



**ATTACHMENT 1  
VACATION REQUEST  
STAFF REPORT AND FINDINGS**

**Case No. LRP2007-00019**

**APPLICANT**

The City of Springfield/Springfield Police Department

**REQUEST**

The vacation of a 66-foot wide by 264-foot long portion of street right-of-way.

**LOCATION OF PROPERTY**

The segment of B Street right-of-way (ROW) proposed to be vacated is located west of 4<sup>th</sup> Street and east of Pioneer Parkway East in downtown Springfield. The public right-of-way lies on the boundary between Tax Map 17-03-35-24 and Tax Map 17-03-35-31.

**BACKGROUND**

The affected segment of B Street was created as public right-of-way with platting of the original Map of Springfield in 1872. There are eight City-owned properties (Tax Map 17-03-35-24, Tax Lots 13900, 14000, 14100 and 14300; and Tax Map 17-03-35-31, Tax Lots 1500-1800) that have frontage on the right-of-way area proposed for vacation. From a functional perspective, the subject right-of-way is part of the downtown gridded street system and is designated as a City collector street.

**SPRINGFIELD DEVELOPMENT CODE CRITERIA**

Springfield Development Code (SDC) 9.060(3) establishes criteria for vacation of right-of-way where the property will remain in public ownership and will continue to be used for a public purpose. The following findings address each of the criteria.

**(a) The Vacation was initiated by the City Council pursuant to ORS 271.130(1);**

Finding 1: Oregon Revised Statutes (ORS) Section 271.130(1) reads as follows: *“The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.”*

Finding 2: ORS 271.080(1) provides for vacation of *“...all or part of any street, avenue, boulevard, alley, plat, public square or other public place...”* In accordance with ORS 271.080(1), the vacation action requires *“a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.”*

Finding 3: The Springfield City Council initiated the vacation action at the regular meeting on May 7, 2007. The right-of-way proposed for vacation is generally depicted and more specifically described in **Exhibit A** to this staff report. The purpose of the vacation is to retain the segment of vacated public right-of-way in public ownership, and to use the area for construction of a secure police parking lot and ancillary building serving the Justice Center.

Finding 4: In accordance with ORS 271.130(1), the decision on the vacation action will be made at a future City Council meeting, and after Public Hearings before the Planning Commission and Council.

Finding 5: All properties that directly abut the segment of public right-of-way proposed for vacation are owned by the City of Springfield.

Conclusion: The proposed right-of-way vacation complies with Criterion (a).

**(b) Notice has been given pursuant to ORS 271.110(1);**

Finding 6: In accordance with ORS 271.110(1), public hearing notices were placed in the newspaper of general circulation (*The Register Guard*) on May 18 and 25, 2007.

Finding 7: In accordance with 271.110(2), public notice of the proposed right-of-way vacation action was posted at two conspicuous locations immediately adjacent to right-of-way proposed for vacation (at the northeastern corner adjacent to 4<sup>th</sup> Street, and at the southwestern corner adjacent to Pioneer Parkway East).

Finding 8: In accordance with SDC 271.080, adjacent landowners and residents/tenants within a 400-foot radius of the 66-foot by 264-foot linear right-of-way proposed for vacation were notified by mail.

Conclusion: The notification provided for the proposed right-of-way vacation complies with Criterion (b).

**(c) Approval of the vacation would be consistent with provision of safe, convenient and reasonably direct routes for cyclists, pedestrians and vehicles as provided in OAR 660-0012-0045(3);**

Finding 9: As stated in Oregon Administrative Rules (OAR) 660-012-0045(3)(d), “*safe and convenient*” means *bicycle and pedestrian routes, facilities and improvements which:*

- (A) *Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;*
- (B) *Provide a reasonably direct route of travel between destinations such as a transit stop and a store; and*
- (C) *Meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally ¼ to ½ mile.*

Finding 10: In accordance with OAR 660-012-0045(3)(d), vacation of the subject right-of-way and closure to public travel would not interfere with or discourage pedestrian, cycle or vehicle travel on the adjacent public street system due to excessive traffic or other unusual hazards. East-west traffic circulation can be accommodated on adjacent local and collector streets – particularly A Street, which is located less than 300 feet to the south.

