

# CITY OF HERMISTON

Incorporated 1907

Parks & Recreation Department  
180 N.E. 2nd Street  
Hermiston, OR 97838  
Phone (541) 567-5521  
Fax (541) 567-5530

*Informed Planning Commission at the  
April 12 meeting and PC did not  
have a problem with this.  
SS 4/12/00*

Memorandum

**Date:** April 10, 2000  
**To:** Steve Sokolowski  
**From:** Ivan Anderholm  
**Subject:** Temporary Siting of Water Playground

Due to concerns from the project architect, Carl Sherwood, we will be proceeding with construction of the Water Playground at a temporary site, south of Funland in Butte Park. Mr. Sherwood expressed concerns about the permanent location of the Water Playground in relation to the Aquatic Center Concept Plan.

Mr. Sherwood had four primary concerns; significant grade variations at the site may result in adjustment to the final location and angular orientation of the pools, the identified location on the site plan for the water playground will require significant cut and fill, the possibility that ODOT may only grant one access off of Elm could change the configuration of the final aquatic center layout, and a complete geotechnical investigation needs to be done before a final layout can be determined.

City staff discussed the architect's concerns and decided to move forward with the permanent location. However last week the architect and the Hermiston Aquatics Committee reiterated their concern about the potential increase in costs to the Aquatic Center construction due to the permanent placement of the water playground at this time. After more discussion, city staff has decided to move the water playground to a temporary site. The temporary site will allow for easier public access, addresses the architect's site concerns, and will insure that the project is complete in time to serve the public's need for water recreation this summer.

The temporary siting of the water playground will serve the best interests of the public, and will ensure that the Aquatic Center project is not adversely affected. When the aquatic center project comes to fruition the water playground will be incorporated as planned, until such time it will be open to the public free of charge at the temporary location.

Planning Department  
180 NE 2nd Street  
Hermiston, OR 97838  
Phone: (541) 567-5521  
Fax: (541) 567-5530  
E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

March 10, 2000

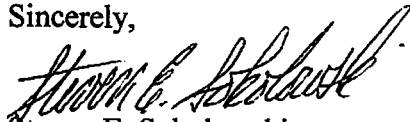
Ivan Anderholm  
Parks and Recreation Director  
City of Hermiston  
180 NE 2nd Street  
Hermiston, OR 97838

Dear Mr. Anderholm:

This is your official notification that on March 8, 2000, the Hermiston Planning Commission approved your request for a conditional use permit to construct a water playground at the existing Butte Park located at the northwest corner of NW 7th Street and W Elm Avenue. Granting of the conditional use request was based on findings of fact.

The City's zoning ordinance has a provision that allows an action of the planning commission authorized by the ordinance to be appealed to the city council within 10 days after notice has been mailed to all opponents. Since there were no opponents who appeared in person or in writing in the evidentiary hearing, no notice was mailed and therefore no appeals were filed. The planning commission's decision is therefore final.

Sincerely,



Steven E. Sokolowski  
City Planner

## REQUEST FOR A CONDITIONAL USE PERMIT PLANNING COMMISSION HEARING PROCEDURE

1. Ask if any commissioner has a potential conflict of interest.
2. Open hearing and then state:

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in Hermiston Zoning Ordinance No. 1840, Section 24. The applicant wishes to construct a recreational water playground at the southwest corner of NW 7th Street and W Elm Avenue. The applicant is the City of Hermiston.

3. State that:
  - a. The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in Section 24(4) of Ordinance No. 1840, the City's zoning ordinance.
  - b. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision.
  - c. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue.
  - d. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.
  - e. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.763(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS

197.763(6)(C).

4. Then state that:

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.

