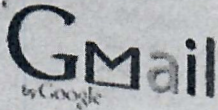


8/10/2018



City of Rivergrove Mail - Re: the river access -one more time

Leanne Moll <leanne@cityofrivergrove.com>

Re: the river access -one more time

marcel lahsene <marcellahsene@gmail.com>

To: Heather Kibbey <mayor@cityofrivergrove.com>

Cc: leanne@cityofrivergrove.com, Arne Nyberg <bridges4autism@hotmail.com>, Susie Lahsene <susie.lahsene@gmail.com>

Tue, Jul 10, 2018 at 9:07 AM

On Jul 9, 2018, at 9:13 PM, Heather Kibbey <mayor@cityofrivergrove.com> wrote:

Hello Marcel and Susie:

I can see that you have put great effort into this and it deserves the attention of Council. I am leaving on a plane for Toronto very early in the morning so won't have time to digest it until I arrive at my destination—the wilds of Canada, about 200 miles north of Toronto. I will be there for a little less than three weeks.

Sounds like a wonderful trip. I trust you'll have great visit this time of the year. I appreciate that you are on holiday and filling a volunteer position and I certainly want to be reasonable and respectful. However, I don't feel it's prudent for us all to allow the situation to continue for several more weeks into the summer before anyone addresses the issues given the rate of escalation.

The Council this week has an enormously busy agenda—they have an appeal for a subdivision partition that is missing a walking path. They don't have time to do this topic justice this month.

Yes, I can appreciate that the council is busy and with limited resources. I would like to suggest following:

- Someone from the counsel is prepared to provide the information and previous data associated with the Council's legal efforts regarding the boat ramp access in the past two years by Wednesday or the following Monday. So we are not waiting till August to get things moving along from a legal perspective.
- That the boat ramp is closed and locked or hours are reduced to 9AM-6:00 PM and usage is redefined to access only. I can't imagine they would be any significant legal back lash to this approach while this gets ironed out. Please bear in mind that many of these folks are coming from outside the Rivergrove / Lake Oswego community and have other options.
- That the council understands that one of the dynamics that may be lost in this is that the river and the water corridor creates a megaphone effect with sound. I can hear people talking at a normal conversation level two houses away while in my bedroom as clearly as if they were seating across from me in my dining room. Now imagine that you have people loading large boats with big loud pick up trucks, people banging canoes and kayaks on concrete as they load in and out, talking to each other as they load in from one end of the boat ramp to the other or just standing around drinking, eating and fishing all day and into the night as if your neighbors were having a party every day. Of course your neighbor would be much more courteous and not offer a retort about public land and I can do as I please or plainly ignore any request to keep it down. This is why hours and type of use has to be redefined.

At the risk of being redundant, I would like to restate that this sort of traffic and recreational use (to put it nicely) in a residential area directly adjacent to private homes (that may or may not have children present) would not be tolerated by citizens or enforcement in any other area of our community. The boat ramp is not part of the park. The Council would not allow people to just set up at all hours, being noisy disruptive and leaving behind trash and human waste that attracts rodents and vermin. The boat ramp needs to be access only with restricted hours.

I will be back for the August Council meeting and have asked Leanne to add this as an agenda item then. In the meantime, the City will send a letter to the Oregon Episcopal School, asking them to please use the Browns Ferry ramp. There is no requirement for them to do so, but we can ask nicely.

2018

ASK WHY ... by the City? Almost \$

City of Rivergrove Mail - Re: the river access -one more time

Last year the City offered to purchase—and did purchase—SLOW, NO WAKE signs for any resident who wanted one and allowed them to be on private docks. So those signs are up and down the river. Rivergrove has no control over what happens on the river. Between the high water lines on each bank is in the control of the Department of State Lands. Most of your list falls into that category.

A separate effort with regard to use of motorize traffic, speed and size of vessel can be addressed at a later date with the Department of State Lands and the Marine Board. I agree that these issues are not Rivergrove City Counsel business.

With the cooperation of the riverside residents, the City took down signage to make the access as inconspicuous as possible. Residents promised to see that the gates were closed. The last I heard last year, that plan was working. This was the first I have heard that there are new problems there.

In my opinion while updated official signage will be helpful it is only a tool for enforcement agencies to manage to. It dose not and will not hold a candle to the effectiveness of updated websites and public driven social media informing others of the current situation of new accurate information with regard to access and proper use. If people show up and its closed or restricted that will be the most effective tool in managing and sharing information quickly.

