

NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

**DECISION OF THE PLANNING ADMINISTRATOR**

**TENTATIVE PARTITION PLAN CASE NO.: PAR25-01**

**APPLICATION NO.: 24-125195-PLN**

**NOTICE OF DECISION DATE:** March 3, 2025

**REQUEST:** An application for a Tentative Partition Plan to divide a 138.68-acre property into three new parcels approximately 86.26-acres; 38.35-acres; and 14.07-acres in size. The subject property is zoned PS (Public Service) and located at 4755 Gath Road SE (Marion County Assessor’s Map and Tax Lot Number 082W17 / 100).

**APPLICANT:** Greg Zartman, LEI Engineering and Surveying of Oregon, LLC (Jamie Van Agtmael, Greg Zartman)

**LOCATION:** 4755 Gath Rd SE, Salem OR 97317

**CRITERIA:** Salem Revised Code (SRC) Chapter 205.005(d) – Tentative Partition Plan

**FINDINGS:** The findings are in the attached Decision dated March 3, 2025.

**DECISION:** The **Planning Administrator APPROVED** Partition Tentative Plan Case No. PAR25-01 subject to the following conditions of approval:

- Condition 1:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 2:** At the time of development on each lot, submit a tentative stormwater design in compliance with SRC Chapter 71 and the Public Works Design Standards.
- Condition 3:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** At time of development on each lot with frontage along Gath Road SE, construct a half-street improvement along the frontage of Gath Road SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 5:** At time of development on each lot with frontage along Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to Minor Arterial Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners
- Condition 7:** At time of development on each lot with frontage along Deer Park Drive SE, construct a half-street improvement along the frontage of Deer Park Drive SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803
- Condition 8:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE on the final plat.

The rights granted by the attached decision must be exercised, or an extension granted, by March 19, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>January 17, 2025</u>
Notice of Decision Mailing Date:	<u>March 3, 2025</u>
Decision Effective Date:	<u>March 19, 2025</u>
State Mandate Date:	<u>May 17, 2025</u>

Case Manager: Peter Domine, [pdomine@cityofsalem.net](mailto:pdomine@cityofsalem.net), 503-540-2311

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Tuesday, March 18, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 205. 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 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.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF THE	)	FINDINGS AND ORDER
APPROVAL OF TENTATIVE PARTITION	)	
CASE NO. PAR25-01	)	
4755 GATH RD SE	)	MARCH 3, 2025

In the matter of the application for a Tentative Partition application submitted by Greg Zartman of LEI Engineering and Surveying of Oregon, LLC, on behalf of the applicant and property owner, State of Oregon Department of Corrections, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

**Summary:** A tentative partition plan to create three parcels.

**Request:** An application for a Tentative Partition Plan to divide a 138.68-acre property into three new parcels approximately 86.26-acres; 38.35-acres; and 14.07-acres in size. The subject property is zoned PS (Public Service) and located at 4755 Gath Road SE (Marion County Assessor’s Map and Tax Lot Number 082W17 / 100).

A vicinity map indicating the subject property and surrounding area is included herein as **Attachment A**.

PROCEDURAL FINDINGS

**1. Background**

On December 20, 2024, an application for a Tentative Partition Plan filed proposing to divide a 138.68-acre property located at 4755 Gath Road SE into three parcels. The proposed partition plan is included as **Attachment B**.

After additional information was provided the application was deemed complete for processing and notice of filing was sent pursuant to Salem Revised Code requirements on January 22, 2025. The state-mandated local decision deadline for the application is May 17, 2025

SUBSTANTIVE FINDINGS

**2. Proposal**

The tentative partition plan proposes to divide the 138.68-acre property into three parcels. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size:	Approximately 38.29-acres
Parcel Dimensions:	Approximately 1,685 feet in width and 982 feet in depth

PROPOSED PARCEL 2

Parcel Size: Approximately 86.25-acres  
Parcel Dimensions: Approximately 1,450 feet in width and 2,585 feet in depth

**PROPOSED PARCEL 3**

Parcel Size: Approximately 15.08-acres  
Parcel Dimensions: Approximately 600 feet in width and 1,400 feet in depth

**3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City’s online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 125195.

**4. Existing Conditions**

Site and Vicinity

The subject property is a corner lot and has approximately 2,445 feet of frontage on Deer Park Drive SE and approximately 3,295 feet of frontage along Turner Road SE/Gath Road SE.

Salem Area Comprehensive Plan (SACP) Designation

*Urban Growth Policies:* The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

*Comprehensive Plan Map:* The subject property is designated “Community Service Government (CSG)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

<b>Comprehensive Plan Map Designations of Surrounding Properties</b>	
<b>North</b>	CSE (Community Service Education)
<b>East</b>	Outside Urban Growth Boundary
<b>South</b>	Across Turner Road/Gath Road, MU (Mixed Use) and SF (Single Family Residential)
<b>West</b>	Across Deer Park Drive, EC (Employment Center)

Zoning and Surrounding Land Use

The subject property is zoned PS (Public Service) and is currently developed with a vacant maintenance building (formerly part of the Mill Creek prison) and buildings and paved areas that are part of the Basic Corrections Course (BCC) training center. The surrounding properties are zoned and used as follows:

<b>Zoning of Surrounding Properties</b>	
<b>North</b>	PE (Public and Private Educational Services)
<b>East</b>	Marion County SA (Special Agriculture) and AR (Acreage Residential)
<b>South</b>	Across Turner Road/Gath Road, MU (Mixed Use) and RS (Single Family Residential)
<b>West</b>	Across Deer Park Drive, EC (Employment Center)

Relationship to Urban Service Area

The subject property is outside the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, stormwater, and parks) necessary to serve development are already in place or fully committed to be extended.

Infrastructure

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Gath Road SE (Collector)</b>	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	22-feet
<b>Turner Road SE (Minor Arterial)</b>	Standard:	72-feet	46-feet
	Existing Condition:	60-feet	27-feet
<b>Deer Park Drive SE (Collector)</b>	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	20-feet

The existing conditions of public utilities available to serve the subject property re described in the following table.

<b>Utilities</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: S-1, T, T+
	An 18-inch water main is located in Deer Park Drive SE.
<b>Sanitary Sewer</b>	The subject property is served by an existing private State-owned sanitary sewer system. There are no public sanitary sewer mains in the vicinity of the subject property.
<b>Storm Drainage</b>	Open ditches are located within the streets abutting the subject property. There are no public storm mains in the vicinity of the subject property.

