

**BLACK  
HELTERLINE<sup>LLP</sup>**  
== TRUSTED LEGAL COUNSEL ==



COLIN G. ANDRIES  
DIRECT DIAL: (503) 417-2144  
Email: colin.andries@bhlaw.com

VIA E-MAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED

June 14, 2023

City of Rivergrove  
Attn: City Manager  
PO Box 1104  
Lake Oswego, OR 97035  
Email: manager@cityofrivergrove.com

Reference: Stark Boat Ramp – SW Dogwood Drive

Dear Rivergrove City Manager:

Our office represents numerous Rivergrove citizens (the “Neighbors”) who live in close proximity to the Stark Boat Ramp located off of SW Dogwood Drive (the “Boat Ramp”).

On their behalf, I am writing to express the Neighbors’ concern and displeasure over the City’s recent abandonment of well-established Stark Boat Ramp use guidelines and time restrictions, and the recent ramp “upgrade” expansion project implemented without notifying the surrounding residents or obtaining permits of any kind. Because notice was not given to neighbors, details of the “upgrade” expansion project, which is being funded with federal COVID funds, had to be located by reviewing the bid documents. As you know, the project was stopped by the City of Rivergrove Planning Commission until appropriate permits could be secured, including those required by City of Rivergrove ordinances. The City of Rivergrove Stark Boat Ramp “upgrade” expansion project has caused concern about destabilizing adjacent properties and its failure to meet the requirements of the City of Rivergrove’s land use ordinance.

Years ago, despite the voiced concerns of Rivergrove citizens (which included the Neighbors I represent today), the City elected to maintain the Boat Ramp, but with use restrictions and a time restriction (specifically 8:00 a.m. – 9:00 p.m. in the summer, and 8:00 a.m. – 8:00 p.m. the remainder of the year). In addition to the time restrictions, the City installed a locked gate to

help minimize afterhours access. Recently, however, the gate lock has been removed and the time restrictions have stopped being enforced. As a result, those residents living close to the Boat Ramp are being interrupted at all hours of the day and night by individuals coming and going from the Boat Ramp outside of the previously enacted restriction hours. The Neighbors hereby request that the City immediately reinstate the locking gate and enforce the previously enacted time restrictions.

To be clear, the Neighbors believe the Boat Ramp is in violation of the Rivergrove Land Development Ordinance (“RLDO”). As you are aware, pursuant to the RLDO, all land in the City is zoned residential. The Boat Ramp may, although it is not certain, qualify as a conditional use, with review and permits warranted by the implementation of the ramp “upgrade” expansion project as outlined in the bid documents for the project. But any conditional use must comply with the conditional use requirements of RLDO Section 6.300 *et. seq.* as amended by Ordinance no.73-2003A. Compliance takes into consideration the following compatibility factors: noise attenuation, lighting, signage, landscaping for buffering, traffic, effects on off-street parking as well as additional criteria that includes whether the proposed use will affect the surrounding area in a manner that adversely limits, impairs, or precludes the uses of the surrounding properties.

Whether the Boat Ramp was ever an approved conditional use pursuant to RLDO Section 5.050 (g) through the implementation of the gate and time restrictions, and the effort by the City to unsuccessfully address noise attenuation, signage, traffic and the effects on off-street parking, is unclear. Unfortunately, the City now fails to control the hours during which the public is permitted to access the Boat Ramp, the volume of individuals traversing over the ramp at any given time, or the effect of the wholly uncontrolled crowds on noise, parking density, and safety in the immediate vicinity. Any restrictions or conditions previously in place to manage and treat the Boat Ramp as a conditional use have since been entirely abandoned and neglected by the City.

If the city does not promptly address the recent abandonment of the use restrictions, and resume protection of the Neighbors by enacting reasonable use regulations limiting the nuisance impacts of the Boat Ramp use, the Neighbors will consider their legal options, which include but are not limited to an appeal of the City’s decision to the Oregon Land Use Board of Appeals and/or a suit for Declaratory Judgement and Injunctive relief in Circuit Court. The Neighbors would prefer to resolve this matter directly with the city, in a collaborative way. However, these nuisance issues will not go away by themselves and will continue to be a problem for nearby residents unless reasonable use regulations are enacted and enforced.



City of Rivergrove  
June 14, 2023 – Page 3

We look forward to your prompt resolution of these issues. If you have any questions, I may be reached by phone at (503)417-2144 or by email at [colin.andries@bhlaw.com](mailto:colin.andries@bhlaw.com).