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To: Planning Commission  
From: Steven E. Sokolowski, City Planner ⚡  
Subject: City of Hermiston Conditional Use Request to Construct a New Water Playground  
Date: March 3, 2000

## BACKGROUND

The City of Hermiston has submitted a request for a conditional use permit to construct a Water Playground at Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. The Water Playground is a concrete pad with automated above ground, surface mounted and buried spray features. As established in Hermiston Zoning Ordinance No. 1840, Section 6(2.6), a park is a conditional use in the Single Family Residential (R-1) zone. Per Section 24(1) of the zoning ordinance, any expansion of a conditional use must be approved by the planning commission.

There are presently playground facilities, soccer fields and parking at Butte Park. The City would like to construct the Water Playground play area to provide an interim recreational facility while the future aquatics center is designed and planned. The aquatics center is planned for construction at the same location. The Water Playground will be incorporated into the aquatics center once it is built.

The City presently leases the land from the U.S. Bureau of Land Management (BLM). The BLM issued a land patent to the City in 1926 which allows the City to use the land exclusively for public park or historical monument purposes.

All properties within 300 feet of the subject site were provided a direct mailing of the proposal. Staff did not receive any comments as a result of that mailing.

<b><u>Applicant:</u></b>	City of Hermiston
<b><u>Owner:</u></b>	U.S. Bureau of Land Management
<b><u>Property Location:</u></b>	The proposed Water Playground site is located to the west of the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue.
<b><u>Existing Use:</u></b>	The subject site contains the Hermiston Butte, soccer fields and various public facilities.

**Surrounding Uses:** Lands to the west contain Good Shepherd Community Hospital. Lands to the north contain Shelco Electric and the Umatilla Electric Cooperative. Lands to the east and contain Butte Park and single family dwellings. Lands to the south contain single family dwellings.

**Existing Zoning:** The property is zoned Single Family Residential (R-1)

**Surrounding Zoning:** Lands to the north are zoned Light Industrial (M-1). Lands to the west are zoned Outlying Commercial (C-2). Lands to the east are zoned Multi-Structure Residential (R-4). Lands to the south are zoned Single Family Residential (R-1) and Duplex Residential (R-2).

## REQUIREMENTS

Hermiston Zoning Ordinance No. 1840 provides the method and approval criteria necessary for granting or denying a conditional use in Section 24. Specific findings required by Section 24(4) are:

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

The planning commission may impose, in addition to those standards and requirements expressly specified by the zoning ordinance, 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.

It is not necessary to restate other ordinances and statutory requirements of the conditional use as a part of the proceedings. The granting or denial of a conditional use will not affect the requirements of the City of Hermiston to comply with building, plumbing and electrical codes, other ordinances, statutory or regulatory compliance issues.

### DRAFT FINDINGS

Subject to the comments and considerations of the public hearing, the following draft findings are presented:

#### THE PROPOSAL IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN AND ZONING ORDINANCE.

1. The proposed development of the Water Playground is permitted as a conditional use in the R-1 zone per Section 6(2.6) of Hermiston Zoning Ordinance No. 1840.
2. Development of a water playground meets one of the overall objectives of the City of Hermiston Comprehensive Plan to "retain and improve the city's livability." The availability of active and passive recreational opportunities is an important component to the quality of life in the community.
3. Expanding the existing Butte Park conforms with Policy 16 of the Hermiston Comprehensive Plan which states that the City will acquire and develop additional parks and recreational facilities and preserve as open space, city owned land which possesses recreational, scenic and other qualities.
4. As identified by the City of Hermiston Parks and Recreation 1998 Community Needs Assessment, Hermiston Citizens rated Butte Park as the most favorite park, the most visited park and the most mentioned park for improvements.
5. The U.S. Land Patent 36-69-0034 grants the City the right to use the property for park and historical monument purposes.

#### 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.

6. The lot is approximately 25.79 acres and the proposed development will occupy approximately 0.35 acres.
7. The entire development will be surrounded by a 6-foot chain link fence. The fence will enclose water playground and picnic areas.

8. The Water Playground will utilize the existing Butte Park parking facilities and pedestrian and bicycle access.
9. Additional parking will be constructed adjacent to the Water Playground at such time the aquatics center is constructed.

