

ADMINISTRATIVE ORDER NO. 57-24-02
of the
City Manager of the City of Eugene

**REGARDING THE OPPORTUNITY TO COMMENT ON A PROPOSAL
TO ADOPT THE FARMERS MARKET PAVILION AND PLAZA FEE
SCHEDULE.**

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

A. Section 2.020 of the Eugene Code, 1971 (EC), authorizes the City Manager to determine and set fees and charges to be imposed by the City for services, goods, use of municipal property, and licenses and permits.

B. On January 31, 2019, the City of Eugene Urban Renewal Agency (“the Agency”) and the City each purchased from Lane County one part of a half-block 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 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 the Agency.

C. On March 29, 2023, the Agency transferred ownership of its part of the Butterfly Lot to the City, which allows the City to permanently regulate, operate, and manage the property, including adopting administrative rules and fees for public use of the property.

D. The Farmers Market Pavilion and Plaza have been constructed on a portion of the Butterfly Lot. It is necessary to establish a fee schedule for the public to rent the Farmers Market Pavilion and/or Plaza.

E. In determining the establishment of the Farmers Market Pavilion and Plaza Fee Schedule, in accordance with EC 2.020(2), I have considered the following factors: applicable policies, enactments and directives of the City Council; the amount charged for these services by the City in the past; the full costs of providing the services supported by the fees; the amounts charged by other comparable providers; and the revenue needs of the City as determined by the adopted City budget. See Exhibit C.

F. Based on my consideration of the factors listed above, I propose to establish the Farmers Market Pavilion and Plaza Fee Schedule as set forth in the Notice attached as Exhibit A to this Order.

On the basis of these findings, I order that:

1. A copy of this Order with its exhibits shall be provided to the Mayor and City Councilors, and a Notice substantially conforming to the Notice attached as Exhibit A shall be

made available to any persons who have requested such notice and posted at two locations at City Hall.

2. A Notice substantially conforming to the Notice attached as Exhibit B which contains those fees proposed to be \$250 or more shall be published in the Register Guard Newspaper.

Dated this 05/20/2024 day of May, 2024.

JB
JB



Sarah Medary
City Manager

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED FARMERS MARKET PAVILION AND PLAZA FEE SCHEDULE.

Pursuant to the provisions of Section 2.020 of the Eugene Code, 1971, and as a result of an investigation of the revenue needs of the City in providing the Farmers Market Pavilion and Plaza services, the City Manager is proposing to establish the following Farmers Market Pavilion and Plaza Fee Schedule.

Definitions of Users	
City Produced or Co-Produced or City-Sponsored	An activity carried out by a city employee in the performance of assigned duties, an activity with aligned mission and goals funded by a city team or an activity authorized by a Division Manager and relevant management team, City Manager, or city council, such as Halloween Downtown, First Friday ArtWalk, or Downtown Program Fund events
Non-Commercial	Activities & events free of charge for the public. Events must have three or fewer commercial vendors, including food carts.
Commercial	Any activity related to or connected with trade, commerce or fundraising involving the receipt of money or property, such as, but not limited to: advertising, displaying, distributing, selling, taking orders or offering to sell or take orders for goods or services; fundraising activities; activities, events, and performances for which admission is charged; activities related to construction or demolition on abutting private premises.
Private Event	Any activity that necessitates a complete closing off of the space to the public, for private occasions or events that are invitation-only.

