HD-10-001.

**IV. Criteria and Findings**

*Eugene Code* §9.3020 requires an evaluation of any S Special Area zone change application to determine whether the requested change in zoning is consistent with the following criteria shown in **bold** face and *italicized* text; responses to criteria are shown in plain text.

***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 the following criteria:***

***EC 9.3020(1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:***

...

***(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.***

Response:

The Brunner-Schmitz House was found to be historically significant as demonstrated in the findings of the Historic Review Board (HD 10-01) which demonstrate the significance of the structure and the value of preservation. The house is an excellent example of a 1920s farmhouse displaying the American Foursquare form with Prairie School stylistic influences. The house retains a high degree of historical integrity that allows it to clearly convey the characteristics of type, style, and period, and it is one of the best examples of the American Foursquare style that has been identified in the City. As provided in the approval by the Historic Review Board the Brunner-Schmitz House has been found to merit preservation in order to protect the site and homes special features. Preservation of the house contributes to the preservation of Eugene's history. With consideration of the Historic Review Board's designation of the Brunner-Schmitz House as a City Landmark this criterion is met.

***EC 9.3020(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.***

Response:

The purpose of the S-H Historic Special Area zone is to permit, after appropriate review, the use of historically significant buildings and sites for a range of permitted uses not otherwise found together in one of the standard zoning districts, which often contain uses that are inappropriate while omitting uses that are appropriate to specific historic buildings, sites, and ensembles. All of the property associated with the Brunner-Schmitz House is proposed to be included in the S-H Historic Special Area Zone, to assure the maintenance of the existing and historical relationship of the structure to its setting and its immediate neighbors, and the larger River Road area, where it has always been a prominent landmark.

The property is listed as a City of Eugene Historic Landmark and is subject to the historic preservation provisions and regulations of Section 9.8175 of the Eugene Code.

The proposed uses and development standards for the Brunner-Schmitz House set forth in the proposed ordinance (attached). The purpose of the Special Area Zone is to preserve the structure and property while facilitating appropriate use of the site. The characteristics of the structure, and use history influenced the proposed list of permitted uses and development standards. While the list proposes to broaden the array of allowable uses over what is currently allowed outright in residential zones, language contained in the River Road/ Santa Clara Urban Facilities Plan supports the change. Development standards have been borrowed from the R-2, Medium Density Residential and C-1, Neighborhood Commercial Zones for residential and nonresidential development, respectively. The following table adapted from Table 9.2160 Commercial Zone Land Uses and Permit Requirements and Table 9.2740 Residential Zone Land Uses and Permit Requirements lists the proposed Uses and Permit Requirements for the S-HBS Historic Brunner-Schmitz House Special Area Zone (it is included within the attached proposed ordinance).

<b>S-HBS Historic Brunner-Schmitz House Special Area Zone Uses and Permit Requirements</b>	
	<b>S-HBS</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential use include a garage, storage shed, and services primarily for use by residents on the site, such as recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P
Accessory Uses. <u>Examples</u> related to non-residential use include accessory services that are related to specialty retail, food and beverage uses, such as storage, food preparation areas, and outdoor product display (screened from public view).	P
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Galley/ Studio	P
<b>Office Uses</b>	
Administrative, General and Professional Office	P
Personal Services	
Barber, Beauty, Nail, Tanning Shop	P
Day Care Facility (not associated with a residence)	P
Shoe Repair	P
Tailor	P
<b>Residential</b>	
One-family Dwelling (1 Per Lot in R-1)	P
Duplex (Two-Family Attached on Same Lot)	P
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (5 or fewer people living in facility)	P
Assisted Care (6 or more people living in facility)	P

Day Care (3 to 12 people served)	P
Day Care (13 or more people served)	P
<b>Commercial Services</b>	
Restaurant	P
Specialty Food and Beverage, including Tea Rooms (850 sq. ft. maximum seating capacity)	P
Specialty Retail, including Antiques	P
Bed and Breakfast Facility (EC 9.5100(2) shall apply)	S
Home occupation (See EC 9.5350)	S

To facilitate the preservation of the property and to call attention to the potential future uses of the property the owners propose a number of alterations, some of which are currently underway including: electrical system upgrade (currently underway), concrete walks and driveway (need replacing due to safety issues), concrete front porch stairs (need to be reset due to settling and top recast/ replaced), asphalt drive and parking area (need replacing due to wear and tear), landscaping (basic care to encourage new growth and promote long term health) and signage (to call attention to the historic nature of the house and to advertise future uses).

***EC 9.3020(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.***

Response:

The proposed zone change is S-H Historic Special Area Zone; as such this criterion is not applicable.

***EC 9.3020(4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of special area zone ordinance are consistent with the criteria for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.***

Response:

As demonstrated in the following analysis for EC 9.8865 this application meets the requirements of this criterion.

***EC 9.8865(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.***

Response:

The 0.44 acres property is currently zoned R-2, Medium Density Residential following annexation to the City in 2007 (A-06-031) and rezoning in 2008 (Z-07-009). However, the Metro Plan recognizes that up to 32% of residentially designated areas typically accommodate nonresidential uses such as parks, schools, roads, churches, and neighborhood commercial services. The Brunner-Schmitz House is an example of an appropriate site for nonresidential use within a residential area. The proposed Special Area Zone includes a list of residential and limited non-residential uses, including office and certain small scale commercial uses, in compliance with the Metro Plan diagram and policies as described herein.

Applicable policies of the *Metro Plan* are listed below as they apply to the Brunner-Schmitz House and this Historic Zoning (S-H) application:

*“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.”* [Policy 1, Page III-I-2]

The City maintains an inventory of identified historic properties and a list of City Landmark properties. The Brunner-Schmitz Housing is included in the inventory and with the recent approval by the Historic Review Board (December 9, 2010) it is included on the City Landmark list. Historic Zoning (S-H) will ensure the restoration and preservation, consistent with the intent of the Metro Plan policy. The Metro Plan recognizes the mix of residential and neighborhood commercial activities, which have historically evolved and co-existed along River Road. The mix of uses within the area should welcome the break in pattern provided by the historic home and property.

*“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.”* [Policy 2, Page III-I-2]

The recent City Landmark designation of the Brunner-Schmitz House meets this policy in that it provides recognition of the local history represented by the property as well as providing documentation of that history. As this information is provided to the public, it is likely to increase local citizen awareness of the history of the River Road area and the Brunner-Schmitz property specifically. The S-H Historic Special Area Zone will further establish the protections afforded to the site and house. As such this policy applies.

***EC 9.8865(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.***

Response:

The *River Road Santa Clara Urban Facilities Plan* is the governing refinement plan. The *River Road Santa Clara Urban Facilities Plan* made several recommendations that were later incorporated into §9.9610 of the *Eugene Development Code*. The subject parcel is located within the *River Road/ Howard Subarea*.

Historic Zoning (S-H) is supported by the *River Road Santa Clara Urban Facilities Plan* which states:

*“Encourage the preservation and restoration of structures, landmarks, sites and areas of cultural, historic, or archeological significance.”* [Policy 2, page 4-6]

The recent City Landmark designation of the Brunner-Schmitz House may encourage preservation of this site through the existing alterations review process that applies to City

Landmark properties by providing guidance to the property owner on appropriate preservation, rehabilitation or restoration treatments for the property. Avoidance of actions that may be detrimental to the historic character and integrity of the property may be achieved through this alterations review process.

The property is situated in a prominent position along the west side of River Road. The proposed zone change will increase the awareness of the historical context of the River Road area. Therefore, the proposed zone change will provide a contribution to the historic preservation goal of the *River Road Santa Clara Urban Facilities Plan*; as such this zone change is consistent with the *River Road Santa Clara Urban Facilities Plan*.

Residential land use policies include the following:

*“Policy 1.0: Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.” (RR/SC Urban Facilities Plan, p. 2-14)*

This property is designated Medium Density Residential within the River Road/ Santa Clara Urban Facilities Plan and the Metro Plan. However, this application assures the preservation of the historic low-density residential character of the property by requiring preservation of the historically significant features of the house. Special consideration is available for historic landmarks in residential areas through the creation of the Special Area Zone. For the reasons set forth throughout this application, the Applicant maintains that it is appropriate to rezone the property to S-H. The S-H zone is an appropriate implementing zone of the low-density residential refinement plan designation. Taken together with the Metro Plan policy direction regarding non-residential uses in residential areas, this proposal is consistent with the above residential policy.

