



Legislation Details (With Text)

File #: 20-470 **Version:** 1

Type: Informational Report **Status:** Filed

In control: City Council

On agenda: 1/11/2021 **Final action:** 1/11/2021

Title: Additional information regarding a potential path connecting Candalaria and Fairmount neighborhoods and involving Pioneer Cemetery, City View Cemetery, or both.

Ward(s): Ward 7
 Councilor(s): Councilor Nordyke
 Neighborhood(s): SWAN, SCAN, and Sunnyslope
 Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community

Sponsors:

Indexes:

Code sections:

Attachments: 1. Council staff report, "A pedestrian connection between Candalaria and Fairmount neighborhoods." File No. 20-223. June 22, 2020, 2. Conceptual map of connecting path – Pioneer Cemetery, 3. Conceptual map of connecting path – City View Cemetery, 4. Letter from SWAN, "Pedestrian Connection between Candalaria and Fairmont Neighborhoods." July 27, 2020, 5. Letter from SCAN, "Motion from Councilor Nordyke regarding a potential trail connection between Rural and Hoyt Avenues S in the vicinity of the Pioneer Cemetery." April 23, 2020, 6. Minutes from August 20, 2020 meeting of the Sunnyslope Neighborhood Association, 7. Written Testimony, 8. Written Testimony 1, 9. Written Testimony 2, 10. Written Testimony 3, 11. Written Testimony 4, 12. Public Comments received by 3:00 p.m. 1-7-21 .pdf, 13. Public Comments received by 11:30 a.m. 1-11-21.pdf, 14. Public Comments received by 5:00 p.m. 1-11-21.pdf, 15. Public Comments received 1-8-21 from Friends of Pioneer Cemetery and Joyce Peters

Date	Ver.	Action By	Action	Result
1/11/2021	1	City Council	received and filed	
12/14/2020	1	City Council		

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Peter Fernandez, PE, Public Works Director

SUBJECT:

Additional information regarding a potential path connecting Candalaria and Fairmount neighborhoods and involving Pioneer Cemetery, City View Cemetery, or both.

Ward(s): Ward 7
 Councilor(s): Councilor Nordyke
 Neighborhood(s): SWAN, SCAN, and Sunnyslope
 Result Area(s): Safe, Reliable and Efficient Infrastructure; Welcoming and Livable Community

ISSUE:

Additional information regarding a potential path connecting the Candalaria and Fairmount neighborhoods and involving Pioneer Cemetery, City View Cemetery, or both.

RECOMMENDATION:

Information only.

SUMMARY:

At its August 10, 2020, meeting, City Council approved a motion by Councilor Nordyke (Ward 7) directing staff to submit a report presenting information regarding two potential pedestrian paths linking the Candalaria and Fairmount neighborhoods. This report is submitted in response to that motion. It provides a planning-level estimate of the costs to construct a path through Pioneer Cemetery and a second estimate for constructing a path through City View Cemetery. (Neither estimate includes the potential expenses related to acquiring property or easements.) This report also summarizes the issues, constraints, and options for connecting the two neighborhoods.

This report builds on the information contained in a staff report submitted for Council's information on June 22, 2020. That report summarized the history of Pioneer Cemetery, provided a 35-year timeline of Council actions regarding a potential pedestrian connection through Pioneer Cemetery, and presented several options for Council's future consideration. The June staff report and written public comments are provided as Attachment 1.

Council has received public comments every time it has considered taking any action regarding a potential path connecting Candalaria and Fairmount neighborhoods and this instance is expected to be no different. To facilitate input from the community, this report is being submitted at Council's December 14 meeting as a future report and is expected to come to Council floor for discussion at its January 11, 2021, meeting.

FACTS AND FINDINGS:

This section presents the following:

1. Conceptual overview of potential paths
2. Planning-level cost estimates
3. Archaeological permitting and consent from Native American tribes
4. Summary of the perspectives
5. Summary of the constraints
6. Summary of the options

Conceptual Overview of Potential Paths

Potential path through Pioneer Cemetery

A conceptual drawing of a path connecting the Candalaria and Fairmount neighborhoods through Pioneer Cemetery is provided as Attachment 2. This drawing was specifically prepared to develop cost estimates (see below) and to document preliminary assumptions regarding design, alignment, and materials, all of which are subject to change should Council direct this project to proceed.