<i>Pavilion and Plaza Rental Rates</i>				
Types of Uses	City Produced or Co-Produced	Non-Commercial	Commercial	Private
<i>Rental Rate (Fri-Sun) 8 hrs</i>	\$339.00	\$907.00	\$1,813.00	\$4,755.00
<i>Rental Rate (Fri-Sun) 4 hrs</i>	\$228.00	\$611.00	\$1,216.00	\$3,186.00
<i>Rental Rate (M - Th) 8 hrs</i>	\$153.00	\$410.00	\$819.00	\$2,139.00
<i>Rental Rate (M - Th) 4 hrs</i>	\$59.00	\$153.00	\$305.00	\$800.00
<i>Youth Education Discount</i>	48% of rate	48% of rate	48% of rate	N/A

<i>Ticketed Event</i>	N/A	N/A	Addtl. 36% of rate	N/A
<i>Additional Hours</i>	N/A	\$100.00/hour	\$100.00/hour	\$100.00/hour
<i>Plaza-Only Rental</i>	N/A	N/A	\$150.00	\$550.00
<i>Parking Lot addition</i>	N/A	\$200.00	\$200.00	\$200.00
Requirements				
<i>Agreement</i>	N/A	Required.	Required.	Required.
<i>Indemnification</i>	N/A	Required.	Required.	Required.
<i>Insurance</i>	Required.	Required.	Required.	Required.
<i>Cleaning Deposit</i>	N/A	\$100.00	\$100.00	\$100.00
<i>Booking Deposit</i>		50% of rate	50% of rate	50% of rate
Other				
<i>Cancellation fee (within 30 days of the event)</i>	N/A	Deposit Forfeiture	Deposit Forfeiture	Deposit Forfeiture

Comments on the proposed fee schedule may be submitted in writing to Jana Meszaros, 99 W. 10th Avenue, Eugene, Oregon 97401, or via e-mail to jmeszaros@eugene-or.gov. To be considered, written and e-mail comments must be received within 15 days from the date posting as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified fees will be adopted by administrative order.

Sarah Medary, City Manager

Date of Posting: May 23, 2024.

NOTICE OF OPPORTUNITY TO COMMENT ON PROPOSED FARMERS MARKET PAVILION AND PLAZA FEE SCHEDULE.

Pursuant to the provisions of Section 2.020, and as a result of an investigation of the revenue needs of the City in providing the Farmers Market Pavilion and Plaza services, the City Manager is proposing to establish the Farmers Market Pavilion and Plaza Fee Schedule.

Fees proposed to be \$250 or greater are set out below. A full schedule of the proposed amendments can be reviewed at the City Hall bulletin board posting locations, 101 West 10th Avenue, Eugene and on the City’s website at www.eugene-or.gov/520/Administrative-Order.

Pavilion and Plaza Rental Rates

Types of Uses	City Produced or Co-Produced	Non-Commercial	Commercial	Private
<i>Rental Rate (Fri-Sun) 8 hrs</i>	\$339.00	\$907.00	\$1,813.00	\$4,755.00
<i>Rental Rate (Fri-Sun) 4 hrs</i>	\$228.00	\$611.00	\$1,216.00	\$3,186.00
<i>Rental Rate (M - Th) 8 hrs</i>	\$153.00	\$410.00	\$819.00	\$2,139.00
<i>Rental Rate (M - Th) 4 hrs</i>	\$59.00	\$153	\$305.00	\$800.00
<i>Plaza-Only Rental</i>	N/A	N/A	\$150.00	\$550.00

Comments on the proposed amendments may be submitted in writing to Jana Meszaros, 99 W. 10th Avenue, Eugene, Oregon 97401, or via e-mail to jmeszaros@eugene-or.gov. To be considered, written and e-mail comments must be received within 15 days from the date of publication as indicated below. If the City Manager chooses to take action after considering the comments received, the proposed or modified fees will be adopted by administrative order.

Sarah Medary, City Manager

Date of Publication: May 23, 2024

City Manager’s Findings
Proposed Downtown Activity Zone and Farmers Market Pavilion & Plaza Fee Schedule

Pursuant to Section 2.020(2) of the Eugene Code, 1971, the City Manager has considered the following factors in determining the proposed Private Commerce on Public Property Fee Schedule Amendments:

(a) Applicable policies, enactments, and directives of the Council.

Findings:

The City of Eugene’s City Council adopts a City-wide budget on a biennial basis. Budgets include expense and revenue targets, including those for the Cultural Services Division and the Planning & Development Department.

