To: Planning Commission
From: Elliott Barnett, Planning Services Division
Subject: Application #2014-02 – Point Defiance Park Policy and Code
Meeting Date: January 8, 2014
Memo Date: January 2, 2014

At the January 8th meeting, staff will present draft policy and code changes, along with a draft staff report, addressing Metro Parks Tacoma’s (MPT) application to amend the Comprehensive Plan and development regulations in support of their Destination Point Defiance plan. The intent of the application is to provide a clear City review pathway for MPT, as a precursor to a future application for City permits.

In this case, City staff recommended consideration of the Development Regulation Agreement (DRA) approach as a process intended to allow a direct application of the City’s Comprehensive Plan policies to large, signature development proposals. While there is strong policy support for the plan, it’s combination of features makes it somewhat unique, particularly in the context of the site’s R-1 Single-family Residential zoning designation. The park plan includes commercial, lodging, educational and other features in keeping with the character of the park as a major destination. These features are not typical in single-family districts, and would require a discretionary review process in any scenario.

The proposed amendments would lay the groundwork for a future DRA application by establishing clear policy support and code authority to utilize the City’s DRA process to review plans for Point Defiance Park. The park has existed with the single-family Comprehensive Plan designation for many years, and is already characterized by large, destination features such as the zoo. The DRA process is already in code and MPT could potentially use it without the changes proposed in this application. However, MPT wishes to increase their certainty in regards to the review process, before proceeding. Alternatively, should MPT pursue a different review approach, such as Conditional Use Permits or a Rezone, the policy language proposed through this application would also lend support to those applications.

Attached is a proposed staff report and supporting exhibits for this application. Staff will request any guidance from the Commission, and if the Commission agrees will request authorization to release the package for continued public outreach and review.

If you have any questions, please contact me at 591-5389 or elliott.barnett@cityoftacoma.org.

Attachments (5)

C: Peter Huffman, Interim Director
## 2014 Annual Amendment

**Staff Analysis Report**

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<td>Staff Contact:</td>
<td>Elliott Barnett, Planning Services Division (253) 591-5389 <a href="mailto:elliott.barnett@cityoftacoma.org">elliott.barnett@cityoftacoma.org</a></td>
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### I. Description of the Proposed Amendment:

1. **Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.**

   Metro Parks Tacoma’s (MPT) long range plan and vision for the 768-acre park, generally referred to as Destination Point Defiance, was developed through a multi-year, broadly inclusive public process. The conceptual plan for Point Defiance Park enjoys very consistent, strong public and stakeholder support and was officially approved by the MPT Board in 2008. The Parks District has submitted this application, which would add recognition to the City’s Comprehensive Plan for Destination Point Defiance and for the unique role that Point Defiance Park plays as a significant citywide destination, as a preparatory step to submitting applications for City permits. The proposal would also clarify potential City permitting pathways that MPT could utilize, including the City’s Development Regulation Agreement (DRA) process.

   Specifically, this amendment would add a new policy to the *Open Space Habitat and Recreation Element* of the *Comprehensive Plan* expressing support for Destination Point Defiance and recognizing the unique role and destination function that Point Defiance Park plays. In addition, the proposal would modify the *Tacoma Municipal Code (TMC) 13.06.560 Parks, recreation and open space* section by clarifying that the DRA process is available for Parks, Recreation and Open Space land uses. *TMC 13.06.560* provides guidance on permitting requirements for park and recreation features, and makes a distinction between park features that are allowed by right in residential zones, and larger or more intensive park and recreation features that require a Conditional Use Permit. While the DRA process is also currently available to park, recreation and open space uses, it is currently not explicitly cited in *TMC 13.06.560* (see Exhibit D).
2. Describe the intent of the proposed amendment and/or the reason why it is needed.

This application is a preliminary step intended to establish a clear policy and code framework for MPT to utilize a DRA for Point Defiance Park. MPT staff have indicated that they intend to submit a DRA application within the next year.

MPT’s Point Defiance Park conceptual plan, the outcome of a multi-year planning effort, recognizes that the park functions not only as a local attraction but also as a destination for the people of the city and region. The plan includes commercial, educational and recreational features (including the zoo, a lodge, eating establishments, gift shops, a visitor’s center, additional pavilion buildings, a farmers market, entertainment and educational facilities, and bike and kayak rental facilities) that broaden the use of the park and expand its function as a unique destination. While the character of most of the park would remain essentially unchanged, the plan calls for an increased intensity and range of activities in some areas—particularly in the southeast corner of the park. Plans for this area, referred to as the Triangle, include a mixed-use development with educational, conference center, commercial, parking and lodging elements. The Triangle area is considered appropriate for this type of activity due to its location at the edge of the park adjacent to Point Ruston, the Breakwater Marina and the City of Ruston; and, because it is already developed with MPT maintenance facilities, batting cages, racetrack, and the Tacoma School District’s Science and Math Institute (SAMI).

