

Amy Johnson

From: Elisabeth Potter <ewpwords@gmail.com>
Sent: Monday, August 10, 2020 1:48 PM
To: CityRecorder
Cc: Julie Warncke; Jennifer Kellar
Subject: Attachment: Agenda 5.c. Connector Trail through Salem Pioneer Cemetery
Attachments: FOPC Comments for City Council re connector 8-10-20.docx

City Recorder Office: Please see attachment for my public comments pertaining to August 10 Council Meeting Agenda Item 5.c. Potential trail connecting Fairmount and Candalaria neighborhoods. Thank you. Elisabeth Potter

FRIENDS OF PIONEER CEMETERY

Salem Pioneer Cemetery Endowed Fund c/o The Salem Foundation
Pioneer Trust Bank, N. A., PO Box 2305, Salem OR 97308
Website: www.salempioneercemetery.org

Date: August 10, 2020

To: The Honorable Chuck Bennett, Mayor
Members of the Salem City Council

From: Elisabeth Walton Potter

Subject: **Today's Council Meeting Agenda Item 5.c.**
Motion re: potential trail connecting Fairmount and Candalaria neighborhoods

The following comments I offer as a descendant of pioneers interred in Salem Pioneer Cemetery and as a long-term citizen volunteer acting in the public interest and representing the interests of the descendant constituency in particular. I am a resident of the Candalaria neighborhood, Ward 7, in which the cemetery is located.

First, I want to acknowledge the courtesy of the Mayor and a majority of Council members who made time to accept our citizen support group's invitation to tour the cemetery grounds in several limited-number cohorts in June and July. The opportunity to show your parties the lay of the land and recent betterment work accomplished there by the City, through its Parks Operations and Recreation Services unit of the Public Works Department, and the Friends of Pioneer Cemetery was much appreciated.

With this brief statement, my object is to reaffirm the position of the support group leadership that has been made a part of the public record on the subject of a connecting trail across Salem Pioneer Cemetery since 2012. We wholeheartedly acknowledge the benefits of neighborhood connectivity where feasible, and we have been intrigued by visioning exercises on the part of dedicated bicycle trail advocates in which the cemetery could figure in a larger picture of heritage trail tourism. Nevertheless, as your citizen advisers, we are compelled to caution that, up to this point, we have been unable to envision any configuration of a through pathway requiring a gate to be opened in the cemetery's north boundary fence that does not have the potential to negatively impact the values that have gained the cemetery its status as a City Landmark, a property enrolled in the National Register of Historic Places (2013), and a Goal 5 resource subject to statewide land use planning regulations. Moreover, we would warn that certain notions for providing protection, such as a double-sided fenced travel corridor, would hinder established maintenance operations and disrupt vehicle circulation and access. Other possible consequences of bringing a flow of traffic *through* the cemetery, as opposed to destination traffic, might include a significant additional maintenance burden and liability claims, unless the City is indemnified, for damage to cemetery assets and for personal injury. Thank you, as always, for your consideration of public comments.

Amy Johnson

From: Kathleen Dewoina <Dewoina@bhhsnwrep.com>
Sent: Friday, August 07, 2020 9:22 PM
To: citycouncil; CityRecorder; SALEM Manager
Subject: City Denial of Due Process of Law Agenda Item 5.c August 10, 2020
Attachments: 8.10.2020 Denial of Due Process.pdf

Please find attached a memo regarding Denial of Due Process for inclusion in the records regarding lack of notice regarding City actions affecting my properties.

Respectfully,

Kathleen Dewoina



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

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TO: City Recorder, City Council, and City Manager

FROM: Pioneer Alley, LLC

DATE: August 10, 2020

RE: Agenda Item 5.c. ADDITIONAL WRITTEN TESTIMONY ON PIONEER CEMETERY
PEDESTRIAN PATH – State Guidelines

A handwritten signature in blue ink that reads "Nathaniel Rossini, Managing Partner". The signature is written in a cursive style and is positioned to the right of the "FROM:" field.


As a lawfully incorporated city, the City of Salem is a subdivision of the State of Oregon. The Oregon Department of Transportation ("ODOT") has issued Design Guides for Bicycle & Pedestrian Paths that are applicable here. Regarding a path-type of walkway, ODOT stated:

"* * * It is not realistic to plan and design a path for exclusive pedestrian use, as others will be attracted to the facility. * * *"

(Emphasis added.) ODOT, Oregon Highway Design Manual, Appendix L, *Oregon Bicycle and Pedestrian Design Guide*, 3rd Edition, pp.4-1 (2011)

Stated differently, it is the State's position that a pedestrian-only path will attract bicycles, skaters, scooters, etc. through Pioneer Cemetery. Pioneer Alley, LLC, encourages you to consider the State's recommendation that every pathway becomes a shared-use pathway and approve Option 2 (removal from Master Plans).