***EC 9.8865(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.***

Response:

The minimum level of key urban facilities and services are defined in the Metro Plan and include: wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land-use controls, communication facilities and public schools on a district wide basis (Metro Plan page V-3). The property is developed with one single-family house. Key urban facilities currently serve the site, and a staff member of Eugene Public Works indicated that there are no significant issues. Further research provided the following details:

*Waste Water Service*

Wastewater for the parcel is currently discharged to an eight-inch public wastewater system available within River Road. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed waste water system capacity.

*Storm Water Service*

The subject property is not subject to storm water management standards because it contains an existing residence. Storm water currently flows from the subject property to a 48-inch storm water system located within the adjacent River Road. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed storm water system capacity.

*Transportation*

The property is adjacent to River Road. River Road is annexed to the city limits at this location but the jurisdiction transfer has not taken place. It is functionally classified as an Urban Principal Arterial Road in the Lane County Transportation System Plan (TSP). River Road is a paved, 70-foot wide, 5-lane road at this location, fully improved to urban standards and has a 100-foot wide right-of-way. Per staff comments during a previous zone change to this property (Z-07-009) there is no need for additional right-of-way. A Goal 12, Transportation Planning Rule (TPR), analysis is provided below, there is no significant change in traffic as a result of this zone change and adequate capacity exists in the transportation system to accommodate this proposed zone change and the future maximum allowable intensity/ density of development will not exceed transportation system capacity.

Existing access to the subject property is from River Road. River Road is in Lane County's operational jurisdiction. The existing driveway is exempt from Lane County access management guidelines. However, an easement was recorded at the time of final plat 2009-P2418 (Instrument No. 2009-071906) providing that the existing driveways to the subject parcel shall be relocated from River Road to the new internal street system that will be extended through Parcel 1 (Tax Lot 4601) at the time of development of adjacent Tax Lot 4601. River Road is currently under Lane County operational jurisdiction and will regulate access according to their access management guidelines. A portion of the existing driveway to the subject property is on the adjacent lot (Tax Lot 4601) and the recorded final plat (PF-09-026) provides a private access easement that prescribes rights and responsibilities between the adjacent properties for this encroachment.

*Solid Waste Management*

Laneapex and Sanipac provide service for this area of the City of Eugene. Adequate capacity is provided at regional disposal sites and at Short Mountain Landfill. The maximum allowable density will not significantly increase the load on the existing solid waste system. As such, the provision of solid waste management services to the project area will be orderly and efficient and the future maximum allowable intensity/ density of development will not exceed solid waste management system capacity. Actual solid wastes will decrease in the foreseeable future due to recycling efforts of the owners.

*Water Service*

Eugene Water and Electric Board provides water service to the subject site. According to EWEB personnel, an existing 6-inch cast iron water main on the east side of River Road currently provides water to the subject site and is appropriately sized to handle the proposed zone change. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed water service system capacity.



*Fire and Emergency Medical Services*

The City of Eugene Fire Department will continue to provide fire protection. Fire Station #11 is located at 111 Santa Clara Avenue and is located approximately one-mile north of the subject property (Fire Station #2, 1725 West 2<sup>nd</sup> avenue is located approximately two-miles south). Emergency medical services are currently provided to the subject lots and will continue following this zone change. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed fire and emergency medical services system capacity.

*Police Protection*

The City of Eugene Police Department will continue to provide police protection. Police protection and response to priority calls are provided to this site consistent with service provision throughout the city. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed police protection system capacity.

*City-wide Parks and Recreation Programs*

A minimum level of park services are provided to the proposal area as prescribed in the Metro Plan. To the east of the subject property is the West Bank Riverfront Park System, a city owned facility. Within the System is Rasor Park and the Ruth Bascom Riverbank Trail System. The subject parcel is also within the River Road Park and Recreation District and other neighborhood parks are within walking distance and west of River Road. Adequate facilities are provided to serve the potential development that could result from this zone change and the future maximum allowable intensity/ density of development will not exceed city-wide parks and recreation programs system capacity.

*Electric Service*

The Eugene Water and Electric Board provides electric service to this area of the City of Eugene. Electric service is provided to the site from an above ground system. EWEB currently provides service to the property via a above ground mid-span service from the adjacent River Road power service. The final plat (PF-09-026) includes a 7 foot PUE on Tax Lot 4601 (Parcel 1) providing power for the subject parcel (Parcel 2); this easement is obsolete now due to change in service as described above. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed electric service system capacity.

*Land Use Controls*

Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The provision of these services will be unchanged by this zone change.

*Communication Facilities*

A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area and will be able to provide adequate service to the property involved in this zone change.

*Public Schools on a District Wide Basis*

The project area is served by Eugene School District 4J, by Howard Elementary, Kelly Middle, and North Eugene High Schools. The schools serving this site are currently not at capacity, thus, adequate capacity exists and this service will be provided in an orderly and efficient manner and the future maximum allowable intensity/ density of development will not exceed public schools capacity.

***EC 9.8865(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in: (f) EC 9.2735 Residential Zone Siting Requirements.***

Response:

This requirement is only applicable for R-1.5 zoning and does not affect the proposed zone change.

***EC 9.8865(5) In cases where the NR zone is applied based on EC 9.2510(3), 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.***

Response:

The NR zone is not applied to this parcel. Therefore, the above criterion is not applicable.

**TRANSPORTATION PLANNING RULE (GOAL 12, TPR)**Response:

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-000, *et seq.* The Eugene-Springfield Metropolitan Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR requires a determination of which existing and planned transportation facilities will be “significantly affected” as a result of the proposed amendment, and defines what constitutes a significant effect. An amendment will significantly affect an existing or planned transportation facility if, at the end of the planning period, the amendment will reduce the performance of the transportation facility below the minimum acceptable performance standard or will worsen the acceptable performance standard (OAR 660-012-0060(1)(c)(B) and (C)). In determining whether there is a significant effect, Level of Service D (LOS D) is considered the minimum acceptable performance standard for the City of Eugene facilities. The Hearings Official in the zone change decision for Hahn, et al (City of Eugene file Z-08-9) concluded that the City of Eugene zoning map changes are not categorically excluded from the TPR (OAR 660-012-0060).

The “end of planning period”, for purposes of the TPR analysis concerning local facilities, is the horizon year identified in the adopted transportation system plan (TransPlan). That year is 2015.

In the current case, the impact of the proposed rezoning on transportation facilities would be insignificant. The subject parcel consists of 0.44 acres. The site and house are designated a City of Eugene Historic Landmark (designated December 9, 2010). As such, this application in combination with the Historic Landmark status assures the preservation of the historic low-density residential character of the property by requiring preservation of the historically significant features of the house and the site and preventing an increase in density or the intensity

of development. The existing use for the property is residential and the applicant proposes a list of uses per EC 9.3020(2) and the attached proposed ordinance. The applicant calculates herein the worst-case scenario using the formula set forth in the 8<sup>th</sup> Edition of *Trip Generation*, published by the Institute of Transportation Engineers.

The existing zoning would allow a multifamily development with a maximum of twelve (12) dwelling units – maximum allowed density 28 dwelling units per acre per Table EC 9.2750 (ITE code 220). The maximum development would translate to seven (7) trips during the AM peak hour (0.55 trips per dwelling) and eight (8) trips during the PM peak hour (0.67 trips per dwelling). Provided the list of uses in the proposed ordinance a worst-case scenario could see a professional office (ITE code 710) on the site, which would translate to three (3) trips during the AM peak hour and three (3) trips during the PM peak hour. If another use, such as a specialty restaurant (ITE code 931) were proposed on the site, the trip generation would translate to two (2) trips during the AM peak hour and sixteen (16) trips during the PM peak hour. In sum, the incremental impact of the proposed rezoning would not increase vehicular trips during the AM peak hour, and would increase vehicular trips by up to eight (8) additional vehicular trips during the PM peak hour from what the existing zoning would allow on the site by the end of the planning period, 2015. The expected increase in vehicular trips is well below the 100 peak hour trips that require a local TIA. Additionally, it is expected that the trip split will be approximately 70% to / from the north (towards Beltline Highway) and 30% to / from the south. Furthermore, the *River Road Conceptual Design Plan* (February, 2009) indicates that capacity is adequate in the area of the proposed zone change.