A path connecting the Candalaria and Fairmount neighborhoods through Pioneer Cemetery would be located along the western boundary of the cemetery and would have an overall length of approximately 500 feet. The surface of the path would be of asphalt and between nine and six feet wide depending on location. The path would be constructed to meet the accessibility standards of the Americans with Disabilities Act (ADA). To do so, excavation over a segment of its length of up to two feet in depth would be required to meet the grade at the Fairmount end of the path.

The utility storage area in the northwest corner of Pioneer Cemetery would have to be relocated. A gate would be installed at the northern boundary of the cemetery to control access. On the Fairmount side of this gate is a pedestrian access easement that extends 12 feet into the drive aisle for two houses that are part of the Pioneer Alley Planned Unit Development (PUD). This access easement would serve as a landing area for the path users. The path could include solar-powered lighting and the fence between the two cemeteries could be upgraded from chain link to black iron.

Potential Path through City View Cemetery

A conceptual drawing of a path connecting the two neighborhoods through City View Cemetery is provided as Attachment 3. This drawing was specifically prepared to develop cost estimates (see below) and to document preliminary assumptions regarding design, alignment, and materials, all of which are subject to change should the project proceed. A path connecting the Candalaria and Fairmount neighborhoods through City View Cemetery would have essentially the same features and options as the path through Pioneer Cemetery with the path running along the eastern boundary of City View Cemetery. This path would also require excavation of approximately two feet over its length in order to meet ADA requirements.

Connecting a cemetery path to the Fairmont neighborhood

From the landing at the northern terminus of a path there are two ways to enter deeper into the Fairmont Neighborhood. One option involves utilizing a currently unopened alley right-of-way that runs through the middle of the common area of the residential area of the Pioneer Alley Planned Unit Development (PUD). This 12-foot alley was created by deed (Marion County, Volume 314 Pages 8, 9) and is owned by the City. The other option requires purchasing an access easement over the private driveway leading to John Street S that serves two homes of Pioneer Alley PUD. Use of this private driveway is currently restricted to residents by a gated access control system.

It is also conceivable that at the northern boundary of a path through one of the cemeteries the path could turn west and run along City View property, bypassing the private driveway and eventually landing at grade in the public right-of-way on John Street S.

Planning-level Cost Estimates

Overview of cost estimates

Two scenarios were used for cost estimating. One was a path through Pioneer Cemetery and the other a path through City View Cemetery. Should the project move forward with a hybrid layout involving both cemeteries, the cost is expected to fall somewhere between the two estimates.

Rounding to the nearest \$1,000, constructing a path through either of the cemeteries would have a base cost between \$324,000 (City View Cemetery) and \$352,000 (Pioneer Cemetery). This estimate includes construction, engineering, archaeological/historical analysis, and a contingency. Adding optional solar lighting (\$59,000) and a new, six-foot black iron fencing between the cemeteries (\$111,000) would increase this estimate by another \$170,000 and bring the total cost to between \$494,000 (City View Cemetery) and \$522,000 (Pioneer Cemetery). The costs to purchase an easement over the private driveway leading west from the cemetery access gate to John Street S or for an easement for public access through privately-owned City View Cemetery are not known. Alternatively, connecting the path from the access gate to Rural Avenue S via an existing City-owned 12-foot alleyway within Pioneer Alley PUD would add another \$47,000 for a paved path eight feet wide and 275 feet long.

Costs to address archaeological and historical requirements

Should the project move forward, the cost to meet archaeological and historical requirements has been estimated to be between \$90,000 (City View Cemetery) and \$106,000 (Pioneer Cemetery). These values are included in the overall cost estimates listed below and include historic design review, permitting, surveying, sampling, monitoring, analysis, and reporting. The actual cost depends on what is discovered during the course of the project.

Cost estimates for a path through the cemeteries

The two planning-level cost estimates are summarized below. One is for a path through Pioneer Cemetery and the other for a path through City View Cemetery. Both paths are situated between the southern entrances of the cemeteries and the City-owned pedestrian access easement at the northern boundary.

Pioneer Cemetery Path

Construction cost	\$99,365
Engineering	\$64,682
Archaeological and historical	\$106,200
<u>Contingency</u>	<u>\$81,074</u>
Project base cost	\$351,321
<i>Add solar lighting</i>	<i>\$59,400</i>
<i>Add 6' black iron fence between cemeteries</i>	<i>\$111,150</i>
Total cost for path from entrance to landing	\$521,871

City View Cemetery Path

Construction cost	\$96,212
Engineering	\$63,106
Archaeological and historical	\$90,000
<u>Contingency</u>	<u>\$74,795</u>

Project base cost	\$324,113
<i>Add solar lighting</i>	<i>\$59,400</i>
<u><i>Add 6' black iron fence between cemeteries</i></u>	<u><i>\$111,150</i></u>
Total cost for path from entrance to landing	\$494,663

Note: The cost estimates do not include the potential expenses related to the City acquiring a property or purchasing an easement or exercising its right of eminent domain and condemning a property for the purpose of obtaining the necessary easement.

