

AGENDA

CANBY PLANNING COMMISSION

REGULAR MEETING City Council Chambers

October 8, 1990 - 7:30 p.m.

I. ROLL CALL

II. MINUTES

September 24, 1990

III. COMMUNICATIONS

IV. UNFINISHED BUSINESS

V. BUSINESS FROM THE AUDIENCE

VI. PUBLIC HEARING

CUP 90-04, a request by Canby Care Center (Daniel J. Larson) for approval to construct a 60-bed long-term care facility and a 50-unit assisted living facility on a ten acre parcel located in the southeast corner of N. Redwood and Territorial Road (Tax Lots 700 and 900 of Tax Map 3-1E-37C).
Continued from September 6, 1990.

MLP 90-10, a request by Pauline Vigus, for approval to divide an 0.88 acre lot into two lots. The property is located at 551 S. Holly Street (Tax Lot 9100 of Tax Map 4-1E-4AB).

CUP 90-07, a request by First Baptist Church for approval to build a concrete slab for a basketball court, to eventually be enclosed. The site is located at 1905 N. Maple (Tax Lots 100, 300, 400, 501, 600 and 700 of Tax Map 3-1E-28DC).

VII. FINDINGS

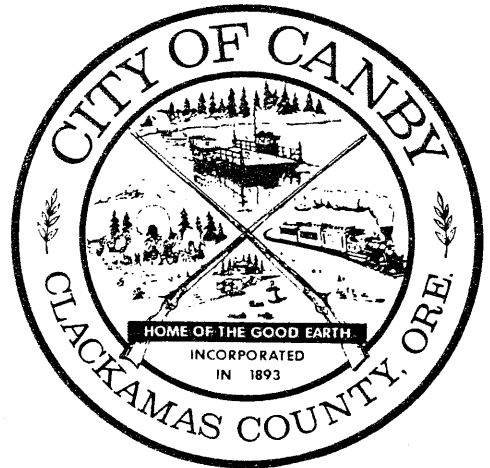
VIII . ADJOURNMENT

The City of Canby Planning Commission welcomes your interest in these agenda items. Please feel free to come and go as your please.

Kurt Schrader, Chair
Don Bear
Linda Mihata, Vice-Chair
John Zieg

Wade Wiegand
Robert Westcott
Henry Fenske

- S T A F F R E P O R T -



APPLICANT:

Pauline Vigus

FILE NO.:

MLP 90-10

OWNER:

Pauline Vigus

STAFF:

Robert G. Hoffman, AICP
Contract Planner

LEGAL DESCRIPTION:

Tax Lot 9100 of
Tax Map 4-1E-4AB

DATE OF REPORT:

September 27, 1990

LOCATION:

551 S. Holly

DATE OF HEARING:

October 8, 1990

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to divide a 38,190 square foot lot into two parcels containing 16,214 and 21,976 square feet, respectively.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. In judging whether a Minor Partition should be approved, the Planning Commission must consider the following standards:

- A. Conformance with the text and the applicable maps of the Comprehensive Plan;
- B. Conformance with all other requirements of the land development and planning ordinance;
- C. The overall design and arrangement of parcels shall be functional and shall adequately provide building sites, utility easements, and access facilities deemed necessary for the development of the subject property without unduly hindering the use or development of the adjacent properties;
- D. No minor partitions shall be approved where the sole means of access is by private road, unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to City standards is not necessary to insure safe and efficient access to the parcels;
- E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed land division.

III. FINDINGS:

A. Location:

The subject property is identified on the Clackamas County Assessor's Map as Tax Lot 9100 of Tax Map 4-1E-4AB. The property consists of approximately 38,190 square feet, with 285 lineal feet of frontage along S. Holly Street and 134 lineal feet along S.W. 6th Avenue.

The proposed lot at the corner of S. Holly and 6th Avenue is currently occupied by a single-family house addressed 521 S. Holly. There is room for adequate yards if the minor partition is granted.

B. Conformance with the Text and Maps of the Comprehensive Plan and Other Ordinances:

1. The Canby Comprehensive Plan Map shows the subject property located in a Low Density Residential District.
2. The Residential Lands Policy No. 2 (page 140, Canby Comprehensive Plan) states the following:

POLICY NO. 2: CANBY SHALL ENCOURAGE A GRADUAL INCREASE IN HOUSING DENSITY AS A RESPONSE TO THE INCREASE IN HOUSING COSTS. . .

IMPLEMENTATION MEASURES: Continue to allow for a variety of lot sizes within residential zones with the overall average equaling the minimum square footage requirement.

C. Compliance with All Other Applicable City Ordinances:

1. Section 16.60.030 of the Canby Municipal Code requires all public facilities and services be available, or made available through the development of the property.

