



Eugene City Council

125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

May 15, 2013

12:00 PM CITY COUNCIL WORK SESSION

Harris Hall

125 East 8th Avenue

Eugene, Oregon 97401

Meeting of May 15, 2013;
Her Honor Mayor Kitty Piercy Presiding

Councilors

George Brown, President

Pat Farr, Vice President

Mike Clark

George Poling

Chris Pryor

Claire Syrett

Betty Taylor

Alan Zelenka

CITY COUNCIL WORK SESSION

Harris Hall

**12:00 p.m. A. WORK SESSION:
Eugene Water & Electric Board Riverfront Master Plan**

**time approximate*

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, FM assistive-listening devices are available or an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

City Council meetings and work sessions are broadcast live on the City's Web site. In addition to the live broadcasts, an indexed archive of past City Council webcasts is also available. To access past and present meeting webcasts, locate the links at the bottom of the City's main Web page (www.eugene-or.gov).

El Consejo de la Ciudad de Eugene aprecia su interés en estos asuntos de la agenda. El sitio de la reunión tiene acceso para sillas de ruedas. Hay accesorios disponibles para personas con afecciones del oído, o se les puede proveer un interprete avisando con 48 horas de anticipación. También se provee el servicio de interpretes en idioma español avisando con 48 horas de anticipación. Para reservar estos servicios llame a la recepcionista al 541-682-5010. Todas las reuniones del consejo estan gravados en vivo en Metro Television, canal 21 de Comcast y despues en la semana se pasan de nuevo.

For more information, contact the Council Coordinator at 541-682-5010,

or visit us online at www.eugene-or.gov

EUGENE CITY COUNCIL

AGENDA ITEM SUMMARY



Work Session: Eugene Water & Electric Board Riverfront Master Plan

Meeting Date: May 15, 2013
 Department: Planning and Development
www.eugene-or.gov

Agenda Item Number: A
 Staff Contact: Gabe Flock
 Contact Telephone Number: 541-682-5697

ISSUE STATEMENT

This work session will include an overview of Eugene Water & Electric Board's (EWEB) Riverfront Master Plan process to date, and provide an opportunity for the council to learn more about the land use applications included in the request, in advance of the upcoming public hearing.

As a reminder, this is a quasi-judicial process which requires that the initial work session be limited to factual information and questions about the request. The council should avoid prematurely expressing opinions or deliberating on the merits of the proposal in advance of the public hearing, which is scheduled for June 17, 2013.

BACKGROUND

The Eugene Code and Downtown Plan require the council's approval of a master plan for the EWEB riverfront site, prior to any redevelopment. In 2007, EWEB and the City entered into a memorandum of understanding (MOU) that directed the development of a master plan for the site. To help accomplish this task, a nine-member community advisory team (CAT) was jointly appointed by the council and EWEB Board of Commissioners to help guide the creation of the EWEB Riverfront Master Plan.

The CAT met bi-weekly over the course of two years with the assistance of EWEB staff and their consultants, as well as City staff, in the development of the conceptual master plan. After a series of public meetings, stakeholder interviews, and focus groups intended to solicit a broad cross-section of community input, the conceptual master plan was completed in April 2010, and unanimously approved by the EWEB Board of Commissioners in June, 2010.

Since that time, EWEB's consultant team has prepared a package of proposed land use applications that, if adopted by the council, will ensure the City's regulations allow the riverfront site to be redeveloped in accordance with the conceptual master plan. This package of land use applications received a unanimous (7:0) recommendation for approval by the Eugene Planning Commission on March 11, 2013, following the initial public hearing and deliberations. The recommendation includes a number of modest refinements to the proposed code which are being incorporated into the draft ordinance for the council's consideration.

The formal land use applications that will implement the EWEB Riverfront Master Plan, and are recommended for approval by the Planning Commission, are briefly summarized below:

Metro Plan Amendment (MA 12-1): amends the Metro Plan diagram to reflect the master plan vision for mixed-use redevelopment; changes land use designation from primarily heavy industrial to mixed use.

Refinement Plan Adoption & Related Amendments (RA 12-1): adopts the EWEB Downtown Riverfront Specific Area Plan; also amends the Downtown Plan and Riverfront Park Study to remove obsolete sections and ensure consistency.

Code Amendments (CA 12-4): amends the Eugene Code to establish a new (S-DR) Downtown Riverfront Special Area Zone including form-based standards for future redevelopment; also includes related code amendments to integrate the new zoning with existing code sections.