**5. City Department Comments**

Development Services Division – Reviewed the proposal and has provided comments and recommendation for plat approval. Their memorandum is included as **Attachment C**.

Building and Safety Division – Reviewed the proposal and indicated no concerns.

Fire Department – Reviewed the proposal and indicated no concerns.

## 6. Public Agency and Private Service Provider Comments

Oregon Department of Aviation – Reviewed the proposal and provided comments, which are included as **Attachment D**.

## 7. Neighborhood Association Comments and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association (SEMCA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), the proposed land use application request requires neighborhood association contact. On May 21, 2024, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Property owners and residents within 250 feet of the subject property were mailed notification of the proposed partition. As of the date of completion of this staff report, no comments were received.

## **DECISION CRITERIA**

### 8. Analysis of Tentative Partition Plan Approval Criteria

The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact evaluating the proposal for

conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the tentative plan or for the issuance of conditions of approval to satisfy the criteria.

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:***

***(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.***

**Finding:** The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned PS (Public Service). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the PS zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows:

### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

**Finding:** The Development Services Division indicates the applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

### ***SRC Chapter 544 – PS (Public Service) Zone***

#### ***Lot Standards***

Lot size and dimension standards within the PS zone are established in SRC 544.010(a), Table 544-2. A summary of the standards applicable to residential uses within the PS zone is provided in the following table:

<b>Requirement</b>	<b>Minimum Standard</b>
Lot Area (All uses)	10,000 square feet

Lot Width (All uses)	50 feet
Lot Depth (All uses)	80 feet
Street Frontage (All uses)	16 feet

**Finding:** As shown on the tentative partition plan (**Attachment B**), proposed Parcel 1 is approximately 38.29-acres in size and will provide more than 1,670 feet of frontage on Deer Park Drive SE. Proposed Parcel 2 is approximately 86.25-acres in size, and will provide 1,550 feet of frontage on Gath Road SE. Proposed Parcel 3 is approximately 15.08-acres in size and will provide approximately 754 feet of frontage along Deer Park Drive SE and 1,760 feet of frontage along Turner Road SE. The proposed parcels meet the minimum size and street frontage requirements of the PS zone and are of sufficient size and dimension to permit future development of uses allowed within the zone. These standards are met.

- **Setbacks**

Setbacks within the PS zone are established in 544.010(b), Table 544-3. A summary of the standards applicable to residential uses within the PS zone is provided in the following table:

Requirement	Minimum Standard	Limitations & Qualifications
Abutting Street (All uses)	20 feet	Applicable to buildings not more than 35 feet in height
	20 ft. plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 50 ft. in depth	Applicable to buildings greater than 35 feet in height
Interior Front, Side, and Rear (All uses)	Zone-to-zone per Table 544-4	

**Finding:** The majority of the subject property is vacant land. The existing buildings and structures which would remain on proposed Parcel 1 and Parcel 3 meet or exceed the setback standards in the PS zone. Future development will be reviewed for adherence to setback requirements at the time building permit application. As proposed, the three parcels exceed the minimum parcel size for the PS zone, which provides sufficient width and depth to accommodate the required setbacks of future development. These standards are met.

- **Lot Coverage**

Maximum lot coverage requirements within the PS zone are established under SRC 544.010(c), Table 544-5. The maximum lot coverage for single to all uses is 60 percent. The maximum height of buildings and accessory structures for all uses is 70 feet.

**Finding:** The existing buildings and structures on proposed Parcel 1 and Parcel 3 are less than 70 feet in height. The Oregon Department of Aviation (ODAV) provided comments (**Attachment D**) indicating the subject property is within the Airport Overlay Zone and at a higher elevation than the nearby Salem Municipal Airport. The comments recommend future development be limited to a maximum height of 35 feet. No development of buildings is



proposed with this partition; future development of the parcels will be reviewed for conformance with the lot coverage standards and applicable height standards, including those required by ODAV, at the time of site plan review and building permit application.

### ***SRC Chapter 800 – General Development Standards***

- ***Designation of Lot Lines***

SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

**Finding:** Proposed Parcel 1 will be an interior lot with the front lot line abutting Deer Park Drive SE. Proposed Parcel 2 will be an interior lot with the front lot line abutting Gath Road SE. Proposed Parcel 3 is a corner lot with frontage along both Deer Park Drive SE and Turner Road SE. Parcel 3 exceeds the minimum lot width and depth on both street fronting sides; therefore, either lot line abutting Turner Road or Deer Park Drive can be designated as the front at the time of site plan review and building permit. These standards are met.

### ***(B) City Infrastructure Standards***

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area.

### ***SRC Chapter 200 – Urban Growth Management***

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

**Finding:** The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of "development" in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property will require an Urban Growth Area Preliminary Declaration.

- ***Acquisition of property, easements, and right-of-way***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

**Finding:** As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Turner Road SE. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition 1:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

### ***SRC Chapter 71 – Stormwater***

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

**Finding:** The proposed partition will divide one existing property into three. No additional impervious area is proposed at this time. At the time of development on each lot, the applicant shall be required to provide a stormwater management system that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards.

**Condition 2:** At the time of development on each lot, submit a tentative stormwater design in compliance with SRC Chapter 71 and the Public Works Design Standards.

### ***SRC Chapter 802 – Public Improvements***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Specifications for required public improvements are found in the comments provided by the Development Services Infrastructure memo (**Attachment C**) and included in the following analysis of the partition approval criteria.

**Finding:** In summary, the comments from the Development Services division indicate that the proposed partition is adequately served by existing infrastructure. Future development of the property will require utility improvements, subject to an Urban Growth Preliminary Declaration.

*Water* – Proposed parcel 2 is served by an existing water service that connects to the City's Mill Creek Pump station, as shown on the applicant's preliminary utility plan. The applicant's preliminary utility plan shows two new water services to provide service to proposed Parcel 1 and Parcel 3. Service connections for water will be required at time of development on each parcel. The tentative partition is capable of being served by water in Deer Park Drive SE and by existing water services, as shown on the applicant's tentative plan. Additional Salem Area Water Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

*Sanitary Sewer* – There are no public sanitary sewer mains in the vicinity of the subject property. The subject property is served by an existing State-owned private sanitary sewer collection system, which is permitted under SRC 802.040. The tentative partition is capable of being served by the existing private sanitary sewer system, as shown on the applicant's tentative plan. Additional Salem Area Wastewater Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

*Stormwater* – The streets surrounding the property contain existing drainage ditches which are capable of serving the proposed partition. Additional Salem Area Stormwater Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

## ***Easements***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant's tentative plan shows existing access and utility easements on the subject property.