In most cases, services will not have to be extended to serve the parcels of property proposed to be created. The following comments can be made regarding each facility/service:

a. Sewer

The City has two sewer lines in S. Sixth Avenue to the south. One is 4.45 feet deep and the other is seven feet deep. There is also a sewer in S. Holly Street to the north, that is 4.5 feet deep. There is a three foot deep sewer in S.W. Fifth, to the west. The existing house is connected to the sewer line in S.W. 6th, but the proposed lot is not adjacent to an existing sewer line and to be approved, it should be connected. Extending the seven foot deep line in S.W. Sixth appears to be the shortest and easiest route. It will have to be extended the length of the property and if it is, the lots across S. Holly can share in the cost. If a sewer line is extended, staff would like to approve the plans prior to construction.

b. Water

The water system is operated by Canby Utility Board. Capacity is available in the system. There is a 12 inch line in S.W. Sixth, to the south, and a 6 inch line in S. Holly, to the east.

c. Electricity

The electrical system is owned and operated by the Canby Utility Board. Service to the newly created parcel can be obtained. The expense of extending those services will be borne by the applicant.

d. Fire

The existing parcel is presently served by Fire District No. 62. The proposed parcel can easily be served, as well.

e. Police

The City provides police protection to the area and can easily serve the proposed parcels.

f. Storm Drainage

The City has a drywell in Holly. There is an adjacent catch basin at the northern end of the block. All on-site storm water will be dealt with on site and not discharged to the City system. This proposal does not add any additional street area to be drained.

2. Street/Traffic

Canby's ordinance requires that any newly created parcels have access to a public street. The two newly created parcels will have access to S. Holly and 6th. Both the Holly Street and 6th Avenue rights-of-way are 60 feet. These meet Canby's standards for right-of-way widths. Sidewalks are present on the entire frontage, except for the northern 10 to 15 feet of the parcel. An earlier decision was arrived at, that excluded sidewalks on S. Holly since there weren't many and the street is built-out dead-end.

D. Overall Design of the Parcels:

The partition, as proposed, will result in the creation of two rectangular lots consisting of approximately 16,214 and 21,976 square feet, respectively. Each lot will have approximately 121 and 164 lineal feet of frontage, respectively, along S. Holly Street. The applicant will be required to provide any necessary easements for utilities as a standard condition of approval.

The subject property is generally flat with adequate room for building and required setbacks and yards.

Conclusion:

1. Staff finds that the partition requested is in conformance with the Comprehensive Plan Map and the Municipal Code.
2. Staff concludes that the overall design of the proposed partition will be compatible with the area and will provide adequate building area and area for the provision of public facilities and services.

3. Staff concludes that the partition will have adequate frontage on a public street to insure safe and efficient access.
4. Staff concludes that all necessary public services will become available through the development of the property, to adequately meet the needs of the proposed land division.

IV. RECOMMENDATION:

Based upon the findings and conclusions in this report, the information submitted by the applicant, and the additional information contained in the file, staff recommends approval of MLP 90-10, subject to the following conditions:

1. The applicant shall prepare a final partition map. The final partition map shall be a surveyed plat map meeting all of the specifications required by the Clackamas County Surveyor. Said partition map shall be recorded with the Clackamas County Surveyor and Clackamas County Clerk, and a copy of the recorded map shall be provided to the Canby Planning Department.
2. A new deed and legal description for the new lots shall be prepared and recorded with the Clackamas County Clerk. A copy of the new deeds shall be provided to the Canby Planning Department.
3. Easements 12 feet in width shall be dedicated around both parcels, and 6 feet in width from each parcel adjacent to the line dividing the two lots.
4. Plans to extend the sewer shall be approved for construction by the Director of Public Works, prior to the issuance of a building permit on the site.
5. All monumentation and recording fees shall be borne by the applicant.
6. All utilities must meet the standards and criteria of the providing utility authority.

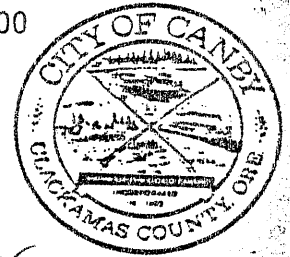
EXHIBITS

1. Applicant's Application
2. Vicinity Map

Michael G. Vigos

WR# 682-0515 - 678-5433
Home# 678-5848

\$150.00



MINOR LAND PARTITION APPLICATION

OWNER

APPLICANT

Name Pauline Vigos
Address 551 S. Holly St
City Canby State OR Zip 97013
SIGNATURE Pauline Vigos

Name Pauline Vigos
Address 551 S. Holly St
City Canby State OR Zip 97013
Phone 266-9210

DESCRIPTION OF PROPERTY

Tax Map 41E 4AB Tax Lot(s) 9100 Lot Size 0.88 Ac.
N.W. 1/4 N.E. 1/4 SEC. 4 T4S R1E.W.M. (Acres/Sq. Ft.)

or
Legal Description, Metes and Bounds (Attach Copy)
Plat Name _____ Lot _____ Block _____

PROPERTY OWNERSHIP LIST

Attach a list of the names and addresses of the owners of properties located within 200 feet of the subject property (if the address of the property owner is different from the situs, a label for the situs must also be prepared and addressed to "Occupant"). Lists of property owners may be obtained from any title insurance company or from the County Assessor. If the property ownership list is incomplete, this may be cause for postponing the hearing. The names and addresses are to be typed onto an 8-1/2 x 11 sheet of labels, just as you would address an envelope.