**PUBLIC FACILITIES ARE OF ADEQUATE SIZE AND QUALITY TO SERVE THE PROPOSED USE.**

10. The proposed development will connect to both city water and sewer.

**THE PROPOSED USE WILL PROVE REASONABLY COMPATIBLE WITH SURROUNDING PROPERTIES.**

11. The proposed Water Playground will prove reasonably compatible with the adjacent commercial and residential uses because it enhances the existing Butte Park facilities which have been in use since the early 90's.
12. Butte Park provides visual relief and creates an enhanced buffer zone between the residential uses to the east and south and the commercial and industrial uses to the west and north.
13. Butte Park serves as a neighborhood park for the west side of Hermiston as well as a regional park for Butte Trail, play field use and now for Water Playground use.
14. The Water Playground will be a community resource available for community use.

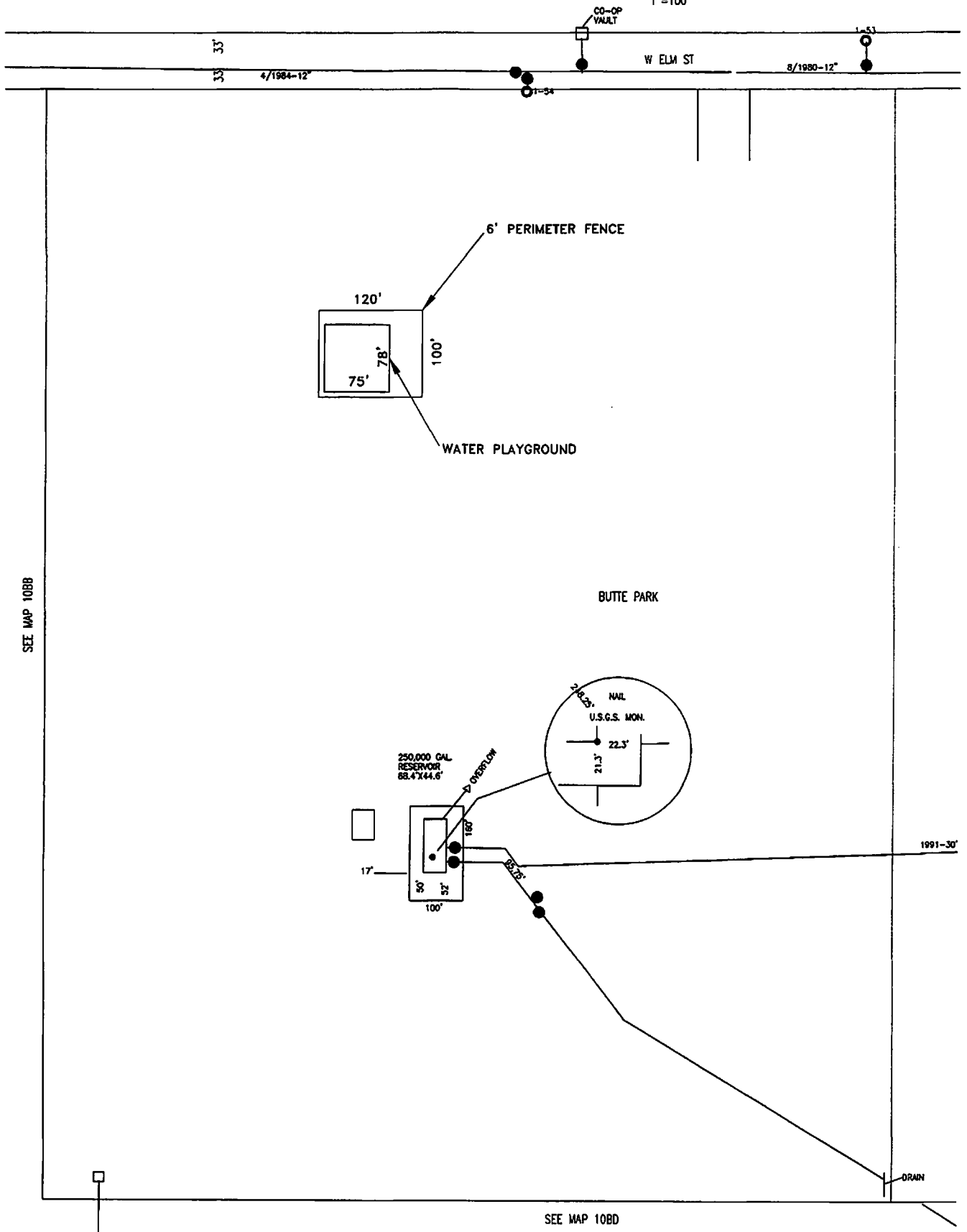
### **RECOMMENDATION**

**Staff recommends that the findings of fact, as may be amended, be adopted and the conditional use request be granted.**



NE1/4 NW1 Sec10 T4N R28EWM  
UMATILLA COUNTY

1"=100'



SEE MAP 10BB

SEE MAP 10BD

# **WATER PLAYGROUNDS**

The typical Water Playground is a brightly colored concrete splash pad from which water shoots out of water features installed within the splash pad. The water goes to a drain - there is no water depth and no standing water.

No standing water means no danger of drowning and no need for lifeguards..

A Water Playground is the wet version of a dry playground. Just like a dry playground the Water Playground requires very little continuous supervision.

Water features are located both above ground and below ground. Above ground features are colorful, attractive structures which shoot, spray and gush water. Below ground elements are water sprays, jets and cascades that shoot from specially designed nozzles and fittings buried in the concrete.