Archaeological Permitting and Consent from Native American Tribes

Salem’s Pioneer Cemetery is a designated National Register resource and potentially significant archaeological site; therefore, the proposed project will require historic design review per *Salem Revised Code* Chapter 230 and historic clearance review per *Oregon Revised Statutes* (ORS) 358.653. Additionally, an archaeological permit will be required. Per ORS 390.235 and ORS 358.920, the City must obtain an Oregon archaeological permit issued by the State Historic Preservation Office (SHPO) before it can: excavate or alter a known archaeological site on public or private lands; or make an exploratory excavation on public lands to determine the presence of an archaeological site; or remove from public or private lands any material of an archaeological, historical, prehistoric, or anthropological nature.

For City View Cemetery, an archeological permit is also required because the project would be publicly funded. Since the cemetery is privately owned, initial archaeological investigations would not automatically trigger the requirement for an archaeological permit. However, if excavation is required as part of the project, a permit would be required before that work could commence.

When applying for an archaeological permit, the City must outline the reasons for the work and specify the testing methodology in order to identify any potential impacts on both known and unknown archaeologically significant features. Prior to issuing the permit, the Oregon SHPO will submit the proposed archaeological permit to the appropriate Native American Tribes identified by the Legislative Commission on Indian Services. These tribes are afforded an opportunity to review the permit as required under *Oregon Administrative Rules* (OAR) 736-051-0080. As a sovereign nation, any tribe reviewing the permit may take one of four actions: (1) approve the permit without comments; (2) approve the permit with comments; (3) request additional conditions be applied to the permit prior to approval; or (4) object to the permit. If a tribe objects to the permit, the Oregon SHPO cannot issue the permit until the objection is resolved. If the City of Salem cannot resolve the issues raised by the objecting tribe(s), the SHPO must deny the permit and work will not be allowed to proceed.

In addition to the archaeological permit and given that there are potential Native American burials within the project area, ORS 97.750 requires that the City of Salem notify the Oregon SHPO and the Oregon State Police of the proposed work and obtain written consent from the appropriate tribes to excavate in the cemetery. The Legislative Commission on Indian Services has notified the City of Salem that the following three tribes require notification and must provide written consent: the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Warm Springs Reservation.

City staff notified representatives of the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians, and the Confederated Tribes of the Warm Springs Reservation regarding the potential for a path through Pioneer Cemetery on November 3, 2020. A project briefing was conducted at the monthly Historic and Cultural Resource Compliance Coordination Meeting with the City on November 9, 2020, with representatives from the Confederated Tribes of Grand Ronde. Representatives from the Confederated Tribes of Siletz Indians and the Confederated Tribes of the Warm Springs Reservation, while not in attendance for the briefing, were provided a copy of the proposal and minutes summarizing the discussion. This was not the initiation of formal consultation, but simply an information report to ensure tribal representatives were aware that the potential path would be coming to Council for discussion in January.

Summary of the Perspectives

General Viewpoints Regarding a Connecting Path

Over 45 individuals submitted written testimony for the Council meetings on April 27 (first motion directing staff to provide information), June 22 (information report), and August 10 (second motion directing staff to provide additional information). The staff reports, meeting details, minutes, public comments, and a video recording of these Council meeting are all available online at:

[<https://salem.legistar.com/Calendar.aspx>](https://salem.legistar.com/Calendar.aspx)

Drawing from the written testimony, the list below presents a synopsis of various viewpoints in favor of and in opposition to a path and are listed in no particular order.

Viewpoints favoring a path

The path will serve to connect the central areas of the two neighborhoods.

The path will benefit children who attend the same schools but live on different sides of the cemeteries.

The path will reduce out of direction travel. (The two cemeteries create a barrier approximately 3,000 feet in length.)

The path will provide a more direct connection for people in Candalaria neighborhood to walk to Fairmount Park. (There are no developed neighborhood parks in the Candalaria neighborhood.)

The path would encourage more people to walk rather than drive between the two neighborhoods.