USE

Existing Residential Proposed Residential
Existing Structures House, Carport,

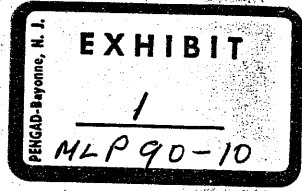
PROJECT DESCRIPTION

Own 1 Lot 9100 Divide into Two Lots
Too Build New home.

ZONING Residential 1 COMPREHENSIVE PLAN DESIGNATION Residential 1

PREVIOUS ACTION (if any) _____

File No. _____
Receipt No. _____
Received by _____
Date Received _____
Completeness Date _____
Pre-App Meeting _____
Hearing Date _____



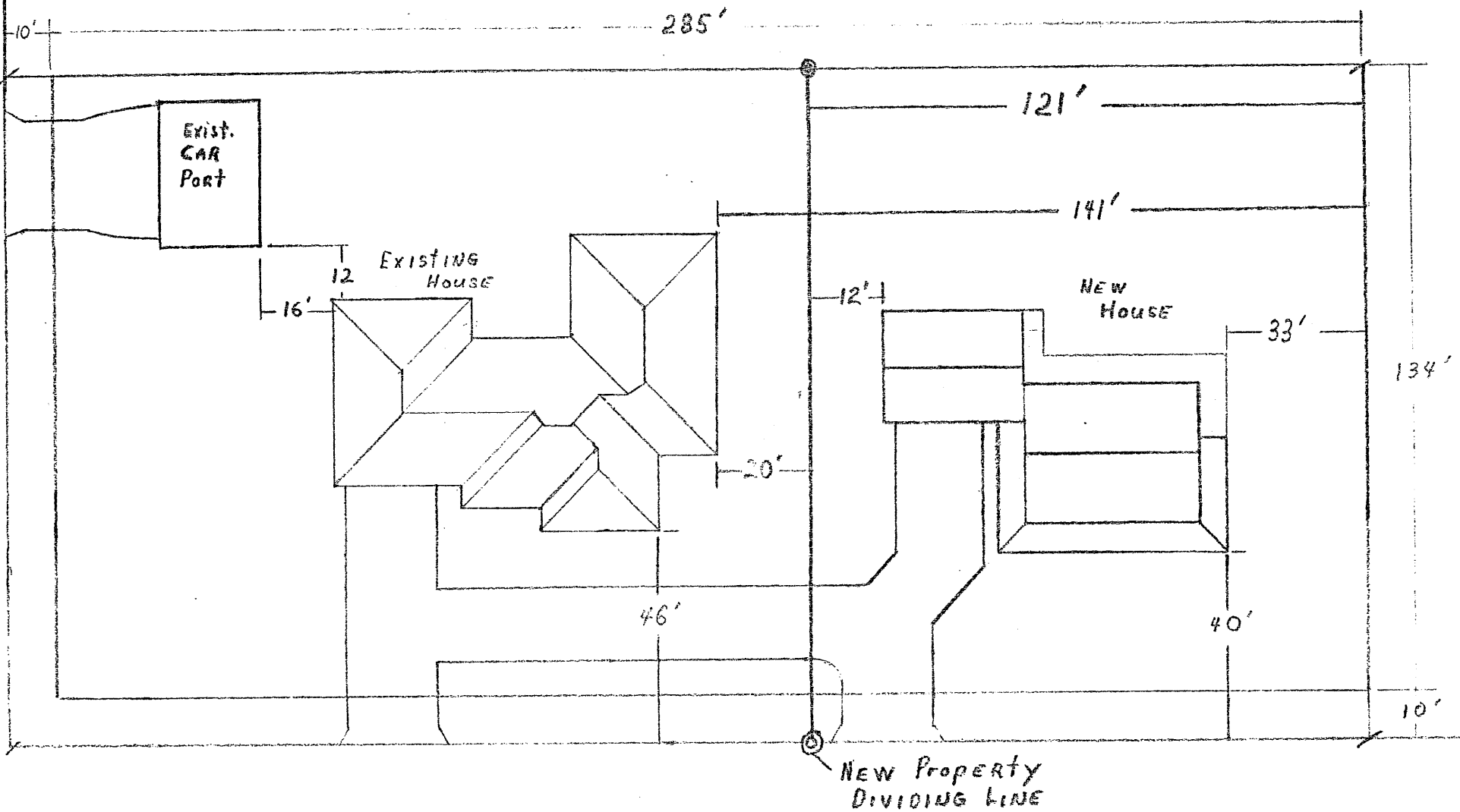
* If the applicant is not the property owner, he must attach documentary evidence of his authority to act as agent in making application.

