



## Staff Report

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**File #:** 20-223

**Version:** 1

**Date:** 6/22/2020

**Item #:** 6.d.

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**TO:** Mayor and City Council  
**THROUGH:** Steve Powers, City Manager  
**FROM:** Peter Fernandez, PE, Public Works Director

**SUBJECT:**

A pedestrian connection between Candalaria and Fairmount neighborhoods.

Ward(s): Ward 7

Councilor(s): Councilor Nordyke

Neighborhood(s): SCAN and SWAN

Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community.

**ISSUE:**

A pedestrian connection between Candalaria and Fairmount neighborhoods.

**RECOMMENDATION:**

Information only.

**SUMMARY:**

On April 27, 2020, City Council passed the following motion by Councilor Nordyke:

"I move that City Council direct staff to prepare a report to City Council that summarizes the background including but not limited to historical issues and outlines options regarding a pedestrian connection between the neighborhoods west of Commercial Street S that are divided by the City-owned Pioneer Cemetery and the adjoining privately-owned City View Cemetery."

Submitted in response to the motion, this report presents facts and findings, summarizes the history of Pioneer Cemetery, provides a timeline spanning 35 years of Council actions on a pedestrian

connection through Pioneer Cemetery, and presents six options for Council consideration (Attachment 1, Summary of Options) for a pedestrian connection between Candalaria and Fairmount neighborhoods.

## **FACTS AND FINDINGS:**

1. Pioneer Cemetery is in Ward 7 and lies entirely within the SWAN neighborhood. The northern border of the cemetery runs along the SWAN/SCAN border. (Attachment 2, Vicinity Map).
2. A pathway connection between Candalaria and Fairmount neighborhoods through Pioneer Cemetery has been contemplated by City Council for at least 35 years.
3. There are currently two pedestrian connections between the Candalaria and Fairmount neighborhoods: (a) the sidewalk of Commercial Street SE; and (2) a trail between Crestview Drive S (Candalaria) and Rural Avenue S (Fairmount) that runs along the hillslope between City View Cemetery and River Road S.
4. Commercial Street SE is classified a Major Arterial in the *Salem Transportation System Plan* with an Annual Average Daily Traffic of 40,000 vehicles. The sidewalk at this location is five feet wide and has no planting strip separating pedestrians from motor vehicles.
5. The width of Pioneer Cemetery starting at Hoyt Street S and extending north towards Rural Avenue S is approximately 520 feet.
6. There is a drive aisle along three-quarters of the western edge of Pioneer Cemetery extending north from Hoyt Street S and adjacent to the boundary of City View Cemetery. This drive aisle could potentially be used for a portion of a walkway through the cemetery. A maintenance storage area, compost bins, and vegetation in the northwest corner of the cemetery would need to be relocated or removed in order to complete a walkway to the northwest end of Pioneer Cemetery.
7. There is a 12-foot-wide pedestrian access easement over a former east/west alley right-of-way adjacent to the northwestern corner of Pioneer Cemetery. This easement could be used for a landing at the northern terminus of a walkway crossing Pioneer Cemetery. (Attachment 3, Possible Connections into Fairmount Neighborhood).
8. The pedestrian access easement could connect to John Street S or to Rural Avenue S. A connection to John Street S would require that the City purchase an access easement over a shared driveway for residential properties at 470 and 490 Rural Avenue S. A connection to Rural Avenue S could be made via an existing unopened alley right-of-way that runs through the landscaping area of the Pioneer Alley Planned Unit Development.

9. Based on the distances between the intersection of Hoyt Street S and Skopil Avenue S (Candalaria neighborhood) and the intersection of Rural Avenue S and John Street S (Fairmount neighborhood), a pedestrian pathway through Pioneer Cemetery would save approximately 2,800 feet of travel (900 feet vs. 3,700 feet). (Attachment 4, Pedestrian Travel Routes).
10. The Council-adopted *Salem Transportation System Plan* and *Comprehensive Parks System Master Plan* identify a potential trail connection between Rural Avenue S and Hoyt Street S at Pioneer Cemetery.

## **BACKGROUND:**

### **Pioneer Cemetery**

Originally established by the Independent Order of Odd Fellows in 1854, Pioneer Cemetery is a City-owned property that currently occupies 17 acres of land. There are approximately 8,250 burials of record in the cemetery, with three to six new burials per year on average. The cemetery is a City of Salem Historic Landmark and in 2013 was listed in the National Register of Historic Places for its statewide significance as the final resting place of a significant number of founders and officers of Oregon government before and after statehood was achieved in 1859. The City of Salem became titleholder and steward of the cemetery in 1985.

### **Timeline of Council Action on a Pathway through Pioneer Cemetery**

This public right-of-way abutting the northern boundary of Pioneer Cemetery has been the subject of Council action since at least 1985.

#### 1985:

In 1985, City Council approved an ordinance vacating an alley right-of-way along the north line of Pioneer Cemetery from Commercial Street SE to approximately 470 Rural Avenue S. A portion of the 12-foot-wide alley right-of-way adjacent to 490 Rural Avenue S was not vacated because of the possibility of it being incorporated into a pedestrian/bicycle access through Pioneer Cemetery.

#### 2004-2005:

In 2004, Pioneer Alley, LLC, proposed to incorporate a pedestrian path with access at the location of the retained alley right-of-way as part of its planned unit development (PUD) at 470/490 Rural Ave S. The path required an amendment to the Salem *Transportation System Plan*.

On January 24, 2005, a public hearing on the proposed amendments to the Salem *Transportation System Plan* was held. After considering the testimony, the City Council voted against the amendments. Pioneer Alley, LLC, subsequently redesigned the PUD with no accommodation for a trail connection.

#### 2010-2012:

On October 21, 2010, Pioneer Alley, LLC, requested the City vacate the remaining alley right-of-way, which at this time was being used as a shared driveway to provide access to two residential

properties.

On August 16, 2011, the Salem Planning Commission recommended that City Council approve the vacation subject to the condition that a public utility easement be reserved.

On September 26, 2011, City Council held a public hearing on the proposed vacation.

On October 24, 2011, City Council approved the vacation of the alley right-of-way subject to the condition that a public utility easement be reserved. The Council decision was appealed to the Land Use Board of Appeals (LUBA), which remanded Council's decision after determining the decision was not supported by adequate findings addressing policies in the Salem *Transportation System Plan*. On remand from LUBA and at the request of the abutting property owner, Pioneer Alley, LLC, City Council voted to reopen the hearing to take testimony and evidence regarding issues remanded by LUBA.

On June 25, 2012, the City Council held the public hearing upon remand, and took evidence and testimony regarding the proposed vacation of the alley right-of-way (Attachment 5, June 24, 2012 staff report). Council voted to approve the vacation with the condition that an easement for public utilities be reserved.

On July 23, 2012, the City Council voted to reopen the hearing to disclose *ex parte* contacts that occurred outside the hearing.

On October 8, 2012, the hearing was reopened for the limited purpose of receiving evidence and testimony addressed to the content of *ex parte* contacts. After receiving the evidence and testimony, the City Council voted to modify its decision of June 25, 2012. Council approved the vacation of the alley right-of-way, subject to a reservation of a public utility easement *and* a pedestrian easement over the area proposed for vacation (Ordinance Bill No. 15-12).

## 2020

On April 27, 2020, Council approved a motion from Councilor Nordyke (Ward 7) that staff prepare a report summarizing the background and outlining options for a pedestrian connection between the neighborhoods currently divided by the City-owned Pioneer Cemetery and the adjoining privately-owned City View Cemetery.

### **Interested Parties**

Several groups and individuals, including those listed below, have expressed an interest in potential Council action regarding a pedestrian connection between Candalaria and Fairmount neighborhoods. Public comment received in advance of the April 27, 2020, Councilor Motion is attached to this staff report (Attachment 6).

City View Cemetery

Descendants of individuals interred in Pioneer Cemetery

Friends of Pioneer Cemetery  
Homeowners along John Street S  
Pioneer Alley, LLC  
Residents of Candalaria neighborhood  
Residents of Fairmount neighborhood  
South Central Association of Neighbors (SCAN)  
Southwest Area Neighbors (SWAN)

### **Options for Council Consideration**

The following six options are presented with no implied order of preference:

Option 1: Take no action.

Option 2: Initiate amendments to remove a path from master plans and vacate the pedestrian access easement.

If the *Salem Transportation System Plan* and the *Salem Comprehensive Parks Master Plan* are amended to remove mention of the potential for a trail connection and if the vacation of the public access easement is adopted by Council, these two actions will effectively remove from future consideration a pedestrian path at this location.

Option 3: Improve pedestrian facilities along Commercial Street S

Among the issues raised in the past regarding this issue is the inadequacy of the sidewalk on Commercial Street S connecting Candalaria and Fairmont neighborhoods. Commercial Street S from Rural Avenue S to Hoyt Street S is approximately 730 feet, approximately 520 feet of which abuts Pioneer Cemetery. The sidewalk on the west side of Commercial Street S (abutting Pioneer Cemetery) is five feet wide. There is no planting strip separating the sidewalk from vehicular traffic. There is a six-foot-wide bike lane on Commercial Street SE from Rural Avenue S to Hoyt Street SE. There is a project currently in design to narrow the travel lanes on Commercial Street SE in this section and create a painted buffer between the bike lane and travel lanes. No plans exist in the *Salem Transportation System Plan* to modify this stretch of sidewalk or at the intersections of Commercial Street SE at Rural Avenue S or Hoyt Street SE to make them more pedestrian friendly. Improving the pedestrian environment would require either:

- (1) Reconfiguring the sidewalk and landscape area and possibly purchasing land from Pioneer Cemetery and from the property to the north (2001 Commercial Street SE) to widen or relocate the sidewalk towards the west. There is an approximately 19-foot wide strip of land (containing shrubbery and 10 shade trees) along Pioneer Cemetery that divides the sidewalk from the fence surrounding the cemetery. This width tapers down to about nine feet at the intersection with Rural Avenue S. The location of the sidewalk in this area could be moved closer to fence surrounding the cemetery, leaving room to create a landscaped buffer between the pedestrian realm and the travel lanes. This would require removal of the existing trees and would likely require construction of a retaining wall due to topography. Such modification would also require determination of impacts to the historic cemetery.

- (2) Reconfiguring Commercial Street S to accommodate widening the sidewalk on the west side of the street.

Option 4: Construct a trail through Fairmount Park.

The *Salem Transportation System Plan* identifies a shared use path through Fairmount Park and connecting Rural Avenue S to Crestview Drive S for future improvement as a recommended Tier 3 Pedestrian Project. There is currently an unpaved trail that connects Fairmount Park and Crestview Drive S near the Willamette View Apartments. This trail is approximately a quarter-mile long and is primarily packed dirt with occasional sections of mud owing to groundwater seepage. Some segments of the trail may be too steep to meet accessibility requirements and might require relocating and redesign.

Option 5: Construct a connection through Pioneer Cemetery.

A connection between John Street S and Hoyt Street S through Pioneer Cemetery would be approximately 500 feet long. To meet ADA requirements, a firm and stable surface would need to be provided with a minimum width of 36 inches, with additional width for passing spaces at intervals of 200 feet. To accommodate the path inside the cemetery, a storage area and composting bins must be relocated, and vegetation removed. A gate at the northern boundary of the cemetery must be installed and landing area leading from the cemetery into the Fairmount neighborhood at John Street S constructed. This could be accomplished by either:

- (1) Purchasing an easement over private property to connect the existing easement area to John Street S over the location of the current shared driveway; or
- (2) Constructing a pathway over the currently unopened alley right-of-way connecting to Rural Street through the open space within the Pioneer Alley PUD.

If this option were pursued, Parks Operations would need to assign responsibility for opening and closing the gate to align with cemetery hours.

As the Pioneer Cemetery is individually listed on the National Register of Historic Places there are two additional and separate approval processes required:

- (1) Oregon State Historic Preservation Office (SHPO) Clearance Review  
This review must demonstrate that the proposed alterations will not adversely impact either the above ground resources or the below ground resources (including burials). Additionally, the City must demonstrate that alternatives have been explored to accomplish the same goal-connectivity between neighborhoods-that would avoid impacting the historic resource.
- (2) Historic Landmarks Commission (HLC) Review  
Any proposed alterations at Pioneer Cemetery would require a Type III public hearing

review before the HLC. As with the SHPO review, the City will need to demonstrate that the proposed alterations will not adversely affect any above or below ground historic resources. The HLC review and its decision are considered a land use actions which are appealable to the Hearings Officer. The HLC decision cannot be called up by the City Council for further consideration.

Option 6: Construct a connection that includes City View Cemetery.

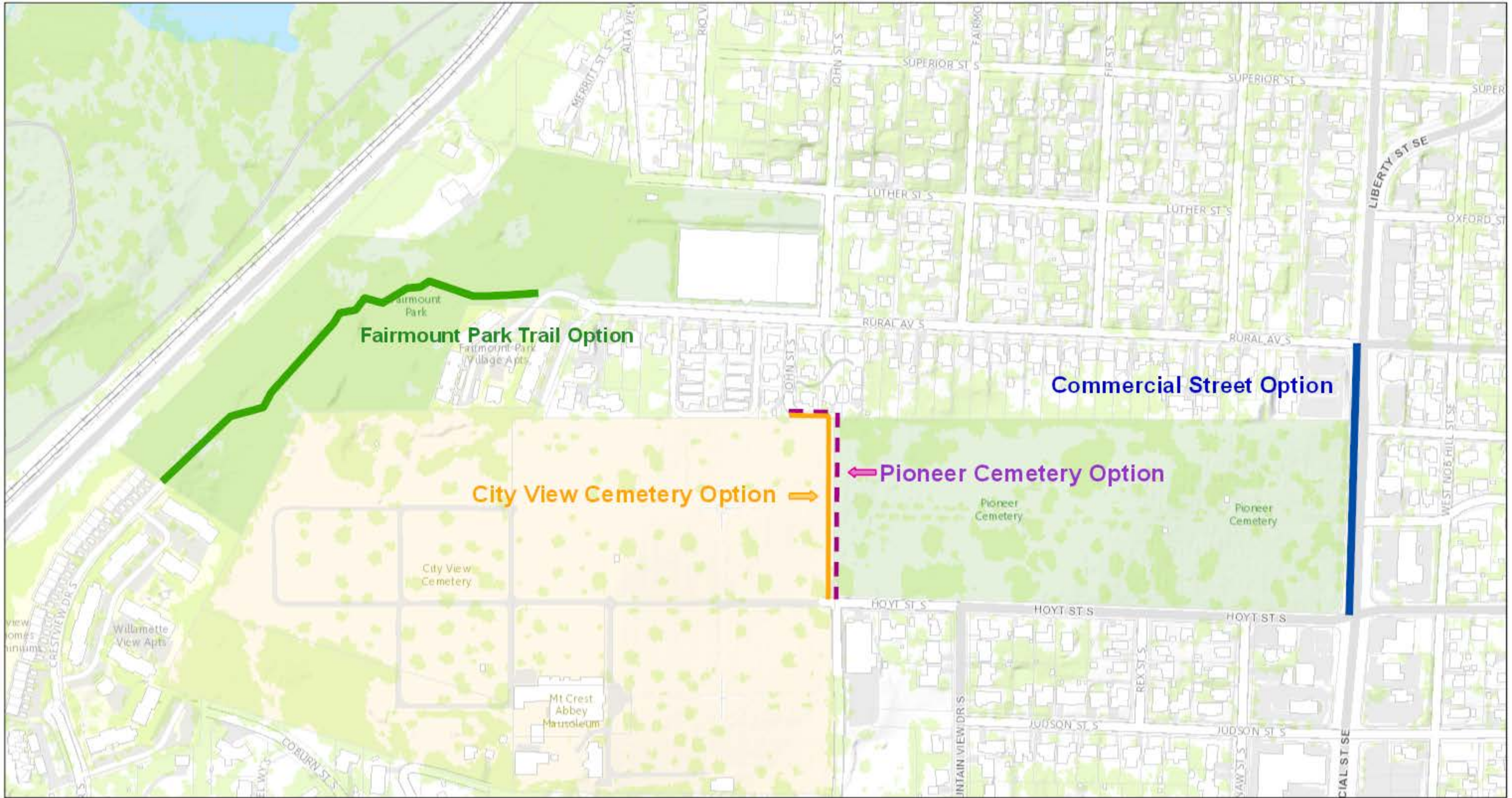
A pedestrian route could be made in which a portion or all of the path runs along the boundary between Pioneer Cemetery and City View Cemetery. The terminus of the path could be located at the northern boundary of City View Cemetery and aligned with John Street S. This option would require acquisition of an easement from City View Cemetery. The property owner of the cemetery has stated as recently as early 2020 that he is not interested in providing an easement for the purposes of pedestrian pathway.

Robert D. Chandler, PhD, PE  
Assistant Public Works Director

**Attachments:**

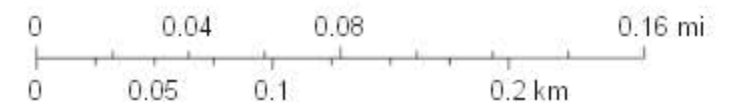
1. Map depicting Rural-Hoyt Connector Options
2. Vicinity Map
3. Possible Connections into Fairmount Neighborhood
4. Pedestrian Travel Routes
5. Council Staff Report, June 24, 2012
6. Public comment received in advance of the April 27, 2020, Councilor Motion

# Attachment 1 - Rural-Hoyt Connector Options



June 4, 2020

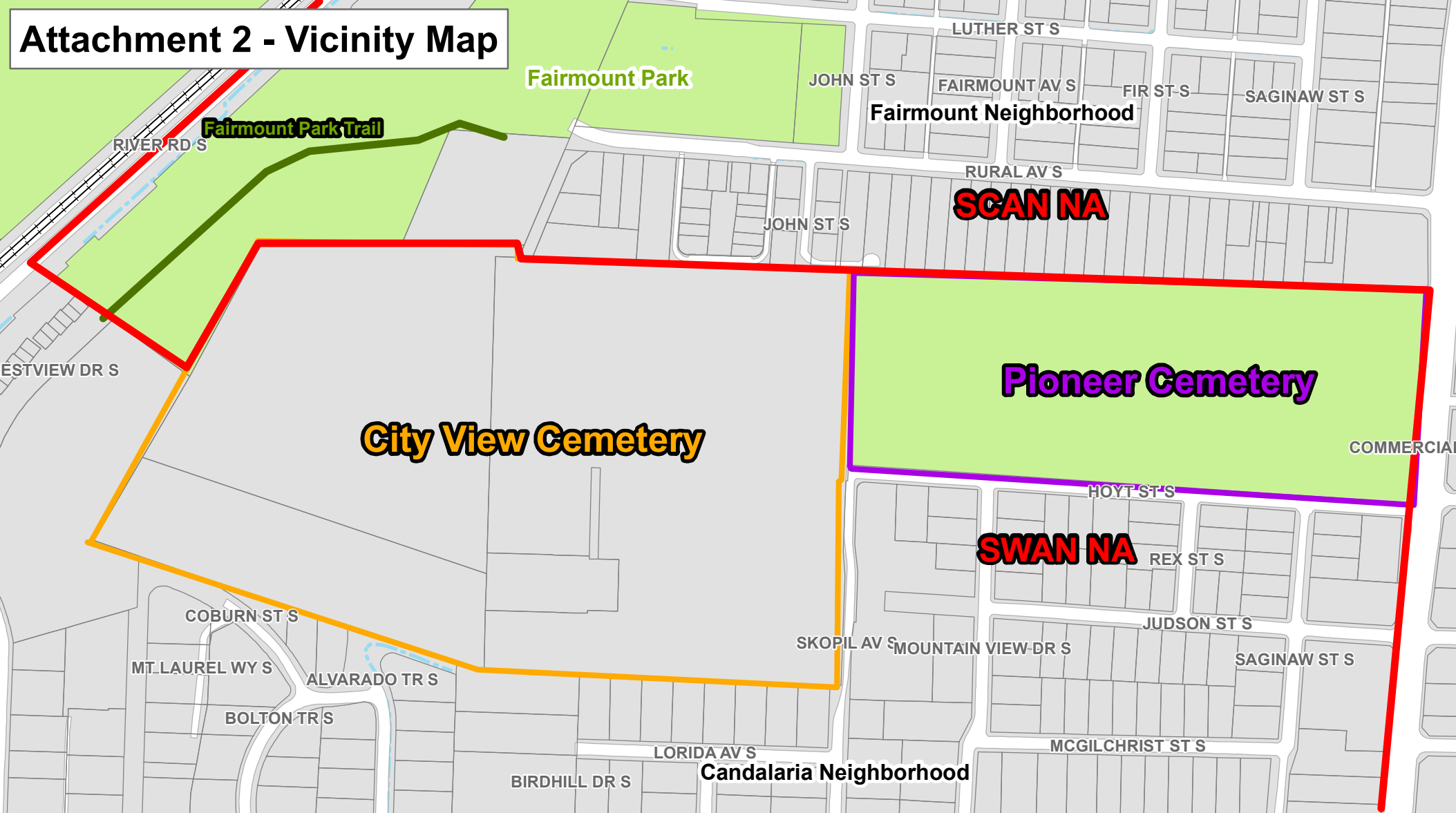
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City of Salem, Oregon GIS



# Attachment 2 - Vicinity Map



Fairmount Park

JOHN ST S

LUTHER ST S

FAIRMOUNT AV S

FIR ST S

SAGINAW ST S

Fairmount Neighborhood

RURAL AV S

SCAN NA

JOHN ST S

Pioneer Cemetery

City View Cemetery

COMMERCIAL

SWAN NA

HOYT ST S

REX ST S

JUDSON ST S

SAGINAW ST S

SKOPI AV S

MOUNTAIN VIEW DR S

MCGILCHRIST ST S

LORIDA AV S

Candalaria Neighborhood

BIRDHILL DR S

COBURN ST S

MT. LAUREL WY S

ALVARADO TR S

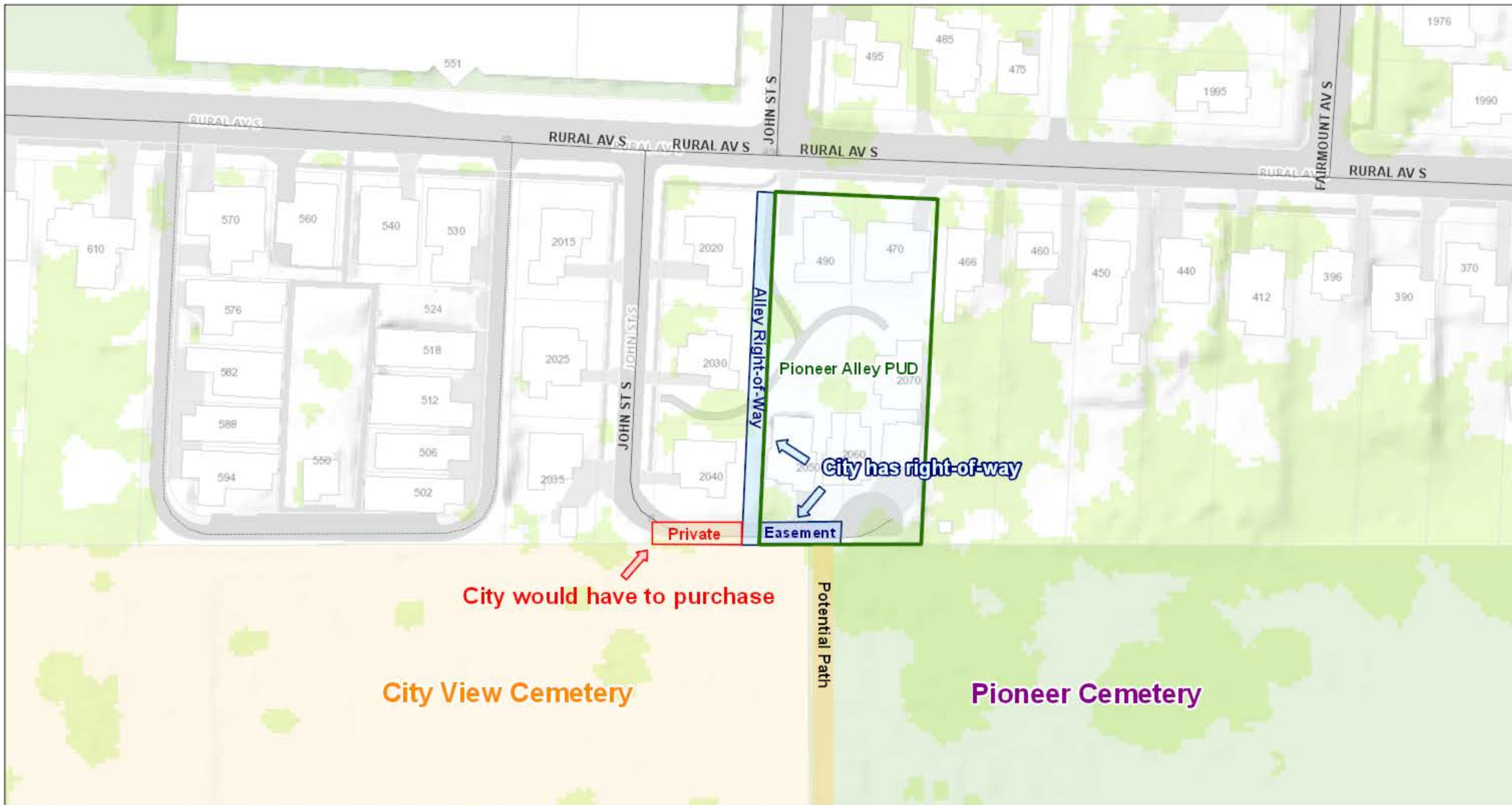
BOLTON TR S

RIVER RD S

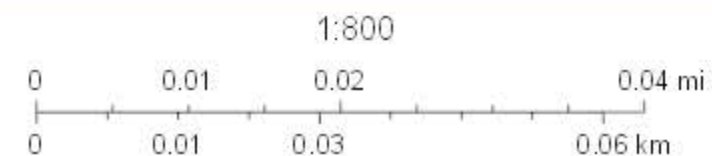
Fairmount Park Trail

ESTVIEW DR S

# Attachment 3 - Possible Connections into Fairmount Neighborhood

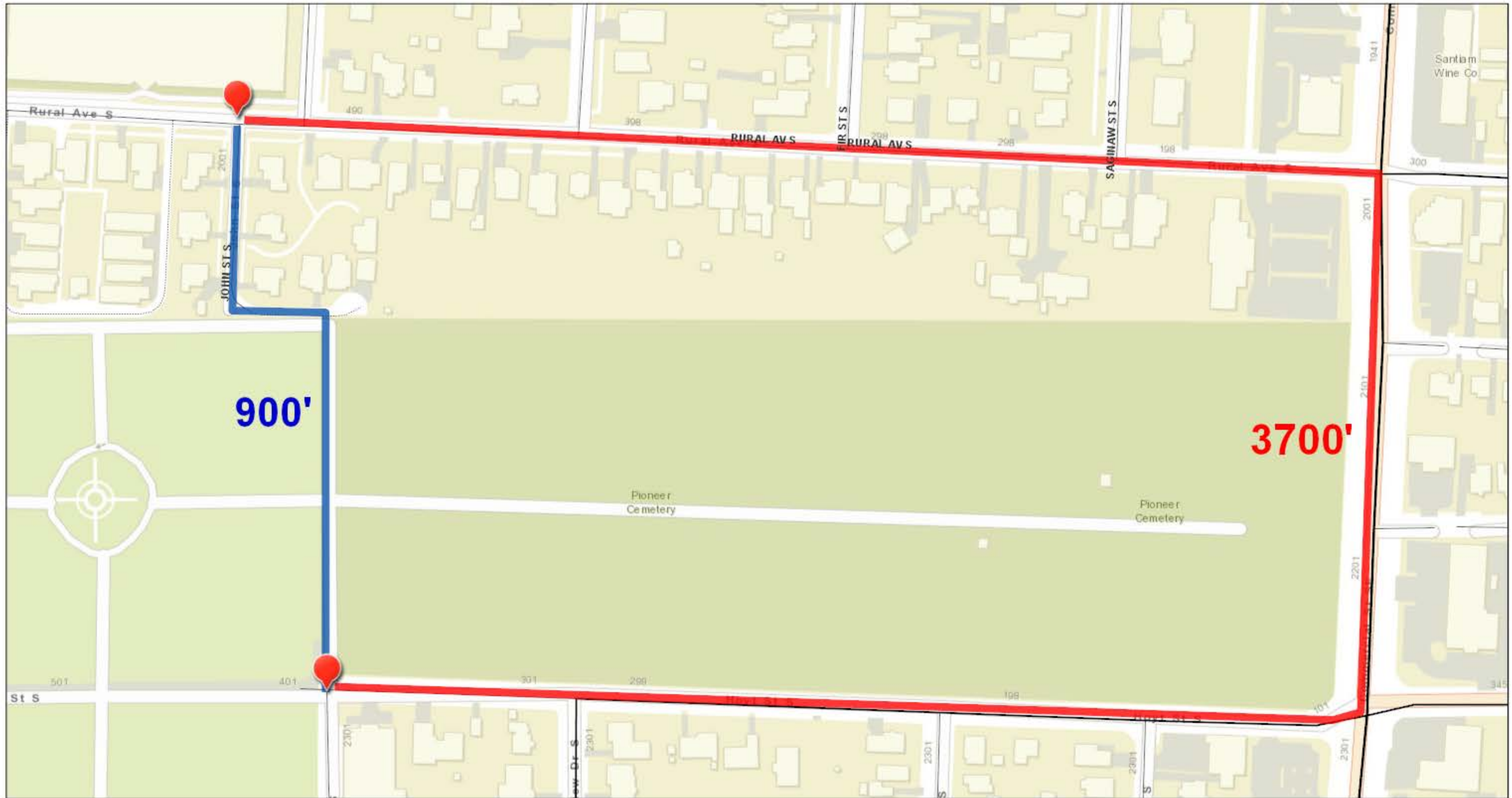


June 4, 2020



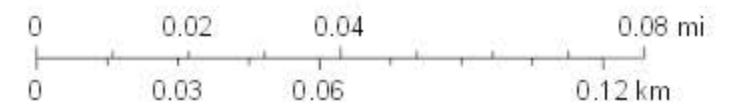
City of Salem, Oregon GIS

# Attachment 4 - Pedestrian Travel Routes



June 5, 2020

1:1,601



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

FOR COUNCIL MEETING OF:  
 AGENDA ITEM NO.:  
 PUBLIC WORKS FILE NO.:

June 25, 2012  
 4 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: PETER FERNANDEZ, P.E., PUBLIC WORKS DIRECTOR 

SUBJECT: PUBLIC HEARING ON THE REMAND OF CITY-INITIATED VACATION OF  
 RIGHT-OF-WAY FOR A PORTION OF ALLEY LOCATED ALONG THE  
 NORTH PROPERTY LINE OF PIONEER AND CITY VIEW CEMETERIES

**ISSUE:**

Shall Council approve the vacation of alley right-of-way located along the north property line of Pioneer and City View Cemeteries on remand from the Land Use Board of Appeals? (See Attachment A, Exhibit Map, Area of Proposed Vacation.)