In general, urban trails improve quality of life and are a sought-after amenity in residential neighborhoods.

The path will provide an alternative to the Fairmount Trail, which is secluded, unlit, non-ADA compliant, steep in places, and muddy in others. Additionally, the Fairmount Trail does not connect to the central portion of the Candalaria and Fairmount neighborhoods.

The path will provide an alternative to walking on the sidewalk along Commercial Street SE, which is noisy, exposes pedestrians to airborne pollutants, and is close to fast-moving motor vehicles.

The path will increase visibility and enhance public appreciation of the cemetery.

The path will reduce risks of vandalism in the cemetery because there will be more observers who

can report inappropriate activities being conducted on the grounds.

Viewpoints opposing a path

There are already two means for traversing between the two neighborhoods: the sidewalk on Commercial Street SE and the Fairmount Trail.

The path will bring users very close to some of the homes in the Fairmount neighborhood, which may threaten privacy and could compromise safety and security.

The close presence of a potentially heavily used urban trail will reduce the market value of the abutting homes.

If the path traverses through the commons area of Pioneer Alley PUD, it will divide a communal space that is an essential and treasured part of this community.

Pioneer Cemetery is known as a sanctuary of peace, hallowed ground, and a significant piece of Salem history. This will be compromised by a path designed for a transiting public.

City View Cemetery has long been a quiet place for people to come and reflect. A path through the cemetery primarily designed for transiting between the neighborhoods may detract from the cemetery's quiet, peaceful, and contemplative character.

A path will create another point of entry/exit that will increase risks of vandalism in the cemetery.

Funds to construct the path should be invested in other public improvements, such as improving the Fairmount Trail.

Neighborhood Associations

Both Pioneer and City View cemeteries are located within the SouthWest Association of Neighbors (SWAN) neighborhood association. The boundary for the South-Central Association of Neighbors (SCAN) starts at the northern boundary of both cemeteries and extends north to include the Fairmount neighborhood. SWAN, SCAN, and the Sunnyslope Neighborhood Association (located south of SWAN) have all taken positions on a potential connection between the Candalaria and Fairmount neighborhoods. Their positions, as submitted to Council or documented in meeting minutes, are attached to this report. (See Attachment 4, Attachment 5, and Attachment 6.)

Friends of Pioneer Cemetery, City View Cemetery, and Pioneer Alley, LLC

In addition to reviewing public testimony, City staff consulted with representatives of Friends of Pioneer Cemetery, the President of City View Cemetery, and two individuals with interests in Pioneer Alley, LLC for their input. A summary of their perspectives is presented below.

Friends of Pioneer Cemetery

Since 1985, the nonprofit Friends of Pioneer Cemetery has worked to promote, maintain, and restore this historic cemetery. City staff met with Elisabeth Potter and Pat Norman of Friends of Pioneer Cemetery on October 29, 2020, to talk about a potential trail crossing through the cemetery. While the organization has acknowledged the benefits of neighborhood connectivity, it is on record since at least 2012 as opposing a path through the cemetery. One of the concerns is the potential negative impacts a throughway path could have on the cemetery, which is registered with the Oregon Commission on Historic Cemeteries and is included in the Oregon Historic Sites Database (Resource ID: 46833). The cemetery is a City of Salem Historic

Landmark, is afforded protection under *Salem Revised Code* Chapter 230, and is listed in the National Register of Historic Places (NRIS No. 13000707). The cemetery is also a City-designated resource under Oregon Statewide Land Use Planning Goals Goal 5 (Natural resources, scenic and historic areas, and open spaces). A path through the cemetery may conflict with this goal.

Because the City cannot ensure the path is only utilized by pedestrians, it is likely that dog walkers, bicyclists, skateboarders, and micromobility users would also transit the grounds. Such pass-through traffic is expected to change the current quiet and respectful ambiance of the cemetery. Additionally, an increase in traffic through the cemetery may provide more opportunities for some transiting individuals to damage fragile cemetery assets, many of which have been carefully restored over the past 35 years by volunteers with Friends of Pioneer Cemetery. Past experience has shown that it only takes a few people with a little time to cause damage that, even if repairable, will leave monuments with permanent scars.

Burial records are sometimes missing or otherwise imprecise. Irregularities in interments from earlier days have been noted, including indications of burials occurring outside the bounds of individual plots or on the margins of the platted grounds. Further, there is evidence of prehistorical use of these grounds. It is plausible, therefore, that any trail through the historic cemetery would pass over unmarked graves, some of which may include remains of Native Americans, black pioneers, and early members of Salem's Chinese community.