I would like to divide
lot # 9100 into two lots,
in order to build a
second home for myself,
and rent my existing
home to my son Michael.

I feel this complies
with the city of Ledy
ordinance, as per
plot plan included.

Pandine Vigue

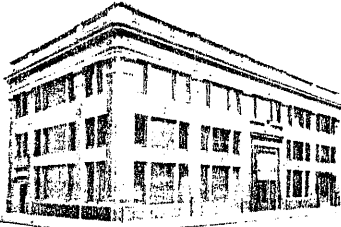
SW 6th Ave



S. Holly St.

PLOT PLAN LOT 9100
PAULINE VIGUS

12-1'



COMMONWEALTH, INC.

TITLE INSURANCE · · ESCROWS
ATWATER 8141 · 731 S. W. STARK STREET

PORTLAND 5, OREGON

OREGON CITY ABSTRACT CO.

\$ 1600.00

PREMIUM \$ 21.00

No. 3-7741

Owner's Title Insurance Policy

FOR VALUE, COMMONWEALTH, INC., a corporation (incorporated under the laws of the State of Oregon and duly authorized by the State Insurance Commissioner to insure titles in said state), hereinafter called the Company,

Does Hereby Insure

subject to the annexed conditions, hereby made a part of this policy,

--JOHN D. VIGUS and PAULINE A. VIGUS, his wife--

heirs and devisees (or if a corporation, its successors) hereinafter called the Insured, against loss or damage not exceeding
SIXTEEN HUNDRED and no/100 - - - - - Dollars,

which the Insured may sustain by reason of any defect in or unmarketability of the Insured's title to all the estate or interest in the premises specified and hereinafter described or by reason of liens or incumbrances charging the same at the date of this policy, saving and excepting, and this policy does not insure against loss or damage by reason of any estate or interest, defect, lien, incumbrance or objection hereinafter set forth in the written or printed exceptions contained in this policy.

Any loss under this policy is to be established in the manner provided in said conditions and shall be paid upon compliance by the Insured with and as prescribed in said conditions, and not otherwise.

The effective date of this policy is August 14, 1953 at 5 P.M.

IN TESTIMONY WHEREOF, COMMONWEALTH, INC., has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

COMMONWEALTH, INC.

By

President

This policy shall not become effective until countersigned.

Countersigned:

OREGON CITY ABSTRACT COMPANY

By

By

President

Vice-President

Schedule A

1. The estate or interest covered by this Policy:

--The fee simple estate, as tenants by the entirety.--

2. Description of the tract of land the title to which is insured by this Policy:

--A tract of land in Section 4, T.4.S.R.1.E. of the W.M., described as follows:

Beginning at the southeast corner of the northeast quarter of the northwest quarter of said section 4, said corner being south 19.95 chains from the quarter section corner on the north boundary of said Section 4; thence N. 26°45' W. 601.36 feet to the northwesterly boundary of that certain tract conveyed to the City of Canby, for road purposes, by deed recorded July 24, 1946 in book 372 page 389 deed records; thence N. 63°30' E. along said northwesterly boundary of said City of Canby tract, 314.50 feet to the most easterly corner of that certain tract sold to Ed Toothman etux, by contract recorded Nov. 4, 1946 in book 19 of Misc. page 597; and the true place of beginning of the tract herein described; thence N. 26°42'45" W. along the northeasterly line of said Toothman tract 285.00 feet more or less to the northwesterly line of that certain tract conveyed to Albin P. Erickson etux by deed recorded Jan. 18, 1945 in book 337 page 683 said records; thence N. 63°14' E. along said northwesterly line of said Erickson tract 134.00 feet more or less to the southwesterly line of a proposed street as laid out by a survey by Frank Sperb, Registered Land Surveyor; thence S. 26° E. along the southwesterly line of said proposed street, 285 feet more or less to the northwesterly boundary of the aforementioned City of Canby tract; thence S. 63°30' W. along said northwesterly boundary of said City of Canby tract, 134.00 feet more or less to the true place of beginning.

Situate in the County of Clackamas and State of Oregon.--

10711

BOOK 472 PAGE 417

KNOW ALL MEN BY THESE PRESENTS, That Albin Erickson, also known as Albin P. Erickson, and Anna E. Erickson, his wife

in consideration of Ten and no/100 - - - - - Dollars,

to them paid by John D. Vigus and Pauline A. Vigus, his wife

do hereby grant, bargain, sell and convey unto the said grantee(s), their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