Zone Change (Z 12-6): rezones the site from public land and industrial zoning to the new (S-DR) Downtown Riverfront Special Area Zone.

Willamette Greenway Permit (WG 12-4): approves a Willamette Greenway Permit for future development that is consistent with the new plan and zone.

At the upcoming work session, the focus will be on building an understanding of the conceptual master plan and these regulatory actions that establish the intended framework for redevelopment. EWEB proposes a “hybrid” form-based code which uses a combination of traditional zoning and form-based development standards tailored specifically to the EWEB riverfront site. These tools are similar to those recently applied to Walnut Station including user-friendly graphics, use controls, urban design standards, and design review. The intent is to achieve a balance between certainty and flexibility in the redevelopment process; to support the appropriate enhancement of riverfront habitat; and, to promote a mix of uses that complement existing downtown development and multiple riverfront uses.

As staff will cover in greater detail, several key features of the proposal include approximately eight acres of proposed public open space including a riverfront park; a pedestrian-oriented street system; new parcels for mixed-use redevelopment; and, adaptive reuse of existing buildings on the site. These key features are briefly described below:

Riverfront Open Space

- Expanded open space includes a variety of new amenities, space for recreational activities, and riparian restoration along the river’s edge.
- Public amenities will include a new public plaza as well as informal seating areas, a relocated pathway and boardwalk, interpretive sites and overlooks, gentler grades for better access to the river, and native plantings for habitat enhancement.
- A Willamette Greenway setback is established to ensure protection of the expanded open space, riparian area and scenic values along the river.

Pedestrian-Friendly Streets

- A “Great Loop” reconnects the site to downtown from 5th and 8th avenues. This primary riverfront street is a key design feature that incorporates pedestrian-friendly and green infrastructure elements, and sets the framework for the proposed block pattern and riverfront park.
- Secondary streets are oriented to help to create pedestrian-friendly view corridors toward the river. These streets provide a convenient and walkable streetscape, and would allow closure of the primary riverfront street for festivals or other public events.

- Street trees, planters, green stormwater infrastructure, narrow street widths, and curb extensions at intersections and mid-block crossings are required. On-street parking is also provided to support mixed-use redevelopment potential, create separation for pedestrians, and facilitate traffic calming.

Mixed-Use Redevelopment Parcels

- New capacity is created for a mix of residential, office, commercial and employment uses. Estimated build-out would create between 250-400 new dwelling units, roughly 22,000-28,000 square feet of new retail space, up to 14,000 square feet of restaurant use, and 40,000-315,000 square feet of additional office uses.
- Form-based design standards and use controls along key street frontages are intended to ensure an active streetscape, appropriately scaled buildings, and pedestrian-friendly character. Maximum building envelopes, minimum building heights, step-backs for taller buildings, articulation and window transparency requirements, and main entrance orientation are examples of types of the form-based standards that are utilized to achieve the intended result.
- “Restaurant Row” establishes a key destination adjacent to the new riverfront park, boardwalk, and public plaza. This location is intended to create a “vibrant, active, people place” that is a focus of urban activity with open seating areas, convenient access to the boardwalk, and views of the river.

Adaptive Re-Use of Existing Buildings

- The site’s historic character is promoted through code provisions that encourage adaptive-reuse of the existing buildings including the steam plant, operations warehouse, Midgely’s Building and EWEB headquarters. A series of interpretive facilities are also proposed to teach about the history of the site.
- Allowance for up to 30 percent expansion of existing buildings, and use of interim surface parking areas (already existing on the site) is intended to encourage cost-effective tenant infill. These expansions are limited so that no encroachment within the Willamette Greenway setback is allowed, and additional building height is limited consistent with the new zoning.

An excerpt of the plan is provided as Attachment B for quick reference, which describes these key features in greater detail. The excerpt includes an illustrative plan, framework diagram, and plan policies which articulate the vision for redevelopment and serve as a basis for crafting the form-based code standards.

For more information and detail, a complete copy of the master plan, the proposed code, and related materials is available on the City’s website at: <http://www.eugene-or.gov/index.aspx?NID=2358>. A hardcopy of the full record of materials is available for review in the City Manager’s Office.

Next Steps

- A follow up work session is scheduled for June 12, 2013.
- A public hearing is scheduled for June 17, 2013.
- Following the public hearing, additional work sessions will be held for deliberations and council action.