The Water Playground incorporates a computerized control system with special software which choreographs and synchronizes waterflows to all of the water features installed in the Water Playground.

The computer is programmed to create continuous, dancing waters; providing the phasing for each of the water features - controlling which components operate, when they operate, and in which sequence they operate creating a wide range of random-like, constantly changing spray patterns and creating a challenging guessing game for everyone.

During the daytime water shoots from the Water Playground components only when people are present to enjoy the fun. When no one is around the computer shuts the water off. And when kids rub the face of the Activation Bollard the water mysteriously begins to flow, all over again. The software automatically turns the system on in the morning and shuts it off in the evening.

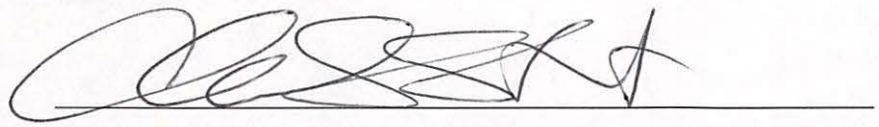
Water Playgrounds can operate at very low pumping rates and send the used water to waste. Or, with the installation of a compact storage tank and a small filtration system the same water can be conserved, filtered, kept clean and re-used over and over. The filtration and reservoir can easily be installed so they are hidden from view either underground, surrounded by attractive landscaping, or in an adjacent service building.

**AFFIDAVIT OF PUBLICATION**

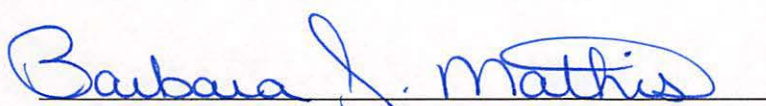
State of Oregon                    )  
  ) ss.  
County of Umatilla                )

I, Claudia Stewart, being first duly sworn  
depose and say that I am the publisher of The Hermiston  
Herald, a newspaper of general circulation, as defined  
by sections ORS 193.010 and 193.020, printed and  
published at Hermiston in the aforesaid county and  
state; that the

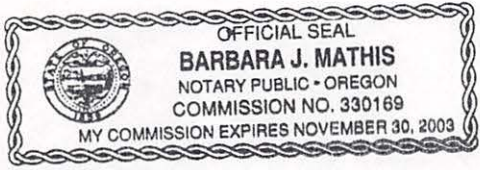
Legal #2439, a printed copy of which  
is hereto annexed, was published in the entire issue of  
said newspaper for One successive and consecutive  
weeks in following issues:  
February 22,2000



