



## Staff Report

---

**File #:** 20-223

**Version:** 1

**Date:** 6/22/2020

**Item #:** 6.d.

---

**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 action which is 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