

## MINUTES

Springfield Planning Commission  
Regular Meeting  
Springfield City Hall—Council Chamber  
225 Fifth Street, Springfield

March 21, 2006  
7 p.m.

**PRESENT:** Dave Cole, Chair; Frank Cross, Vice Chair; Steve Moe, Bill Carpenter, Gayle Decker, Greg Shaver, members; Bill Grile, Greg Mott, Colin Stephens, Andy Limbird, Cynthia Pappas, Nick Arnis, Springfield staff; Joe Leahy, City Attorney.

**ABSENT:** Lee Beyer.

Commissioner Cole called the meeting of the Springfield Planning Commission to order.

### 1. PLEDGE OF ALLEGIANCE

### 2. REPORT OF COUNCIL ACTION

Commissioner Cole reported that the most recent council work session was very interesting. During its work session the council discussed various EmX routes and their impacts on right-of-way as well as the Pioneer Parkway roundabout, which should be completed in early October. Construction would commence in April. The majority of construction would occur when school was out.

Commissioner Cole noted that April was Library Month.

Commissioner Cole reported that the council had adopted the Capital Improvement Program. The council had also heard from those in support of a Glenwood Bicycle Path.

### 3. BUSINESS FROM THE AUDIENCE

Commissioner Cole determined there was no one wishing to offer comment.

### 4. QUASI-JUDICIAL PUBLIC HEARING

- a. **(PH) ZON2006-2007 (Zone Change)—City of Springfield Police Department**
- b. **(PH)—DRC2006-00013 (Discretionary Use)—City of Springfield Police Department**

Commissioner Cole opened the public hearing.

Mr. Mott Planning Manager noted the criteria for the two applications; the criteria for the first application, the zone change, were from Article 12 of the Springfield Development Code, and the criteria for the second application, the discretionary use, were from Article 10 of the code. He noted that the criteria in question were mounted on the meeting room wall. He said the testimony offered at the hearing should be focused on the criteria because the commission must apply its findings to the applicable criteria when it made its decision. The testimony should be specific enough to allow participants in the hearing to respond to those issues or ask questions clarifying them. He cautioned that if those offering testimony failed to raise an issue at this time, it precluded further appeal of the issue to the Land Use Board of Appeals.

Mr. Mott noted that the hearings had been combined but the commission would reach two different decisions. He

further noted that an element of the discretionary use application was a request to vacate public right-of-way; however, that was not a part of the evening's proceedings as an application had not yet been made and the City Council was the decision-maker. However, the commission could condition its decision on a subsequent outcome.

Commissioner Cole called for conflicts of interest or *ex parte* contacts. All commissioners reported that they had met with staff to discuss the process for the hearing but the discussions had not touched on the merits of the applications. Commissioner Carpenter reported that he had written an editorial critical of the proposal for the Justice Center during the election campaign but he said that would not affect his ability to apply the criteria to the application impartially.

Commissioner Cole called for the staff report.

Mr. Limbird Planner II provided the staff report, reporting that the applicant in this instance was Chief Jerry Smith for the Springfield Police Department. The applications were a result of the council's February 21, 2006, decision on a site option for the Justice Center.

Regarding the zone change request, Mr. Limbird noted the maps in the meeting packet outlining the proposal in question. He overviewed the proposal, noting the current Public Land and Open Space/Nodal Development (PLO/NDO) and Mixed-Use Commercial/NDO (MUC/NDO) zoning. Justice Centers were a discretionary use in the PLO zone and as a result the land zoned MUC/NDO was proposed for rezoning to allow for the use. He reporting that the parcels subject to the zone change request were located on Assessor's Map 1703 3524 Tax Lots 13900, 14000, 14100, 14300, and Assessor's Map 1703 3531 Tax Lots 1800, 1900, 2000, and 2100. The total of the tax lots was approximately 1.3 acres. The rezoning was required to allow the siting of the Justice Center.

Speaking to the discretionary use application, Mr. Limbird said the same lots subject to the zone change request were affected by the proposal, as well as the parcels shown on Assessor's Map 1703 3531 Tax Lots 1500, 1600, 1700, 2200, 2300, and 2400.