A tract of land in Section 4, T.4.S.R.1.E. of the W.M., described as: Beginning at the Southeast corner of the Northeast quarter of the North West quarter of said Sec. 4, said corner being South 19.95 chains from the quarter section corner on the N. boundary of said Section 4; thence N.26° 45' W.601.36 feet to the Northwesterly boundary of that certain tract conveyed to the City of Canby for road purposes by deed recorded July 21, 1946 in bk 372 at pg 389 deed records; thence N.63° 30' E., along said Northwesterly boundary of said City of Canby tract, 314.50 feet to the Northwesterly corner of that certain tract sold to Ed Toothman et ux by contract recorded Nov. 4, 1946 in bk 19 of Misc. pg. 597, and the true place of beginning of the tract herein described; thence N.26° 42' 45" W. along the Northwesterly line of said Toothman tract 285.00 feet, more or less, to the Northwesterly line of that certain tract conveyed to Albin P. Erickson et ux by deed recorded Jan. 18, 1945, in bk 337 pg 683, deed records; thence N. 63° 14' E., along said Northwesterly line of said Erickson tract, 134.00 feet, more or less, to the Southwesterly line of a proposed street as laid out in a survey by Frank Sperb, Registered Land Surveyor; thence S.26° E. along the Southwesterly line of said proposed street, 285 feet, more or less, to the Northwesterly boundary of the aforementioned City of Canby tract; thence N. 63° 30' W., along said Northwesterly boundary of said City of Canby tract, 314.00 feet, more or less, to the true place of beginning.



To Have and to Hold the above described and granted premises unto the said grantee(s), their heirs and assigns forever.

And the grantor(s) do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances,

and that they will and their heirs, executors and administrators shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hand and seal this 26 day of June, 1953.

Albin P. Erickson (SEAL)
Anna E. Erickson (SEAL)

STATE OF OREGON, County of Clackamas ss. On this 26 day of June, 1953, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Albin Erickson also known as Albin P. Erickson, and Anna E. Erickson, his wife

who are known to me to be the identical individual(s) described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

H. H. Crested Notary Public for Oregon. My Commission expires 2-18-1955.

PHOTOSTAT

WARRANTY DEED (FORM No. 632)

Albin Erickson, aka Albin P. Erickson, et ux TO John D. Vigus, et ux

STATE OF OREGON, County of Clackamas, ss. I, Guy H. Pace, County Clerk, Ex-Officio Recorder of Conveyances and Ex-Officio Clerk of the Circuit Court of the State of Oregon, for the County of Clackamas, do hereby certify that the within instrument of writing was received for recording and recorded in the records of said County at

DEED of said County at 1953 AUG 14 AM 9:42 BOOK 472 PAGE 417

Witness my hand and seal of said Court affixed. GUY H. PACE, County Clerk, Deputy. Marshall Hagan

CANBY UNION BANK CANBY, OREGON 96-154

10711

10711-5

VICINITY MAP

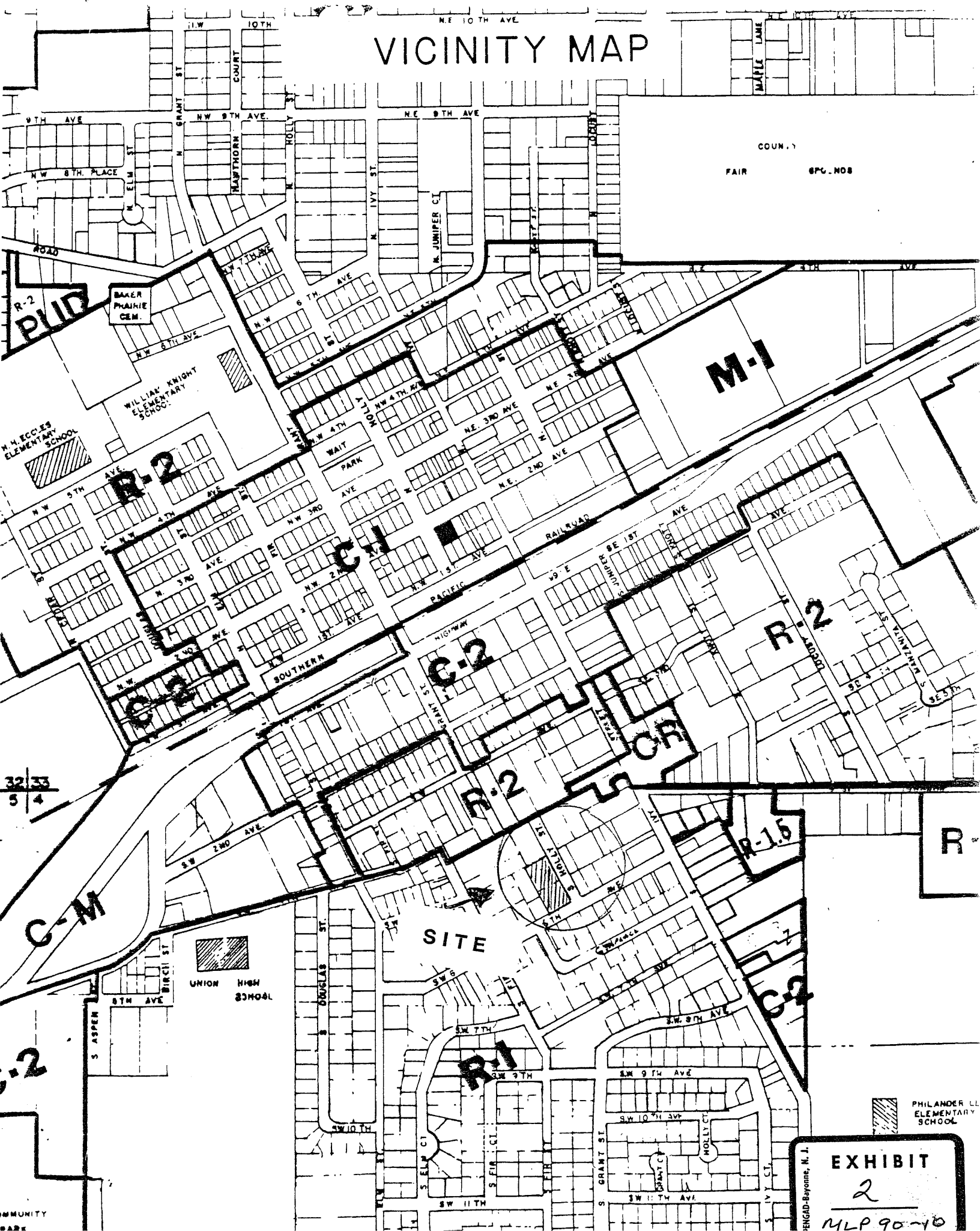
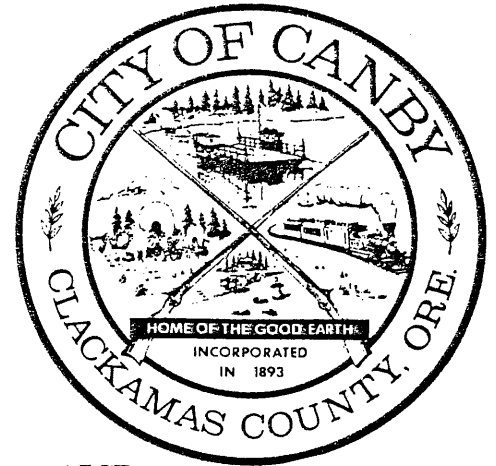