Leanne will put this on the August agenda and we'll see you there...
Heather

In closing, in the future will refrain from clogging you email boxes. As I've stated I find the subject tedious and time consuming. However, the times and circumstances have changed and some sort of action needs to be taken. Heather, I hope you have a wonderful vacation. I will direct any further requests for information to Leanne and Arne

Regards,

Marcel

On Mon, Jul 9, 2018 at 7:13 PM, marcel lahsene <marcellahsene@gmail.com> wrote:

Mayor Kibbey,

First let me say thank you for your time, energy and effort with the city of Rivergrove. As a twenty year resident of Rivergrove I have often found the "Boat Ramp" discussion tedious and disadvantages for most involved. I must say that as this summer advances the boat ramp and river traffic are at an all time high culminating with the events of the past two weeks and this weekend. I recognize that this effects only a half a dozen or so home owners, so it may not seem a priority. The situation has gone way beyond the level of nuisance and if it were to happen on any normal neighborhood street in another area of our community it would not be tolerated by residents or law enforcement.

If in fact the boat ramp is public it should be supported with proper signage and enforcement. It appears to be that the argument is "Dedicated Public Access" VS Intended use by and for the public. It was plainly not constructed or intended to support the type of use and level of traffic that it is getting. It is and should be an access point to come and go at reasonable hours. 8AM - 9PM is are not reasonable hours for a neighborhood and water sports. There are other access point available.

In an effort to avoid a long rambling diatribe I'm going to bullet point some of the issues that happen either throughout the week :

- Large speeding motor craft mixing with paddle boards, canoes and kayaks on such a narrow strip of water is an accident waiting to happen
- People fishing or hanging out for hours, parked in lawn chairs as if they were at the beach or a city dock
- Excessive yelling, screaming, drinking, smoking, leaving trash, food scraps, wrappers, bottles, cans and human waste
- Children dropped off without adult supervision
- Oregon Episcopal School brought in 15 students to learn kayaking *8 students enrolled*

City of Rivergrove Mail - Re: the river access -one more time

- Children without flotation devices in and around the water on the boat ramp
- Large boats and trailers forcing their way down a narrow unforgiving strip of pavement
- Large boats and trailers driving up over the curb and into the park to line up access
- There are no speed limits posted on signs or on the websites for motor craft. Boats blow through tossing docks and creating harmful erosion.
- Residents unable to get to and from their homes reasonably due to excessive traffic and restrictive parking

Even though the boat ramp is considered "Public" it is highly unlikely that we will get any meaningful enforcement support or attention until there is a major altercation, a fire, someone drowns or gets hurt.

In the short term I'd like to suggest we use professional signage in and effort to control the access to the boat ramp by type of use (no large motorized boats), time of day, no unsupervised children, etc. It should remain clear and accessible at all times.

I would also like to further suggest we reassess the legal definition of Public Access VS Public Use. If it would be possible for the council to provide the assessment from the last time the council looked into this it would be helpful as well resourceful not to have to start at ground zero from the legal perspective.

Respectfully,

Marcel Lahsene



Heather Kibbey, Mayor

CITY OF RIVERGROVE

mayor@CityofRivergrove.com

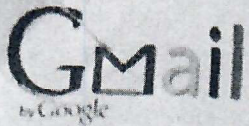
PO Box 1104

Lake Oswego, OR 97035

City Message Line: 503-639-6919

Cell: 503-707-2906

8/10/2018



City of Rivergrove Mail - Rivergrove boat access on Dogwood

Westford

Leanne Moll <leanne@cityofrivergrove.com>

Rivergrove boat access on Dogwood

July 4th

susie lahsene <susie.lahsene@gmail.com>
To: leanne@cityofrivergrove.com

Mon, Jul 9, 2018 at 1:28 PM

Hello Leanne,

I am a resident of Rivergrove and two houses away from the Tualatin River access. I have grave concerns about the way the river access is being used. This Sunday, there were more than 40 cars coming into the neighborhood between 10 am and in to the evening. Some of the vehicles were dropping boaters off, some staying and parking and some with large trailers putting in large motorized boats. Several times during the day the street was blocked for more than 20 minutes as folks maneuvered their crafts into and out of the river. For example, there was a truck and trailer measuring over 43' long that pulled into the park across the street trying to put their boat into the river. From the view on the river, it was also dangerous as well. Kayaks, SUP boarders, floaters and motorized vehicles all vied for access into and out of the river with as many as 30+ people all congested in the same area. With all these additional folks comes other issues: like sanitation, drinking and believe it or not used condoms. What we have with this river access is what I would describe as an attractive nuisance and what comes with that is responsibility of the underlying jurisdiction to address the potential liability and safety issues. I believe we have too many folks accessing the river in this neighborhood and several safety issues that the City should be concerned about in the event of an incident or accident. I would like consideration given to limiting access to the river in this location. There are actual parks with standard facilities for boating within a 5-10 minute drive.