Mr. Limbird said the area subject to the discretionary use application comprised approximately three acres and included portions of 4<sup>th</sup> and B streets, which were proposed for vacation. Application for the vacation of the affected streets would be made if the discretionary use application was approved.

Mr. Limbird reviewed the public notice that had occurred.

Mr. Limbird also noted that the applicable criteria for the discretionary use application from Article 10 and reported that staff had evaluated the applications in light of the criteria and recommended approval of the request. Regarding the zone change request, Mr. Limbird noted the applicable criteria from Article 12 and reported that staff had reviewed the application and supporting evidence submitted for the application and recommended approval of the request as it met the applicable criteria for a zone change approval.

Mr. Limbird noted that the commission could attach conditions of approval that were reasonable necessary to the two applications. He referred the commission to the staff-suggested conditions contained in the staff report calling for the vacation of right-of-way for the discretionary use application. He did not recommend conditions of approval for the zone change request.

Mr. Limbird advised those present that the applications before the commission were the first steps in a series of development applications that must be approved before the Justice Center could be built. There would be further opportunities for public comment. He invited questions.

Commissioner Decker asked if the alleyways associated with the project were required to be vacated as well. After consultation, staff indicated that because the alleyways were 14-foot in width, they must be vacated as well as the streets and called out individually.

Commissioner Carpenter asked the purpose of vacating 4<sup>th</sup> Street given that it already appeared to be obstructed.

Mr. Limbird said the issue was still being discussed by staff; there may be an opportunity use the right-of-way for purposes of access, circulation, and parking. While the recommendation was for the vacation of 4<sup>th</sup> Street, the application may not be required in the future. However, the vacation was called for in the original site design. Responding to a follow-up question from Commissioner Carpenter, Mr. Limbird indicated that the traffic analysis prepared for the application addressed the impact of the vacation and the closure of 4<sup>th</sup> Street on traffic volumes.

Commissioner Carpenter said there was nothing in the application that allowed him to assess the issue of safety. He asked if the commission would see information on the incarcerated individuals and facility operations that would address that issue. Mr. Limbird said that the applicant would discuss the site design and operating parameters of the jail. Commissioner Carpenter asked what that material was not supplied to the commission in advance of the hearing. Mr. Limbird said the discretionary use criteria was more focused on the appropriateness of the use in the location; mitigation measures addressing operational safety would be addressed at the site review phase.

Commissioner Carpenter questioned how staff adjudged the *Springfield News* to be the paper of record for Springfield, as he surmised that more households were receiving *The Register-Guard* since the *Springfield News* had become a free paper. Mr. Limbird said the circulation of the Springfield News doubled after it became a free paper and all households in Springfield now received it. Commissioner Carpenter asserted that he had read something in the paper that stated that if one wished to continue to receive it, one had to notify the *Springfield News*. He asked if staff was aware of that. Mr. Limbird said no.

Commissioner Shaver determined from Mr. Limbird that if the zoning was changed, those tenants currently leasing properties from Springfield now would be able to continue those uses until their leases expired. However, they could not expand without going through an application process.

Responding to a question from Commissioner Cross, Mr. Limbird confirmed that a variance to the block length requirement would be needed if the vacation was granted.

Commissioner Cole called for public testimony.

**Carol Knapel**, Justice Center Project Manager, recalled the public process and 2004 election that led to the application to replace the existing justice center that was now before the commission. She said that after the election, the City hired a consultant to prepare a detailed functional and space program for the functions in the building. After that work occurred and was approved by the council, an extensive public space site design effort involving an advisory committee occurred. It narrowed its work to four options and indicated a preference for the option ultimately selected by the council, which was the option reflected in the application.

**Carl Sherwood**, Robert & Sherwood Architects, provided a PowerPoint presentation on the proposed Justice Center.

**Police Chief Jerry Smith** first spoke to the issue of the vacation, saying he believed the project was best served by the street vacations. The department must frequently respond to calls with resources located at the police department, which met officers must leave the building and cross a street where they would be competing with vehicles to get to traffic to respond to a call for service. He noted that he had been hit once in the alleyway by a car and thought the situation on the street would be worse if not vacated. In addition, it would be best to have the vehicles in a secured space adjacent to the department because they contained both computer equipment and weapons. Chief Smith said the ancillary building shown on the schematics contained evidence and properties and a noncontiguous parking area reduced security. Thrice daily shift changes also argued for the vacation as officers had to carry bags and weapons across the street to reach their vehicles. In addition, the department needed a way to evacuate inmates and it would be problematic to remove inmates from the building and move them across the street into a secured parking area. He believed there were other efficiencies to be realized in regard to the movement of property and evidence between buildings.