The majority of the park is within the R-1 Single-family Dwelling District (see Exhibit A). Under that zoning designation, the more intensive land uses would require a Conditional Use Permit (CUP), and the mixed-use aspects could potentially not be considered to be permitted through the CUP process. Alternatively, consideration could be given to rezoning the park to a zoning designation that allows mixed-use development. This approach would be complicated by the fact that there is currently no zoning district that provides a clear fit. Tacoma’s residential zoning districts are structured to incorporate parks, recreation and open space, and a mixed-use or commercial designation would not reflect the park and open space intent. Thus, despite the established character of the park as including major destination features such as the zoo, a more flexible City review process is appropriate.

Given the Point Defiance Park vision and intent, and the City’s zoning and land use approach, the DRA process is an appropriate City review process. DRAs, as laid forth in TMC 13.05.095, provide an optional process for direct application of the Comprehensive Plan’s policies to projects meeting the criteria of that section. A flexible review process intended for large, strategic development proposals, DRAs fit the scope and scale of MPT’s plans for Point Defiance Park. DRAs also provide ample public notice, a mechanism to determine appropriate conditions of approval, and are approved directly by the City Council.

3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.

The 768-acre park is located at the northern end of the peninsula that forms north Tacoma. Established over 125 years ago, the park is owned by the City of Tacoma and managed by MPT. Point Defiance Park is bordered by the Puget Sound on three sides, and by the Cities of Ruston and Tacoma along its southern boundary, including the Point Ruston Development on its southeastern
corner. It is largely forested, ringed by shorelines, and includes a range of recreational, cultural, educational and maintenance facilities. The park is also the location of the Tacoma Yacht Club, the Vashon Island ferry station, eating establishments, boating facilities, and Tacoma School District’s Science and Math Institute (SAMI) campus.

The park is zoned R-1 Single-Family Residential District, and S-4 Point Defiance Park - Natural, S-5 Point Defiance Park - Urban Conservancy, and S-15 Point Ruston/Slag Peninsula Shoreline Districts. The Comprehensive Plan land use designation is Low Intensity and Shoreline.

The site includes the following parcel numbers: 0221103000, 0221221011, 0221221021, 8950100015, 8950100016, 8950100017 and 8950100010.

4. Provide any additional background information associated with the proposed amendment.

This proposal builds on MPT’s planning efforts as well as four recent City initiatives:

In 2008, the City Council adopted the Open Space Habitat and Recreation Element which is the City’s policy direction for parks, recreation and open space.

In 2010, the City created TMC 13.05.095 Development Regulation Agreements which established an alternative process for major projects in key locations, including on public sites larger than 5 acres in size. DRAs are not available in Shoreline Districts.

In 2011, the City created TMC 13.06.560 Parks, recreation and open space which established that those uses are generally Permitted outright in residential zones, but that major features likely to generate neighborhood impacts would be Conditional Uses. This update simplified the review process for most park projects, but stopped short of explicitly establishing a process for a large, complex park sites like Point Defiance Park.

As part of the 2014 Annual Amendments, updates are separately being proposed to the Open Space Habitat and Recreation Element. One objective of those updates is to provide additional guidance on how park and open space planning efforts for specific areas of the City should be considered. The proposal includes the addition to the Element of a new section indicating that plans listed therein are supported by the City’s Comprehensive Plan.

This proposal links these initiatives together by updating the Open Space Habitat and Recreation Element to reflect and support MPT’s Destination Point Defiance plan, and by clarifying the role that DRAs can play for park, recreation and open space land uses.
II. Analysis of the Proposed Amendment:

1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?

The proposed policy and code amendments are consistent with the applicable provisions of State, regional and local law and policy. By furthering the enhancement of one of Tacoma’s signature parks, this proposal supports the Comprehensive Plan.

_Open Space Habitat and Recreation Element:_ Destination Point Defiance is a signature project that helps to implement Tacoma’s parks, recreation and open space vision and policies. The OSHRE calls for developing and increasing the range of recreational opportunities to meet community demand. It supports incorporation of multiple uses into park sites. Destination Point Defiance provides scenic views, trails, shoreline access and water-oriented activities, and the conservation and restoration of natural forested areas within the City. All of these activities are consistent with Tacoma’s policies.

