

Dear City Councilors,

I wanted to submit my testimony in favor of the Stark Boat Ramp, and encourage its use among ALL residents of our City. Those of us who are fortunate enough to live on the Tualatin River know how truly special it can be. Whether you are relaxing on kayaks or SUP's, its an incredible place to be. This is especially true in days of Covid, when so many aspects of life are on hold.

I applaud the Council for allowing inputs from the citizen base, but I chastise the City for making a minimal effort to communicate this to the residents. A Town Hall simply appeared on the website, and upon any questions of this, the City Manager is dismissive of concerns stating this is only about parking and signs, when in fact it goes well beyond that. The City Manager has a long history of communicating inaccurate, misleading and sometimes false information on behalf of the City and this should not be tolerated. Further, it is unreasonable for the City to limit access to the ONE resource we have, that is enjoyed by so many, simply because a few of the immediate neighbors have issues with it

#### **A. Neighboring Parks With Boat Ramps – For Comparison**

##### **Tualatin Community Park**

Hours are Sunrise to Sunset (they realize the fishing is better early and late, and the beaver, muskrats and other aquatic life are abundant in those hours as well).

The City of Tualatin spent time and made the effort to directly gather feedback from their residents. From that, they determined:

“Participants strongly support the protection of natural resources with access for passive recreation opportunities. Nearly 92% of questionnaire respondents identified natural resource protection as either “Very Important” or “Somewhat Important.” Participants across outreach activities prioritized access to natural areas, especially the river, for education, interpretation, and recreation. This indicates that although participants support natural resource protection, they generally prioritize protection with access, rather than protection that limits access. Some participants also noted that access should be provided to users of all ages and abilities, specifically identifying some of the City’s trails and riverfront ramps as potential challenges for people with mobility disabilities.”

[https://www.tualatinoregon.gov/sites/default/files/fileattachments/parks\\_and\\_recreation/meeting/packets/28531/tpark\\_meeting\\_packet\\_january\\_2018.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/parks_and_recreation/meeting/packets/28531/tpark_meeting_packet_january_2018.pdf)

The City has also recognized that gates in these settings create issues with regards to ADA compliance.

[https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/meeting/packets/27441/20171213\\_task\\_force\\_mtg\\_2\\_packet.pdf](https://www.tualatinoregon.gov/sites/default/files/fileattachments/engineering/meeting/packets/27441/20171213_task_force_mtg_2_packet.pdf)

Fishing is permitted at this boat ramp.

## **Cook Park (visitors drive through residential areas to access the park)**

Open Dawn to Dusk

The City of Tigard is so supportive of citizens access to this waterway, they even allow for businesses to rent paddleboards and kayaks.

Fishing is permitted at this boat ramp.

### **B. Prior Comments, Rulings and Other History (my comments in red)**

#### **August 10, 2020**

Numerous issues were raised about the boat ramp...but only about “covid safety”. **Before it was about noise, then it shifted to covid safety, and now we’re shifting back to noise?**

Councilor Tuttle suggested the City draft a position paper, with inputs from the City Attorney. **This has never happened.**

Councilor Ruble noted that the a flier had been obtained, stating that the erection of a gate could be an illegal obstacle to river access. **Was this ever fully explored? Where is that flier?**

Councilor Williams noted that approximately only 4% of Rivergrove residents had expressed interest in changes to the boat ramp, to the detriment of the other 96%. **Has that ratio materially changed? Why has the City repeatedly agreed to hold meetings and Town Hall’s about this issue, while never formally polling the full Citizen base for their thoughts? While a few live near the ramp, we ALL have a right to use and enjoy it.**

Councilor Pierce noted the Oregon Marine Board has said that we have no jurisdiction over anything below the high water mark— swimming, fishing, picnicking, boating or any other activity. We are very limited in what we can do. **Has this changed?**

#### **August 13, 2018**

Hearing was to amend an ordinance to regulate boat hours. In it, the City Manager asked if any Councilors had any conflict of interests to be disclosed. **As the Council again reviews the boat ramp, it should be noted that one Councilor is biased based on her past actions and testimony, and should be recused from any voting abilities related to the boat ramp.**

Councilor Ruble read the following sections from the Comprehensive Plan:

- Goal #5: Natural resources, Policy #14: "The City shall make an effort to improve public access to the Tualatin River."
- Goal #8: Recreational needs, Policy #4: "Work with affected agencies to improve the Tualatin River and allow access to its recreational opportunities."
- Goal #13: Energy conservation, Policy #8: "To manage and control land and uses developed on the land, so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Have any of our Comprehensive Plans changed?

5 residents (including one that is now a Councilor) expressed support to restrictions to the boat ramp. 1 was neutral. 30 were opposed.

Does the Council believe this ratio of residents opposed to restrictions has changed, thus warranting yet another review of the boat ramp?

**July 11, 2018**

Per the resident that is now a Councilor, "The residents believe the deed or easement for the boat ramp stipulated that it should be a City park". So should the City now also restrict hours of all parks, restrict parking and restrict who can use the park...or just this one part of this one park?