Subscribed and sworn to before me this 22nd  
day of FEBRUARY

  
Notary Public for Oregon

My commission expires 11-30-2003



**NOTICE OF PUBLIC HEARING**  
NOTICE IS HEREBY GIVEN that Hermiston Planning Commission will hold a public hearing on the 8th day of March, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request for a conditional use on behalf of the City of Hermiston.  
The City of Hermiston proposes to expand the existing park located at the southwest corner of NW 7th Street and W Elm Avenue through the construction of a recreational spray ground. The spray ground is a concrete pad with automated above ground, surface mounted and buried spray features. The request is defined as a conditional use and requires approval from the planning commission subject to the provisions for a conditional use permit  
prior to obtaining a building permit. The property lies in a Single Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.  
All interested persons are invited to attend. Questions, comments and correspondence should be addressed to the City of Hermiston Planning Department, 180 N.E. 2nd Street, Hermiston, OR 97838.  
/s/ Robert D. Irby,  
City Recorder  
Published: February 22, 2000.  
#2439.

Planning Department  
180 NE 2nd Street  
Hermiston, OR 97838  
Phone: (541) 567-5521  
Fax: (541) 567-5530  
E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

February 22, 2000

Dear Property Owner:

The Hermiston Planning Commission will hold a public hearing on Wednesday, March 8, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the construction of a recreational spray ground on behalf of the City of Hermiston. A spray ground is a concrete pad with automated above ground, surface mounted and buried spray features and will be located at the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. This request is a conditional use per Zoning Ordinance No. 1840, Section 6(2.6) and requires approval by the planning commission. The property lies in a Single-Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within Section 24(4) of Hermiston Zoning Ordinance No. 1840. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the zoning ordinance, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

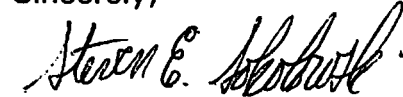
Failure to raise an issue during the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the planning commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Any appeal will be on the record unless directed otherwise by the city council.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available

for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., March 8, 2000 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,



Steven E. Sokolowski  
City Planner

**Mailing List For Spray Grounds Conditional Use**

Mailed 2/22/00

<u>Name</u>	<u>Address</u>	<u>Tax Lot</u>
Good Shepherd Community Hosp	610 NW 11th Street Hermiston, OR 97838	10B 200 10B 1304 10B 1310 10B 1311
Larry & Judith Bishop	735 NW 7th Street Hermiston, OR 97838	10B 1400
Robert & Donna Hughes	655 NW 7th Street #F Hermiston, OR 97838	10B 90106
James Bingham	PO Box 82 Dillingham, AK 99576	10B 90107 10B 90108
Clara Hall	655 NW 7th Street #J 655 NW 7th Street #J Hermiston, OR 97838	10B 90109
Juan & Dominica Irusta	940 W Donna Ave Hermiston, OR 97838	10BC 2100
Lyle & Sandra Hallowell	1760 NE Peace LN Hermiston, OR 97838	10BC 2200
Larry & Teresa Brower	910 W Donna Ave Hermiston, OR 97838	10BC 2300
MLou Williams	900 W Donna Ave Hermiston, OR 97838	10BC 2400
Jerry & Katharine McMichael	945 W Donna Ave Hermiston, OR 97838	10BC 3000
Mark & Rachel Phegley	125 NE 8th Street #1 Hermiston, OR 97838	10BC 3100
Douglas & Carleen Flaiz	595 NW 9th Street Hermiston, OR 97838	10BC 3200 10BC 3300
Shawn & Teresa Pinney	550 NW Diane Ct Hermiston, OR 97838	10BC 3800
USA BLM	PO Box 2965 Portland, OR 97208	10B 103