RELATED CITY POLICIES

The Eugene Code and Downtown Plan require the City’s approval of master plan for redevelopment of the EWEB riverfront property. The adopted policy reads as follows:

A master plan for the EWEB riverfront property must be approved by the City before any redevelopment, land use application, rezoning, Metro Plan or refinement plan diagram amendments are approved for uses not associated with EWEB functions. The master plan shall be evaluated based on the master plan's consistency with principles 1 through 4 below:

- (1) Create a "people place" that is active, vibrant, accessible and multi-use.
- (2) Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.
- (3) Incorporate appropriate building and site design techniques that address environmental concerns.
- (4) Incorporate an educational aspect, so that the riverfront improvements teach us about our river, our history and our city.

The master plan shall be considered using the City's Type II application procedures, unless the applicant elects to have the master plan reviewed concurrently with a Type III, Type IV or Type V application.

EWEB's proposed land use application package is intended to fulfill this policy and to implement the land use regulations needed to ensure that redevelopment of the site remains consistent with the conceptual master plan. Findings addressing the applicable Statewide Planning Goals and other adopted City policies for this request are included in the applicant's written statement for the land use application package.

COUNCIL OPTIONS

This is an informational work session. No action is necessary.

CITY MANAGER'S RECOMMENDATION

As noted above, this is an informational work session; no action is necessary.

SUGGESTED MOTION

None.

