

January 22, 2007
4.3 (b)

ISSUE: Zone Change 06-15

DATE OF DECISION: January 5, 2007

APPLICANT: Stacey L. Orchard

PURPOSE OF REQUEST:

To change the zoning from RS (Single Family Residential) to RA (Residential Agriculture) for a property approximately 10,332 square feet in size and located at 4433 Country Lane NE.

ACTION:

The Hearings Officer **DENIES** the request to change the zone from RS (Single Family Residential) to RA (Residential Agriculture) for property approximately 10,332 square feet in size and located at 4433 Country Lane NE.

Application Filing Date: October 24, 2006
State Mandated Decision Date: February 21, 2007

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than January 22, 2007, 5:00 p.m. The appeal must state where the decision failed to conform to the provisions of the Zone Change ordinance (SRC Chapter 113). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

A copy of the findings and conclusions for this decision may be obtained by calling the Salem Planning Division at (503)588-6173, or writing to the following address: Salem Planning Division; Room 305, Civic Center, 555 Liberty Street SE; Salem, Oregon 97301.

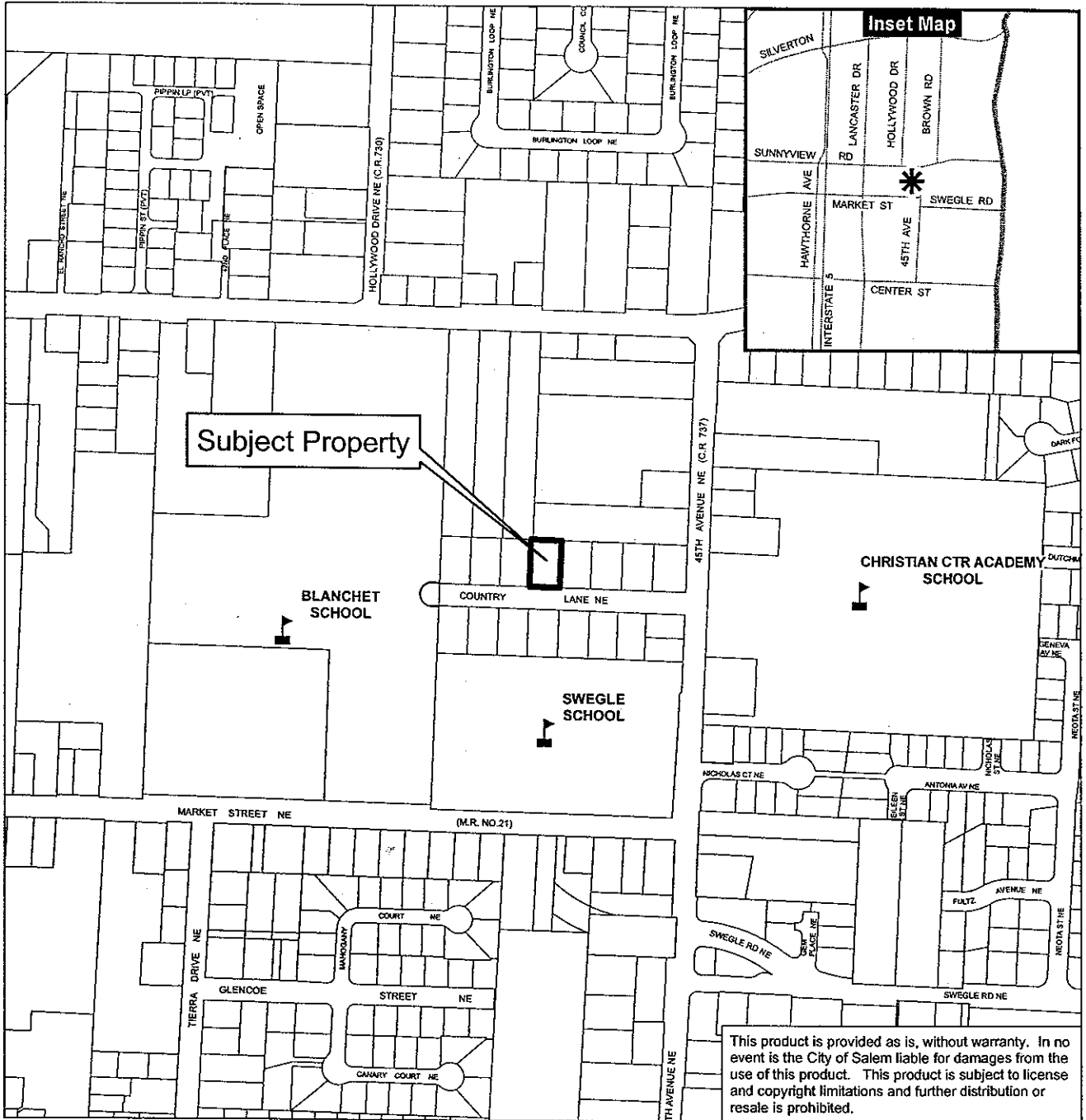
Case Planner: Kevin Russell, Associate Planner, Ext. 7597, krussell@cityofsalem.net

HEARINGS OFFICER

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

City of Salem
AT YOUR SERVICE

Vicinity Map 4433 Country Lane NE



Subject Property

Inset Map

CHRISTIAN CTR ACADEMY SCHOOL

BLANCHET SCHOOL

SWEGLE SCHOOL

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Legend

- Outside Salem City Limits
- Schools
- Urban Growth Boundary
- Parks
- Taxlots



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

SUMMARY OF ACTION

1. **Case:** Zone Change 06-15
2. **Summary of Issue(s):** To change the zone from SF (Single Family Residential) to RA (Residential Agriculture) for a parcel 10,332 square feet located at 4433 Country Lane.
3. **Staff Recommendation:** Deny the Zone Change
4. **Neighborhood Association:** East Lancaster Neighborhood Association (ELNA)
 - Testimony:** None
 - Written:** Recommended denial of the zone change request.
5. **Interested Parties:**
 - Testimony:** Two surrounding property owners
 - Written:** Two comment letters and one neighborhood petition.

Staff Comment: The submitted correspondence included a petition signed by ten surrounding homeowners encouraging denial of the zone change request. The applicant is currently raising fowl (turkeys and chickens) on the property, which is an prohibited use within the RS (Single Family Residential) Zoning District. The City has pursued enforcement action and has requested removal of the birds from the property. The applicant has applied to change the zoning to RA (Residential Agriculture), which would allow her to keep the fowl on the property. The neighborhood correspondence cites multiple problems with generated by the birds including odor and noise and expresses concerns that approval of the zone change will allow this use to continue.
6. **Decision:** The Hearings Officer **denied** the requested zone change as recommended by staff.
7. **Basis of Decision:** Based upon the Facts and Findings as provided by staff and the information provided at the public hearing, the Hearings Officer denied the Zone Change. The Hearings Officer's decision was based on the proposal's inability to meet the approval criteria for zone changes contained within the zoning code including: conformance with all applicable criteria imposed in the zoning code and the applicable goals and policies of the Comprehensive Plan, a change in the social, economic, or demographic patterns of the neighborhood or community, and the effect of the proposal on the neighborhood.

Note: This summary statement is for information only and is not a part of the official record or finding of the case.