Memorandum

To: City Recorder, Members of the City Council, and City Manager
From: Kathleen Dewoina on behalf of Pioneer Alley, LLC 
Date: August 10, 2020
Re: **City Denial of Due Process of Law**

This communication is for inclusion in the official record of the City of Salem City Council meeting on August 10, 2020, agenda item 5.c., "Motion from Councilor Nordyke requesting additional information on two potential trail connections between Candalaria and Fairmount neighborhoods" and in the official record of all future proceedings regarding Pioneer Alley, LLC ("Pioneer Alley") and/or its real property. ***Please consider this a formal request/demand for reasonable notice of city council meetings, neighborhood association meetings, staff meetings, joint staff and councilor meetings, ex parte communications, reports, proposed ordinances, emails, etc. where Pioneer Alley's property rights are or could be affected.***

Dr. Robert Chandler notes in his June 22, 2020 staff report that Pioneer Alley is an interested party. As the sole private, single-home property owner targeted for a private property taking in order to build a trail, the city's failure and refusal to provide Pioneer Alley notice of the path—by whatever various names—as an agenda item **deprives Pioneer Alley of due process rights** under the federal and state Constitutions.

Notice when the city council publishes its agenda on Thursday evening before a Monday meeting is inadequate, insufficient, and unreasonable notice. Even when the agenda is published on the webpage, not all the relevant material is always included, for example, the June 22, 2020 staff report (File #20-223, Item # 6.d.) was missing.

Instead, selective friends and colleagues supportive of Ms. Vanessa Nordyke seem to get advance notice, like the email by Ms. Nordyke to Christine Chute, on Tuesday, April 21, 2020 at 1:23 PM demonstrates ("Amen!" writes Ms. Nordyke)—apparently prior to publication on the city's legistar site.

- The affected real property owner whose private property rights are at stake received no notice for the April 27, 2020 meeting.
- The affected real property owner whose private property rights are at stake received no notice for the June 22, 2020 meeting.
- The affected real property owner whose private property rights are at stake received no notice for the August 10, 2020 meeting.

Memorandum
City Recorder, City Council, City Manager
August 10, 2020
Page 2

Yet, Ms. Nordyke writes that it is not too late for voices to be heard. But, the affected real property owner is not given notice of opportunities to be heard.

File #20-315 was created on August 3, 2020. Pioneer Alley certainly was entitled to notice from the moment the file became a public record, that is, from the moment of file creation.

As a matter of civility and courtesy, as well as a matter of law, Pioneer Alley—as the real party in interest—should not have to check every item on every city council agenda to see what is hastily voted through without individual notice to the real party/property owner in interest.

Would you please provide Pioneer Alley due process of law . . . including prompt, adequate, reasonable notice?

Attachment: 6/22/20 Email to Erma Dowd & Julie Warncke from Jeanine Stice (documenting staff report missing from website)

Ruth Stellmacher

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 – 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

Amy Johnson

From: dewoina@aol.com
Sent: Monday, August 10, 2020 9:38 AM
To: CityRecorder; citycouncil; SALEM Manager
Subject: Pioneer Cemetery Path Agenda Item #5.c August 10, 2020
Attachments: August 10 2020 Agenda Item #5.c Original PA Site Plan.pdf

Please include in the record the attached Rejected 2004 Site Plan for a Path through Pioneer Cemetery to connect Fairmount and Candalaria neighborhoods.

Thank you,

Kathleen Dewoina
Managing Partner
Pioneer Alley LLC

For Inclusion in the Record of City of Salem City Council Meeting of August 10, 2020, including but not limited to agenda item # 5.c., the Previously Rejected Pioneer Cemetery Pedestrian Path

To: City Recorder, City Council Members, and City Manager
From: Pioneer Alley, LLC
Date: August 10, 2020
RE: Agenda Item # 5.c. – Original Site Layout for Pioneer Alley, A Planned Unit Development, dated December 2, 2004

Mayor and Members of the City Council,

The Pioneer Alley, LLC, (“Pioneer Alley”) Planned Unit Development (PUD) was itself a pioneer as the first planned unit development in Salem under five acres. Pioneer Alley was the first model pocket neighborhood approved in Salem.

Enclosed for the record is the Original Site Layout for Pioneer Alley. Please note the plan includes an alley for access to single-family homes and a dedicated path to Pioneer Cemetery.

The Salem City Council rejected Pioneer Alley’s original site layout, inclusive of alley and path to Pioneer Cemetery.

Consequently, Pioneer Alley was forced to change its site layout. Location of structures and access were **completely** redesigned. The Salem City Council approved the existing site layout without any path to Pioneer Cemetery. Pioneer Alley relied on the City Council’s rejection of the original site layout and the City Council’s approval of the revised existing layout.