**Condition 3:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

## ***SRC Chapter 803 – Street and Right-of-Way Improvements***

### **▪ *Boundary Street Improvements***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

**Finding:** The subject property has frontage along Gath Road SE, Turner Road SE, and Deer Park Drive SE. As described in the written findings below, these streets do not meet the right-of-way and/or improvement width requirements for their classifications according to SRC Chapter 803 and boundary street improvements are warranted. However; boundary street improvements will be listed as a condition of approval for future development on each lot in order to determine the proportionate impacts of each development on the transportation system. The following findings provide required improvements for each boundary street fronting the property.

*Gath Road SE* – This street is classified as a Collector Street according to the Salem Transportation System Plan (TSP). Gath Road SE has adequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width); however, Gath Road SE has inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary improvements along Gath Road SE at the time of future development for each lot with frontage along this street. The following condition shall apply.

**Condition 4:** At time of development on each lot with frontage along Gath Road SE, construct a half-street improvement along the frontage of Gath Road SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

*Turner Road SE* – This street is classified as a Minor Arterial Street according to the Salem Transportation System Plan (TSP). Turner Road SE has inadequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width) and inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary

improvements along Turner Road SE at time of future development for each lot with frontage along this street. Required right-of-way dedication shall be shown on the final plat. The following conditions shall apply.

**Condition 5:** At time of development on each lot with frontage along Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to Minor Arterial Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners

*Deer Park Drive SE* – This street is classified as a Collector Street according to the Salem Transportation System Plan (TSP). Deer Park Drive SE has adequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width); however, Deer Park Drive SE has inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary improvements along Deer Park Drive SE at time of future development for each lot with frontage along this street. The following condition shall apply.

**Condition 7:** At time of development on each lot with frontage along Deer Park Drive SE, construct a half-street improvement along the frontage of Deer Park Drive SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803

▪ **Street Trees**

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

**Finding:** As described in the written findings above, the streets abutting the subject property are under improved and do not have existing landscape strips. At time of development on each lot, which requires a boundary street improvement, street trees shall be conditioned upon that development.

▪ **Public Utility Easements**

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

**Finding:** As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE.

**Condition 8:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE on the final plat.

***(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

***SRC Chapter 601 – Floodplain***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

**Finding:** The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

***SRC Chapter 805 – Vision Clearance (if applicable)***

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

**Finding:** The proposal includes a 3-parcel partition and does not include the addition of structures on the site. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

***SRC Chapter 808 – Preservation of Trees and Vegetation***

SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more diameter at breast height (dbh) and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, tree conservation plans are required to preserve all heritage trees, significant trees, trees and native vegetation within riparian corridors, and a minimum of 30 percent of all of the trees on the property. If less than 30 percent of the existing trees on the property are proposed for preservation, the applicant must demonstrate that there are no reasonable design alternatives that would enable preservation of such trees and that for each tree removed in excess of 70 percent, the mitigation measures required under SRC 808.035(e) are satisfied.

Similarly, if significant trees and trees within a riparian corridor are proposed for removal, the applicant must show that there are no reasonable design alternatives to enable preservation of those trees.

Pursuant to SRC 800.050, within development proposals for the creation of lots or parcels to be used for single-to-four-family uses or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1. If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees

sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.

**Finding:** The subject property is zoned PS, which does not permit single-to-four-family residential uses other than the dwelling unit of a caretaker on the premises being cared for or guarded; therefore, a tree conservation plan is not required with this proposal.

### ***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

### ***SRC Chapter 810 – Landslide Hazards***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate/ landslide risk and requires a geological assessment. A Geological Assessment, prepared by LEI Engineering & Surveying and dated May 16, 2024, was submitted to the City of Salem. This assessment demonstrates the existing geologic conditions of the site will not have an adverse impact on the proposed partition. At time of future development, the applicant shall provide a development specific geotechnical report, if required by SRC Chapter 810.

### ***SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.***

**Finding:** The proposed partition would divide the 139.63-acre property into three parcels, with proposed Parcel 2 and Parcel 3 to retain the existing buildings and structures. The proposed partition would not impede the future use or development of any portion of the property, allowing for reasonable development of the parcels in accordance with the UDC. The adjacent properties are developed and have existing access to public or private streets.

The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

The proposed configuration of the parcels allows for the future development of the site consistent with the applicable zoning standards. The proposal does not adversely affect the safe and healthful development of adjacent properties. The proposal meets this criterion.

***SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.***

**Finding:** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

**Finding:** As described in the findings above, the subject property is located adjacent to existing Collector and Arterial streets. The conditions of approval established with the partition decision will require improvements to these streets at time of development on each parcel. The existing street system is adequate to serve the proposed partition, and at time of future development, improvements to the street system will ensure the transportation system is adequate to serve the development proposed at that time. This criterion is met.

***SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.***

**Finding:** Access to the proposed partition will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the partition will provide for the safe, orderly, and efficient circulation of traffic to and from the partition. This criterion is met.

***SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.***

**Finding:** The proposed partition has been reviewed to ensure that adequate measures have been planned to alleviate natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

As described in findings above, the lot configuration established by the proposed partition meets applicable development standards and the configuration of the proposed parcels makes logical use of the developable land. No existing conditions of topography or vegetation have been identified on the site which would necessitate further adjustments during future development of the property. The proposed layout allows for reasonable development of the parcels without any anticipated variances from the UDC. This criterion is met.

***SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of site, topography, and vegetation will occur from the reasonable development of the parcels.***

**Finding:** As addressed in the findings establishing conformance with SRC 205.005(d)(6) above, the tentative partition plan configures the parcels to allow future development of the site while minimizing disruptions to topography and vegetation. The proposed parcels are also of sufficient size and dimension to permit future development of uses allowed within the zone. This approval criterion is met.