_Generalized Land Use Element:_ The GLUE calls for the provision of open space and amenities as being highly important to the City’s growth vision.

_Neighborhood Element – West End section:_ This Element indicates that recreation and open space is a priority for the West End Neighborhood – Goal WE-3 Recreation & Open Space (Neigh-56). It also specifically cites the Ruston Way Pedestrian Promenade as a priority – Policy WE-3.4 Ruston Way Pedestrian Promenade (Neigh-57).

The proposal is consistent with the intent of Residential Zoning Districts.

_TMC 13.06.100 Residential Districts._

A. District purposes. The specific purposes of the Residential Districts are to:

1. Implement the goals and policies of the City’s Comprehensive Plan.

   …

7. Allow for creative designs while ensuring desired community design objectives are met.

8. Allow for the enhancement of residential neighborhoods with parks, open space, schools, religious institutions and other uses as deemed compatible with the overall residential character.

The proposal is consistent with the purpose and applicability provisions of TMC 13.05.095 – Development Regulation Agreements.

_13.05.095 Development Regulation Agreements._

A. Purpose. Pursuant to RCW 36.70B.170-210, the purpose of this section is to create an optional application procedure that could authorize certain major projects in key locations to be reviewed, rated, approved, and conditioned according to the extent to which they advance the Comprehensive Plan’s goals and policies. In addition to demonstrating precisely how it significantly advances the goals and policies of the Comprehensive Plan by achieving the threshold set forth in subsection 13.05.095(D) TMC, a threshold established based on the Comprehensive Plan goals and policies, a project located within the areas described in B(1) or B(2) must document specific compliance with the policies and standards set forth in the Downtown Element of the Comprehensive Plan.

It is anticipated that there will be a degree of flexibility in the application of the City’s development regulations so that any conditions are tailored to the specifics of the proposed project and community vision in such a manner as to ensure that significant public benefits are secured. Project approval is embodied in a
contract designed to assure that anticipated public benefits are realized according to agreed upon terms and conditions that may include, but are not limited to, project vesting, timing, and funding of on- and off-site improvements.

The City is authorized, but not required, to accept, review, and/or approve the proposed Development Regulation Agreements. This process is voluntary on the part of both the applicant and the City.

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B. Applicability. Development Regulation Agreements shall only be allowed for one of the following project types:

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4. Proposed projects located on a public facility site, as defined in subsection 13.06.700.P TMC, that are at least five acres in size and are not a public utility site.

If MPT were to pursue the DRA process, the proposal would be subject to the following review and approval criteria:

D. Review criteria. The City Manager, and such designee or designees as may be appointed for the purpose, shall negotiate acceptable terms and conditions of the proposed Development Regulation Agreement based on the following criteria:

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2. Appropriate project or proposal elements, such as permitted uses, residential densities, nonresidential densities and intensities, or structure sizes, are adequately provided to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.

3. Appropriate provisions are made for the amount and payment of fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, and other financial contributions by the property owner, inspection fees, or dedications.

4. Adequate mitigation measures including development conditions under chapter 43.21C RCW are provided.

5. Adequate and appropriate development standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.

6. If applicable, targets and requirements regarding affordable housing are addressed.

7. Provisions are sufficient to assure requirements of parks and open space preservation.

8. Best available science and best management practices shall be used to address critical areas within the property covered by a Development Regulation Agreement adopted pursuant to this section. Review of a development activity’s critical area impacts that go beyond those exempted activities identified in Section 13.11.140 TMC shall occur during the Development Regulation Agreement review process, and a separate critical areas permit is not required. Any Development Regulation Agreement approval(s) shall, to the maximum extent feasible, avoid potential impacts to critical areas, and any unavoidable impacts to critical areas shall be fully mitigated, either on- or off-site.

9. Interim uses and phasing of development and construction is appropriately provided. In the case of an interim use of a property or portion of a property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the Code requested for a final use of the property shall comply with criterion No. 10 below. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.

10. Where a phased Development Regulation Agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
11. In the case of a Development Regulation Agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures from the standards of the Code, requested by the applicant, are in the judgment of the City, off-set by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure from the Code be granted if no benefit to the City is proposed in turn by the applicant.

12. Conditions are set forth providing for review procedures and standards for implementing decisions, together with conditions explicitly addressing enforceability of Development Regulation Agreement terms and conditions and applicable remedies.