Enclosure: Pioneer Alley Conceptual Site Layout dated December 2, 2004


Amy Johnson

From: dewoina@aol.com
Sent: Monday, August 10, 2020 1:13 PM
To: CityRecorder; citycouncil; SALEM Manager
Subject: Aug 10 2020 Agenda Item #5.c Testimony not included in the record
Attachments: Aug 10 2020 Agenda Item #5.c Testimony not included in the Record.pdf

Please add the attached information to the on-going record for the Rural Hoyt connection through Pioneer Cemetery and/or City View Cemetery.

Thank you for your thoughtful review.

Kathleen Dewoina
Managing Partner
Pioneer Alley LLC

To: Salem City Recorder, Salem City Councilors, & Salem City Manager
From: Pioneer Alley, LLC/Kathleen Dewoina, Managing Partner 
Date: August 10, 2020
RE: Written Testimony about Incomplete City Council Records for August 10, 2020 City Council Agenda Item # 5.c. (Previously Rejected Pioneer Cemetery Path); Completion of and Addition to City Council Record

At least two submissions for public testimony do not appear in the city council's records regarding the previously rejected Pioneer Cemetery Path. The first is my submission to the City Recorder and City Council on June 22, 2020 at 12:39 PM, where I objected to not receiving notice of the June 22, 2020 agenda item # 6.d. It was regarding "Written Testimony . . . about City Council June 22, 2020 Agenda Item 6.d." I am certain it was received because Ms. Vanessa Nordyke responded 24 minutes later, at 1:03 PM, stating in part:

"The community needs time to process, review, and submit input and comment based on the staff report."

Neither my written public testimony submission nor Ms. Nordyke's response were included in the minutes of the June 22, 2020 city council meeting. My written public testimony should be added to the record.

Additionally, my June 22, 2020 written public testimony sent at 12:39 PM was once again excluded, the second time from File # 20-223 on the August 10, 2020 agenda. It should be added to the record.

Although included in the documents placed online before the June 22, 2020 city council meeting as part of the council's agenda item # 6.d., Ms. Renee Phillips' written testimony submitted on June 22, 2020 at 11:38 AM is not included in File # 20-223 on the August 10, 2020 agenda. Her written testimony should be added.

For completeness of the record, with this submission, I am submitting 19 pages of attached written testimony, including the new written testimony submissions of the Essence of Pioneer Alley's Oral Testimony on June 22, 2020 and my August 10, 2020 memorandum (with attachment) regarding **City Denial of Due Process of Law**.

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.

dewoina@aol.com

From: Vanessa Nordyke <VNordyke@cityofsalem.net>
Sent: Monday, June 22, 2020 1:03 PM
To: Kathleen Dewoina
Subject: Re: Agenda Item 6.d June 22, 2020

Thank you Ms Dewoina.

Please be advised that I do not intend on making any motions based on the information report in the agenda for today's meeting. The community needs time to process, review, and submit input and comment based on the staff report.

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

From: Kathleen Dewoina <Dewoina@bhhsnwrep.com>
Sent: Monday, June 22, 2020 12:39:38 PM
To: CityRecorder <CityRecorder@cityofsalem.net>; citycouncil <citycouncil@cityofsalem.net>
Subject: Agenda Item 6.d June 22, 2020

Please add the attached submittal to the record for Agenda Item 6.d related to Rural Hoyt connection. I will be submitting testimony related to the options later today.

Thank you,
KD



Kathleen Dewoina, Broker, GRI,
CRIS, ABR
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To: City of Salem City Council

From: Kathleen Dewoina, Managing Partner
Pioneer Alley LLC

Date: June 22, 2020

RE: Written Testimony about
Third Pedestrian Connection (through Pioneer Cemetery and across privately-held Pioneer Alley LLC Planned Unit Development) between Candalaria and Fairmount neighborhoods; City Council June 22, 2020 Agenda Item 6.d.

As Public Works Director Peter Fernandez and Assistant Public Works Director Robert Chandler note in their June 22, 2020 report, Pioneer Alley LLC, *first* submitted a Planned Unit Development ("PUD") *with a dedicated north-south alley connection* between Pioneer Cemetery and Rural Street; hence, the PUD name: **Pioneer Alley**.

After a public hearing in 2005, the City of Salem **City Council voted against the proposed north-south alley connection** that unequivocally would have allowed for pedestrian access to Pioneer Cemetery. At considerable cost, the PUD was redesigned and built accordingly.

Once again, the subject of a third pedestrian connection is on the council's agenda for June 22, 2020 as an informational item. Pioneer Alley LLC is the sole private property owner, that is, the sole interested party, in Option 5, as proposed by the Public Works Director Fernandez and Assistant Public Works Director Chandler.