Finding 11: In accordance with OAR 660-012-0045(3)(d), vacation of the subject right-of-way would not result in pedestrian, cyclist or vehicle trips that are more than ¼ mile from being a direct route of travel between destination points. Figure 1 illustrates approximate travel distances for all potential modes of travel from one side of the vacated right-of-way to the other. Should the segment of B Street be vacated and closed to public travel, the maximum out-of-direction distance for passage from the eastern end of the subject right-of-way (at 4<sup>th</sup> Street) to the western end of the right-of-way (at Pioneer Parkway East) would be about 600 feet (<1/8 mile) for bicycles and vehicles using surface streets. Vehicles and bicycles have the option of using either A Street or C Street for the east-west segment of the trip. The out-of-direction distance would be even less for pedestrians using the public sidewalk system, or bicycles and vehicles passing through the mid-block alley north of B Street. The use of the mid-block alley for east-west passage is not a preferred route for vehicles, but is depicted on Figure 1 for illustrative purposes.

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Finding 12: Provision of travel routes for cyclists, pedestrians and vehicles would be via the existing public street, alley and sidewalk system. The approximate travel distances shown on Figure 1 assume travel around the perimeter of each route, and short-cutting through parking lots or similar open areas is not considered.

Finding 13: There are existing situations in downtown Springfield and elsewhere throughout the City where portions of the gridded street system are not connected and out-of-direction travel is required for cyclists, pedestrians and vehicles. Nearby examples include portions of A Street east of 12<sup>th</sup> Street; A, C, D and F Street east of 14<sup>th</sup> Street; 8<sup>th</sup> and 9<sup>th</sup> Streets north of G Street; and G Street west of 4<sup>th</sup> Street.

Finding 14: A Traffic Impact Analysis (TIA) was prepared by an independent traffic engineering consultant in support of the proposed right-of-way vacation (*Springfield Justice Center Revised Task 2 Report - Traffic Impact Study*, Access Engineering, July, 2006). The TIA examined the existing and post-vacation street system in the vicinity of the Justice Center and evaluated the possible impacts of the proposed right-of-way vacation to vehicle movements and the performance of nearby intersections. The TIA concluded there would be minimal impact on the downtown transportation system with the proposed vacation of public right-of-way.

Finding 15: The TIA prepared for the proposed right-of-way vacation also concluded that no traffic mitigation actions would be required to ensure safe and efficient flow of traffic in the vicinity of the Justice Center. Among the simplest and most effective measures to structure traffic movements in the area will be strategic placement of directional signage for the Justice Center. The TIA suggests possible measures to discourage traffic from traveling to and from the downtown core using nearby residential streets, including placement of STOP signs at key intersections and installing curb extensions to prevent undesirable turning movements.

Finding 16: Special vehicles, such as transit buses, can be accommodated on adjacent public streets (primarily A Street). There is one transit stop for west-bound buses that is located within the segment of B Street proposed for vacation. Relocation of the bus stop can be done in consultation with Lane Transit District.

Conclusion: Staff have concluded that the proposed right-of-way vacation will have no adverse effect on safety, connectivity or maintaining reasonably direct travel routes for pedestrians, cyclists and vehicles. As proposed, the public right-of-way vacation complies with Criterion (c).

**(d) Whether a greater public benefit would be obtained from the vacation than from retaining the right-of-way in its present status; and**

Finding 17: The right-of-way presently contains a two-lane collector street with sidewalks on both sides. Upon vacation of the right-of-way, the subject area would be incorporated into the Springfield Justice Center and used for secure police parking. The right-of-way would be closed to all public travel. The Springfield Police Department advises that a secure parking lot – close to the Justice Center building – protects public property (including police vehicles and case evidence stored in the ancillary building) and enhances emergency response times as responding officers do not have to cross public streets to reach their vehicles.

Finding 18: Jerry Smith, Springfield Chief of Police, submitted a memo in support of the proposed right-of-way vacation (**Attachment 2**) which reads as follows:

*Importance of B Street Closing to the Justice Facility Project*

*“The purpose of this memo is to summarize for the Planning Commission the importance of closing B Street as part of the Justice Center project. As designed, the area currently occupied by B Street would become part of a fenced and secured parking area.*

- *Closing B Street is necessary for the security of portions of the facility: The planned Justice facility includes an ancillary building that will be a repository for evidence in criminal cases; storage for police and court records; and storage for specialized police equipment and weaponry. Closing B Street will allow the entire ancillary building and parking lot to be fenced in, significantly improving the security*

*of these records and evidentiary items. Without the security fencing in place, the ancillary building as designed does not provide sufficient security for these items.*