**RECOMMENDATION:**

Staff recommends Council approve the vacation of alley right-of-way located along the north property line of Pioneer and City View Cemeteries on remand from the Land Use Board of Appeals.

**BACKGROUND:**

The City received a request from Dave Moss, Pioneer Alley LLC, for the City to initiate the vacation of a remnant of the east-west alley right-of-way located along the north property line of the Pioneer and City View Cemeteries, abutting the property located at 490 Rural Avenue S. (See Attachment 2 of the September 26, 2011, staff report.) The letter provides background on this issue dating back to 1985, when the majority of this alley right-of-way extending east to Commercial Street SE was vacated. On April 11, 2011, Council initiated the vacation of alley right-of-way as allowed by *Oregon Revised Statute* (ORS) Chapter 271.130.

On September 26, 2011, Council held a hearing on the proposed vacation of the alley right-of-way located along the north property line of Pioneer and City View Cemeteries. Upon the close of the hearing, Council voted to approve the vacation. On October 24, 2011, second reading was conducted for Ordinance No. 32-11, which vacated the right-of-way.

Ordinance No. 32-11 was appealed to the Land Use Board of Appeals (LUBA), and on April 18, 2012, LUBA remanded the decision to the City. On June 4, 2012, Council, at the request of Mr. Moss and Pioneer Alley, LLC, set a public hearing on this vacation, with the scope of the hearing limited to the issues raised on remand by LUBA.

LUBA's final order held that the decision was not supported by adequate findings addressing the *Salem Transportation System Plan* (Salem TSP) Policy 2.10(b), (d), and (e).

At LUBA, the City argued that Policy 2.10 contains factors that, while they must be addressed by City when vacating right-of-way, they may be weighed appropriately as the City Council determines. The City Council retains the authority to place more weight on one particular factor, and may approve a vacation, notwithstanding that one or more of the factors are not fully satisfied. LUBA held that the City's argument was plausible under the Policy, but because the decision lacked express findings regarding this interpretation, the findings were inadequate to support the decision. LUBA stated:

[E]ven if the criteria set out in Policy 2.10(a) through (e) are criteria that must be considered, that does not necessarily mean that each of those criteria are rigid, mandatory criteria in the sense a proposed vacation must be denied if it does not satisfy or comply with each of those criteria. The individual considerations in Policy 2.10(a) through (e) are in many cases worded as 'should,' rather than 'shalls.' That wording likely would permit the city to adopt a sustainable interpretation that while the individual considerations in Policy 2.10(a) through (e) are mandatory consideration, vacations may be approved even if they are inconsistent with one or more of those considerations.

The facts and findings below contain findings consistent with LUBA's decision, which expressly interpret the factors in Policy 2.10 to allow Council to approve a vacation upon consideration of the factors in Policy 2.10, even if Council finds that each factor is not fully satisfied. The facts and findings in this staff report only address the three issues remanded by LUBA. The September 26, 2011, staff report addresses the requirements of *Salem Revised Code* (SRC) Chapter 76 and ORS Chapter 271, and is attached as Attachment B, and is incorporated herein by reference.

## **FACTS AND FINDINGS:**

### **Scope of Hearing**

This public hearing is a continuation of the hearing previously held by Council on September 26, 2011. The hearing on remand from LUBA is limited to consideration of whether the proposed vacation complies with the Salem TSP, Street System Element, Policy 2.10(b), (d), and (e), which were the only three issues raised by LUBA in its remand of the City's decision. Testimony and evidence will only be accepted and considered on these three issues. All written testimony submitted to date is available for public review in the case file at the Public Works Department, 555 Liberty Street SE, Room 325. This includes material from the September 26, 2011, public hearing, written communication from Kathleen Dewoina dated May 29, 2012, and an article from the Statesman Journal dated May 27, 2012.

### **Public Notice**

Notice of the continued public hearing was provided consistent with the requirements of SRC Chapter 76 and ORS Chapters 197 and 271, including mailed notice, posting of the property proposed for vacation, and publication in the newspaper.

### **Policy 2.10 Criteria for Evaluating Proposed Vacation of Rights-of-way**

Right-of-way vacations may be initiated by Council or by private citizen petition. Vacations of public rights-of-way in the City of Salem are governed by State law (ORS Chapter 271) and SRC 76.130 to 76.144.

The factors set forth in Salem TSP Policy 2.10 are mandatory considerations that must be addressed when determining whether to vacate City right-of-way; however, those factors may be balanced as the Council deems appropriate. No one factor is determinative when deciding whether or not to vacate a particular section of right-of-way, and each proposal to vacate City right-of-way must be decided based on the specific facts of the case. To the extent that a vacation proposal does not fully conform to one or more of the factors set forth in Policy 2.10, Council may still decide to proceed with a vacation if Council deems the vacation to be in the best interest of the City upon consideration of all the factors in Policy 2.10.

The five factors required for evaluating a proposed right-of-way vacation are itemized below:

- a. *Is the right-of-way proposed for vacation actively used for transportation purposes? Many public rights-of-way, while platted, are either not open or not actively used by the public. Actively used rights-of-way may be considered for vacation conditioned upon the provision of nearby facilities for the existing users and if there is not a significant degradation in transportation services and accessibility in the surrounding neighborhood.*

**Finding:** The right-of-way proposed for vacation is not actively used for public transportation purposes. The alley right-of-way is incorporated into the driveway access for private residential units in the Pioneer Alley Planned Unit Development. Portland General Electric has underground utilities within this portion of right-of-way. An easement for public utilities will be reserved through this vacation that will protect PGE facilities and allow for other public utilities in the future. (See Attachment 3 of the September 26, 2011, staff report).

- b. *Does the proposed vacation restrict the City's compliance with the State Transportation Planning Rule (TPR) and the Salem Transportation System Plan's policies on transportation system connectivity? A proposed vacation should not limit, nor make more difficult, safe, and convenient pedestrian and bicycle access to community activity centers such as schools, parks, shopping, and transit stops. Additionally, local street connectivity, traffic circulation, emergency vehicle access, and accessibility to transit service should be maintained within and between neighborhoods.*

**Finding:** The Salem TSP is a detail plan and a “policy guide” of the Salem Area Comprehensive Plan (SACP) (SRC 64.230 & 64.235), and is deemed consistent with the State TPR, and Statewide Planning Goal 11. The proposed vacation is consistent with the Salem TSP, and therefore is, as a matter of law, consistent with the State TPR, and no individual findings of compliance with the State TPR or Statewide Planning Goal 11 are required. There are no approved or adopted plans in the Salem TSP, or any other planning document adopted by Council, for use of this section of alley right-of-way for public vehicle, bicycle or pedestrian access to community activity centers, nor any approved or adopted plans to use this section of right-of-way as part of the City’s compliance with the State TPR or the City’s TSP. Because the right-of-way proposed for vacation is not used for any public transportation purpose, and is not part of any approved or adopted plan for any public transportation purpose, the proposed vacation will not restrict the City’s ability to comply with the State TPR and the Salem TSP policies on transportation system connectivity.

- c. *Is the right-of-way proposed for vacation improved or unimproved to urban standards? While right-of-way in either condition may be vacated, an improved right-of-way is an indication of use and should be more closely scrutinized before recommended for vacation.*

**Finding:** The section of right-of-way is improved to urban standards; however, it is an alley that abuts private development and serves exclusively as private access to that development, and is not used for any public transportation purpose. Therefore, the fact that the right-of-way is improved does not prohibit the proposed vacation.

- d. *Is the right-of-way proposed for vacation part of or near a planned transportation improvement? Rights-of-way that have the potential to be used for a future transportation project should not be vacated.*


**Finding:** The section of right-of-way proposed for vacation is not part of, or near, a planned transportation improvement. Council has considered this section of right-of-way as part of a potential bike and pedestrian trail through the abutting public cemetery and determined that the right-of-way is not necessary for that trail in the event it is ever planned or constructed, and the benefits of vacating the right-of-way outweigh preserving it for a trail that may not be planned for or constructed at this location.

- e. *Does the vacation of the right-of-way satisfy a compelling public need? Issues that address health and safety concerns may outweigh the transportation criteria listed above and should be given proper consideration.*

**Finding:** The proposed vacation of right-of-way satisfies a compelling public need for the following reasons;

- (1) The vacation of the unused alley right-of-way makes the lot lines for the abutting properties consistent with the neighboring lots. The alley in question previously extended from Commercial Street SE along the full length of the cemeteries. The majority of the alley was vacated in 1985, with the exception of this section causing irregular lot lines in this area. The proposed vacation of the remaining portion of the alley will correct the irregular lot lines in this area.
- (2) The vacation will return unused public right-of-way to the tax rolls, generating property tax revenue for the various taxing jurisdictions.
- (3) The vacation will eliminate the City's jurisdiction over this section as right-of-way and the City's duty to maintain it.

**SRC Chapter 76 and ORS Chapter 271.** Facts and Findings addressing the criteria contained in SRC Chapter 76 and ORS Chapter 271 are contained in the September 26, 2011, staff report, including its attachments, which is incorporated herein as Attachment B.



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Robert D. Chandler, Ph.D., P.E.  
Assistant Public Works Director

**Attachments:**

- A. Exhibit Map, Area of Proposed Vacation
- B. September 26, 2011, Staff Report
  1. Legal Description and Vicinity Map
  2. Letter from Mr. Dave Moss
  3. Email from Portland General Electric
  4. Planning Commission Action Sheet
  5. Real Estate Division Estimate of Value

Ward: 7  
June 14, 2012





FOR COUNCIL MEETING OF:  
AGENDA ITEM NO.:  
PUBLIC WORKS FILE NO.:

September 26, 2011 \_\_\_\_\_  
8 (b) \_\_\_\_\_  
\_\_\_\_\_

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: PETER FERNANDEZ, P.E., PUBLIC WORKS DIRECTOR 

SUBJECT: CITY INITIATED VACATION OF RIGHT-OF-WAY FOR A PORTION OF  
ALLEY LOCATED ALONG THE NORTH PROPERTY LINE OF PIONEER  
AND CITY VIEW CEMETERIES

**ISSUE:**

Shall Council approve the vacation of alley right-of-way located along the north line of Pioneer and City View Cemeteries? (See Attachment 1, Legal Description and Vicinity Map.)

**RECOMMENDATION:**

Staff recommends that Council approve the vacation of the right-of-way for a remnant portion of the alley along the north property line of Pioneer and City View Cemeteries, as shown in Attachment 1, with a condition to reserve a public utility easement over the entire area.

**BACKGROUND:**

The City received a request from Dave Moss, Pioneer Alley LLC, for the City to initiate the vacation of a remnant of the east-west alley right-of-way located along the north property line of the Pioneer and City View Cemeteries, abutting the property located at 490 Rural Avenue S. (See Attachment 2, Letter from Mr. Dave Moss.) The request from Mr. Moss provides background on this issue dating back to 1985, when the majority of this alley right-of-way extending east to Commercial Street SE was vacated. On April 11, 2011, the City Council initiated the vacation of alley right-of-way as allowed by *Oregon Revised Statute (ORS) Chapter 271.130*.

Three policy-related points of view have been brought to the attention of staff regarding this right-of-way vacation request.

- Several community members have requested a pedestrian and bicycle connection between the Fairmount and Candalaria neighborhoods, which are currently separated by Pioneer and City View Cemeteries. Some believe that this remnant portion of the alley could be used as part of a path between Rural Avenue S and Hoyt Street S. If this alley portion is vacated, the City may be required in the future to acquire additional right-of-way to provide a path between the two neighborhoods.

- Mr. Moss is owner of the Pioneer Alley Planned Unit Development, which currently uses the alley right-of-way for private residential access. The initial development plans for this property allowed for a bicycle and pedestrian path. However, when a public hearing was held in January 2005 on the proposal to put the bicycle and pedestrian path concept into the *Salem Transportation System Plan* (Salem TSP), there was opposition from several parties. The City Council voted against the proposal and Mr. Moss subsequently redesigned his development without a path. Vacating this right-of-way would be consistent with the earlier Council action.
- The Friends of Pioneer Cemetery have expressed a concern regarding a path connection through the cemetery. At issue is whether a bicycle and pedestrian path is an appropriate use of the cemetery, and if there may be an increased risk of damage to Pioneer Cemetery from additional people being attracted to the area as a result of a new path connection.

The Public Works Department is nearing completion of a comprehensive review and update to the bicycle and pedestrian elements of the Salem TSP. Referred to as "Bike and Walk Salem," this update is scheduled to be presented to the Planning Commission and City Council at a joint work session in late October 2011, with public hearings to follow.

During this update process, staff received approximately ten comments through an on-line questionnaire and at public meetings that noted the gap in connectivity between Rural Avenue S and Hoyt Street S, west of Commercial Street SE. This gap arises from the absence of any connection through the Pioneer or City View Cemeteries, which together form a barrier that is more than 3,000 feet in length.

The current *draft* Bicycle and Pedestrian Master Plan Update shows a connection from Rural Avenue S to Hoyt Street S through Pioneer Cemetery, although the exact alignment and design options are not part of this planning effort. As it stands today, the City could provide a 12-foot-wide path from Rural Avenue S to Hoyt Street S through Pioneer Cemetery without purchasing additional right-of-way. This path could make use of the alley proposed for vacation together with the north-south alley that connects to Rural Avenue S. If the property is vacated and the new path connection is still included in the Salem TSP, the City would be required to acquire the right-of-way to provide a bicycle and pedestrian connection. Alternatively, access could be made from the south end of John Street S with the acquisition of a public access easement over the western 62 feet of the driveway for the Pioneer Alley Planned Unit Development.

On July 27, 2011, the Friends of the Pioneer Cemetery hosted a tour of the cemetery for the Bike and Walk Salem Advisory Committee and other interested parties. Approximately 30 people were in attendance, including members of the Friends of the Pioneer Cemetery, residents of the Candalaria and Fairmount neighborhoods, and members of the Bike and Walk Salem Advisory Committee. Several opinions were expressed along the tour. One attendee noted that a connection between the Fairmount neighborhood and Pioneer Cemetery could result in additional volunteers

interested in working with the Friends of the Pioneer Cemetery. Several reiterated the need for a bicycle/pedestrian connection across the cemetery, while others present noted the risk of potential damage to Pioneer Cemetery from additional people being attracted to the area as a result of a new path connection.

### **FACTS AND FINDINGS:**

On April 11, 2011, the City Council initiated the vacation of an alley right-of-way located along the north property line of Pioneer and City View Cemeteries as allowed by ORS 271.130.

The area proposed for vacation is approximately 56 feet long by 12 feet wide and contains approximately 672 square feet of land. The area proposed for vacation is currently improved as a driveway that provides access to three residential units in the Pioneer Alley Planned Unit Development.

All utilities have been notified of these proceedings. PGE has existing underground facilities in the right-of-way proposed for vacation and has requested that the City retain an easement to protect these facilities. (See Attachment 3, Email from PGE.) As a condition of approving this vacation, staff recommends reserving a public utility easement over the entire area.

The Planning Commission reviewed the proposed vacation on August 16, 2011, and supported the staff recommendation to vacate this portion of alley right-of-way. (See Attachment 4, Planning Commission Action Sheet.)

### **SALEM TRANSPORTATION SYSTEM PLAN**

The Salem transportation system represents the community's single largest investment in public infrastructure. The system consists of highways, arterial, collector, local streets, alleyways, and bicycle, transit, and pedestrian facilities. The Salem TSP provides a framework of goals, objectives, and policies that guides the design of the City's transportation system. Policy 2.10 of the Salem TSP, entitled Criteria for Evaluating Proposed Vacation of Rights-of-way, is intended to guide policy makers in the decision making process.

#### **Policy 2.10 Criteria for Evaluating Proposed Vacation of Rights-of-way**

Right-of-way vacations may be initiated by Council or by private citizen petition.

Vacations of public rights-of-way in the City of Salem are governed by ORS Chapter 271 and SRC 76.130 to 76.144. The five criteria required for evaluating a proposed right-of-way vacation are itemized below:

- a. *Is the right-of-way proposed for vacation actively used for transportation purposes? Many public rights-of-way, while platted, are either not open or not actively used by the public. Actively used rights-of-way may be considered for vacation conditioned upon the provision of nearby facilities for the existing users and if there is not a*

*significant degradation in transportation services and accessibility in the surrounding neighborhood.*

**Finding:** No, the right-of-way proposed for vacation is not actively used for public transportation purposes. This alley right-of-way is currently incorporated into the driveway access for private residential units in the Pioneer Alley Planned Unit Development. PGE has underground utilities within this portion of right-of-way. (See Attachment 3.)

- b. *Does the proposed vacation restrict the City's compliance with the State Transportation Planning Rule (TPR) and the Salem Transportation System Plan's policies on transportation system connectivity? A proposed vacation should not limit, nor make more difficult, safe, and convenient pedestrian and bicycle access to community activity centers such as schools, parks, shopping, and transit stops. Additionally, local street connectivity, traffic circulation, emergency vehicle access, and accessibility to transit service should be maintained within and between neighborhoods.*

**Finding:** No, the proposed vacation does not restrict the City's ability to comply with the State TPR and the Salem TSP policies regarding transportation system connectivity. There are no approved or adopted plans for using this right-of way as part of the City's compliance with the State TPR or Salem TSP policies. The proposed vacation does not limit or make more difficult existing pedestrian and bicycle access to community activity centers. The proposed vacation does not affect local street connectivity, traffic circulation, emergency vehicle access, or the accessibility to transit services.

- c. *Is the right-of-way proposed for vacation improved or unimproved to urban standards? While right-of-way in either condition may be vacated, an improved right-of-way is an indication of use and should be more closely scrutinized before recommended for vacation.*

**Finding:** The right-of-way proposed for vacation is improved and serves as private access for residential units in the Pioneer Alley Planned Unit Development.

- d. *Is the right-of-way proposed for vacation part of or near a planned transportation improvement? Rights-of-way that have the potential to be used for a future transportation project should not be vacated.*

**Finding:** No, the right-of-way proposed for vacation is not part of or near a planned transportation improvement. Council voted in January 2005 against a proposal to include a bicycle path at this location in the Salem TSP. The adopted Salem TSP does not propose a bicycle or pedestrian connection from Rural Avenue S to Hoyt Street S through Pioneer Cemetery.

- e. *Does the vacation of the right-of-way satisfy a compelling public need? Issues that address health and safety concerns may outweigh the transportation criteria listed above and should be given proper consideration.*

**Finding:** There is no compelling public need to retain this portion of right-of-way.

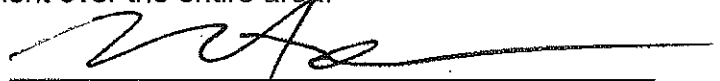
Assessment of Special Benefit

The *Salem Revised Code* (SRC) Chapter 76 does not authorize Council to charge an assessment of special benefit for City-initiated vacations. The Real Estate Division of the Urban Development Department estimates the value of the right-of-way for this vacation at \$2,826. (Attachment 5, Real Estate Division Estimate of Value.)

*Salem Revised Code and Oregon Revised Statute*

SRC 76.140(a) and ORS 271.120 allow the Council to approve or deny, in whole or in part, a vacation of right-of-way, or approve a vacation of right-of-way with such conditions or reservations as would appear to be in the public interest. A vacation may not be recorded or become effective until all conditions are satisfied.

Staff finds that approval of this vacation will not prejudice the public interest with a condition to reserve a public utility easement over the entire area.



Robert Chandler, Ph.D., P.E.  
Assistant Public Works Director

Prepared by: Julie Warncke, Transportation Planning Manager, September 16, 2011

Revised: September 21, 2011

Ward 7

Attachments:

1. Legal Description and Vicinity Map
2. Letter from Mr. Dave Moss
3. Email from PGE
4. Planning Commission Action Sheet
5. Real Estate Division Estimate of Value

**12-foot-wide Alley to be Vacated**

Beginning at a point on the North Line of the Odd Fellows Rural Cemetery as recorded in Volume 10, Page 162, Book of Town Plats, City of Salem, Marion County, Oregon, now known as Salem Pioneer Cemetery, adopted by Common Council November 8, 1954, Ordinance No. 4693; said point being in Section 34, Township 7 South, Range 3 West of the Willamette Meridian, City of Salem, Marion County, Oregon; said point being the point of intersection of the North Line of said Salem Pioneer Cemetery and the East Line of that tract of land described in that instrument recorded in Reel 2588, Page 292, Marion County Records; said point being 1448.00 feet South 88° 22' 00" West and 241.89 feet South 01° 22' 46" East from the Center Line intersection of Rural Street SE and Commercial Street SE; and running thence,  
Along the North Line of said Odd Fellows Rural Cemetery South 86° 00' 28" West 56.02 feet to a point of intersection with the southerly extension of the East Line of a 12-foot-wide alley as recorded in Volume 314, Pages 8 and 9, Marion County Records;  
thence North 01° 23' 22" West 12.01 feet along the East Line of said Alley to a point that is 12.00 feet northerly and perpendicular to the North Line of said Salem Pioneer Cemetery;  
thence North 86° 00' 28" East 56.06 feet to a point on the East Line of said Reel 2588, Page 292;  
thence South 01° 22' 46" East 12.01 feet to the Point of Beginning.

Containing 673 square feet or 0.0154 acres of land, more or less.

Bearings and distances used for this description are from Marion County Survey Record No. 37387

Checked By: 

July 8, 2011

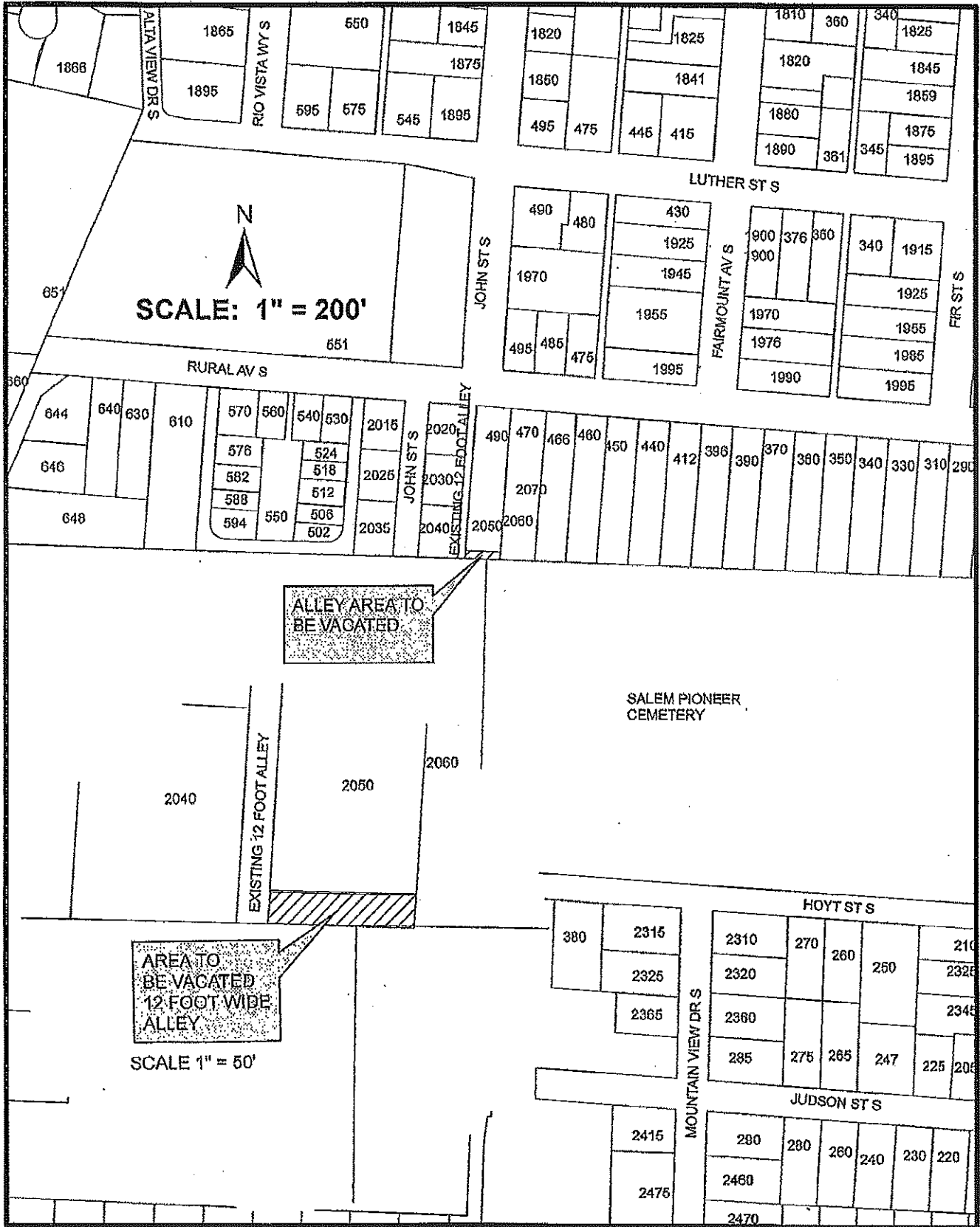


EXHIBIT MAP



October 21, 2010

TO: Mayor & City Council

FR: Dave Moss  
Pioneer Alley LLC

RECEIVED  
OCT 21 2010  
MAYOR-CITY MANAGERS OFFICE

**ISSUE:**

Request for a City-initiated vacation of the remnant of alley right-of-way abutting property at 490 Rural Avenue S

**BACKGROUND:**

In 1985, the owner of property at the corner of Commercial Street SE and Rural Avenue S requested the City of Salem vacate the alley running west from Commercial along the north boundary of the Oddfellows Cemetery (now Salem Pioneer Cemetery). Due to the impossibility of assembling signatures for a citizen-initiated vacation petition from the interests represented by all the graves in the cemetery, the City agreed to initiate the vacation.

With the exception of the portion of the alley abutting 490 Rural Avenue, the entire alley right-of-way was vacated and the property assigned to the individual residential properties along Rural Avenue S. The portion of the alley abutting 490 Rural Avenue S was retained by the City. At the time, there was a concept in the Salem Transportation Plan for a bike path connecting Hoyt Street with Rural Avenue through the Oddfellows Cemetery and along the alley remnant (Alley #1 on schematic) and another alley running north/south between Rural Avenue and City View Cemetery along the west boundary of 490 Rural Avenue (Alley #2 on schematic).

In 2004, the partners of Pioneer Alley LLC proposed a small planned unit development on the combined properties of 470 Rural Avenue S and 490 Rural Avenue S, using the Alley #2 as an access to the south end of the properties. In designing the proposal, the partners consulted with City staff regarding the possibility of Pioneer Alley LLC building the bike path concept into the access, if the City would build the cemetery link to Hoyt Street. Staff discovered the bike path concept had been deleted from the transportation plan at some point in the

intervening years and suggested that Pioneer Alley LLC request a plan amendment to revive the concept.

In January 2005, the City Council held a hearing on the proposal to re-insert the bike path concept into the Salem Transportation Plan. Many local neighbors opposed the proposal; the owners of City View Cemetery opposed the proposal; the SCAN Board of Directors opposed the proposal; and the SCAN Bike Advisory Committee opposed the proposal. The Friends of Pioneer Cemetery expressed reluctance about the proposal (a position that has subsequently turned to opposition). The City Council voted against the proposal in no uncertain terms.

Subsequent to the definitive rejection of the bike path through the cemetery by the City Council, thus ending the bike path concept in any form, the partners of Pioneer Alley LLC redesigned the PUD to increase the open space significantly, to provide better off-street parking, to reduce the overall paved surface area, and to save all the trees. We would now like to clear up the property lines as we consolidate the original properties.

The requested vacation will provide no increased buildable area in the PUD. There are no City utilities in Alley #1. There is a ten inch water line in Alley #2.

**REQUEST:**

The partners of Pioneer Alley LLC now request that the City initiate a vacation of the remnant of the old east/west alley (Alley #1). The issue of a bike path along the alley/cemetery route has been definitively rejected by the City Council. It is a matter of fairness and equity to resolve the remaining remnant of alley right-of-way, and to do so in the same manner and under the same conditions as the City did in 1985 for all the other twenty-six property owners along Rural Avenue.