EXHIBIT
2
MLP 90-10

WINGAD-Bayonne, N. J.

- S T A F F R E P O R T -



APPLICANT:

Orval R. Denniston

FILE NO.:

CUP 90-07

OWNER:

First Baptist Church

STAFF:

Robert G. Hoffman, AICP,
Contract Planner

LEGAL DESCRIPTION:

Tax Lots 100, 300, 400, 501,
600 and 700 of
Tax Map 3-1E-28DC

DATE OF REPORT:

September 27, 1990

LOCATION:

1905 N. Maple

DATE OF HEARING:

October 8, 1990

COMP. PLAN DESIGNATION:

Low Density Residential

ZONING DESIGNATION:

R-1

I. APPLICANT'S REQUEST:

The applicant is requesting approval to construct a concrete slab for a basketball court, to be enclosed in a play shed at a future date.

II. APPLICABLE CRITERIA:

This is a quasi-judicial land use application. The proposed use is a conditional use in an R-1 zone. In judging whether a Conditional Use should be approved, the Planning Commission shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- A. The proposal will be consistent with the policies of the Comprehensive Plan and the requirements of this title and other applicable policies of the City.
- B. The characteristics of the site are suitable for the proposed use considering size, shape, design, location, topography, existence of improvements and natural features.
- C. All required public facilities and services exist to adequately meet the needs of the proposed development.
- D. The proposed use will not alter the character of the surrounding areas in a manner that substantially limits or precludes the use of surrounding properties for the uses listed as permitted in the zone.

III. FINDINGS:

A. Background:

1. Property Identification:

- a. The subject property is identified on the Clackamas County Assessor's Map as Tax Lots 100, 300, 400, 501, 600 and 700 of Tax Map 3-1E-28DC. The applicant is proposing to construct a concrete slab for a basketball court, to be enclosed in a play shed at a future date.
- b. The property is located in the rear portion of 1905 N. Maple behind the existing First Baptist Church.
- c. There are existing single family homes located immediately to the north. The existing church building is located approximately 180 feet to the east of the proposed court location on the site. A large open ball diamond and soccer field lies immediately to the south with three houses beyond it. The City limits, Urban Growth Boundary and existing agricultural fields lie immediately to the west.

2. Site Characteristics

The current site is a flat grassy field. The USDA Soil Survey for Clackamas County identifies the predominant soil on the property as Latourell Loam or Canderly Sandy Loam. These are basically Type I and II soils which are appropriate for urban type development without serious constraints.

B. Comprehensive Plan Consistency Analysis

1. Urban Growth Boundary

The application is for a site which lies wholly within the Urban Growth Boundary and is appropriate for urban type uses and services. The proposed development is urban in use and is, therefore, consistent with the intent of the Urban Growth Boundary policies.