I am happy to chat with you about this at your earliest convenience.

Kind regards
Susie Lahsene
503-481-3090

July 11, 2018
Rivergrove City Council

Re: Management and Safety at Rivergrove Tualatin River access

Mayor Kibbey and Members of Rivergrove City Council,

We are neighbors concerned about the growing use and management of the Rivergrove Tualatin river access. Many of us have lived in the neighborhood for twenty years or more and as we all know, things have changed. What was once a bucolic setting has turned into Grand central station on the weekends in the summer. Our community has grown and the overall population of the area has increased. Along with that, has come increased utilization of our small city boat ramp and unsafe situations accessing the river.

The boat ramp usage is not managed, safe ingress and egress is not maintained, unsupervised children are left to play at the ramp like it's a park or public beach and overall safety in our neighborhood is impacted with large volumes of traffic, often blocking the road on the weekends. For these reasons, we recommend City Council revisit the boat ramp access hours and purpose.

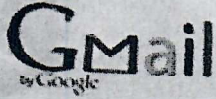
We would like to see the City Attorney's response regarding management of utilization of the city's boat ramp. Ideally, we believe management of the facility is warranted by the Sherriff's office or similar authority. Absent an authority to oversee safety of this area, we suggest City Council:

- 1) Restrict access to the boat ramp to the hours of 9am-6pm
- 2) Limit the use of the boat ramp to access the river only and no unsupervised children
- 3) Limit use of ramp to small craft (kayak and paddle board, electric motor); the size of boats utilizing the ramp to match the size of the facility and surrounding neighborhood.
- 4) Provide all of this information in signage and determine an enforcement program

Without adequate management of this facility, the City is running the risk of an incident and leaving the burden of management to the neighbors. This problem is increasing and is not something to be left to a future council. We are willing to help with this issue.

Thank you
Rivergrove "river neighbors"

8/10/2018



City of Rivergrove Mail - Rivergrove boat access on Dogwood

Leanne Moll <leanne@cityofrivergrove.com>

Rivergrove boat access on Dogwood

Tue, Jul 17, 2018 at 3:03 PM

susie lahsene <susie.lahsene@gmail.com>

To: Leanne Moll <leanne@cityofrivergrove.com>

Cc: Heather Kibbey <mayor@cityofrivergrove.com>, carolynm@barhman.org, a.nyberg2@frontier.com, brenruble@aol.com, wkt_iii@yahoo.com

Leanne,

Thank you- I have also asked Metro. Regardless, any grant or IGA is not going to limit the city's liability or dictate the hours of access, the type of craft that can use the ramp nor whether children can be at the boat ramp unsupervised. That is the decision of City Council or a third party, in the event of an incident. The change in activity level, concerns about safety and neighborhood impact was the basis for raising our concerns per my letter to the Mayor and City Council this month.

As discussed at that meeting, our hope was that a limited closure would stem the increase in activity while City Council reviewed the issue and considered our suggestions of:

- 1) reducing hours
- 2) limiting access to getting into and out of the river
- 3) limiting size of boat access to non-motorized or small craft with electric motors.

I am assuming that this will be on the agenda in August and look to your guidance as to what we should be prepared to provide in advance of that meeting. I realize you are on vacation so I am happy to work with anyone you suggest. I am also happy to draft a draft ordinance for council to consider if that would be helpful.

Kind regards,
Susie Lahsene
503-481-3090

[Quoted text hidden]

8/10/2018

City of Rivergrove Mail - Fwd: Apology



Leanne Moll <leanne@cityofrivergrove.com>

Fwd: Apology

Heather Kibbey <mayor@cityofrivergrove.com>
To: Leanne Moll <leanne@cityofrivergrove.com>

Mon, Aug 6, 2018 at 1:49 PM

----- Forwarded message -----

From: **marcel lahsene** <marcellahsene@gmail.com>
Date: Mon, Aug 6, 2018 at 10:47 AM
Subject: Re: Apology
To: Heather Kibbey <mayor@cityofrivergrove.com>
Cc: Landon Gentry <me@landongentry.com>, Judith Gentry <me@judithgentry.com>, Mary Lou <mlvanslavie@frontier.com>, joanjoyce2@comcast.net

Thank you, I would like that and look forward to it.

