

## BURDEN OF PROOF

### City of Hermiston Teen Adventure Park

345 S 1<sup>st</sup> St

September 14, 2022

#### Background

The City of Hermiston has received a grant to construct a new park on city-owned property located at 345 S 1<sup>st</sup> Street. The property is described as 4N 28 11CC Tax Lot 2300. The subject parcel lies within the Outlying Commercial (C-2) zoning district located between Highway 395 and S 1<sup>st</sup> Street, north of E Highland Ave. The city owns the development site and the adjacent railroad right of way is leased separately and not part of the development proposal.

The proposed park is locally known as the Teen Adventure Park and will provide recreational facilities targeting Hermiston youth. Specific amenities proposed for the park include a skate park, a parkour area, a climbing boulder, a restroom, and various landscape and pedestrian improvements.

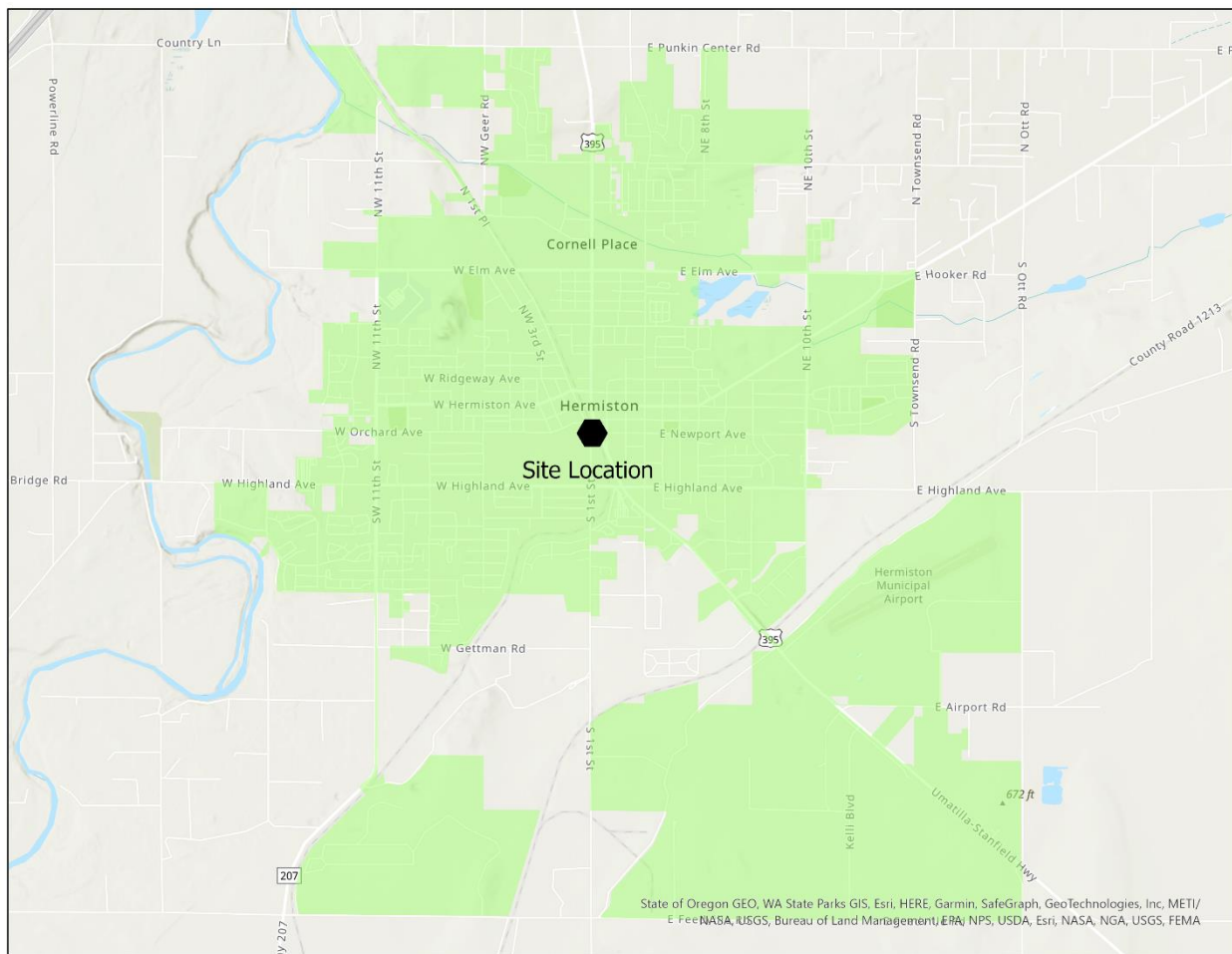


Figure 1 Vicinity Map



Figure 2 Property Map

The park is planned for two phases. Phase 1 includes skate park and pedestrian improvements, as well as the restroom installation. Phase 2 will install the parkour area, climbing boulder, and site furnishings such as benches. Certain conditional uses may receive a master plan approval from the planning commission. A public park is one of the uses eligible for a master plan approval per §157.210(F) of the Hermiston Code of Ordinances. Staff has recommended that the parks department request a master plan approval for this project as multiple funding streams are proposed and construction will require multiple phases.