Very truly yours,



Colin G. Andries

CGA:tg  
2364485



## Chris Barhyte

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Monday, August 9, 2021 7:21 AM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Cc:** chadams123@comcast.net  
**Subject:** Fwd: Stark Boat Ramp - comments  
**Attachments:** Ltr to City re Stark Boat Ramp 08.08.2021.pdf

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

**From:** <chadams123@comcast.net>  
**Date:** Sun, Aug 8, 2021 at 9:18 PM  
**Subject:** Stark Boat Ramp - comments  
**To:** <manager@cityofrivergrove.com>

Hello Heather,

Attached please find comments submitted for the continuing discussions at the August 9, 2021 Rivergrove City Council Meeting regarding matters associated with operation and use of the Stark Boat Ramp.

Thank you,

Hub Adams

August 8, 2021

Ms. Heather Kibbey  
City Manager / City Recorder  
P.O. Box 1104  
Lake Oswego, Oregon 97035

**RE: Stark Boat Ramp – Comments for Consideration**

Dear Heather,

Thank you for the opportunity to submit comments concerning continuing discussions at the August 9, 2021 Rivergrove City Council Meeting regarding matters associated with operation and use of the Stark Boat Ramp.

As a former City of Rivergrove Planning Commissioner, I am extremely dismayed that the tyranny of a few continues to distract and absorb the City's resources on a matter that seemed to be put to rest for the greater good some time ago. I am also concerned that there may be a misguided exclusionary and "keep them out" mentality permeating some parts of our otherwise welcoming community in a time that calls for inclusion and healing.

Simply put, there is no substantiated evidence that use of the Stark Boat Ramp by the Rivergrove community and others causes any real issues whatsoever. There are only anecdotal claims of "occasional" parking issues and "some" blocking of boat ramp access by people with a right to be there, from what may be called "NIMBY" neighbors who seem to refuse to acknowledge the reality of the property they bought near public space and adjacent to a public waterway.

Accordingly, I believe it would be arbitrary and capricious for the City to:

- Reduce hours of operation in any way from current hours which are perfectly reasonable as they are and strike a proper balance;
- Restrict parking in any manner at all given the non-issue of parking in the area to start and the lack of ability to enforce any parking restrictions as well; and
- Require that gates are kept closed during hours of operation, since that is unnecessary, the current closure mechanism violates ADA requirements, and any arguments about safety risks to children – who if one were to even go along with this scenario, would surprisingly need to be so unsupervised so as to dart away from their caregivers at Lloyd Minor Park, specifically head toward the ramp, navigate across Dogwood without being hit by a car, and down the long ramp to the river – are frankly specious and unfounded.

I, as someone concerned about City resources and the good will of this community, hope the City quickly finds an end to this and decides to uphold the public's right to continued open access at the Stark Boat Ramp to a public waterway, without any further restrictions or impediments.

Sincerely,

*/s/ Hub Adams*

Hub Adams  
City of Rivergrove resident

To: Rivergrove Mayor  
City Councilors  
Heather Kibey

## Stark's Boat Ramp---the continuing saga

We have been lead to believe that all of the issues revolving about the boat ramp have been addressed as noted by the detailed research that councilor Pierce presented in his report in August 2020. But month after month we read and hear continued discussions regarding the same topics that ultimately revolve around neighbors complaints about noise and traffic in or around the ramp. Solutions to the problems have tossed around for years; close it, limit hours, not safe, don't allow parking on one side of Dogwood (move cars to close-by streets---these residents presented with same issues) don't allow fishing, swimming, no kids allowed and restrict what kind of craft can be launched at the ramp. Note: city attorney has also given his opinion on some of these issues.

Some mitigation was done to resolve some of the traffic: remove ramp signage, install the gate (whether it was legal or not), paint a no parking strip on Dogwood in front of the ramp entrance and the biggest one, don't maintain the ramp by not using a dollar of the park maintenance fund. How many excuses have we heard why the invasive blackberries, laurel and other brush not be cleared from the ramp area. Assumption: neighbors have told city officials they don't want it cleaned up. Along with this, requests to have the ramp extended in the river have been ignored.