The following is the basis of our concerns and for the sake of clarity my suggestion for closure of the boat ramp was temporary in an effort to stem the flow of traffic from outside the Rivergrove neighborhood. We will have a list of suggestions for council to consider that we feel will give us all a baseline from which to manage or govern the boat ramp. We do not feel for a minute that this will be and end all conclusion to the situation. While the excessive hot weather has slowed traffic in recent days, we can be assure that given population growth and the access to instant information, this problem will not go away. As you personally experienced the other day, folks interpret the use and access in which ever way they choose, if it is not spelled out clearly. You also experienced that they are not often nice about it. Asking people to be nice and courteous doesn't work. We need clear timelines and restrictions for use.

We would also like to distinguish the difference between the park and the boat ramp. The park being a recreational public space and the boat ramp being an access to a waterway. Some folks attempt to use the boat ramp as if it were a recreational area at a state park. I think it's perfectly acceptable to leave your children at the park if one were to prescribe to those sort of parenting skills. It is not acceptable at the boat ramp as it is both a safety and conflict of use issue. The suggested hours and limitations will at some point become inevitable and they would feel much more of restrictive if there were not other water and recreational access areas within close proximity of the neighborhood.

Again for clarity, we are not trying to make the access to the river exclusive or take access to the water away from the residents of Rivergrove. We simply want it to be managed. With the absence of law enforcement and budgetary constraints, our best shot is to tighten up the hours of use and restrict the type of use. As I've heard it said, that we knew the boat ramp was there when we bought our homes, it also stands that no one was insured the use of a swim park/ fishing hole/recreational area at the boat ramp.

In closing, my reference the other day as to whether the boat ramp was a private VS public space, is that we deserve the same rights and expectations to a quiet, reasonable neighborhood experience as do all the residents of Rivergrove. If it were a private space that was not being managed, it would be dealt with and as a public space the city has the same responsibilities to manage or restrict use so that it is not a public nuisance to the surrounding residents.

Thank you for your attention to this issue.

Regards,

Marcel Lahsene

Dear Mayor Kibbey and Rivergrove City Councilors,

My name is Susie Lahsene. I live at 5582 Dogwood Dr. Lake Oswego Thank you for taking the time to hear recommendations about changes to the ordinance governing the hours of the access to the boat ramp. We are proposing the changes to manner and use of the facility because of the increase in nuisance impacts from it.

The boat ramp is a small access way to the Tualatin River directly adjacent to homeowners property lines and houses. It is the only boat ramp in the Tigard Tualatin area with property owners within 15 feet. Any noise on the ramp is amplified due to the geography and the sound acoustics associated with the river. Yelling while folks are putting in and taking out their crafts or while hanging out and swimming off of the ramp is loud and disruptive to the adjacent owners.

The Metro area has added over 100,000 residents in last 3 years. ~~The City of Rivergrove has grown as well adding 50 new housing units in the same general time~~ frame. The result is an increase in use at the boat ramp since the deed was provided to the City of Rivergrove in 1975. This increase, while not every day, creates conflict among the various interests in the area and safety issues for the neighborhood as people leave their car on the ramp while in the river, or as they back-up to load and unload boats while other are sitting or swimming off of the ramp.

The neighborhood is impacted with traffic from use of the boat ramp. While large boats are putting in, the road is blocked as folks back up and pull forward into the park to line up onto the boat ramp. When the weather is warm, cars are lined up along the park and in front of homes while folks are in the Tualatin River via the boat ramp. The City does not have a parks dept, or police to manage traffic and maintain the boat ramp or to address misconduct at the boat ramp. This puts the neighbors in a situation of policing. There have been countless incidents of folks using the ramp and conflicting with the adjacent neighbors. This is both upsetting to the adjacent neighbors as well as folks using the ramp.

In response to these increased nuisance impacts, we have proposed a set of reasonable regulations that would govern the use of the boat ramp. These regulations allow the boat ramp to continue to provide reasonable public access to the river and allow families who live near the boat ramp to enjoy their property without unreasonable noise, traffic, and other disruptions from increased boat ramp use. Our proposed use regulations are attached.