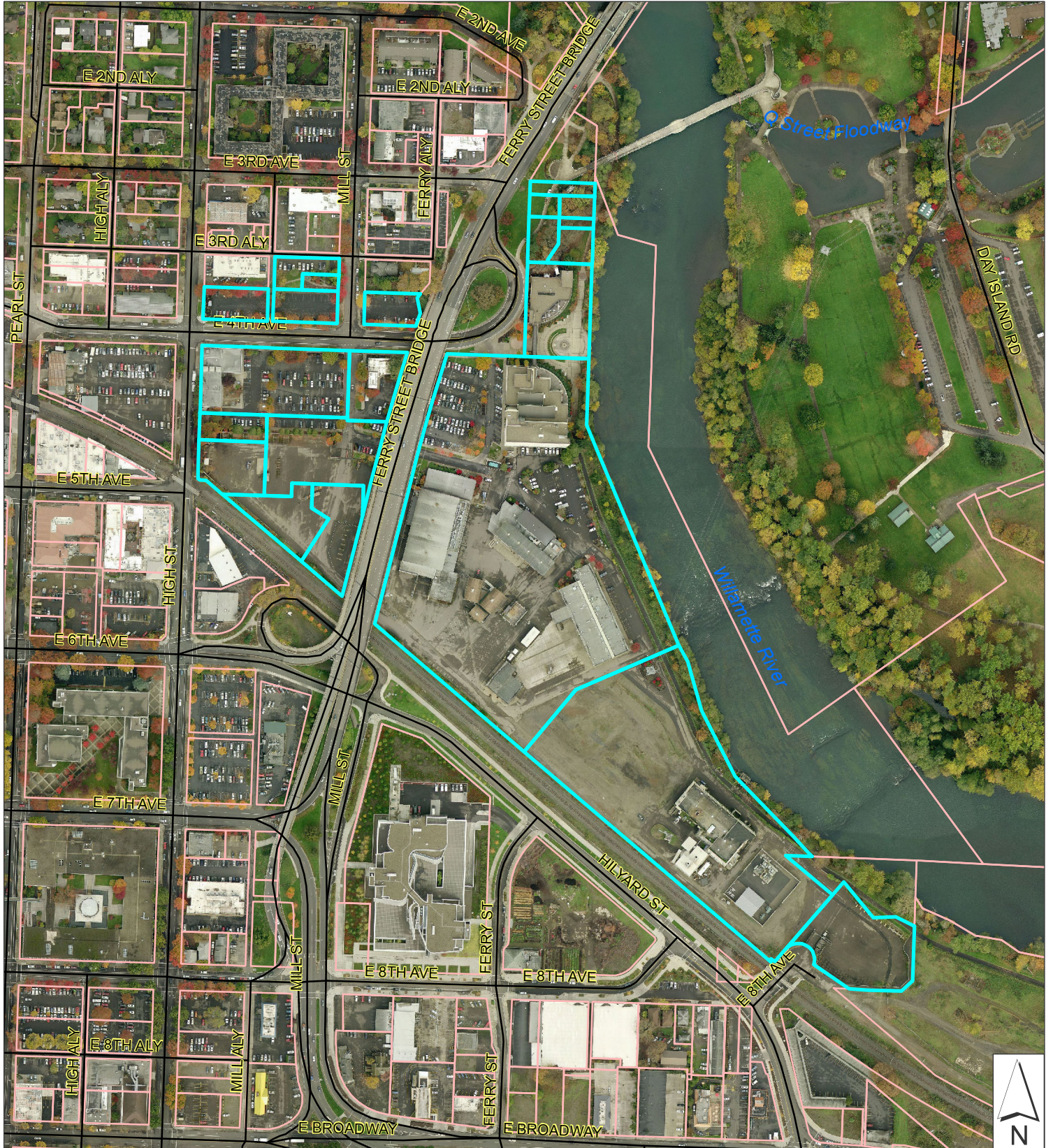
ATTACHMENTS

- A. Vicinity Map
- B. Plan Excerpt (includes illustrative plan and framework diagram, with related text and policies)
- C. Council Memo

FOR MORE INFORMATION

Staff Contact: Gabe Flock
Telephone: 541/682-5697
Staff E-Mail: gabriel.flock@ci.eugene.or.us

Attachment A: Vicinity Map



Legend
Taxlots

0 115 230 460 Ft

Caution:
This map is based on imprecise
source data, subject to change,
and for general reference only.



May 06, 2013

3. VISION

A. RIVERFRONT CRITERIA

The planning for the redevelopment of the EWEB Riverfront Property began with the four Riverfront Criteria laid out in the 2004 Downtown Plan. The Downtown Plan states that the plan for the Downtown Riverfront will be evaluated for consistency with the following criteria:

1. Create a “people place” that is active, vibrant, accessible and multi-use.
2. Provide appropriate setbacks, deeper where environmental or habitat issues are more critical, shallower in other areas.
3. Incorporate appropriate building and site design techniques that address environmental concerns.
4. Incorporate an educational aspect, so that our riverfront improvements teach us about our river, our history and our city.

B. GUIDING PRINCIPLES

The Community Advisory Team approved a vision statement and a set of seven Guiding Principals to inform the master planning process for the Downtown Riverfront. The riverfront planning process was structured to meet these principals, meet the Riverfront Criteria, and address the requirements of the 2007 MOU between EWEB and the City.

Vision Statement

The vision for the redevelopment of Eugene’s Downtown Riverfront is based upon the understanding that our community’s social, ecological, economic and sustainable concerns are interdependent. The redevelopment of the EWEB riverfront property offers the unique opportunity to advance these interests simultaneously for the benefit of all Eugene, and to revision our Downtown Riverfront as a place that participates actively and graciously with the community that surrounds it.

Sustainable Urbanism

The redevelopment of the EWEB riverfront site should transform the vacated utility property into a thriving, pedestrian-oriented, sustainable community.

Balance of Uses

This plan should include a diverse mix of public and private spaces, with a variety of uses and opportunities layered within each.

Connection

The plan should reconnect the city with the river, and extend the riverine landscape into the city.

Ecology

Ecological objectives should focus on education and habitat enhancement, and direct efforts toward the creation of a managed, functioning ecology along the Downtown Riverfront.

Identity

A 9-acre Cultural Landscape that teaches about the history, ecology, art, and industrial heritage of the riverfront. It is welcoming and accessible to all.

Economics

The plan should contribute to the vitality and economic sustainability of Eugene.

Feasibility

Feasibility should be considered in terms of existing conditions, standard practices, political climate, and community support for a project.

C. KEY DESIGN CONCEPTS

The following design concepts describe how the Guiding Principles were translated into a specific design direction:

An Interdependent and Sustainable City

The redevelopment of the EWEB's riverfront property models green strategies and demonstrate balanced, environmentally conscious, economically viable redevelopment. To contribute to the development of a more sustainable city, the plan recommends a focus on green infrastructure, natural systems, residential capacity, and energy-efficient design with the redevelopment of this property.

A Great Loop

The plan creates a "Great Loop" by connecting Eugene's Great Streets through the riverfront property, establishing a quality of public access and civic structure that benefits the entire city.

Urban Repair & Habitat Enhancement

In re-purposing this impervious utility yard as a pedestrian-oriented neighborhood and public open space, the plan repairs a defining piece of Eugene's urban fabric and reconnects the city and the river.

