

MEMORANDUM OF UNDERSTANDING
Between the
CITY OF EUGENE
and the
EUGENE WATER & ELECTRIC BOARD

WHEREAS, the City of Eugene (City) is a city under the Eugene City Charter, and Eugene Water & Electric Board (EWEB) is the municipal utility of the City, created by the Eugene Charter; and

WHEREAS, EWEB's Riverfront Headquarters Property, as shown in Exhibit A attached hereto, (Riverfront Property) is the current location of EWEB's utility headquarters; and

WHEREAS, Riverfront Property is also uniquely located on the Willamette River in close proximity to Downtown Eugene causing it to have a high profile and significant potential to create and characterize the connection between downtown and the river and contribute to the identity of the entire community; and

WHEREAS, EWEB and City agree that the master planning of the Riverfront Property must meet the needs of both EWEB and the City; and

WHEREAS, EWEB desires to establish a new Operations Center at a site on Roosevelt Boulevard and is considering the future sale of a portion of the Riverfront Property to help fund a new Roosevelt Operations Center; and

WHEREAS, EWEB's financial plan to move utility operational functions to the Roosevelt site depends, in part, on its ability to receive sufficient funds from the sale of a portion of the Riverfront Property; and the timing of such sale is critical to the financial plan for the construction of the new EWEB Operations Center; and

WHEREAS, Eugene Code 9.9540 requires development of a Master Plan for the Riverfront Property for uses not associated with EWEB functions; and

WHEREAS, Eugene Code 2.196 provides a process for EWEB to dispose of real property when it is no longer needed for utility purposes.

NOW, THEREFORE, City and EWEB agree to the process outlined in this MOU, for development of the master plan for the EWEB Riverfront Property.

The parties agree as follows:

1. Formation of a Citizen Advisory Team (CAT). Upon the signing of this MOU, City and EWEB staff will begin developing criteria for a Citizen Advisory Team for review and approval by the EWEB Board and City Council. The criteria will be designed to ensure a well functioning group of nine citizens from different identified communities of interest representing a diversity of public opinion. Within two months of approval of the criteria, the EWEB Board will select five

members, then the City Council will select four members of the CAT consistent with the approved criteria. City staff and EWEB staff will assist the Board and Team within their respective areas of expertise; City staff will not bill EWEB for their assistance.

The CAT will work with a qualified consultant/facilitator to create a master plan for the EWEB site.

2. Hiring the Consultant/Facilitator (Consultant). Following the appointment of the full Citizen Advisory Team, the CAT will develop proposed criteria for a Request For Qualifications (RFQ) to hire a Consultant to facilitate the CAT and develop the Master Plan for the redevelopment of the EWEB riverfront. Following the Board's approval or modification of the proposed criteria, EWEB Staff will advertise the RFQ. The CAT will review and analyze responses to the RFQ and then recommend to the EWEB Board their preferred applicant. The recommendation will include a list of the finalists and why the preferred applicant is recommended over the other finalists. The EWEB Board will review the recommendation and information and then select the Consultant to be hired.
3. Project Kick-off Meeting. As soon as possible after the hiring of the Consultant, EWEB will host a kick-off meeting. The meeting will bring together the CAT, Consultant, EWEB Board and interested City and EWEB Staff to discuss the constraints and opportunities of the site. The Kick-off Meeting will be open to the public.
4. Development of the EWEB Riverfront Master Plan. The Master Plan for the EWEB site is intended to be a comprehensive plan that describes the overall development concept for the EWEB waterfront properties. The Master Plan should contain both text and images to communicate the scale and character of development envisioned for the site and to guide the long-term physical development over time. At a minimum, the Master Plan will include the following information:
 - a. A description and diagram of the overall development concept;
 - b. A description of how the concept satisfies the criteria in the Downtown Plan;
 - c. Any architectural, urban design or landscaping guidelines, principles or standards;
 - d. A description and diagram of general uses on the site;
 - e. Anticipated height and massing of the structures on the site;
 - f. Location of roads, sidewalks and other transportation and infrastructure elements;
 - g. Location of landscaped areas, open space areas or protected riparian areas;
 - h. A description of how the site connects with surrounding sites; and
 - i. Any anticipated phasing of development or site improvements.

A public involvement process shall aid the development of the Riverfront Master Plan. This process shall include public input for the "Concept Elements," as outlined in Policy 3 of the April 2004 Eugene Downtown Plan (page 29), as well as for the Draft Riverfront Plan. At an initial Open House, a series of concepts shall be developed for each element required by Policy 3, on Page 29 of the April 2004 Eugene Downtown Plan. These concepts will include graphic representations as well as brief written descriptions. The CAT and Consultant will present the draft concepts to the EWEB Board. The EWEB Board will have the opportunity to review and revise the draft concepts prior to the second Open House. The CAT and Consultant will host a second Open House where the Board-reviewed concepts will be shared with the community and additional input will be solicited. Based on this input, and with oversight from the CAT, the Consultant will combine the best concepts for each element into a single "Combined Concepts" for the site. The Combined Concepts will be presented to the Board for review. Combined concepts will then be displayed at a third Open House. Input and comments will be solicited again and the Final Concepts will be recommended to the EWEB Board for review, revision and approval.

After Board approval of Final Concepts, the Consultant and CAT will draft the full "Riverfront Master Plan". The draft Riverfront Master Plan will be presented at a fourth open house. Appropriate revisions will be made and the revised draft will be presented to the EWEB Board for its review and approval. Following approval by the Board, the Master Plan, together with necessary Metro Plan and zone changes, will be presented to the City. Total elapsed time should be approximately one year between the contract dates for the Consultant to begin work, and when the final Riverfront Master Plan is forwarded to the City for approval.

The process outlined in this MOU is intended to provide a framework. Nothing in the MOU is intended to prohibit EWEB, for example, from providing additional opportunities for public involvement.

5. Eugene Code 9.9540 requires a Master Plan for the EWEB Riverfront Site. The Downtown Plan and the Eugene Code call for a mixed-use development with open space along with other elements. The amount of open space required is not discussed or codified elsewhere in the Code for similar developments. The term "Mixed Use" is also not defined in the Eugene Code. For the purpose of this project, the City and EWEB agree that the term "open space" is intended to mean areas preserved for public use such as landscaped areas, plazas or other non-buildable areas open to the public, exclusive of roads. The term "mixed-use development" is intended to mean the existence of more than one type of use or activity. The mix of uses or activities can vary widely but typically includes a higher density combination of residential, commercial and other activities. The uses are typically in close proximity, pedestrian friendly, and compatible with multi-modal transportation. The mix of uses can occur within a single building, a cluster of buildings, or buildings over the entire site.

6. Implementation of Land Use Planning Components of the Master Plan. Consistent with the approved Master Plan, and either concurrently or sequentially, the consultant will lead the process for developing proposals and applying for required land use applications, including:
 - a. Metro Plan Amendment;
 - b. Lot Line Adjustments/Creation; and
 - c. Re-zoning.

7. Amendments to MOU. Upon mutual consent in writing, this Memorandum of Understanding may be revised as time and circumstance warrant.

Eugene Water & Electric Board

By: *Randy L. Bergeron, General Manager*

Date: *12/17/07*

City of Eugene

By: *[Signature]*

Date: *12/17/07*