2. Land Use

The proposed land use in the Comprehensive Plan for the subject site is low density residential. The proposed use for the site under the subject application is for a concrete slab for a basketball court and later to be enclosed within a play shed. This is a residentially compatible use provided adequate access and buffering is provided. Thus, the proposal is consistent with the Comprehensive Plan land use proposals.

3. Environmental Concerns

The soil types are appropriate for the proposed use without serious constraints. Air and water resources are not negatively impacted. The land is proposed to be used for an appropriate urban use. This conditional use review process will consider any necessary measures to protect against noise impacts. Mineral, Historic, Scenic, Open Space and Fish and Wildlife Resources are not affected, except insofar as a small portion of a recreation playfield is proposed for conversion to a basketball court use. This does not appear to have negative impacts. There are no known topography, slope, or flood hazards or other construction constraints relative to the site.

4. Transportation

The proposed use will be accessed from both Territorial Road and from Maple Street. There are two large parking areas near the proposed court and an additional large parking area is proposed for future phases. Sidewalk and adequate road systems serve the area. Territorial Road is designated as a bike route. The site has two access roads and parking areas which are well located to serve the proposed use. Thus, the proposed site appears to meet the intent of the transportation policies.

5. Public Facilities

The area appears to be served by an appropriate level of public facilities and services.

6. Economic, Housing and Energy Conservation

These Comprehensive Plan policy areas do not appear to be applicable, except insofar that the proposed basketball court will provide desirable recreational services to a portion of the Canby population and will give some support to these other policy areas.

C. Zoning Consistency Analysis

The proposed use, a concrete slab for a basketball court, to be enclosed in a play shed at a future date, is often found within residential areas and associated with residentially related uses such as schools and churches. It has previously been determined to be a conditional use within the R-1 zone.

Code Section 16.50.010 lists standards for approving a conditional use. Analysis according to this criteria follows:

a. Consistency with the Comprehensive Plan and Other Applicable Policies

The previous discussion outlined in some detail how the proposal relates to the Comprehensive Plan policies. The following discussion will relate to the requirements of this title and other applicable policies:

1. Site Suitability

The site, size, shape, location and topography are all more than sufficient for the proposed use. The area of the entire site is approximately 7 acres in size. Considering other similar facilities, this is a size that can contain the combination of current and proposed future uses and facilities without any serious constraints, except parking. Parking needs will be considered separately. The site shape is composed of regular polygons which do not present any serious design difficulties. The location is within a residential area and adjacent to agricultural uses and on adequate service streets. The agricultural use is outside the UGB, while the proposal is within the UGB, which presents no serious incompatibilities. The adjacent single family homes

can be protected from any adverse effects by distance or other forms of buffering. The topography is flat and does not present any difficulties. The proposed design is to initially construct a 60 foot by 96 foot concrete slab to be used for basketball. A play shed is proposed to cover this slab at some future date. Design of the shed is not a part of this review. The proposed slab is located on the plot plan approximately 15 feet from the property line. Adjacent single family homes have a required rear yard of an additional 15 feet. Thus, under the proposal, it is possible for residential living space to be located only 30 feet from active basketball games, with their associated bouncing balls and vocal sounds. Further, the outdoor residential activities would be located up to 15 feet closer. Therefore, staff finds some form of sound barrier is desirable to screen the potential noise. This could take the form of greater distance, sound resistant fencing or some combination.

2. Parking Requirements

According to Planning Department records, the first phase of the Church construction required 54 parking spaces. The second phase, the school, required an additional 27 spaces. Parking areas existing on the site contain 70 paved spaces and eight unpaved parking spaces. Provided that it can be shown that the same people who have already been served by the church and school parking will be using the basketball court, or provided that the time of uses do not overlap, then no additional parking spaces are required. Otherwise, five additional spaces will be required. This is determined by assuming ten players will use the court at one time. It is assumed that they would be arriving by separate vehicles, with an average of two persons per car.

3. Noise

The site plan provided by the petitioner shows an undimensioned drawing indicating approximately a 15 foot setback from the property line. This is a shared property with single family homes which are required to have at least a 15 foot rear yard. Bouncing a basketball on concrete surfaces, and youngsters or adults playing basketball, creates a noise which can be unpleasant for non-participants, if too close to other residential areas. The writer has field-tested this phenomenon and has determined that a total distance of only 30 feet from residential building areas is not sufficient.

The total distance should be at least 50 feet, or a setback from the property line of 35 feet. Ground-borne noise and vibration is not a problem at this distance for below-grade living space. This has been determined by field investigation. There is adequate space on the site to provide this scale of setback without compromising the ultimate site plan. Evening use should be restricted since even minimal noise could be bothersome to people in sleeping areas with open windows. The ultimate site plan indicates a gym building at this location. Enclosing the play space will aid in further limiting game noise.

4. Utilities

The location of utilities are not part of this staff report since we have no indication that they are needed. There are no conflicts known at this time.

IV. CONCLUSION

Considering the previous analysis, staff determines that with the proposed conditions, the proposal is consistent with the policies of the Comprehensive Plan and meets the requirements of the conditional use approval criteria.