**Safety** We, (and possibly 6 or 7 others) that live on the East Dogwood next to the Sycamore Dogwood intersection, and would trade boat ramp traffic and noise for the inconsiderate vehicle drivers that ignore the 3 stops signs at this intersection. You don't have to look 2 or 3 times before you back out of your driveway or move directly off to the side of the road if walking near the intersection if you hear a car coming. There is constant traffic, speeding, driving while texting and blowing through the stop sign without a hint of slowing down. More young drivers with their cars learning bad driving habits from their parents. It is a serious accident waiting to happen. And the only time you see a deputy sheriff on the streets here is when someone dies. **Yes**, all neighborhoods have their traffic problems and noise.

We live directly across the river from the Tualatin City river walk way where a concrete path extends to the river's edge. **We see a lot good things** happening at this view point; lots of people fishing, dogs retrieving sticks that the owners toss in the water, kids throwing rocks in the water, and folks just enjoying the scenery. **On the other hand**, there is pot smoking, abundant consumption of alcohol, lovers physically enjoying each other, fire works, loud parties extending into the night, paint balls coloring our dock, nudity, urinating in the bushes, lights shining in our house at night, and not so bright fisherman casting weighted lines onto our dock. In extreme cases the Tualatin police

department might respond to a serious incident but I'm sure they have more pressing matters to attend to than respond to obnoxious people on the riverbank.

Just visualize how river front owners would respond now if they saw the powerboat traffic that was the norm 50 years ago and totally legal.. Water skiing was an every day occurrence with boats that would go over 40 mph. Guilty.

We enjoy our home on the river and take the good with the bad. It is what it is and when we feel it is not enjoyable we will move on.

The City has put off making decisions concerning the boat ramp for too many years. It's meetings, hearings one after another without concrete results. We are at loss what more can be talked about that hasn't researched and discussed by the council or attorneys.

Roger and Pat Knight  
4800 Dogwood Dr

## Chris Barhyte

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Sunday, August 8, 2021 5:21 PM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Subject:** Fwd: The Boat Ramp  
**Attachments:** boat ramp 8-8-2021.docx

Sorry...sent the wrong email first. Here is the correct one.

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

**From:** **ROGER KNIGHT** <RPDOGWOOD2@msn.com>  
**Date:** Sun, Aug 8, 2021 at 5:05 PM  
**Subject:** The Boat Ramp  
**To:** [mayor@cityofrivergrove.com](mailto:mayor@cityofrivergrove.com) <[mayor@cityofrivergrove.com](mailto:mayor@cityofrivergrove.com)>, [RivergroveCouncilorDave@gmail.com](mailto:RivergroveCouncilorDave@gmail.com) <[RivergroveCouncilorDave@gmail.com](mailto:RivergroveCouncilorDave@gmail.com)>, [wkt\\_iii@yahoo.com](mailto:wkt_iii@yahoo.com) <[wkt\\_iii@yahoo.com](mailto:wkt_iii@yahoo.com)>, [chris@barhyte.com](mailto:chris@barhyte.com) <[chris@barhyte.com](mailto:chris@barhyte.com)>, [councilorlahsene@gmail.com](mailto:councilorlahsene@gmail.com) <[councilorlahsene@gmail.com](mailto:councilorlahsene@gmail.com)>, City of Rivergrove <[manager@cityofrivergrove.com](mailto:manager@cityofrivergrove.com)>

Please see attached...



## Chris Barhyte

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Sunday, August 8, 2021 5:04 PM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Cc:** Colleen Nyberg; Michael Salch  
**Subject:** Fwd: Loss of a City Asset

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

**From:** Colleen Nyberg <bridges4autism@hotmail.com>  
**Date:** Sun, Aug 8, 2021 at 3:11 PM  
**Subject:** Loss of a City Asset  
**To:** City of Rivergrove <manager@cityofrivergrove.com>

Dear Mayor, City Councilors and City Manager,

As the discussion about boat ramp issues continue I would, once again, attempt to be heard. Especially after recent events.

A week ago, while simply standing in his front yard my husband was verbally accosted by neighbors from a different street. He was asked if he had "harassed" anyone as well as other inappropriate comments yelled across the street and yard. Anyone who knows Arne knows he would never engage in that behavior. It is simply not in his character to be "harassing". He was deeply upset and said "I'm done with public service".

-  
Let me add some to that resignation. With the exception of Heather, Arne has done more for this city than anyone else. Public service has always been in his heart and soul. We previously lived in Tualatin where he served on their city council for a decade. He further volunteered to numerous committees in the city and throughout Washington County. He attempted a run for State Legislature so dedicated to the public. He was awarded "Man of the Year" from Tualatin for his commitment to public service. When we moved to this city, he resumed his dedication to service and served on the city council for 18 years. Among many activities he spent energy even down to cleaning up streets and the parks. He helped spear head enhancements such as the climbing structure and Heritage Park. And much more. So let it sink in.