The transportation infrastructure near the Subject Parcel can easily withstand the small additional increment of traffic that the proposed rezoning may bring. The Subject Parcel is located along River Road, a Major Arterial, south of the intersection of Howard Ave, and north of Horn Lane (both neighborhood collectors). The existing roadway capacity is over 1,500 vehicles per lane per hour and current volumes are around 20,000 ADT daily (all lanes both directions); as such the existing system is well under maximums. Given the high capacity of the transportation infrastructure near the Subject Parcel, and given the small increment of peak-hour traffic attributable to the proposed rezoning, the proposal will not “significantly affect” transportation facilities within the meaning of OAR 660-012-0060(1). Previous staff reports by the Eugene Planning Department reached similar conclusions in recommending approval of proposals to rezone parcels from R-1/ R-2 to S-H. (See, for example, Staff Report for HD 04-01). The present approval involves a similarly sized Historic Landmark parcel and home also located on River Road which will have similar traffic impacts; as such it can be found to have no significant effect on transportation facilities under OAR 660-012-0060(1).

**V. CONCLUSION**

Based on the above analysis and findings of compliance with approval criteria and adopted plans and policies, the requested zone change should be approved as proposed.

**Attachments**

Attachment A .....	Legal Description
Attachment B .....	Tax Assessor’s Map
Attachment C .....	Vicinity Map
Attachment D .....	Proposed S-HBS Ordinance

**LEGAL DESCRIPTION**

PARCEL 2 OF PARTITION PLAT 2009-P2418 AS RECORDED WITH LANE COUNTY INSTRUMENT NUMBER 2009-071906.

17 04 13 33

NAD 83/91

S.W.1/4 S.W.1/4 SEC.13, T.17S. R.4 W.W.M.

LANE COUNTY

SCALE 1" = 100'

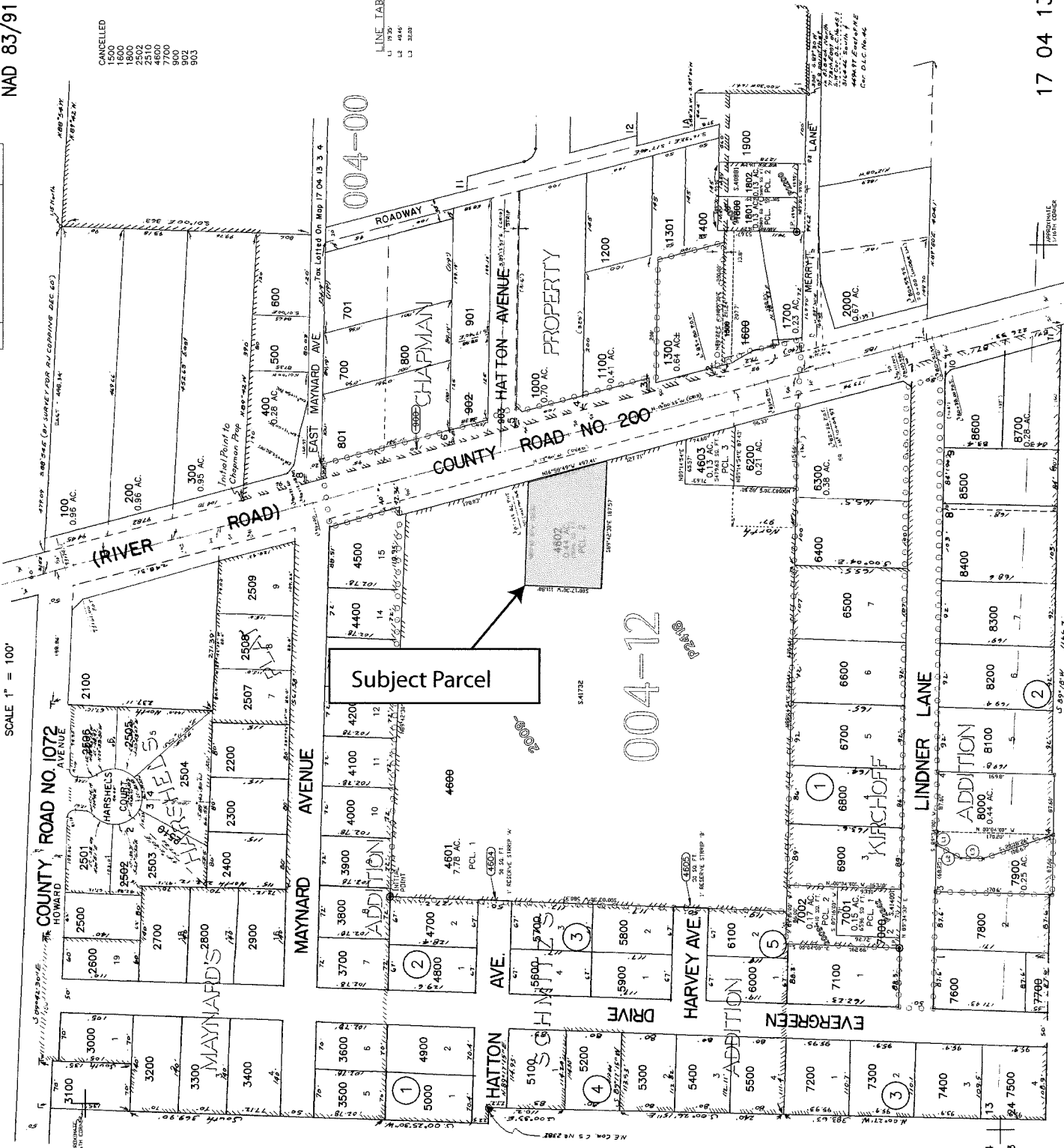
FOR ASSESSMENT AND TAXATION ONLY

DATE	REVISION	APPROVED
01/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	01/20/00
02/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	02/20/00
03/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	03/20/00
04/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	04/20/00
05/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	05/20/00
06/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	06/20/00
07/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	07/20/00
08/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	08/20/00
09/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	09/20/00
10/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	10/20/00
11/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	11/20/00
12/20/00	ADDED TO THE LIST OF PARCELS TO BE ASSESSED	12/20/00