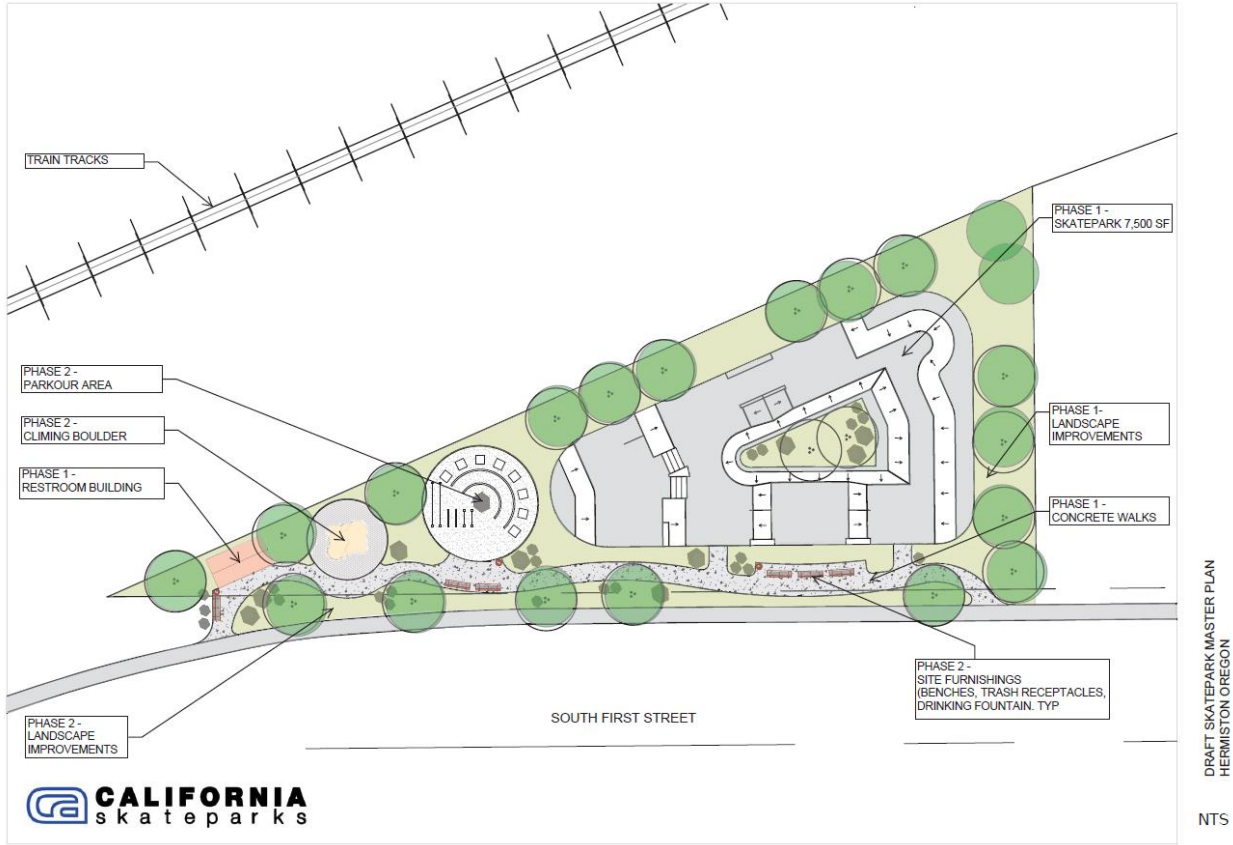


Figure 3 Park Layout



Figure 4 3D Render

As noted, Phase 1 includes the skate park, restroom, and pedestrian improvements. This phase has received a Land and Water Conservation Fund grant totaling \$545,366. A local match is also required. If the conditional use permit is approved by the planning commission, construction is likely to start near January 1, 2023. Phase 2 includes the parkour area, climbing boulder, and pedestrian improvements. This phase is still seeking funding. The estimated budget for Phase 2 is \$537,366 plus a local match. Since the funding of Phase 2 is contingent upon additional public grants, planning staff recommends using the master plan approval process to review the design of the entire facility. A master plan approval will vest development of the park as a whole and allow the parks department to pursue Phase 2 construction as soon as a grant is obtained, rather than performing a separate conditional use permit review for each phase. Should the design of Phase 2 vary significantly from what is under consideration with this master plan (e.g. adding a picnic shelter, playground, etc.), then a new conditional use permit will be required.