Arne Nyberg is done with public service.

I never dreamed I'd hear my husband say those words.

And why? I feel it is in huge part because of the city's support and empowerment of the aggressive, and insulting voices in this city. I've questioned before the accuracy of accusations of our neighborhood. And even after no neighbor has spoken to a visitor for months, the city continues its negative post on the website, untruths about us. We did our part, where is the acknowledgement from a city so quick to criticize our one neighborhood. Creating us as bad guys, as threatening and selfish, not just neighbors wanting to preserve our neighborhood from large crowds and excessive noise. I doubt any other neighborhood would not protest 60 cars through their neighborhood because it's a hot day.

It is one thing to lose the quality of life we have previously enjoyed in our beautiful forever home of 25 years. But it is a completely different thing to be accosted in our own front yard, in our own space.

When we moved in, we lived by a community river access. We are still the same neighborhood and deserve to be treated as such and shown the respect any other neighborhood experiences. But most importantly, in my eyes, my husband does not deserve to be disrespected, especially standing in his own front yard. This has to stop. The city needs to step up and show support for our neighborhood as in any other neighborhood.

Colleen Nyberg  
5638 SW Dogwood

Sent from Outlook

**Chris Barhyte**

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Sunday, August 8, 2021 2:15 PM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Subject:** Fwd: Boat Ramp Observations and Recommendations

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

**From:** **Hank Piatek** <Hank@infogenii.com>  
**Date:** Sun, Aug 8, 2021 at 2:02 PM  
**Subject:** Boat Ramp Observations and Recommendations  
**To:** <manager@cityofrivergrove.com>  
**Cc:** <mayor@cityofrivergrove.com>

Please share with the rest of city council.

Hank Piatek

19463 Tualamere Av; LO 97035

503.624.8482

**RE: Boat Ramp**

Fishing should be prohibited at a boat ramp, because it is a safety issue.

**Observations:**

People fishing are using barbed treble hooks.

I have seen lures get snagged on the bottom and the line is broken off. One hook is embedded in a stick and two hooks are exposed.

People/dogs are walking on the bottom in the same area, while swimming or getting off/on a kayak.

My dog got tangled in a fishing line near the shore and it had a barbed hook tied at the end. I have seen a duck with fishing line tangled around its legs.

I have spoken to the people fishing and they were not aware of nearby fishing designated areas. Half of them drove a car to get to the boat ramp.

Almost all the boat ramps, that I have ever used, have signs that prohibit fishing at that location.

All swimming areas, that I have ever seen, prohibit fishing.

The boat ramp is not set up for boats on trailers, because of the sudden drop off. The wheels will get caught on the edge.

### **Recommendations:**

Post a sign that prohibits: fishing from the ramp; barbed hooks; treble hooks; add a map to show where the designated fishing areas are.

Post a list of other local river access points.

Moving kayaks, canoes and paddle boards to/from the water has priority over any other use.

Place a lockable post at the front of the ramp that will stop cars and/or trailers from going down the ramp. Sign warning of sudden drop-off.

Picnic in the park, not on the boat ramp.

Pump up paddle boards in the park, not on the street, not on the ramp.

## Chris Barhyte

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Sunday, August 8, 2021 2:14 PM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Subject:** Fwd: River Sweep

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

**From:** Colleen Nyberg <bridges4autism@hotmail.com>  
**Date:** Sun, Aug 8, 2021 at 1:54 PM  
**Subject:** River Sweep  
**To:** City of Rivergrove <manager@cityofrivergrove.com>

Dear Mayor, City Council and City Manager,  
I wanted to let you know the Marine Sheriff was on waterways sweep yesterday. Drownings are up 3 times more frequently from last year and they are doing patrols. We heard and saw the deputies stop at the boat ramp. They identified a child, under 12, with no life jacket and explained how to get one. As discussions continue, I would also like to add my personal experience. Years ago, a student of mine was the victim of a drowning. He was 4 at the time. A child drowning is tragedy no one should experience.  
Colleen Nyberg  
5638 SW Dogwood

Sent from Outlook

## Chris Barhyte

---

**From:** Rivergrove, Oregon Heather Kibbey <manager@cityofrivergrove.com>  
**Sent:** Saturday, August 7, 2021 5:07 AM  
**To:** Walt Williams; David J. Pierce; Will tuttle; Chris Barhyte; Susie Lahsene  
**Subject:** Fwd: Rivergrove Boat Ramp

This came in after I suggested you look online. He lives on Washington Court--not in Rivergrove.