**Attachments:**

- Staff Report for 1985 alley vacation
- Schematic of Pioneer Alley PUD and alley parcels

For Council Meeting Of: April 8, 1988  
Agenda Item No.: 3.6

TO: MAYOR AND CITY COUNCIL  
THRU: *R. E. Abolt*  
R. E. ABOLT, CITY MANAGER  
FROM: *Ronald J. Merry*  
RONALD J. MERRY, DIRECTOR OF PUBLIC WORKS  
SUBJECT: VACATION OF RIGHT-OF-WAY  
NORTH OF ODD FELLOWS RURAL CEMETERY

**ISSUE**

The City of Salem has initiated the vacation of a 12-foot strip of right-of-way abutting and immediately to the north of Odd Fellows Rural Cemetery.

This particular vacation is being pursued at this time because of the impending development of the parcel at the corner of Rural and Commercial Streets. The developer wishes to include that portion of the alley that abuts his property into his development plans. Staff has no objection, but was considering requiring the developer to initiate right-of-way vacation proceedings as a condition of development approval.

Two-thirds of the abutting property owners are required to sign a vacation petition to initiate a vacation. Because the cemetery property is an abutting property and it is considered as one lot all the persons with an interest in that property would have to sign the petition. This is of course not possible.

Staff has concluded that the only way to vacate the property is for the City to initiate the proceedings. This eliminates the need for the aforementioned petition.

**BACKGROUND**

The City of Salem is initiating the vacation of a 12-foot wide strip of right-of-way running west from South Commercial Street and lying between the Odd Fellows Rural Cemetery and those lots to the north created in an unrecorded plat by Sol Taylor (see attached map). The right-of-way to be vacated is currently covered with brush and trees and has been incorporated into the back yards of those lots which front on Rural Street.

Staff Report  
Vacation/Odd Fellows Cemetery  
April 8, 1985  
Page 2

FACTS AND FINDINGS

The strip of right-of-way proposed to be vacated is not currently used for roadway or alley purposes nor is it anticipated that it will be needed in the future. The continuation of this 12-foot parcel to the west is not being vacated at this time because of the possibility that it might be incorporated into the proposed Cemetery Bikeway which would provide bicycle/pedestrian access through the cemetery between Rural and Hoyt Streets. Utilities have been contacted and it will not be necessary to retain any easements.

POLICY ANALYSIS

Council has the authority to vacate right-of-way after considering the needs of the community. It is Department of Public Works Policy GM-4-2 to initiate vacations to put unneeded property on the tax rolls and discontinue City responsibility for maintenance.

RECOMMENDATION

It is recommended that Council approve the vacation.

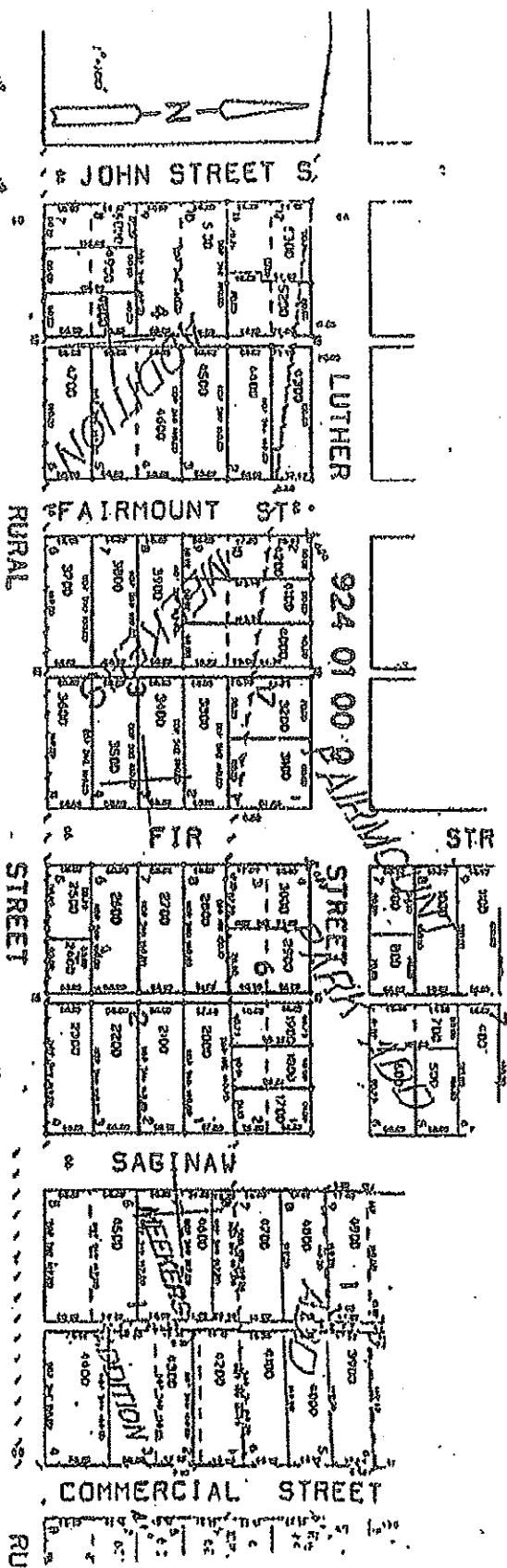
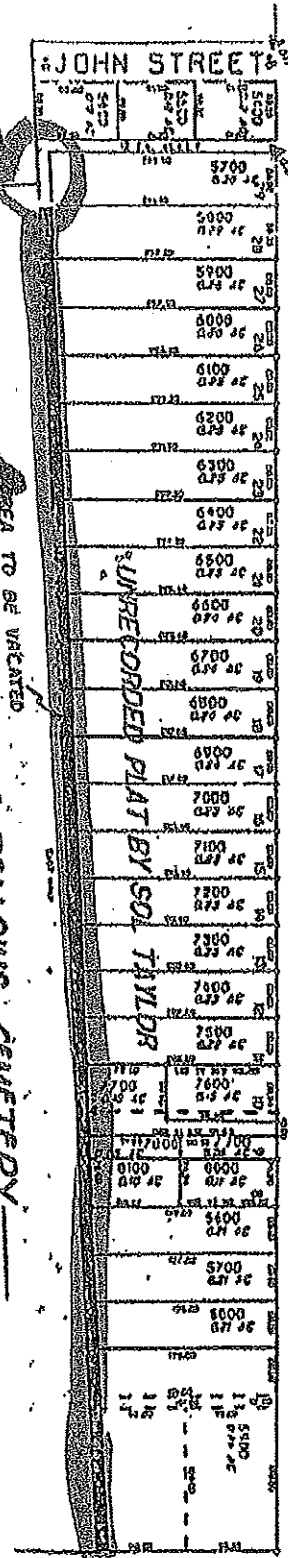
*for* William L. Sauer  
David M. Siegel, AICP  
Principal Planner

WS:vb  
2-26-85  
Ward 7  
rowofvac.stf

*ALLEY & REMNANT*

*1877-1912*

*ODD FELLOWS CEMETERY*



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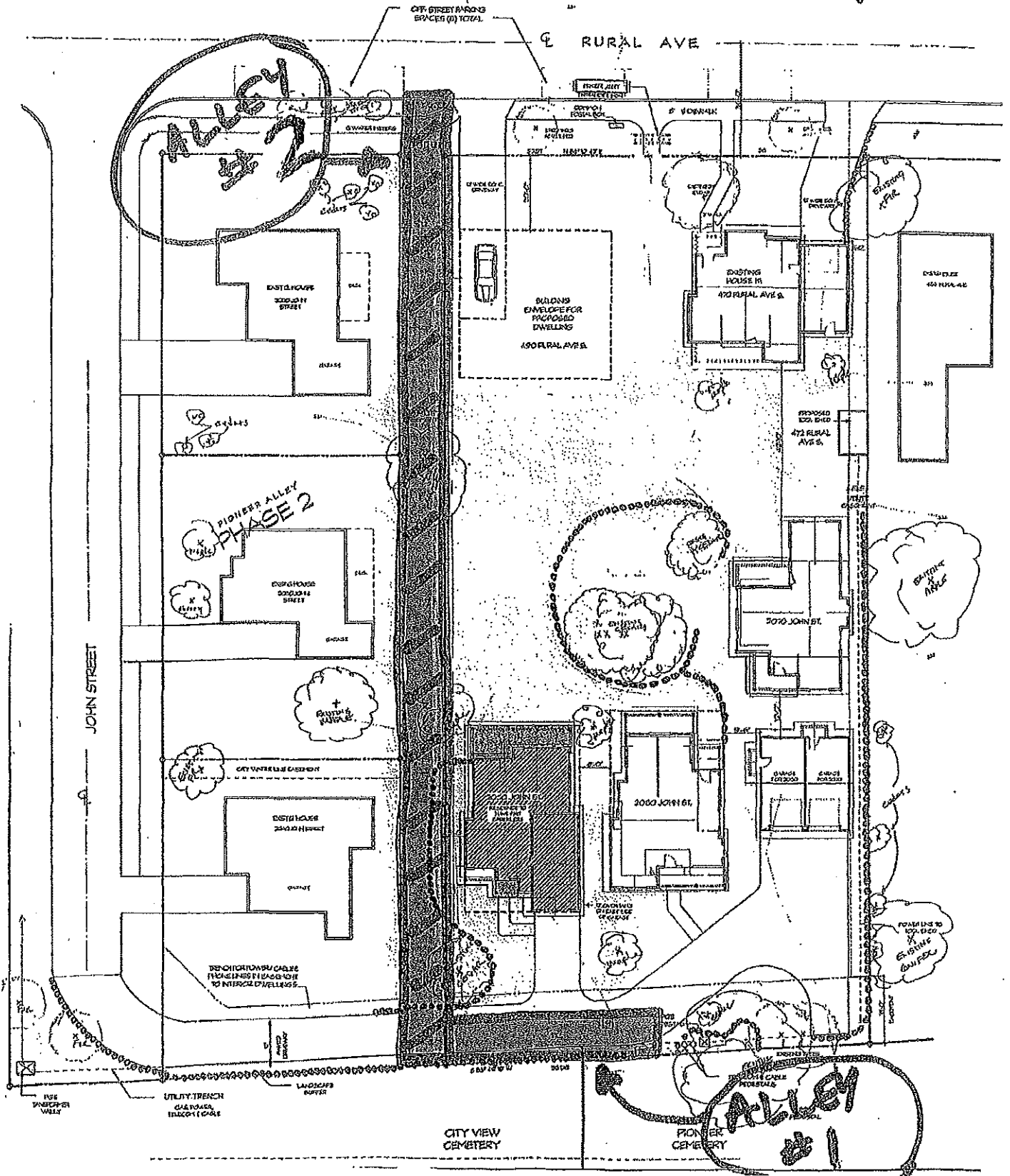
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**CORRECTED**

# PIONEER ALLEY RD



OFF STREET PARKING SPACES (2) TOTAL

RURAL AVE

JOHN STREET

PIONEER ALLEY PHASE 2

ALLEY #1

CITY VIEW CEMETERY

PIONEER CEMETERY

IVE PARKING WALL

UTILITY TRENCH GAS PIPES TRACED (6" DIA)

LANDSCAPE NOTES

EXISTING HOUSE 3000 JOHN STREET

BUILDING ENVELOPE FOR PROPOSED DWELLING 450 RURAL AVE S.

EXISTING HOUSE #1 470 RURAL AVE S.

EXISTING HOUSE 460 RURAL AVE S.

EXISTING HOUSE 3000 JOHN STREET

PROPOSED 2000 JOHN ST. 472 RURAL AVE S.

EXISTING HOUSE 2000 JOHN ST.

EXISTING HOUSE 2000 JOHN ST.

RECOMMENDATION: GRASS PLANTINGS TO ASSIST IN INTERCITY DRAINAGE.

FOUNDRY TO 100' DIA. X 6' HIGH (CONCRETE)

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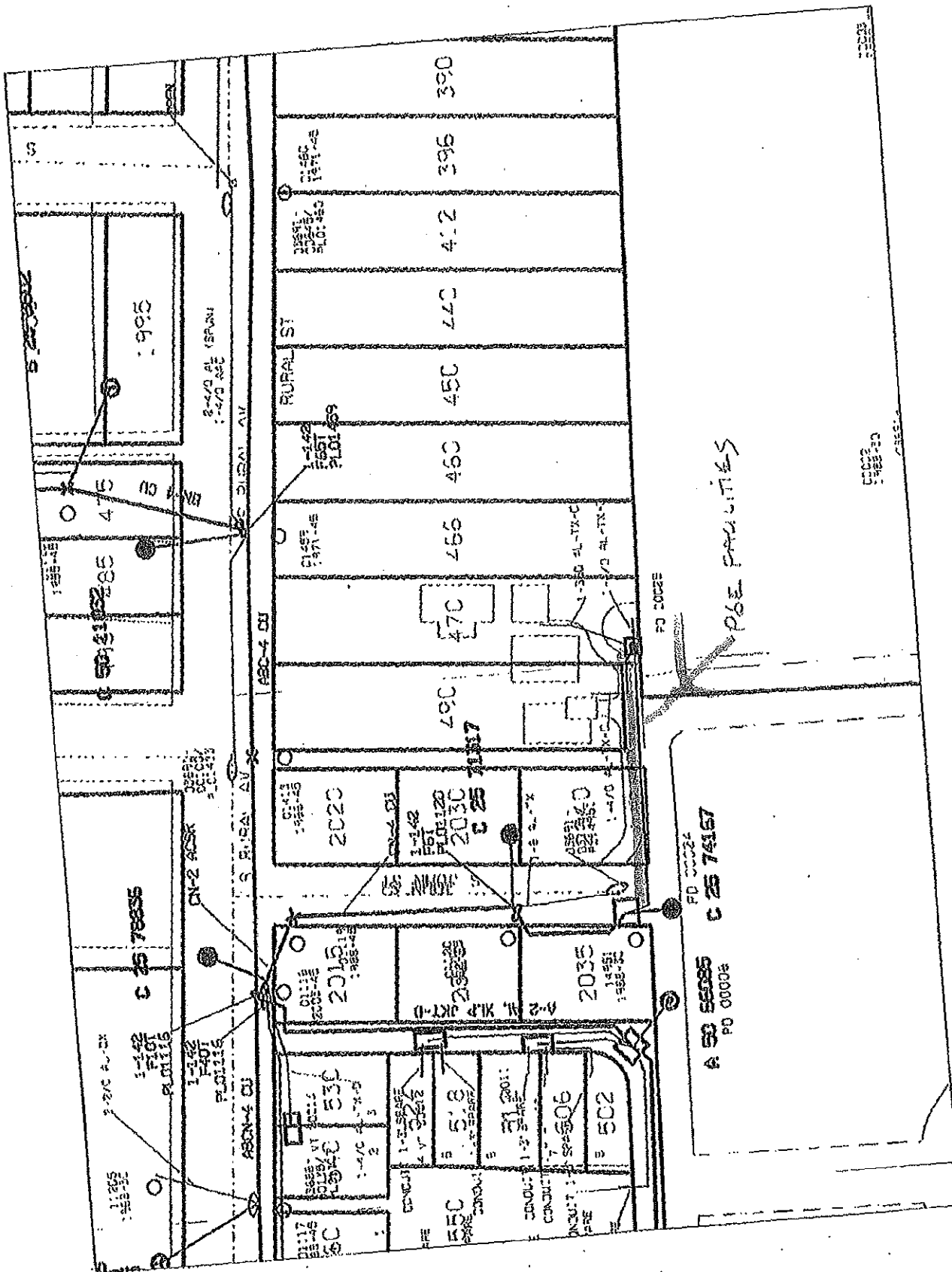
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ATTACHMENT 3

**From:** Bruce Carroll <Bruce.Carroll@pgn.com>  
**To:** "jjohnduff@cityofsalem.net" <jjohnduff@cityofsalem.net>  
**CC:** Mark Young <Mark.Young@pgn.com>  
**Date:** 7/27/2011 6:34 AM  
**Subject:** City initiated vacation of Pioneer Alley  
**Attachments:** 20110727063047027.pdf

Attached is a drawing of existing PGE underground facilities that PGE would like an easement to protect.  
Questions please contact me at 503-463-6121



Scale: 1 in = 78.5 ft  
Field View



**PLANNING COMMISSION**

PLANNING DIVISION  
555 LIBERTY ST. SE/ROOM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



**ISSUE:** City-initiated Vacation of Right-of-way for a portion of the alley located along the north property line of Pioneer and City View Cemeteries

**DATE OF DECISION:** August 16, 2011

**APPLICANT:** City of Salem.

**PURPOSE OF REQUEST:**

To recommend to City Council the approval of the city-initiated vacation of right-of-way for a portion of the alley located along the north property line of Pioneer and City View Cemeteries.

**ACTION:**

The Planning Commission recommends City Council approve the vacation of right-of-way for a portion of the alley located along the north property line of Pioneer and City View Cemeteries, with a condition to reserve a public utility easement over the entire area.

**PLANNING COMMISSION VOTE**

4 YES    0 NO    3 ABSENT (Goss, Levin, Schmidtke)

**MEMORANDUM***Urban Development Department*

**TO:** Julie Warncke,  
Transportation Planning Manager

**FROM:** John Gibson  
Real Property Services Specialist

**DATE:** July 27, 2011

**SUBJECT:** VALUE OF LAND IN CITY- INITIATED VACATION OF A REMNANT  
ALLEY RIGHT-OF-WAY BORDERING SOUTH LINE OF 490 RURAL  
AVE. S IN SALEM.

---

**Assumptions:** Reservation for Utilities in Alley to be vacated.

**Waiver:** ORS 674.100 (h) Valuation is performed by a salaried employee of the federal government, the State of Oregon or a political subdivision of the federal government or the State of Oregon while engaged in the performance of the duties of the employee;

The subject property that would benefit from the right-of-way vacation of 673 square feet (Attachment A), resulting in an increase in size, to 490 Rural Ave S. being under the ownership of Pioneer Alley LLC. This adjoining parcel consists of a residential lot that is approximately .30 acres prior to the alley vacation. This lot is Residential (RS) with characteristics suitable for development in accordance with RS zoning criteria. The land value is based upon research of comparable sales of RS zoned properties in the surrounding area of Salem. Research of comparable sites in the subject's market indicates a sales range from \$4.00 to \$8.75 per square foot for RS zoned land. The appropriate unit of comparison for this analysis is the price per square foot. In estimating the land value of the subject parcel, consideration is given to property rights conveyed, market conditions, location, terrain, utility, availability, parcel size, configuration, zoning, and offsite improvements.

The assessment of special benefits value is computed using the value per square foot method utilizing the value of the parcel that the vacated right-of-way will inure too sometimes referred to as the across the fence value. The assessment of the special benefit if it were imposed for this property is concluded to be a value of \$7.00 per square foot, or \$4,711 (\$7.00 x 673 s.f.), for full fee value due to the parcel's location, being somewhat close to downtown. However, with the added encumbrance of a blanket utility easement to be retained from sale, the value is concluded to be reduced by 40% to arrive at a final value determination of \$4.20 per square foot X 673 square feet = \$2,826 (\$2,800 rounded).

*Prepared by John A. Gibson*

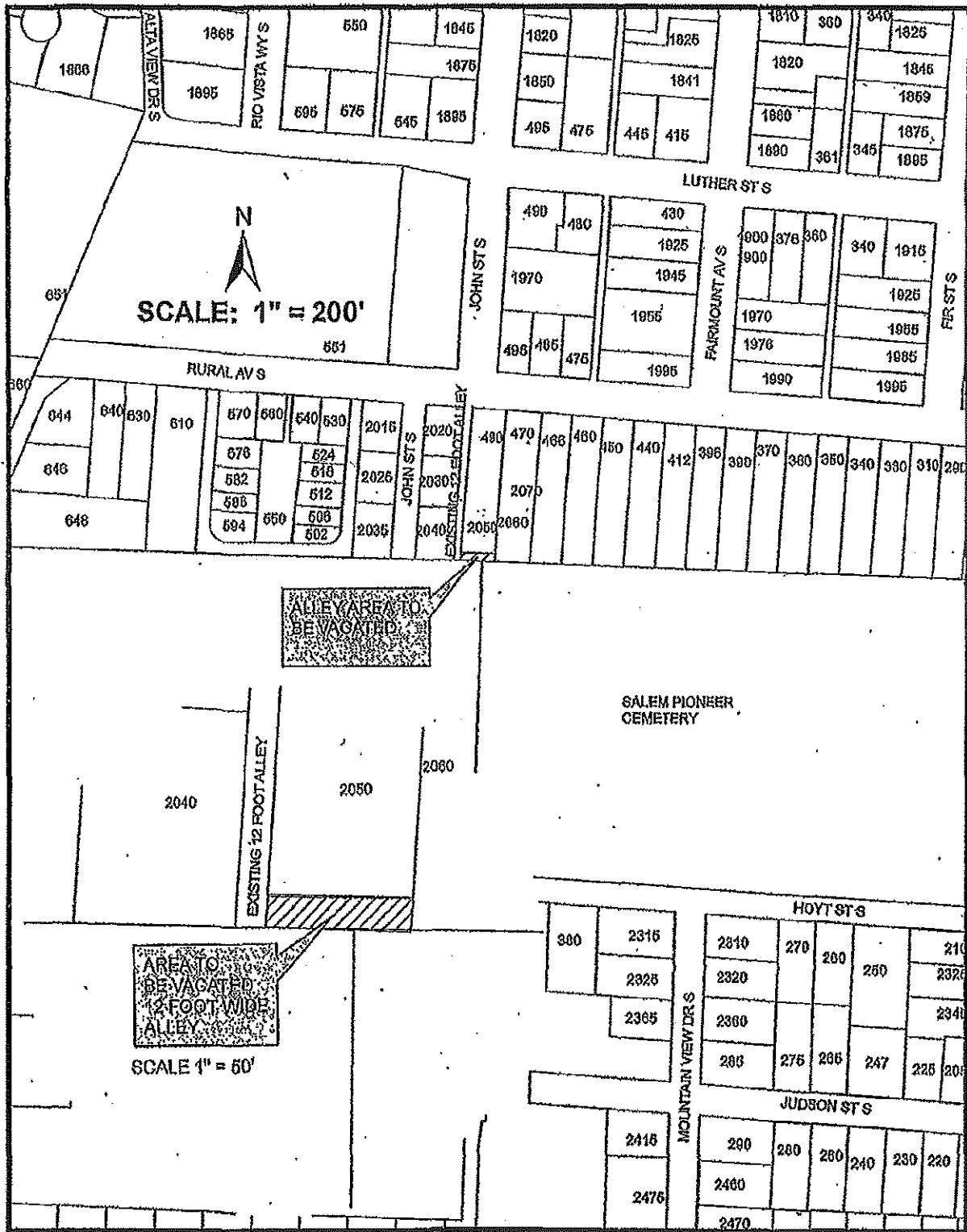


EXHIBIT MAP

June 25, 2012  
4 (a)

DOCUMENT FILED

MAY 22 2012

CITY OF SALEM  
CITY RECORDER

To: Robert D. Chandler, Interim Director  
Public Works Department, City of Salem  
555 Liberty St SE  
Salem, OR 97301

May 22, 2012

RE: LUBA Remand of City Initiated Vacation of Right-Of-Way

This letter concerns your report for the May 14, 2012 Council meeting, Agenda 5(a)). The Oregon Land Use Board of Appeals has remanded a city-initiated vacation of a public right-of-way for a portion of an alley located along the north property line of Pioneer and City View Cemeteries. We note that 125 neighbors were opposed to the public right-of-way vacation and that LUBA found that the City decision *"did not directly address the difficulty of travelling between the Fairmount and Candalaria neighborhoods."*


At its regularly scheduled meeting on May 17, 2012, the board of the Sunnyslope Neighborhood Association voted to oppose any further City efforts to vacate this public right of way, at least until such time as the City has completed its transportation planning process and developed both a plan and funding for a pedestrian and bike path connecting Hoyt Street and Rural Street. Nine board members were present at this meeting and the vote was unanimous.

We have an interest in this issue because the two cemeteries present a 3,000 foot barrier to the members of our neighborhood who want a safe and pleasant way to walk or bike to and from downtown. As noted in the LUBA decision *"Commercial Avenue is a busy north-south arterial street that is auto oriented and not particularly pedestrian or bicycle friendly."*

Vacation of this public right of way might make it more expensive and difficult to develop a bike/pedestrian pathway that could be used by the members of our neighborhood. Vacation of this public right-of-way at this time does not satisfy a compelling public need. Continued staff efforts to vacate this right of way would not be a productive use of limited budget resources. The City has already spent a lot of money on this issue without providing a useful public service.

Please place this letter in the file of any future proceedings on this matter, and provide any future staff reports if this matter is again presented to City Council.

Sincerely,



Evan D. White

Land Use Chair,  
Sunnyslope Neighborhood Association  
4553 Brock Loop S.  
Salem, OR 97302  
[epwhitehouse@comcast.net](mailto:epwhitehouse@comcast.net)

Copy: City Legal Department

DOCUMENT FILED

**Comments of Sunnyslope Neighborhood Association  
On LUBA Remand of City Initiated Vacation of Public Right-Of-Way at Pioneer Cemetery**

JUN 13 2012  
CITY OF SALEM  
CITY RECORDER

My name is Evan White, and I live at 4553 Brock Loop S., just north of Sprague High School. I am Land Use Chair of the Sunnyslope Neighborhood Association. At its regularly scheduled meeting on May 17, 2012, our board voted to oppose any further City efforts to vacate this public right of way, at least until such time as the City has completed its transportation planning and developed both a plan and funding for a pedestrian and bike path connecting Hoyt Street and Rural Street. Nine board members were present and the vote was unanimous.

A bike/pedestrian path through Pioneer Cemetery will help Council achieve one of its most important goals. It will also reduce accidents, discourage potentially lethal bike travel, enhance property values, and improve the physical and financial health of city residents.

**1) Help achieve better connectivity, one of Council's most important goals.** Council has clearly stated that it seeks better bike and pedestrian connectivity.<sup>1</sup> Pioneer and Mt. Crest cemeteries share a fence that is 3,000 foot long, severing bike or pedestrian connectivity between the Candalaria and Fairmount neighborhoods, or between the Sunnyslope neighborhood and downtown. This tall barbed-wire tipped fence is the only significant barrier to north-south connectivity for Sunnyslope neighbors who want to bike or walk to or from downtown.

**2) Reduce accidents.** Lack of a path through Pioneer Cemetery forces cyclists (and pedestrians) to divert to Commercial Street. As noted in the decision of the Oregon Land Use Board of Appeals (LUBA), "*Commercial Avenue is a busy north-south arterial street that is auto oriented and not particularly pedestrian or bicycle friendly.*"<sup>2</sup> Two of my former co-workers have had bicycle accidents on Commercial Street. Dave Astle was able to transport himself to the Emergency Room, thankful that he was not run over by a car. Tom Riordan had his arm broken.<sup>3</sup> And my former wife, Kaaren Hawkes, had her collar bone broken. All three feel fortunate to be alive and still living in Salem.

**3) Liberty is lethal.** Lack of a pathway through Pioneer Cemetery encourages my neighbors to use Liberty Street when bicycling to and from downtown. But there are no bike lanes along Liberty between Hansen and Browning. Riding on sidewalks is both prohibited and unsafe because mailboxes are set into the sidewalks on both sides of the street. The posted speed limit is 35 mph, but traffic generally moves at about 40 mph. A slight "hump" at one road section creates a risk that an automobile might quickly be "on top of" a bicyclist, especially at night.

**4) Improve property values.** "*Walkable neighborhoods have become hot commodities across the country. According to a 2011 survey conducted by the National Association of Realtors, nearly 80 percent of respondents look for homes in pedestrian-friendly areas.. At least two large*

<sup>1</sup> Council Goals, July 11, 2011; "Vision 2020 Principles," Council Agenda item 4.2C, January 9, 2012.

<sup>2</sup> Oregon Land Use Board of Appeals, LUBA No. 2011-2012, page2, emphasis added.

<sup>3</sup> Portland is generally considered more bicycle friendly than Salem. However, it was in Portland that the daughter of another former co-worker, a recent graduate of West Salem High School, was killed while riding her bicycle.

brokerages with offices in the Portland area – Windermere and John L. Scott – are routinely using Walk Score [[www.walkscore.com](http://www.walkscore.com)] as a marketing tool on their listings.”<sup>4</sup> Salem depends on property tax revenue for its fiscal health. Mayor Anna Peterson and other community leaders are concerned that only 66 percent of the Salem workforce choose to live here.<sup>5</sup>

**5) Improve resident financial and physical health.** The benefits of physical exercise need no explanation, but there is a synergy with the Salem-Keizer Transit District. Some residents may want to walk one way, and take the bus home or vice versa. Improved connectivity would help families who struggle with higher gasoline costs, or who are stranded because (unlike Portland, Corvallis and Eugene) Salem lacks weekend bus service. Gasoline prices tripled from 1970 (36 cents per gallon) to 1990 (\$1.16 per gallon) and tripled again by 2010 (\$3.05 per gallon).<sup>6</sup> Currently, the price of gas at the South Salem Shell Station is \$4.06.

### **Sunnyslope Shows The Way**

The Sunnyslope Neighborhood has bike/pedestrian paths which link streets and provide a safe and pleasant way to walk or bike. (See attached photos) These paths can be compared to a potential path through the Pioneer Cemetery, which I’ve measured to be approximately 448 feet. I will discuss five of these paths.