Chief Smith quoted from the traffic study, which indicated no impacts within the study area requiring mitigation. The option reflected in the application would divert through and parking traffic onto C Street, where traffic

volumes would increase from 400 daily to 1200 daily when increased trips to and from the police parking area reach long-range projections. New trips to and from the police parking area would add almost as much traffic to C Street between Pioneer Parkway East and 4<sup>th</sup> Street as diverted through traffic from B Street. C Street would still be within the normal range of a local street at 1200 trips, particularly for a street bordering downtown.

Speaking to the issue of prisoner movement and transport, Chief Smith said that when the department arrested people today they came through the existing justice center, even when they were ultimately taken to the jail. There would be a reduction in transport with the jail at the new Justice Center. He acknowledged conversations about leasing beds to other jurisdictions, which could increase transport of prisoners to and from the facility. However, access to the jail off 4<sup>th</sup> Street was in an enclosed area, and people would not see prisoners being transported.

Chief Smith invited questions.

Responding to a question from Commissioner Decker, Chief Smith said that the police facility would be designed to move prisoners from court to the jail.

Responding to a question from Commissioner Cross, Chief Smith said the Springfield Police Department now arrested about 25 people per day. They continued to get released, which was the reason the jail was proposed and approved. In response to a follow-up question from Commissioner Cross, Chief Smith said he anticipated a facility with a capacity of 100 inmates.

Responding to a question from Commissioner Carpenter, Chief Smith clarified that the facility was not going to house violent felons. He envisioned only those charged with misdemeanors would be housed in the jail, but cautioned that “today’s misdemeanant was yesterday’s felon” in many cases. It was possible that those being housed could have pending felony charges in Circuit Court or another jurisdiction. Responding to a follow-up question from Commissioner Carpenter, Chief Smith said that by statute, Lane County was required to have a jail and felons would be processed through Circuit Court, rather than Springfield Municipal Court, and taken to the Lane County jail. While he could not predict the future, he did not envision housing felons because that would drive up the costs of operating the jail.

Responding to a question from Commissioner Carpenter about the nature of the facility, Chief Smith characterized the jail as a municipal jail that was secured. He equated it to a medium-security facility.

Commissioner Carpenter noted the proposed number of beds in the facility (100) and posited a situation in which the police arrested 25 people each day; he asked what happened on the fifth day when the jail was full with those already arrested. Chief Smith said that not all of the 25 people arrested each day in Springfield would go to the jail. About half were likely to be felons and would be directed to the Lane County Jail. Springfield would incarcerate those individuals upon arrest, but they would not remain in Springfield pre-trial. They would be bailed out, arraigned, and some would enter into release agreements with the courts. Chief Smith said the research that had been conducted indicated a total demand for between 59 and 75 municipal jail beds. Commissioner Carpenter expressed confusion, saying that it appeared Chief Smith was saying about half the people arrested would be released onto the street because Springfield would not hold them until trial. Chief Smith pointed out that people have a right to bail out of jail. He hoped that most people arrested would bail out immediately or shortly after arrest; if they did not, they would be arraigned and the court had the option of reducing bail or releasing the individual on their own recognizance.

Commissioner Carpenter asked if the department would have a set time of day to release prisoners who had been held for a year. He suggested it was important not to release such prisoners in the evening hours. Chief Smith replied that the release of prisoners would depend on staffing levels and facility operations. When an individual’s sentence was completed, they would be released as the department had time. He had not assessed the time of day in regard to such releases. Commissioner Carpenter suggested that neighbors would want prisoners released during the day light hours.

Responding to a question from Commissioner Moe, Chief Smith indicated that because of staffing levels, the

department did not release prisoners all at once, but rather one at a time. The facility was designed to operate with a three-person staff, which affected the time required to book and release prisoners.