Lastly, Friends of Pioneer note that there is no other location in the cemetery where there is enough room on the margins of the burial plot grid in which to relocate the small maintenance utility yard that would be displaced if a path was constructed along the western boundary of the cemetery.

City View Cemetery

City View Cemetery is a full-service funeral home, cemetery, mausoleum, and crematory that was founded in 1893 by the J.P. Frizzell family of Perrydale, Oregon. In 1966, ownership was transferred to the Hilts family, which still owns and operates the business. On November 17, 2020, City staff discussed issues related to a potential path through City View Cemetery with Rick Hilts, who is President of the company and co-owner with his brother. Per Mr. Hilts, the owners continue to have no interest in having a path cross through their cemetery to connect Candalaria and Fairmount neighborhoods. At issue is security along the northern boundary.

Currently, the only entrance into the grounds is through one of three gates in the Candalaria neighborhood, one on Skopil Avenue S and two at the intersection of Skopil Avenue S and Hoyt Street S. These gates are in clear view of the staff at the cemetery's funeral home during working hours and are closed and locked every day at dusk. Much of the northern border is protected by a six-foot chain-link fence topped with three strands of barbed wire and augmented in places with an arborvitae hedge. However, despite these precautions, theft of fuel and other material as well as damage to headstones and other memorials remain a recurring problem. The presence of a new path with a gate providing ingress and egress well out of the view of staff at the funeral home is problematic for the owners of City View Cemetery because of the added risk of damage and theft.

Lastly, Mr. Hilts noted that City View Cemetery has long been a quiet place for people to come and reflect. The owners believe that a path through the cemetery that is primarily designed to support individuals transiting between the neighborhoods may detract from the cemetery's quiet, peaceful, and contemplative character.

Pioneer Alley, LLC

Pioneer Alley, LLC, is a Planned Unit Development (PUD) in the Fairmount Neighborhood. It is located between the landing area of a path through the cemetery and Rural Avenue S. (See "Connecting a cemetery path to the Fairmount neighborhood" earlier in this report.) Pioneer Alley, LLC, has opposed a path through Pioneer Cemetery since 2005 when City Council declined to add a path connection into the Salem *Transportation System Plan*. Three of the objections are summarized below. Other concerns include increased adverse impacts to the cemetery, risks of vandalism to property, violation of private property rights, and potential property damage from stormwater runoff, to name a few. (For more details, see the public comments included in Attachment 1.)

1. Objections based on past actions by Council.

In 2005, City Council rejected an amendment to the *Salem Transportation System Plan* to include a path through the PUD that was proposed by the developers of the PUD that would connect Rural Avenue S to Pioneer Cemetery. Relying on Council's decision, the developers subsequently changed the site's layout and created a commons area for the quiet enjoyment of its residents. For Council to approve a path through the neighborhood at this point in time would be a reversal of the earlier decision that compelled the developers to make costly modifications to the original design.

2. Objections based on adverse impacts on residents of the Pioneer Alley PUD.

A pathway cutting through the common area of the development would, in essence, provide public access through the backyards of the residents of Pioneer Alley PUD. Transiting users may disrupt the area that is now used by the residents for their quiet enjoyment. There are also concerns that the presence of a path so near to the homes will threaten privacy and compromise safety and security. Additionally, locating a highly used path so near residential property may negatively impact the market value of the homes.

3. Objections based on value added and cost.

There are already two ways for pedestrians to transit between Candalaria and Fairmount neighborhoods: the Fairmount Trail and the Commercial Street SE sidewalk. A path through the cemetery would be the third connector between the two neighborhoods. Also, a cemetery path would not shorten the walking distance from the Fairmount neighborhood to businesses on Commercial Street SE. Further, the cost of constructing the trail, estimated at roughly \$500,000, could be better invested in other public improvements including, possibly, enhancing the existing Fairmount Trail.

Summary of the Constraints

Acknowledging that for some stakeholders their perspectives should be considered constraints, City staff have identified four constraints. The constraints described below, if not successfully addressed, will eliminate one or more of the options for a path connecting the Candalaria and Fairmount

neighborhoods.

1. *Archaeological Permitting and Tribal consent.*

If the path requires excavation at either Pioneer Cemetery or City View Cemetery, an archeological permit and written consent by the tribes is required. If the permit is not issued by the Oregon State Historic Preservation Office, either owing to state objections or because one or more tribes objects to the work, the project cannot proceed. If a path can be constructed without excavation by, for example, using an asphalt overlay over existing drive aisles in Pioneer Cemetery, then no archaeological permit is required.

