

Citizens for Accountable Jail Expansion (CAJE) – Position Statement

CAJE supports a new county Justice Center located at an Off-Site location. An Off-Site location can solve the current and future space and security concerns – *all within budget*.

Dunn County built a Justice Center and St. Croix County built a full Government Center. Both counties built facilities on acreage that allowed room for expansion; both projects included four secure courtrooms, providing sectoring of inmates.

Today, these counties are satisfied with their facilities. Neither county experienced public resistance because in both cases, it was decided to relocate the projects away from densely populated downtown areas, to sites on the outskirts of town. Citizens of Hudson actually requested that the county move its project out of downtown to open that valuable real estate to more appropriate development.

Dane County has recently completed a courts building in downtown Madison. A case was made to build there because corrections facilities were already there. Officials are lamenting this choice because of the loss of valuable downtown real estate, and because future jail growth will require building up on the current Public Safety Building. They note that the expense of vertical expansion will be a problem for the community. Horizontal expansion on a site with more acreage would have allowed more economical pod additions.

The On-Site location for a Jail only presents many negative issues as it looms over the residential neighborhood and expands into the Grand Avenue Business District. They include:

- A jail being located on prime riverfront property. When all jail phases have been built, there will be over 800 jail beds
- No outside space for a secure emergency evacuation for hundreds of inmates
- Not addressing all the current problems regarding court security; not being in compliance with Supreme Court rule SCR 70.39(4)
- Greater expenses for future buildings - for the *multi-story parking garage and courts building*
- Being in close proximity to playgrounds and parks, many churches, trail and historic residential neighborhoods. A jail is declared incompatible land use in close proximity to these uses by the National Institute of Corrections (NIC)
- Being too small to support future expansion without purchasing homes and businesses
- Discouraging and negatively impacting development and revitalization initiatives
- Blocking the future growth and prosperity for the West Grand Avenue area

The On-Site jail proponents on the “Special Jail Committee” say that an Off-Site location for a Jail & Courts would be too expensive, that a Jail only cannot function efficiently unless the courts and supporting offices are also moved.

The Off-Site JUSTICE CENTER proponents at CAJE, scrutinized the proposed On-Site plan for a Jail only. After reviewing County documentation, we at CAJE believe that a “Justice Center” (jail, courts and associated offices) could be built Off-Site and within the \$60 million budget. We believe that we must build for what we need and what we can afford. An appropriate off site location will allow affordable growth when we need it. For detailed cost analysis: www.eauclairjail.com

Some downtown business people raised the issue of the loss of business. If there was a temporary loss, it would be more than off-set by tax accruing development of new businesses on this prime real estate along the Chippewa River, and the re-use of vacated office space in the existing court house.

The idea of building a new Government Center that houses both county and city government as well as school administration has been proposed by some civic leaders. CAJE maintains it would be more cost effective to use office space in the existing courthouse. This same statement of best & most cost effective use for remodeling in the existing Court House was also made by the county's own architects at a Special jail Committee meeting when asked. Unlike a jail, this would be compatible land use and not outgrow the site.

The City Council has no obligation to approve street re-alignment or approve re-zoning requests just because they are made by the County. It is within the City Council's duty to reject requests that will be in violation of the *Eau Claire Municipal Code 18.65.050. It has been shown time & again that this project in this location is bad for the city of Eau Claire and is in violation the intent of the Comprehensive Plan & Zoning laws.

Several reasons to reject the rezoning request can be found in Eau Claire's Municipal Code 18.65.050:

- **Section B-2: "Precedents"**

The applicant must provide an inordinate amount of supporting documentation showing that the requested location is the only viable option. The applicant, EC County, has publicly stated cost and convenience; this does not equate to the only viable option.

- **Section B-4: "Environmental Impact"**

The applicant, EC County, requests building a large multi-story facility in the Chippewa River's flood plain posing environmental concerns.

- **Section B-5: "Compatibility With the Immediate Area"**

The immediate area includes: historic residences, churches and the river front. EC County's proposed institutional use is incompatible. The extreme burden of justifying such an incongruent use requires research of the highest degree. A comparative analysis of downtown jails vs. Off-Site jails is necessary to evaluate the proposed plan. The County has not provided any such evaluation and has performed little research on this to date even after multiple requests.

- **Section B-6: "Effect on Adopted Development Policies of the City of Eau Claire"**

The applicant's, EC County, request will remove the tax base from residential properties and will be a negative land use that will contradict land use planning and redevelopment concepts for revitalizing a downtown. The burden is on Eau Claire County to prove otherwise.

- **Section B-7: "Compliance with the City Comprehensive Plan"**

Several areas of the Comprehensive Plan speak to the necessity of protection, compatibility, and logic of new construction with respect to what already exists.

Several reasons to reject the rezoning request as found in Eau Claire's Comprehensive Plan:

The Comprehensive Plan has several policies that will be violated by the proposed Jail project. A few problem areas are shown below, a complete list of comprehensive plan policies that are contradicted by the proposed plan are in *Appendix B.

- **Chapter 2 – Land Use**, objective 4, policy 6 states that infill and redevelopment needs to be context sensitive.
- **Chapter 6 – Physical Characteristics**, objective 2, policy 3 states that the City needs to protect and enhance the city's special places. Specifically referred to are the waterfronts and the West Grand Avenue business district. Waterfront preservation is again cited in objective 7 of this chapter.
- **Chapter 6 – Physical Characteristics**, objective 5, policy 1 states that building architecture and scale should respect the neighborhood's characteristics.
- **Chapter 11 – Historic Preservation**, objective 3, policy 9 indicates that public facilities should provide leadership in assuring that improvements are done in a sensitive manner.
- **Chapter 12 – Courthouse District**, objective 10, policy 1 states that the focus of that district should be on offices, retail, food and marketing of housing along the river and expanding the use of the trail by providing "bed and breakfast" inns near the riverfront.