***SRC 200.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:***

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

**Finding:** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

## **9. Conclusion**

Based upon review of SRC 205.005 and the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Tentative Partition Plan, Case No. PAR25-01, is hereby **APPROVED** subject to SRC Chapter 205, the applicable standards of the Salem Revised Code, the findings contained herein, and the conditions of approval listed below, which must be completed prior to final plat approval, unless otherwise indicated:

- Condition 1:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 2:** At the time of development on each lot, submit a tentative stormwater design in compliance with SRC Chapter 71 and the Public Works Design Standards.
- Condition 3:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
- Condition 4:** At time of development on each lot with frontage along Gath Road SE, construct a half-street improvement along the frontage of Gath Road SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 5:** At time of development on each lot with frontage along Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to



Minor Arterial Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners
- Condition 7:** At time of development on each lot with frontage along Deer Park Drive SE, construct a half-street improvement along the frontage of Deer Park Drive SE to Collector Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803
- Condition 8:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE on the final plat.



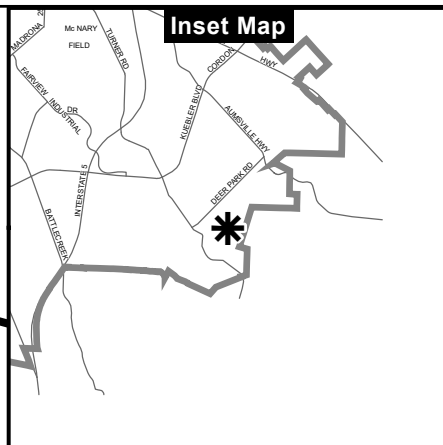
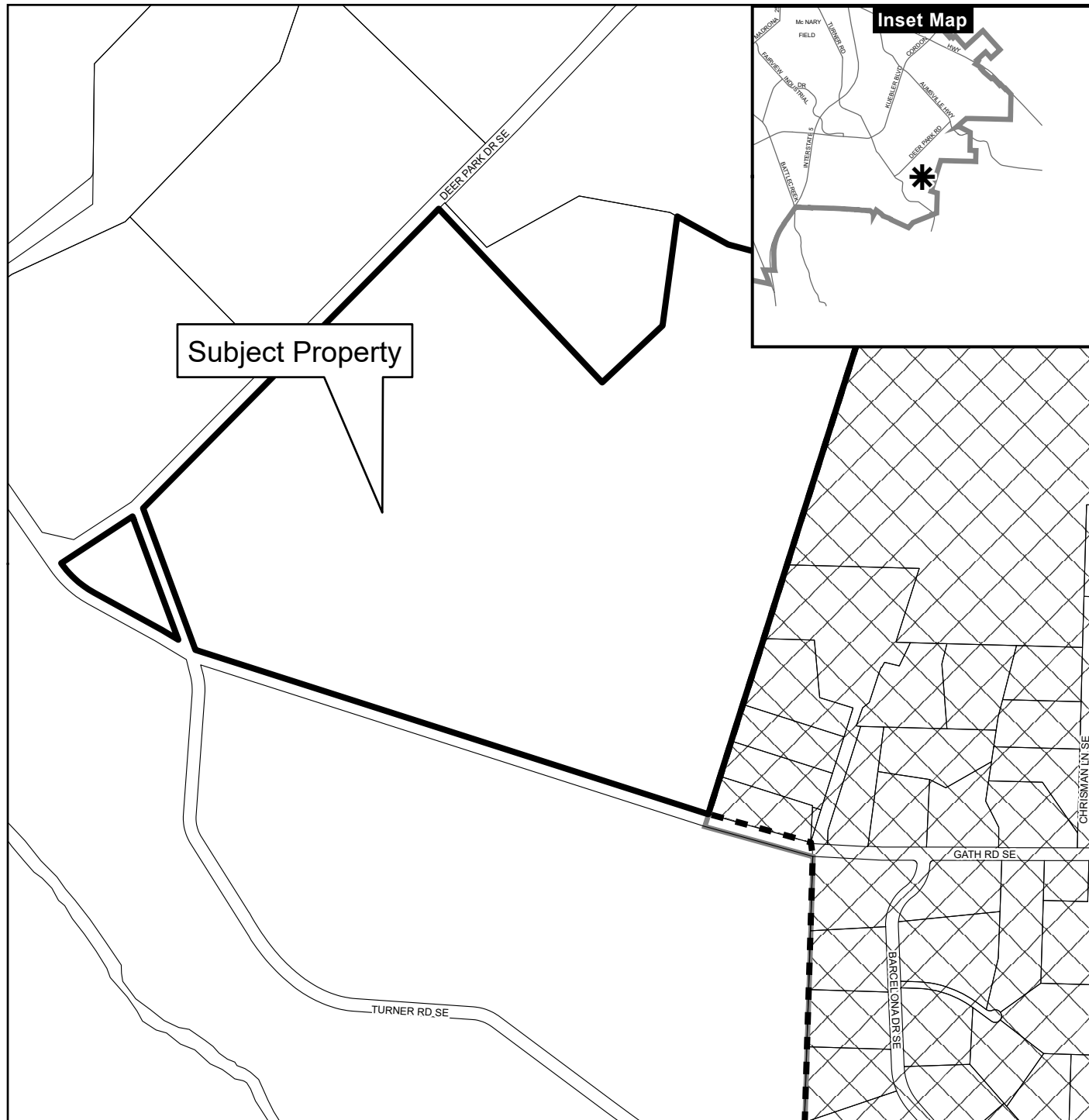
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Peter Domine, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator







Attachments:

- A. Vicinity Map
- B. Tentative Partition Plan
- C. Development Services Infrastructure Memo
- D. ODAV Comments