Walter & Mary Eiring E S & Nadyne Schnell	PO Box 845 Hermiston, OR 97838	10B 1101
Norman & Fay Schroth	PO Box 841 Hermiston, OR 97838	10B 1201
Michelle Curis Philip Walton	725 NW 7th Street Hermiston, OR 97838	10B 1301
Kenneth Peterson	PO Box 211 Hermiston, OR 97838	03C 802
Curt Ottmar	33302 Dallas Road Hermiston, OR 97838	03C 900
UEC	PO Box 1148 Hermiston, OR 97838	03C 1000
Ricard Carpenter	645 W Orchard Ave Hermiston, OR 97838	03D 1500
George Ruby	ODOT 1327 SE 3rd St Pendleton, OR 97801	---
Chuck Wilcox	Hermiston Irrigation Dist. PO Box 208 Hermiston, OR 97838	---
Bob Perry	Umatilla County Planning Dept 216 SE 4th St Pendleton, OR 97801	---
Hal Phillips	Umatilla County Road Dept 3920 Westgate Pendleton, OR 97801	---
Manfred Jaehnig	Principal Investigator Confederated Tribes of Umatilla Indian Res PO Box 638 Pendleton, OR 97801	---
Barb Hill	Realty Specialist Bureau of Reclamation PN Region 32871 Diagonal Road Hermiston, OR 97838	---

# CITY OF HERMISTON *Incorporated 1907*

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February 22, 2000

Bob Perry  
Umatilla County Planning Department  
216 SE 4th Street  
Pendleton, OR 97801

Dear Bob:

The Hermiston Planning Commission will hold a public hearing on Wednesday, March 8, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the construction of a recreational spray ground on behalf of the City of Hermiston. A spray ground is a concrete pad with automated above ground, surface mounted and buried spray features and will be located at the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. This request is a conditional use per Zoning Ordinance No. 1840, Section 6(2.6) and requires approval by the planning commission. The property lies in a Single-Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within Section 24(4) of Hermiston Zoning Ordinance No. 1840. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the zoning ordinance, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

**Spray Grounds Conditional Use Request**  
**Page 2**

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A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at the city hall. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

Written testimony will be received until 5:00 p.m., March 8, 2000 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,



Steven E. Sokolowski  
City Planner

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E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

February 22, 2000

Chuck Wilcox  
Hermiston Irrigation District  
366 E Hurlburt Ave  
Hermiston, OR 97838

Dear Chuck:

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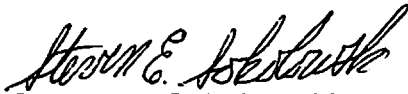
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February 22, 2000

George Ruby  
Oregon Department of Transportation  
1327 SE 3rd Street  
Pendleton, OR 97801

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**Spray Grounds Conditional Use Request**  
**Page 2**

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Written testimony will be received until 5:00 p.m., March 8, 2000 at the planning department office in the city hall. Oral testimony will be received during the hearing. If you have any questions, please call (541)567-5521.

Sincerely,



Steven E. Sokolowski  
City Planner

# CITY OF HERMISTON

*Incorporated 1907*

Planning Department  
180 NE 2nd Street  
Hermiston, OR 97838  
Phone: (541) 567-5521  
Fax: (541) 567-5530  
E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

February 22, 2000

Hal Phillips  
Umatilla County Road Dept.  
3920 Westgate  
Pendleton, OR 97801

Dear Hal:

The Hermiston Planning Commission will hold a public hearing on Wednesday, March 8, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the construction of a recreational spray ground on behalf of the City of Hermiston. A spray ground is a concrete pad with automated above ground, surface mounted and buried spray features and will be located at the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. This request is a conditional use per Zoning Ordinance No. 1840, Section 6(2.6) and requires approval by the planning commission. The property lies in a Single-Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.

The public hearings process begins with the staff report, followed by testimony from the applicant and any other supporters of the application. This will be followed by opponents of the application. Finally, a rebuttal by the applicant will be allowed. The public hearings portion of the procedure will then be closed and the planning commission will consider the information and testimony received and may render a decision.

