

Abstract geometric lines in the top left corner of the page, consisting of several overlapping, irregular polygons and lines in a light pink color.

BRAND

650 15TH STREET SE

Comprehensive Plan Amendment and Zone Change

23-122305-PLN

TEAM INTRODUCTION

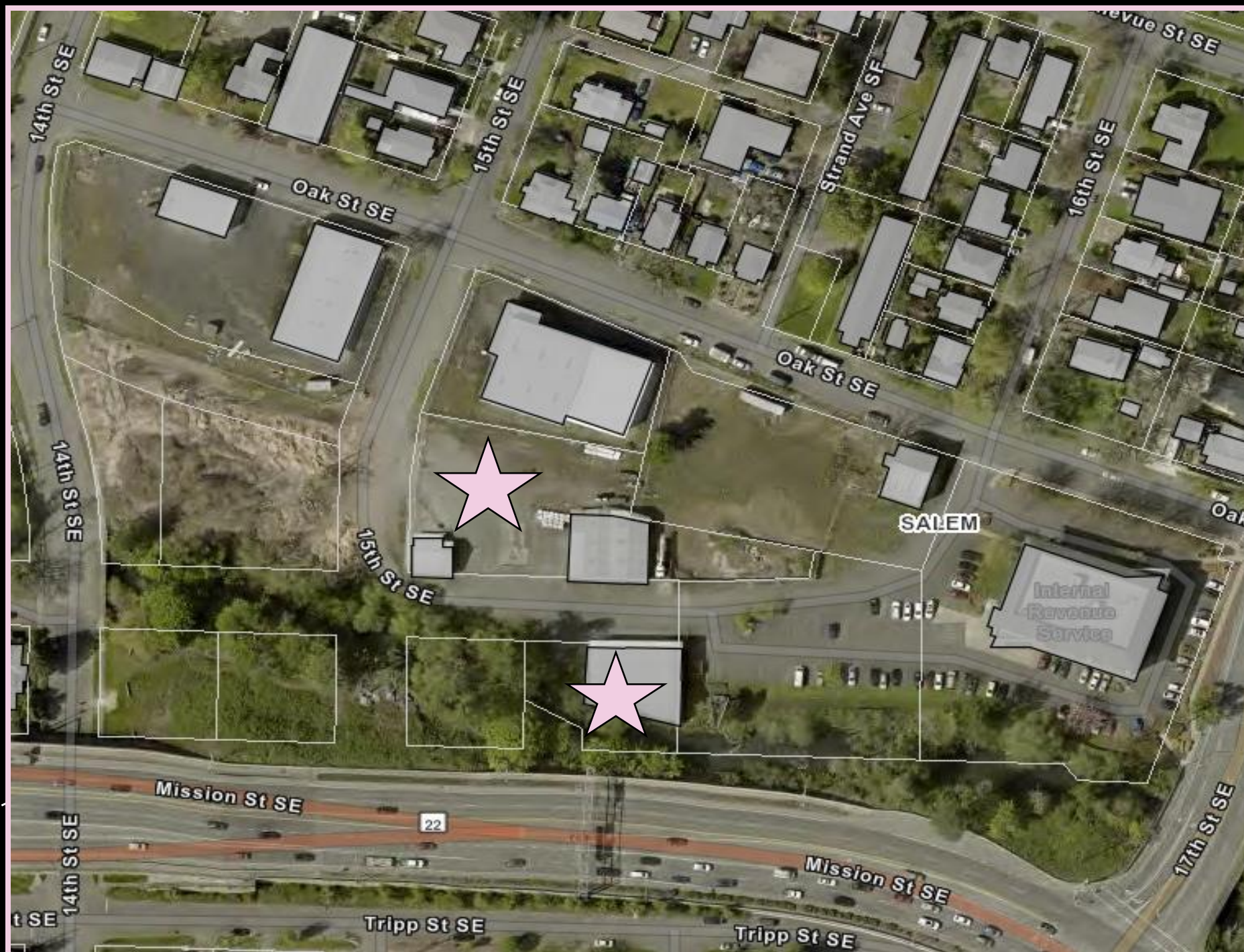
Property Owner:

Robert Bolt

Land Use Consultant:

**Lindsey King, CFM of
BRAND Land Use, LLC**

VICINITY MAP



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.

CITY PROPOSED CONDITIONS

- City imposing restrictions to the IG zone
 - 75 total uses in the IG Zone
 - City restricting 47 of them through condition 1
- This is removing 63% of total uses on the site
 - Remaining uses are mostly commercial uses (retail, office, day care etc.)
- City staff stated that the parcel wouldn't have been included in the Our Salem update
 - Why impose unrealistic restrictions
- Any future development will require permitting which mitigate possible conflicts
 - Floodplain
 - Zone to zone
 - Building/fire

CONTAMINATION

- Soil contamination
 - Does not recognize property lines
- Remediation involves removing contaminated soils
- Soil contamination is at least 15 feet deep

ERRORS

- Previous property owner erred in not alerting the city of the deed restriction
- City erred in changing the zone to a deed restricted designation
- City Council has taken note of the error by reducing the application fee by 50%
- This is of no fault of the current property owner

COMPREHENSIVE PLAN

Economic Development and Employment

- “The City strives to increase the economic prosperity of Salem residents and businesses, as it is home to a broad range of commercial and industrial businesses. These businesses are located across Salem on a variety of employment lands, including mixed-use, commercial and industrial land.”

E1.4 - Small businesses: The growth and stability of existing small businesses should be facilitated, and opportunities for local entrepreneurs and start-up businesses should be expanded.

E1.15 - Displacement: Programs and strategies that mitigate the involuntary displacement of existing business due to increased land values and redevelopment should be supported.

TAKINGS

- About 75 years ago, the U.S. Supreme Court extended that principle beyond the physical seizure of property, holding that "The general rule at least is that, while property may be regulated to a certain extent, if regulation goes too far, it will be recognized as a 'taking.'"
- Restricting 63% of the property uses is too far and is a form of taking.
- The state looks at the following to define a taking:
 - where the landowner has been denied "all economically viable use" of the land;
 - where the regulation forced the landowner to allow someone else to enter onto the property (in this case a cable company, attached its cables to an apartment building);
 - where the regulation imposes burdens or costs on the landowner that do not bear a "reasonable relationship" to the impacts the community; and
 - where government can equally accomplish a valid public purpose through regulation or through a requirement of dedicating government should use the less intrusive regulation, for example, prohibiting development in a floodplain property.

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.
- ✓ Imposing conditions is unreasonable and excessive

11 - QUESTIONS

Comprehensive Plan Amendment
and Zone Change

23-122305-PLN

BRAND