# Vicinity Map 4755 Gath Road SE



### Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools

 Parks



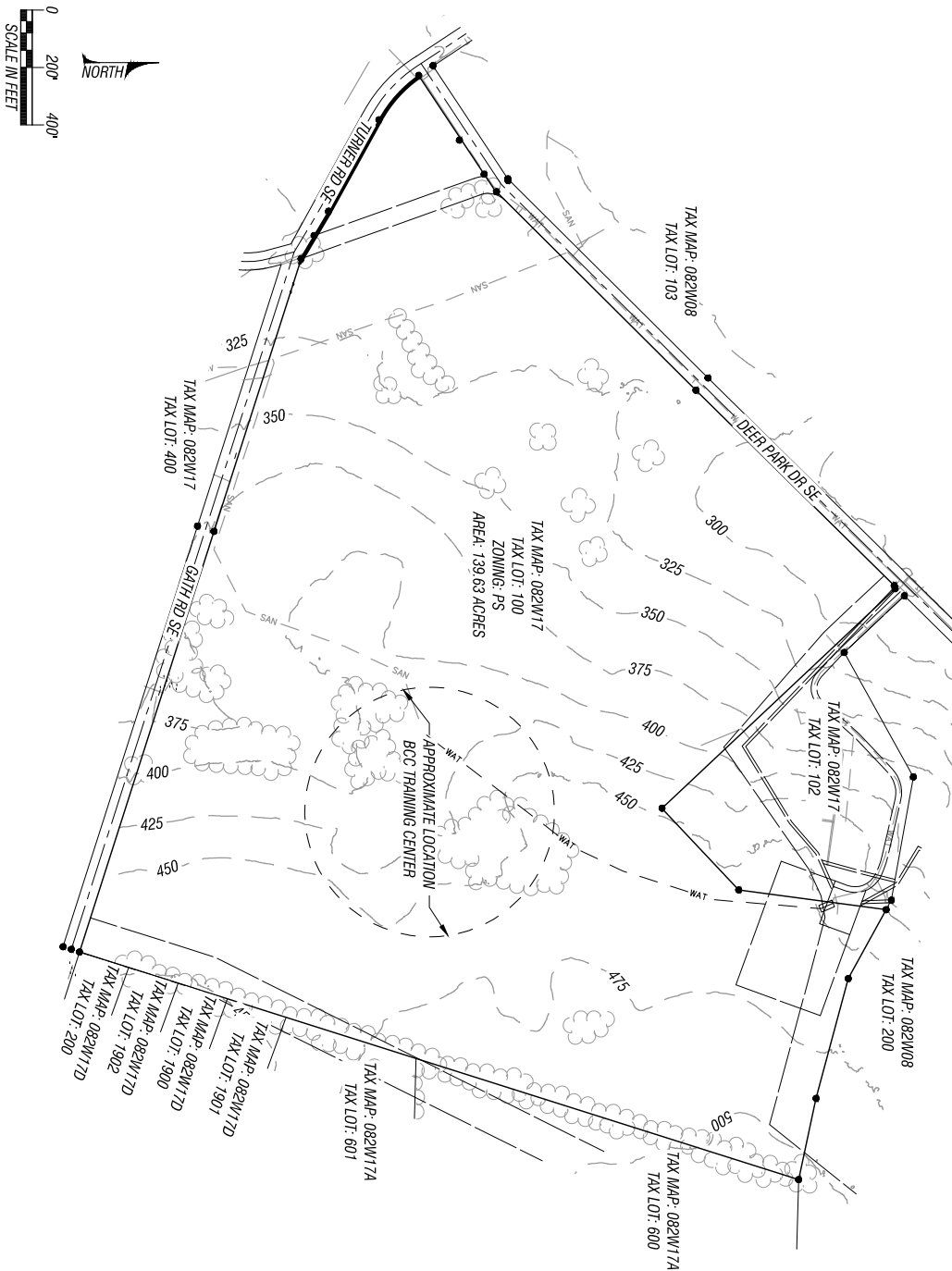
0 100 200 400 Feet



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# TAX MAP:082W17 LOT: 00100 - PARTITION TENTATIVE PLAN

A TRACT OF LAND  
 IN SECTION 17, TOWNSHIP 8 SOUTH RANGE 2 WEST WILLAMETTE MERIDIAN  
 SALEM, MARION COUNTY, OREGON  
 PROPERTY OWNER: OREGON DEPARTMENT OF CORRECTIONS



**DATA SOURCE NOTES:**

TOPOGRAPHIC CONTOURS TAKEN FROM OREGON DEPARTMENT OF GEOLOGY AND MINERAL INDUSTRIES (DOGAMI) - BARE EARTH DIGITAL ELEVATION MODEL (DEM) DERIVED FROM LIDAR DATA. THE HORIZONTAL DATUM FOR MDS3 (HARV) OREGON (LAMBERT INTERNATIONAL FOOT) THE VERTICAL DATUM IS NAVD 83, GEOID12A.

UTILITY LOCATIONS TAKEN FROM CITY OF SALEM GIS DATA. MANHOLES, FIRE HYDRANTS, WATER VALVES, CATCH BASINS TAKEN FROM CITY OF SALEM GIS DATA UNLESS OTHERWISE NOTED.

**FLOODPLAIN NOTES:**

FEMA FLOODPLAIN ESTABLISHED FROM FRAM PANELS:  
 • #4104700384H, EFFECTIVE DATE: JANUARY 2, 2003  
 • #4104700383H, EFFECTIVE DATE: JANUARY 1, 2003  
 • #4104700617L, EFFECTIVE DATE: OCTOBER 17, 2019

THERE ARE NO SPECIAL FLOOD HAZARD AREAS LOCATED ON THIS PROPERTY.

**LEGEND**

EXISTING	PROPOSED
BOUNDARY LINE	BOUNDARY LINE
PROPERTY LINE	PROPERTY LINE
CENTERLINE	CENTERLINE
EDGE OF PAVEMENT	EDGE OF PAVEMENT
EASEMENT	EASEMENT
FINISH LINE	FINISH LINE
GRAVEL EDGE	GRAVEL EDGE
POWER LINE	POWER LINE
OVERHEAD WIRE	OVERHEAD WIRE
TRAILLINE	TRAILLINE
WATER LINE	WATER LINE
SAWTRAY SEWER LINE	SAWTRAY SEWER LINE
STORM SEWER LINE	STORM SEWER LINE
COMMUNICATIONS LINE	COMMUNICATIONS LINE
WATER METER	WATER METER
WATER VALVE	WATER VALVE
FIRE HYDRANT	FIRE HYDRANT
CATCH BASIN	CATCH BASIN
SAWTRAY MANHOLE	SAWTRAY MANHOLE
STORM MANHOLE	STORM MANHOLE
SIGN	SIGN
MAILBOX	MAILBOX
POWER POLE	POWER POLE
COMMUNICATIONS	COMMUNICATIONS
JUNCTION BOX	JUNCTION BOX
MONUMENT FOUND	MONUMENT FOUND



