

ADMINISTRATIVE ORDER NO. 21-23-07
of the
City Manager of the City of Eugene

**EXTENDING EMERGENCY BUTTERFLY LOT RULES APPLICABLE
TO THE FARMER’S MARKET PAVILION AND PLAZA AND THE
REMAINING UNDEVELOPED PORTION OF THE LOT ADOPTED BY
ADMINISTRATIVE ORDER NO. 21-22-03.**

The City Manager of the City of Eugene finds that:

A. Section 2.019 of the Eugene Code, 1971 (EC), authorizes the City Manager or designee to adopt rules for implementation of any provisions of that Code. EC 2.019(6) authorizes the City Manager to adopt emergency rules without prior public notice or hearing.

B. On January 31, 2019, the City of Eugene Urban Renewal Agency (“Agency”) and the City each purchased from Lane County one part of a half-block of property located on the west side of Oak Street between Seventh and Eighth Avenues in Downtown Eugene, commonly referred to as the Butterfly Lot. The Agency purchased the southern half of the Butterfly Lot, identified as the “Southern County Property” in the August 31, 2017, Purchase and Sale Agreement (“Agency’s Property”) and the City purchased the northern half of the Butterfly Lot, identified as the “Northern County Property” in the August 31, 2017, Purchase and Sale Agreement (“City’s Property”).

C. On January 31, 2019, the Agency delegated to the City “authority to regulate the use and operation of Agency’s Property, including the authority to adopt administrative rules that apply to Agency’s Property.”

D. The City Park Blocks are located on the south side of Eighth Avenue, across the street from the Butterfly Lot. The City Park Blocks are located within the geographic boundary of the Downtown Activity Zone (DAZ). The City’s DAZ code provisions and administrative rules, including the DAZ permitting process, apply to the Park Blocks. In addition, the City’s administratively adopted Parks and Open Space Rules (“POS Rules”) apply to the Park Blocks.

E. The Farmer’s Market Pavilion and Plaza have been constructed on a portion of the Butterfly Lot and the Plaza is open to the public. A Downtown Activity Permit has been issued to the Farmer’s Market for use of the Pavilion, but the Pavilion will not be generally available to the public for rent until a later date. A portion of the Butterfly Lot will remain undeveloped for the foreseeable future, but it may be opened to the public prior to it being developed.

F. On June 22, 2022, I issued Administrative Order No. 21-22-03 adopting Emergency Butterfly Lot Rules that apply to the Farmer’s Market Pavilion and Plaza as well as the remaining undeveloped portion of the Butterfly Lot so that the City can regulate the use and operation of the Butterfly Lot consistent with the Park Blocks. The planning process to allow the public to rent the Farmer’s Market Pavilion is currently underway but not yet completed; thus, at this time, only the Farmer’s Market Plaza is available for events. Like the Park Blocks, people seeking to hold an event in the Plaza must obtain a Downtown Activity Permit to do so. Administrative Order No. 21-22-03 expired on December 19, 2022, but was extended by Administrative Order No. 21-22-

04, and then further extended by Administrative Order No. 21-23-01. Administrative Order No. 21-23-01 will expire on December 14, 2023.

G. Extension of the Emergency Rule is necessary so that the mechanism for regulating the use of the Butterfly Lot remains in effect while the planning process is being completed. The extension should be implemented without prior notice pursuant to subsection (6) of Section 2.019 of the Eugene Code, 1971, because failure to do so will create confusion for both the public and law enforcement regarding when and how the Butterfly Lot can be used.

NOW, THEREFORE, based upon the above findings and pursuant to the authority in EC 2.019(6), I order that these Emergency Rules shall be extended effective December 14, 2023, and remain in effect until June 11, 2024, (180 days from December 14, 2023) unless replaced earlier by an emergency rule, temporary rule, or permanent rule adopted in accordance with the provisions of EC 2.019.

BUTTERFLY LOT ADMINISTRATIVE RULES

1.00 APPLICATION OF PARK AND OPEN SPACE RULES

Except for Section 1.004, Use Permits, the Park and Open Space Rules adopted by Administrative Order No. 58-17-07-F, and all amendments thereto, shall apply to the half-block of property located on the west side of Oak Street between Seventh and Eighth Avenues in Downtown Eugene, commonly referred to as the Butterfly Lot, including the Farmer’s Market Pavilion and Plaza and the remaining undeveloped portion of the lot.

1.01 PUBLIC PEDESTRIAN AREA

The Farmer’s Market Plaza is a “public pedestrian area” under the primary control of the City. All City Code and administrative rule provisions governing public pedestrian areas within the Downtown Activity Zone, including code and rule provisions regarding Downtown Activity Permits, shall apply to the Farmer’s Market Plaza.

Dated this 12th day of December, 2023.

JB
JB



Sarah Medary
City Manager

Signature: Joshua Bates
Joshua Bates (Dec 12, 2023 08:56 PST)

Email: jbates@eugene-or.gov