Two paths let me walk to Roths or to a location from which I could catch the bus. From Sunnyslope Park I can use a path between two houses that is approximately 161 feet long and connects to Kurth. After a short walk, I can then enter another path, 197 feet long, that goes between four houses and connects Boston Court S. to Redinger Ct. These paths let me (and school children) avoid a section of Cunningham that does not have sidewalks.

Another path, approximately 367 feet long, connects 12<sup>th</sup> Place S. to Skyline Boulevard, and helps neighbors and school children avoid walking along Skyline, which has no sidewalks.

Two paths with a combined distance of about 416 feet connect Rock Creek to Maplewood. The first section goes from Rock Creek to Red Leaf (214 feet), then, crossing Red Leaf (30 feet), a second path connects to Maplewood (172 feet). These paths help children walk safely to Secor Park and Crossler Middle School.

### **Conclusion**

It is unclear why the city would initiate a proceeding to give away a valuable public right of way that is needed for an important bicycle or pedestrian connection between the Sunnyslope, Candalaria and Fairmount neighborhoods.

Attachment: Photo of Cemetery & photos of bike/foot paths in Sunnyslope Neighborhood

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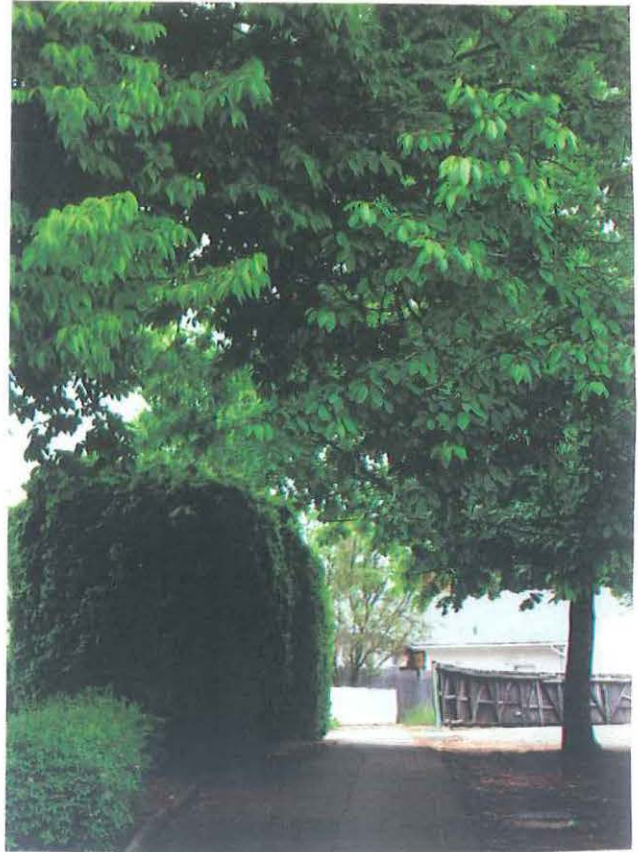
<sup>4</sup> “Walkability ranks high among buyer desires,” [Oregonian](#), April 2, 2012.

<sup>5</sup> “Which way are commuters headed?” [Statesman Journal](#), April 10, 2012.

<sup>6</sup> [Statistical Abstract of the United States](#), 1977 and 2012.



**Pioneer Cemetery Path – 448 feet**



**20<sup>th</sup> Pl. S. to Skyline – 367 feet**



**Maplewood to Red Leaf – 172 feet**



**Red Leaf to Rock Creek – 214 feet**

DOCUMENT FILED

DATE: June 19, 2012  
TO: The Honorable Anna Peterson, Mayor, and  
Members of the Salem City Council

JUN 19 2012  
CITY OF SALEM  
CITY RECORDER

REGARDING: Public Hearing, June 25, 2012: Consideration of City-initiated vacation of a remnant of east-west alley right-of-way located on the north line of Pioneer and City View cemeteries on remand from the Land Use Board of Appeals.

FROM: Elisabeth Potter  
2655 Skopil Avenue S  
Salem OR 97302

Ladies and Gentlemen:

On behalf of the Friends of Pioneer Cemetery, the citizens' voluntary organization which very materially supports the City of Salem in its stewardship obligations concerning the historic Odd Fellows Rural Cemetery, I submit the following for your consideration.

Transportation System Plan criterion 2.10(b) states that "a proposed vacation should not limit, nor make more difficult, safe and convenient pedestrian and bicycle access to community activity centers such as schools, parks, shopping, and transit stops." In the final opinion and order of the Land Use Board of Appeals, the petitioner is reported to have claimed that "the barrier that the two cemeteries currently pose for pedestrian, bicycle and vehicular traffic" makes "travel between the Fairmount and Candalaria neighborhoods inconvenient and in some cases unsafe."

South Commercial Street has served as the vehicle connector between the neighborhoods since the neighborhoods were developed. Today, vehicles can safely enter and leave traffic flow on the arterial at intersections regulated by street lights at Rural Avenue, Hoyt Street, and Boise Street. A bicycle lane on the Commercial Street road bed continues an extended course past the 542-foot street-front of Salem Pioneer Cemetery. A paved sidewalk of standard width in good condition adjacent to the Commercial Street curb serves pedestrians walking between Fairmount and Candalaria neighborhoods. It is well used and poses no apparent hazards. A designated bus stop is available to public transit riders on the sidewalk at the corner of Commercial and Hoyt Streets SE.

After a period of joint stewardship with Marion County under State legislative authorization that began in 1953, the City of Salem accepted full responsibility for maintaining and protecting Salem Pioneer Cemetery in 1966. Subsequently, the City formally assumed title to the 17-acre property from Chemeketa Lodge No. 1, Independent Order of Odd Fellows on February 3, 1986. The cemetery has been a consecrated community burial ground since 1854. The privately-owned and operated City View Cemetery, which adjoins the Pioneer Cemetery on the west, was incorporated in 1893. Over time, residential subdivisions were developed around these precincts. In the late 1980s, mounting pressure from inappropriate use and waves of vandalism prompted stewards of Pioneer Cemetery to install chain link perimeter fencing as a means of controlling but by no means preventing public access except at night. The adjoining cemeteries



were not *created* as barriers to neighborhood connectivity. In our opinion, they should be accorded grandfather status as long-pre-existing funerary landscapes not to be manipulated for a way of convenience when the stewards of the cemeteries have pointed out limited tolerance in terms of ground space for a shared-use bicycle-pedestrian pathway. The perimeter fencing which bars free north-south through foot traffic for the length of the adjoined properties is an essential part of the public-private strategy for reducing risk to monuments and curtailing liability in the event of harms to the public from inappropriate activity.

Transportation System Plan criterion 2.10(e) asks, "Does the vacation of the right-of-way satisfy a compelling public need? Issues that address health and safety concerns may outweigh the transportation criteria listed above and should be given proper consideration."

We maintain that this sound policy question can, or at least *should* be interpreted broadly so that proper consideration can be given to cultural values as well as public health and safety. The rules and policies on transportation system connectivity should in this case be weighed in the balance with the City's landmark preservation ordinance (Salem Revised Code, chapter 230) along with the goals of a comprehensive master plan for maintenance and restoration adopted in 2004 by the Parks and Recreation agency, which is now a division of the Department of Public Works along with Transportation Services. Pioneer Cemetery is a City of Salem Historic Landmark, so designated in 1990. Since 1981, the property has been recognized under Section 106 of the National Historic Preservation Act as one officially declared *eligible* for inclusion in the National Register of Historic Places. The latter declaration requires review and compliance with federal regulations when federal funding is involved in an undertaking that will affect the Register-eligible property. In none of the recitals which have accompanied public proceedings affecting Pioneer Cemetery to date have these important facts about the Pioneer Cemetery's City landmark status and National Register eligibility been acknowledged except by the Friends of Pioneer Cemetery.

Our constituency includes descendants of the interred pioneers, those who regularly walk with their dogs in the cemetery and other members of the public at large who have contacted us with their concerns. Our view is this: vacation of the remnant right-of-way would satisfy a compelling public need if it eliminated a point of entry for a way of convenience that could compromise the security we have been able to establish thus far and force unwanted alteration of a recognized historic cultural landscape.

###

June 25, 2012  
4 (a)

**Kathy Hall - Vacation of alley near pioneer cemetery**

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**From:** Mark Wigg <mark\_wigg@hotmail.com>  
**To:** salem city council <citycouncil@cityofsalem.net>  
**Date:** 6/19/2012 1:14 PM  
**Subject:** Vacation of alley near pioneer cemetery

DOCUMENT FILED

JUN 19 2012

CITY OF SALEM  
CITY RECORDER

Dear Councilors,

I request that you oppose the vacation of the alley near Pioneer Cemetery. The City's policy is to not vacate public r/w if there is a potential for using it for transportation purposes. Hundreds of people would like a path connecting the Fairmont and Candalaria neighborhoods. We are trying to develop a plan for that path that would be acceptable to all parties. Vacating the alley is premature.

Thank you for your service.

Mark Wigg  
p 503 588-2524  
c 971 600-6607  
POBox 831  
Salem OR 97308

June 25, 2012  
4 (a)

June 18, 2012

DOCUMENT FILED

JUN 20 2012  
CITY OF SALEM  
CITY RECORDER

City Recorder

City of Salem

555 Liberty Street SE Room 205

Salem OR 97301

**Re: Consideration of City-initiated vacation of a remnant of the east-west alley right-of-way located along the north line of the Pioneer and City View cemeteries, abutting 490 Rural Avenue S on remand from the Land Use Board of Appeals.**

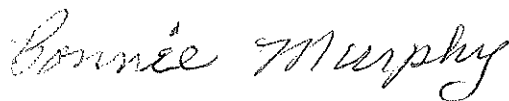
Dear City Recorder:

When I received your letter in the mail last week about vacating such a small piece of land, I immediately thought about the large amount of problems that could come to those of use that live on John Street South. Two major concerns are the increased pedestrian traffic and automobile traffic.

I am a widow and live alone. I have always felt very safe here. The neighbors all know each other and know the cars that each drive. So, to have strange people walking or driving, and parking, on John Street South would be a constant worry and concern for the neighborhood's safety.

I am totally against any changes.

Sincerely,



Bonnie Murphy

DOCUMENT FILED

JUN 20 2012

CITY OF SALEM  
CITY RECORDER

Debbie Kees - City-Initiated Vacation of Alley

**From:** Susan Powers <spotto4@gmail.com>  
**To:** <dkees@cityofsalem.net>  
**Date:** 6/20/2012 11:29 AM  
**Subject:** City-Initiated Vacation of Alley

Dear Councilors for the City of Salem,

I am writing with my concerns for the city-initiated vacation of the east-west alley right-of-way located in the north corner of Pioneer City Cemetery.

As a resident of Ward 7 living in the Fairmount neighborhood, I have been trying to understand why the city itself initiated this vacation? In my attempt to understand why the city would benefit from this and therefore initiate a vacation has not made sense. I went so far as to review the record for the appeal LUBA no. 2011-105 and I was not able to find a substantial reason why the city decided to initiate this vacation. I do understand that the lower part of the alley was vacated in 1986, but at that time the record shows on page 248 that the last 12 foot alley section (the same one the city is currently initiating to vacate) was specifically NOT vacated because it clearly stated in city records that it would remain city property for the critical reason that it was the single remaining piece of property to connect City Cemetery to the Fairmount neighborhood. This small piece of alley way was clearly kept as city property for the possibility it held of being incorporated into a future bike and pedestrian path. For this reason, the city DID NOT vacate the alley. The City of Salem itself intended for the potential of a future connection to be made.

But now, the city is doing a complete 180 on the issue and has itself initiated the vacation and has not provided significant reasons why this is the case. To be witnessing what is the current thought about the vacation is confusing to me and many others. Why is the city removing any possibility of a connection in the future? And why is the city giving away their right to have access to the City owned cemetery from the Fairmount neighborhood? As City Councilors, I would hope that you keep the potential access available to the residents of Salem however the future may unfold.

Please consider that if you do vacate, you as City Councilors can *move to retain an easement upon right-of-way for pedestrian and bike access* in the future. You can grant the vacation and preserve an easement. This would keep the potential for a connection to the neighborhoods of Fairmount and Candalaria a possibility for the future.

As an elected group of officials, I would hope that you are keeping the future of Salem in your best interests and for the city to preserve land that they already own. To be giving this alley away needs more justification because they do not support a more livable Salem for all and goes against what the city has previously preserved the alley for: a possible future pedestrian connection between Candalaria and Fairmount.

I hope that you will take in full consideration the option to **retain an easement**. It would be a huge set-back for our neighborhoods to lose the piece of critical land that has the potential in the future to connect Fairmount and Candalaria neighborhoods in a clear and logical way.

Thank you for your time and consideration.

Sincerely,  
Susan Powers

**Amy Johnson**

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**From:** \* RANCH RECORDS <ranchrecords@comcast.net>  
**Sent:** Wednesday, February 19, 2020 1:00 PM  
**To:** CityRecorder  
**Subject:** Cemetery Path

Good afternoon,

My name is Lori Close and I live in the Candalaria neighborhood. I am writing as a huge supporter of the proposed gate at the cemetery that would link Fairmont Hill and Candalaria. I've used the forest path quite a few times and am happy to do so if I have a friend with me. Walking it alone is sort of scary so I avoid it. The other option is to walk along Commercial Street - I avoid that as well due to all the traffic.

Thank you,

Lori Close

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Wednesday, April 22, 2020 11:55 AM  
**To:** CityRecorder  
**Subject:** Fwd: Pedestrian path through Pioneer Cemetary

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Allison Boomer <allison.r.boomer@gmail.com>  
**Sent:** Wednesday, April 22, 2020 11:49 AM  
**To:** Vanessa Nordyke  
**Subject:** Pedestrian path through Pioneer Cemetary

Dear Councilor Nordyke:

We are writing to express our support for creating a pedestrian path through Pioneer Cemetery, connecting Rural and Hoyt Streets. We are avid walkers who live in South Central Salem. Presently, we must walk along Commercial Street to travel between the Fairmount and Candalaria neighborhoods. Commercial Street has heavy traffic, resulting in significant noise, pollution, and risk of injury from cars and bikes traveling along Commercial Street. Developing a pedestrian path through Pioneer Cemetery would allow walkers and joggers to avoid travel along Commercial Street, creating healthier and safer conditions for pedestrians.

Thank you for your consideration.  
Allison Boomer and Marshall Dunst

## Ruth Stellmacher

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**From:** Annie Francoise <mccuen7691@comcast.net>  
**Sent:** Saturday, March 14, 2020 5:01 PM  
**To:** citycouncil  
**Subject:** Passage above the Pioneer Cemetery

**Categories:** Council Dox

Hello, everyone, thank you for your interest in this matter.

We live on Fairmount Hill near the Park. We intended to attend the meeting on Monday evening. Unfortunately, i am 76 and Gary 84 and we were advised to stay home, to be on the safer side, not to contaminate or be contaminated.

I am one of the volunteers who attended the Cert Training with Roger a few years back. At the time, Roger was quite insistant regarding having open passage between our neighborhood and Candalaria in the event of a major earthquake. We were all in agreement. Roger was recommending having a container in Fairmount Park, stocked with emergency food and supplies which could be shared by both neighborhoods as well as an opening which would allow emergency vehicles and first responders to go back and forth. We are still all waiting for such an opportunity!

Also, Fairmount Park is THE park for both neighborhoods and Candalaria was cut off when gates were set up as an overreaction to a one time episode of vandalism. Just not fair.

Both sides of the cemetery would still be protected if the fenced passageway would be open at each end.

Please, pretty please, make this happen this time. Safety and good fellowship could serve us all.

We are so grateful for your efforts to represent us all.

Annie-Françoise McCuen  
1825 Fairmount ave s  
Salem 97302

Sent from my iPad

## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:48 AM  
**To:** CityRecorder  
**Subject:** FW: Pioneer Cemetery connector

- [Julie](#) | 503-588-6211 ext.7338

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Sunday, March 15, 2020 6:44 PM  
**To:** Julie Warncke <JWarncke@cityofsalem.net>  
**Subject:** Fwd: Pioneer Cemetery connector

Vanessa Nordyke  
Salem City Councilor, Ward 7

Begin forwarded message:

**From:** "[bethdayton@comcast.net](mailto:bethdayton@comcast.net)" <[bethdayton@comcast.net](mailto:bethdayton@comcast.net)>  
**Date:** March 15, 2020 at 5:24:14 PM PDT  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** Pioneer Cemetery connector

TO: Salem City Council  
FROM: Beth Dayton, President Salem Area Trail Alliance  
RE: Pioneer Cemetery Connector

I am the president of a large local non-profit that works to help get more people on more trails in the greater Salem Area. Part of SATA's mission is to improve urban connectivity for human powered transportation and recreation, in other words, walking, running and biking. Urban trails and safe places for unstructured healthy outdoor activity are one of the most sought-after amenities in a community, but Salem has lagged behind in creating this type of infrastructure. Little details like opening up the connector across Pioneer Cemetery in south Salem can make a significant difference in the way our residents travel on foot or bike. SATA strongly supports this connection.

Personally, I have commuted by bicycle from south Salem to Salem Hospital for nearly 20 years. There is an excellent quiet, safe route on neighborhood streets parallel to and west of Liberty Street, but this comes to an end at the Pioneer Cemetery, where the only option is to veer down to Commercial Street which is very busy and frankly not safe for cycling. By opening up a route across Pioneer Cemetery human powered traffic can continue on to the edge of downtown on very safe streets such as Saginaw.

Back in 2006 when the City was debating designation of the Croisan Trail as a recreational trail there was concern from neighbors that this could bring in crime, litter and other unwanted use. This in fact has



not happened and today the trail sees extensive use from walkers, joggers, bird watchers, etc. I predict that allowing public access through the cemetery during daylight hours will likewise create a steady presence of legitimate and caring citizens who will vastly outnumber those who might abuse this privilege. Public access trails and walking routes through historic cemeteries is actually quite common in cities and towns across the country, and can be an excellent use of a public resource, as well as raising awareness of the historical significance of the area. In my home town of Bozeman, Montana, trails through a large cemetery are an integral part of a fantastic public trail system that encourages walking, running, cycling and cross country skiing and adds greatly to the livability of the town.

Please do not let the voices of a few fearful residents drown out those of a community that seeks appropriate and healthful use of public space. The logistical challenges of making this connection are all very solvable and this project should proceed with full support of the City Council.

Beth Dayton MD  
1362 Kashmir Drive South, Salem, OR

## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:48 AM  
**To:** CityRecorder  
**Subject:** FW: Proposed Pioneer Cemetery Connector

- [Julie | 503-588-6211 ext.7338](#)

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**From:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Sent:** Monday, March 16, 2020 9:37 AM  
**To:** Julie Warncke <[JWarncke@cityofsalem.net](mailto:JWarncke@cityofsalem.net)>  
**Subject:** Fwd: Proposed Pioneer Cemetery Connector

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Bryan Schaap <[bryan@alcsoftware.com](mailto:bryan@alcsoftware.com)>  
**Sent:** Monday, March 16, 2020 9:36:18 AM  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** Proposed Pioneer Cemetery Connector

Hello,

I support the proposed Pioneer Cemetery trail connector. I encourage city leadership to approve the proposal, as it fits with a vision of increased human powered transportation, use of resources, and outdoor recreation.

Thank you for your consideration.

Sincerely,  
Bryan Schaap

## Ruth Stellmacher

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**From:** Brian Goforth <mr.g-force@comcast.net>  
**Sent:** Tuesday, March 24, 2020 5:01 PM  
**To:** citycouncil; salemrecorder@cityofsalem.net  
**Subject:** Proposed pathway through the Pioneer Cemetery

To whom it may concern:

My name is Brian Goforth and I live in Vancouver, Washington. My connection to the Pioneer Cemetery is a very dear one. My great-grandparents, Thomas Marshall Eckhart and Rose Mary Eckhart, are buried there. Thomas Eckhart is a name etched in Salem history, as he was an officer with the Salem Police department in the early 1900's. On October 1, 1909, he was shot in the line of duty and subsequently died the next day from the wounds he sustained from the shooter. He left behind his wife Rose, who I just mentioned, plus 5 children, including my grandmother Opal Eckhart Goforth, who was only age 5 when her father was killed. To my present knowledge, he is the only Salem Police Officer who has ever died in the line of duty. While my grandmother barely knew him, and my father, his grandson, never had the chance to know him, his grave represents the life he lived and gives our family tangible proof of his existence.

While the graves of my great-grandparents are not near the proposed pathway, I have great concerns about creating a passage through the old cemetery. I have visited the cemetery on a number of occasions and I have noticed that there are many large stones in varying stages of wear and some that lean precariously. I worry about their stability. Among the reasons supporting the creation of the pathway is that it will allow children from the neighborhoods on either side of the cemetery to have a better connection for visiting. I think encouraging children to pass through the cemetery is a dangerous suggestion. Children may decide to play among the tombstones, games such as "hide and seek," "cops and robbers," or ride their bicycles among the markers, and, being children, could be careless and unaware of the dangers the heavy stones could present. Older children and youth may see the stones as a great place to place graffiti or otherwise deface the stones. In my opinion, the cemeteries are not that large and it is not a very great inconvenience nor does it take that much time to go around them.

Another supporting reason for the pathway is that it would provide an opportunity for families to walk through the graveyard and teach the children about people who lived in Salem in its early years. I maintain that such an opportunity already exists and I would wonder how many families are doing such a thing now. There is an easily accessible entrance to the cemetery, even if it means walking or driving a few extra blocks to reach it.

I have always been impressed by how the cemetery is a open, quiet space in the middle of a busy city, even with Commercial Street bordering it! I believe it should be preserved as such. I believe that making a pathway through it will compromise its reverence and serenity. While I appreciate the sentiments and intent of the proponents of the pathway, I believe the harm and potential harm a pathway will create far outweighs the proposed benefits.

Please reject this proposal. I am sure there are many other ways the City of Salem can spend money to improve connection and livability of these neighborhoods.

Thank you for allowing me to present my opinion,

Brian Goforth  
7110 Louisiana Drive  
Vancouver, WA 98664

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Tuesday, April 21, 2020 1:23 PM  
**To:** CityRecorder  
**Subject:** Fwd: Pioneer Cemetery Pate

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Tuesday, April 21, 2020 1:23:04 PM  
**To:** Christine Chute <cachute@gmail.com>  
**Subject:** Re: Pioneer Cemetery Pate

Amen! Thank you for sharing!

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Christine Chute <cachute@gmail.com>  
**Sent:** Tuesday, April 21, 2020 12:57:18 PM  
**To:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Subject:** Pioneer Cemetery Pate

Councilor Nordyke,

We support the creation of a path for pedestrians through the Pioneer Cemetery. The path would really encourage foot traffic to the retail areas south of the cemetery because walkers and bikers could avoid Commercial Street (which is noisy and unpleasant). Encouraging people to walk in the cemetery might also decrease opportunities for mischief in the cemetery due to an increase in eyes on the place.

Thanks for considering this request,

Christine

--

Christine Chute  
1415 Saginaw Street S.  
Salem

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Wednesday, April 22, 2020 9:44 AM  
**To:** CityRecorder  
**Subject:** Fwd: Pedestrian Path through Pioneer Cemetery

Vanessa Nordyke  
Salem City Councilor, Ward 7

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**From:** Comcast <dawngienger@comcast.net>  
**Sent:** Wednesday, April 22, 2020 9:35 AM  
**To:** Vanessa Nordyke  
**Subject:** Pedestrian Path through Pioneer Cemetery

Dear Councilor Nordyke,

I am very much in favor of a pedestrian path through Pioneer cemetery connecting my neighborhood south of the cemetery with the Fairmont neighborhood.

My house sits On the corner of Sunrise and Lorida, directly across from the park in Fairmont—an easy walk if there was access. Yet, when my two sons were small I had to push them in a double stroller down to Commercial over to Rural and up the hill if I didn't want to drive to the park. And when they were in elementary school I never felt comfortable allowing them to walk down to that major road without me to access the park or neighborhood. So unfortunate.

Thank you for giving this issue a voice.

Best,  
Dawn Douglas-Gienger

Sent from my iPhone

## Amy Johnson

---

**From:** Diane Nosbisch <scooby.nat15.dn@gmail.com>  
**Sent:** Monday, April 20, 2020 2:55 PM  
**To:** CityRecorder  
**Subject:** John/ Hoyt trail

I am still totally apposed to this gate conection! It is to dangerous and will imposes the crimial element onto my street! It is not visable from Rural St. And is to high in risk for potential pedestrian to get injured!! I already see people looking to tocut thru from John st to the cemetery. So someone is telling people it already exists!! Really disappointed in the city council and neighborhood association for not coming and talking with home owner prior to proposal!

My daughter home is 2025 John st.

None of the renter or home owner on this street or private drive to the proposed gate trail wants this. Teally unfair for ither whom don't live there towant something thats never going to effect thier livelihood! How about We come walk in thier provate court yards!!

## Amy Johnson

---

**From:** Kathleen Dewoina <Dewoina@bhhsnwrep.com>  
**Sent:** Wednesday, April 22, 2020 5:00 PM  
**To:** citycouncil  
**Cc:** CityRecorder  
**Subject:** Rural Hoyt Trail Connection  
**Attachments:** Rural Hoyt Trail Connection April 22 2020.pdf; Exhibit A Cemetery History.pdf; Exhibit B WVMLS Monthly Statistical Report.pdf

Please add attached to public testimony for Rural Hoyt Trail Connection  
Virtual meeting scheduled April 27<sup>th</sup>, 2020.

Thank you,

Kathleen Dewoina



Kathleen Dewoina, Broker, GRI,  
CRIS, ABR  
Berkshire Hathaway  
HomeServices  
Real Estate Professionals  
1220 20<sup>th</sup> Street SE  
Salem, OR 97302

Office: 503-371-3013 x 1311  
Fax: 503-364-1453  
Cell or Text: 503-999-4535  
Email: dewoina@aol.com  
Website: [www.dewoina.com](http://www.dewoina.com)

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[The Power of Agency: Oregon Real Estate Agency Initial Disclosure Pamphlet](#)

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To: Honorable Members of Salem City Council

From: Kathleen Dewoina

Re: Rural-Hoyt Trail Connection

Date: April 22, 2020

**Background/Context.** For those members who were not on the Salem City Council in 2012-2013, or 2004-2005, or even as far back as 1985, please be aware that various prior City Councils have ultimately, repeatedly rejected a Rural-Hoyt Trail connection, also known as Pioneer Cemetery Path.

Most of the alley abutting the north side of the cemetery was vacated in 1987 and ceded not to the Cemetery, but to the adjacent properties. The perimeter fence was installed in that same timeframe. The effect of these measures was to control the area, reduce risk of hazards, and stop vandalism. Access today through a gate would defeat the protection the fence was built to provide.

**Legal Viability.** Should the City Council vote in favor of a motion to reopen a discussion between proponents and opponents, city lawyers should be the first to be consulted for the legal viability of such a trail or path.

The legal posture of the situation has changed since the City Council's last consideration in favor of a stronger position for the opponents. At the outset, the staff report should consider the cost to the taxpayers to pursue a trail or path, a goal that seems to be perpetuated by only a few constituents.

In part, the circumstances have changed: (1) an interim LUBA remand makes it clear that this matter falls under the Goal 5 inventory of historic resource; *see, for example*, Department of Land Conservation and Development OAR 660-00-23-0200; (2) additionally, since the City Council's last consideration, Pioneer City Cemetery has been registered as a State Historic Landmark with the Historic Preservation Plan now a prerequisite to change. Exhibit A

**Cost to Taxpayers.** The trail or path at this time will substantially impact the market value and use of the abutting properties such that the damages would be required to be paid pursuant to law. The impact would be to significantly decrease the market value of at least three to eight abutting properties. The average market values of homes in the south Salem neighborhood is in excess of \$450,000. Exhibit B.

**City Path or Trail Already Exists.** Residents of the area have an alternate path, Fairmount Park Trail. Perhaps the City could alert the Citizens and the Schools in the area of the existence of the Fairmount Park Trail. A path through Pioneer Cemetery would be a second path.

As to those who desire to teach children to respect Pioneer Cemetery, the Cemetery already has access from Hoyt Street. The existing access from Hoyt Street fosters peaceful quiet appreciation, serenity, reflection and respect.

**In sum.** It is time to make this decision and close this book on a path through Pioneer Cemetery because it is extremely expensive to go after this duplicate trail over and over again.





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[Contact Information](#)

[Cemetery History /  
Preservation](#)

[Photographs](#)

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## **SALEM PIONEER CEMETERY LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES**

---

Salem Pioneer Cemetery, located at Commercial Street SE and Hoyt Street, was listed in the National Register of Historic Places under its historic name, Odd Fellows Rural Cemetery, on September 11, 2013. The City-owned property of seventeen acres has the registration identification number 13000707. The 72-page nomination document includes, in addition to a narrative, ten exhibits and twenty-five photographs. It is reproduced on our Web site in its entirety courtesy of the Oregon State Historic Preservation Office. When citing the document for research purposes, the recommended form is: Odd Fellows Rural Cemetery, National Register of Historic Places Registration Form prepared by Elisabeth Walton Potter, Friends of Pioneer Cemetery, February 28, 2013.

The burial ground was founded by Chemeketa Lodge No. 1 of the Independent Order of Odd Fellows in 1854 and has been known as Salem Pioneer Cemetery since 1954. Friends of Pioneer Cemetery prepared the application for the City of Salem Parks and Recreation organization, citing the property's significance to the city and state as an outstanding cultural landscape in the 19th century Rural Cemetery tradition and as the final resting place of founders and leaders of Oregon government, institutions, commerce, and industry.