EXPIRES - 06-30-2026

## 4755 GATH RD SE PARTITION TENTATIVE PLAN

PREPARED FOR: OREGON DEPARTMENT OF CORRECTIONS

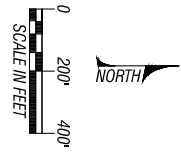
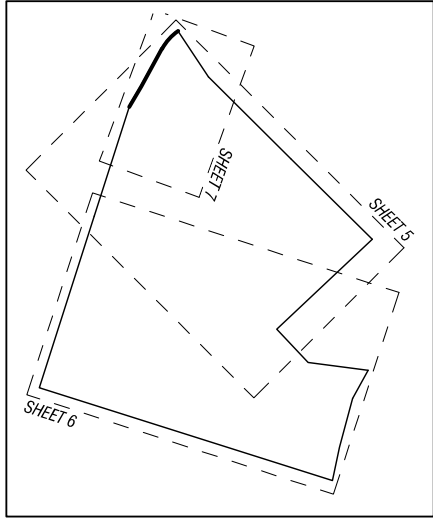
**LEI ENGINEERING & SURVEYING**  
 OF OREGON  
 2564 19TH ST SE  
 Salem, Oregon 97302  
 (503) 399-3828  
 www.leiengineering.com

SCALE	1" = 400'
PRODUCTION NO.	14-109
TOTAL SHEETS	7
EXISTING CONDITIONS	1

# TAX MAP:082W17 LOT: 00100 - PARTITION TENTATIVE PLAN

SHEET INDEX - NOT TO SCALE

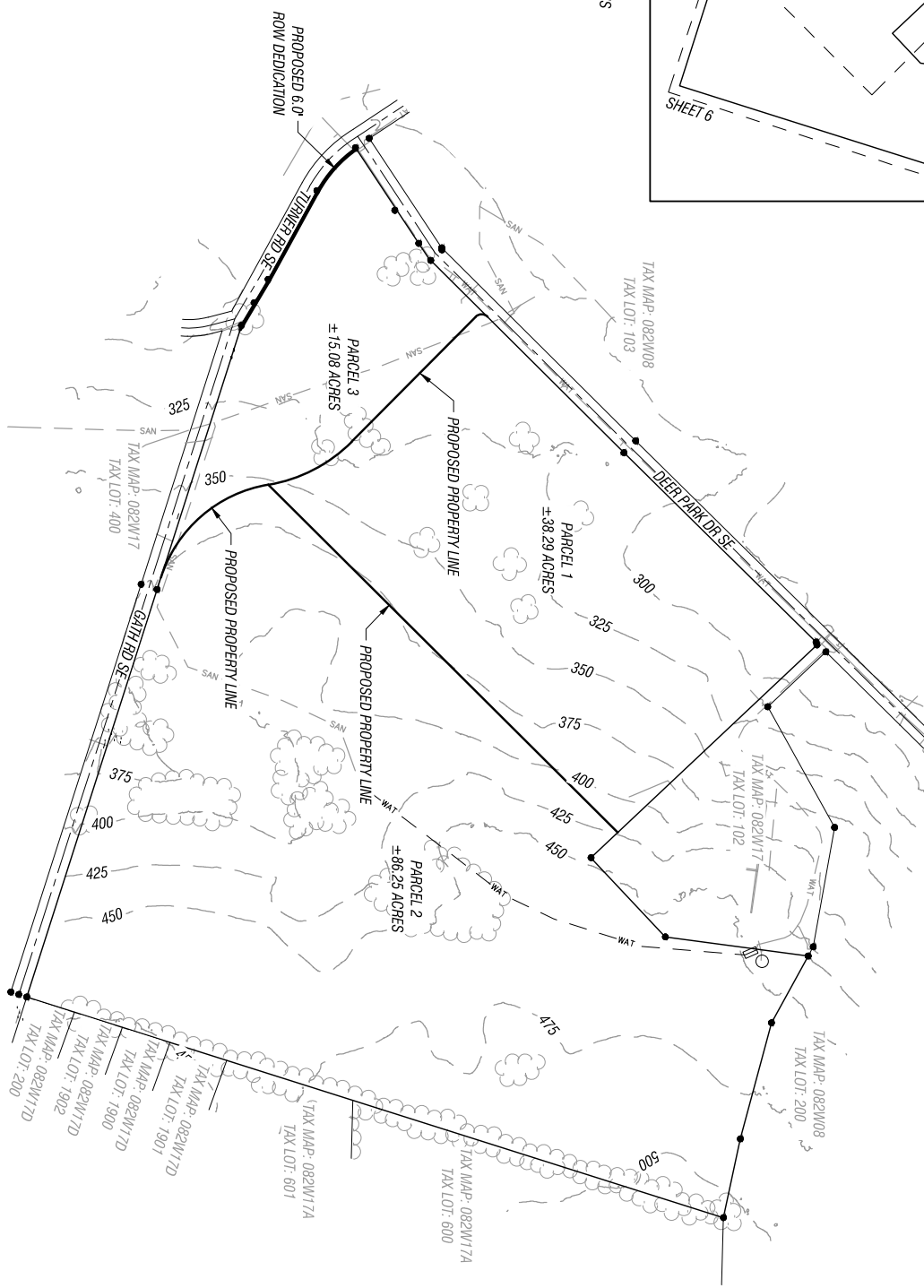
A TRACT OF LAND  
 IN SECTION 17, TOWNSHIP 8 SOUTH RANGE 2 WEST WILLAMETTE MERIDIAN  
 SALEM, MARION COUNTY, OREGON  
 PROPERTY OWNER: OREGON DEPARTMENT OF CORRECTIONS



**OWNER/APPLICANT:**  
 OREGON DEPARTMENT OF CORRECTIONS  
 3601 STATE ST  
 SALEM, OR 97310

**ENGINEER:**  
 GREG J. ZARTMAN, PE  
 LEI ENGINEERING & SURVEYING  
 OF OREGON, LLC  
 2564 19TH ST. SE  
 SALEM, OREGON 97302

**SURVEYOR:**  
 LARRY M. ALLEN, PLS  
 LEI ENGINEERING & SURVEYING  
 OF OREGON, LLC  
 2564 19TH ST. SE  
 SALEM, OREGON 97302



<p><b>LEI ENGINEERING &amp; SURVEYING</b>                  OF OREGON</p> <p>2564 19TH ST SE                  Salem, Oregon 97302                  (503) 399-3828                  www.leiengineering.com</p>	<p>4755 GATH RD SE                  PARTITION TENTATIVE PLAN</p>		<p>PREPARED FOR:                  OREGON DEPARTMENT OF CORRECTIONS</p>
	<p>SCALE: 1" = 400'</p> <p>PRODUCTION NO:                  14-109</p> <p>TOTAL SHEETS:                  7</p>	<p>PARTITION TENTATIVE PLAN</p>	