Interwoven Habitat: An Undulating Edge

Rather than employing a boilerplate setback on a previously developed site, the plan blurs the boundary between the natural and urban environments. Native vegetation reaches into the city, and green redevelopment offers a connection to the river. All new construction will be set back farther than 100' from the top of bank, and the design also pulls the river landscape deeper into the site at three locations: the "green extension" of 5th Avenue, Millpond Swale, and Pollinator Prairie.

Special Place: A Cultural Landscape

The 2004 Downtown Plan describes the need to support and maintain the "special places" in our city, including the Willamette River, nearby open space, and historic properties like the Steam Plant. This plan delivers on a community-inspired wish to reveal the history imbedded in this site, and to create a special place for people to enjoy along the Downtown Riverfront.

Allow for Future Opportunities

Extensive community outreach revealed other adjacent opportunities (e.g., a daylight Millrace, Downtown Quiet Zone, additional at-grade railroad crossings, and a new pedestrian bridge to Alton Baker Park) that could be coordinated with the redevelopment of the EWEB site. The plan does not require these elements, but it also does not conflict with the realization of these goals in the future.

D. OBJECTIVES + CRITERIA

The redevelopment of the Downtown Riverfront (EWEB) property should accomplish the following objectives:

Connect Public Spaces

Maintain and enhance a continuous and diverse public realm through a network of streets, paths and public open space, including parks, promenades and plazas along the riverfront. Each development effort should contribute to the creation of a cohesive, activated public realm.

Encourage Variety & Diversity

Include a vibrant mix of uses and a variety of housing types that support a more diverse, active Downtown Riverfront. A variety of housing and building types should support a diverse population and promote an active, vibrant 18-hour neighborhood. Mixed-use development may be either horizontal or vertical, depending on the scale and intensity appropriate for a specific sub-area.

Create High-Quality Open Space

Design the open space system to serve as a city-wide resource, and celebrate the city's relationship with the Willamette River.

Create Active, Green Streets for People

Introduce ground-level activities and spatial relationships that enliven streets and public spaces, and connect the landscape character of public open spaces with the public rights-of-way when applicable. Create a pedestrian-friendly street network.

Establish View Corridors

Maintain and enhance views to the riverfront park and river.

Promote Excellence in Design and High-Quality Development

Guide building form and uses to reinforce the active, public character of streets, open space and riverfront amenities. Each site, building and street improvement should be treated as a long-term contribution to the overall quality of the city center. Exterior design and building materials shall exhibit both the permanence and quality appropriate to an urban, mixed-use district.

Connect to History

Reinforce the spatial characteristics of the Downtown Riverfront's unique setting, recognize its layered history, and build on cultural and historic assets without being historicist.

Model Sustainable Redevelopment

Support a lively, mixed-use, multi-modal neighborhood that integrates people, urban habitat, natural systems, green infrastructure, and green architecture. Site development and infrastructure should reflect a commitment to sustainability, and to a healthy, green community.

E. FRAMEWORK + ESSENTIAL FEATURES OF THE PLAN

The approved plan for the redevelopment of the Downtown Riverfront is a physical framework that includes essential features that give definition to the community-supported vision.

The framework of the approved plan extends the urban structure of Downtown to meet a new crescent-shaped park along the river (a total of approximately 8 acres of open space). The framework creates the structure for the development of individual blocks, public access, and the enhancement of the riverfront open space. It also provides context for the essential features of the plan.

1. Framework

By extending the existing urban framework of city streets and city blocks, and developing an arc of open space along the Willamette River, the framework diagram illustrates how the plan physically connects the city and the river. The elements of the framework include:

A Great Loop that reconnects the riverfront to Downtown by connecting the Great Streets of 5th and 8th Avenues through the site. This primary street forms a direct and graceful curve through the property, coming closest to the river near the EWEB Headquarters and then swinging away to meet the relocated railroad crossing aligned with 8th Avenue.

An arc of riverfront open space forms a Cultural Landscape. This park space includes a new public plaza, public art, riparian enhancement, native plants, educational aspects, the Steam Plant, and a large area of public open space along the Ferry Street axis that provides green infrastructure and could allow for a future connection to the historic Millrace. This landscape is designed with a focus on education and habitat enhancement, and it primarily utilizes native and non-invasive introduced plant species that require minimal supplemental water, fertilization or pest or disease control.