Our intent in this proceeding is for City Council to enact a reasonable set of use regulations that will govern future use of the boat ramp. We have been frustrated thus far in our ability to find a reasonable solution to the growing nuisance impacts mentioned above. We appreciate the City's interest in expanding public access along the river, and hope that Council is also willing to balance that broad public interest, with

its' duty to protect the interests of city residents who live near the boat ramp and are directly impacted by its use.

It should be noted that the question of how to regulate the use of this boat ramp raises broader issues that will need to be resolved, if reasonable use regulations are not enacted through this proceeding. For example:

1. Is the boat ramp a lawful use, and if so, what type of use is it? Under the Rivergrove Land Development Ordinance (RLDO), the boat ramp is either a permitted use, a conditional use, or a nonconforming use. It is important for Council to make this use determination as part of this proceeding, because the way in which the use is classified will determine what criteria should be used to regulate the use, and what procedures the city should use to make its' decision. Based on our review of the RLDO, the boat ramp is not a permitted use, because it is not a residential use or any other listed permitted use in the zone. See RLDO Sections 5.050 and 5.060. Based on the RLDO, the boat ramp is either a conditional use or a nonconforming use. We believe that the boat ramp is a conditional use, because it qualifies as either a "recreational use", or a "park" for purposes of the city's zoning code. See RLDO Section 5.050(g). Pursuant to RDLO Section 5.060(g), if the boat ramp requires a CUP, approval of the boat ramp is subject to the CUP approval criteria in RDLO Sections 6.300-6.340. Based on our conversation with the City Manager, it is our understanding that the boat ramp does not have a CUP.

In the alternative, the boat ramp might qualify as nonconforming use under RLDO Section 2.060. However, there is no evidence in the record that the boat ramp qualifies as a lawful nonconforming use, nor is there any evidence in the record showing that the nature and extent of the boat ramp use has not been abandoned and has remained constant over time. On the contrary, there is substantial evidence in the record that the nature and extent of the boat ramp use has significantly increased over time, and that this increase in use has not been reviewed and approved as a lawful alteration of a nonconforming use under the provisions in Section 2.060-2.080. It is clear from the city's zoning code that alterations in the nature and extent of a nonconforming use must undergo review and approval, based on specific approval criteria in Section 2.060.

With this background in mind, we would urge the city to enact reasonable use regulations as recommend in our attachment. If we are unable to reach an agreement with Council on reasonable use regulations that limit the increased nuisance impacts from the boat ramp, these important use-related issues will need to be resolved.

2. What procedures and criteria should be used to decide whether the boat ramp is a lawful use?

The procedures and criteria that should be used to decide whether the boat ramp is a lawful use depend in upon the way in which the city makes that determination. In our view, the City should use either a Type II or Type III procedure to determine whether the current boat ramp use qualifies as a either a permitted use, whether it requires a CUP, or whether it requires nonconforming development review. See RLDO Section 4 and Section 2.060. Once a final use determination is made, the city should either apply for a CUP, or for nonconforming development review, under the procedures and criteria in Sections 6.300 and 6.320 (CUP) or 2.060 (Non-conforming Use).

3. What procedures and criteria should be used to decide whether to amend Ordinance #80-211?

The procedures and criteria that will be used in this proceeding to amended Ordinance #80-211, are not set out the mailed notice, as required by applicable state and local law. This is a flaw in the notice that prejudices the substantive rights of the parties and should be cured with new notice. In our view, this action constitutes either a legislative or quasi-judicial text amendment to the city's acknowledged zoning code and requires notice to LCDC and requires either a Type IV or Type III notice and hearing, depending on whether the amendment is legislative or quasi-judicial. We believe this amendment is quasi-judicial because it involves a limited number of properties, and because it affects the property interests of the immediate neighbors. We therefore believe this ordinance amendment should follow the city's Type III procedures. In either case, whether the relevant procedure is a Type III or Type IV procedure, the applicable approval criteria should be identified in the required notice and at the hearing. At this point in the proceeding, the city has not identified what the required process is, or what the applicable approval criteria are. In our comments above, we have attempted to focus this hearing on the relevant procedures and criteria. In any event our goal is to encourage Council to adopt reasonable use regulations for the increase use of the boat ramp, not to require the city to undertake additional procedural and substantive work. In short, in this proceeding, we are asking for a reasonable result, not an expensive and complicated process.