[View the Complete Registration / Certification Document.](#)



# Willamette Valley MLS

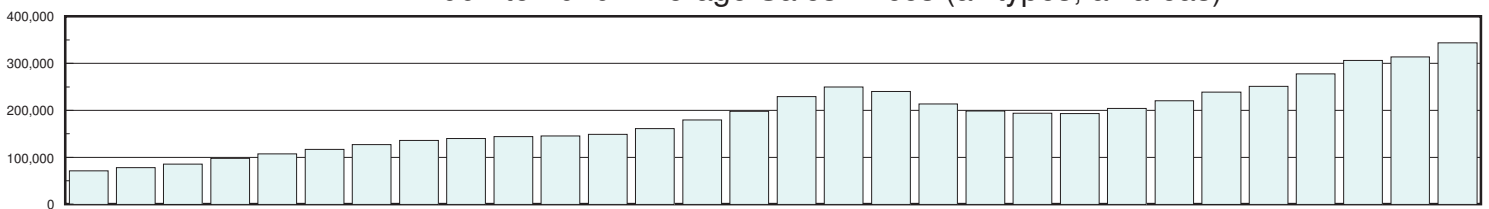
March 2020

# Valley Real Estate Review

	2019	2020	% of Change
Active Listings	2,699	2,453	-9.11%
Months of Inventory	3.44	2.57	-25.29%

	Active Offices	Combined Sales Force	Total Listing Issued	Total Annual Sales	Total Annual Dollar Volume
2010	484	1,607	14,870	5,772	1,149,297,552
2011	456	1,433	11,783	5,788	1,127,525,552
2012	461	1,417	11,654	6,541	1,266,808,552
2013	463	1,471	12,465	7,590	1,555,464,240
2014	457	1,597	12,867	7,908	1,751,100,072
2015	474	1,803	13,914	10,071	2,409,748,596
2016	502	2,063	14,486	10,991	2,766,313,799
2017	517	2,347	14,392	11,266	3,137,344,414
2018	560	2,589	15,154	11,231	3,449,545,495
2019	561	2,701	15,543	11,195	3,695,435,915
2020 year to date	568	2,732	3,404	2,315	798,112,455

1991 to 2020 Average Sales Prices (all types, all areas)



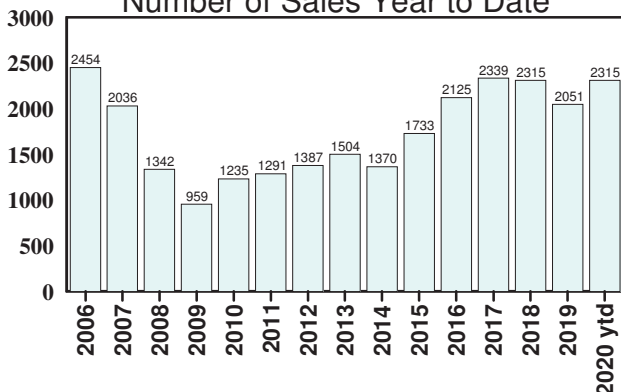
Year	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020 ytd
Price	72,002	78,723	86,339	98,379	107,670	117,470	127,493	136,601	140,886	144,482	146,282	149,460	161,637	179,917	198,908	230,064	250,205	240,780	214,219	199,116	194,804	193,672	204,936	221,434	239,276	251,689	278,479	307,145	314,677	344,757

2014 to 2020 Closed Sales by Month



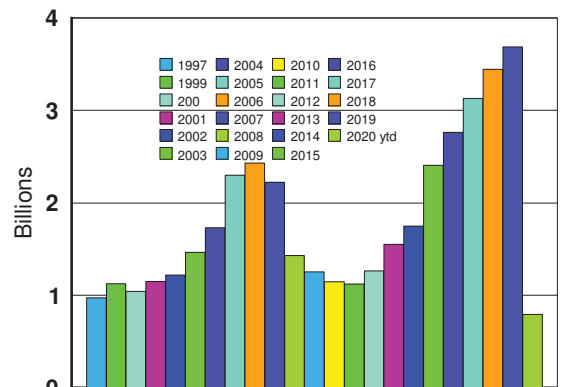
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2014	423	397	550	582	748	727	819	817	742	770	622	711
2015	487	484	762	798	896	1048	1033	952	1016	951	747	898
2016	656	653	816	894	951	1129	1006	1122	971	935	901	957
2017	768	681	890	826	956	1101	1027	1102	1050	1045	868	952
2018	741	651	923	872	1016	1099	1152	1164	953	942	888	830
2019	676	611	764	950	1038	1042	1128	1188	1040	974	839	945
2020	728	707	880									

Number of Sales Year to Date

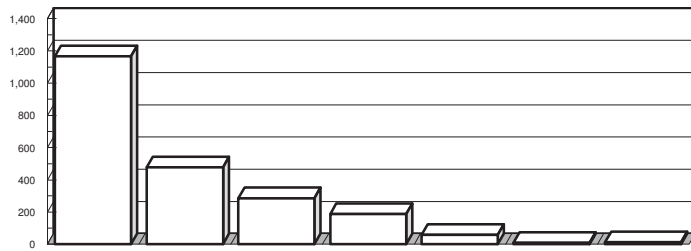


Year	Number of Sales Year to Date	Percent Increase/Decrease From Previous Year
2010	2454	28.78%
2011	2036	4.53%
2012	1342	7.44%
2013	959	8.44%
2014	1235	-8.91%
2015	1291	26.50%
2016	1387	22.62%
2017	1504	10.07%
2018	1370	-1.03%
2019	1733	-11.40%
2020	2339	12.87%
2020 ytd	2315	

Total Annual Dollar Volume

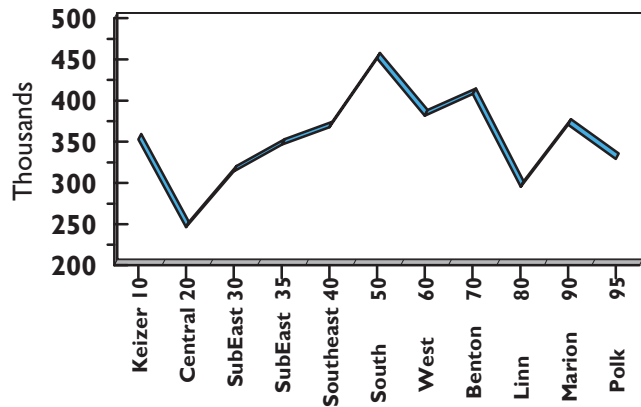


## Top Sales Terms 2020 Year to Date



CNV	CSH	FHA	VA	USDA	1TD	LSC
1,167	478	286	188	59	8	13

## Residential Average Sales Prices by Area Year to Date



% Chg = Percent of change from previous year

## Residential Average Sales Prices by Area

AREA	2016	% Chg 15/2016	2017	% Chg 16/2017	2018	% Chg 17/2018	2019 Year to Date	% Chg 18/2019	2020 Year to Date
Keizer 10	\$256,083	12.20%	\$276,990	8.16%	\$300,836	8.61%	\$326,521	8.54%	\$352,870
Central 20	168,057	15.25%	197,523	17.53%	226,553	14.70%	243,738	7.58%	246,416
SubEast 30	209,396	11.86%	237,487	13.42%	271,126	14.16%	306,112	12.90%	313,896
SubEast 35	229,343	13.59%	255,348	11.34%	285,643	11.86%	307,356	7.60%	346,617
Southeast 40	284,586	10.90%	309,156	8.63%	347,463	12.39%	353,171	1.64%	367,768
South 50	322,094	6.76%	355,927	10.50%	388,438	9.13%	392,446	1.03%	451,237
West 60	277,550	10.07%	317,059	14.23%	342,803	8.12%	366,047	6.78%	382,083
Benton 70	335,478	7.11%	358,992	7.01%	390,805	8.86%	408,145	4.44%	408,160
Linn 80	211,254	4.33%	242,798	14.93%	273,652	12.71%	293,837	7.37%	295,270
Marion 90	271,827	9.07%	293,538	7.99%	333,395	13.58%	354,161	6.23%	370,739
Polk 95	250,752	6.47%	272,446	8.65%	302,417	11.00%	321,707	6.38%	329,395
<b>Total Average</b>	<b>\$263,415</b>	<b>7.47%</b>	<b>\$291,018</b>	<b>10.48%</b>	<b>\$316,626</b>	<b>8.80%</b>	<b>335,110</b>	<b>5.84%</b>	<b>347,563</b>



March 2020

# New Construction Statistics

A member owned cooperative MLS Since 1949

New Construction Residential	Area 10 Keizer	Area 20 Central Salem	Area 30 Suburban NE	Area 35 Suburban SE	Area 40 SE Salem	Area 50 South Salem	Area 60 West Salem	Area 70 Benton County	Area 80 Linn County	Area 90 Marion County	Area 95 Polk County
Units Sold 12 Mos to date	24	3	163	8	74	45	87	105	211	223	158
Average Sales Price	\$409,434	\$306,000	\$334,184	\$304,612	\$420,114	\$429,992	\$393,906	\$402,485	\$349,665	\$404,774	\$339,581
Average Square Footage	2,352	1,493	1,902	1,454	2,028	2,107	2,189	1,997	1,961	2,025	1,724
Average Cost per Square Foot	\$176.00	\$206.00	\$179.00	\$213.00	\$210.00	\$205.00	\$183.00	\$204.00	\$182.00	\$202.00	\$200.00
Average Day on the Market	219	84	86	118	172	139	151	166	144	173	175
Currently Active Listings	7	0	11	4	28	15	9	45	71	38	34

<b>New Construction Residential</b>	Sales 2016	Sales 2017	Sales 2018	Sales 2019	Sales 2020 Year to Date	Currently Active	Currently Pending
Units	586	651	788	1,092	250	283	159
Average Price	\$305,337	\$339,993	\$367,985	\$379,063	\$374,344	\$426,798	\$377,292
Average Square Footage	1,990	2,013	2,037	1,978	1,943	2,018	1,980
Average Cost per Square Foot	\$153.00	\$171.00	\$182.00	\$194.00	\$196.00	\$213.00	\$194.00
Average Days on the Market	164	163	166	153	153	104	94

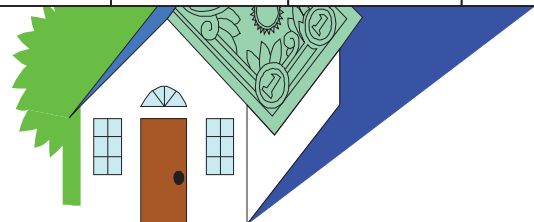


Equal Housing Opportunity

Many factors contribute to fluctuations in data.

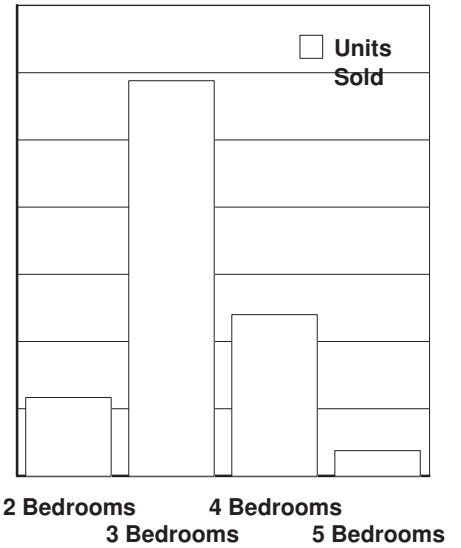
Users should analyze over an extended period to ascertain market trends.

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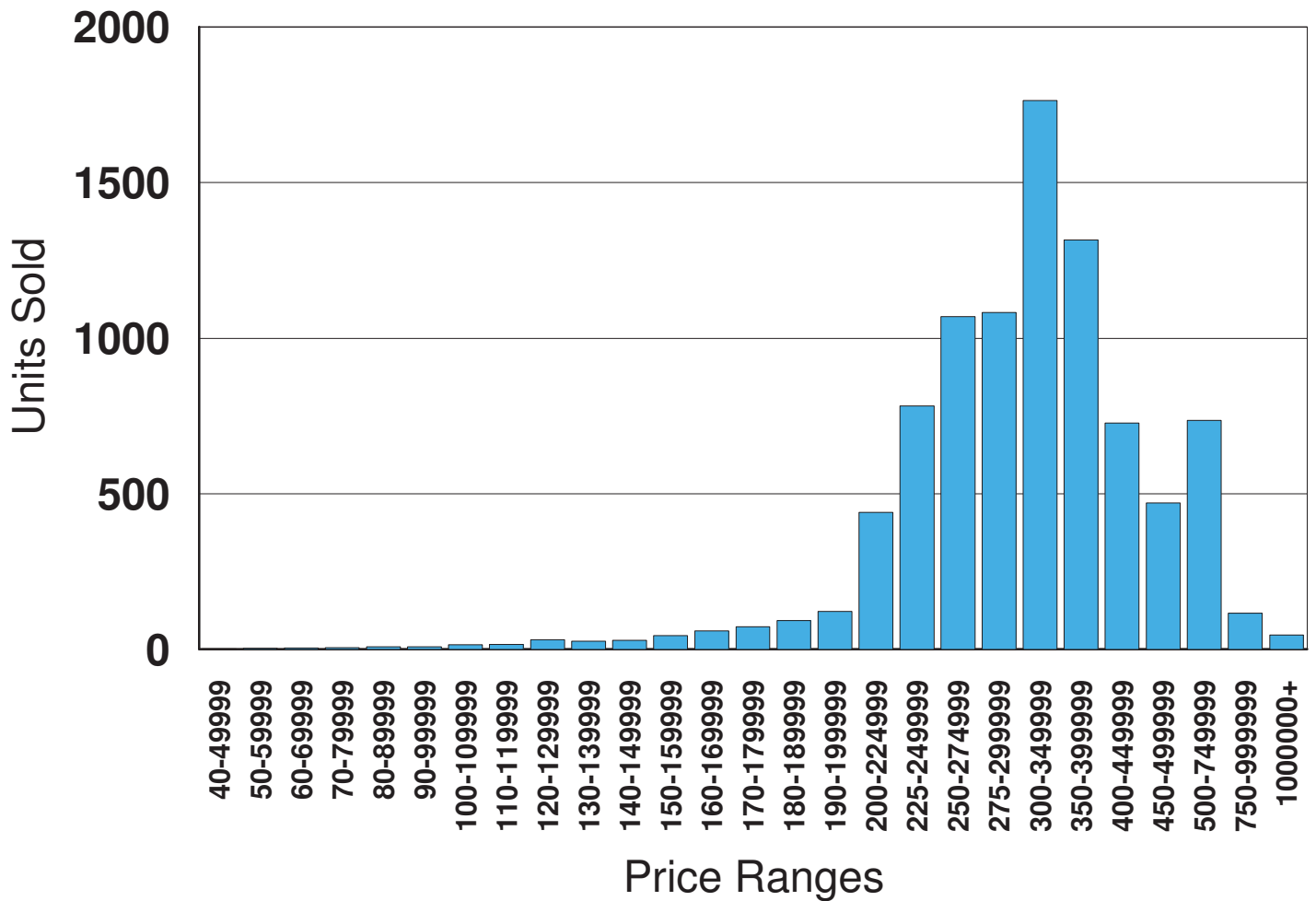


# Residential Sales by Number of Bedrooms

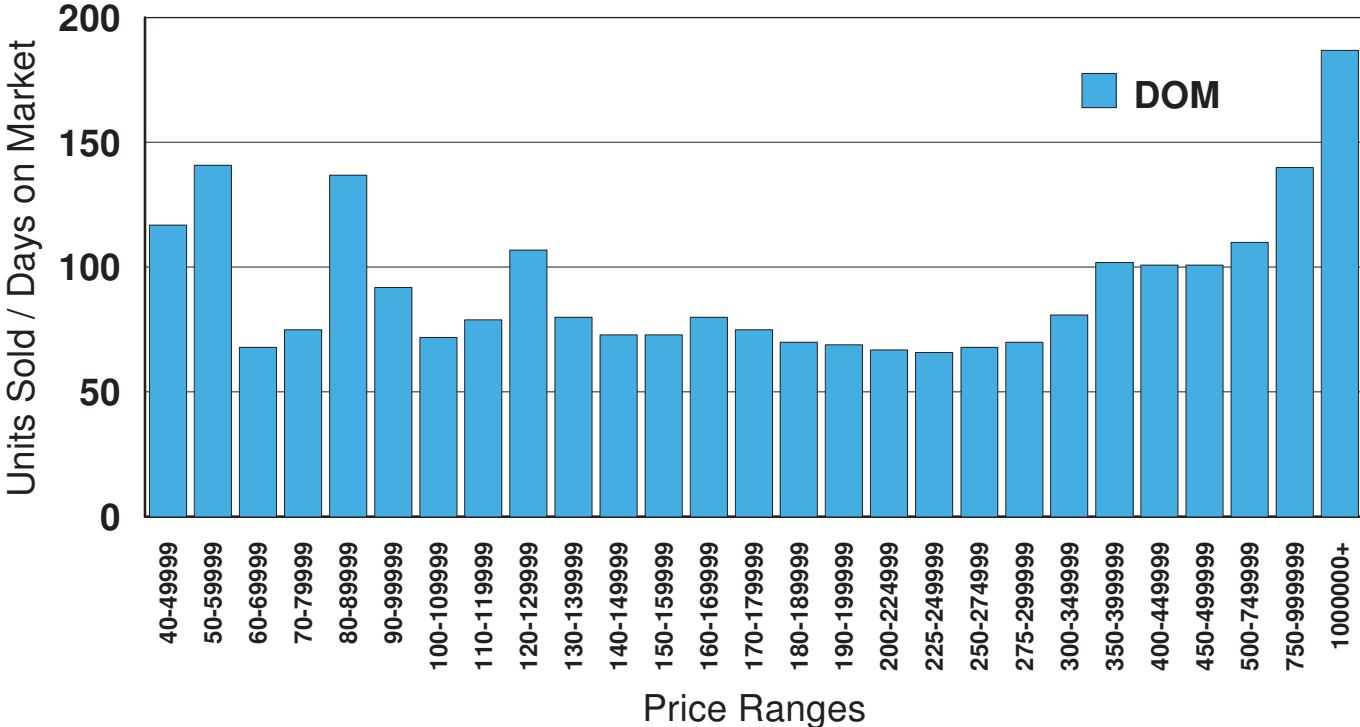
	2 Bedrooms	3 Bedrooms	4 Bedrooms	5 Bedrooms
Number Sold 12 Months	1,175	5,882	2,404	384
Average Sales Price	\$246,106	\$322,468	\$409,027	\$481,589
Average Square Footage	1,170	1,638	2,321	3,002
Average Cost per Square Foot	\$216.00	\$200.00	\$178.00	\$159.00
Days on Market	79	80	101	108
Active on the Market	138	671	401	99



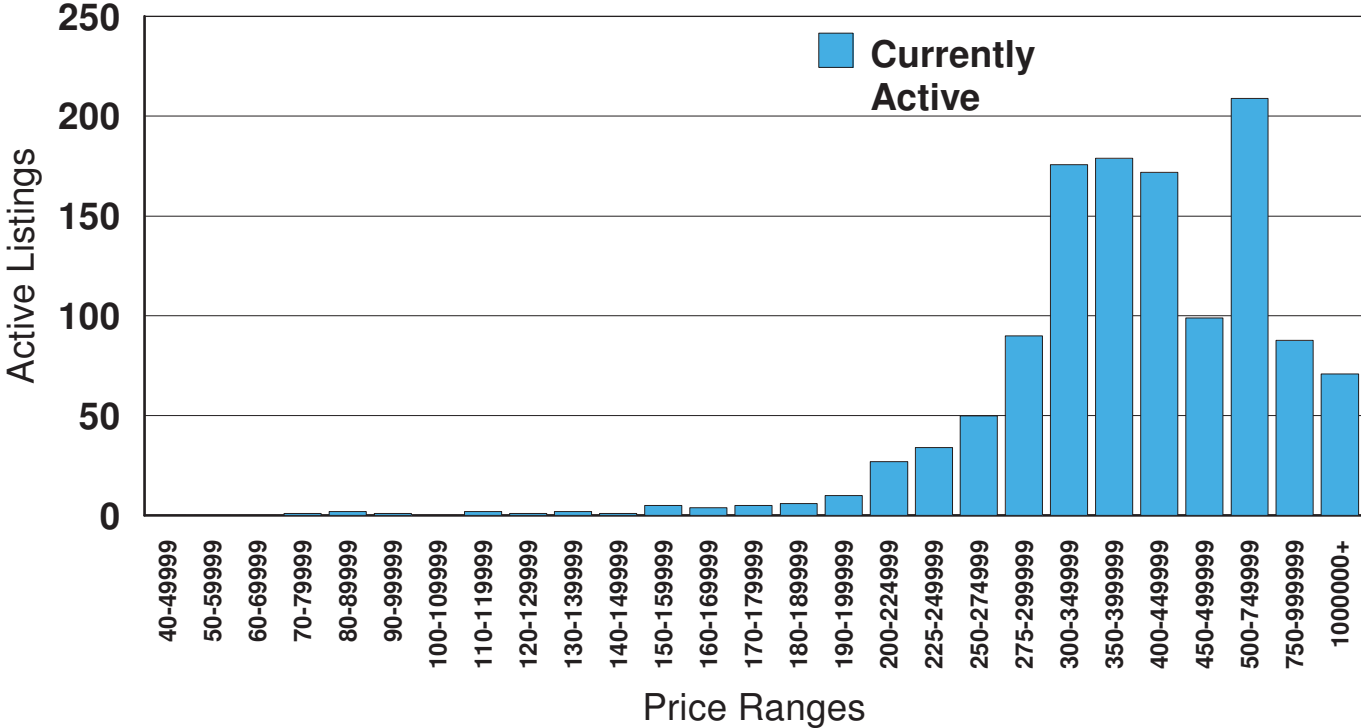
# Residential Sold Listings by Price Range 12 Mos



# Residential Listings by Price Range - Days on the Market



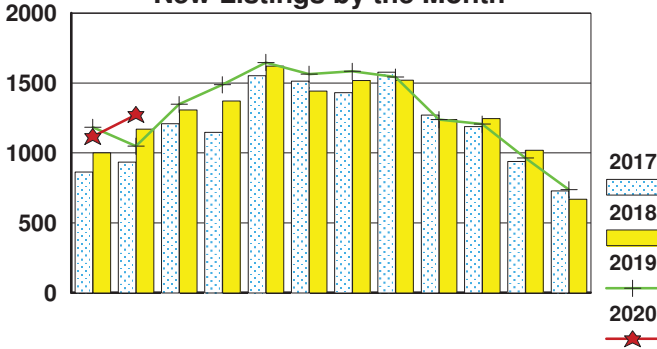
# Active Residential by Price Range



# Residential Sold Price Analysis

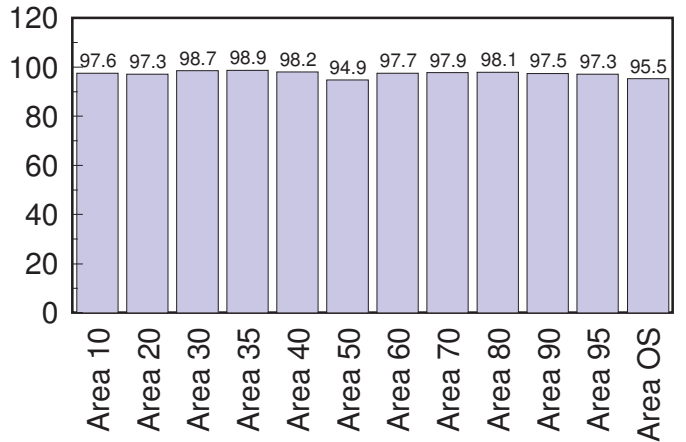
Area	2018 Units Sold	2018 Dollar Volume	2019 Units Sold	2019 Dollar Volume	2020 Units Sold Year to Date	Active on the Market	2020 Dollar Volume	Original Average List Price	Average Sales Price	% Sale to List	Days on the Mkt	Average Square Footage	Price Per Square Foot
10	506	\$152223108	515	\$168158535	103	60	\$36,345,670	\$361,645	\$352,870	97.6	109	1,820	\$199.00
20	403	91300986	422	102857672	82	35	20,206,142	252,912	246,416	97.3	81	1,504	178.00
30	391	106010441	515	157648051	110	44	34,528,639	318,046	313,896	98.7	85	1,689	190.00
35	287	81979594	336	103271814	55	32	19,063,974	350,625	346,617	98.9	74	1,662	205.00
40	774	268936957	784	276886729	157	122	57,739,644	374,695	367,768	98.2	85	2,021	192.00
50	440	170912745	415	162865420	81	67	36,550,233	475,513	451,237	94.9	118	2,342	196.00
60	625	214252350	615	225119452	136	68	51,963,365	391,012	382,083	97.7	97	2,260	176.00
70	971	379472160	936	382024266	182	161	74,285,121	417,068	408,160	97.9	93	2,029	213.00
80	1897	519118753	1678	493059745	371	220	109,545,189	300,973	295,270	98.1	88	1,629	188.00
90	1134	378070158	1114	394536089	217	158	80,450,550	380,859	370,734	97.5	110	1,826	210.00
95	731	221067283	740	238063707	137	88	45,127,191	338,605	329,395	97.3	110	1,664	203.00
OS	877	345388092	923	\$370146801	200	192	87,094,953	456,134	435,474	95.5	105	2,032	223.00

New Listings by the Month

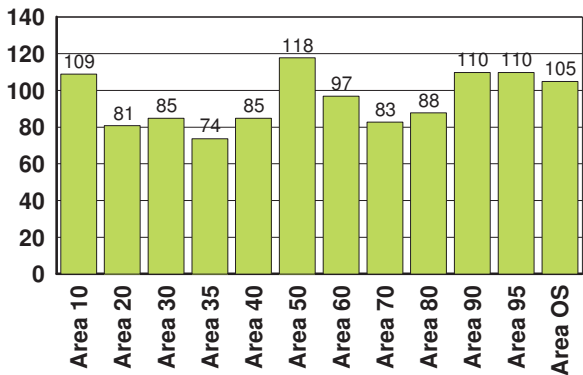


	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
2017	866	937	1212	1150	1555	1517	1434	1581	1274	1192	942	732
2018	1004	1172	1309	1375	1624	1446	1520	1522	1242	1248	1021	671
2019	1185	1050	1349	1488	1649	1564	1584	1543	1240	1208	965	739
2020	1117	1276										

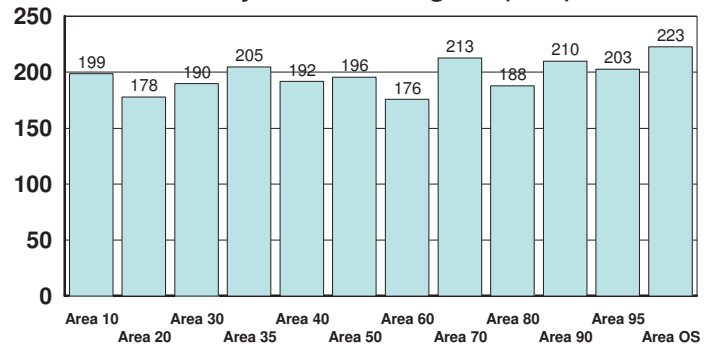
Percent of Sales Price to List Price (YTD)



Average Days on the Market (YTD)



Average Sales Price Per Square Foot By Area Including Lot (YTD)







03421 25th St. SE  
 Salem, Oregon 97302-1122  
 (503) 399-8657  
 1 800 944-3138

The Statistics presented in this update are compiled to reflect sales made by member offices for properties listed in the Willamette Valley, Oregon. Many factors contribute to fluctuations in data. Users of this report should analyze data over an extended period to ascertain market trends. Information is deemed reliable but not guaranteed.  
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Your Statistics Team @ WVMLS:  
 Kristie Will & Ronda Wymore  
 We welcome your comments and suggestions.

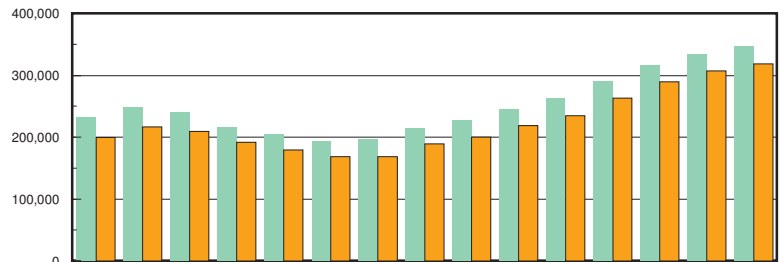


All statistical reports are available on the web at [WVMLS.COM](http://WVMLS.COM)



AREAS:	#
Keizer	10
Central Salem	20
Suburban East	30
Suburban SE	35
Southeast Salem	40
South Salem	50
West Salem	60
Benton County	70
Linn County	80
Marion County	90
Polk County	95

### 2004 to 2020 (YTD) Residential Average/Median Sales Prices



Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Average	232,943	249,203	240,406	215,432	205,406	193,821	196,867	215,207	227,879	245,098	263,415	291,018	316,626	334,650	347,563
Median	199,900	217,000	210,000	192,000	180,050	169,000	169,000	189,595	200,350	219,000	235,400	263,500	289,900	307,700	319,000

**Factoid:** The average newly constructed home sold in the Willamette Valley is a 3 bedroom, 2 bath with 1,943 square feet and a 2 car garage. The average cost per square foot for a new home is \$196.00 including a 7,178 square foot lot.