Secondary streets follow utility easements and provide the redundant life-safety access that allows Riverfront Street to be closed to traffic during festivals. The street network is public and provides nearly 300 on-street parking spaces to support retail and restaurant uses.

Well-formed urban blocks that allow for a wide range of redevelopment programs and support a legible, pedestrian-friendly urban fabric.

2. Essential Features

Within the framework, these essential features are fundamental to the approved vision:

Green streets that integrate bike and automobile transportation, and include landscaped stormwater treatment and on-street parking to accommodate retail uses.

A series of interpretive sites that teach about the history of the Willamette River, Eugene's African-American community, and energy production and water-related industry on this site.

Restaurant Row, a public boardwalk, and 5th Avenue Plaza overlook the riverfront open space and create a "vibrant, active, people place" that is a focus of urban activity. Restaurant Row offers a prime location for cafes, restaurants and amenities along the river. Pedestrian passages along view corridors create an open and accessible threshold between the city and the riverfront open space.

New residential capacity is a required component of the high-density development envisioned for this site as a whole.

The continuous Riverbank Trail, relocated and set back from the top of bank. This allows for the re-grading of the riverfront open space to a gentler slope that will create space for public amenities and improve connections to the water. The pedestrian boardwalk is grade-separated from the adjacent Riverbank Trail to allow for multiple modes to move safely through the area.

Promotes adaptive re-use of the Operations Warehouse, Steam Plant and Midgley's Building.

Pollinator-friendly open space planted with native plant species on the capped, former manufactured gas plant (MGP) site.



FIGURE 3-1: ILLUSTRATIVE PLAN

1	Bioswales / Green Extension	Public Boardwalk
2	Native Green Space + Riparian Enhancement	Repaired Riparian Zone
3	Restaurant Row w/ Habitat Roofs	Open Space / Native Plants
4	Continuous Riverbank Trail	Public Streets with Bioswales
5	Millpond Swale / Potential Millrace	Bioswale / Possible Millrace
6	At-Grade Railroad Crossing @ 8th Avenue	Existing Buildings
7	Public Boardwalk / Plaza	New Construction
8	Pollinator Prairie + River Overlook	

F. POLICIES

The following policies articulate the vision for the redevelopment of the Downtown Riverfront.

General

- New development shall promote the vision of the Downtown Riverfront as a unique, sustainable neighborhood through the implementation of a network of public and private open space areas that include parks, green infrastructure, urban agriculture, enhanced habitat, gathering spaces, and interpretive sites.
- New development shall utilize design strategies and construction techniques that integrate built and natural environments and contribute to the establishment of a high-quality riverfront district that includes urban uses, green infrastructure, cultural landscapes, and open space.
- New development shall contribute to a diverse public realm through an interconnected network of paths, streets, and open space areas.
- New development shall contribute to a mixed-use riverfront district that includes commercial/retail and residential activities and highly accessible public open space.
- New development shall contribute to the establishment of a vibrant, accessible, multi-use Downtown Riverfront by incorporating uses and amenities that invite the community to eat, gather, live, work, and play.

Urban Design

- New development shall promote an active, diverse, green, mixed-use neighborhood and strive for excellence in site and building design.
- New development shall enliven streets and public spaces by incorporating amenities and active ground-level uses with either a high degree of transparency with commercial uses or a frequency of entries with residential uses.
- New development shall maintain and enhance views to riverfront open space and the Willamette River.
- Building form shall reinforce the active and public nature of streets, open space areas, and riverfront amenities.
- Site, building, and infrastructure design shall contribute to a healthy and livable community by following sustainable development practices to the greatest degree practicable.

Infrastructure

- Extend the Downtown transportation network to serve the riverfront and safely accommodate pedestrian, bicycle and vehicle traffic along public streets, paths, and accessways.

- Implement the “Great Loop” concept in the EWEB Riverfront Master Plan, which builds on the “Great Streets” concept in the Eugene Downtown Plan, through the provision of a direct and efficient street connection between High Street and 8th Avenue that connects through the riverfront property and provides access to the riverfront open space.
- Preserve and enhance visual connections to the Willamette River through the establishment of View Corridors as shown in the EWEB Riverfront Master Plan in conjunction with the construction of the transportation network (streets, paths, accessways and trails).
- Encourage non-vehicular transportation by accommodating multi-modal pedestrian transportation amenities and through the design of a pedestrian-friendly street network.
- Public streets shall be constructed with green stormwater treatment systems to the extent feasible including, but not limited to, infiltration planters, rain gardens, flow-through planters, and vegetated swales.
- Public streets shall provide on-street parking that support commercial and retail uses and on-street bicycle parking to accommodate non-vehicular transportation.