Mr. Kabeiseman stated that the ramp was built with grant funding from Metro, which places restrictions on how public access can be regulated. Mr. Kabeiseman noted that the funding could have come from the Department of State Lands or the Oregon State Marine Board. Mr. Nyberg noted that the Oregon State Marine Board does not have the Stark Boat Ramp listed as a public boat launching ramp on their website or in their publications. Mr. Kabeiseman explained that where the City received the funding to build and maintain the boat ramp may limit the regulations the City can make.

Has the City taken any steps to determine what funding was received, and then get an official interpretation from the City Attorney as to what rights the City has to enact restrictions on the boat ramp? If not, I would submit the City has no rights to enact any changes to access, and would also encourage the City to confirm the legality of the gate at the boat ramp. Additionally, did the City make any efforts to understand any ramifications or issues regarding ADA impacts from the gate at the boat ramp?

Kabeisement comments: The City cannot restrict by discriminating among different types of people. You can limit the use and hours, and some other issues. Mr. Kabeiseman explained that the City can request that there be no unaccompanied minors at the boat ramp.

The City can "request" no unaccompanied minors....but note, the City cannot restrict by discriminating among different types of people.

Mr. Lahsene asked if the City can close the boat ramp outright

All the more reason that Councilor Lahsene be recused from voting on any boat ramp issues.

The motion passed 3-0. Councilor Nyberg abstained.

At the ending vote to temporarily close the boat ramp, Councilor Nyberg abstained likely due to him having prior involvement on the matter. This should be the minimum standard for all Councilors.

## 2011

There is an email from 2011 when the then-mayor Kibbey stated "However they did buy their homes with the boat ramp already there, so my sympathy extends only so far". This position of the City should remain unchanged.

### **On the City website:**

River Access. Just south of Lloyd Minor Park is a tiny access area to the Tualatin River that's ideal for kayaks, canoes or small boats.

### **C. My suggestions for ramp usage**

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The boat ramp in our City is the ONE feature this city has to offer its residents. It is the ONLY access to the Tualatin River. While I understand nearby residents are disturbed by its use, they all purchased their home after the boat ramp was in place. They knew they were buying a home near a ramp, and thus they have to take the good with the bad. Besides, others bought homes near the boat ramp, and do not mind the issues, so should the City enact any changes they are equally penalizing residents that appreciate the ramp.

The City has made NO ATTEMPT to specifically gather inputs from all residents. At no time have Councilors gone door to door for inputs, mailed questionnaires to homes, or otherwise solicited inputs from ALL residents. Instead, the City is yet again allowing an extreme minority of residents to dictate what is right for ALL residents. The City Council is here to serve the interests of ALL citizens, not just those that continually raise an issue over and over again.

Lastly, much of the neighbor testimony relates to significant increases in usage of the ramp, significant increases in cars, etc. If no formal study has been done on boat ramp traffic, through independent companies counting cars and people, testimony such as this is lacking any basis in fact and should be dismissed. Otherwise other citizens could simply submit statements that "boat ramp traffic has actually decreased dramatically over the years", and that would have to be received as being equally true by the Council.

I would submit:

- The current hours of the park should remain.
- Fishing should be allowed, as this is the only access point for residents and children to learn to fish, for resident dogs to swim, etc.
- Swimming should be allowed. The water is slow moving, we have no community pool, and its a great area for Rivergrove children to enjoy the river.
- The gate should be reviewed for ADA compliance, and removed its not compliant.
- The gate should be reviewed to confirm if it is or is not determined to be an illegal obstruction to river access, and removed if so.
- The City should review where historical funding came from before making any changes. The funding source, and the legal ramifications of this should be made available to all residents in keeping with full disclosure.
- The City should issue its position paper that was suggested long ago, so we can avoid future instances of the tail wagging the dog.
- Councilor Lahsene should abstain from all voting activities related to the boat ramp.
- The City should formally object to citizens harassing other citizens at the boat ramp.
- The City should employ a neutral third party to measure boat ramp usage by counting cars, counting people who use the ramp, and noting if they are a resident or non-resident. This will create a baseline for actual measurement. One year later this study should be repeated, and those changes reviewed to see how significant the increases are or are not. In the meantime, the Council should reject testimony commenting on "increases" in the utilization of the ramp.
- The residents submitted a "petition" that has no signatures. Further, providing a list of signatures separated from the actual petition statement invalidates the petition, as there is no verification/proof that the signors were actually signing the petition document. Is the City truly accepting of petitions with no signatures, thus calling for a Town Hall Meeting to discuss? The City should dismiss any petitions that are not submitted with signatures, on forms clearly showing the signors knew what they were signing.
- The City should enact no rules or restrictions that the City staff is not able to monitor or enforce.

Enough is enough....leave the boat ramp alone. The neighbors bought a home next to it, knowing it was there. If they are unhappy now that is unfortunate, but you can't

punish an entire community because an extreme minority of people are unhappy.

Sincerely,

Jeff Williams  
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