

January 25, 2021

Heather Kibbey, City Manager  
Walt Williams, Mayor  
City of Rivergrove

RE: Comments on the Report on Matters Concerning  
Operation and Use of the City of Rivergrove 's Stark Boat  
Ramp

The Report prepared on Matters Concerning Operation and Use of the City of Rivergrove's Stark Boat Ramp addresses both a written petition as well as other comments raised. The responses to the concerns are those from two Rivergrove residents; one is a current city councilor and Council President and one is previous City Councilor. I appreciate the time taken to gather this information and the effort expended to provide the research in a written format.

Many of the comments offered by the authors, include a conclusion or forecast an outcome. Until that time that the full City Council has reviewed and accepted the conclusions in the report and the City of Rivergrove's attorney has reviewed and signed off on those conclusions, this report should be considered only the perspective of the authors and not City of Rivergrove policy or carry City of Rivergrove authority.

#### General Comments

##### Responsibilities of Municipal Government:

The role of a City- is to ensure delivery of services and infrastructure required by their individual communities. ... That includes making policy, administering it and acting as a municipal court in quasi-judicial matters. (land use is one such law/regulation).

[https://www.orcities.org/application/files/2315/9917/4968/Handbook\\_-\\_Chapter\\_3\\_Municipal\\_Officials.pdf](https://www.orcities.org/application/files/2315/9917/4968/Handbook_-_Chapter_3_Municipal_Officials.pdf)

The introduction of land use laws and the advent of zoning came about to address concerns that arose from incompatible uses adjacent to one another. Early examples are location of feedlots adjacent to residential uses. As a result, location and adjacency have always been factors in planning and zoning considerations. These concerns become factors in comprehensive plan designation and are critical criteria in any conditional use or design review. Compatibility starts first with adjacent properties. Where there are incompatible uses, often restrictions and limitations are imposed to protect or alleviate the incompatibilities.

In the case of the boat ramp and the adjacent properties, all properties in Rivergrove are designated as residential. As residential is the prevailing use and only zoning in the city, then it stands to reason that compatibility with residential uses and residential zoning should of highest priority.

The petition submitted to regulate parking and use of the boat ramp was not to close it, but to improve its compatibility with adjacent neighbors. The petition was signed by 28 Rivergrove residents that reside in 19 of the 28 houses or 68% of the homes that serve as the primary access ( Tualamere, Dogwood, Marlin streets) for the Stark Boat ramp.

The Stark Boat Ramp is one of 13 access points on the 4.2 miles Tualatin River. It is the only public access point on the Tualatin River between two houses. It is the only access point within less than 20' of a home and the only access point that does not have regulated or defined parking. Attached to this submittal is a pictorial inventory of the 7 closest Tualatin River access points. I have driven to all of these access points and photographed the access, signage and surrounding area.

- 1) Several of the access points are as close as 8 minutes by car from the Stark boat ramp
- 2) Most are located within the confines of large regional or community parks with staff to monitor
- 3) All have defined parking
- 4) All have some restrictions on use

It is from this perspective that I offer the following specific comments on the Report on Matters Concerning Operation and Use of the City of Rivergrove's Stark Boat Ramp. I have numbered the paragraphs by order of appearance and tried to indicate page numbers.

1. Pg. 4-Emergency vehicle access- expand on TVFR comments. Actual comments from TVFR included the following:

“Below are what our new construction deputies go by when they are part of the planning process for new streets and fire department access. This is based on fire apparatus being able to drive around another should there be one parked at an emergency incident.

NO PARKING: Parking on emergency access roads shall be as follows (OFC D103.6.1-2):

1. 20-26 feet road width – no parking on either side of roadway
2. 26-32 feet road width – parking is allowed on one side
3. Greater than 32 feet road width – parking is not restricted”

Dogwood Dr. is 28’ of pavement and today would be constructed to allow parking only on one-side.