The Farmers Market Pavilion & Plaza is a venue that is intended to serve the community year-round by housing the Lane County Farmers Market and providing a community space to host events, with a long-term mission to remain a gathering place for years to come. The Pavilion was completed in 2021, as part of an effort to invest in downtown revitalization and re-imagine the public space at the intersection of 8th Avenue and Oak Street, which includes the Park Blocks.

Fees and charges for use of the Farmers Market Pavilion & Plaza have been added to the existing fee schedule with specific regard to usage type. These fees are within market of similar providers in the area/region and are inclusive of costs associated with use of the building. The rate structure for the Farmers Market Pavilion and Plaza, as an addition to the Private Commerce on Public Property Fee Schedule, is reflected herein.

(b) The amount charged by the City in the past

Findings: There is no history of fees and charges for the Farmers Market Pavilion & Plaza

Private Commerce on Public Property Fee Schedule	Proposed Fee
Commercial Pursuits Activity at the Farmers Market Pavilion & Plaza	\$1813 Rental Rate Fr-Sun 8hrs
Commercial Pursuits Activity at the Farmers Market Pavilion & Plaza	\$1216 Rental Rate Fr-Sun 4hrs
Commercial Pursuits Activity at the Farmers Market Pavilion & Plaza	\$819 Rental Rate M-Th 8hrs
Commercial Pursuits Activity at the Farmers Market Pavilion & Plaza	\$305 Rental Rate M-Th 4hrs
Ticketing Fee	Additional 36% of rate
Downtown Activity Zone Fee Schedule	Proposed Fee
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Private Use/exclusive use reserved)	\$ 4755 Rental Rate Fr-Sun 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Private Use/exclusive use reserved)	\$ 3186 Rental Rate Fr-Sun 4hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Private Use/exclusive use reserved)	\$2139 Rental Rate M-Th 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Private Use/exclusive use reserved)	\$800 Rental Rate M-Th 4hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Non-Commercial Use)	\$907 Rental Rate Fr-Sun 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Non-Commercial Use)	\$611 Rental Rate Fr-Sun 4hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Non-Commercial Use)	\$410 Rental Rate M-Th 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (Non-Commercial Use)	\$153 Rental Rate M-Th 4hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (City-produced or Co-produced)	\$ 339 Rental Rate Fr-Sun 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (City-produced or Co-produced)	\$228Rental Rate Fr-Sun 4hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (City-produced or Co-produced)	\$153 Rental Rate M-Th 8hrs
Activity, event, or performance in the Farmers Market Pavilion & Plaza (City-produced or Co-	\$59Rental Rate M-Th 4hrs

Exhibit C
to Administrative Order No. 57-24-02

produced)	
Other Fees & Discounts	
Rental of the Lot north of the Farmers Market Pavilion (Non-Commercial use)	\$200/day
Rental of the lot north of the Farmers Market Pavilion (Commercial Pursuits Activity)	\$200/day
Rental of the lot north of the Farmers Market Pavilion (Private Use/exclusive use reserved)	\$200/day
Commercial Pursuit use of Plaza Only	\$150
Private Use of Plaza Only	\$550
Youth Education Rate	48% of base rental rate
Deposit	\$100
Fee for Additional Hours	\$100 per additional hour

(c) The full costs of providing the service supported by the fee.

Findings:

The Cultural Services Division and Farmers Market Pavilion & Plaza estimate expenses in FY24 to be approximately \$245,000 which includes personnel, materials, and supplies. The initial FY23 expense budget was attained through a Supplemental Budget process to support the pilot season, which saw the Pavilion operate on minimal capacity to achieve success in its inaugural year. This estimate is based on actuals from FY23 as well as an operational forecast.

We anticipate costs to increase and be offset by revenues made in accordance with the proposed fee schedule.

(d) The amounts charged by other comparable providers.

