

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

BRAND LAND USE, LLC, BRITANY RAND, AND ROBERT BOLT,
PETITIONERS,

V.

CITY OF SALEM,
Respondent.

LUBA No. 2024-_____

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Petitioners Brand Land Use, LLC, Brittany Rand, and Robert Bolt, the applicants below, intend to appeal the land use or limited land use decision of the City Council of the City of Salem entitled, “*Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01 from ‘Multiple Family Residential’ to ‘Industrial’ and Zone Change from RM-II (Multiple Family Residential II) to IG (General Industrial) for two properties approximately 0.99 acres in size and located at 650 15th Street SE (Marion County Assessor Map and Tax Lot Numbers: 073W26CD / 4900; 4800),*” which approves a Comprehensive Plan Amendment and Zone Change that imposes restrictions on the uses and

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CITY OF SALEM
LEGAL DEPARTMENT

development of subject property, which became final on June 10, 2024. A copy of the challenged decision is attached to this Notice as "Exhibit 1".

II.

Petitioners Brand Land Use, LLC, and Britany Rand, the applicants below, have as their mailing address and telephone number:

1720 Liberty Street SE
Salem, OR 97302
(503) 370-8704

Petitioner Robert Bolt, the owner of the subject property, has as his mailing address and telephone number:

650 15th St SE
Salem OR 97301
(503)492-1095

Petitioners are represented by:

Wendie L. Kellington
Kellington Law Group PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069

III.

Respondent, City of Salem, is the governing body and has as its mailing address and telephone number:

\\

1 Mayor Chris Hoy
2 City of Salem
3 555 Liberty St SE
4 RM 220
5 Salem, OR 97301
6 (503) 588-6255

7 And has as its City Manager:

8 Keith Stahley
9 City Manager
10 555 Liberty St SE
11 Room 220
12 Salem, OR 97301
13 (503) 588-6255
14

15 And has as its legal counsel:

16 Mr. William Frederick Wilson
17 Salem City Attorney's Office
18 555 Liberty St SE
19 RM 225
20 Salem, OR 97301
21 (503) 886-6287

22 IV.

23 Other persons who were mailed or emailed written notice of the decision by
24 the City of Salem as indicated by the city's records in this matter are attached as
25 "Exhibit 2" to this Notice.

26 NOTICE:

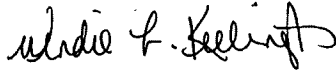
27 Anyone designated in paragraph IV of this Notice who desires to participate

28 \ \ \

1 as a party in this case before the Land Use Board of Appeals must file with the
2 Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.

3 Dated this 27th day of June, 2024.

4 **KELLINGTON LAW GROUP PC**

5 By: 
6 Wendie L. Kellington, OSB #832589
7 wk@klgpc.com
8 Attorney for Petitioners

1 CERTIFICATE OF FILING AND SERVICE

2 As required by OAR 661-010-0015(1)(a) and (b), I hereby certify that on
3 August 29, 2023, I filed the original plus two (2) copies of this NOTICE OF
4 INTENT TO APPEAL by CERTIFIED FIRST CLASS U.S. MAIL, postage
5 prepaid, return receipt requested, on the Land Use Board of Appeals, 775 Summer
6 Street NE, Suite 330, Salem, Oregon 97301-1283.

7 As required by OAR 661-010-0015(2), I further certify that on August 29,
8 2023, I served a true and correct copy of this NOTICE OF INTENT TO APPEAL
9 on all persons listed in paragraphs III and IV of this Notice by CERTIFIED FIRST
10 U.S. CLASS MAIL, postage prepaid, return receipt requested, on those persons for
11 whom a U.S. Mail address was provided by the City, and via EMAIL for those
12 persons for whom only an email address was provided by the City. Where both a
13 U.S. Mail address and email address were provided by the City, a true and correct
14 copy of this NOTICE OF INTENT TO APPEAL was mailed to them using both of
15 above-named methodologies.

16 Dated this 27th day of June, 2024.

17 KELLINGTON LAW GROUP PC

18 By: 
19 Wendie L. Kellington, OSB #832589
20 wk@klgpc.com
21 Attorney for Petitioners

CERTIFICATE OF FILING AND SERVICE

KELLINGTON LAW GROUP, PC
P.O. BOX 2209
LAKE OSWEGO, OR 97035
TEL: (503) 636-0069

ORIGINAL

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

U.S. POSTAGE PAID
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LAKE OSWEGO, OR 97034
JUL 01, 2024

BRAND LAND USE, LLC, BRITANY RAND, AND ROBERT BOLT,
PETITIONERS,

V.

CITY OF SALEM,
Respondent.

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LUBA No. 2024- 041

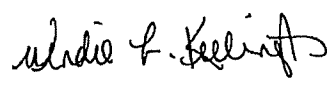
STIPULATED MOTION TO SUSPEND APPEAL

The parties to the above-captioned appeal respectfully request that the Board suspend the above-captioned appeal until such time as either party requests, or the Board orders, otherwise. The reason is that the Parties are working to cooperatively resolve their dispute.

Dated this 1st day of July, 2024.