Responding to a question from Commissioner Shaver, Chief Smith clarified that the City had not entered into contracts with any jurisdiction regarding the housing of prisoners, and council policy would guide what occurred in the future. He anticipated that an individual housed by Springfield on contract with another jurisdiction would be transported by whatever entity had contracted with Springfield. If a prisoner from another jurisdiction completed their sentence in the custody of the Springfield jail, they would be released like a prisoner under the jurisdiction of the Springfield Municipal Court.

Commissioner Shaver asked if the vacation of the two streets was critical to the development. Chief Smith said it was the staff assessment that given the facility was a large facility on a small site, the development would be best served in terms of security and programming if the street vacations were granted.

Mr. Mott indicated that, if requested, the commission should leave the record of the hearing open until March 28, with rebuttal testimony accepted until April 4. Commission deliberations would occur on April 18.

Commissioner Cole called for public testimony.

**Fred Simmons**, 312 South 52<sup>nd</sup> Place, requested that the record remain open. While he supported the construction of the Justice Center, he identified what he asserted were several important procedural issues that remained to be resolved: 1) 5,000 copies of the March 3 edition of the Springfield News were not delivered until the following week due to mailing error; 2) the City Council had not committed by resolution or otherwise to construct the jail, which he maintained was necessary; 3) the street vacation issue should be addressed at this time by the Planning Commission; 4) the record did not include the other options considered by the council, raising what Mr. Simmons believed to be “Equal Protection” issues as the City would not allow Wal-Mart to build a shopping center between Pioneer Parkway and 4<sup>th</sup> Street using its own criteria to close the street, 5) the traffic impact analysis (TIA) assumed the vacation and control of parking lots had occurred, but that was not true; and 6) the record contained nothing from the Oregon Department of Transportation (ODOT) granting written permission for streets under City jurisdiction to closed due to what he believed to be an impact on nearby State facilities from the proposed vacations and the effect of “forced turns

Responding to a question from Commissioner Shaver, Mr. Simmons explained his belief that ODOT must approve the vacation was based on the fact Pioneer Parkway was a State highway. Those driving down Pioneer Parkway to the west who turned onto B Street would reach a “forced turn dead end,” forcing them to “do a traffic weave” into the right hand lane and then eventually make a right hand turn to continue east. He was told by Mr. Sherwood that ODOT staff had no objection to the vacation but he continued to maintain that information must be writing. Commissioner Carpenter suggested that people would only make that mistake once. Mr. Simmons maintained that people driving to the Justice Center from Portland using a GPS locator to reach the location were likely to be misled because the GPS “was probably not going to show” that B Street was closed and would misdirect them that way.

**Ralph David Jacobson**, 4146 South E Street, favored the option before the commission and supported connecting the parking lot at the ancillary building to the Police and Courts building. He noted his own background in corrections and suggested the arrangement being proposed was best for the purposes of security and safety during an evacuation. He further suggested that if the vacations did not occur, there was a potential for liability on the part of the City if an inmate was injured by an automobile during an emergency evacuation.

Commissioner Carpenter referred to illegal aliens who committed crimes in the local community, and asked Mr. Jacobson if he had experience with the incarceration of illegal aliens. Mr. Jacobson said he had some experience with such individuals. When those individuals completed their sentences, they were taken to the border and released. Commissioner Carpenter asked if illegal aliens were as likely as citizens to make bail. Mr. Jacobson could not say.

**David Lewis**, 344 A Street, President of the Springfield Police Association, expressed the association’s support

for the project and the proposed street vacations. He said that in regard to the closure of B Street, the issue was one of safety. If the vacation was granted it would be possible to transport prisoners more safely. As a member of the SWAT, Mr. Lewis said the SWAT would respond to incidents at the jail and he believed everything in close proximity would aid that response. He thought the proposed plan seemed ideal from an operational point of view.

Responding to a question from Commissioner Shaver, Mr. Lewis said that the police frequently re-arrest the same people. At the current time, Lane County Jail's ability to hold those individuals was very limited. There was no bail at the Lane County jail now for anything. He thought that a jail in Springfield would help address local crime levels by ensuring that those frequently arrested actually served their sentences.

Responding to a question from Commissioner Carpenter, Mr. Lewis said that those arrested on Friday would in jail for the entire weekend unless they could make bail. Commissioner Carpenter suggested that might be a problem because it would "stack up the jail." Mr. Lewis acknowledged it be a problem but it also might be an incentive for people to come up with the needed bail. Commissioner Carpenter asked who set the bail without a bail hearing. Mr. Lewis pointed out that most municipal charges had pre-set bails.