2. Pg. 4-Congestion on the street- 68% of those that live on the streets that provide access to the ramp agree that increased traffic and traffic congestion related to the boat ramp is an issue.
3. Pg. 4-COVID regulation and Enforcement-I suggest striking the last sentence under this heading as it’s a conclusion drawn but not substantiated.
4. Pg. 5-Signs too small- Agreed need to have adequate signage of the correct size with the correct information for the public to see.
5. Pg. 6-Have Tualatin Enforce Regs- Conclusion drawn does not include specific costs, therefore how can we conclude that the costs are too high. Further are there grants of other mechanism to cover those costs?
6. Pg. 6-City Enforce current policies and levy fines-lack of mechanism, but Cities have police power (power to enact regulation and to fine as a means of enforcement, tree cutting ordinance is an example)
7. Pg. 6-Since don’t have police dept, etc. puts neighbors in position- Agreed city should Identify rules and have fines for not following
8. Pg. 7-Volunteers for policing- Agreed
9. Pg. 7-Unaccompanied minors- Agreed it can be an issue and signage addressing the concern is a start to protect the City against some liability.
10. Pg. 7-Other ramps are closed- Cooks Park boat ramp access is closed during the winter months (see photo on the pictorial inventory)
11. Pg. 8-Close on Weekends-As noted it is allowable but would need Council approval
12. Pg. 9-Changing closure hours- This is a proposal that may address the concerns of adjacency and compatibility
13. Pg. 9-West Linn has signs not allowing swimming -Mix of uses is not ideal whether kayak launching of motorized boat launching

14. Pg. 10-Use LO rules for parks- Agreed that signage that a mix of uses may be incompatible should be considered
15. Pg.10-Mix of uses issues- Agreed mix of uses is not ideal and can pose a safety issue

On the portion of the report that is defined as City Council:

1. Pg. 10-No comment
2. Pg. 11-Yes, the ramp is removed from some of the Riverkeepers maps but it is marked clearly on all of the Tualatin River access maps that are located at each river access point  
<https://www.tualatinoregon.gov/recreation/tualatin-river-water-trail>
3. Pg. 11-A point for discussion with the rest of City Council if the Boat ramp issue is taken up again
4. Pg. 11-There are multiple Tualatin River Access point near Stark Boat ramp. In fact, there are thirteen (13) public access points on the whole Tualatin River – which is three (3) access points every mile on average. As noted early on in this letter, I have driven the closest seven Tualatin river access points, timed and marked the mileage; the closest is 8 minutes from the Stark Boat ramp and the farthest is 13 minutes.
5. Pg. 11-Rivergrove has an ordinance establishing hours of operation- Agreed this is an item for further Council discussion as while it has designated hours the other concerns such as manner of use have not been established
6. Pg. 12- Noise from users-The significance of this concern goes back to the compatibility of uses. This is an accessway between two homes in the middle of a neighborhood. Noise is a legitimate concern.
7. Pg. 13- As pop grows, too many users- There is a capacity to safe access to the Tualatin in this location. It would be beneficial to all residents for that capacity to be monitored and managed .
8. Pg. 14- Only City of Rivergrove should be able to use the ramp- As noted by the City Attorney, limiting access to Rivergrove only may pose legal problems.
9. Pg. 14- City Employ use of a mediator to resolve boat ramp issues- This may hold some promise. Mediators help to ensure all concerns are heard and acknowledged.

On that portion of the report defined as II.Comments of citizen petition proposals Pg15-19:

1. Should the Stark Boat Ramp come up again as an item for further Council action, each of these items discussed should be pulled out for full discussion of the council.
2. If the City Council does not plan to further address the boat ramp issues, then this information can stand as the opinion of the authors.

On the portion of the document defined as III Regulations and their Definitions Pg. 20-23:

1. There is no mention of zoning in this portion of the report. As noted earlier, all property in Rivergrove is zoned residential. Under zoning law, there are allowed uses, there are prohibited uses and there are conditional uses in each zoning category. A conditional use is one that requires certain conditions to ensure compatibility with surrounding uses. The parks and boat ramps would likely fall into this category.

On the portion of the report defined as IV Boat Ramp History

1. Page 26

Under 2011 add :

GOAL #2: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- Specifically, to identify land use activities and their effect on the public health, safety and welfare of Rivergrove citizens.
- To ensure orderly and efficient development.
- To establish a planning process, policies and factual basis for all decisions and actions related to the use of the land.

In summary, I believe the next steps in this process would be

- 1) Determine whether to edit the report so it can represent all of City Council or have it as input into Council's further discussion of next steps as it relates to the Stark Boat Ramp
- 2) There were a number of ideas for further consideration outlined in the report- those could be summarized for Council consideration and action.

Comments respectfully submitted for your consideration

Susie Lahsene,  
Rivergrove City Councilor