CANCELLED  
 1500  
 1600  
 1800  
 2502  
 2510  
 4500  
 4600  
 900  
 902  
 903

LINE TABLE  
 L1 19.25 1.874300' V  
 L2 49.66 1.264433' V  
 L3 35.00 1.003490' C

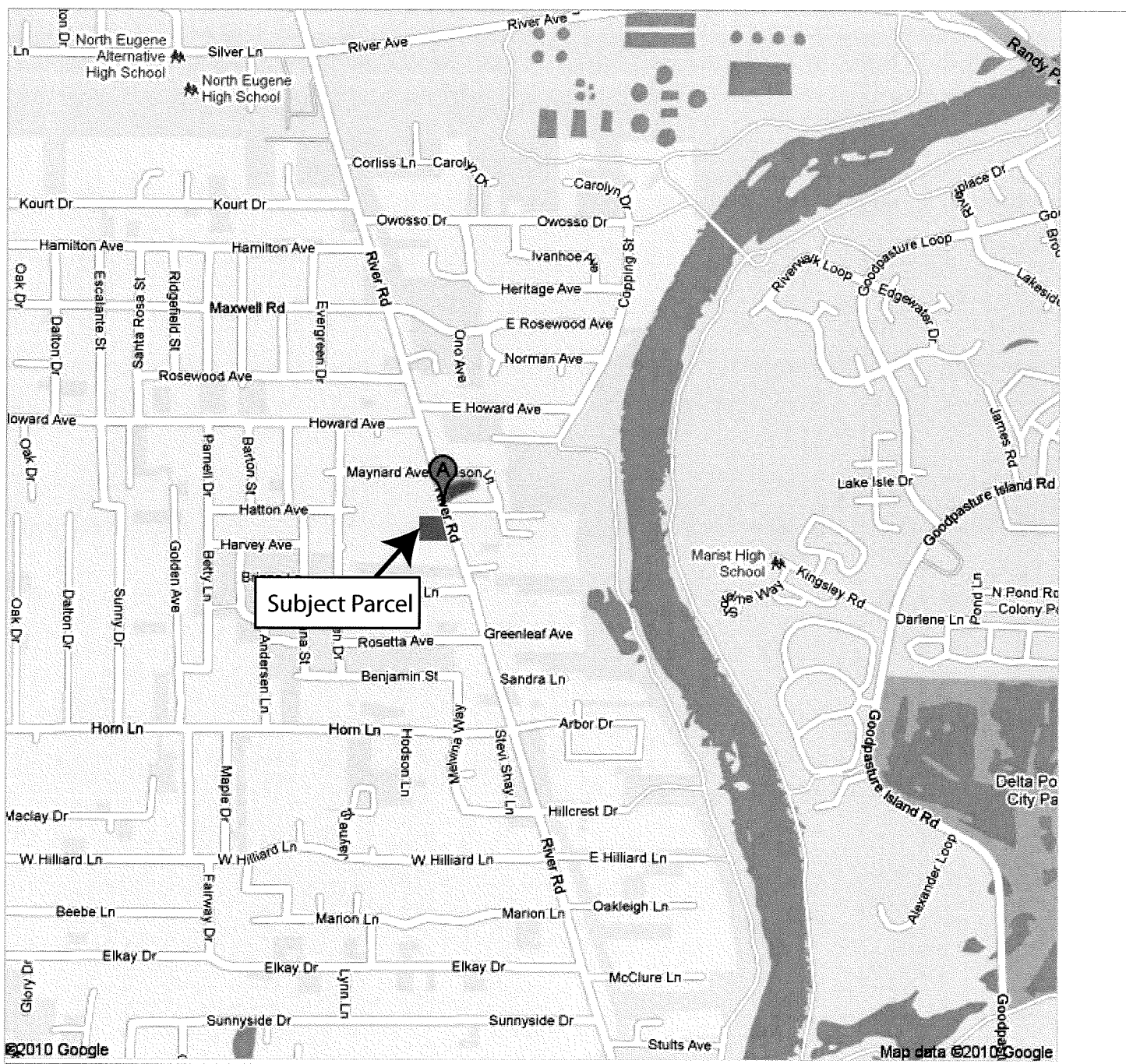
SEE MAP 17 04 13 34



17 04 13 33

004-00

SEE MAP 17 04 14 44



Address **1410 River Rd**  
**Eugene, OR 97404**

Vicinity Map of Brunner-Schmitz House Site  
17-04-13-33 Tax Lot 4602

February 1, 2011

**BRUNNER-SCHMITZ HOUSE ZONE CHANGE APPLICATION:  
WRITTEN STATEMENT**

**Received**

**Feb 1 2011**

**City of Eugene  
Planning Division**

**Property Owner & Applicant:**

Sylvia Sherry  
P.O. Box 41960  
Eugene, Oregon 97404

**I. Land Use Request**

The applicant is requesting a zone change from Medium Density Residential (R-2) to Historic Special Area Zone (S-1B) for one (1) lot totaling 0.44 acres, identified on Assessor's Map 17-04-13-33 as Tax Lot 4602. Both the Metro Plan and the River Road Santa Clara Urban Facilities Plan designate the parcel as Medium Density Residential. This zone change request follows a successful Historic Landmark designation rendered by the Historic Review Board on December 9, 2010.

**II. Property Information**

City File Number

Z 10-12 (Brunner-Schmitz House)

City Limits:

Inside Eugene City Limits

Urban Growth Boundary:

Inside UGB

Local Government:

City of Eugene

Utilities -

Storm Sewer:

City of Eugene

Sanitary Sewer:

Metro Wastewater Service District

Water:

Eugene Water and Electric Board

Electricity:

Eugene Water and Electric Board

Schools:

41 Eugene (Howard, Kelly, North)

Parks and Recreation:

Eugene Parks and Recreation Department

Fire and EMS:

Eugene Fire and EMS

Map and Tax Lot:

Map: 17-04-13-33 Tax Lot: 4602

Area:

0.44 Acres (19,026 sq. ft.)

Metro Plan Designation:

Medium Density Residential

Refinement Plan:

River-Road Santa Clara Urban Facilities Plan

Refinement Plan Designation:

Medium Density Residential

Existing Zoning/Overlay:

R-2, Medium Density Residential/No Overlay

Site Address:

1410 River Road

Eugene Neighborhood Group:

River Road Community Organization

Current Use:

Single Family Housing

Adjacent Zoning:

Direction

Use

Zone

North/ West/ South

Vacant

Medium-Density Residential

East

Commercial

Neighborhood Commercial

### **III. The Site and Existing Conditions**

#### A. Tax Lot

This proposal applies to Tax Lot 4602 on Lane County Assessor's Map 17-04-13-33. The subject parcel was platted as Parcel 2 as recorded on Partition Plat 2009-P2418 (December 30, 2009). The property is known as the Brunner-Schmitz House. The subject lot is developed with an existing single-family dwelling. The two story house fronts east on a flat, irregular lot located adjacent to River Road.

#### B. Location and Site Context

The parcel, roughly 0.44 acre in area, is located on the east side of River Road, South of Maynard Avenue and north of Horn Lane. The parcel abuts vacant residential land further to the west, north and south are single family homes. Across River Road is a mixture of residential and commercial uses.

#### C. History of Land Use Approvals

The parcel has been involved in several recent land use approvals listed below in chronological order.

Annexation. The subject parcel was annexed to the City of Eugene in 2007, City of Eugene file A-06-031, Boundary Commission File

Zoning. The existing zoning was applied to the subject parcel, prior to its existing configuration when it was a part of Tax Lot 4600, in 2008, City of Eugene file Z-07-009.

Partition. The existing lot configuration was established with the final plat approved and recorded in 2009; City of Eugene files PT-09-12, PF-09-026, recorded Partition Plat 2009-P2418 (Instrument No. 2009-071906).

Historic Landmark. The site and house were designated a Historic Landmark by the Historic Review Board on December 9, 2010; City of Eugene file HD-10-001.

#### D. Description and Purpose

The Brunner-Schmitz House, at 1410 River Road, is designated as a City of Eugene Historic Landmark according to the approval rendered by the Historic Review Board on December 9, 2010. The Brunner-Schmitz House possesses historic value because of its distinctive architecture and its association with the broad historical patterns that have shaped the River Road area of Eugene. Overall the Brunner-Schmitz House is in excellent condition and retains a very high degree of historical integrity. It retains its integrity of location, design, materials, workmanship and association. In the areas of setting and feeling the building also a high degree of integrity, although planned development of the surrounding acreage is likely to eventually alter the site's integrity in these areas. The house clearly conveys its style, type and period of construction, and the



large yard and open land around it allow it to also express its historical use as a farmhouse.

Historic Landmark designation affords the Brunner-Schmitz House special treatment and protection so that the uses permitted and restrictions imposed upon it will preserve and allow rehabilitation of the building's significant historic features. Recognition of historic landmarks enhances the beautification of the City, promotes the community's economic health, and preserves the value of these properties. The regulation of designated historic landmarks is a means to review changes to a landmark and ensure that historic and architectural values are preserved.

The purpose of Historic zoning is to permit a range of uses that are not found together in one of the standard zoning districts on historically significant buildings and sites that are subject to the Historic Landmark Ordinance and Alteration Review. Historic Zoning enables preservation of these historic resources where their maintenance and productive use would not otherwise be economically practical, and where a standard zoning classification would not be appropriate. Uses permitted, and permitted conditionally, under existing zoning classifications that are not appropriate to specific historic buildings are omitted in the Historic zone. Historic zoning incorporates standards that ensure the activities associated with permitted uses or new development are compatible with the historic character of existing development.

Historic zoning will foster the continued preservation and enhancement of the Brunner-Schmitz House and site by clearly delineating an expanded range of uses permitted on the property and by establishing development standards. Historic zoning will ensure the long-term viability of the Brunner-Schmitz House.

The Brunner-Schmitz House is an excellent example of the American Foursquare type with clear references to the Prairie Style. Its high degree of historical integrity makes it one of the best examples of an early 20<sup>th</sup> -century farmhouse remaining in the River Road area. Although the agricultural outbuildings and orchards originally associated with the historic property are gone, the house remains (for the moment) surrounded by open fields and stands as a reminder of the agricultural character once prevalent in the River Road area.