Open Space

- Public and private open space areas shall be designed to emphasize connectivity, permeability, diversity, and sustainability.
- Design of public open space areas shall ensure safety and compatibility among adjacent uses and facilities, and comply with City design and development standards and specifications.
- Promote the development of a Cultural Landscape that consists of public green space, interpretive sites, public art, vistas, and historic structures that teach about the history of Eugene’s Downtown Riverfront.
- Use the riverfront landscape to teach about our community’s history, in a variety of ways and at a variety of scales.
- Envision and manage habitat areas as small samples of habitat whose primary purpose is to foster education and demonstrate the potential for ecological enhancement in urban environments, and recognize that, due to their relatively small size and human use impacts, these areas cannot achieve the level of ecological function that is possible in larger, undisturbed habitat areas in non-urban settings.

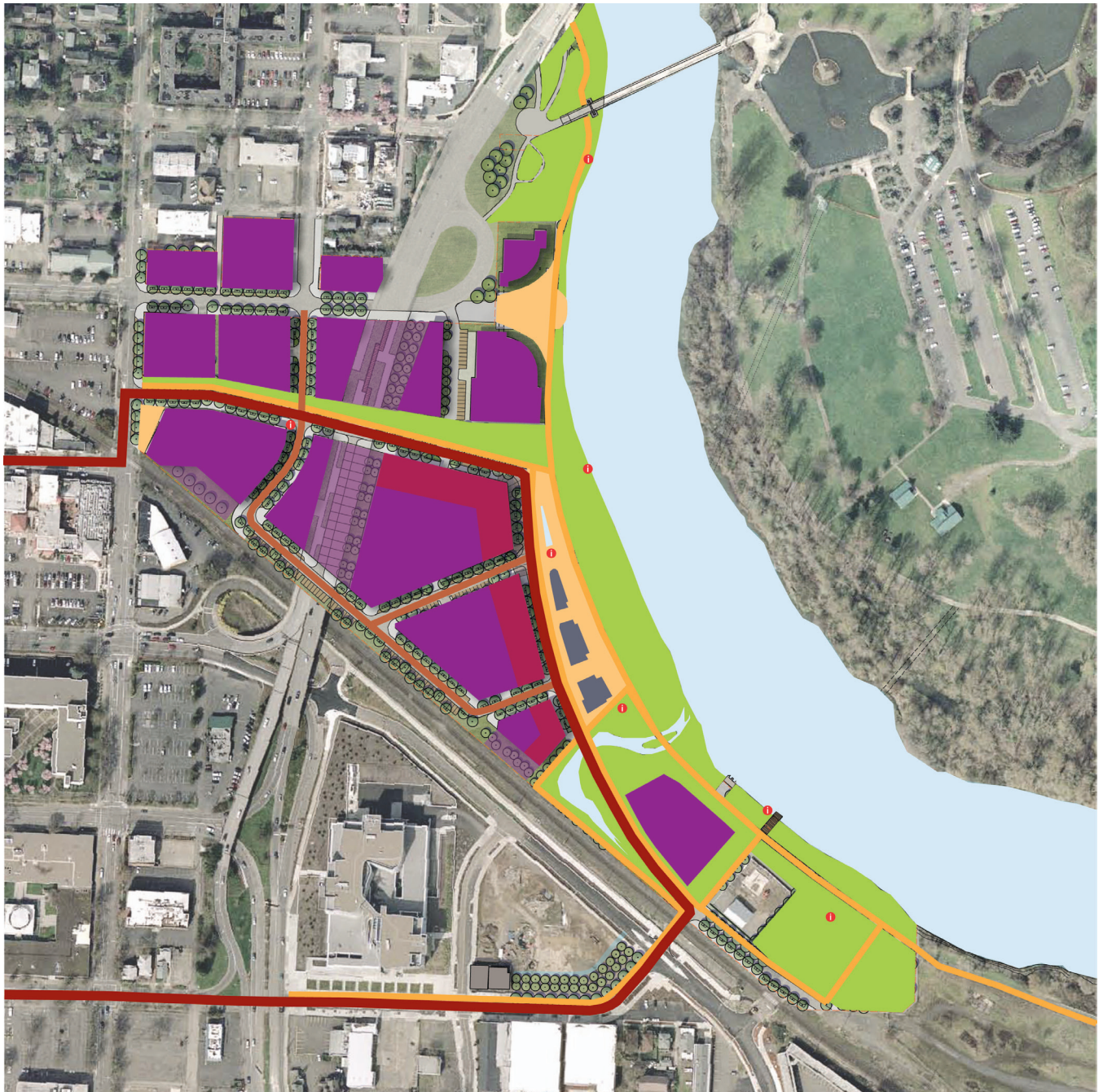


FIGURE 3-2: FRAMEWORK DIAGRAM

- Primary Street / Great Street
- Secondary Streets
- Pedestrian / Bike Paths
- Plazas and Pedestrian Gathering Spaces
- Public Open Space
- Redevelopment or Adaptive Re-use Site
- Residential Requirement
- Restaurant Row
- Interpretive Site

Attachment C: Council Memo



Memorandum

Date: May 1, 2013
To: Mayor Piercy and City Council
From: Gabe Flock, Senior Planner, 541-682-5697
Subject: **EWEB Riverfront Master Plan Process Update**

This memo is intended to provide council with a brief update regarding the EWEB Riverfront Master Plan process. A work session on this topic is scheduled for May 15th that will provide an opportunity to share more in depth information and answer questions.

The Planning Commission conducted its review of EWEB's land use application package following a public hearing and three deliberation meetings. Several modifications were made to the package as a result of those deliberations and on March 11, 2013, the Planning Commission voted unanimously (7-0) to recommend the land use application package for approval.

The land use application package includes several regulatory actions needed to formally implement EWEB's Riverfront Master Plan, including a Metro Plan Amendment, Refinement Plan Adoption and Amendments, Code Amendments, a Willamette Greenway Permit, and Zone Change.

Several council work sessions and a public hearing will be held before council is asked to act on the land use application package, including:

- An initial work session is scheduled for May 15, 2013 to discuss the history of the process to date, the basic elements of the master plan, and the regulatory tools proposed. This meeting will provide an opportunity for councilors to ask questions and request additional information as needed.