Please note that, as the interested private property owner, I would like as much notice as possible for upcoming agenda items related to this property. It was not available on Legistar over the weekend.

dewoina@aol.com

From: dewoina@aol.com
Sent: Monday, June 22, 2020 3:56 PM
To: 'cityrecorder@cityofsalem.net'; 'citycouncil@cityofsalem.net'
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

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 sideway 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.**

For Inclusion in the Record of City of Salem City Council Meeting of August 10, 2020, including but not limited to agenda item # 5.c., the Previously Rejected Pioneer Cemetery Pedestrian Path

To: City Recorder, City Council Members, and City Manager
From: Pioneer Alley, LLC
Date: August 10, 2020
RE: Essence of Pioneer Alley, LLC's/Kathleen Dewoina's (Managing Partner's) Oral Testimony at the City Council Meeting on June 22, 2020

Mayor and Members of the City Council,

My name is Kathleen Dewoina. I am the managing partner for the interested-party, private-property landowner Pioneer Alley LLC. Thank you for this opportunity to present oral testimony.

A Pioneer Cemetery pedestrian path would be the third connector within about six blocks. That's overkill. And, to reach the shopping area some have described, the cemetery path doesn't shorten the distance as compared to the Commercial Street sidewalk. So, it wouldn't be a short cut.

The Commercial Street sidewalk connector is currently buffered by a 6-foot bike path. If more protection is desired, a cable barrier is a more cost-effective solution, or a second, parallel sidewalk within the Commercial Street right-of-way and outside the cemetery fence could be added.

Option 5, whether choice 1 or 2, would need substantial ground modification within the historic cemetery, which, as you know, is prohibited. We can't be raising the dead, at least not that way.

Just as the owner of City View Cemetery is not interested in granting an easement over his privately-owned property, **my partners are not interested in granting an easement across Pioneer Alley.**

Also, Option 5, choice 1 would create significant water problems from drainage off the cemetery onto private property, not to mention a plethora of other problems.

As presented, Option 5, choice number two is riddled with the wrong facts, the wrong maps, the wrong history, and the wrong legal posture.

Option 5 is not realistic. It would be more expensive for taxpayers than it is worth.

City funds are more responsibly spent on the two existing connections, either by making improvements to the Fairmount Park Trail or by creating a landscaped buffer with the addition of a second sidewalk or installation of a cable barrier, or all three of the above.

I have submitted more detailed comments in writing. I hope you get a chance to review those.

Also, I would like to add that our project at Pioneer Alley, LLC, was the result of a huge amount of effort on behalf of the City, as well as my deceased business partner, Dave Moss. It took us over three years of planning in order to put three works of infrastructure in the ground and redevelop a sorely neglected part of south Salem. We accomplished that with the able assistance of the Planning Commission, then under Dan Dorn, and Community Development Planning Directors Dave Pratt and Glenn Gross.

We really hope that as the City chooses to reevaluate this issue you realize ***what a treasure we have there now*** and **the risk you knowingly, intentionally, willfully place on this planned development by placing a pedestrian or bike path through it.**

Thank you for your consideration.

From: Vanessa Nordyke <VNordyke@cityofsalem.net>
Date: June 22, 2020 at 1:10:11 PM PDT
To: renee phillips <renphil@me.com>
Subject: Re: SW corner Rural/John Sj

Thank you so much for your input and heartfelt concerns, Ms. Phillips. I appreciate it. I do not anticipate any action being taken on the staff report at tonight's meeting. I anticipate that there will be further discussion of the staff report at upcoming neighborhood association meetings. I encourage you to contact your neighborhood association and attend the next meeting to participate in the public dialogue. The proposal has been discussed at several prior public neighborhood association meetings, but it is not too late to make your voice heard.

Sincerely, Vanessa

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

From: renee phillips <renphil@me.com>
Sent: Monday, June 22, 2020 11:38:50 AM
To: citycouncil <citycouncil@cityofsalem.net>
Subject: SW corner Rural/John Sj

I am familiar with the property located on the SW corner of Rural/John S. Prior to development it was a jumble of random buildings and overgrown space and somewhat of an eye sore. Someone with vision developed the Rural/John corner into a peaceful, co-hesive desirable little enclave. The transformation enhanced the sites value as well as surrounding values.

I am fortunate to live in and enjoy a peaceful, co-hesive neighborhood as well. I live in Gaiety Hill area on Church St. I know many of my neighbors and enjoy community commonalities. We enjoy the liveliness of street bicyclists, skate boarders, joggers, dog walkers, hospital workers, city worker walkers, families and a sundry of others who pass through our area on a daily basis. However, increasingly common, we find ourselves sharing our space with folks who do not seem to share the intrinsic values of our neighborhood.

Our area is experiencing an up-tick in public urination, defecation, drug dealers and users, overdoses, homelessness, thefts, break-ins, random debris and other undesirable behavior.

My home sits approximately 46 long-legged paces off the street. About a week or so ago (while working in the front yard) I watched a disheveled, 30ish man, who seemed to be under the influence of a mind altering substance (while no expert, please know my own family has been profoundly impacted by drug addiction, deaths, incarcerations; just saying, I know what impairment looks like). This compromised young man walked approximately 35 long-legged paces into my yard. Every hair on the back of my neck stood up. It was only after he looked up and saw my yard man near my porch that he quickly turned and walked away.