Please review the Historic Landmark application and recent approval by the Historic Review Board for more detailed information on the history of the site and historic significance of the architecture. City of Eugene file HD-10-001.

**IV. Criteria and Findings**

*Eugene Code* §9.3020 requires an evaluation of any S Special Area zone change application to determine whether the requested change in zoning is consistent with the following criteria shown in **bold** face and *italicized* text; responses to criteria are shown in plain text.

***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 the following criteria:***

***EC 9.3020(1) The area to which the S Special Area Zone is being applied meets at least one of the following criteria:***

...

***(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.***

Response:

The Brunner-Schmitz House was found to be historically significant as demonstrated in the findings of the Historic Review Board (HD 10-01) which demonstrate the significance of the structure and the value of preservation. The house is an excellent example of a 1920s farmhouse displaying the American Foursquare form with Prairie School stylistic influences. The house retains a high degree of historical integrity that allows it to clearly convey the characteristics of type, style, and period, and it is one of the best examples of the American Foursquare style that has been identified in the City. As provided in the approval by the Historic Review Board the Brunner-Schmitz House has been found to merit preservation in order to protect the site and homes special features. Preservation of the house contributes to the preservation of Eugene's history. With consideration of the Historic Review Board's designation of the Brunner-Schmitz House as a City Landmark this criterion is met.

***EC 9.3020(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.***

Response:

The purpose of the S-H Historic Special Area zone is to permit, after appropriate review, the use of historically significant buildings and sites for a range of permitted uses not otherwise found together in one of the standard zoning districts, which often contain uses that are inappropriate while omitting uses that are appropriate to specific historic buildings, sites, and ensembles. All of the property associated with the Brunner-Schmitz House is proposed to be included in the S-H Historic Special Area Zone, to assure the maintenance of the existing and historical relationship of the structure to its setting and its immediate neighbors, and the larger River Road area, where it has always been a prominent landmark.

The property is listed as a City of Eugene Historic Landmark and is subject to the historic preservation provisions and regulations of Section 9.8175 of the Eugene Code.

The proposed uses and development standards for the Brunner-Schmitz House set forth in the proposed ordinance (attached). The purpose of the Special Area Zone is to preserve the structure and property while facilitating appropriate use of the site. The characteristics of the structure, and use history influenced the proposed list of permitted uses and development standards. While the list proposes to broaden the array of allowable uses over what is currently allowed outright in residential zones, language contained in the River Road/ Santa Clara Urban Facilities Plan supports the change. Development standards have been borrowed from the R-2, Medium Density Residential and C-1, Neighborhood Commercial Zones for residential and nonresidential development, respectively. The following table adapted from Table 9.2160 Commercial Zone Land Uses and Permit Requirements and Table 9.2740 Residential Zone Land Uses and Permit Requirements lists the proposed Uses and Permit Requirements for the S-HBS Historic Brunner-Schmitz House Special Area Zone (it is included within the attached proposed ordinance).

<b>S-HBS Historic Brunner-Schmitz House Special Area Zone Uses and Permit Requirements</b>	
	<b>S-HBS</b>
<b>Accessory Uses</b>	
Accessory Uses. <u>Examples</u> related to residential use include a garage, storage shed, and services primarily for use by residents on the site, such as recreation room and laundry facility. Parking areas and garages constructed and used for a principle use on the development site, such as an apartment, are allowed as an accessory use.	P
Accessory Uses. <u>Examples</u> related to non-residential use include accessory services that are related to specialty retail, food and beverage uses, such as storage, food preparation areas, and outdoor product display (screened from public view).	P
<b>Education, Cultural, Religious, Social and Fraternal</b>	
Artist Galley/ Studio	P
<b>Office Uses</b>	
Administrative, General and Professional Office	P
Personal Services	
Barber, Beauty, Nail, Tanning Shop	P
Day Care Facility (not associated with a residence)	P
Shoe Repair	P
Tailor	P
<b>Residential</b>	
One-family Dwelling (1 Per Lot in R-1)	P
Duplex (Two-Family Attached on Same Lot)	P
<b>Assisted Care &amp; Day Care (Residences Providing Special Services, Treatment or Supervision)</b>	
Assisted Care (5 or fewer people living in facility)	P
Assisted Care (6 or more people living in facility)	P

Day Care (3 to 12 people served)	P
Day Care (13 or more people served)	P
<b>Commercial Services</b>	
Restaurant	P
Specialty Food and Beverage, including Tea Rooms (850 sq. ft. maximum seating capacity)	P
Specialty Retail, including Antiques	P
Bed and Breakfast Facility (EC 9.5100(2) shall apply)	S
Home occupation (See EC 9.5350)	S

To facilitate the preservation of the property and to call attention to the potential future uses of the property the owners propose a number of alterations, some of which are currently underway including: electrical system upgrade (currently underway), concrete walks and driveway (need replacing due to safety issues), concrete front porch stairs (need to be reset due to settling and top recast/ replaced), asphalt drive and parking area (need replacing due to wear and tear), landscaping (basic care to encourage new growth and promote long term health) and signage (to call attention to the historic nature of the house and to advertise future uses).

***EC 9.3020(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.***

Response:

The proposed zone change is S-H Historic Special Area Zone; as such this criterion is not applicable.

***EC 9.3020(4) The application of the zone to the properties proposed for inclusion in the S Special Area zone and the required provisions of special area zone ordinance are consistent with the criteria for approval of a zone change, according to EC 9.8865 Zone Change Approval Criteria.***

Response:

As demonstrated in the following analysis for EC 9.8865 this application meets the requirements of this criterion.

***EC 9.8865(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.***

Response:

The 0.44 acres property is currently zoned R-2, Medium Density Residential following annexation to the City in 2007 (A-06-031) and rezoning in 2008 (Z-07-009). However, the Metro Plan recognizes that up to 32% of residentially designated areas typically accommodate nonresidential uses such as parks, schools, roads, churches, and neighborhood commercial services. The Brunner-Schmitz House is an example of an appropriate site for nonresidential use within a residential area. The proposed Special Area Zone includes a list of residential and limited non-residential uses, including office and certain small scale commercial uses, in compliance with the Metro Plan diagram and policies as described herein.

Applicable policies of the *Metro Plan* are listed below as they apply to the Brunner-Schmitz House and this Historic Zoning (S-H) application:

*“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.”* [Policy 1, Page III-I-2]

The City maintains an inventory of identified historic properties and a list of City Landmark properties. The Brunner-Schmitz Housing is included in the inventory and with the recent approval by the Historic Review Board (December 9, 2010) it is included on the City Landmark list. Historic Zoning (S-H) will ensure the restoration and preservation, consistent with the intent of the Metro Plan policy. The Metro Plan recognizes the mix of residential and neighborhood commercial activities, which have historically evolved and co-existed along River Road. The mix of uses within the area should welcome the break in pattern provided by the historic home and property.

*“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.”* [Policy 2, Page III-I-2]

The recent City Landmark designation of the Brunner-Schmitz House meets this policy in that it provides recognition of the local history represented by the property as well as providing documentation of that history. As this information is provided to the public, it is likely to increase local citizen awareness of the history of the River Road area and the Brunner-Schmitz property specifically. The S-H Historic Special Area Zone will further establish the protections afforded to the site and house. As such this policy applies.

***EC 9.8865(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.***

Response:

The *River Road Santa Clara Urban Facilities Plan* is the governing refinement plan. The *River Road Santa Clara Urban Facilities Plan* made several recommendations that were later incorporated into §9.9610 of the *Eugene Development Code*. The subject parcel is located within the *River Road/ Howard Subarea*.

Historic Zoning (S-H) is supported by the *River Road Santa Clara Urban Facilities Plan* which states:

*“Encourage the preservation and restoration of structures, landmarks, sites and areas of cultural, historic, or archeological significance.”* [Policy 2, page 4-6]

The recent City Landmark designation of the Brunner-Schmitz House may encourage preservation of this site through the existing alterations review process that applies to City

Landmark properties by providing guidance to the property owner on appropriate preservation, rehabilitation or restoration treatments for the property. Avoidance of actions that may be detrimental to the historic character and integrity of the property may be achieved through this alterations review process.