Proposed Changes to Ordinance 80-2011

1. Change: hours open from 8am- 9pm during the summer to 9am-6pm
2. Change: hours open from 8am-8pm during the remainder of the time to 9am-6pm
3. Add: Access shall be limited to small boats with electric motors, canoes, paddle boards and kayaks,
4. Add: Boat ramp is for river ingress and egress only, no camping, fishing or picnicking
5. Provide Signage: to include the above as well as information about the boat ramp being within a neighborhood and users' behaviors should respect that under penalty of law

August 13, 2018

Mayor Kibby and Rivergrove City Councillors,

Good evening, My name is Marcel Lahsene at 5582 Dogwood Dr. I'm one of the delusional elderly people that live by the boat ramp as referenced in a recent letter to you.

I think it is this kind of attitude that is very unproductive. The boat ramp conversation among "neighbors" has gotten out of hand and at some points downright mean. The residents not adjacent to the boat ramp were prompted by misinformation regarding a proposed permanent closure and it has put us all at odds. We are all neighbors in this community and we have something a bit special in it. Tonight, and going forward, I am asking that people listen to the issues described and the proposals recommended with an open mind rather than run ram-shod over an emotional cliff.

The boat ramp is not a Huckleberry Finn moment or a Mayberry fantasy. We live quite close to it. In an age of population growth, increasing urban density, social media, instant information and gratification- what should be a community treasure is being called a community entitlement and one to be used anyway one sees fit.

Thankfully, Oregon also has zoning codes, land use laws and procedures. Being misinformed and emotional does not change those laws or procedures.

We proposed reasonable guidelines for the boat ramp to protect our neighborhood and the impact on our homes.

The river access/ boat ramp is smaller than most of your driveways. There are homes closer to the ramp than your neighbors. This strip of pavement was deeded on 1975 and until it was placed on the riverkeepers map (which has been removed), it was a quiet access to the river for Rivergrove. That has changed.

Put yourself in our shoes for a minute.

If I were to set up and park my car on your street and proceed to hang out and do whatever recreations activities I choose well into the dinner hour or at the crack of dawn, I doubt that you would like it. You'd say that it was inappropriate for the neighborhood and your reasoning would be because it is residential. We have the same right to privacy and quiet. The boat ramp is zoned residential. Council can call it public because they accepted grant money but it is zoned residential as are all other uses in this community according to the Comprehensive Plan.

If we can adopt some reasonable guidelines we can attempt to head this off. I say reasonable because there is complete access within five and eight minutes from the Rivergrove access with parking, fishing, swimming and anything one would care to do on the river from sun up to sundown. And without residential homes within feet.

We recommend the following changes to the existing ordinance:

- Reduce the hours the boat ramp is open to the public (9am-6pm) so as to minimize the impact to the neighborhood
- Limit the access to the River to small boats, paddle boards and kayaks, which will reduce the amount of impact from large trucks to the park and street blockage. Use of a bollard to block vehicles from the ramp is an option.
- Maintain the boat ramp for River ingress and egress only, reducing the safety and behavior issues of unsupervised kids at the ramp.
- Provide signage that states that this is a boat access to the river surrounded by neighbors, folks need to be respectful, minimize noise and follow limitations set forth:

Hours of operation, type and size of craft and for loading and unloading only.

Re: City council meeting citizen's input

hlk <orkibbeys@gmail.com>

Tue 10/18/2022 2:24 PM

To:Carolyn Bahrman <carolynm@bahrman.org>

Cc:Chris Barhyte <chris@barhyte.com>;Jeff Williams <RivergroveCouncilorJeff@gmail.com>;Brenda Ruble <brenruble@aol.com>;Walt Williams <waltwilliams22@gmail.com>;Bill Tuttle <wkt_iii@yahoo.com>;Susie Lahsene <councilorlahsene@gmail.com>;dmclean@teleport.com <dmclean@teleport.com>

Carolyn:

I have you on the list for non-agenda items, but the boat ramp is an agenda item. So please clarify which you'd like to be on. An ordinance will be used to determine what sign language to use. Whenever there is an ordinance, there is a public hearing and there will definitely be one for this matter once Council decides what particulars they would like to see on the sign. I need to have a proposed ordinance to mail out to the public before the hearing and that is what Council is working on now. Doesn't mean that the ordinance cannot be changed after the public hearing and before adoption.