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

**From:** Tomasz Kaltura <tkaltura@gmail.com>  
**Date:** Fri, Aug 6, 2021 at 10:19 AM  
**Subject:** Rivergrove Boat Ramp  
**To:** [manager@cityofrivergrove.com](mailto:manager@cityofrivergrove.com) <[manager@cityofrivergrove.com](mailto:manager@cityofrivergrove.com)>

Hi Heather,

I'm writing to you since there seems to be another attempt at restricting access to the boat ramp. This is disappointing! I'm really hoping that the proposed changes are not implemented and the current status can at least be maintained. I would be in favor of allowing the gates to be left open during open hours since it is an inconvenience to set a 14' long paddle board down on asphalt as it can damage the composite material. Thanks for hearing me out.

Tomasz

**To:**

Mayor Walt Williams  
Council President David Pierce  
Councilor Bill Tuttle  
Councilor Susie Lahsene

10/18/2022

**From:**

Rivergrove Resident Michael Salch  
5255 Childs Rd / Lake Oswego, OR 97035  
503-624-2311  
MichaelSalch@MSN.com

**Subject:** Reducing the Hours of Operation of Stark Boat Ramp

The agenda to the Rivergrove City Council's anticipated 10/11/2022 public meeting includes the following entry relative to Stark Boat Ramp,

*"Discussion regarding possibly adopting new hours of operation"*

Following are relative facts that I request become part of public record.

Per the City of Rivergrove's adopted and DLCD acknowledged Comprehensive Plan 79-2011, all lands within the city are zoned residential.

Per ORS 197.015, "*Comprehensive*" as used in "Comprehensive Plan" means all-inclusive, both in terms of the geographic area covered, functional, natural activities and systems occurring in the area covered by the plan. It is my interpretation that this includes "open spaces" such as Rivergrove parklands.

Within the City of Rivergrove, this includes Stark Boat Ramp per a pre-2011 land inventory that as is a component of the City's acknowledged Comprehensive Plan 79-2011. Heritage Park is not.

In reviewing Rivergrove's adopted and DLCD acknowledged Comprehensive Plan 79-2011, I see that Stark Boat Ramp is part of Goal #5, Goal #8 and Goal #13 of this document. Highlights are as follows,

**Goal #5 / Natural Resources, Scenic & Historic Areas, Open Spaces**

According to Goal #5 of Rivergrove's adopted and DLCD acknowledged Comprehensive Plan 79-2011,



Policy #4 under Goal #8 of Rivergrove acknowledged Comprehensive Plan 79-2011 reads as follows,

“Work with affected agencies to improve the Tualatin River and allow access to its recreational opportunities.”

**Goal #13 / Energy Conservation**

Policy #8 of Goal #13 of Rivergrove’s adopted and DLCD acknowledged Comprehensive Plan 79-2011 reads as follows,

“Maintain the city park and boat ramp, and encourage Rivergrove residents to use these and other nearby recreational facilities.”

The above entries pulled from Rivergrove’s current Land-use Comprehensive Plan 79-2011 record the City’s public open space<sup>3</sup> and with that, the value of public access to the Tualatin River. There is also a City commitment to improve river access and encourage Rivergrove residents to use such facilities.

The current hours of operation of Stark Boat Ramp are defined by Rivergrove adopted land-use Ordinance 80-2011. A copy of this Ordinance is included in EXHIBIT A. Ordinance 80-2011 was designated as an “emergency” and adopted on 7/14/2022, just one month after the City adopted its (still) current Comprehensive Plan 79-2011 on 6/13/2011.

Changing the hours of operation/accessibility of Stark Boat Ramp is a limited land-use decision per ORS 197.015. A decision by the Rivergrove City Council that reduces the hours of availability of Stark Boat Ramp cannot be supported by Rivergrove’s current Land-use Comprehensive Plan 79-2011.

Land-use decisions by the City Council that cannot be supported by the City’s Comprehensive Plan 79-2011 can result in an uncoordinated comprehensive plan.

Per ORS 197.010, a “coordinated comprehensive plan” is necessary for the highest possible level of livability.

Thank you....

---

<sup>3</sup> Heritage Park is not included since purchased after the adoption of Rivergrove Comprehensive Plan 79-2011 and Comprehensive Plan 79-2011 has never been updated, although seriously in need of such.....