	Closed Sales	New Listings	Pending Listings	Average Sales Price	% List Price to Sales Price
(All types, all areas)					
March 2020	880	1,276	889	\$361,458	97.36%
Full Year 2019	11,195	15,543	4,540	\$330,087	98.62%
March 2019	764	1,349	1,474	\$308,369	98.09%
Full Year 2018	11,231	15,154	4,225	\$307,145	98.85%

**Amy Johnson**

---

**From:** Elisabeth Potter <ewpwords@gmail.com>  
**Sent:** Wednesday, April 22, 2020 1:06 PM  
**To:** CityRecorder  
**Subject:** Council Mtg. 4-27-20 - Rural-Hoyt Trail Connection, Pioneer Cemetery  
**Attachments:** FOPC EWP Remarks for City Council, 4-27-2020.docx

To the office of the City of Salem Recorder:

Please find attached the statement I wish to offer under the agenda item pertaining to Public Comments during the forthcoming virtual City Council Meeting scheduled for April 27, 2020.

Thank you.

Elisabeth Walton Potter

## SALEM CITY COUNCIL MEETING

April 27, 2020

Agenda Item No. 2 - Public Comments on Proposed Connector Path through Pioneer Cemetery

Elisabeth Walton Potter

2655 Skopil Ave S

Salem OR 97302

Mr. Mayor and Ladies and Gentlemen of the Council:

I am Elisabeth Potter, resident of South Salem Ward No. 7 and a founder-member of the citizen support group - Friends of Pioneer Cemetery.

My statement highlights below what our volunteers and supporters do to help the City raise its level of care for the historic cemetery, but mostly I want to make a point here that is often overlooked in conversations about a hypothetical Rural Avenue-Hoyt Street connector that could affect a City landmark having Goal 5 status under statewide land use planning rules.

Anyone taking stock of the cemetery landscape from a simple visual perspective might easily assume there are tolerances for inserting one thing or another into a tightly-bounded gridiron plat with a few lanes, a scattered tree canopy, and more than eight thousand graves, marked and unmarked. What the casual observer probably will not know is that, notwithstanding a number of exceptions for City and County-owned graves for institutional burials, the grave lots are not publicly owned. The vast majority of grave lots passed to descendants of original plot owners from the 1850s onward, and, with few exceptions, the exclusive descendant's right-to-inter has not been extinguished. Although more qualified terminology is applied by the Oregon Mortuary and Cemetery Board today, the continuing status of the grave lots as essentially private property is one important reason why space for widening or fencing existing lanes is restricted. Also to be remembered is that any development undertaken along the cemetery's boundaries risks encroaching on irregular, early, unmarked burials on the outer margins of the plat.

We are your citizen advisors in the special effort of caring for Pioneer Cemetery, and we have been pleased to serve in that role since shortly before the City took title to the property from the Independent Order of Odd Fellows thirty-four years ago. We are confident that City staff will, if called upon, provide the kind of rigorous professional analysis that will help all of us resolve the dilemma of conflicting land-uses that is once again under discussion.

### Primary Purposes of the Friends of Pioneer Cemetery organized in 1985

- Support City Parks Operations in the effort to maintain, protect, and improve the historic cemetery landscape and its monuments; direct the efforts of community volunteers in grounds-betterment.
- Promote contributions to the Salem Foundation Charitable Trust Pioneer Cemetery Fund; maintain public and donor relations through an annual report-newsletter.
- Manage the Pioneer Cemetery Website and database ([www.salempioneercemetery.org](http://www.salempioneercemetery.org)); respond to ongoing requests for information on burials, genealogy, and headstone care.
- Assist City Parks Operations to define scope of work when contracting for professional repairs; help write grant proposals for the City's special preservation projects endorsed by the Salem Historic Landmarks Commission.
- Promote public education through occasional tours, programs, and periodic off-site presentations. Maintain FOPC administrative records that include reports on completed projects.

**Amy Johnson**

---

**From:** EVAN WHITE <epwhitehouse@comcast.net>  
**Sent:** Tuesday, April 21, 2020 1:04 PM  
**To:** CityRecorder  
**Subject:** Rural-Hoyt Trail Connection, Council Meeting on April 27  
**Attachments:** Path through Pioneer Cemetery.docx

Attached please find my testimony for the April 27, 2020 Council meeting. Please acknowledge that you are able to open the attachment. Thank you, Evan White

## **Rural-Hoyt Trail Connection, Linking Neighborhoods Salem City Council Meeting, April 27, 2020, Agenda Item\_\_\_\_\_**

Thank you, Councilors, for your service. I am Evan White, Land Use Chair of the Sunnyslope Neighborhood Association, and I testified on this issue seven years ago. Who knew that people like to walk? Not having a street or path that connects Hoyt and Rural is a mistake that likely predates anyone now working for the City. There is an easy way to address this issue while showing respect for both the living and the dead. It is time to fix the mistake.

### **The Dead**

My great grandmother came to Salem via the Oregon Trail in 1847, with her parents, brother and sister. She was only nine years old and she lived to be nearly 102 years of age. Her ashes are interred at the Mausoleum at Mt Crest, adjacent to Pioneer Cemetery. So, I believe that it is very important to honor our ancestors and respect our pioneer heritage. Today almost all adults and many children have cell phones and are able to instantly summon help if there is an emergency or see something amiss. Having people able to walk through Pioneer Cemetery during daylight hours will improve security and enrich public appreciation for our pioneer heritage.

### **The Living**

I've lived in Salem for almost fifty years and the first house that I owned was on Fairmount Hill.<sup>1</sup> When we moved there, my two sons met Tad, the boy living next door, and found a ready playmate. All three boys soon became inseparable -- like the three musketeers. They were either over at our house or at Tad's house. This continued for years, until Tad's mom sold her house and moved to Candalaria. At that point it became very difficult for the boys to continue their friendship because they were now separated by Pioneer Cemetery -- with no easy or safe way to walk or bike from one house to the other.

When my older son moved to McKinley School, many of his classmates lived on the other side of the cemetery, so he had no way to continue his school friendships. Children who live south of the cemetery cannot easily access the playground at Fairmount Park.

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<sup>1</sup> When I lived there, I frequently walked to work and took the bus home. I now live near Belcrest Cemetery, which encourages pedestrian use of the cemetery.

Salem is expected to grow by 60,000 people over the next sixteen years. "Our Salem Report Card" says that we are falling behind from some of the goals that we have set for ourselves, such as walk and transit friendliness, bicycle and pedestrian use, greenhouse gas emissions, and air pollution from travel. Residents are becoming less optimistic about the direction of our City. While the staff report on this issue is not yet available, my hope is that it will present a constructive way to link the two neighborhoods. Thank you.



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## Ruth Stellmacher

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**From:** Evan West <evanwest714@gmail.com>  
**Sent:** Wednesday, March 11, 2020 1:40 PM  
**To:** citycouncil  
**Cc:** salemrecorder@cityofsalem.net  
**Subject:** Comment on Pioneer Cemetery Gateway Proposal  
**Attachments:** Comment on Pioneer Cemetery Gateway.pdf

**Categories:** Council Dox

Hello,

Please see the attached letter with comment regarding the recent proposal for the creation of a new gateway to Pioneer Cemetery. Thank you very much for your time and consideration, and please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,

Evan West

--

970-980-1445

[evanwest714@gmail.com](mailto:evanwest714@gmail.com)

March 11, 2019

To Mayor Chuck Bennett and Members of the Salem City Council:

Thank you for taking your time to consider the comments of those interested and impacted by the proposal for the creation of a new point of access to the Pioneer Cemetery. As a homeowner at 466 Rural Avenue South (essentially the intersection of Rural Avenue and John Street,) my property is immediately adjacent to both the cemetery and the location of the proposed gateway. I am interested in this project not only as an impacted homeowner, but also as a professional public historian. I hold a master's degree in public history from the University of Colorado, as well as a certificate in historic preservation. I earned a bachelor's degree in history, and I have worked full time as a public history consultant for four years.

I'm writing to you today because I firmly believe that the City Council has a unique opportunity to affirm the purpose of preserving and maintaining cemeteries in the twenty-first century. In my professional opinion, I believe that it is important for society to choose to protect and preserve cemeteries for three distinct reasons. These reasons and the ways in which they impact a gate decision are summarized in three paragraphs below.

We carry the burden of honoring, mourning, and otherwise commemorating the lives of those who came before us. Each marker and indeed each unmarked plot in a cemetery is the final embodiment of *someone's* life. A shared aspect of our humanity is the collective promise to never forget the contributions of our predecessors.

Currently, access to Pioneer Cemetery is relatively limited. A desire to exclude any potential danger has led to a wide misunderstanding among the community of its purpose and nature. However, those who have visited have often found that cemeteries impart lessons of history. They provide a tangible link to, and record of, our historic past. The Cemetery has acknowledged this with the installation of interpretive signage, but they have not encouraged access or visitation by the public. In this way the Cemetery has come dramatically close to but fallen short of fulfilling the ultimate goal of historic interpretation. That goal is the provocation of interest,



and the desire of the public to learn more and become further involved.

Cemeteries are not just places of burial and reflection on the dead. They are also places where meditation, casual encounters among friends and neighbors, and indeed even “recreation,” can occur. We don’t want them to replace parks, but they have no sanctity at all if they are locked away from the public. Cemeteries can be havens for bird watchers, a silent pass through for cyclists, and places of inspiration for artists. They are maintained in part *by* the public, they should be *for* the public.

What binds all of these categories together, is the critically important element of public access. If we choose not to foster these aspects of cemeteries that are important to our community, then cemeteries become only toxic fields of stone. Literally dead and dying in every way. For the health and wellbeing of a connected and informed community, I join my neighbors in asking the City Council to take whatever steps are necessary to allow for increased community access to the Pioneer Cemetery. With coordination, patience, and some compromise, I have great confidence that it can be achieved. Thank you very much for all of your time and consideration.

Sincerely,

Evan West

## Amy Johnson

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**From:** Evan West <evanwest714@gmail.com>  
**Sent:** Wednesday, April 22, 2020 7:44 PM  
**Subject:** Fwd: Comment on Pioneer Cemetery Pathway Proposal  
**Attachments:** Evan West Pioneer Cemetery Pathway Comment.pdf

Hello,

I apologize if you are receiving, or end up receiving my comments twice. I am simply hoping to ensure that they will cross your desk before the next meeting when this proposal will be discussed. Thank you very much for all of your time, service, and consideration. Please do not hesitate to contact me if you have any follow up questions for me.

Sincerely,

Evan West

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970-980-1445

[evanwest714@gmail.com](mailto:evanwest714@gmail.com)

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970-980-1445

[evanwest714@gmail.com](mailto:evanwest714@gmail.com)

April 22, 2019

To Mayor Chuck Bennett and Members of the Salem City Council:

You have previously received a letter with my commentary in support of the Pioneer Cemetery pathway proposal. I had hoped to deliver this follow up commentary in person but due to our current world situation it seems that will be impossible for an indeterminate amount of time. Thank you very much for considering this perspective in the same manner that you would if it were delivered to you in person.

I would like to read for you from the *Salem Pioneer Cemetery Preservation Handbook* published jointly by the City of Salem and the Friends of the Pioneer Cemetery. On page one the handbook reads

Besides a burial ground, the park-like setting has a variety of uses. It is an open space for walking and jogging, a wildlife habitat, an outdoor classroom and museum, and a resource for genealogical research. Since the Salem Pioneer Cemetery serves many interests and activities, these guidelines are intended to help preserve the historic character of the cemetery for future generations to appreciate.

By this statement, it's apparent that the City and the Friends of the Cemetery recognize their role as the guardians of a place of public gathering and utility. Today I join my friends and neighbors in asking the city council to ensure that the cemetery remains accessible, and better promotes accessibility, to all.

As a professional historian I have studied the assets of the Pioneer Cemetery and can attest that the construction of an entrance off of John Street can be undertaken without causing any adverse impact. As hours of access will remain the same, the possibility that crime or vandalism might increase is small to none. Adding a second point of access to the cemetery encourages community engagement, and to my knowledge the opposition have provided few rational arguments against the possible creation of a second gateway. The dedicated and passionate volunteers who compose the Friends of the Pioneer Cemetery are rightfully invested in ensuring that the historic treasure is protected. What I would like for the Friends of the Cemetery and the Salem City Council to know, is that the neighbors who share property lines are equally dedicated to the same mission.

Thank you very much for your time and consideration of this perspective. I am happy to be contacted at any time with follow up questions regarding historic preservation, public history, or any other aspect of this project and proposal.

Sincerely,

Evan West  
970-980-1445  
evanwest714@gmail.com  
Neighbor at 466 Rural Avenue South Salem, OR 97302

## Ruth Stellmacher

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**From:** Gary McCuen <garylmccuen@gmail.com>  
**Sent:** Monday, March 16, 2020 9:33 AM  
**To:** citycouncil  
**Subject:** Fwd: Passage above the Pioneer Cemetery

**Categories:** Council Dox

Dear Council Members,

My wife, Annie Francoise, sent the attached message to you on March 14th regarding the path through the cemetery. I would like to add my comments.

There are safety and community aspects as she has pointed out but there are also just basic health and convenience reasons. I know that many folks on the Fairmount side are enthusiastic walkers for health and recreation purposes. I assume that Candelaria folks are the same. We walk all over Fairmount hill and it would be delightful to be able to include the cemetery and Candelaria areas within our walking range. This is good for all of us.

Also, we would love to combine the joy of walking with some convenience. At times, we have made the trek to LifeSource for a deli lunch or light shopping but the section along Commercial is hardly inspiring or pleasant. So, mostly we drive - adding more car trips and inherent pollution. How pleasant it would be to be able to take a stroll through the cemetery to do these things. There are other businesses in the vicinity that could be considered destinations as well.

We hope that you will favorably consider opening the walking passage through the cemetery.

Thank you for your consideration,  
Gary McCuen - 503 302 90543  
1825 Fairmount Ave. S.  
Salem, OR 97302

Begin forwarded message:

**From:** Annie Francoise <[mccuen7691@comcast.net](mailto:mccuen7691@comcast.net)>  
**Subject:** Passage above the Pioneer Cemetery  
**Date:** March 14, 2020 at 5:01:26 PM PDT  
**To:** [citycouncil@cityofsalem.net](mailto:citycouncil@cityofsalem.net)

Hello, everyone, thank you for your interest in this matter.

We live on Fairmount Hill near the Park. We intended to attend the meeting on Monday evening. Unfortunately, I am 76 and Gary 84 and we were advised to stay home, to be on the safer side, not to contaminate or be contaminated.

I am one of the volunteers who attended the Cert Training with Roger a few years back. At the time, Roger was quite insistent regarding having open passage between our neighborhood and Candelaria in the event of a major earthquake. We were all in agreement. Roger was recommending having a container in Fairmount Park, stocked with emergency food and supplies which could be shared by both neighborhoods as well as an opening which would allow emergency vehicles and first responders to go

back and forth. We are still all waiting for such an opportunity!

Also, Fairmount Park is THE park for both neighborhoods and Candalaria was cut off when gates were set up as an overreaction to a one time episode of vandalism. Just not fair.

Both sides of the cemetery would still be protected if the fenced passageway would be open at each end.

Please, pretty please, make this happen this time. Safety and good fellowship could serve us all.

We are so grateful for your efforts to represent us all.

Annie-Françoise McCuen  
1825 Fairmount ave s  
Salem 97302

Sent from my iPad

## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:49 AM  
**To:** CityRecorder  
**Subject:** FW: connector across Pioneer Cemetery in South Salem

- [Julie](#) | 503-588-6211 ext.7338

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Tuesday, March 17, 2020 12:33 PM  
**To:** Julie Warncke <JWarncke@cityofsalem.net>  
**Subject:** Fwd: connector across Pioneer Cemetery in South Salem

Vanessa Nordyke  
Salem City Councilor, Ward 7

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**From:** Heather Wolfgang <[heather@oregonmtb.org](mailto:heather@oregonmtb.org)>  
**Sent:** Tuesday, March 17, 2020 10:30 AM  
**To:** Vanessa Nordyke  
**Subject:** connector across Pioneer Cemetery in South Salem

Not sure if the meeting is happening for this (guessing it won't) but I support this connector!

Best,  
Heather

Heather Wolfgang  
League Director  
[Oregon Interscholastic Cycling League](#)  
ph: 352-284-5052



## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Tuesday, April 21, 2020 1:23 PM  
**To:** CityRecorder  
**Subject:** Fwd: Gated pedestrian connection through Pioneer Cemetery

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Tuesday, April 21, 2020 1:22:47 PM  
**To:** Jeremy Greenwood <jeremymgreenwood@gmail.com>  
**Subject:** Re: Gated pedestrian connection through Pioneer Cemetery

Thank you, Mr. Greenwood for your email and your support! As your City Councilor, please do not hesitate to reach out to me in the future with any questions or concerns or comments you may have. I hope you and your loved ones are staying healthy. Best, Vanessa

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Jeremy Greenwood <jeremymgreenwood@gmail.com>  
**Sent:** Tuesday, April 21, 2020 12:36:42 PM  
**To:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Subject:** Gated pedestrian connection through Pioneer Cemetery

Hello Councilor Nordyke,

I reside in the Fairmount neighborhood on Saginaw Street and would really love a pedestrian connection through Pioneer Cemetery to exist for a safer and more pleasant walk or bike to shopping, restaurants, and friends over in the Candalaria area. I don't expect this passage to remain open after dark, which I understand raises some concerns about vandalism in our historic cemetery. Let's create a more connected community!

All the best with this initiative,  
Jeremy Greenwood

## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:49 AM  
**To:** CityRecorder  
**Subject:** FW: Connecting path through cemetery

- [Julie | 503-588-6211 ext.7338](#)

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**From:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Sent:** Tuesday, March 17, 2020 12:33 PM  
**To:** Julie Warncke <[JWarncke@cityofsalem.net](mailto:JWarncke@cityofsalem.net)>  
**Subject:** Fwd: Connecting path through cemetery

Vanessa Nordyke  
Salem City Councilor, Ward 7

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**From:** Julie hewitt <[juhewitt44@gmail.com](mailto:juhewitt44@gmail.com)>  
**Sent:** Tuesday, March 17, 2020 11:48:14 AM  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** Connecting path through cemetery

Hi!

I am writing to ask that you support a pathway through the Pioneer Cemetery connecting my Fairmount neighborhood to Candalaria. Not only would that provide a nice path to LifeSource Foods, but my daughter and grandchildren live in that neighborhood. Currently, I walk through the woods at the end of Rural to visit them, but I must admit, I do it with a little trepidation.

Thank you for all you do for our community.  
Julie Hewitt



## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:49 AM  
**To:** CityRecorder  
**Subject:** FW: I support the Pioneer Cemetery Connector

- [Julie | 503-588-6211 ext.7338](#)

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**From:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Sent:** Tuesday, March 17, 2020 12:34 PM  
**To:** Julie Warncke <[JWarncke@cityofsalem.net](mailto:JWarncke@cityofsalem.net)>  
**Subject:** Fwd: I support the Pioneer Cemetery Connector

Vanessa Nordyke  
Salem City Councilor, Ward 7

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**From:** Joanne Meister <[joanne@designmeister.com](mailto:joanne@designmeister.com)>  
**Sent:** Tuesday, March 17, 2020 8:13:10 AM  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** I support the Pioneer Cemetery Connector

I support the logic, common sense action of the Pioneer Cemetery connector. This will be a positive move for the neighborhood in terms for people and for wildlife. This old-thought public barriers need to go.

Thank you,  
Joanne Meister

South Salem resident

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Wednesday, April 15, 2020 2:40 PM  
**To:** CityRecorder  
**Subject:** Fwd: Path between Fairmount and Candalaria

Please add to the other emails received regarding public comment for a pedestrian path through pioneer cemetery.  
Thank you,

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Wednesday, April 15, 2020 2:39 PM  
**To:** Karen McFarlane Holman  
**Subject:** Re: Path between Fairmount and Candalaria

Thank you, Karen, so much for your thoughtful email. I appreciate your sensitivity to the needs of historic preservation and your support for a pedestrian path. I wholeheartedly agree with the opportunity for increased cultural appreciation for the cemetery as a result of opening a path. I will forward your email to city staff so that it can be added to the members of the public who are writing in to support this path.

I hope that you and your loved ones are staying healthy during these uncertain times! As your City Councilor, please do not hesitate to reach out to me with any other neighborhood questions or comments. Sincerely, Vanessa

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Karen McFarlane Holman <kholman@willamette.edu>  
**Sent:** Tuesday, April 14, 2020 11:25:11 PM  
**To:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Subject:** Path between Fairmount and Candalaria

Dear Councilor Nordyke,

I am a ten-year resident of the Candalaria neighborhood. I was thrilled to hear that the discussion regarding a path that would connect my neighborhood with Fairmount has regained some traction. It was disheartening for me when the discussion was started and then dropped a few years ago.

There are many families and friends who live on both sides of the barrier that is currently in place who do not get to visit each other safely, especially with small children. There are businesses that are not as accessible to residents who walk or bike in order to buy groceries, go out for a meal, etc. The current configuration demands that we all travel by car even to nearby destinations, which reduces the liveability of both neighborhoods. Walking and cycling on Commercial Street is neither safe nor enjoyable.

I understand the concerns that have been raised by Friends of Pioneer Cemetery - indeed, I have been a volunteer myself, cleaning up the grounds with the Friends. I care deeply for the preservation of this historic gem and I would

never push for anything that would cause its demise. I strongly believe that allowing passage alongside the cemetery would not be a detriment, but rather would cultivate appreciation for the Pioneer Cemetery even more, made possible by the fact that many more people would be able to see it, learn about it, and enjoy its beauty and history. Certainly careful planning would need to be done to ensure the safety of some of the gravestones, but I believe that there are many possible creative solutions that exist and that we can trust our City and neighbors to establish and maintain appropriate preservation measures.

Please consider my strong support for creating this connection between these two vibrant neighborhoods that would benefit families, friends, and businesses--basically everyone and everything in this whole area, including the Pioneer Cemetery.

Thank you!

Karen McFarlane Holman  
2580 Alvarado Terrace South  
Salem, OR 97302

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Sunday, March 22, 2020 2:43 PM  
**To:** CityRecorder  
**Subject:** Fwd: Cemetery Path

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Kirk Matthews <kirk.s.matthews@gmail.com>  
**Sent:** Sunday, March 22, 2020 2:24:19 PM  
**To:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Subject:** Cemetery Path

Hi Ms Nordye,

I wanted to email to show my support for a cemetery path between Hoyt and Rural --- seems like a great way to connect our neighborhoods, and keep our kids off Commercial! Thanks,

Kirk S Matthews  
503-806-1376  
2755 Commercial St S #101-154 Salem, OR 97302  
(Mailing address)

This communication (including attachments), is confidential, and may contain privileged information. If you are not the intended recipient, or believe you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use this communication or any of the information contained herein. Also please notify sender that you have received this e-mail in error, and delete the copy you received.

“We are not licensed attorneys and we are not licensed to provide our customers with legal advice. If you believe you need legal advice, you should speak with an attorney who has been retained to represent your company.”

## Amy Johnson

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**From:** laurenhoyez@gmail.com  
**Sent:** Friday, March 13, 2020 1:01 PM  
**To:** citycouncil  
**Cc:** salemrecorder@cityofsalem.net  
**Subject:** Pioneer Cemetery Pathway

Dear Mayor Bennett and Members of the Salem City Council,

I am a 3<sup>rd</sup> (or maybe 4<sup>th</sup>) generation Oregonian, born and raised in Salem, as were both of my parents. I am also a grateful supporter of "Friends of Pioneer Cemetery" since I have multiple family members at rest there including my grandparents William and Emma Butte and Guy and Hazel Causey.

I agree with the position of the Friends of Pioneer Cemetery, that a pathway should not be opened up through the Cemetery. I believe the risks for vandalism, plus potential liability issues related to aging headstones is reason enough to say no. If the council, however, believes the benefits outweigh the risks, then fencing of the pathway should be required.

Respectfully,

Lauren Butte Hoyez  
61303 Gorge View Street  
Bend, Oregon 97702

## Ruth Stellmacher

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**From:** laurenhoyez@gmail.com  
**Sent:** Friday, March 13, 2020 1:01 PM  
**To:** citycouncil  
**Cc:** salemrecorder@cityofsalem.net  
**Subject:** Pioneer Cemetery Pathway

**Categories:** Council Dox

Dear Mayor Bennett and Members of the Salem City Council,

I am a 3<sup>rd</sup> (or maybe 4<sup>th</sup>) generation Oregonian, born and raised in Salem, as were both of my parents. I am also a grateful supporter of "Friends of Pioneer Cemetery" since I have multiple family members at rest there including my grandparents William and Emma Butte and Guy and Hazel Causey.

I agree with the position of the Friends of Pioneer Cemetery, that a pathway should not be opened up through the Cemetery. I believe the risks for vandalism, plus potential liability issues related to aging headstones is reason enough to say no. If the council, however, believes the benefits outweigh the risks, then fencing of the pathway should be required.

Respectfully,

Lauren Butte Hoyez  
61303 Gorge View Street  
Bend, Oregon 97702

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Wednesday, April 22, 2020 9:28 AM  
**To:** CityRecorder  
**Subject:** Fwd: Support for Pioneer Cemetery gated pedestrian connection

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** Maureen McGee <mmcgee13@gmail.com>  
**Sent:** Wednesday, April 22, 2020 8:09 AM  
**To:** Vanessa Nordyke  
**Subject:** Support for Pioneer Cemetery gated pedestrian connection

Dear Counselor Nordyke,

I am writing in support of a proposal to study installation a pedestrian path in the vicinity of Pioneer Cemetery. I have been a resident of the south central neighborhood for five years. I take regular long neighborhood walks for exercise and am very supportive of efforts to allow residents to more easily spend time outside and connect with our neighbors while reducing vehicle use. I live south of Pioneer Cemetery, and pick up a weekly Community Supported Agriculture (CSA) distribution from a home north of the Cemetery. I am therefore well-aware that the lack of a connection through the cemetery creates a significant barrier for walkers traveling between the north and south portions of the neighborhood.

A pedestrian connection near the cemetery would be a valuable asset to the community. By providing increased foot passage that avoids the busy traffic on Commercial Street, the path will support the goals of building more connected and livable communities while supporting the safe use of alternative transportation. If this connection were installed, I would use it regularly to visit friends, pick up my vegetables, and exercise. For residents north of the cemetery, the connection would provide safe and enjoyable pedestrian access to businesses, including restaurants and grocery stores, located south of the cemetery.

Finally, I understand that the city council has many very important priorities before it that will, and should, take precedent over this small proposal. Even in times of great need, however, it is also important to also take those simple, low cost measures that can provide significant quality of life benefits to residents. I believe that this is such a proposal and therefore strongly support further exploring a pedestrian connection near the cemetery.

Thank you,

Maureen McGee

## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:48 AM  
**To:** CityRecorder  
**Subject:** FW: Pioneer cemetery connector

- [Julie](#) | 503-588-6211 ext.7338

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**From:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Sent:** Sunday, March 15, 2020 6:45 PM  
**To:** Julie Warncke <[JWarncke@cityofsalem.net](mailto:JWarncke@cityofsalem.net)>  
**Subject:** Fwd: Pioneer cemetery connector

Vanessa Nordyke  
Salem City Councilor, Ward 7

Begin forwarded message:

**From:** Robyn Clipfell <[clipfell@gmail.com](mailto:clipfell@gmail.com)>  
**Date:** March 15, 2020 at 12:56:23 PM PDT  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** Pioneer cemetery connector

I support this connector trail.



## Amy Johnson

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**From:** Julie Warncke  
**Sent:** Wednesday, March 18, 2020 10:48 AM  
**To:** CityRecorder  
**Subject:** FW: Pioneer Cemetery Connector

- [Julie](#) | 503-588-6211 ext.7338

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**From:** Vanessa Nordyke <VNordyke@cityofsalem.net>  
**Sent:** Sunday, March 15, 2020 6:46 PM  
**To:** Julie Warncke <JWarncke@cityofsalem.net>  
**Subject:** Fwd: Pioneer Cemetery Connector

Vanessa Nordyke  
Salem City Councilor, Ward 7

Begin forwarded message:

**From:** Tony Vassallo <[tonyv34@gmail.com](mailto:tonyv34@gmail.com)>  
**Date:** March 15, 2020 at 12:50:32 PM PDT  
**To:** Vanessa Nordyke <[VNordyke@cityofsalem.net](mailto:VNordyke@cityofsalem.net)>  
**Subject:** Pioneer Cemetery Connector

A couple months ago, I had a good look at what would be involved in opening a connector trail through the north fence of the Pioneer Cemetery.

I've had a formal class on trail-building, and have worked to build trails in Oregon and Arizona, including the Croisan Scenic Trail and the Sprague-Skyline Park trails.

The Pioneer Cemetery connector will not be as simple as installing a gate in the fence, because of the proximity of graves on one side and a 2-foot retaining wall on the other side, so it will take some effort, but as an engineer it could be done, in my opinion.

Having ridden my bike from my home in South Salem to downtown, I know this route would make that trip much easier and especially safer.