The fire station is not open for public meetings at this time and they have told me that they do not have the technology to hold hybrid Zoom meetings, where the meetings are both live and Zoom. That technology is very expensive, although I have taken a class in it.

I am the only one who can handle financial matters since i am the only bonded employee in Rivergrove. The new employee will not be bonded and will cover only things like minutes etc. I'm the one who must do the budget, the financials and the report in lieu of audit as well as grant matters, invoicing, paying bills.

So this may have helped clear up some of your concerns. Let me know whether to put you on the non-agenda or agenda items comments please.

Heather

On Tue, Oct 18, 2022 at 11:30 AM Carolyn Bahrman <carolynm@bahrman.org> wrote:

I wish to talk at the next meeting during the non-agenda topics.

1. The boat ramp with citizen input: An ordinance (legislation) should be used, not a resolution (just a decision) for the ramp-time limits so it is clear what is expected on a consistent basis. Why were the CITIZENS not asked before a decision is to be made by the council? Repeatedly the council discusses important decisions and yet there is little official input where there is an official meeting with the citizens invited to give their opinion. We are all affected by the council decisions.

In the same way, are the citizens given notice with opportunities to voice an opinion on future development to the Planning Commission?

2. The council meetings/planning commission should move to the fire station with zoom back up ASAP using an OWL (or other technology) so it is clear to everyone what is going on and all the citizens can be included with comments.

3. Heather has expressed and it is clear she has a huge job clearing up what was left by the previous manager. The finances need to be dealt with and brought up to date. Vote to give someone the hours to get ALL the Rivergrove Financial Records clear, concise and current.

Thank you,

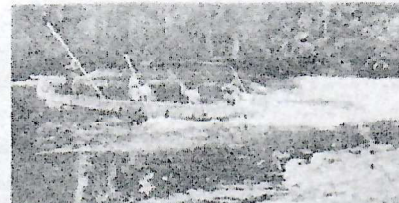
Carolyn Bahrman

4870 Dogwood Drive

Sent from my iPad

Public Rights on Rivers in Every State

1. Rivers that are navigable in canoes, kayaks, or rafts are legally navigable under federal law, with no official designation needed. Federal law confirms public rights to navigate these rivers through private land, and walk on privately-owned gravel bars and riverbanks to scout rapids, portage, fish, or simply to enjoy the river.
2. In a number of places, state and local officials deny public rights on rivers, but such policies violate federal law. Under the U.S. Constitution, state and local laws cannot deny public rights to use navigable rivers. Federal law requires state governments to hold rivers "as a public trust for the benefit of the whole community, to be freely used by all for navigation and fishery," "freed from the obstruction or interference of private parties."
3. It is a violation of federal law for landowners to erect fences, cables, "No Trespassing" signs, or other obstacles to public use of the water surface, beds, or banks of rivers that are navigable in canoes, kayaks, or rafts.
4. River users should avoid riverbank confrontations with landowners. Instead, they should report landowner crimes to the sheriff, district attorney, and their state legislators.



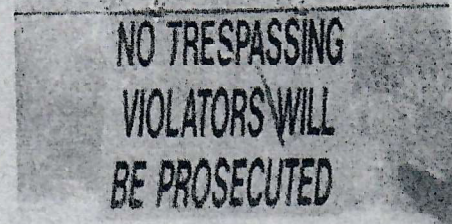
Rivers that were usable by fur trade canoes are legally navigable under federal law.



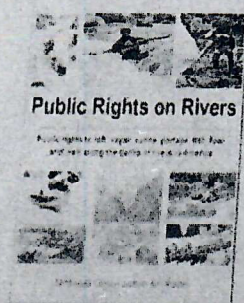
Rivers that are usable for commercial raft trips, or canoe or kayak classes or trips, are legally navigable under federal law.



Rivers and creeks used by expert kayakers were navigable in the past for lumber drives, so they are legally navigable under federal law.



It is a federal crime to block public use of the water, beds, or banks of navigable rivers.



Restore public rights on rivers in every state.