Findings:

The proposed fees and charges for use of the Farmers Market Pavilion & Plaza are comparable to local private venues that offer similar services. The proposed rates fall to the lower end of the spectrum for industry-standard charges related to event rentals and are intended to ensure that we remain an accessible community gathering space for the present and into the future.

The proposed fee schedule was developed based on four usage types: Commercial Pursuit, Private Use/Exclusive Use Reserved, Non-Commercial, and City-produced or Co-produced. Rates were determined as follows:

- *Commercial Pursuits Activities at the Farmers Market Pavilion* fall under **Private Commerce on Public Property Fee Schedule**. These rates were determined by doubling the *Non-Commercial* rates, which places the fees and charges in the spectrum of like-venues in the area. There is a 36% premium if the event is not free and open to the public. This breaks down to ~28 cents/sq ft. The comparable like-venue spaces range from ~8c to ~\$1.30, so this is, again, under median.
- The usage types: *Private Use/Exclusive Use Reserved*, *Non-Commercial*, and *City-produced or Co-Produced* fall under the **Downtown Activity Zone Fee Schedule** and were determined as follows:
 - *Private Use/Exclusive Use Reserved* is determined as averaging out the rates of like-venues in the area.
 - *Non-Commercial* rates were determined by adding a 36% premium to ISF day rates, which aligns with the venue standard premiums.
 - *City-produced or co-produced rates* were determined by setting a day-

rate based on Internal Service Fees (ISF)

Venues surveyed for comparison are of like-capacity and remain in Lane County, serving the Eugene community and beyond. The proposed rates are well within the range of both public and private sector rentals of comparable size and quality.

At the lowest pricing tier, rates are based on recovering labor and related overhead, and materials & supplies expenses incurred. At the consecutive pricing tiers, rates are meant to generate revenue to offset costs for operation of the facility and related programming.

Additional fees and discounts include:

- To remain accessible for community-sourced programs, there will be discounts offered that are associated with times which have lower opportunity cost. Rates within each usage type are significantly lower for activations that take place Monday through Thursday.
 - Rental rate for four hours M-Th is half of the rental rate of Fri-Sun 8hrs plus 34% premium.
 - Rental rate for 8 hours M-Th is half of the rental rate of Fri-Sun 4hrs plus 34% premium.
 - Rental Rate for four hours M-Th is a quarter of the Fri-Sun rental rate for 4hrs, with no premium. This rate is the most accessible and provides an incentive to activate in smaller windows of time on less busy days.
 - These discounts represent a decrease in prices due to shorter rental time periods as well as encouraging a diversity of usage types, i.e. meetings and workshops vs. large-scale events.
- To remain accessible for community-sourced programs and incentivize producers to program intergenerational experiences, rates are significantly lower for activations that center youth and families. A 48% discount applies for youth education-related events. This type of engagement is a pillar of the goals of the Farmers Market Pavilion & Plaza.
- The fee for use of the adjacent parking lot is \$200. This is based on the day rate of a parking stall (\$10) which is then multiplied by the amount of stalls striped in the lot (20).
- Use of only the Plaza requires a Downtown Activity Zone event permit, in conjunction with a Pavilion venue reservation.
- Private use of only the Plaza incurs an application fee of \$50 and a usage charge of \$500.

(e) The revenue needs of the City as determined by the adopted city budget.

Findings:

The Farmers Market Pavilion & Plaza incurs personnel and materials and supply expenses that are currently aligned with its portion of the City's adopted budget. These costs will be offset by an expectation for the collection of a range of fees and charges based on usage type, as described above. The fiscal year 2023-25 adopted City budget targets revenue collections of about \$80,000. The proposed fee schedule additions summarized above are estimated to have a positive impact on existing cost recovery.

Factors listed above that are irrelevant or inapplicable in determining the amount of the fees, if any: N/A

Signature: Joshua Bates

Joshua Bates (May 16, 2024 06:55 PDT)

Email: jbates@eugene-or.gov