Based upon the testimony provided at the hearing, the planning commission will develop findings of fact to justify approval or denial of the requested conditional use. The specific criteria relied upon by the City in rendering a decision are contained within Section 24(4) of Hermiston Zoning Ordinance No. 1840. In permitting the conditional use, the City may impose, in addition to those standards and requirements expressly specified in the zoning ordinance, other conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole.

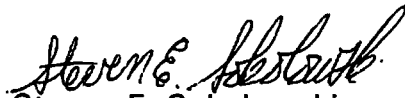
Spray Grounds Conditional Use Request  
Page 2

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E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

February 22, 2000

Manfred Jaehnig  
Cultural Resources Protection Program  
Confederated Tribes of Umatilla  
PO Box 638  
Pendleton, OR 97801

Dear Mr. Jaehnig:

The Hermiston Planning Commission will hold a public hearing on Wednesday, March 8, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the construction of a recreational spray ground on behalf of the City of Hermiston. A spray ground is a concrete pad with automated above ground, surface mounted and buried spray features and will be located at the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. This request is a conditional use per Zoning Ordinance No. 1840, Section 6(2.6) and requires approval by the planning commission. The property lies in a Single-Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.

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Sincerely,



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City Planner

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Planning Department  
180 NE 2nd Street  
Hermiston, OR 97838  
Phone: (541) 567-5521  
Fax: (541) 567-5530  
E-Mail: [planning@hermiston.or.us](mailto:planning@hermiston.or.us)

February 22, 2000

Barb Hill  
Bureau of Reclamation  
32871 Diagonal Road  
Hermiston, OR 97838

Dear Ms. Hill:

The Hermiston Planning Commission will hold a public hearing on Wednesday, March 8, 2000 at or after 7:00 p.m. in the council chambers of the city hall, 180 NE 2nd Street, Hermiston, Oregon. The purpose of the hearing is to consider a request to allow the construction of a recreational spray ground on behalf of the City of Hermiston. A spray ground is a concrete pad with automated above ground, surface mounted and buried spray features and will be located at the existing Butte Park located at the southwest corner of NW 7th Street and W Elm Avenue. This request is a conditional use per Zoning Ordinance No. 1840, Section 6(2.6) and requires approval by the planning commission. The property lies in a Single-Family Residential (R-1) zone and is described as 4N 28 10B Tax Lot 101.

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**Spray Grounds Conditional Use Request**  
**Page 2**

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Sincerely,



Steven E. Sokolowski  
City Planner

CITY OF HERMISTON

CONDITIONAL USE PERMIT APPLICATION

Pursuant to the provisions of Section 24 of Hermiston Zoning Ordinance 1840, application is hereby made for a conditional use permit for the following described property:

Applicant's Name: City of Hermiston

Date: 02/09/00

Address: 180 NE 2<sup>nd</sup> Street

Phone: 567-5521

(Daytime)

Hermiston, OR 97838

Legal Description of Property: Assessor's Map No: 4N 28 10B Tax Lot No: 101

Comprehensive Plan Designation: Low Density Residential Zoning Designation: R-1

Current Use of Property: Open Space and Butte Park

Request to Allow: Continued development of the park specifically a "Water Playground."

**IMPORTANT!**: Oregon's Land Use Planning Laws and Section 24(4) of Ordinance No. 1840 require the planning commission to make "findings of fact" with regard to requests for conditional use permits. The findings provide justification to either approve or deny the application. Read the questions that follow and answer them as completely as you can; use additional sheets if necessary. Your responses will be used by the City to make findings and evaluate the merits of your request. The chances of a successful application depend upon the adequacy of the arguments you present to justify approval of the application.

1. The proposal is in conformance with the comprehensive plan and zoning ordinance. Explain fully: The proposed development of the "Water Playground" is permitted as a conditional use in the R-1 zone. The development also conforms with Goal 8, Policy 16 of the comprehensive plan to develop additional parks and recreational facilities. Additionally, in the United States Land Patent 36-69-0034 to the City of Hermiston, the land may only be used for park and historical monument purposes. The development of the "Water Playground" meets one of the overall objectives of the Hermiston Comprehensive Plan to "retain and improve the city's livability."