V. RECOMMENDATION

Staff recommends that the Planning Commission, based on the facts, findings and conclusions of this report, approve CUP 90-07 for a concrete slab for a basketball court, to be enclosed in a play shed at a future date, with the following conditions:

1. The applicant shall provide proof, in an affidavit, that the court will be used by the same people who are currently served by the parking areas, or that the court is used during different hours than other site activities, or an additional five parking spaces shall be provided on the site.
2. A setback of 35 feet from the property line shall be provided.
3. No lighting shall be provided for court use and the court shall not be used beyond daylight hours until enclosed.
4. Prior to the issuance of a building permit, compliance with the above conditions shall be determined by the Planning Director.

Exhibits:

1. Vicinity Map
2. Preliminary Plan

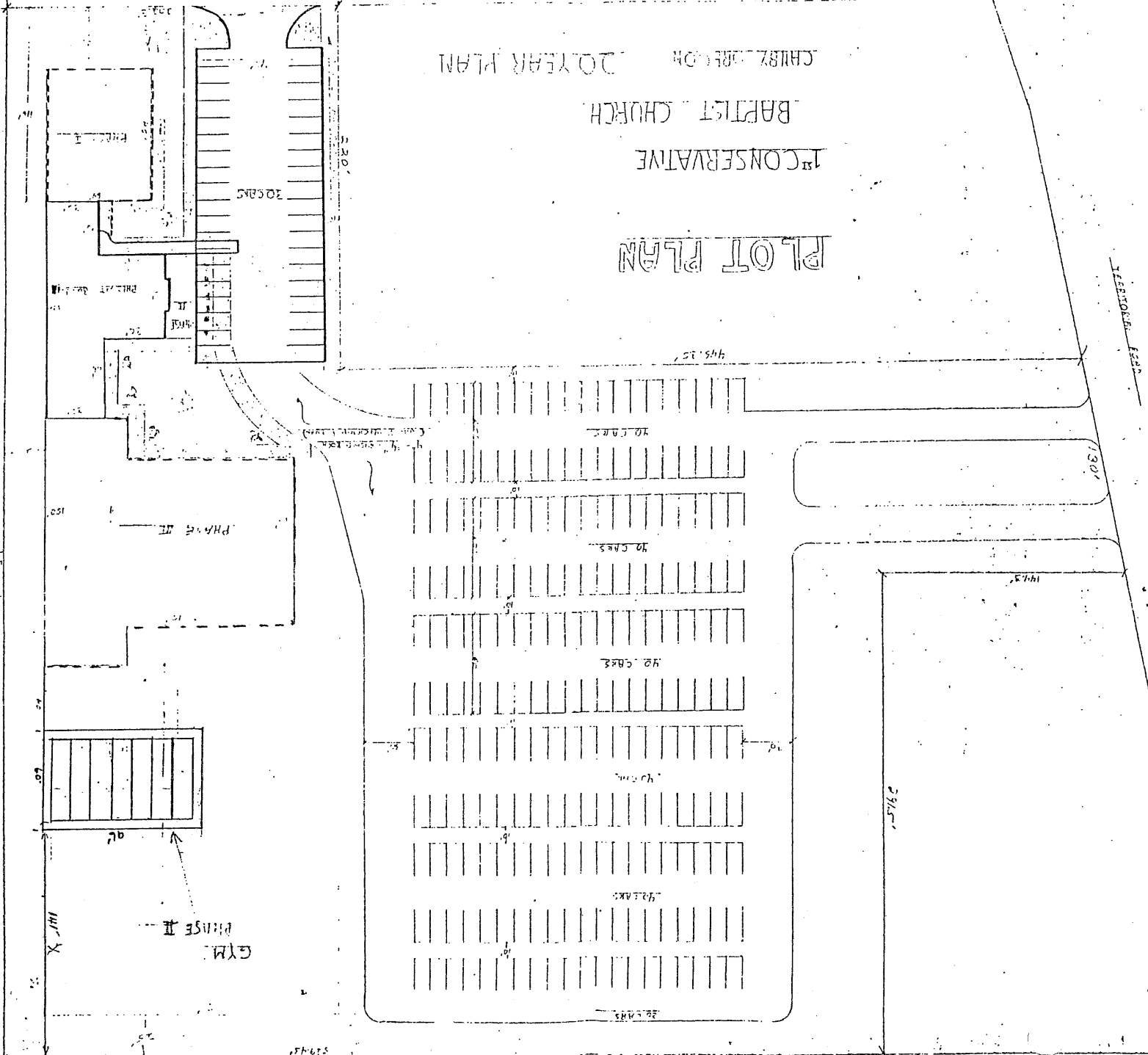
EXHIBIT
2
DUP 90-07

SCALE 1"=60'

MAPLE STREET

1ST CONSERVATIVE
BAPTIST CHURCH
20-YEAR PLAN
CHURCH BUREAU

PLOT PLAN



28 JUNE 1970