13. Thresholds and procedures for modifications to the provisions of the Development Regulation Agreement are provided.

14. A build-out or vesting period for applicable standards is provided.

15. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.

16. If appropriate and if the applicant is to fund or provide public facilities, the Development Regulation Agreement shall contain appropriate provisions for reimbursement, over time, to the applicant.

17. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

18. Penalties for noncompliance with the terms of the Development Regulation Agreement are provided.

19. The building(s) shall be L.E.E.D. certified to a gold level or certified under another well-recognized rating system to be comparable to a building that is L.E.E.D. certified to a gold level.

The proposal is consistent with the purpose, scope and applicability provisions of the TMC 13.06.560. Future development activities would be required to meet any applicable development standards of that section.

13.06.560 Parks, recreation and open space.

A. Purpose: This section describes the review process for parks, recreation and open space uses in residential zones, and provides development standards applicable to those uses in specified zones. Parks, recreation and open space uses are generally permitted outright in non-residential zones, as specified in the pertinent sections of the Zoning Code.

B. Scope and Applicability: The review process provisions of this section apply to all parks, recreation and open space uses in residential zones; the development standards are applicable as specified in subsection D, below.

C. Review Process in Residential Zoning Districts: The following definitions of Conditional park and recreational features are intentionally descriptive, rather than proscriptive. The intent is to provide clarity, while retaining adequate flexibility to accommodate future trends in park and recreational activities.

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TMC 13.06.560.D describes a range of more intensive parks, recreation and open space features that would require a Conditional Use Permit. This proposal, if approved, would clarify that in addition to the Conditional Use Permit process, the Development Regulation Agreement process is also an appropriate review pathway for features that are not permitted outright in parks, recreation and open space land uses.

2. Would the proposed amendment achieve any of the following objectives?
   - Address inconsistencies or errors in the Comprehensive Plan or development regulations;
• Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;
• Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
• Enhance the quality of the neighborhood.

MPT’s Destination Point Defiance project is a multi-year planning effort reflecting extensive public input. Its intent is to continue the long history of improvements to Point Defiance Park as one of Tacoma’s signature parks serving both Tacomans and visitors.

The proposed amendment would support MPT’s efforts to enhance and complement the character of the surrounding neighborhoods which contain a mix of land uses, including retail, commercial and residential. Allowing additional commercial and retail uses within the Park is intended to support and enhance the public users’ experience in Point Defiance, and reflects the community vision established through MPT’s planning efforts. It also reflects the major change to the area heralded by development of Point Ruston as a mixed-use community.

The proposed amendment would improve consistency between MPT’s plans and the City’s by updating the Comprehensive Plan to reflect MPT’s Point Defiance plans. It would also improve consistency between Tacoma’s Plan and regulations by adding parallel language in both places. Third, it would clarify how the City’s parks and the DRA code sections work together.

3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.

The proposal is likely to have a positive economic impact on the neighborhood and the City as a whole. Enhancing one of Tacoma’s signature parks and integrating new activities such as lodging and commercial space all promise to make the park more attractive and build its user base. In addition, these new features could generate a sustainable revenue stream to help offset the Park’s maintenance and operations cost.

The proposal can be anticipated to have a positive sustainability impact. The plans concentrate new development in areas of the park which have already been disturbed and leave natural areas undisturbed; use land efficiently by concentrating additional growth within and adjacent to compact, mixed-use neighborhoods; enhance the ability to bike or walk to and from the park, providing an alternative to travel by car; and, promote the re-use of a former brownfield site. More fundamentally, improvements at the scale proposed, promise to improve the City’s attractiveness for residents and employers. Investment in the City of Tacoma is sustainable generally, in that it concentrates development in a compact community with existing infrastructure, as opposed to on farm and forest lands outside the City.

Improvements to Point Defiance Park will have a positive health impact, particularly for active transportation choices. The park plan maintains the existing trails system, provides a new trail connection through Point Ruston, integrates with abutting city streets, and serves the ferry terminal.

MPT has conducted a full buildout assumptions analysis of the Point Defiance plan, which has been used to date to project traffic flow at the Pearl Street park entrance. Environmental determinations
under the State Environmental Protection Act (SEPA) will be addressed at the time of the DRA and/or at the project permit level.

4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

Outreach for this application will build on the extensive public process for the Destination Point Defiance project. In addition, MPT has engaged BCRA, a consultant firm, to assist with the public process. City staff are coordinating with them to identify the stakeholders.