Tony Vassallo  
former Land Use Chair, Sunnyslope Neighborhood Association  
1533 Jordan Dr S

Salem, OR 97302  
503-371-4203

## Amy Johnson

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**From:** EVAN WHITE <epwhitehouse@comcast.net>  
**Sent:** Friday, April 24, 2020 12:47 PM  
**To:** CityRecorder  
**Subject:** Rural-Hoyt Trail Connection, Additional Comments  
**Attachments:** Pioneer.docx

I do not want to burden the record, but after reading public comments, I think it might be helpful to re-enter the comments that I made nearly eight years ago (received by the City Recorder on July 13, 2012), representing the unanimous views of the Sunnyslope Neighborhood Association.

Several persons mentioned public safety. Paragraphs #2 and 3 of my 2012 comments discuss this issue and give the names of three people I know who were injured while riding bikes on Commercial. It hasn't gotten any safer.

One commentator presented voluminous real estate statistics, as if they tell some story. The story that you should be hearing is that walkability enhances real real estate values, as I mention in paragraph #4. The website [www.walkscore.com](http://www.walkscore.com) -- still exists, and is proof that people pay more for property when they are able to walk to work, shopping, or recreation.

I have in my files a letter to the Planning Commission, from Friends of Pioneer Cemetery, dated December 7, 2004, stating that " *We welcome responsible and appropriate recreational use of the cemetery.*"

Finally, when I lived on Fairmount Hill, I regularly walked to work and took the bus home. That would be much more unsafe and unpleasant for those who live on the south side of Pioneer Cemetery.

Thank you for your service to our City.

**Comments of Sunnyslope Neighborhood Association  
On LUBA Remand of City Initiated Vacation of Public Right-Of-Way at Pioneer Cemetery**

My name is Evan White, and I live at 4553 Brock Loop S., just north of Sprague High School. I am Land Use Chair of the Sunnyslope Neighborhood Association. At its regularly scheduled meeting on May 17, 2012, our board voted to oppose any further City efforts to vacate this public right of way, at least until such time as the City has completed its transportation planning and developed both a plan and funding for a pedestrian and bike path connecting Hoyt Street and Rural Street. Nine board members were present and the vote was unanimous.

A bike/pedestrian path through Pioneer Cemetery will help Council achieve one of its most important goals. It will also reduce accidents, discourage potentially lethal bike travel, enhance property values, and improve the physical and financial health of city residents.

**1) Help achieve better connectivity, one of Council's most important goals.** Council has clearly stated that it seeks better bike and pedestrian connectivity.<sup>1</sup> Pioneer and Mt. Crest cemeteries share a fence that is 3,000 foot long, severing bike or pedestrian connectivity between the Candalaria and Fairmount neighborhoods, or between the Sunnyslope neighborhood and downtown. This tall barbed-wire tipped fence is the only significant barrier to north-south connectivity for Sunnyslope neighbors who want to bike or walk to or from downtown.

**2) Reduce accidents.** Lack of a path through Pioneer Cemetery forces cyclists (and pedestrians) to divert to Commercial Street. As noted in the decision of the Oregon Land Use Board of Appeals (LUBA), "**Commercial Avenue is a busy north-south arterial street that is auto oriented and not particularly pedestrian or bicycle friendly.**"<sup>2</sup> Two of my former co-workers have had bicycle accidents on Commercial Street. Dave Astle was able to transport himself to the Emergency Room, thankful that he was not run over by a car. Tom Riordan had his arm broken.<sup>3</sup> And my former wife, Kaaren Hawkes, had her collar bone broken. All three feel fortunate to be alive and still living in Salem.

**3) Liberty is lethal.** Lack of a pathway through Pioneer Cemetery encourages my neighbors to use Liberty Street when bicycling to and from downtown. But there are no bike lanes along Liberty between Hansen and Browning. Riding on sidewalks is both prohibited and unsafe because mailboxes are set into the sidewalks on both sides of the street. The posted speed limit is 35 mph, but traffic generally moves at about 40 mph. A slight "hump" at one road section creates a risk that an automobile might quickly be "on top of" a bicyclist, especially at night.

**4) Improve property values.** *"Walkable neighborhoods have become hot commodities across the country. According to a 2011 survey conducted by the National Association of Realtors, nearly 80 percent of respondents look for homes in pedestrian-friendly areas.. At least two large*

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<sup>1</sup> Council Goals, July 11, 2011; "Vision 2020 Principles," Council Agenda item 4.2C, January 9, 2012.

<sup>2</sup> Oregon Land Use Board of Appeals, LUBA No. 2011-2012, page2, emphasis added.

<sup>3</sup> Portland is generally considered more bicycle friendly than Salem. However, it was in Portland that the daughter of another former co-worker, a recent graduate of West Salem High School, was killed while riding her bicycle.

*brokerages with offices in the Portland area – Windermere and John L. Scott – are routinely using Walk Score [[www.walkscore.com](http://www.walkscore.com)] as a marketing tool on their listings.”<sup>4</sup> Salem depends on property tax revenue for its fiscal health. Mayor Anna Peterson and other community leaders are concerned that only 66 percent of the Salem workforce choose to live here.<sup>5</sup>*

**5) Improve resident financial and physical health.** The benefits of physical exercise need no explanation, but there is a synergy with the Salem-Keizer Transit District. Some residents may want to walk one way, and take the bus home or vice versa. Improved connectivity would help families who struggle with higher gasoline costs, or who are stranded because (unlike Portland, Corvallis and Eugene) Salem lacks weekend bus service. Gasoline prices tripled from 1970 (36 cents per gallon) to 1990 (\$1.16 per gallon) and tripled again by 2010 (\$3.05 per gallon).<sup>6</sup> Currently, the price of gas at the South Salem Shell Station is \$4.06.

### **Sunnyslope Shows The Way**

The Sunnyslope Neighborhood has bike/pedestrian paths which link streets and provide a safe and pleasant way to walk or bike. (See attached photos) These paths can be compared to a potential path through the Pioneer Cemetery, which I’ve measured to be approximately 448 feet. I will discuss five of these paths.

Two paths let me walk to Roths or to a location from which I could catch the bus. From Sunnyslope Park I can use a path between two houses that is approximately 161 feet long and connects to Kurth. After a short walk, I can then enter another path, 197 feet long, that goes between four houses and connects Boston Court S. to Redinger Ct. These paths let me (and school children) avoid a section of Cunningham that does not have sidewalks.

Another path, approximately 367 feet long, connects 12<sup>th</sup> Place S. to Skyline Boulevard, and helps neighbors and school children avoid walking along Skyline, which has no sidewalks.

Two paths with a combined distance of about 416 feet connect Rock Creek to Maplewood. The first section goes from Rock Creek to Red Leaf (214 feet), then, crossing Red Leaf (30 feet), a second path connects to Maplewood (172 feet). These paths help children walk safely to Secor Park and Crossler Middle School.

### **Conclusion**

It is unclear why the city would initiate a proceeding to give away a valuable public right of way that is needed for an important bicycle or pedestrian connection between the Sunnyslope, Candalaria and Fairmount neighborhoods.

Attachment: Photo of Cemetery & photos of bike/foot paths in Sunnyslope Neighborhood

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<sup>4</sup> “Walkability ranks high among buyer desires,” Oregonian, April 2, 2012.

<sup>5</sup> “Which way are commuters headed?” Statesman Journal, April 10, 2012.

<sup>6</sup> Statistical Abstract of the United States, 1977 and 2012.

**Pioneer Cemetery Path – 448 feet**

**20<sup>th</sup> Pl. S. to Skyline – 367 feet**

**Maplewood to Red Leaf – 172 feet**

**Red Leaf to Rock Creek – 214 feet**

## Amy Johnson

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**From:** Vanessa Nordyke  
**Sent:** Saturday, April 25, 2020 7:21 AM  
**To:** CityRecorder  
**Subject:** Fwd: Proposed Pioneer Cemetery access

Vanessa Nordyke  
Salem City Council, Ward 7  
City phone: (971) 707-3732

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**From:** james.douglas@yahoo.com <james.douglas@yahoo.com>  
**Sent:** Friday, April 24, 2020 4:20 PM  
**To:** Vanessa Nordyke  
**Subject:** Proposed Pioneer Cemetery access

Hi Vanessa,

We are writing to express our desire for having an additional access through Pioneer Cemetery. We are both Salem natives and have lived in Salem much of our lives, and much of that has been in either the Fairmount or Candalaria neighborhoods.

We think it's a shame to not have an easy, direct, public way to travel by foot between these two great neighborhoods. The current accesses between the two neighborhoods are either 1) circuitous (the path west of City View Cemetery) or 2) next to Commercial St South, one of the busiest vehicular boulevards in the mid-valley.

We feel that having a pedestrian-friendly way to travel through Pioneer Cemetery would benefit our city, by encouraging more pedestrian travel and thus reducing travel by car, and also allowing both neighborhoods the easy and pleasant travel in both north and south directions. People in Candalaria could much more easily get to downtown locations and Fairmount residents could much more easily access businesses south of them.

We love Pioneer Cemetery, it is a true gem. And we love the work that The Friends of Pioneer Cemetery have done. But this gem is virtually unknown due to the fact that it is nearly inaccessible. The only current access is the small single entrance on Hoyt Street. We believe that having an opportunity for more people to access Pioneer Cemetery would actually help The Friends of Pioneer Cemetery's work and visibility.

In summary, we are for for having an additional access to Pioneer Cemetery, an access that is controlled with the same hours of operation as the current access, which would allow the Fairmount and Candalaria neighborhoods to be easily connected by pedestrians.

We applaud your efforts to move this process forward.

Sincerely,

Jim Green

Kathy Lelack-Green  
512 Rural Ave S  
Salem, OR 97302



## Amy Johnson

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**From:** Jeff Schumacher <jeff.schumacher@gmail.com>  
**Sent:** Friday, April 24, 2020 11:49 AM  
**To:** CityRecorder  
**Cc:** Vanessa Nordyke; Tom Andersen  
**Subject:** April 27 City Council meeting - potential Rural-Hoyt Trail Connection  
**Attachments:** 2020.04.23 Comments for Council meeting on Apr 27, 2020 - trail between Rural & Hoyt.pdf

Hello,

Please see comments for an item on Monday's City Council agenda - the upcoming motion from Councilor Nordyke for a potential trail connection between Rural and Hoyt.

These comments include the "official" position of the South Central Association of Neighbors as well as more personal comments compiled from conversations with other neighbors that are not on the SCAN board.

Thank you,  
Jeff Schumacher  
SCAN chair, 2019-20

April 23, 2020

Jeff Schumacher  
SCAN chair, 2019-20  
1945 W Nob Hill St. SE  
Salem, Oregon 97302

**Re: *Motion from Councilor Nordyke regarding a potential trail connection between Rural and Hoyt Avenues S in the vicinity of the Pioneer Cemetery.***

The South Central Association of Neighbors supports a pedestrian connection between upper Rural and upper Hoyt. This connection is mentioned in the City's Transportation System Plan as needing further study to determine the final location and design - *SCAN supports the City undertaking this further study now with the ultimate goal of connecting the Fairmount Hill neighbors with the Candalaria neighbors.*

In my time on the SCAN board - about six years - the vast majority of our board members have supported the possible connection of Rural Avenue to Hoyt Street along the western border of Pioneer Cemetery. Most recently, SCAN passed a motion of support for this connection at our November 13, 2019 meeting. There were ten votes in favor and zero against this motion.

I've also been asked to convey the support of many individual Fairmount Hill neighbors. When this request was made we were anticipating an in-person hearing rather than a virtual meeting with no live testimony (and our goal was to avoid repetitive testimony). However, I will still briefly summarize some of the many points supporting this connection through City property that will benefit two neighborhoods.

Initially, it is worth noting that this issue has come up before. I haven't been around for the entire history but my sense is this issue has been resurrected because a connection between upper Rural and Hoyt has long-standing support from many neighbors and it is inherently a good idea.

We should have safe, convenient ways to move around our City without driving. This connection would allow parents in Candalaria to easily access Fairmount Hill Playground. It would allow Fairmount Hill neighbors easy access to the commercial corridor - from the FedEx Office store to Roth's Vista Market to Venti's and more. The connection may not make a

measurable difference in traffic counts along Commercial Street but it would have a measurable impact in quality of life for those neighbors in Candalaria and Fairmont Hill that would enjoy convenient walking access to a few of Salem's amenities.

Currently, if a neighbor travels between Fairmount Hill and Candalaria without a car there are no great options. Walking along Commercial Street is thoroughly unpleasant, and made extra unpleasant if you have kids. Being near fast moving cars - while on foot - is uncomfortable for many people, and the road noise makes conversations difficult or impossible. Another option, and one that has been cited by opponents of this connection at Pioneer Cemetery, is the Fairmount Park trail. This trail heads west from Fairmount City Park and drops down to Crestview (just above River Road). This trail is hardly a substitute for a connection at Pioneer Cemetery as it is neither a direct nor convenient connection between Fairmount Hill and the heart of the Candalaria neighborhood (to say nothing of connecting Fairmount to the Commercial corridor).

Regarding Pioneer Cemetery, I should point out that every person I spoke to who wants this connection along or through Pioneer Cemetery has a deep appreciation for the Cemetery. It is universally admired, and its preservation is incredibly important to these neighbors. However, preserving the Cemetery is not necessarily contrary to also wanting to improve the Cemetery. It is important for our neighborhoods to evolve - even historic neighborhoods. We shouldn't put old things in a time capsule, and we can preserve Pioneer Cemetery while still increasing access to it in a way that both benefits its adjacent neighbors and also adds awareness and vitality to the Cemetery and its important role in our City's history.

In regards to Pioneer Cemetery's historic status it is important to consider some context. First, it is surrounded by a chain link fence that was installed in the 1980s. As I understand it, this fence was installed as a reaction to some serious vandalism. Second, there is a road for cars into the Cemetery. In fact, the road does a loop through the Cemetery. Adding a connection for pedestrians - which would allow a north/south connection from Hoyt to Rural - may upset some people that value keeping Pioneer Cemetery exactly how it is but I would submit the Cemetery has always been subject to change. And allowing people to traverse it on foot strikes me as far more historically accurate than allowing cars or installing chain link fences.

Finally, I think it is important to acknowledge that some of the risks mentioned by those opposed to this connection have cited do exist. There are risks to headstones toppling over, there are risks to encroachment onto grave sites, there are risks of vandalism. All of these risks currently exist, and if pedestrians are allowed to cross into Pioneer Cemetery at that northwest corner it is possible that those risks would be increased. But those risks are also being managed - there is no reason to think we cannot continue to effectively control and mitigate those risks.

And there is a chance that increased access to Pioneer Cemetery would actually decrease the risks; more people using a gate through the Cemetery could mean more people would help keep inappropriate behaviors at bay. And just as importantly, increased access could mean more people will learn about Pioneer Cemetery, its important place in our City's history, and the value to our community in preserving it.

The City staff should determine what options are available to make this connection a reality.

On behalf of SCAN and neighbors in support of this connection, thank you for your consideration.



Jeff Schumacher  
SCAN chair, 2019-20

## Amy Johnson

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**From:** Gina Johnnie <gina@shermlaw.com>  
**Sent:** Sunday, April 26, 2020 1:55 PM  
**To:** CityRecorder  
**Cc:** Elisabeth Potter  
**Subject:** Pioneer Cemetery

My name is Gina Anne Johnnie and I am a resident of the Fairmount neighborhood. I am also a decedent of a family buried in the Pioneer Cemetery. In addition to distant relatives (including Salem's first dentist), my grandmother, Pauline L. McMahon, is buried in the Pioneer Cemetery. The Pioneer Cemetery means a great deal to my family, as it does to all families with relatives buried there. I understand that people with no relatives buried in the Pioneer Cemetery will not have the same emotional response to using it like a park, that my family does. With that said, I would hope that they would consider the need for historic preservation and would be willing to show respect for the families who have people buried in the Pioneer Cemetery. Irreparable damage has been done to my families' plot – two headstones are missing and others are broken – as well as other parts of the Cemetery.

While I understand the desire to have neighborhood access from one neighborhood to another neighborhood, I strongly disagree with any attempt to use the Pioneer Cemetery for that access. Until it was donated to the City of Salem, the Pioneer Cemetery was owned and managed by a service type organization. When the Cemetery fell into disrepair, the service organization asked the City to take possession, with the understanding that the City would protect it. The Pioneer Cemetery houses so much of this City's history that preservation and protection should be a priority. The Cemetery was not been well cared for until the Friends of Pioneer Cemetery became its guardian angel. The Pioneer Cemetery is not a public park and it is not property that the City of Salem purchased. It has seen its share of damage, including during a time recently when the "public" sought to use it as an unauthorized off lease dog park and did not pick up dog poop. Now dogs are not welcome. We already know that people do not respect the Cemetery and are happy to use it like a park. In fact, when talking with us publicly, Vanessa Nordyke called it a public park before correcting herself. Putting a path through the Pioneer Cemetery will invite more damage, not less – the solutions proposed by Ms. Nordyke are not feasible. If the City is not interested in protecting a historical treasure, then find a non-profit that will ensure that it is protected and preserved.

If the City seeks connectivity, then it should improve the current connection between the two neighborhoods and not seek a new connection. Others will know much more about this issue than me, but my understanding is that because the Pioneer Cemetery is on the National Historic Register, studies are required to make any change. Additionally, because there may be unmarked burials in the location where it looks like a path is proposed, other studies would also be required. As far as I am aware, none of that has been considered or been done. With other more important issues, like homelessness, why would the City use resources on this issue? And if it did seek to use resources, why not use them to improve the current path between neighborhoods?

Regardless of those issues, I would hope that the City would decide to protect the Pioneer Cemetery.

Gina Anne Johnnie



SHERMAN SHERMAN JOHNNIE & HOYT, LLP - Attorneys at Law | [www.shermlaw.com](http://www.shermlaw.com)

Ph. 503-364-2281 | Fax 503-370-4308 | 693 Chemeketa St. NE Salem, OR 97301

Connect with me on LinkedIn: <http://www.linkedin.com/in/ginajohnnie>

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**IMPORTANT NOTICE:** The lawyers and staff of Sherman Sherman Johnnie & Hoyt LLP are committed to both continuing to service your legal needs and supporting local efforts to slow the spread of covid-19. We are honoring the Governor's order to implement remote work to the fullest extent possible. We remain available to you by phone, video conference or email. As circumstances continue to evolve we will keep you informed of the best manner to reach us. Thank you for your support and cooperation as we meet your needs and help protect the health of our community.

April 27, 2020

To: City Recorder

City of Salem, Oregon

RE: Trail through Pioneer Cemetery

For: Mayor and City Councilors

From: Pat Norman

Enclosed: Letter and Petition - 4 pages

cc

April 26, 2020

Re: Trail through Pioneer Cemetery

Mr. Mayor and City Councilors:

I see why some people are asking for the convenience of passing through Pioneer Cemetery to get to the other side. I am asking you, please, to look inside Pioneer rather than just to the other side. Pioneer Cemetery is an outdoor history museum, full of people whom all have stories. The cemetery's website contains much information about those (8000 +) buried on the grounds. Olive Stanton was the first woman to graduate from Willamette Law School, and was a Suffragette who helped gain the vote for women in Oregon. Hiram "Hi" Gorman was born into slavery, and freed by President Lincoln's emancipation proclamation.

My position is the city should look outside Pioneer for the trail. There are concerns that Commercial is dangerous. Since there are crowds of South Salem High Schoolers who regularly travel from the school to Rural and Hoyt then south to the food vendors, I suggest safety measures be established for the students and general public along Commercial. There also may be need for upgrades of the Fairmount Trail, which runs from the park to lower Crestview, parallel to River Road. The other issue is Candalaria's lack of parks. In speaking with Eunice Kim, Salem Vision, there has been discussion of pocket parks – on lots rather than acreage. Candalaria needs a pocket park.

For transparency's sake, I am involved with other agencies that intersect with Pioneer: board member with Salem Parks Foundation; and a founding member of Just Walk Salem Keizer (JWSK). JWSK has hosted many walks and events in Pioneer Cemetery, which is open to the public. In this letter, I am speaking on my own behalf and in reference to my work at Pioneer Cemetery.

I am a member of Friends of Pioneer Cemetery (FOPC) and have been working the grounds for over 9 years. I moved into the neighborhood about 1988 and live within 2 blocks of Pioneer. The fence saved the cemetery from vandalism when installed in 1986, and continues to protect it. Even the one entrance and exit is protective as it is very public at Hoyt and Skopil, rather than a gate on the north side that is out of sight from Hoyt. The grounds were very open to people when I first arrived in the neighborhood. It eventually evolved into a "leash required" area and is now "no dogs allowed" (Over 3 years now) because of that percentage of irresponsible dog owners. I was not in agreement with the "no dogs" designation at the time, but have come to appreciate it since the grounds are much cleaner and without the damage resulting from loose dogs. Unfortunately, places such as Pioneer Cemetery need protection from that low percentage of people who don't care or are determined to do damage to properties. I am a full time walker and fair weather bicyclist and love trails. But I cannot support a trail in Pioneer Cemetery, a fragile place where we do ongoing repair and restoration of aging headstones and monuments. FOPC also prunes the roses (there are many heritage roses), removes invasive plant species, trims bushes and trees, picks up debris, removes moss from cement and headstones/monuments, and cleans headstones with water, soft brushes and wood. When we have new volunteers, we warn them of the safety hazards: the property is uneven and the ground squirrels (invasive) dig holes and make tunnels, causing stones to lean and sometimes fall, so take care in moving throughout the property; there are headstones not securely attached to their base so could fall if leaned on; and watch for the periodic poison oak.



Pioneer Cemetery is designated Historic by the City of Salem and is on the National Register of Historic Places. There is also a Salem historic archaeological site on the grounds, established approximately 3 years ago. If the motion to have city staff study trail options in Pioneer is pursued, eventually, the Historic Landmarks Commission will make the final decision. Since Pioneer is designated a Goal 5 Resource, as an historic site, an extensive study would need to be obtained, which includes economic, social, environmental, and energy analysis.

There are a number of people who have talked about the inconvenience of walking from Fairmount to Commercial to get to Life Source and other shopping. Sure, a path/trail would be convenient. But do we want to put our historic outdoor museum at risk by adding traffic when there are options outside the cemetery? I encourage a visit to Pioneer if you have not done so. I would be happy to walk with you to assist with your experience in this significant and special area.

Thank you for your attention to this matter.

Pat Norman



Candalaria Resident

normanboo@comcast.net

Attached is a petition I started just before the "stay home" restrictions. There are others interested in signing when we get to safer circumstances. One of those is a veteran who was planning on making comments at City Council, first on February 24 and then again on March 23, and both meetings were postponed. He has been unavailable this week. I BELIEVE IT IS IMPORTANT FOR THE COUNCIL TO HEAR A VETERAN'S CONCERNS. There are nearly 300 veterans buried in Pioneer Cemetery, several having served in the War of 1812 and many more from the Civil War.

# Petition to protect Salem's Pioneer Cemetery, Salem Oregon

Petition summary and background	Pioneer Cemetery is on the National Register of Historic Places and has an archaeological site on the grounds. Adding a gate and/or trail to the grounds will put it at risk for damage and misuse.
Action petitioned for	<b>Do not add a gate and/or path/trail to Salem's Pioneer Cemetery</b>

Printed Name	Signature	Address	Comment	Date
Sue Apodaca	<i>[Signature]</i>	2855 Fillmore Ave NW 97304		3/7
DALE PALMQUIST	<i>[Signature]</i>	1672 Sumner Cir NW 97304		
Harold Ott	<i>[Signature]</i>	4692 Fir Hill Dr. S.E.		3/7
KEN ALBIN	<i>[Signature]</i>	4490 Silverton Rd NE 97305		3/7
PAT NORMAN	<i>[Signature]</i>	2495 Mulvree Dr S 97302	preserve & protect cemetery	3/7
Zach Norman	<i>[Signature]</i>	3245 Bonham St. 97302		3/7
FRED KLATZ	<i>[Signature]</i>	810 Vista Ave SE 97302		3/9
Claudine Shaw	<i>[Signature]</i>	3040 Loucks Ct NE Salem 97301		3/10
Judy Norman	<i>[Signature]</i>	4253 Heavens Way So		3/10
Dixie Hall	<i>[Signature]</i>	4293 Heavens Way So	Preserve!	3/10
Richard Hiltz	<i>[Signature]</i>	380 Hoyt St. S.		3/11
James R.	<i>[Signature]</i>	350 Hart St		3/11



RECEIVED

APR 27 2020

04/24/2020

CITY OF SALEM  
MAYOR/CITY MANAGER'S OFFICE

Mayor Chuck Bannet, Salem City Recorder & City Council;

Re: Monday, Apr. 27, City Council Meeting  
and Salem City Pioneer Cemetery Trail

I am opposed to a "cut-thru" trail  
along the west fence line of the cemetery.

In this last year I have witnessed  
a man and son playing catch with a ball  
in the cemetery, (they could have easily  
tripped over a stone), and young teen boys  
climbing a tree. (How much more would  
things like these happen with an open  
trail through the cemetery?)

If there is a trail through the cemetery  
there will be some children and bicyclists  
unattended, due to some parents on the  
telephone and not paying attention. Children  
love to run through the plots and play  
hide-and-seek behind stones, etc. Some  
of the people truly care and respect  
cemeteries. They could drive and/or  
walk around - Park on Hoyt street  
and enter through that entrance.

Does the city have enough funds to  
keep up the repairs of the damage incurred  
by the few that are disrespectful of Salem  
and Oregon history held here?

04/24/2020

Please do not allow a walking path  
along the west side of the Cemetery.

Respectfully,

Claudine Shaw  
Volunteer, Pioneer Cemetery

Claudine Shaw  
PO Box 3263, Salem 97302  
3040 Loucks Ct NE, Salem 97306

## Amy Johnson

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**From:** Dixie Hall <dixhall@yahoo.com>  
**Sent:** Monday, April 27, 2020 11:14 AM  
**To:** CityRecorder  
**Subject:** Pioneer cemetery...trail?

I have thought hard about this issue of putting a trail through the cemetery. It is a sanctuary of peace, hallowed ground and a significant piece of Salem history. I do respect that other people want to enjoy this treasure as well and anyone who wants to has access but I think we have to examine purpose. It is Not a park or playground or recreation spot. A lot of work has gone into repairs and restoration of this cemetery who would be the Guardians? With guardians? With the cemetery have a gate be secured in the evenings would the cemetery have a gate and be secured in the evenings? At this juncture I oppose the trail.

Dixie Hall  
4293 Heavens Way S  
Salem. 97302  
Sent from my iPhone

## Amy Johnson

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**From:** Judith Norman <judy.l.norman@gmail.com>  
**Sent:** Monday, April 27, 2020 10:52 AM  
**To:** CityRecorder  
**Subject:** Pioneer Cemetery

I am writing to ask that NO TRAIL be constructed through the historic Pioneer Cemetery. This cemetery is among the most significant and meaningful parts of the history of Salem and a reflection of the courage and accomplishments of pioneers throughout our country!! PLEASE keep it preserved with respect and care AND quiet.

Sincerely, Dr. Judith Norman  
4293 Heavens Way So.  
Salem, OR 97302

Sent from my iPhone

## Amy Johnson

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**From:** Seth Nickerson <nicseth@gmail.com>  
**Sent:** Monday, April 27, 2020 11:27 AM  
**To:** CityRecorder  
**Cc:** Vanessa Nordyke  
**Subject:** Statement in Support of Path through Pioneer Cemetery

We are writing in support of Councilor Nordyke's motion to study a potential path through Pioneer Cemetery. As residents of South Central Salem, one thing we love about our community is its beautiful, walkable neighborhoods. The proposed path would improve walkability by allowing pedestrians to travel between the Fairmount and Candalaria neighborhoods while avoiding the traffic, and accompanying noise and air pollution, of Commercial Street. We would wholeheartedly welcome this improvement.

We realize that this seems like a small matter when viewed in light of the ongoing pandemic. However, walking has been a source of comfort in these trying and uncertain times, and an important way to maintain our physical and mental health. We are certain that any efforts to make South Central Salem more pedestrian friendly would benefit residents for years to come.

We urge the Council to pass this motion and, eventually, approve the path through Pioneer Cemetery.

Thank you for your consideration.

Seth and Hannah Nickerson



FROM: SWAN Board  
SENT: April 27, 2020  
TO: Mayor Bennett and City Council

RE: Motion to study potential trail connection between Rural and Hoyt Avenues S in the vicinity of the Pioneer Cemetery.

The SWAN board is supportive of a study on connectivity between Rural and Hoyt but would ask that such a study not take place until the SWAN neighborhood association has had the opportunity to hold a meeting on this issue as it concerns the proposed site of Pioneer Cemetery which lies within its boundaries. Additionally, SWAN leadership was not included in the initial outreach efforts by city staff to properly publicize the stakeholder meetings with city staff on this issue. Our meeting in April was to provide this opportunity for SWAN neighbors to learn more about the cemetery from Elizabeth Potter, founder of Friends of Pioneer Cemetery, and to have further discussion on what the association feels should be considered as parameters in the proposed study. Unfortunately we had to cancel the meeting as the school where we meet was closed due to the virus.

We feel it is critical that our members be allowed the opportunity to voice their thoughts or concerns as many are highly invested in preserving, protecting and maintaining the Pioneer Cemetery historical site and may be able to offer more insight and alternatives which could prove beneficial prior to staff time being dedicated for this study.

In addition, when this study moves forward we want to ensure that it includes exploration and review of potential alternate pedestrian collector routes that do not go through the cemetery.

Thank you for your consideration.