My home is in view of the public. This proposed bike path is NOT! Ingress/egress is hidden through a quiet cemetery, numerous mature trees, lush vegetation, secret corners and obstructed views. This

seems, to me, to be a magnet for undesirable activities. This bike path proposal seeks to divide these private yards and disrupt the peace of this somewhat secure enclave. This proposal would in No WAY enhance the safety and security of those who call this area "home".

Ask yourself if you would want this situation for your son/daughter? your elderly father/mother? your widowed sister, or soft spoken brother? Would any one of the above like to deal with questionable folks crossing through their yard at all hours day or night? That the city council is even considering this proposal is incomprehensible given the evolving needs and awareness of our current turbulent world.

There are other alternatives at hand: including a nearby street!; an existing bike path just west of this proposal; and numerous bike friendly streets already.

Prior to doing something terribly undesirable to all those who would be adversely impacted in the Rural/John corner, please ask yourself if this is something you would actually impose on yourself? Your truthful answer should be a resounding NO!

Thank You

Renee Phillips
645 Church St. SE
Salem, OR 97301

dewoina@aol.com

From: dewoina@aol.com
Sent: Monday, June 22, 2020 4:54 PM
To: 'cityrecorder@cityofsalem.net'; 'citycouncil@cityofsalem.net'
Subject: Agenda Item 6.d June 22 2020
Attachments: Renee Phillips Testimony.pdf; Kathryn Moss Reynolds Testimony Rural Hoyt Connection.pdf; Pat Moss Testimony Re Rural Hoyt Connection.pdf

Please add the attached testimony to Agenda 6.d for tonight's meeting. I did not see it posted. I know these were submitted earlier.

Thank you,

KD

- 12 -

From: renee phillips <renphil@me.com>
Sent: Monday, June 22, 2020 9:07 AM
To: Kathleen Dewoina
Subject: SW corner Rural/John S

To:

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Thank You

Renee Phillips
645 Church St. SE
Salem, OR 97301

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 22, 2020

Mayor Bennett & 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.

Memorandum

To: City Recorder, Members of the City Council, and City Manager
From: Kathleen Dewoina on behalf of Pioneer Alley, LLC 
Date: August 10, 2020
Re: **City Denial of Due Process of Law**

This communication is for inclusion in the official record of the City of Salem City Council meeting on August 10, 2020, agenda item 5.c., "Motion from Councilor Nordyke requesting additional information on two potential trail connections between Candalaria and Fairmount neighborhoods" and in the official record of all future proceedings regarding Pioneer Alley, LLC ("Pioneer Alley") and/or its real property. ***Please consider this a formal request/demand for reasonable notice of city council meetings, neighborhood association meetings, staff meetings, joint staff and councilor meetings, ex parte communications, reports, proposed ordinances, emails, etc. where Pioneer Alley's property rights are or could be affected.***

Dr. Robert Chandler notes in his June 22, 2020 staff report that Pioneer Alley is an interested party. As the sole private, single-home property owner targeted for a private property taking in order to build a trail, the city's failure and refusal to provide Pioneer Alley notice of the path—by whatever various names—as an agenda item **deprives Pioneer Alley of due process rights** under the federal and state Constitutions.

Notice when the city council publishes its agenda on Thursday evening before a Monday meeting is inadequate, insufficient, and unreasonable notice. Even when the agenda is published on the webpage, not all the relevant material is always included, for example, the June 22, 2020 staff report (File #20-223, Item # 6.d.) was missing.

Instead, selective friends and colleagues supportive of Ms. Vanessa Nordyke seem to get advance notice, like the email by Ms. Nordyke to Christine Chute, on Tuesday, April 21, 2020 at 1:23 PM demonstrates ("Amen!" writes Ms. Nordyke)—apparently prior to publication on the city's legistar site.

- The affected real property owner whose private property rights are at stake received no notice for the April 27, 2020 meeting.
- The affected real property owner whose private property rights are at stake received no notice for the June 22, 2020 meeting.
- The affected real property owner whose private property rights are at stake received no notice for the August 10, 2020 meeting.

Memorandum
City Recorder, City Council, City Manager
August 10, 2020
Page 2

Yet, Ms. Nordyke writes that it is not too late for voices to be heard. But, the affected real property owner is not given notice of opportunities to be heard.

File #20-315 was created on August 3, 2020. Pioneer Alley certainly was entitled to notice from the moment the file became a public record, that is, from the moment of file creation.

As a matter of civility and courtesy, as well as a matter of law, Pioneer Alley—as the real party in interest—should not have to check every item on every city council agenda to see what is hastily voted through without individual notice to the real party/property owner in interest.

Would you please provide Pioneer Alley due process of law, including prompt, adequate, reasonable notice?