The proposed Teen Adventure Park encompasses approximately 22,600 square feet of land. This parcel was purchased by the city for future park development and is adjacent to the Union Pacific Railroad right of way to the north and east. To the south, the Hermiston School District operates a large maintenance facility for all school properties. Across S 1<sup>st</sup> St to the west, the city operates the public safety center housing the police department and Umatilla County Fire District, as well as McKenzie Park. Expanding park operations in this area is a logical use of vacant land along the railroad tracks. This area is difficult to conventionally develop with commercial uses. Public uses such as a park compliment the existing public use nature of the corridor. It will also allow the city to abandon the existing skate park located further south on S 1<sup>st</sup> St and adjacent to Weber Field on the Hermiston High School grounds.

The property is zoned Outlying Commercial (C-2). The C-2 zone permits a park as a conditional use per §157.041(B)(5) of the Hermiston Code of Ordinances. Additionally, a public park may be permitted as a discrete use or as a multi-phase master planned development per §157.210(F) of the Hermiston Code of Ordinances.

A public park is not a use defined as requiring off-street parking in the Hermiston code. However, a use within a park such as an amphitheater, athletic field, or other gathering space may have a defined parking ratio. In this case, there are no proposed uses within the park itself requiring the provision of off-street parking per city code. There is off-street parking within 500 feet of the development site at the Maxwell Event Center which is required by city agreement to be available for use by the general public, except during event center rental times. Utilizing nearby off-street parking in this manner satisfies the requirements of §157.178(E) which states, *“(E) Location of spaces. Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.”* Thus, even though there is not a defined off-street minimum parking standard for this use, there is off-street public parking available to serve this use and McKenzie Park.

Public notice requirements for the property have been met as follows:

- Notice of public hearing published in Hermiston Herald on August 31, 2022
- Notice of proposed land use action posted on property on August 31, 2022
- Notice of public hearing provided by direct mail to all property owners within 300 feet on August 31, 2022

§157.208 of the Hermiston Code of Ordinances provides the method and approval criteria necessary for approving or denying a conditional use. The specific findings required by this section are:

1. The proposal is in conformance with the comprehensive plan and zoning code.
2. The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.
3. Public facilities are of adequate size and quality to serve the proposed use.
4. The proposed use will prove reasonably compatible with surrounding properties.

In granting a conditional use permit, the planning commission may impose, in addition to those standards and requirements expressly specified by the zoning code, any additional conditions they consider necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions; limiting the height of buildings; controlling the location and number of off-street parking and loading spaces required; limiting the number, size and location of signs; requiring screening and landscaping to protect adjacent property and any other condition deemed necessary by the commission.

The City has prepared draft findings of fact and conditions of approval to accompany this report. Findings of fact are attached as Exhibit A to this report. Proposed conditions of approval are attached as Exhibit B.

Staff recommends that the planning commission consider the evidence presented at the public hearing and approve a master plan for the Teen Adventure Park subject to the proposed conditions of approval.

**EXHIBIT A**

**Findings of Fact for Teen Adventure Park Conditional Use Permit**

**345 S 1<sup>st</sup> Street**

**September 14, 2022**

**The proposal is in conformance with the comprehensive plan and zoning ordinance.**

1. The property is located within the Outlying Commercial zone.
2. The Outlying Commercial zone lists a park as a use subject to a conditional use permit per §157.041(B)(5) of the Hermiston Code of Ordinances.
3. The planning commission held a public hearing on the proposed conditional use on September 14, 2022 as required by §157.207(A) of the Hermiston Code of Ordinances.
4. Park development standards are not specifically governed within the zoning ordinance as is common with schools and other conditional uses. Therefore, it is not possible to determine whether the Teen Adventure Park itself is in conformance with the zoning ordinance. However, as noted, parks in general are considered a conditional use in all residential and commercial zones. Since residential and commercial zoning is applied to the majority of land within the city, and is located in all areas of the city, it is logical to infer that the intent of the zoning ordinance is to provide parks and public uses in all areas of the city to insure the broadest access.
5. Policy 16 of the comprehensive plan establishes parks, recreation, and open space policies.
6. Policy 16 establishes the overarching goal that the city will "...acquire and develop additional parks and recreational facilities through the community..." The subject property represents a newly acquired city property purchased with the express intent of developing the site for youth oriented recreational activities, specifically a skate park.
7. Implementing actions for park development in the comprehensive plan include identifying and acquiring additional park to comply with the recommended park to population ratio.
8. The Teen Adventure Park at this location is specifically incorporated into the City of Hermiston Parks Master Plan adopted in 2021 through a public process by the Parks and Recreation Committee and City Council.
9. Policy 31 establishes a goal of creating an integrated transportation system. Specifically, Policy 31 indicates the City of Hermiston "...will establish land uses so as to reduce the need to travel and encourage economic development to provide local jobs which reduce the need to commute..." Establishing a new youth-oriented recreational facility within walking distance of the Hermiston High School and within the commercial downtown core, creates a new recreational opportunity in close proximity to the high school which will generate a high percentage of targeted users, and within walking or biking distance of the majority of Hermiston's residential neighborhoods. This location will reduce the likelihood of creating substantial vehicular trips solely to access this amenity.