- *Closing B Street will provide secure fleet and employee parking: To date, Department vehicles and employee parking has not been secured by fencing. While this does not cause significant issues during normal working hours, the Department has experienced damage to fleet vehicles, and employees have suffered damage to their personal vehicles, during late evening and early morning hours. Damage has ranged from paint scratches to slashed tires and broken windows.*
- *Closing B Street will improve the safety of police officers and citizens: The street closure will allow officers responding to emergency calls from inside the building to access their vehicles without crossing a public right of way, thereby reducing the risk of an accident during an emergency response.*
- *Closing B Street will provide a secure area for evacuation of municipal jail prisoners: The fenced area will serve as an outdoor holding area for municipal jail prisoners in the event that the jail must be evacuated. Without the street closure and fencing, there will not be an area outside the municipal jail adequate and accessible for holding prisoners. Instead, an evacuation event would necessitate the uncontrolled release of all municipal jail prisoners.”*

Finding 19: As described in the statement from the Police Chief, the vacated right-of-way will be used for secure police parking and is also designed to provide a fenced-in area that is large enough for evacuation of jail prisoners in the event of an emergency. Provision of a secure muster area for evacuated prisoners provides a direct benefit to the jail staff, police personnel, and the public.

Finding 20: As noted in the Police Chief’s statement, ensuring responding police officers do not have to cross a public street in order to reach their vehicles enhances safety for both Police Department personnel and public users of the street system.

Finding 21: Passage of the Public Safety ballot measure in 2005 that secured public funding for the Justice Center project demonstrates Springfield residents’ commitment to the project. Comparatively few people within the City regularly use the segment of B Street proposed for vacation. However, all Springfield residents (and visitors) benefit from a strong police presence within the community.

Conclusion: Staff have concluded that the proposed right-of-way vacation serves a greater benefit to the public than retaining the one-block segment of right-of-way in its present status. The proposed vacation also provides direct benefits to the City’s Police Department, which ultimately benefits Springfield residents. As proposed, the right-of-way vacation complies with Criterion (d).

**(e) Whether provisions have been made to ensure that the vacated property will remain in public ownership.**

Finding 22: The vacated right-of-way is to be incorporated into the Justice Center development, which is a publicly-funded project. Ownership of the Justice Center building and the land on which it is to reside (which includes the portion of right-of-way proposed for vacation), is to remain with the City of Springfield.

Finding 23: Upon vacation of the right-of-way, the land ownership automatically reverts to the City as it owns the abutting property. Because the ownership of the vacated right-of-way does not pass through a third party (which could occur if there were privately-owned parcels fronting onto the right-of-way), remaining in public ownership is assured.

Conclusion: The proposed right-of-way vacation complies with Criterion (e).

**CONCLUSION**

Staff has demonstrated that the proposed request to vacate the public right-of-way is in conformance with the vacation criteria of approval (Ref. SDC 9.060(3)).

**RECOMMENDATION**

Recommendation of approval of the proposed vacation to the City Council.

**BEFORE THE PLANNING COMMISSION  
OF THE  
CITY OF SPRINGFIELD, OREGON**

**RECOMMENDATION TO THE CITY COUNCIL**

**CASE NO. LRP2007-00019**

**NATURE OF THE APPLICATION**

Vacation of a one-block segment of B Street located between 4<sup>th</sup> Street and Pioneer Parkway East.

1. On May 7, 2007, the Springfield City Council initiated the vacation action in accordance with Springfield Development Code 9.060(3)(a), Planning Case No. LRP2007-00019 – City of Springfield Police Department, applicant.
2. The application was initiated in accordance with Section 3.050 of the Springfield Development Code. Timely and sufficient notice of public hearing, pursuant to Sections 14.030 and 9.050 of the Springfield Development Code, has been provided.
3. On June 5, 2007, a public hearing on the vacation request was held. The Development Services Department staff notes and recommendation together with the testimony and submittals of the persons testifying at that hearing have been considered and are part of the record of this proceeding.

**CONCLUSION**

Based on this record, the requested vacation application is consistent with the criteria of SDC 9.030. This general finding is supported by the specific findings of fact and conclusion in Attachment A, Vacation Staff Report.

**RECOMMENDATION**

The Planning Commission hereby recommends the City Council approve the vacation request at a public hearing.

**ATTEST**

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Planning Commission Chairperson

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**