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. Explain fully: The property is of adequate size for the proposed "Water Playground." The lot is 25.79 acres, the proposed development will be .35 acres. The entire area, .35 acres, will be surrounded by a 6 foot chain link fence. Inside the fence will be the, "Water Playground", landscaping, and picnic areas. Visitors to the development will utilize existing parking facilities and a paved pedestrian and bicycle access to the "water playground" will be developed. Adjacent parking will be developed at the time the Aquatics Center is developed.

3. Public facilities are of adequate size and quality to serve the proposed use. Explain fully: The proposed development will connect to both city sewer and water, the city has indicated that adequate services are readily available for connection.

4. The proposed use will prove reasonably compatible with surrounding properties. Explain fully: The proposed development will be compatible with surrounding properties as it is not changing but adding to the existing use of the property.

**ADDITIONAL INFORMATION TO BE FURNISHED AND ATTACHED TO APPLICATION:**

- 1) Evidence that applicant is owner or purchaser of the property or has written permission of such owner to make an application for the proposed use.
- 2) Two copies of a site plan (11" x 17") drawn to scale, showing the location of the property concerned, the location of all proposed or existing building(s), highways, streets and alleys.

The above statements are true to the best of my belief and knowledge. As applicant, I understand that the planning commission requests my attendance, or the attendance of my representative, at the meeting(s) where this request is scheduled for consideration, and may grant or deny this request based upon the testimony provided at the hearing.

I am the X owner/\_\_\_owner(s) authorized representative.  
(If authorized representative, attach letter signed by owner.)

Applicant's Signature: Robert D. Shley Date: 02/09/00

**OUT OF POCKET EXPENSES FOR MAILING AND PUBLICATION COSTS WILL BE BILLED LATER**

**NOTE: The Hermiston Planning Commission meets the second Wednesday of the month. Because of public notice requirements and time constraints, this application must be returned to City Hall no less than four weeks prior to the public hearing date. For further information, please feel free to**

APPLICATION FOR CONDITIONAL USE PERMIT - PAGE 3

contact the planning department at the Hermiston City Hall, 180 N.E. 2nd Street, Hermiston, OR 97838, or telephone (541)567-5521. The City's fax number is (541)567-5530

Office Use

Only

Date Filed: \_\_\_\_\_ Received By: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Fee: \$300.00 Date Paid: \_\_\_\_\_ Receipt No: \_\_\_\_\_

**City of Hermiston**  
**Request for Proposal**  
**"Water Playground Equipment and Design Services"**

The City of Hermiston is requesting proposals for the supply of "Water Playground Equipment and Design Services" for a new water playground to be constructed in Butte Park. The playground is a concrete pad with automated above ground, surface mounted and buried spray features.

Written, sealed proposals shall be submitted to Robert Irby, City Recorder, 180 NE 2nd Street, Hermiston, Oregon, 97838, no later than 7:00 pm on Monday, February 28, 2000. The outside of the envelope shall be clearly marked "Proposal for Water Playground Equipment and Design Services" or similar wording.

Persons or firms responding to this request must include a statement as to whether the person or firm is a resident bidder as defined in ORS 279.029 and ORS 279.021.

For complete specifications and additional information, contact Ivan Anderholm, Parks and Recreation Director, at (541) 567-5521 or FAX (541) 567-5530.

The City of Hermiston may reject any proposal not in compliance with all the prescribed public bidding procedures and requirements, and may reject for good cause any or all proposals upon a finding of the City that it is in the public interest to do so.

  
\_\_\_\_\_  
Robert D. Irby, City Recorder

5-7-00 TO: IVAN  
FR: KRIS

1) faxed to EO  
to be published  
2-17-00

Publish: EO 02/17/00

2) posted at city hall  
2-7-00