- Another work session is scheduled for June 12, 2013 to follow up with additional information and questions from council.
- A public hearing is scheduled for June 17, 2013.
- Deliberations will be scheduled as needed following the hearing, in order to finalize Council's action prior to the August break.

Quasi-Judicial Procedures

This is a quasi-judicial process which will require that the initial work sessions be limited to factual information and questions about the request. Council should avoid prematurely

expressing opinions or deliberating on the merits of the proposal in advance of the public hearing.

“Ex-parte contact” should also be avoided to the extent possible. If these contacts do occur you must keep track of them and disclose them on the record before your public hearing to ensure a fair and open public process, *i.e.*, a chance for the public to rebut the substance of such communication. A failure to adequately disclose an ex parte contact or a perception that your statements demonstrate a bias could be a basis for LUBA to invalidate the City’s final decision on the matter. Once the opportunity for public comment is over and until the City’s decision becomes final (including the resolution of any appeals), you must refrain from any ex parte communications because, at that point, the opportunity for public rebuttal has passed.

While the law anticipates that you will handle the ex parte disclosures orally, we expect some long lists on this matter and therefore recommend that Councilors prepare a written disclosure, instead. The written disclosure should declare, as an ex parte contact, all of your contacts relating to the substance of EWEB’s proposal (verbal or written) if those contacts occurred outside of the public hearing. This does not include contacts with City staff; this does include site visits and media information. The law does not require you to disclose dates or speakers, so a statement like “I have heard from a number of people that they are concerned about XXXX” is sufficient. The substance is the important part of the disclosure, thus, you cannot just say “I heard a number of times from Jose Smith.” There is no model or magic words; you just want to make sure that the public gets to know all of the information that you have been given.

We will attach each Councilor’s written disclosures list to the AIS for the hearing, explicitly incorporate them into the record and ask that each of you reference your statement and state that the contacts lists are the only additional contacts you have had. We are hoping this will save some time for you and help to ensure that all contacts are disclosed. The City Attorney’s Office is happy to review each of your statements before you finalize it.

For More Information

Please feel free to contact me at 541-682-5697 or at gabriel.flock@ci.eugene.or.us if you have any questions.