The property is situated in a prominent position along the west side of River Road. The proposed zone change will increase the awareness of the historical context of the River Road area. Therefore, the proposed zone change will provide a contribution to the historic preservation goal of the *River Road Santa Clara Urban Facilities Plan*; as such this zone change is consistent with the *River Road Santa Clara Urban Facilities Plan*.

Residential land use policies include the following:

*“Policy 1.0: Recognize and maintain the predominately low-density residential character of the area consistent with the Metro Plan.”* (RR/SC Urban Facilities Plan, p. 2-14)

This property is designated Medium Density Residential within the River Road/ Santa Clara Urban Facilities Plan and the Metro Plan. However, this application assures the preservation of the historic low-density residential character of the property by requiring preservation of the historically significant features of the house. Special consideration is available for historic landmarks in residential areas through the creation of the Special Area Zone. For the reasons set forth throughout this application, the Applicant maintains that it is appropriate to rezone the property to S-H. The S-H zone is an appropriate implementing zone of the low-density residential refinement plan designation. Taken together with the Metro Plan policy direction regarding non-residential uses in residential areas, this proposal is consistent with the above residential policy.

***EC 9.8865(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.***

Response:

The minimum level of key urban facilities and services are defined in the Metro Plan and include: wastewater service, stormwater service, transportation, solid waste management, water service, fire and emergency medical services, police protection, city-wide parks and recreation programs, electric service, land-use controls, communication facilities and public schools on a district wide basis (Metro Plan page V-3). The property is developed with one single-family house. Key urban facilities currently serve the site, and a staff member of Eugene Public Works indicated that there are no significant issues. Further research provided the following details:

*Waste Water Service*

Wastewater for the parcel is currently discharged to an eight-inch public wastewater system available within River Road. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed waste water system capacity.

### *Storm Water Service*

The subject property is not subject to storm water management standards because it contains an existing residence. Storm water currently flows from the subject property to a 48-inch storm water system located within the adjacent River Road. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed storm water system capacity.

### *Transportation*

The property is adjacent to River Road. River Road is annexed to the city limits at this location but the jurisdiction transfer has not taken place. It is functionally classified as an Urban Principal Arterial Road in the Lane County Transportation System Plan (TSP). River Road is a paved, 70-foot wide, 5-lane road at this location, fully improved to urban standards and has a 100-foot wide right-of-way. Per staff comments during a previous zone change to this property (Z-07-009) there is no need for additional right-of-way. A Goal 12, Transportation Planning Rule (TPR), analysis is provided below, there is no significant change in traffic as a result of this zone change and adequate capacity exists in the transportation system to accommodate this proposed zone change and the future maximum allowable intensity/ density of development will not exceed transportation system capacity.

Existing access to the subject property is from River Road. River Road is in Lane County's operational jurisdiction. The existing driveway is exempt from Lane County access management guidelines. However, an easement was recorded at the time of final plat 2009-P2418 (Instrument No. 2009-071906) providing that the existing driveways to the subject parcel shall be relocated from River Road to the new internal street system that will be extended through Parcel 1 (Tax Lot 4601) at the time of development of adjacent Tax Lot 4601. River Road is currently under Lane County operational jurisdiction and will regulate access according to their access management guidelines. A portion of the existing driveway to the subject property is on the adjacent lot (Tax Lot 4601) and the recorded final plat (PF-09-026) provides a private access easement that prescribes rights and responsibilities between the adjacent properties for this encroachment.

### *Solid Waste Management*

Laneapex and Sanipac provide service for this area of the City of Eugene. Adequate capacity is provided at regional disposal sites and at Short Mountain Landfill. The maximum allowable density will not significantly increase the load on the existing solid waste system. As such, the provision of solid waste management services to the project area will be orderly and efficient and the future maximum allowable intensity/ density of development will not exceed solid waste management system capacity. Actual solid wastes will decrease in the foreseeable future due to recycling efforts of the owners.

### *Water Service*

Eugene Water and Electric Board provides water service to the subject site. According to EWEB personnel, an existing 6-inch cast iron water main on the east side of River Road currently provides water to the subject site and is appropriately sized to handle the proposed zone change. The provision of this service will be unchanged by this zone change and the future maximum allowable intensity/ density of development will not exceed water service system capacity.

*Fire and Emergency Medical Services*

The City of Eugene Fire Department will continue to provide fire protection. Fire Station #11 is located at 111 Santa Clara Avenue and is located approximately one-mile north of the subject property (Fire Station #2, 1725 West 2<sup>nd</sup> avenue is located approximately two-miles south). Emergency medical services are currently provided to the subject lots and will continue following this zone change. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed fire and emergency medical services system capacity.

*Police Protection*

The City of Eugene Police Department will continue to provide police protection. Police protection and response to priority calls are provided to this site consistent with service provision throughout the city. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed police protection system capacity.

*City-wide Parks and Recreation Programs*

A minimum level of park services are provided to the proposal area as prescribed in the Metro Plan. To the east of the subject property is the West Bank Riverfront Park System, a city owned facility. Within the System is Razor Park and the Ruth Bascom Riverbank Trail System. The subject parcel is also within the River Road Park and Recreation District and other neighborhood parks are within walking distance and west of River Road. Adequate facilities are provided to serve the potential development that could result from this zone change and the future maximum allowable intensity/ density of development will not exceed city-wide parks and recreation programs system capacity.

*Electric Service*

The Eugene Water and Electric Board provides electric service to this area of the City of Eugene. Electric service is provided to the site from an above ground system. EWEB currently provides service to the property via a above ground mid-span service from the adjacent River Road power service. The final plat (PF-09-026) includes a 7 foot PUE on Tax Lot 4601 (Parcel 1) providing power for the subject parcel (Parcel 2); this easement is obsolete now due to change in service as described above. As such this service is adequate for the proposed zone change and the future maximum allowable intensity/ density of development will not exceed electric service system capacity.

*Land Use Controls*

Planning and building permit services are provided for all properties located within the Urban Growth Boundary by the City of Eugene. The provision of these services will be unchanged by this zone change.

*Communication Facilities*

A variety of telecommunication providers offer communications services throughout the Eugene/Springfield area and will be able to provide adequate service to the property involved in this zone change.



*Public Schools on a District Wide Basis*

The project area is served by Eugene School District 4J, by Howard Elementary, Kelly Middle, and North Eugene High Schools. The schools serving this site are currently not at capacity, thus, adequate capacity exists and this service will be provided in an orderly and efficient manner and the future maximum allowable intensity/ density of development will not exceed public schools capacity.

***EC 9.8865(4) The proposed zone change is consistent with the applicable siting requirements set out for the specific zone in: (f) EC 9.2735 Residential Zone Siting Requirements.***

Response:

This requirement is only applicable for R-1.5 zoning and does not affect the proposed zone change.

***EC 9.8865(5) In cases where the NR zone is applied based on EC 9.2510(3), 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.***

Response:

The NR zone is not applied to this parcel. Therefore, the above criterion is not applicable.

**TRANSPORTATION PLANNING RULE (GOAL 12, TPR)**Response:

Statewide Planning Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-000, *et seq.* The Eugene-Springfield Metropolitan Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR requires a determination of which existing and planned transportation facilities will be “significantly affected” as a result of the proposed amendment, and defines what constitutes a significant effect. An amendment will significantly affect an existing or planned transportation facility if, at the end of the planning period, the amendment will reduce the performance of the transportation facility below the minimum acceptable performance standard or will worsen the acceptable performance standard (OAR 660-012-0060(1)(c)(B) and (C)). In determining whether there is a significant effect, Level of Service D (LOS D) is considered the minimum acceptable performance standard for the City of Eugene facilities. The Hearings Official in the zone change decision for Hahn, et al (City of Eugene file Z-08-9) concluded that the City of Eugene zoning map changes are not categorically excluded from the TPR (OAR 660-012-0060).

The “end of planning period”, for purposes of the TPR analysis concerning local facilities, is the horizon year identified in the adopted transportation system plan (TransPlan). That year is 2015.

In the current case, the impact of the proposed rezoning on transportation facilities would be insignificant. The subject parcel consists of 0.44 acres. The site and house are designated a City of Eugene Historic Landmark (designated December 9, 2010). As such, this application in combination with the Historic Landmark status assures the preservation of the historic low-density residential character of the property by requiring preservation of the historically significant features of the house and the site and preventing an increase in density or the intensity

of development. The existing use for the property is residential and the applicant proposes a list of uses per EC 9.3020(2) and the attached proposed ordinance. The applicant calculates herein the worst-case scenario using the formula set forth in the 8<sup>th</sup> Edition of *Trip Generation*, published by the Institute of Transportation Engineers.