Beginning in September of 2005, MPT undertook a major public process to develop a Point Defiance Park concept plan. In February 2008, after more than 100 public meetings, over 1,000 participants, and meetings/presentations to multiple stakeholders, the Metro Parks' Board approved the plan. The public and stakeholders also had the opportunity to provide input through design charettes, email, mail, phone calls, and surveys on and off line. The concept plan reflects that input.

Public participation did not stop in 2008. Along with numerous on and offline surveys, MPT continues to host “Third Thursday” meetings on Point Defiance Park. In addition, in 2012 MPT conducted a public process to create a Master Plan for the area called “the Triangle” (the area to the right of the Pearl Street entrance). MPT continues to involve stakeholders including the Cities of Tacoma and Ruston, several Washington State departments, the Tacoma School District, Point Ruston LLC, WSDOT Ferries and Highways, and others.

MPT reports that the stakeholder and public input has been consistently positive. Overall, MPT summarizes the input into 3 Guiding Principles: 1 - Preserving the Character of the Park; 2 - A pedestrian focus by creating safe and easy access throughout the park; 3 - Providing activities year-round.

For this application, staff and the applicants have identified and had preliminary discussions with the following stakeholders:

- Community Council - endorsement for plan (08/28/12)
- West End and North End Neighborhood Councils
- Town of Ruston (meeting on 10/03/13)
- Puyallup Tribe
- Ruston Pearl Business District (meeting on 09/30/13)

Staff’s preliminary outreach has revealed general support. Staff will continue to work with the stakeholders, and conduct additional outreach as part of the 2014 Annual Amendment package.

5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City’s public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

The proposed amendment will benefit the City as a whole by supporting the enhancement of one of Tacoma’s most well-regarded public assets – Point Defiance Park.
III. Staff Recommendation:

Staff recommends that the proposed amendments to the Comprehensive Plan and the Tacoma Municipal Code pertaining to Point Defiance Park, as applied by Metro Parks Tacoma, and as depicted in Exhibits C and D, be distributed for public review. Staff will continue to engage in public outreach and provide a summary to the Planning Commission prior to the public hearing process which is tentatively scheduled for February-March 2014.

IV. Exhibits:

A. Zoning Map
B. Development Concept Map
C. Proposed Amendments to the Comprehensive Plan
D. Proposed Amendments to the Tacoma Municipal Code
City of Tacoma Zoning Districts
*Note – These amendments show all of the changes to the existing Comprehensive Plan. The sections included are only those portions of the plan that are associated with these amendments. New text is underlined and text that is deleted is shown in strikethrough.

Open Space Habitat and Recreation Element:

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Plans for Specific Areas

Over time, the City and partners will improve the capacity to achieve the goals of this Element by developing plans for specific areas. This list is intended for larger, signature parks and open space sites. It is not exhaustive, and is intended to be updated regularly. Other public agencies, in particular Metro Parks Tacoma, maintain separate project lists which should be consulted as well. The plans are available from the City Planning and Development Services Department.

Inclusion in this section is intended to convey the City Council’s support for and recognition of the policy direction in these plans, and to convey that they are planning and implementation priorities. Inclusion in this section lends support to applications for City approvals such as Conditional Use Permits, Rezones and Development Regulation Agreements meeting the intent of these plans, as well as the policies of the OSHRE. This section also provides a forum for the Council to refine their policy direction on a given site, in consultation with the Planning Commission and other stakeholders.

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OS-SP-2 Point Defiance Park
MPT’s conceptual plan for their signature 768-acre park, referred to as Destination Point Defiance, was developed over multiple years with broad public input and support. It includes commercial, educational and recreational features (including the zoo, a lodge, eating establishments, gift shops, a visitor’s center, additional pavilion buildings, a farmers market, entertainment and educational facilities, and bike and kayak rental facilities) that broaden the use of the park and expand its function as a unique destination.

While the current (2013) Land Use Intensity Designation is Single-Family, the City recognizes the unique role that Point Defiance Park plays as a citywide and regional destination. Therefore, or until the Land Use Designation changes, alternative review processes such as Development Regulation Agreements may provide an appropriate avenue for City review of more intensive, destination-oriented features within the park.
Chapter 13.06.560 Parks, recreation and open space.

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Section C. Review Process in Residential Zoning Districts

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5. Development Regulation Agreements. Per the provisions of TMC 13.05.095, Development Regulation Agreements are an optional application procedure for major projects in key locations. In the case of park, recreation and open space uses, DRAs may facilitate application review by encompassing one or more features defined as Conditional in this section; and, DRAs can authorize alternative development standards and additional land uses to those authorized by the zoning district, that support and complement the plan and functions of a major park, recreation or open space location.