CITY OF SALEM

KELLINGTON LAW GROUP PC



Wm. Frederick Wilson, OSB #962002
wwilson@cityofsalem.net
555 Liberty Street SE Ste 225
Salem, OR 97301
(503) 886-6287 (Telephone)
Of Attorneys for Respondent

Wendie L. Kellington, OSB #832569
wk@klpgpc.com
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069 (Telephone)
Of Attorneys for Petitioner

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JUL 10 2024
CITY OF SALEM
LEGAL DEPARTMENT

1 CERTIFICATE OF FILING AND SERVICE

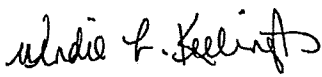
2 I hereby certify that on July 1, 2024, I filed this Stipulated Motion to
3 Suspend Appeal by First Class U.S. Mail, postage prepaid on the Land
4 Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, Oregon
5 97301-1283, and served it on Respondent at the following address:

6 Mr. William Frederick Wilson
7 Salem City Attorney's Office
8 555 Liberty St SE Ste 225
9 Salem OR 97301
10

11 by posting the same for delivery by First Class U.S. Mail, postage prepaid,
12 on said date.

13 Dated this 1st day of July, 2024.

14 KELLINGTON LAW GROUP PC

15 By: 
16 Wendie L. Kellington, OSB #832569
17 wk@klpgpc.com
18 P.O. Box 2209
19 Lake Oswego, OR 97035
20 (503) 636-0069 (Telephone)
21 (503) 636-0102 (Facsimile)
22 Of Attorneys for Petitioner
23 Attorney for Petitioners
24

CERTIFICATE OF FILING AND SERVICE

KELLINGTON LAW GROUP, PC
P.O. BOX 2209
LAKE OSWEGO, OR 97035
TEL: (503) 636-0069

1 IT IS SO ORDERED.

2 Dated this 5th day of July, 2024.

3

4

5

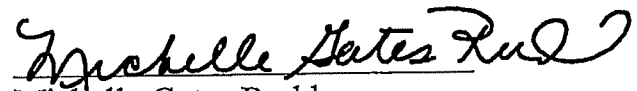
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A handwritten signature in black ink, reading "Michelle Gates Rudd". The signature is written in a cursive style with a large, looping initial "M".

Michelle Gates Rudd

Board Member

Certificate of Mailing


I hereby certify that I served the foregoing Order for LUBA No. 2024-041 on July 5, 2024, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Wendie L. Kellington
Kellington Law Group, PC
PO Box 2209
Lake Oswego, OR 97035

William Frederick Wilson
Salem City Attorney's Office
555 Liberty St SE RM 225
Salem, OR 97301

Dated this 5th day of July, 2024.

Erin Pence
Executive Support Specialist


Hannah Barkemeyer Baker
Executive Support Specialist

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

BRAND LAND USE, LLC, BRITANY RANDAL, AND ROBERT BOLT,
Petitioner,

vs.

CITY OF SALEM,
Respondent,

LUBA No. 2024-041

NOTICE OF WITHDRAWAL FOR RECONSIDERATION

Pursuant to ORS 197.830(13)(b), the City of Salem hereby notifies the Board that the City withdraws for reconsideration the decision challenged in the above captioned appeal. The City has conferred with Petitioners who consent to withdrawal.

Dated this 16th day of October, 2024

CITY OF SALEM LEGAL DEPARTMENT



Fred Wilson OSB #962002
555 Liberty St SE. Ste. 225
Salem, OR 97301
(503) 588-6003
wwilson@cityofsalem.net
Attorney for Respondent

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on October 16, 2024, I filed two true and correct copies of this **Notice of Withdrawal for Reconsideration** with the Land Use Board of Appeals, 775 Summer Street NE, Suite 330, Salem, Oregon 97301-1283, by First Class U.S. Mail, postage prepaid.

I further certify that on October 16, 2024, I served a true and correct copy of the above **Notice of Withdrawal for Reconsideration**, by First Class U.S. Mail, postage prepaid, on the following persons:

Wendie L. Kellington OSB #832589
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com
Attorney for Petitioner

Dated this 16th day of October 2024.

CITY OF SALEM LEGAL DEPARTMENT



Fred Wilson OSB #962002
555 Liberty St SE. Ste. 225
Salem, OR 97301
(503) 588-6003
wwilson@cityofsalem.net
Attorney for Respondent



Oregon

Tina Kotek, Governor

Land Use Board of Appeals

775 Summer St NE Ste 330

Salem, OR 97301-1283

(503) 373-1265

October 25, 2024

Wendie L. Kellington
Kellington Law Group, PC
PO Box 2209
Lake Oswego, OR 97035

William Frederick Wilson
Salem City Attorney's Office
555 Liberty St SE RM 225
Salem, OR 97301

RE: Brand Land Use, LLC et al v. City of Salem
LUBA No. 2024-041

This is to advise you that the Board has received City of Salem's notice of withdrawal of the decision challenged in the above referenced appeal for reconsideration pursuant to ORS 197.830(13)(b).

Under OAR 661-010-0021(2), the filing of a notice of withdrawal has the effect of suspending the LUBA appeal proceeding until a decision on reconsideration is filed with LUBA by the respondent. Under OAR 661-010-0021(1), a decision on reconsideration is required to be filed with LUBA, and served on the parties, within 90 days after the date the notice of withdrawal was filed.

Best Regards,

Erin Pence
Executive Assistant

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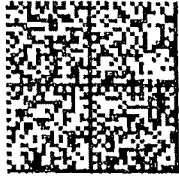
OCT 30 2024

CITY OF SALEM
LEGAL DEPARTMENT

Oregon
Land Use Board of Appeals
775 Summer St NE Ste 330
Salem, OR 97301-1283

RETURN SERVICE REQUESTED

FIRST-CLASS
AUTO LETTER



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WILLIAM FREDERICK WILSON
SALEM CITY ATTORNEY'S OFFICE
555 LIBERTY ST SE RM 225
SALEM, OR 97301

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CITY OF SALEM
LEGAL DEPARTMENT

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