The existing zoning would allow a multifamily development with a maximum of twelve (12) dwelling units – maximum allowed density 28 dwelling units per acre per Table EC 9.2750 (ITE code 220). The maximum development would translate to seven (7) trips during the AM peak hour (0.55 trips per dwelling) and eight (8) trips during the PM peak hour (0.67 trips per dwelling). Provided the list of uses in the proposed ordinance a worst-case scenario could see a professional office (ITE code 710) on the site, which would translate to three (3) trips during the AM peak hour and three (3) trips during the PM peak hour. If another use, such as a specialty restaurant (ITE code 931) were proposed on the site, the trip generation would translate to two (2) trips during the AM peak hour and sixteen (16) trips during the PM peak hour. In sum, the incremental impact of the proposed rezoning would not increase vehicular trips during the AM peak hour, and would increase vehicular trips by up to eight (8) additional vehicular trips during the PM peak hour from what the existing zoning would allow on the site by the end of the planning period, 2015. The expected increase in vehicular trips is well below the 100 peak hour trips that require a local TIA. Additionally, it is expected that the trip split will be approximately 70% to / from the north (towards Beltline Highway) and 30% to / from the south. Furthermore, the *River Road Conceptual Design Plan* (February, 2009) indicates that capacity is adequate in the area of the proposed zone change.

The transportation infrastructure near the Subject Parcel can easily withstand the small additional increment of traffic that the proposed rezoning may bring. The Subject Parcel is located along River Road, a Major Arterial, south of the intersection of Howard Ave, and north of Horn Lane (both neighborhood collectors). The existing roadway capacity is over 1,500 vehicles per lane per hour and current volumes are around 20,000 ADT daily (all lanes both directions); as such the existing system is well under maximums. Given the high capacity of the transportation infrastructure near the Subject Parcel, and given the small increment of peak-hour traffic attributable to the proposed rezoning, the proposal will not “significantly affect” transportation facilities within the meaning of OAR 660-012-0060(1). Previous staff reports by the Eugene Planning Department reached similar conclusions in recommending approval of proposals to rezone parcels from R-1/ R-2 to S-H. (See, for example, Staff Report for HD 04-01). The present approval involves a similarly sized Historic Landmark parcel and home also located on River Road which will have similar traffic impacts; as such it can be found to have no significant effect on transportation facilities under OAR 660-012-0060(1).

**V. CONCLUSION**

Based on the above analysis and findings of compliance with approval criteria and adopted plans and policies, the requested zone change should be approved as proposed.

**Attachments**

Attachment A .....	Legal Description
Attachment B .....	Tax Assessor’s Map
Attachment C .....	Vicinity Map
Attachment D .....	Proposed S-HBS Ordinance

**LEGAL DESCRIPTION**

PARCEL 2 OF PARTITION PLAT 2009-P2418 AS RECORDED WITH LANE COUNTY INSTRUMENT NUMBER 2009-071906.

17 04 13 33

NAD 83/91

DATE	REVISION	EXPLAINED
01/10/00	NO. 1072 FOR THE DISTRICT	
02/10/00	NO. 1072 FOR THE DISTRICT	
03/10/00	NO. 1072 FOR THE DISTRICT	
04/10/00	NO. 1072 FOR THE DISTRICT	
05/10/00	NO. 1072 FOR THE DISTRICT	
06/10/00	NO. 1072 FOR THE DISTRICT	
07/10/00	NO. 1072 FOR THE DISTRICT	
08/10/00	NO. 1072 FOR THE DISTRICT	
09/10/00	NO. 1072 FOR THE DISTRICT	
10/10/00	NO. 1072 FOR THE DISTRICT	
11/10/00	NO. 1072 FOR THE DISTRICT	
12/10/00	NO. 1072 FOR THE DISTRICT	

S.W.1/4 S.W.1/4 SEC.13, T.17S. R.4 W.W.M.

LANE COUNTY  
SCALE 1" = 100'

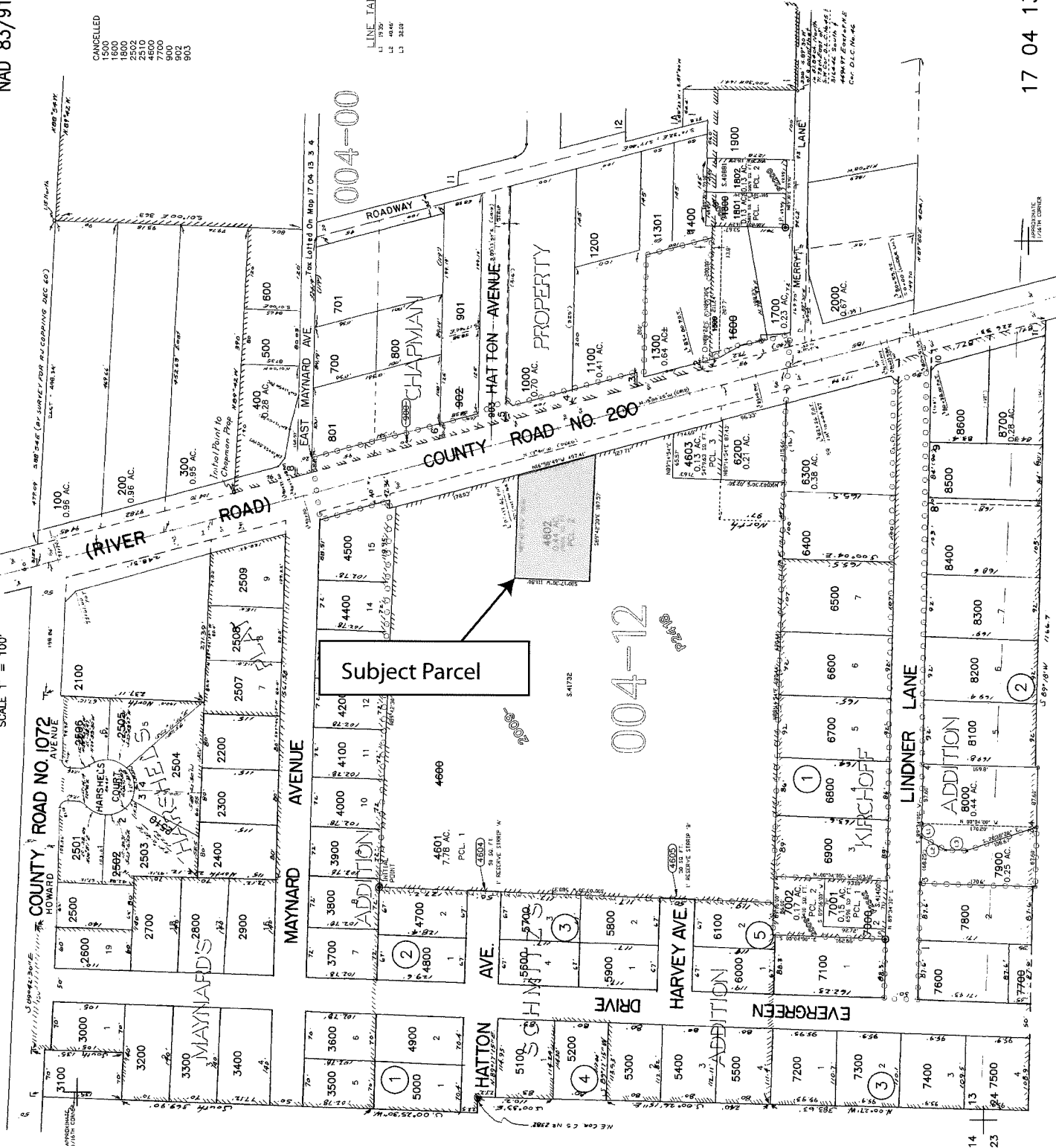
CANCELLED  
1500  
1600  
1700  
2000  
2510  
4500  
5000  
5020  
5030