**The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the planning commission.**

10. The property is 22,600 square feet or 0.51 acres in size. There is no minimum size requirement for public parks.
11. The park plan accommodates a public restroom, skate park, parkour area, climbing boulder, and various pedestrian improvements. All of the proposed amenities will fit within the property boundary as shown on the site plan.
12. The proposed location of the restroom in the north corner of the property does not meet the setback requirements for C-2 property as established in §157.041(D)(1) of the Hermiston Code of Ordinances. The restroom's location also encroaches on the public sewer line, which leaves the S 1<sup>st</sup> Street right of way near this location. However, there is adequate space on the site to provide for a relocation of the restroom which complies with the C-2 setback requirements. As a condition of approval, the city will require the restroom to be placed in a more southerly location which meets the C-2 setback requirement.
13. As noted in Finding #4, there are no specific requirements for park design within the zoning ordinance.
14. Sidewalk will be required along the S 1<sup>st</sup> Street frontage of this property. Due to the curving nature of the S 1<sup>st</sup> Street improvements, all sidewalk improvements will be installed within the public right of way and will not encroach within the park. A separate pedestrian path is planned for the park.
15. No driveways are proposed for the site and no access spacing standard is applicable.
16. Public parking is provided within 500 feet of the site meeting the parking standards established in §157.178(E) of the Hermiston Code of Ordinances. However, there is no minimum off-street parking standard for public parks and many Hermiston parks do not provide off-street parking areas. Examples of parks with no off-street parking include Newport Park, Highland Park, Victory Square Park, and Greenwood Park.

**Public facilities are of adequate size and quality to serve the proposed use.**

17. The site is serviced by a six-inch public water line in S 1<sup>st</sup> St. This line is adequate to accommodate the proposed restroom and irrigation facilities on the site.
18. The site is serviced by an eight-inch public sewer line in S 1<sup>st</sup> St. This line is adequate to accommodate the proposed restroom on the site.
19. The site is adjacent to a public sidewalk installed immediately adjacent to the south line of the development site. In order to preserve the functionality and safe operation of S 1<sup>st</sup> St, sidewalk installation will be required adjacent to the entire frontage of the development site (Tax Lot 2300). Additionally, since the railroad right of way between the north line of the development site is otherwise unowned, the city will be required to complete the sidewalk connection between the north line of Tax Lot 2300 and the intersection of S 1<sup>st</sup> St and W Orchard Ave.

**The proposed use will prove reasonably compatible with the surrounding properties.**

20. The proposed park is located within a cluster of public uses. McKenzie Park and the public safety center housing the Hermiston Police Department and Umatilla County Fire District #1 lie across S 1<sup>st</sup> St to the west. The Hermiston High School and school district maintenance facility are located

to the south. To the east are railroad tracks, a public walking path, and Highway 395 S. To the north lie commercial businesses and a public event center.

21. The proposed Teen Adventure Park, as a similar use to the adjacent park, and with a stated target demographic of adolescents likely already attending the Hermiston High School, is a complimentary and compatible use with nearby land uses.
22. No structures, with the exception of the permanent restroom, are proposed. No issues of architectural compatibility are raised through the overall park design.



**EXHIBIT B**

**Conditions of Approval for Teen Adventure Park Conditional Use Permit**

**345 S 1<sup>st</sup> Street**

**September 14, 2022**

1. Sidewalk shall be installed along the S 1<sup>st</sup> Street frontage of the site concurrent with Phase 1 construction. Sidewalk installation shall also include approximately 250 feet of off-site installation to complete the sidewalk from the intersection of W Orchard Ave and S 1<sup>st</sup> St to the development site.
2. The city shall comply with §92.12 of the Hermiston Code of Ordinances which relates to the control of blowing dust, during all phases of construction.
3. All stormwater shall be retained on-site.
4. Bicycle parking shall be installed in accordance with §157.150(L) of the Hermiston Code of Ordinances.
5. All signage shall comply with Chapter 155 of the Hermiston Code of Ordinances.
6. The restroom shall be relocated from the north corner of the property to a point where it meets the setback requirements in the C-2 zone.