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BRAND

650 15TH STREET SE

Comprehensive Plan Amendment and Zone Change

23-122305-PLN

AGENDA

- 01 – Team Introduction
- 02 – Background and Request
- 03 – Vicinity Map
- 04 – DEQ Restriction
- 05 – DEQ Violation Consequences
- 06 – Summary
- 07 – Questions



01 - TEAM INTRODUCTION

Property Owner:

Robert Bolt

Land Use Consultant:

**Britany Randall of
BRAND Land Use, LLC**

02 – BACKGROUND AND REQUEST

2015

Environmental
Investigation
– No further
action,
executed deed
restriction

2022

Property is
zoned IG
and listed
for sale

11-2022

Current
property
owner closes
on purchase

12-2023

BRAND
requests
city-
initiated
application

2018

DEQ deed
restriction
recorded

08-2022

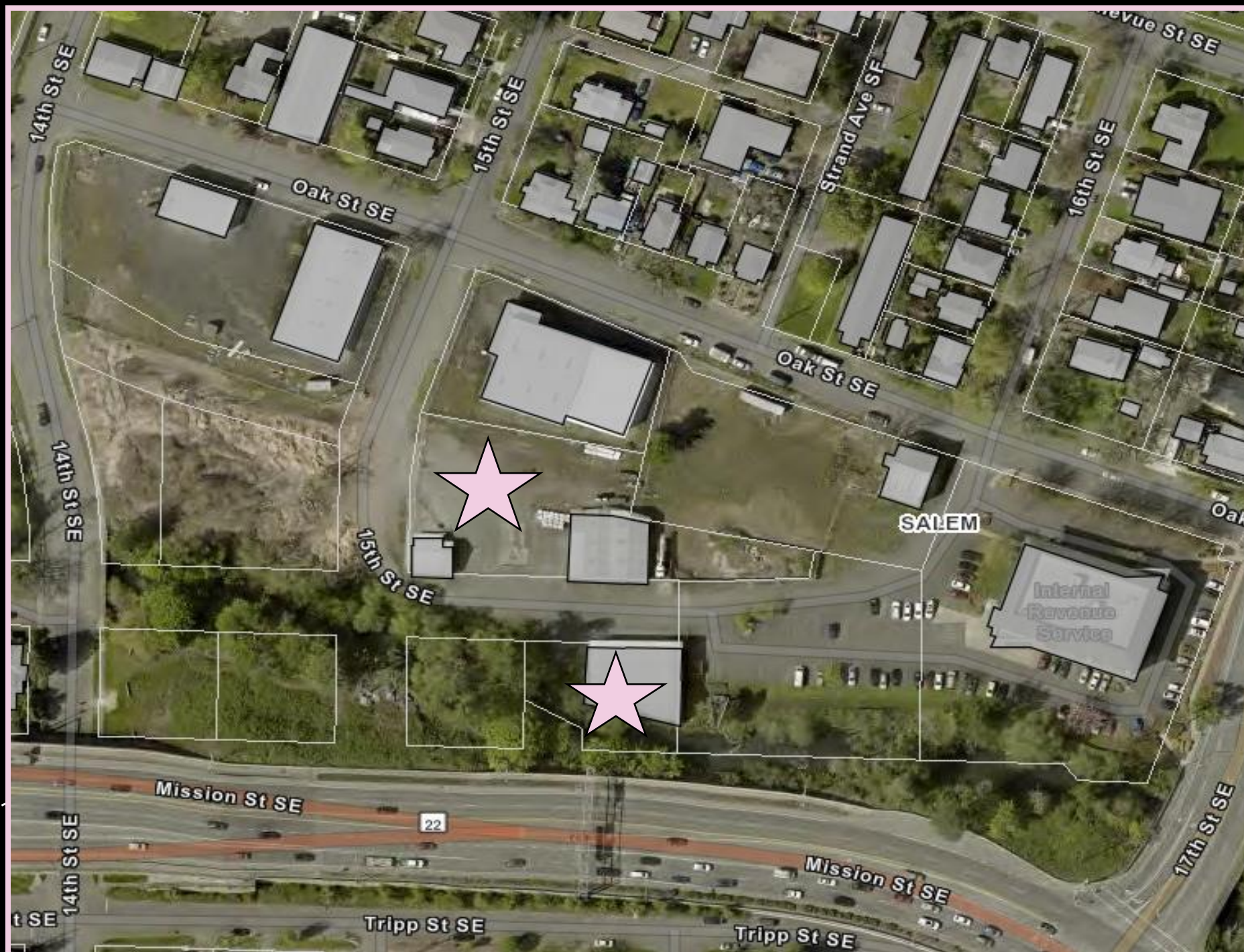
Our Salem
changes
designation
to RM

01-2023

Current
property owner
discovers
industrial uses
are not
permitted

01-2024

Application
deemed
complete
and set for
processing



03 - VICINITY MAP

04 – DEQ RESTRICTION

3.2 Land Use Restrictions. The following operations and uses are prohibited on the Property:

- a. Residential use of any type; and
- b. Agricultural (food-crop) use of any

3.4 Use of the Property. Owner may not occupy or allow other parties to occupy the Property unless the controls listed in this Section 3 are maintained.

05 – DEQ VIOLATION CONSEQUENCES

6.7 Enforcement and Remedies. Upon any violation of any condition or restriction contained in this EES, the State of Oregon, in addition to the remedies described in Section 4, may enforce this EES as provided in the DEQ J.C. Jones Oil Site Staff Memorandum in support of a conditional No Further Action Determination, dated October 22, 2015, or seek available legal or equitable remedies to enforce this EES, including civil penalties as set forth in ORS 465.900.

- DEQ enforcement
 - **ORS 465.900** - *In addition to any other penalty provided by law, any person who violates a provision of ORS 465.200 (Definitions for ORS 465.200 to 465.545) to 465.545 (Suspension of dry-cleaning fees), or any rule or order entered or adopted under ORS 465.200 (Definitions for ORS 465.200 to 465.545) to 465.545 (Suspension of dry-cleaning fees), **shall incur a civil penalty not to exceed \$25,000 a day for each day that such violation occurs or that failure to comply continues.***

06 - SUMMARY

- ✓ This application, as presented, must be approved as the City of Salem's action on the property's designation is in direct violation of the recorded DEQ deed restriction.
- ✓ The property owner is at risk of incurring fines imposed by DEQ daily until the designations are returned to Industrial (IND) and General Industrial (IG).

07 - QUESTIONS

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