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November 25, 2024

Via Electronic Mail  
Honorable Mayor and Members of the City Council  
c/o Peter Domine, Planner II  
City of Salem, Planning Division  
555 Liberty St. SE Rm 305  
Salem Or 97301

RE: Comprehensive Plan Amendment and Zone Change CPC Case No. CPC-ZC24-01

Dear Honorable Mayor and Members of the City Council:

This firm represents Bob Bolt, the applicant and owner of the property at 650 15th Street SE which is the subject of CPC-ZC24-01. Please include this letter in the record of the above matter.

First, we express our sincere appreciation for staff's cooperative effort working with the owner/applicant to evaluate the proposal in light of the city's and owner/applicant's interests and their assistance developing a modest adjustment of the city's decision in the above matter that achieves both. The proposed modest adjustment to the city's initial decision is possible under a LUBA procedure allowing a city decision to be withdrawn for reconsideration in appropriate circumstances. This is an appropriate circumstance. LUBA allowed the city to withdraw the above decision for this reconsideration now before you. If the request is approved, that LUBA appeal is dismissed.

The subject property was long zoned Industrial Commercial (IC) and General Industrial (IG). For decades it was used for heavy industrial warehousing and storage. Due to environmental contamination that occurred before the current owner acquired the property, the site underwent a significant cleanup, after which the Department of Environmental Quality (DEQ) issued an order prohibiting residential and agricultural uses on the property. However, during a sweeping legislative amendment, the city changed the property's plan and zone from industrial to residential use without being aware that DEQ had prohibited the property from being put to residential uses. Recognizing that this disconnect had occurred and at the applicant's expense, the city returned the subject property to its prior industrial plan designation and zone so that the allowed uses were again consistent with DEQ's order.

During the rezoning process, there was no public comment and importantly there was no public opposition to the request to change the property back to industrial zoning. Nonetheless, the Planning Commission on its own imposed conditions that restricted the allowed industrial uses well beyond those that the General Industrial (IG) zone allows. The City Council affirmed the Planning Commission. The owner/applicant can live with most of the use restrictions that

were imposed. However, one use restriction condition is particularly devastating, prohibiting heavy vehicle and trailer service and storage that is otherwise allowed in the IG zone. Please understand that the property owner purchased the subject property in order to operate a small business that depends upon the ability to store and service heavy vehicles and trailers on the site, as had been a site use for many years. That use restriction causes extreme hardship to the property owner and makes the property largely unusable for industrial use. That is the use restriction that is sought to be removed here.

In response to the restrictions imposed on the allowed industrial uses, the applicant appealed to the Land Use Board of Appeals (LUBA) seeking relief. In response to that appeal, city staff invited the owner/applicant to identify the uses that they wanted to make of the property to see if a compromise was possible. Through discussions with city staff, it was recognized that heavy vehicle and trailer service and storage uses are essential to the applicant. It was also recognized that heavy vehicle and trailer service and storage uses are acceptable uses of the property for the city and are ones that are allowed in the IG designation and zone, if the condition against them is removed. City staff clarified that their primary concerns had been related to other prohibited uses, such as waste-related facilities regarded as disruptive or "obnoxious." The applicant agreed that other listed prohibited uses could remain in the conditions of approval, so long as heavy vehicle and trailer service and storage were restored as allowed uses. As noted, this reconsideration proceeding is designed to memorialize that compromise addressing the city's concerns while allowing the applicant to use the property as is essential for their business.

Another condition that had been imposed required that all vehicle storage areas on the property be paved with a hard surface material. This too created a significant hardship without much corresponding benefit to anyone. Staff agreed that this condition could also be removed, as it imposed an unnecessary financial burden as well as adding unnecessary impervious surfaces with runoff issues, without a substantial benefit to the functionality or safety of the site. The removal of this condition allows the property owner to use the site effectively within the IG zoning framework. Additionally, the applicant agreed to install landscaping on up to 15 percent of the site, with a particular focus on the northern property boundaries. This landscaping is intended to mitigate any visual and operational impacts of the subject site's industrial uses on potential future residential redevelopment of adjacent properties to the north. By so agreeing, the applicant/owner demonstrated their willingness to collaborate on compatibility between the industrial site and the abutting area.

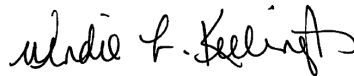
In all, this reconsideration represents a collaborative effort to resolve the issues raised in the LUBA appeal. By withdrawing the original decision for reconsideration, the city demonstrates its willingness to constructively work with a property owner to balance reasonable and fair use of the subject property with the city's broader planning objectives. The proposed amendments to the conditions of approval acknowledge the importance of preserving lawful industrial uses that support Goal 9 (Economy of the State) and local businesses while preserving the city's planning interests.

Therefore, the owner/applicant respectfully requests the Council adopt the proposed consensus amendments between the applicant and city staff, that the city:

1. Restore heavy vehicle and trailer service and storage as permissible uses of the property per the IG zoning;
2. Remove the requirement to pave vehicle storage areas.

As noted, the proposal represents a balanced and equitable solution that is designed to meet the city's needs, while allowing the owner to use his industrial property for uses that it is well suited for, consistent with DEQ's restrictions. We hope you agree and approve this collaborative resolution. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" being more prominent.

Wendie L. Kellington

WLK:wlk  
CC: Client  
Britany Randall