- Download and distribute this poster.
- Get the book *Public Rights on Rivers*.
- Join the *National Organization for Rivers*.

www.nationalrivers.org

Rivers are legally navigable if usable for canoeing: *Economy Light v. United States*, 256 U.S. 113 (1921). If usable for kayaking: *Atlanta School of Kayaking v. Douglasville County*, 981 F.Supp. 1469 (N.D.Ga.1997). For rafting: *Alaska v. Ahna*, 891 F.2d 1401 (9th Cir.1989). For log drives: *United States v. Appalachian Electric*, 311 U.S. 377 (1940). For lumber drives: *Puget Sound Power v. FERC*, 644 F.2d 785 (9th Cir.1981). Public right to navigate and walk along beds and banks through private land: *Scranton v. Wheeler*, 179 U.S. 141 (1900) (private ownership of the beds and banks of rivers is "always subject to public rights to use the stream.") *United States v. Cress*, 243 U.S. 316 (1917) ("the right of the public to use a waterway supersedes any claim of private ownership.") *Montana v. United States*, 450 U.S. 544 (1981) (it is unlawful to block the public easement for "sports fishing and duck hunting."). State laws cannot deny public rights to use navigable rivers: *Gibbons v. Ogden*, 22 U.S. 1 (1824) (state laws cannot deny public rights on the navigable rivers of the nation, due to the Commerce Clause and the Supremacy Clause of the U.S. Constitution.) *Atlanta School of Kayaking* (cited above) (public rights to use rivers navigable in kayaks "are determined by federal law," not state law.) Public trust: *Martin v. Waddell*, 41 U.S. 367 (1842). Freed from obstruction: *Illinois Central v. Illinois*, 146 U.S. 387 (1892). Crime to block public use of navigable rivers: 33 U.S. Code 403. For further documentation, and information about what river users can do to restore public rights, see *Public Rights on Rivers*, available at nationalrivers.org and amazon.com.

Download and print additional copies of this poster, and other river law materials, at www.nationalrivers.org.

ORDINANCE 80-2011

AN ORDINANCE OF THE CITY OF RIVERGROVE
ADOPTING HOURS OF OPERATION FOR THE RIVERGROVE CITY PARK AND
RIVER ACCESS

WHEREAS, the City is the owner and manager of the Lloyd Minor Park (the "Park") with access to the Tualatin River; and

WHEREAS, the City recognizes that use of the Park and River Access can have impacts on neighbors and City resources; and

WHEREAS, the City desires to adopt hours of operation for the Park and River Access to protect the neighbors of the Park and control access to the Tualatin River,

NOW, THEREFORE, THE CITY OF RIVERGROVE ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the following hours of operation for the Lloyd Minor City Park and River Access:

A. From November through April, the park and river access shall be open from 8:00 am to 8:00 pm.


B. From May through October, the park and river access shall be open from 8:00 am to 9:00 pm.

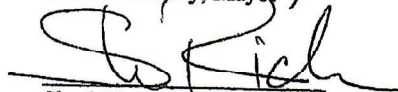
Section 2. Emergency Clause Because this ordinance is necessary to address current use of the Park and River Access, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from the time of passage by the City Council.

Adopted this 14th day of July, 2011

4 Yeas

0 Nays


Heather Kibbey, Mayor


Sheri Richards, City Recorder

*"Land currently designated as public open space shall be preserved as such."*¹

"Scenic views of the Tualatin River are limited, since the only public access to the river is from the City Boat Ramp on Dogwood Drive, and development has obscured the visibility."

"Public open space within the City is limited to a City-owned park on Dogwood Drive between Marlin and Tualamere Avenues. The park includes a boat ramp and totals 1.11 acres. That parcel is the only point in the City with public access to the Tualatin River."

Land-use Policy #1 under Goal #5 states

"Land currently designated as public open space shall be preserved as such."

Land-use Policy #14 under Goal #5 states,

"The City shall make an effort to improve public access to the Tualatin River."

Goal #8 / Recreational Needs

According to Goal #8 of Rivergrove's adopted and DLCD acknowledged Comprehensive Plan 79-2011, The City's goal is,

*"To satisfy the recreational needs of the citizens of the Rivergrove area and visitors."*²

Goal #8 of Rivergrove Comprehensive Plan 79-2011 also states the following relative to Stark Boat Ramp,

"The Leonard & Edith Stark boat ramp allows public access to the Tualatin River. 66.2% of respondents to the 2008 Rivergrove City Survey¹ said that the boat ramp "is a great asset to Rivergrove," and 52.3% said that they "regularly access the river.""

¹ Open space generally refers to undeveloped land or water area.

² City Comprehensive Plan 79-2011 states that Stark Boat Ramp is for, *"Rivergrove area and visitors."* This statement can challenge those local opinions that the boat ramp is a *"neighborhood boat ramp."*