****Appendix A, Eau Claire Municipal Code: 18.65.050 - Fact Finding.***

- A. In reviewing any petition for an amendment or rezoning, the commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the council.
- B. The facts to be considered by the commission and council shall include, but not be limited to, the following:
 1. Whether the requested amendment is justified by a change in conditions since the original title was adopted or by an error in the original text.
 2. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
 3. The ability of the city or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
 4. The possibility of any significant and negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting permitted structures were built; including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
 5. The compatibility of the proposed uses associated with the petitioned zoning change to existing or planned uses with the immediate area.
 6. The effect of approval of the petition on adopted development policies of City of Eau Claire.
 7. The compliance of the proposed rezoning with the policies of the comprehensive plan. (Ord. 5037, 1990).

****Appendix B, Eau Claire Comprehensive Plan - Fact Finding***

Chapter 2 Land Use

Objective 4-Residential Neighborhoods

Policy 4 Neighborhood Planning:

The city should continue to update specific plans for residential neighborhoods and commercial districts where a need for additional guidance is identified. This engages the residents and strives to protect neighborhoods from such factors as: excessive traffic, blighted properties, or land use incompatibilities.

If ever a neighborhood has needed updated guidance, this is it. Given the proposed use of the planned construction as a facility of unending growth with no contributing enhancing qualities for the neighborhood, this is a negative land use for the neighborhood.

Policy 6 Context Sensitive Redevelopment and Infill:

Encourage redevelopment and infill development in older traditional neighborhoods that respects the characteristics of those neighborhoods. It will always be done in a manner that responds to and builds on the strengths of those neighborhoods.

The strength of this construction area is its view of the river, from the surface of the river, and that it is the connecting link between Phoenix Park and Historic Randall Neighborhood/Water Street BID. What a wonderful place this would be for more shops, housing, and inns for visitors.

Objective 5-Riverfronts and Stream Corridors

Policy 1 Chippewa River Land Uses:

Follow a pattern of land use that takes advantage of the river views such as mid and high density housing, offices, parks, trails, hospitality businesses, such as restaurants, hotels, and of course marinas and docks.

Objective 10-Inappropriate Land Use

Policy 1 Zoning Regulations:

Prevent new land use incompatibilities, through zoning ordinance amendment if necessary. Provide building design guidelines regarding appropriate scale and materials.

Provide land use intensity guidelines regarding traffic generation and hours of operation.

Chapter 6 Physical Character

Objective 2-Regional Setting

Policy 3 Special Places:

Protect and enhance the City's "special places". They include:

- The waterfronts
- Historic residential districts-Randall Park
- The West Grand Avenue Business District
- The views of the city from the surface of the Chippewa River

Objective 4-Established Neighborhoods

Policy 6 Historic Preservation:

Protect the City's heritage, beauty, and charm by preserving historic or architecturally significant buildings in established neighborhoods.

Objective 5-Mixed-and Multi-use Development

Policy 1 Neighborhood Center Scale:

Locate parking lots to the side and rear of buildings, not in front. Building architecture should respect the neighborhood context, with building heights and massing that are compatible with the adjacent residential areas.

Objective 7-Waterfronts

Riverfront views also raise the value of nearby development and can be a powerful catalyst for investment. They should not be used for parking lots or industries that do not use them.

Chapter 11 Historic Preservation

The community has experienced a broad range of benefits from the growth of this program such as:

- **“Sense of place”**- Much of America’s landscape has gone the way of uniformity, franchise businesses, and standardized housing projects. Unique cultural features have been lost due to the economic expediency of standardization.
- **Neighborhood Preservation**
- **Community Pride and Accomplishments**-Already experienced by many people in Eau Claire by their community contributions of participation in restoration, protection, and maintenance of older buildings.
- **Economic Benefits**-Property owners and businesses are realizing clear financial advantages in maintaining and protecting historic structures and locating restaurants, specialty shopping facilities, and offices within them.
- **Resource Conservation**-Frequently the quality of construction and materials used in older buildings cannot be matched using modern construction practices.
- **Tourism**-National and state surveys consistently show that historic areas and attractions are a major reason why people travel and visit certain areas.

Objective 3-Community Support

Policy 9-Public facilities:

Provide leadership in setting an example and assuring that public capital improvements are done in a sensitive manner that retains the integrity of the facility and its vicinity.

Chapter 12 Downtown

Recognize and preserve good design from the past. Generate day and night activity, and line streets with buildings without intervening parking lots. Take advantage of downtown’s greatest natural attributes, the views of the rivers. Line the riverfront with parks, walkways, and uses that benefit from the location, such as housing, offices, and restaurants.

Objective 10-Courthouse District

Policy 1 Economic Orientation:

Support the focus of the district on offices, retail, food establishments, and marketing of housing along the river to take advantage of the expanding trail use by providing “bed and breakfast” inns near the riverfront.

Policy 2 Neighborhood Preservation:

Guide the future direction and limits of the courthouse to create certainty for adjoining property reinvestment. Commercial and office uses should not be allowed to encroach into the nearby residential area.

Analysis of Conditions and Issues Reports

Downtown Analysis

Urban Design

Transitions to Residential Districts

The quality of the transition from the downtown business areas to its residential areas is critical to the continued well being of the housing.