Attachment: 6/22/20 Email to Erma Dowd & Julie Warncke from Jeanine Stice (documenting staff report missing from website)

Ruth Stellmacher

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://salem.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://salem.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 – 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

Amy Johnson

From: dewoina@aol.com
Sent: Monday, August 10, 2020 3:40 PM
To: CityRecorder; citycouncil; SALEM Manager
Subject: Aug 10 2020 Agenda #5.c. Additional Testimony Objection to Motion
Attachments: Aug 10 2020 Agenda Item #5.3 Additional Testimony Objection to Motion.pdf

Please add the attached written testimony to the agenda item 5.c. for tonight's council meeting.

Thank you,

Kathleen Dewoina
Managing Partner
Pioneer Alley LLC

TO: City Recorder, City Council, and City Manager
FROM: Pioneer Alley, LLC *Kathleen DeWanna, Manosius Padua*
DATE: August 10, 2020
RE: ADDITIONAL TESTIMONY ABOUT PIONEER CEMETERY PATH;
Today's Agenda Item # 5.c.

The posture this matter has taken and the haste with which it has been rushed gives the appearance of private promises given, a council decision made behind closed doors, and a **predetermined outcome**.

It's time for some transparency here. It's also a good time to follow the public meeting and record rules of law.

The last time the Pioneer Cemetery Trail was on the council agenda, Ms. Vanessa Nordyke wrote:

“The community needs time to process, review, and submit input and comment based on the staff report.”

There has been no full and fair airing. The city council has *not* given the community that opportunity. If you wish to further the motion, please give Pioneer Alley, LLC, (“Pioneer Alley”) reasonable notice of that opportunity.

The June 22, 2020 staff report gave six (6) options for connectivity. By narrowing the study to only two options, as the proposed motion does, council is selectively eliminating four practical options, **including improvements to an existing connecting path** (Fairmount Park).

Option 1 (no action) costs nothing and the leaves the neighborhoods with two connections within about six blocks.

Option 2 (removal of path from Master plans) may bring additional sale and property tax revenue into the city coffers.

The sidewalk along Commercial Street (Option 3) is buffered from traffic by a six-foot wide bike path. No pedestrian-vehicle collisions have been identified in this location. Any inadequacies in the sidewalk are correctable with minor improvements.

Option 4 would make improvements to the existing trail through Fairmount Park. Surely, study of this option makes common sense as a levelheaded alternative to a pedestrian-only path through a cemetery. As one of three trail options proposed, it is just as worthy of additional

study (inclusive of planning-level construction estimates) as are Options 5 and 6. From their comments, many of the proponents of the Pioneer Cemetery Path want to ride their bicycles through Pioneer Cemetery. Significantly, Option 4 is the only option that would likely result in a shared use path so that bicycles could legitimately use it, too.

Before the council has staff embark on further study, the citizen taxpayers you represent are entitled to know what the **legal viability** of the Pioneer Cemetery Path is. This is not something that should be kept secret from the citizen taxpayers as an attorney-client confidence. There are times when the City Attorney's advice and opinion should be made known to the citizen taxpayers you represent and who pay his salary . . . and this is one of them. The City Attorney should share his expertise and the years-long attorney costs the taxpayers have paid and will be paying for appeals, as well as an estimate of how long the appeal process in all its various forms will take and the final outcome. A Pioneer Cemetery Path is unlikely to come to fruition during any of your current terms of office, including those just elected to a new four-year term.

Additionally, before the council has staff embark on further study, the citizens you represent are entitled to know what the **cost to taxpayers for that study** will be. Engineer and surveyor man hours are going to be spent on the study. Professional city staff time is expensive. (1) With all staff benefits included, we are entitled to know how much the study will cost before the council jumps into it. (2) We also are entitled to know what other city projects are delayed by staff prioritizing time on this study.

The motion carefully omits the potentially very large cost of acquiring property or easements. Condemnation proceedings are costly. The citizens are entitled to know all the costs, including acquisition, damages, and attorney fees. Don't put the citizen taxpayers in the position of paying for a study when the costs of acquisition or damages are too high.

Another reason to include Option 4, the Fairmount Hill mixed-use path, in any study is the **lack** of acquisition costs and the negligible potential for damage payments.

We will repeat that Option 5 is a challenging topography for a Pioneer Cemetery Path. Please review my June 22, 2020 written testimony. The private driveway, the stormwater drainage, and the other underground infrastructure make either Option 5 (1) or (2) unaccommodating for a pedestrian path under federal ADA standards. There just isn't room or grade or space for a landing at the gate. *No easement can place an unreasonable burden on the servient land; an AMA-friendly pedestrian path through the Pioneer Alley Planned Unit Development will do just that.*

Furthermore, any study of Option 5 must provide a realizable plan for exclusion of dogs and bicycles, along with policing and pooper-scooper persons to enforce the plan.