Commissioner Carpenter asked how many people Mr. Lewis believed were "frequent fliers" in regard to being arrested. Mr. Lewis estimated it as more than 100 people. Commissioner Carpenter suggested that the City would not take the "frequent fliers" out of circulation if there was more than 100 and there were only 100 jail beds. Mr. Lewis asked if Commissioner Carpenter was referring to felony cases. Commissioner Carpenter said "I guess so" because they would not be in the Lane County Jail. Mr. Lewis suggested that where there was a felony, there was a misdemeanor. The concerned individual could be jailed in Springfield until the felony charges caught up with them and they were jailed. At the current time, prisoners kept getting released and never get to court to be sentenced.

Commissioner Carpenter asked Mr. Lewis what percentage of the 25 people arrested each day were illegal aliens. Mr. Lewis said of the drug arrests made, illegal aliens counted for about 40 to 50 percent, or eight daily. He said that the Immigration and Naturalization Service visit the jail on a daily basis and will often take illegal aliens into custody, regardless of the charge, and deport them. Federal prisoners were always under the control of a United States Marshal.

Commissioner Carpenter asked why a signed stop walk rather than a street vacation would not suffice. Mr. Lewis said that the department needed staging areas for its operations, and having a secured parking area without street access was very important. At the current time, department personnel often have to leave the headquarters and convene at a large parking lot to gear up, and the secured parking would mean that no longer had to happen. Commissioner Carpenter suggested that the parking lot could be secured in a manner similar to an airport runway and still leave the department with a staging area.

Commissioner Carpenter noted that the locked police cars contained fire arms and expressed concern that during a fire drill, 100 prisoners guarded by three department personnel would be a hazard. Mr. Lewis said that in such a situation, there would be more than three guards. Generally, there would be a maximum of nine personnel and a minimum of six, and more if the detectives were still on site. Commissioner Carpenter maintained that the Lane County Jail did not have locked police cars with weapons inside the environs of the jail. Mr. Lewis clarified that the cars carrying officers bringing prisoners to the jails had weapons. Commissioner Carpenter asked if the department had shotguns in the vehicles, and if those were carried into the police building at the conclusion of a shift. Mr. Lewis indicated that shotguns remained in the vehicles but other weapons, such as rifles, were removed. The shotguns were locked.

**Scott Olson**, 1127 B Street, supported the proposed Justice Center but opposed the closure of B Street because he thought it the wrong approach. He indicated he would submit written testimony. Mr. Olson did not think the vacation application could meet the City's vacation criteria, particularly in relationship to the criteria regarding no loss of beneficial public use. He believed TransPlan policies spoke against the vacation of a street in a nodal development area. Mr. Olson also maintained the proposed center could be accomplished in a block configuration. Further, he did not think the variance for block length could be applied to the street vacation

process.

Commissioner Shaver clarified that Mr. Olson was not opposed to the rezoning proposal, only the street vacation.

Commissioner Carpenter inquired of Mr. Olson the likelihood that the street could be traversed with an overhead pedestrian walkway. Mr. Olson indicated support for a two-level parking structure on the current parking lot with a pedestrian bridge connecting the two buildings.

**Carol Berger**, 407 C Street, reviewed her written testimony, which she submitted into the record. Her concerns related to the elimination of the driveway onto Pioneer Parkway, the lack of direct police access to Pioneer Parkway North and the likelihood police vehicles would travel on neighborhood streets, the potential of neighborhood disturbances due to police siren and light testing, and the potential impact on parking from construction and increased traffic impact from construction workers traveling to and from the area. Ms. Berger suggested the City consider a parking permit program for area residents living in the historic Washburn District. She concluded by expressing her concern regarding the possibility of aesthetic or environmental impacts on the district from the Justice Center.

Commissioner Cole solicited questions from the commission.

Commissioner Cole requested the most recent traffic counts for the area in question.

Responding to a question from Commissioner Decker, Ms. Knapel said that the City had spoken to staff of the Lane Transit District regarding the proposal, and the district had indicated it work with the City to come up with alternative bus routes.