Jeanine Stice  
SWAN Board Chairman on behalf of SWAN board members

## Ruth Stellmacher

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**From:** noreply@cityofsalem.net on behalf of ab9@comcast.net  
**Sent:** Tuesday, June 16, 2020 8:46 PM  
**To:** citycouncil  
**Subject:** Contact City Council  
**Attachments:** ATT00001.bin

**Categories:** Recorder Tasks

Your Name	Annie Battee
Your Email	ab9@comcast.net
Your Phone	503-362-6688
Street	5077 Jones Rd SE
City	Salem
State	OR
Zip	97306
Message	<p>I am asking that no action be taken at the Monday night City Council Meeting regarding the Historic Pioneer Cemetery Study that Councilor Nordyke announced in a meeting today will not be posted until Friday. The Neighborhood Associations, as well as the Friends of Pioneer Cemetery deserve time to meet and consider the Study and have all their comments weighed equally. I believe that Comments from one Neighborhood Association were read to Council and the motion made the same night to request the Study without any comments read or input requested from the Neighborhood Association that Pioneer Cemetery is in or from the Friends of Pioneer Cemetery. Please follow Chapter 64 of our Salem Revised Code as you have in the past by taking no action until all those who will be impacted by your decision have the opportunity to meet with their groups to discuss the Study and the opportunity to choose whether to provide testimony. Citizen participation is critical and Salem was the first City in Oregon to establish Neighborhood Associations to insure this. I just want to be sure everyone has a chance to comment if they want to. Thank You Annie Battee, Retired Neighborhood Services Counselor</p>

This email was generated by the dynamic web forms contact us form on 6/16/2020.

**Ruth Stellmacher**

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**From:** Yvonne Putze <yputze@gmail.com>  
**Sent:** Friday, June 19, 2020 10:50 AM  
**To:** CityRecorder  
**Subject:** Feedback regarding Pioneer Cemetery Trail

Please include with public testimony regarding proposed trail through Pioneer Cemetery.  
Thank you!

.....

My appreciation for history caused me to become concerned upon hearing about considerations to put a walking/biking trail through Pioneer Cemetery. Since I love walking and history it might seem I would support the concept, but my work with managing a Salem historical estate has shown me that irreversible damage can happen when even the best intentions are in place.

I know Pioneer Cemetery has faced challenges in the past with damage from off leash dogs and thankfully that has been minimized and now it's facing another potential damage by becoming part of a trail.

Don't get me wrong we need to encourage fitness options in the city, but let's not do so by putting history in jeopardy. Paths beside or around would be ideal.

I understand research and a variety of scenarios are being explored, so I am trying to feel assured those who truly see the importance of preserving this delicate piece of Salem history will ensure it's preserved for the future.

I urge the City Council to be sure time is taken to make sure we do this right and can gain from the plan not be faced with regret and remorse.

Thank you for your service to Salem and careful consideration of all issues before you.

Sincerely,  
Yvonne Putze

## Ruth Stellmacher

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**From:** Jessica Amos <souldocent@gmail.com>  
**Sent:** Friday, June 19, 2020 2:17 PM  
**To:** CityRecorder; citycouncil  
**Subject:** Testimony | Agenda Item 6d | City Counsel Mtg 6/22

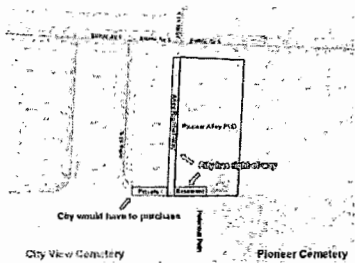
Hello,

I hope this finds you well and thriving.

My name is Jessica Amos. I live at 2030 John St. S in the Fairmount neighborhood in Salem as part of the Pioneer Ally community of neighbors.

I'm writing to give testimony concerning item **6d: A Pedestrian Connection Between Candalaria and Fairmount Neighborhoods** on the City Council Meeting Agenda for Monday June 22, 2020.

I looked at the attached maps on the meeting agenda and the map presented in option 3 - Possible Connections into Fairmount Neighborhood - is **wrong and misleading**.



The Planned Development I live in would be bisected by the proposed path, creating public access into my backyard.

**First, creating public access into my backyard makes me feel very unsafe and uncomfortable in my own home.**

The proposed path would make it hard to reliably know whether someone in my backyard is a member, or guest, of the community I share yard space with, or if it's a random person just passing through.

The danger of having unknown people exploring my private space any time of day or night is disconcerting. There is not public access to my backyard currently, and I would like it to remain that way, for my own sense of safety.

**As a mother with two children, it also concerns me greatly that the community I live in, as well as my council members, have not considered the impact this pathway would have on my family as an equal member of the Fairmount community.**

I love my home and the shared community of neighbors I live with in Salem's first Pocket Neighborhood since the early 1900s. This is a space worth honoring, respecting and preserving. If not for the community itself, but the families who have made a home here.

**Second, I have already been a victim of several car break-ins and have had more than one package stolen off my front porch.** I have talked to several other neighbors who have had the same experience on multiple occasions.

I am concerned that with a significant increase in traffic by my house, there would be even more opportunity for this sort of violation. **Which again, does not make me feel safe.**

**Third, the turnaround congestion on my tiny, dead end street is already a challenge.**

I can't tell you how many times a day someone currently uses my driveway as a turnaround. My kids and I joke that we should charge people for the use of our driveway. I don't see that getting any better with this proposed plan.

It's difficult to write this because I would love to be able to walk a safe path, in a quiet place, from here to LifeSource, or the houses of my friends in Candalaria. It's truly a wonderful thing for our two communities to want.

However, the proposed plan would greatly impact my family in negative ways that do not make me feel comfortable in my own home.

I ask you to please reconsider a plan that honors and respects the privacy, and safety, of my family + close neighbors.

You are welcome to contact me directly at [souldocent@gmail.com](mailto:souldocent@gmail.com) or 503-569-1173 if you would like to ask me any more questions about my concerns.

Thank you for your time + consideration.

Sincerely,

**Jessica Amos**

## Ruth Stellmacher

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**From:** EVAN WHITE <epwhitehouse@comcast.net>  
**Sent:** Saturday, June 20, 2020 3:18 PM  
**To:** CityRecorder  
**Subject:** Candalaria-Fairmount Pedestrian Connection, 6/22/2020 City Council Meeting, Agenda Item #6d

The six options in the staff report are: (1) do nothing, (2) ensure that nothing ever will be done, (3) require a half-mile detour along Commercial Street, (4) construct an inconvenient trail from Crestview to Rural -- if that is even possible, (5) construct a connecting trail through Pioneer Cemetery, (6) buy an easement at a fair price from City View Cemetery for a direct connection to John Street.

The only attractive options are (5) and (6), which would require that a third gate be locked every night and opened in the morning, as is the current practice for both cemeteries.

A lot of energy was spent working on a proposed third bridge over the Willamette. It would be nice to see staff put the same energy into making a neighborhood connecting trail possible.

I hope that Council will direct staff to pursue Option #6.

Thank you for your service,

Evan White  
Land Use Chair, Sunnyslope NA

## Ruth Stellmacher

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**From:** noreply@cityofsalem.net on behalf of emcnicho@willamette.edu  
**Sent:** Monday, June 22, 2020 12:41 AM  
**To:** CityRecorder  
**Subject:** Contact City Recorder  
**Attachments:** ATT00001.bin

Your Name	Erin M McNicholas
Your Email	emcnicho@willamette.edu
Your Phone	5033027273
Street	470 Rural St S
City	Salem
State	OR
Zip	97301
Message	<p>Regarding Agenda Item 6.d for June 22, 2020 I live in a small pocket neighborhood with several homes sharing a communal back yard space. This is the area my children play badminton, neighbors tend a communal garden, and we all gather (now 6 feet apart) to visit over a fire pit. Our common backyard creates a unique sense of community I have not found anywhere else. The Possible Connections into Fairmount Neighborhood misrepresents this space. The "Alley Right of Way" shown on the map cuts right through this communal space. If you came to visit our neighborhood, you would see the designated space is NOT an alley or public right of way, but rather a communal backyard green space. Creating a path here would sever our community in half and destroy the kind of neighborhood community that we should all be working to develop more of. I strongly urge the council not to approve a pedestrian path connecting Fairmount neighborhood to Hoyt street along this path. It seems needlessly destructive, especially given John St., with its sidewalks, is just a few feet away. My understanding is that while the land is owned by the City, it has only been used as an easement for a water line from the Fairmount Reservoir to the Candalaria area, and has never been a public thoroughfare. As someone who regularly walks from my home to my best friend's house on Hansen Ave, I don't see a need for a Pedestrian connection. Walking down to Commercial and then up Hoyt is really not far out of my way and does not discourage people from exploring the neighborhood. While I use the Commercial path, there is also Fairmount Park Trail. If the city is looking for ways to improve connections between these neighborhoods, improving the Fairmount Park Trail with better signage would be much prettier and more enticing path than cutting through the City View and Pioneer Cemeteries. Please, do not destroy the community I and my children have found among this unique group of neighbors sharing a common backyard space. Thank you for your consideration. Sincerely, Erin McNicholas</p>

This email was generated by the dynamic web forms contact us form on 6/22/2020.



## Ruth Stellmacher

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**From:** Kabe Reynolds <kabemoss@gmail.com>  
**Sent:** Monday, June 22, 2020 8:14 AM  
**To:** CityRecorder; citycouncil  
**Subject:** Letter for 6-22-20 Agenda 6.d  
**Attachments:** 6.22.20 - Letter to Oppose Pathway - K Reynolds.docx

Good morning -

Please find below, and attached, my opposition to the proposed pedestrian/bike pathway (Agenda item 6.d).

Thank you,

Kabe Reynolds  
[kabemoss@gmail.com](mailto:kabemoss@gmail.com)

June 21, 2020

TO: Mayor & City Council

FROM: Kathryn Moss Reynolds

RE: Item 6.d - A pedestrian connection between Candalaria and Fairmount neighborhoods.

I am writing on behalf of my father, Dave Moss, who passed away in 2015.

My father began his home-building work with the goal of creating sustainable community. He wanted to take places that were unloved, or run-down, and build homes that people would want to live in. In the Pioneer Alley LLC PUD, each home makes sense for the occupant inside and works with the surrounding land. He took pride in making each home unique to the lot. These were no cookie-cutter homes where windows look directly into the neighbor's bathroom because "that's how the model is laid out". These are homes that fit into the property.

I tell you this because you will hear people quoting his 2005 request to create a pedestrian/bike pathway. He had created a multi-home community layout with the pathway as an integral part. He worked hard to make the path a reality and was opposed by City View Cemetery, the SCAN Board of Directors, the SCAN Bike Advisory Committee and the Friends of Pioneer Cemetery.

With the pedestrian/bike path proposal blocked, he redesigned the community to create more open space while preserving the original trees, and, as always, make each home fit best into the lot. This community has been a model of development. **A new pathway, as suggested, would tear through the communal space that is an essential and treasured part of the Pioneer Alley PUD community.**

**Forcing a new pedestrian pathway through the community is a measure too late and destroys the legacy of community that my father worked tirelessly to build. On his behalf, I strongly advise that the vacated alley remain vacated and no pedestrian pathway inserted, as has been determined by 3 previous Councils.**

June 21, 2020

TO: Mayor & City Council

FROM: Kathryn Moss Reynolds

RE: Item 6.d - A pedestrian connection between Candalaria and Fairmount neighborhoods.

I am writing on behalf of my father, Dave Moss, who passed away in 2015.

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With the pedestrian/bike path proposal blocked, he redesigned the community to create more open space while preserving the original trees, and, as always, make each home fit best into the lot. This community has been a model of development. **A new pathway, as suggested, would tear through the communal space that is an essential and treasured part of the Pioneer Alley PUD community.**

**Forcing a new pedestrian pathway through the community is a measure too late and destroys the legacy of community that my father worked tirelessly to build.** On his behalf, I strongly advise that the vacated alley remain vacated and no pedestrian pathway inserted, as has been determined by 3 previous Councils.

## Ruth Stellmacher

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**From:** Pat Moss <scoutmoss@gmail.com>  
**Sent:** Monday, June 22, 2020 9:25 AM  
**To:** CityRecorder; citycouncil  
**Subject:** Pathway Letter - 6-22-20 Council Meeting  
**Attachments:** 6.22.20 - P Moss Opposed Pathway.docx

Dear Council Members –

Please find attached my letter in opposition to the proposed bike/pedestrian pathway connecting Candalaria and Fairmount neighborhoods.

Thank you,

Patricia Moss  
1510 Fairmount Ave S

Sent from Mail for Windows 10

June 22, 2020

Mayor Anderson & City Council Members:

My name is Patricia Moss. I live on Fairmount Ave S. My husband, Dave Moss, created the Pioneer Alley Planned Unit Development (PUD) with his partner Kathy Dewoina.

Dave was a local community member in the Fairmount Ave Neighborhood. Throughout his time living in Fairmount, he gave his heart and soul to building a strong community and improving both his personal property and community-accessible areas. He saw the Pioneer Alley PUD as an opportunity to be part of the local business development and give back to the community by creating beautiful quality homes that neighbors would want to live in.

This was a project of love for Dave. He worked hands-on every day to create a legacy to the community he loved. He poured blood (sometimes literally!), sweat and tears into realizing his vision. This is a community-directed development; not an external project brought in by external developers that do not understand preserving the beauty of the neighborhood. Local ownership means local oversight and quick response to concerns raised by tenants and neighbors. It means that the developer (Dave and Kathy) have had a tangible and emotional incentive to creating something that isn't a profit-generator, but community of homes.

The Pioneer Alley PUD has been a model of a new type of community development. Dave redesigned the layout to incorporate green space and communal areas. In the years that he worked on the PUD, the City had asked him to speak with other inquiring developers to share how he created a new PUD that fit within the neighborhoods. Dave focused on reconstructing derelict properties that were an eyesore and danger to neighboring property. One of the houses formerly on the property now owned by Pioneer Ally LLC had burned and was left to the rats. He replaced the unlivable building with a beautiful home. This PUD is a testament to his legacy of creating beautiful and affordable properties. Renters in Pioneer Alley PUD are long-term tenants that value the homes like their own property. These are homes built with quality in mind, not quantity.

Creating a pedestrian pathway straight through the middle of the Pioneer Alley PUD tears apart the communal space and destroys the quality of the homes. The communal space is a KEY and necessary aspect of a PUD and is part of the beauty of the neighborhood.

**I oppose the plan to insert a pedestrian walkway through the communal space. It would be a destruction of the community and of the legacy into which Dave poured his love and service to this community.**

## Ruth Stellmacher

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**From:** Jeanine Stice <nutritionetcetera@gmail.com>  
**Sent:** Monday, June 22, 2020 10:09 AM  
**To:** Irma Dowd; Julie Warncke  
**Cc:** citycouncil  
**Subject:** Neighborhood Association Communication re: Hoyt Cemetery Path

Good Morning Irma & Julie,

I am writing to see if there is a way to improve communication regarding city reports and information reaching the SWAN Neighborhood Association in a more direct manner. It has come to my attention the Staff Report was not included with the hyperlinks I received last Friday when some of our board members attempted to use the links to review it.

" The informational staff report regarding a possible pedestrian connection between Candalaria and Fairmount neighborhoods is on the agenda for City Council on Monday, June 22 (this is also referred to as Rural-Hoyt Trail Connection or Pioneer Cemetery Trail). The report is available at: <https://saalem.legistar.com/LegislationDetail.aspx?ID=4574775&GUID=5A2B9B0A-A34A-4DCD-9BDA-D643DEF4D4D5>. This report is provided in response to a motion approved by City Council on April 27 (for that report, see: <https://saalem.legistar.com/LegislationDetail.aspx?ID=4426394&GUID=F9DE591B-8C46-49AD-8AF0-E22A501A20C8>). Note that this meeting will be entirely virtual as described on the City web page at the link below. Public comment can be provided by email to [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net) – please include the topic or agenda item (6.d) in your email so the City Recorder knows which agenda item is being referenced. Communications received in advance of the April 27 report are included in the record (Attachment 6 to the June 22 staff report).

If it weren't for it being forwarded directly to me from Elizabeth Potter, I would not have been able to forward it to them to review over the weekend. Over the weekend, I was copied on an email from Evan White, (sunnyslope) who had also read the report and accessed it from some source. And this morning I received an email noting there was extensive communication on the report in a bike blog post : <http://breakfastonbikes.blogspot.com/2020/06/city-council-june-22-problem-of-cemetery-path-connection.html>

Frankly, it is a bit frustrating as the Neighborhood Chair of the neighborhood association the land is directly in to continually receive information on this important project indirectly, and after others in the community have received and accessed the information. SWAN have received a wide variety of opinions on this issue for two decades, and have continually been at the table with vested interest. Is there something that can be done to insure all NAs receive these reports at the same time they are released to the public? The fact the breakfast blog post is so in depth in it's coverage seems to indicate they had time to review it thoroughly before they posted it Friday, while I had only received the agenda links by 9:30am Friday morning void of the report.

Thank you for your help with this.

Sincerely,  
Jeanine Stice  
SWAN Board Chair

## Ruth Stellmacher

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**From:** Pat Moss <scoutmoss@gmail.com>  
**Sent:** Monday, June 22, 2020 1:23 PM  
**To:** CityRecorder; citycouncil  
**Subject:** RE: Pathway Letter - 6-22-20 Council Meeting  
**Attachments:** 6.22.20 - P Moss Opposed Pathway Updated.docx

Good afternoon –

Please find attached a corrected version of my letter. All edits are italicized and highlighted red.

Thank you  
Patricia Moss  
1510 Fairmount Ave S

Sent from Mail for Windows 10

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**From:** Pat Moss  
**Sent:** Monday, June 22, 2020 9:24 AM  
**To:** cityrecorder@cityofsalem.net; citycouncil@cityofsalem.net  
**Subject:** Pathway Letter - 6-22-20 Council Meeting

Dear Council Members –

Please find attached my letter in opposition to the proposed bike/pedestrian pathway connecting Candalaria and Fairmount neighborhoods.

Thank you,

Patricia Moss  
1510 Fairmount Ave S

Sent from Mail for Windows 10

June 22, 2020

Mayor Anderson & City Council Members:

My name is Patricia Moss. I live on Fairmount Ave S. My husband, Dave Moss, created the Pioneer Alley *Planned Unit Development (PUD)* with his *business partner* Kathy Dewoina.

Dave was a local community member in the Fairmount Ave Neighborhood. Throughout his time living in Fairmount, he gave his heart and soul to building a strong community and improving both his personal property and community-accessible areas. He saw the Pioneer Alley PUD as an opportunity to be part of the local business development and give back to the community by creating beautiful quality homes that neighbors would want to live in.

This was a project of love for Dave. He worked hands-on every day to create a legacy to the community he loved. He poured blood (sometimes literally!), sweat and tears into realizing his vision. This is a community-directed development; not an external project brought in by external developers that do not understand preserving the beauty of the neighborhood. Local ownership means local oversight and quick response to concerns raised by tenants and neighbors. It means that the developers (Dave and *business partner* Kathy) have had a tangible and emotional incentive to creating something that isn't a profit-generator, but community of homes.

The Pioneer Alley PUD has been a model of a new type of community development. Dave redesigned the layout to incorporate green space and communal areas. *He and his business partner were assisted by wonderful involvement from the Planning Division, led by then-Director Glenn Gross, and the Planning Commission led by then-Chairman Dan Dorn, and the City Council led by then-Mayor Janet Taylor. This project would not have been possible without their support and contributions.*

In the years that he worked on the PUD, the City had asked him to speak with other inquiring developers to share how he created a new PUD that fit within the neighborhoods. Dave focused on reconstructing derelict properties that were an eyesore and danger to neighboring property. One of the houses formerly on the property now owned by Pioneer Alley LLC had burned and was left to the rats. He replaced the unlivable building with a beautiful home. This PUD is a testament to his legacy of creating beautiful and affordable properties. Renters in Pioneer Alley PUD are long-term tenants that value the homes like their own property. These are homes built with quality in mind, not quantity.

Creating a pedestrian pathway straight through the middle of the Pioneer Alley PUD tears apart the communal space and destroys the quality of the homes. The communal space is a KEY and necessary aspect of a PUD and is part of the beauty of the neighborhood.

**I oppose the plan to insert a pedestrian walkway through the communal space. It would be a destruction of the community and of the legacy into which Dave poured his love and service to this community.**



## Ruth Stellmacher

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**From:** Peter Fernandez  
**Sent:** Monday, June 22, 2020 8:56 AM  
**To:** Julie Warncke  
**Subject:** FW: Letter for 6-22-20 Agenda 6.d  
**Attachments:** 6.22.20 - Letter to Oppose Pathway - K Reynolds.docx

-Peter | 503-588-6008 ext. 7341

**From:** Kabe Reynolds <kabemoss@gmail.com>  
**Sent:** Monday, June 22, 2020 8:14 AM  
**To:** CityRecorder <CityRecorder@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>  
**Subject:** Letter for 6-22-20 Agenda 6.d

Good morning -

Please find below, and attached, my opposition to the proposed pedestrian/bike pathway (Agenda item 6.d).

Thank you,

Kabe Reynolds  
[kabemoss@gmail.com](mailto:kabemoss@gmail.com)

June 21, 2020

TO: Mayor & City Council

FROM: Kathryn Moss Reynolds

RE: Item 6.d - A pedestrian connection between Candalaria and Fairmount neighborhoods.

I am writing on behalf of my father, Dave Moss, who passed away in 2015.

My father began his home-building work with the goal of creating sustainable community. He wanted to take places that were unloved, or run-down, and build homes that people would want to live in. In the Pioneer Alley LLC PUD, each home makes sense for the occupant inside and works with the surrounding land. He took pride in making each home unique to the lot. These were no cookie-cutter homes where windows look directly into the neighbor's bathroom because "that's how the model is laid out". These are homes that fit into the property.

## Ruth Stellmacher

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**From:** dewoina@aol.com  
**Sent:** Monday, June 22, 2020 3:56 PM  
**To:** CityRecorder; citycouncil  
**Subject:** Agenda Item 6.d Council Meeting 6 22 2020  
**Attachments:** 1758\_001.pdf


Please add the attached Public Testimony to Agenda Item 6.d for tonight's meeting.

KD

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**From:** copiers@bhhsnwrep.com <copiers@bhhsnwrep.com>  
**Sent:** Monday, June 22, 2020 1:20 PM  
**To:** Kathleen Dewoina <Dewoina@BHHSNWREP.com>  
**Subject:** DO NOT REPLY from Salem 2nd Floor B&W

To: City of Salem City Council

From: Kathleen Dewoina, Managing Partner   
Pioneer Alley LLC

Date: June 22, 2020

RE: **Third** Pedestrian Connection (through Pioneer Cemetery and across privately held Pioneer Alley LLC Planned Unit Development) between Candalaria and Fairmount neighborhoods. Additional Written Testimony.

As two pedestrian connections already exist, please kindly note that in less than six blocks, proponents want **three** different connections.

The *Comprehensive Park System Master Plan* for historical areas is internally inconsistent in that it *specifically* provides only for an ADA-compliant internal pathway system, including looped walking paths, and then *generally* budgets \$144,000 for a "Rural Ave SE [sic]/ Hoyt Connector." To give effect to both provisions works only if a second, landscape-buffered sidewalk is placed to the west of the current sidewalk on Commercial Street (see discussion under Option 3, below) or the funds are spent to improve the Fairmount Park Trail (see discussion under Option 4, below).

As compared to the sidewalk along Commercial Street, the third proposed connection does not shorten the distance between the neighborhoods to the shopping area.

The report does not provide costs to compare each option.

Option 3. (1) The staff report dated June 22, 2020, addressing improving pedestrian facilities along Commercial Street, presupposes that the sidewalk is inadequate. No inadequacy is described or identified. The sidewalk appears to meet the specifications required by the City of Salem. If the sidewalk on the west side of Commercial Street between Rural and Hoyt is inadequate as stated, the City of Salem needs to immediately take whatever steps are necessary to make it adequate for **all** the citizens and guests of the City, not just those who want a third option between the Candalaria and Fairmount neighborhoods.

As to the report's discussion of the sidewalk, it should be made clear for the record that the six-foot bike path separates, that is, buffers, the five plus-foot sidewalk from vehicular traffic. Neither staff nor proponents of a third path within six blocks cite any pedestrian-vehicular accidents or pedestrian-bicycle accidents in that area.

It appears that staff erred in stating that the City of Salem would have to purchase city-owned cemetery property from itself in order to move the sidewalk west of its location along the bike path.

There is room within the landscape area along Commercial Street to either move the sidewalk or build a second sidewalk without removal of the existing trees or disturbing the fence along the east boundary of the cemetery. A landscape-buffered sidewalk can be placed within the street right of way with removal of the shrubs, not the trees. Installation of cable barriers are probably the most cost-effective answer for safety concerns along Commercial Street. While effective at capturing vehicles, cable barriers are relatively inexpensive and easy to maintain. The topography would not require a retaining wall the entire length of this segment, particularly if the existing sidewalk was kept in place for ADA accessibility.

Option 4. *Regardless of any Pioneer Cemetery connection*, if the Fairmount Park Trail is not ADA compliant as the staff report admits, given the City's commitment to pedestrian and bicycle transportation, bringing an existing connection up to par should be more cost effective than constructing a new connection. Wet areas could be graveled, small "bridges" could be built, switchbacks could reduce steepness.

Option 5. The report neglects to address what steps and at what cost this option would require to be compliant with ADA standards and Goal 5. Detrimental impacts must be determined in advance.

**The current Transportation Systems Plan does not authorize this option.**

Pioneer Cemetery is upslope of the public easement; **grading modification likely would be required within the historic cemetery.** Groundwater drainage and seepage likely would create mud and water flows down the path onto the private property.

The proposed north-south connection is upslope of the public easement as well.

Additionally, the City would have to keep stormwater runoff from any path through the historic cemetery from entering the private property's stormwater runoff.

Dogs could not be walked in the pedestrian path, even on leash. SRC 94.020(2), as Pioneer Cemetery is posted as prohibited by the Director to dogs.

Dogs and other animals are not allowed by the private property owner on private property.

It's highly unlikely the amount budgeted in the *Comprehensive Park System Master Plan* would be sufficient to build a connection through the historic cemetery.

Like the property owner of City View Cemetery, as of June 22, 2020, *the private property owner informs you that it is not interested in providing an easement for the purposes of a pedestrian pathway.*

The driveway is private, not shared with the public.

Among other things, an easement would destroy current infrastructure, require a taking, and relocating/reconfiguring the driveway, and forcing the private property to be non-conforming with the city's codes (including—but not limited to—access, fire, setbacks), etc.

Existing tree and shrub and other landscaping would have to be removed.

The path would be located too close to existing structures on the private property, invading the privacy of the private property residents.

In addition to other things, the staff-described “currently unopened alley right-of-way” as well as maps and diagrams are based on **inaccurate factual, historical, and legal predicates.**

I tell you this because you will hear people quoting his 2005 request to create a pedestrian/bike pathway. He had created a multi-home community layout with the pathway as an integral part. He worked hard to make the path a reality and was opposed by City View Cemetery, the SCAN Board of Directors, the SCAN Bike Advisory Committee and the Friends of Pioneer Cemetery.

With the pedestrian/bike path proposal blocked, he redesigned the community to create more open space while preserving the original trees, and, as always, make each home fit best into the lot. This community has been a model of development. **A new pathway, as suggested, would tear through the communal space that is an essential and treasured part of the Pioneer Alley PUD community.**

**Forcing a new pedestrian pathway through the community is a measure too late and destroys the legacy of community that my father worked tirelessly to build.** On his behalf, I strongly advise that the vacated alley remain vacated and no pedestrian pathway inserted, as has been determined by 3 previous Councils.

## Ruth Stellmacher

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**From:** Brian Sund <sund60@icloud.com>  
**Sent:** Monday, June 22, 2020 5:00 PM  
**To:** CityRecorder  
**Subject:** Regarding the connection between Rural and Hoyt Streets, through one of the cemeteries

Salem City Council:

My position has NOT changed! I strongly support some sort of connection, through the north side of either Pioneer or City View Cemeteries. During the past several months, I have submitted testimony in favor of this position 4 times, through both email and in person.

However, before going further, I would strongly request that you read, and consider, the share sent by through "Breakfast on Bikes" blogspot. Their recommendation, is to consider what they call option #6, which would involve City View and the Fairmount PUD. I believe it is a viable option, something beyond what the city staff report considered. Please look at it!!

Yes, I am a SCAN resident, as well as a Board member. Yes, I live off of Rural Avenue, where from my front porch I can look at the north fence of City View Cemetery. It would be so great to be able to walk much more directly over into the cemeteries, rather than maneuver the much longer distance down to Commercial, up a noisy street, then up a narrow sidewalk on Hoyt to my destination. My 4 year old grandson loves to be in the cemetery, is always asking questions about the grounds and the grave markers. It would be so great to be able to walk over there, rather than have to cut in the car.

But also yes, I am a 6 year volunteer of the Friends of Pioneer Cemetery. In fact, this morning, I spent 3 hours weeding and deadheading roses with our group. I know this group is adamantly opposed to having an additional entrance. I LOVE Pioneer Cemetery, and I enjoy City View, as a location for walking and admiring the grounds. I would want more people to enjoy the same. There are so many from the Fairmount Hills side, who would love the opportunity to access the cemeteries. Fairmount Hills Neighbors Lives Matter...Also! I am envious of the Candalaria side being able to access directly, when we can't.

If there is the notion, with recent political circumstances of vandalizing and destroying monuments, that this might come to play at either of the cemeteries if an additional entrance exists, I would counter, any negative action could very well happen, given access at the Hoyt entrances.

Please consider option #6 from the blogspot, and let's work to open up the cemeteries as they were intended to be. History has shown this open/accessible nature of cemeteries, in general.

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Sent from my iPad