Option 6 may be feasible provided that the private City View Cemetery property owner agrees, that the city pay all costs, and that the pedestrian path be placed at the "flattest" area of the cemetery for the least burial ground disruption, which would be at 550 Rural Avenue S. At 550 Rural Avenue S, the grade road/drive is fairly level with the cemetery property, it does not present the stormwater and grade problems that Pioneer Cemetery does, there is some parking, and the clubhouse at 550 Rural Avenue is a place meant for socialization, in contrast to the privacy of the homes and yards at Pioneer Alley.

I renew my request for transparency and decisions to be made in public.

Thank you for your thoughtful consideration.

Amy Johnson

From: dewoina@aol.com
Sent: Monday, August 10, 2020 4:04 PM
To: CityRecorder; citycouncil; SALEM Manager
Subject: Aug 10 2020 Agenda Item 5.c. ADDITIONAL TESTIMONY--State Guidelines
Attachments: Aug 10 2020 Agenda Item #5.c Additional Testimony State Guidelines.pdf

Please add the attached testimony regarding State Guidelines for Paths.

Thank you,

Kathleen Dewoina
Managing Partner
Pioneer Alley LLC

Amy Johnson

From: Jeanine Stice <nutritionetcetera@gmail.com>
Sent: Monday, August 10, 2020 2:29 PM
To: CityRecorder
Subject: SWAN attachment : agenda 5.c connector Trail through Pioneer Cemetery
Attachments: Pedestrian Connector, Candalaria and Fairmont Neighborhoods (1).pdf

City Recorder Office,

Please see attached SWAN position and public comments pertaining to August 10 Council Meeting Agenda Item 5.c on the connecting trail between Fairmont and Candalaria neighborhoods.

Sincerely,
Jeanine Stice, Chair
on behalf of SWAN Board of Directors

July 27, 2020

TO: Mayor Chuck Bennett, Councilor Nordyke, Councilor Anderson, City Council,
Robert Chandler, Phd, PE

FROM: Southwest Association of Neighbors (SWAN)

RE: Pedestrian Connection between Candalaria and Fairmont Neighborhoods

Council has recently received a report detailing over 35 years of history for a connector pathway between Candalaria and Fairmont neighborhoods with 6 options for consideration to provide direction to Public Works and Transportation Planning. The Southwest Neighborhood Association (SWAN) is supportive of neighborhood connectivity through the development of safe pedestrian pathways but is also committed to a larger vision of community connectivity that promotes, protects and enhances the unique character, history and cultural heritage of our neighborhoods. The Hoyt/Rural connector offers an excellent opportunity to begin to implement this vision as it relates to the potential impact of a pathway through Pioneer Cemetery, a nationally recognized historical site with deep roots into the cultural heritage of Salem's founders. SWAN has devoted many hours researching, holding special meetings, consulting with friends of Pioneer Cemetery, reaching out to neighbors and attending tours in order to thoroughly understand and make a recommendation that moves this issue forward in the best way possible for all concerned. We believe Option 5 is most aligned with the needs required for connectivity and responsible preservation if executed in accordance with the recommendations we outline below.

SWAN cannot support the other Options put forward to Council for the following reasons:

Option 1: Taking no action is a missed opportunity and we do not encourage it.

Option 2: Removing the path from master plans and vacating the pedestrian access easement is a poor choice but is supported if there is a *removal and hold* on the transportation system master plan and pedestrian easement until a plan is put forward for the protection of Pioneer Cemetery. As Salem moves toward implementing neighborhood connectors and urban trails this would eliminate a connectivity option between neighborhoods which we greatly value.

Option 3: Improving pedestrian facilities along Commercial Street would require purchasing land, cutting down established trees, construction of a retaining wall due to topography and determination of impacts to the historic Pioneer Cemetery. This does not address the issue of eliminating the need to use Commercial Street as a connector between neighborhoods and SWAN does not see this as a viable option.

Option 4: Constructing a trail through Fairmont Park with connections to Rural and Crestview would utilize an existing trail that is unpaved, steep and often muddy. Improving this trail would require considerable modification of the topography on an often unstable hillside to make it viable. This does

not address the issue of convenient off street connectivity between neighborhoods that is sought with the Hoyt/Rural connector.

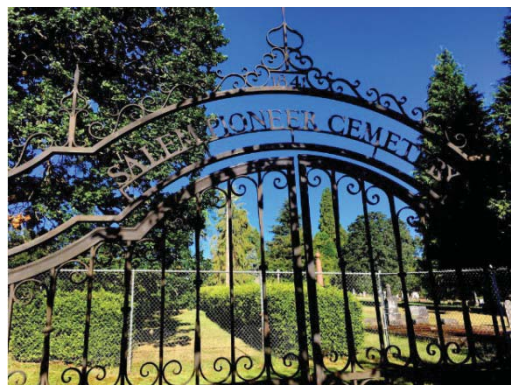
Option 5 represents the most direct connection between neighborhoods with a link between John Street and Hoyt through Pioneer Cemetery but poses risks to the cemetery if preservation and protection fail to be fully incorporated. Accommodating a trail/path through the cemetery would only require a width of 36 inches and a length of approximately 500 feet ending at a landing leading to John Street over an unopened alley right-of-way. **This route makes the most sense but would require design elements providing for protection and security of historic Pioneer Cemetery if it is pursued.** The significant amount of vandalism, damage and destruction occurring at Pioneer Cemetery prior to placement of the current chain link fence around the property must not be ignored. Vandalism continues to be a concern today evidenced by openings being cut into the chain link fence and several unauthorized uses at property located adjacent to the cemetery at Hoyt and Commercial Street which ultimately required fence placement and padlocks for protection. It is therefore imperative that any consideration of a pathway through Pioneer Cemetery require that the cemetery be fully enclosed.