Mr. Sherwood briefly reviewed his conversations with ODOT staff, indicating that ODOT was amenable to the option before the commission as it wished to have fewer, rather than more, access points onto State highways.

Responding to a question from Commissioner Carpenter regarding police access and prisoner transport access points, Chief Smith clarified police vehicles transporting prisoners were accessing the north side of the building. The alleyway which prisoners would be moved through was contiguous to a sally port at the rear of the police facility. Chief Smith said 4<sup>th</sup> Street would only be used by police vehicles transporting prisoners to the jail. He anticipated that by the time the facility was constructed only municipal prisoners and felons being interviewed by the police would be brought to the facility. Those with warrants from other jurisdictions would be taken to Lane County Jail.

Commissioner Carpenter questioned if a traffic analysis of 4<sup>th</sup> Street had been done to account for the extra police traffic.

Commissioner Shaver asked staff to bring back a motion that approved the discretionary use application but separated the alley vacation question, making it contingent upon the council vacating the streets. Mr. Leahy agreed.

Commissioner Cole asked staff if a change in zoning would create a conflict with the Downtown Plan in terms of such things as fencing and façade standards. Mr. Mott indicated staff would address that question with the materials prepared for the April 18 meeting. He reminded the commission that the standards in question were applied during the site review phase, which was still to come.

Commissioner Carpenter maintained that if the applicant was not the City but a large commercial development, more information would have been provided in the meeting packet. He did not think he had enough information at this point to judge what was really going on, and acknowledged that he might be misguided as to what must be evaluated in regard to the discretionary use application.

Commissioner Cole called for the staff response to testimony.

Mr. Limbird encouraged the commission to focus on the criteria as much of the testimony that had been raised concerned secondary issues that were not directly relevant to the two applications. He said other public processes would occur where many of the concerns that had been raised related to site plan review and operational functionality could be addressed.

Carol Knapel City Project Manager, said the City had worked with the functional requirements of the facility to reach the best possible configuration given the site and budget constraints to provide the best possible facility for the community. She believed the use was consistent with the existing use on the site, and the City attempted to incorporate as much public participation in the project as possible and would continue to do so in the future.

At Ms. Knapel's request, **Dennis Leebird** of Leebird and Associates discussed the proposed closure of B Street, agreeing with the remarks of Chief Smith in regard to the safety of officers and their need to carry weapons gear across the street as they came to and from the job. That was the reason the secured parking was adjacent to the building rather than across the street. Mr. Leebird note that the ancillary building would contain property and evidence and there would be a need for public access to that structure, and the design eliminated the need for the public to cross the street. Civilian staff also worked at the facility on a 24-hour basis and had a need to be able to reach their cars safely at night time hours. Speaking to the closure of 4<sup>th</sup> Street, he pointed out that would be the location of sally ports for prisoners being brought to the jail and for delivery vehicles serving the jail. Closing B Street and making it contiguous to the building would also provide additional parking.

Mr. Leebird likened the building to a county jail, saying it was a maximum security facility because no one could enter or leave without permission. Window openings would be no more than five inches wide, and all exterior walls were designed to be maximum security walls with rebar and solid grouting all the way around. He noted that one means of evacuating prisoners in a disaster was through the courtyard, but there were other evacuation routes as well, and it would have to be a catastrophic situation before that occurred.

Commissioner Carpenter requested that Mr. Leebird provided the commission with statistics or studies that showed how crime levels changed in areas in a commercial zone. Mr. Leebird pointed out there was already a jail at the current facility that was used to hold prisoners. He did not think any studies existed that would provide the information on crime statistics desired by Commissioner Carpenter. He said that site studies produced by the National Institute of Corrections generally showed that jails were good neighbors. Commissioner Carpenter asked if copies of those studies could be provided to the commission.

*Commissioner Shaver, seconded by Commissioner Carpenter, moved to close the public hearing and hold the record open until March 28, with rebuttal testimony accepted until April 4. The motion passed unanimously.*

**5. BUSINESS FROM DEVELOPMENT SERVICES DIRECTOR**

Mr. Grile had no business.

**6. BUSINESS FROM THE COMMISSION**

There was no business from the commission.

**7. ADJOURN**

The meeting adjourned at 9:22 p.m.

(Recorded by Kimberly Young)