# MEMO

**TO:** Peter Domine, Planner II  
Community Planning and Development Department

**FROM:** Laurel Christian, Infrastructure Planner III  
Community Planning and Development Department

**DATE:** February 27, 2025

**Infrastructure Memo**  
**Partition Plat No. 25-01 (24-125195-PLN)**  
**4755 Gath Road SE**  
**3 Parcel Partition**

## PROPOSAL

An application for a Tentative Partition Plan to divide a 138.68-acre property into three new parcels approximately 86.26-acres; 38.35-acres; and 14.07-acres in size. The subject property is zoned PS (Public Service) and located at 4755 Gath Road SE (Marion County Assessor Map and Tax Lot Number 082W17 / 100).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
2. At the time of development on each lot, submit a tentative stormwater design in compliance with SRC Chapter 71 and the *Public Works Design Standards*.
3. Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.
4. At time of development on each lot with frontage along Gath Road SE, construct a half-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
5. At time of development on each lot with frontage along Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

6. On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
7. At time of development on each lot with frontage along Deer Park Drive SE, construct a half-street improvement along the frontage of Deer Park Drive SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
8. Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE on the final plat.

**EXISTING CONDITIONS – INFRASTRUCTURE**

The existing conditions of streets abutting the subject property are described in the following table:

<b>Streets</b>			
<b>Street Name</b>		<b>Right-of-way Width</b>	<b>Improvement Width</b>
<b>Gath Road SE (Collector)</b>	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	22-feet
<b>Turner Road SE (Minor Arterial)</b>	Standard:	72-feet	46-feet
	Existing Condition:	60-feet	27-feet
<b>Deer Park Drive SE (Collector)</b>	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	20-feet

The existing conditions of public utilities available to serve the subject property are described in the following table:

<b>Utilities</b>	
<b>Type</b>	<b>Existing Conditions</b>
<b>Water</b>	Water Service Level: S-1, T, T+
	An 18-inch water main is located in Deer Park Drive SE.
<b>Sanitary Sewer</b>	The subject property is served by an existing private State-owned sanitary sewer system. There are no public sanitary sewer mains in the vicinity of the subject property.
<b>Storm Drainage</b>	Open ditches are located within the streets abutting the subject property. There are no public storm mains in the vicinity of the subject property.

## **DECISION CRITERIA**

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

***SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:***

***(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.***

### ***SRC Chapter 205 – Land Division and Reconfiguration***

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

**Finding:** The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

### ***(B) City infrastructure standards***

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provisions of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

### ***SRC Chapter 200 - Urban Growth Management***

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

**Finding:** The subject property is located outside of the Urban Service Area. The proposal of partitioning does not meet the definition of "development" in SRC Chapter 200; therefore, no UGA permit is required. Future development on the subject property will require an Urban Growth Area Preliminary Declaration.

▪ ***Acquisition of property, easements, and right-of-way:***

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

**Finding:** As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Turner Road SE. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

**Condition:** Prior to final plat, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

***SRC Chapter 71 – Stormwater***

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

**Finding:** The proposed partition will divide one existing property into three. No additional impervious area is proposed at this time. At the time of development on each lot, the applicant shall be required to provide a stormwater management system that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards.

**Condition:** At the time of development on each lot, submit a tentative stormwater design in compliance with SRC Chapter 71 and the *Public Works Design Standards*.

***SRC 802 – Public Improvements***

▪ ***Development to be served by City utilities:***

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).



**Finding:** As described in the written findings for each utility type, the proposed partition is adequate served by existing infrastructure. Future development of the property will require utility improvements, subject to an Urban Growth Preliminary Declaration.

*Water* – Proposed parcel 2 is served by an existing water service that connects to the City’s Mill Creek Pump station, as shown on the applicant’s preliminary utility plan. The applicant’s preliminary utility plan shows two new water services to provide service to proposed Parcel 1 and Parcel 3. Service connections for water will be required at time of development on each parcel. The tentative partition is capable of being served by water in Deer Park Drive SE and by existing water services, as shown on the applicant’s tentative plan. Additional Salem Area Water Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

*Sanitary Sewer* – There are no public sanitary sewer mains in the vicinity of the subject property. The subject property is served by an existing State-owned private sanitary sewer collection system, which is permitted under SRC 802.040. The tentative partition is capable of being served by the existing private sanitary sewer system, as shown on the applicant’s tentative plan. Additional Salem Area Wastewater Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

*Stormwater* – The streets surrounding the property contain existing drainage ditches which are capable of serving the proposed partition. Additional Salem Area Stormwater Master Plan improvements may be required at time of development on each parcel, subject to an Urban Growth Preliminary Declaration.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

**Finding:** Any easements needed to serve the proposed parcels with City infrastructure shall be shown on the final plat. The applicant’s tentative plan shows existing access and utility easements on the subject property.

**Condition:** Prior to final plat, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

**SRC 803 – Street and Right-of-way Improvements**

▪ **Boundary Street Improvements**

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement

of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

**Finding:** The subject property has frontage along Gath Road SE, Turner Road SE, and Deer Park Drive SE. As described in the written findings below, these streets do not meet the right-of-way and/or improvement width requirements for their classifications according to SRC Chapter 803 and boundary street improvements are warranted. However; boundary street improvements will be listed as a condition of approval for future development on each lot in order to determine the proportionate impacts of each development on the transportation system. The following findings provide required improvements for each boundary street fronting the property:

*Gath Road SE* – This street is classified as a collector street according to the Salem Transportation System Plan (TSP). Gath Road SE has adequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width); however, has inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary improvements along Gath Road SE at the time of future development for each lot with frontage along this street. The following condition applies:

**Condition:** At time of development on each lot with frontage along Gath Road SE, construct a half-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

*Turner Road SE* – This street is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Turner Road SE has inadequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width) and inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary improvements along Turner Road SE at time of future development for each lot with frontage along this street. Required right-of-way dedication shall be shown on the final plat. The following conditions apply:

**Condition:** At time of development on each lot with frontage along Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition:** On the final plat, convey land for dedication to equal a half-width right-of-way of 36-feet from centerline on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners

*Deer Park Drive SE* – This street is classified as a collector street according to the Salem Transportation System Plan (TSP). Deer Park Drive SE has adequate right-of-way width according to the standards set forth in Table 803-1 (Right-of-way Width);

however, has inadequate improvement width according to the standards set forth in and Table 803-2 (Pavement Width). As a condition of approval for the partition, the applicant shall construct boundary improvements along Deer Park Drive SE at time of future development for each lot with frontage along this street. The following condition applies:

**Condition:** At time of development on each lot with frontage along Deer Park Drive SE, construct a half-street improvement along the frontage of Deer Park Drive SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

▪ ***Street Trees***

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

**Finding:** As described in the written findings above, the streets abutting the subject property are under improved and do not have existing landscape strips. At time of development on each lot, which requires a boundary street improvement, street trees shall be conditioned upon that development.