LINE TABLE  
L1 19.30 S 89°40'00" W  
L2 40.46 E 26°43'30" V  
L3 32.09 S 00°00'00" E

SEE MAP 17 04 13 34

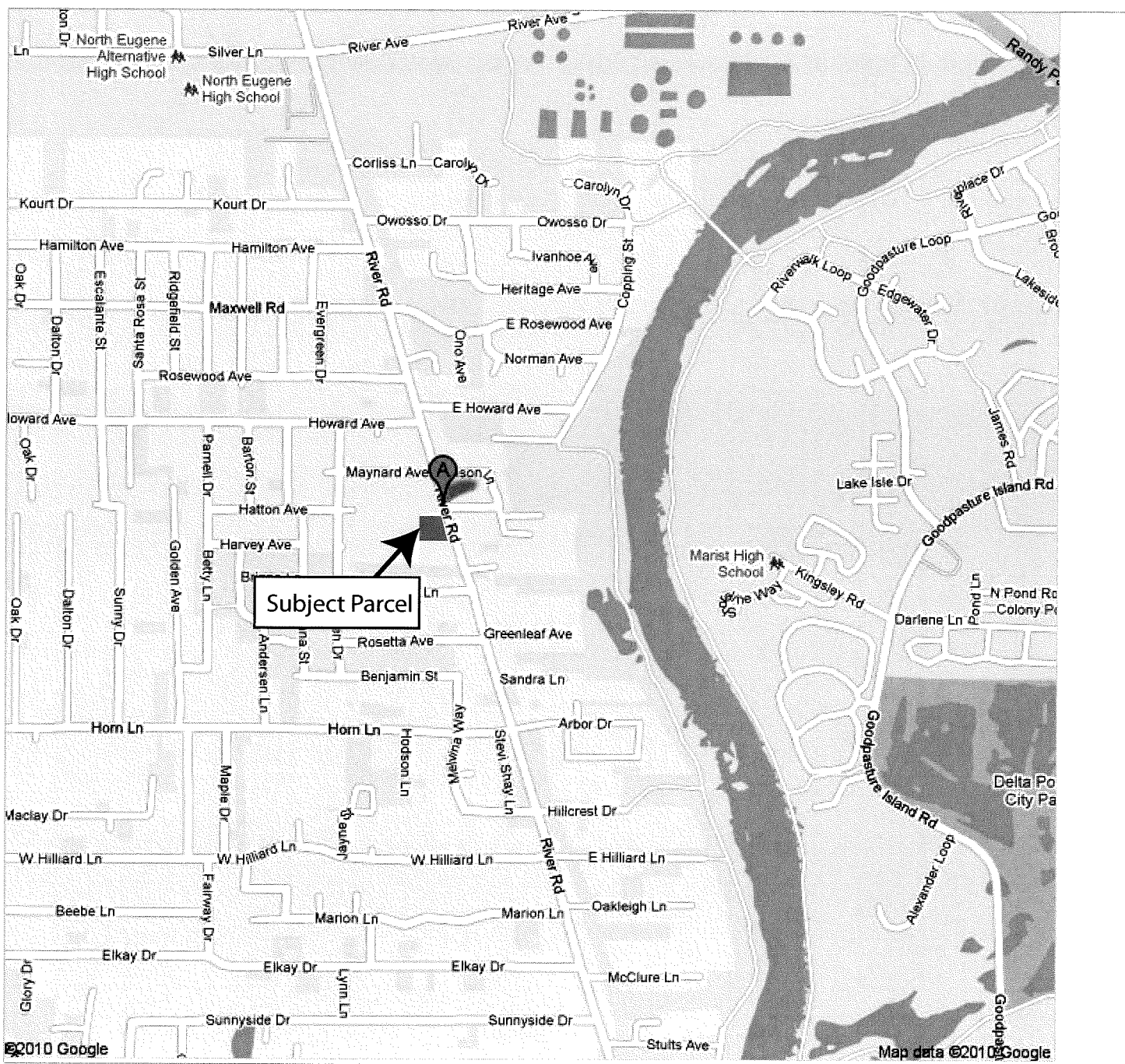
17 04 13 33

FOR ASSESSMENT  
AND TAXATION  
ONLY



SEE MAP 17 04 14 44

004-00

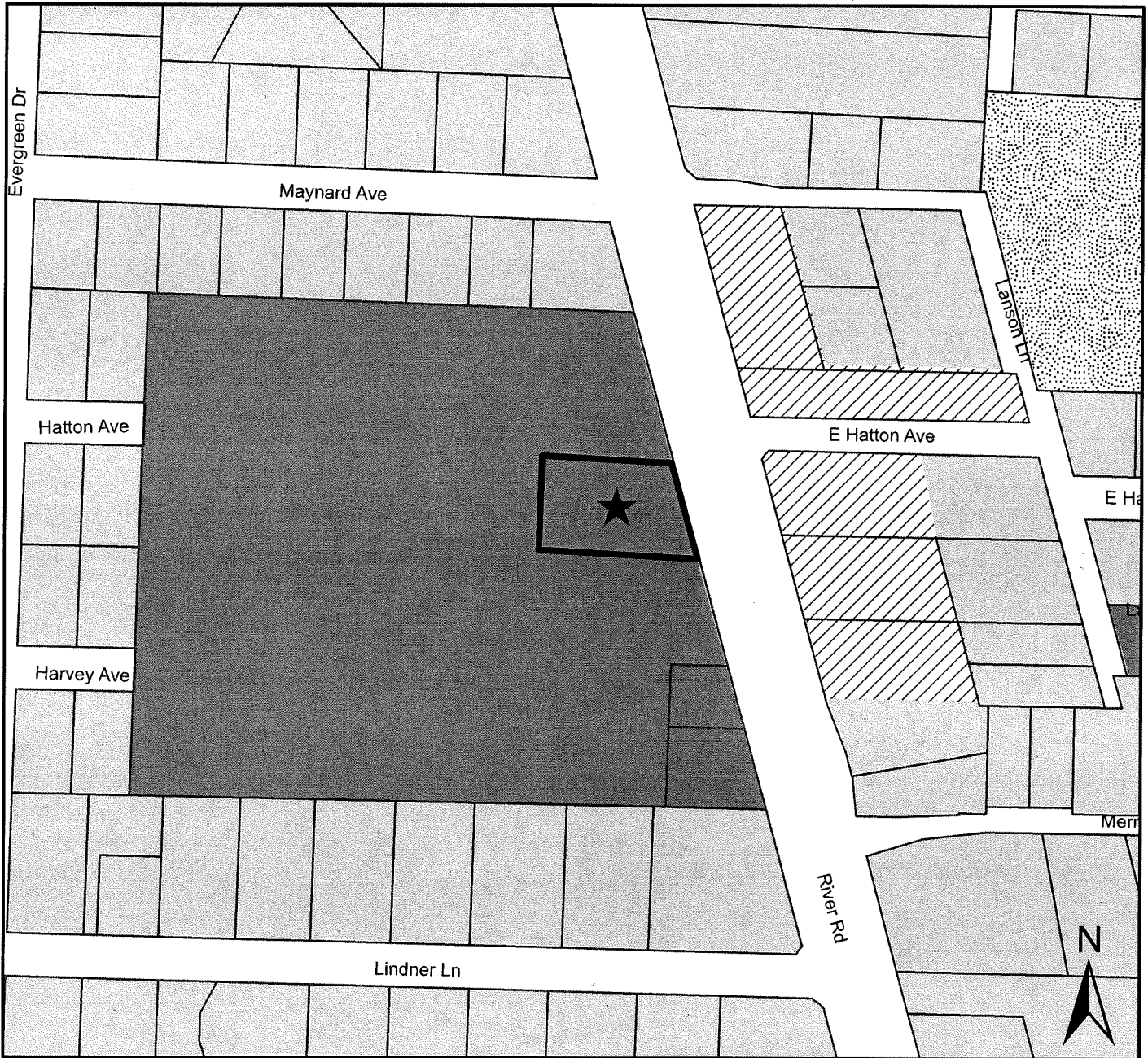


Address **1410 River Rd**  
**Eugene, OR 97404**

Vicinity Map of Brunner-Schmitz House Site  
17-04-13-33 Tax Lot 4602

# Brunner-Schmitz House (Z 10-12)

Proposed change from R-2 Medium Density Residential to S-H Special Area Historic



## Zoning

- Neighborhood Commercial
- Public Land
- Low Density Residential
- Medium Density Residential
- Subject Site