A path connection along the western border of the cemetery is a good choice if it is pursued slowly and methodically with design input from the public and preservation of Pioneer Cemetery as the keystone of design/build concepts. If there is no provision for historic property and artifact protection included in follow through to Option 5, SWAN recommends tabling the neighborhood connector until such time as a design/build plan including protection for the heritage of Pioneer Cemetery can be developed.

Option 6: Constructing a connection that includes City View Cemetery to which the owner has stated he is not interested in providing an easement for a pedestrian pathway. Additionally this option would need similar design assurances and construction plans to provide protection against vandalism, theft and destruction of property. SWAN would not support this option without security concerns being addressed for both historic properties.

RECOMMENDATION

Pioneer Cemetery lies wholly within the boundary of the Southwest Association of Neighbors (SWAN) in Ward 7 and we recognize the opportunity and responsibility to get this right! Input from invested members of our neighborhood association along with cemetery volunteers and neighbors have helped to craft a vision for a possible pedestrian connection between Rural and Hoyt through Pioneer Cemetery. SWAN envisions protecting an irreplaceable State and City of Salem asset with a first class trail connector showcasing this historical gem and providing pedestrian access.



Protecting historic urban cemeteries and utilizing them for education, architecture and tourism as windows into the past is not unusual. Outstanding examples of historic urban cemeteries abound and Salem could be a part of this heritage process through well-executed planning of this connector which could lead to more urban path connections throughout the city. Boston links 2.5 miles of trail into the Freedom Trail. While not Boston, we have an opportunity to create a heritage trail of our own that could be linked with wayfare signage to Minto Brown Park, Riverfront Park and downtown Salem. The connector through Pioneer Cemetery could highlight the memorial to black pioneers, heritage markers for pioneers and show off the Chinese shrine. It would welcome users to learn about the history of Salem with the placards, historic display boards or maybe engraved stones similar to those found on the Capital Mall placed along the trail. Not only would our history benefit but it could encourage volunteerism by exposing visitors to other cemetery assets such as the historic rose collection, significant white oak and madrona trees in addition to educational opportunities from grade school to university archaeology and architecture studies.



The trail would be bordered with an architectural wrought iron fence and three gates on the western edge of the cemetery extending from the northwest corner to the southern entrance enclosing the entire cemetery. This enclosure is a fundamental requirement for security and protection against theft, vandalism and overall destruction of Pioneer Cemetery which required the necessity of a chain link fence to be build in the 1980's the first place. This threat still exists today and cannot be emphasized enough.



The design proposal (see Attachment 1) envisions a 6 foot pathway, well within ADA specifications, at the northwest corner leading from the easement on John Street into Pioneer Cemetery fenced on one side by the current City View barbed wire fencing and chain link fencing along the other side attaching to the current storage area fencing. It would require removal of the existing arborvitae hedge and other vegetation as well as lighting for security. The current storage area would not need to be relocated. The design does not address a gate at this entrance which may be a concern for residents in the immediate area due to potential increased foot traffic.



Current South entrance gate



North end near Storage Area

After approximately 75 feet, the trail would widen onto a road that currently exists. Three gates would provide easy access for maintenance and visitors to access existing roads into the cemetery with a larger main gate in the center to resemble the architectural style of the original gate on Commercial. Again, no gate is currently envisioned on the southern boundary as the iron fencing would be attached to the current chain link fence at either end fully enclosing the cemetery. Although a second enclosure may seem redundant and a potentially unnecessary expense, the dual benefits of a deterrence to the vandalism that has plagued this site and a visual structure consistent with historical urban cemeteries outweigh the cost.

We ask the Council to consider a request for further study, possible site renderings, cost analysis of this vision and public input. If pursued with community partners, grants may be awarded for projects of this type that include historical preservation grants, active transportation grants and cultural awareness and education grants so the city would not need to rely on sparse general funds.

SWAN seeks your support to envision what is possible for our community. We see an opportunity that goes beyond a pedestrian connection between Candalaria and Fairmont neighborhoods to a greater community connectivity that showcases gems like Pioneer Cemetery to its fullest historic and cultural potential while still honoring the need to preserve and protect.

Submitted on behalf of the Southwest Association of Neighbors,

Jeanine Stice, SWAN Chair

Ted Burney, SWAN Land Use Chair