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

**Finding:** As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE.

**Condition:** Prior to final plat approval, provide a 10-foot-wide public utility easement along the frontage of Gath Road SE, Turner Road SE, and Deer Park Drive SE on the final plat.

***(C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.***

***SRC Chapter 601 – Floodplain***

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flow water discharges and to minimize danger to life and property.

**Finding:** The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

***SRC Chapter 805 – Vision Clearance (if applicable)***

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

**Finding:** The proposal includes a 3-parcel partition and does not include the addition of structures on the site. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

### ***SRC Chapter 809 – Wetlands***

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way.

### ***SRC Chapter 810 - Landslide Hazards***

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a partition adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate/ landslide risk and requires a geological assessment. A Geological Assessment, prepared by LEI Engineering & Surveying and dated May 16, 2024, was submitted to the City of Salem. This assessment demonstrates the existing geologic conditions of the site will not have an adverse impact on the proposed partition. At time of future development, the applicant shall provide a development specific geotechnical report, if required by SRC Chapter 810.

### ***SRC 205.005(d)(3)—Development within the tentative partition plan can be adequately served by City infrastructure.***

**Findings—** The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to

serve the parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

***SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.***

***Finding*** – As described in the findings above, the subject property is located adjacent to existing collector and arterial streets. The conditions of approval established with the partition decision will require improvements to these streets at time of development on each parcel. The existing street system is adequate to serve the proposed partition, and at time of future development, improvements to the street system will ensure the transportation system is adequate to serve the development proposed at that time. This criterion is met.

***SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.***

***Finding:*** Access to the proposed partition will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the partition will provide for the safe, orderly, and efficient circulation of traffic to and from the partition. This criterion is met.

Prepared by: Laurel Christian, Infrastructure Planner II  
cc: File

**From:** PIKE Brandon <Brandon.PIKE@odav.oregon.gov>  
**Sent:** Tuesday, February 4, 2025 12:03 PM  
**To:** Peter Domine  
**Subject:** RE: Notice of Filing / Request for Comments - Case No. PAR25-01 for 4755 Gath Rd SE

Good afternoon Peter,

Thank you for providing the opportunity for the Oregon Department of Aviation (ODAV) to comment on file number(s): PAR25-01

ODAV has reviewed the proposal and prepared the following comment(s):

1. Because the subject property is at a higher elevation than the nearby Salem Municipal Airport such that existing structures and planned development exceed the height requirements of OAR 660 Division 13 (Airport Planning Rule), ODAV recommends a maximum height allowance of 35 feet above ground level (AGL) for future development,\* except as otherwise approved through a height variance. Pursuant to OAR 660-013-0070:

*For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.*

\*The subject property is located inside the overlay zone, and partially inside the approach surface. For areas outside the approach surface, ODAV finds allowing structures up to 35 feet in height AGL, except as otherwise approved through a height variance, meets the requirements of this administrative rule. For areas inside the approach surface, further aeronautical evaluation will be necessary to determine where and what types of development will meet the requirements of this rule. This will ensure any impact on airspace from future development at this site will be minimized.

2. In accordance with FAR Part 77.9 and OAR 738-070-0060, development at this site is required to undergo aeronautical evaluations by the FAA and ODAV. The applicant can use the FAA's [Notice Criteria Tool](#) to determine which proposed structures (including any cranes or other tall construction equipment) warrant a *notice of construction*. If so, they are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
3. The subject property is located partially under the approach surface of Salem Municipal Airport. Pursuant to the State of Oregon's Airport Land Use Compatibility Guidebook, some forms of development are not considered compatible land uses when located near a public-use airport. Per Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas, the following land uses are identified as incompatible developments when

located under the approach surface of public-use airports: Places of public assembly, outdoor sports arenas and spectator sports, nature exhibits and zoos, amusement parks, resorts and camps, and golf courses.

ODAV does not recommend approval of development which is found to be in conflict with the Airport Land Use Compatibility Guidebook. The applicant is advised to contact Brandon Pike, Aviation Planner with ODAV (see contact information below) to discuss potential aviation-related concerns or limitations with the property.

Please reach out if you have questions or concerns.

Best,

## BRANDON PIKE

OREGON DEPARTMENT OF  
AVIATION (ODAV)  
AVIATION PLANNER



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### Alternative Contacts:

COAR Grants: [Grants@ODAV.Oregon.Gov](mailto:Grants@ODAV.Oregon.Gov)

Procurement / Contracts: [Contracts@ODAV.Oregon.Gov](mailto:Contracts@ODAV.Oregon.Gov)

Pavement (PEP/PMP): [Pavement@ODAV.Oregon.Gov](mailto:Pavement@ODAV.Oregon.Gov)

Land Use / Tall Structures: [LandUse@ODAV.Oregon.Gov](mailto:LandUse@ODAV.Oregon.Gov)

### \*\*\*\*\*CONFIDENTIALITY NOTICE\*\*\*\*\*

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**From:** Jennifer Biberston <[jbiberston@cityofsalem.net](mailto:jbiberston@cityofsalem.net)>

**Sent:** Wednesday, January 22, 2025 12:55 PM

**To:** Jennifer Biberston <[jbiberston@cityofsalem.net](mailto:jbiberston@cityofsalem.net)>

**Cc:** Peter Domine <[PDomine@cityofsalem.net](mailto:PDomine@cityofsalem.net)>

**Subject:** Notice of Filing / Request for Comments - Case No. PAR25-01 for 4755 Gath Rd SE

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hello,

The Notice of Filing/ Request for Comments for Tentative Partition Plan Case No. PAR25-01 for 4755 Gath Rd SE is attached for your information. Comments are due **February 5, 2025 by 5:00 p.m.** Hard copies go out in the mail today for those of you who are to receive one.

Application Summary: A tentative partition plan to create three parcels.

Please direct questions or comments to the **CASE MANAGER:**  
**Peter Domine**