2. *Public Access over Private Property to John Street S.*

If the path needs to cross the private driveway that currently serves two homes, the City must obtain an access easement. Ms. Kathleen Dewoina, Managing Partner of Pioneer Alley, LLC, indicated in a letter to Council dated June 22, 2020 that the property owner of the private driveway connecting the landing area to John Street S is not interested in providing an easement for the purposes of a pedestrian pathway.

3. *Public Access over Private Property in City View Cemetery.*

If the path needs to traverse City View Cemetery, the City must obtain an access easement. The owners of City View Cemetery have stated they have no interest in providing such an easement.

4. *Cost of Construction.*

The estimated cost to construct a path connecting the Candalaria and Fairmount neighborhoods is estimated to be between \$324,000 and \$569,000 depending on the route and options. Sources of funding must be identified and allocated to a project before it can proceed.

Summary of the Options

Recognizing the issues and acknowledging the constraints, the options presented to Council on June 22, 2020 still remain. They are:

Option 1: Take no action.

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

Option 3: Improve pedestrian facilities along Commercial Street SE.

Option 4: Construct a trail through Fairmount Park.

Option 5: Construct a connection through Pioneer Cemetery.

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

If excavation is required and the archaeological permit constraint cannot be satisfactorily overcome, then neither Option 5 (Pioneer Cemetery) nor Option 6 (City View Cemetery) remain viable.

If the archaeological permit constraint can be addressed *but* the constraint regarding public access across the private driveway to John St S cannot be resolved, Option 5 (Pioneer Cemetery) is only viable if:

(1) The City purchases abutting property located north of Pioneer Cemetery and east of the

Pioneer Alley PUD and uses that property to connect the cemetery to the Fairmount neighborhood; *or*

(2) The City constructs a path connection along the City-owned property that cuts through the commons area of Pioneer Alley and bisects the PUD; *or*

(3) The City exercises its right of eminent of domain to obtain the necessary easement after paying the owner just compensation; *or*

(4) The City reopens the iron gate leading from Pioneer Cemetery to Commercial Street SE. While not addressing many of the issues and concerns, this option will nevertheless result in a path through the cemetery and would reduce the distance pedestrians would travel while on the sidewalk of Commercial Street SE by approximately one-third or two-thirds depending on the direction of travel.

If the archaeological permit constraint can be addressed *but* the constraint regarding public access over City View Cemetery cannot be resolved, Option 6 (City View Cemetery) is only viable if the City exercises its right of eminent of domain, pays the owners just compensation, and condemns the property for the purpose of obtaining the necessary easement.

If funding for a project is not identified, Options 3, 4, 5, and 6 cannot proceed.

BACKGROUND:

There are currently two non-vehicular connections between the Candalaria and Fairmount neighborhoods. One is the Fairmount Trail on the west and the other is the sidewalk along Commercial Street SE to the east. Creating third connection has been periodically considered by City Council over the past 35 years.

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 56-foot-long 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.

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 at 470/490 Rural Ave S. The path required an amendment to the Salem *Transportation System Plan*. On January 24, 2005, a public hearing was held on the proposed amendment. After considering the testimony, the City Council voted against amending the Salem *Transportation System Plan*.

On October 8, 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).

Most recently, on April 27, 2020, Council passed a motion requesting a report summarizing the background and options for a pedestrian connection between the two neighborhoods. A staff report was delivered on June 22 in response. On August 10, Council passed a second motion requesting additional information regarding costs, issues, constraints, and options for paths that utilized Pioneer Cemetery, City View Cemetery, or both. This staff report is in response to the August 10 motion.

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

Attachments:

1. Council staff report, "A pedestrian connection between Candalaria and Fairmount neighborhoods." File No. 20-223. June 22, 2020
2. Conceptual map of connecting path - Pioneer Cemetery
3. Conceptual map of connecting path - City View Cemetery
4. Letter from SWAN, "Pedestrian Connection between Candalaria and Fairmont Neighborhoods." July 27, 2020
5. Letter from SCAN, "Motion from Councilor Nordyke regarding a potential trail connection between Rural and Hoyt Avenues S in the vicinity of the Pioneer Cemetery." April 23, 2020
6. Minutes from August 20, 2020 meeting of the Sunnyslope Neighborhood Association