

1 **To:**

2  
3 Mayor Walt Williams 8/8/2021  
4 Council President David Pierce  
5 Councilor Bill Tuttle  
6 Councilor Susie Lahsene  
7 Councilor Chris Barhyte

8  
9 **cc:**

10  
11 Marcel Lahsene

12  
13 **From:**

14  
15 Rivergrove Resident Michael Salch  
16 5255 Childs Rd / Lake Oswego, OR 97035  
17 503-624-2311 / (MichaelSalch@MSN.com)

18  
19 **Subject:**

20  
21 Stark Boat Ramp /Neighborhood Issues / Marcel Lahsene’s 8/7/2021 Email

22  
23  
24 **Unbiased Comments**

25  
26 I do not use Rivergrove’s Stark Boat Ramp nor live immediate next to it. I am without  
27 bias relative to the neighboring issues.

28  
29 I thought that Marcel Lahsene’s 8/7/2021 email relative to the topic was very well  
30 thought-out, constructive and presented. I know, from my experience, that solving these  
31 kinds of problems at the “grass roots” (the lowest organization level) is the most  
32 effective process<sup>1</sup>. His email was a very good participant to such a process. Good Job,  
33 Marcel!

34  
35 While not involved in what seems like a forever ongoing and unresolved issue,...but  
36 knowing something about the codes and the rights of citizens,.....I am providing the  
37 following constructive response to Marcel’s 8/7/2021 email.

38  
39 **The Content in Rivergrove Comprehensive Plan, Ordinance 79-2011**

40  
41 One of the challenges in making changes to the MOD (mode of operation) of  
42 Rivergrove’s Stark Boat Ramp is in the content of Rivergrove’s Comprehensive Plan

---

<sup>1</sup> Reference my ignored 2//12/2021 memo to the City Council titled, “Problem Solving the Boat Ramp Matters”.

1 (Ordinance 79-2011)...as is currently on record and acknowledged by DLCD. Let me  
2 try to explain.

3  
4 A comprehensive plan sets forth a vision and is to contain the policies defining a city's  
5 land-use future. It is intended to provide the overall foundation for all land use within a  
6 city.

7  
8 ORS 197.015(5) defines a "Comprehensive Plan" as follows,  
9

10 *"Comprehensive plan" means a generalized, coordinated land use map and policy*  
11 *statement of the governing body of a local government that interrelates all*  
12 *functional and natural systems and activities relating to the use of lands, including*  
13 *but not limited to sewer and water systems, transportation systems, educational*  
14 *facilities, recreational facilities, and natural resources and air and water quality*  
15 *management programs. "Comprehensive" means all-inclusive, both in terms of the*  
16 *geographic area covered and functional and natural activities and systems*  
17 *occurring in the area covered by the plan. "General nature" means a summary of*  
18 *policies and proposals in broad categories and does not necessarily indicate*  
19 *specific locations of any area, activity or use. A plan is "coordinated" when the*  
20 *needs of all levels of governments, semipublic and private agencies and the*  
21 *citizens of Oregon have been considered and accommodated as much as*  
22 *possible. "Land" includes water, both surface and subsurface, and the air."*  
23

24 According to Oregon State Code ORS 197.015 (5), Comprehensive Plan means,  
25

26 1.) a "coordinated land use map and policy statement of the governing body of a  
27 local government that interrelates all functional and natural systems and  
28 activities relating to the use of lands, including but not limited to sewer and  
29 water systems, transportation systems, educational facilities, recreational  
30 facilities, and natural resources and air and water quality management  
31 programs."

32  
33 2.) "Comprehensive" means **all-inclusive**, both in terms of the geographic area  
34 Covered and functional and natural activities and systems occurring in the area  
35 covered by the plan.

36  
37 3.) A Comprehensive Plan is **"coordinated"** when the needs of all levels of  
38 governments, semipublic and private agencies and the citizens of Oregon have  
39 been considered and accommodated as much as possible.  
40

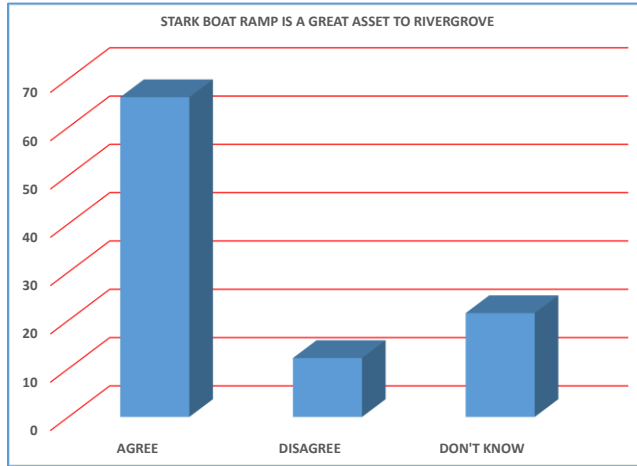
41 Basically,...Rivergrove's Comprehensive Plan (Ordinance 79-2011)...more specifically  
42 its Policies....is to "define the boundaries" of land-use within the City of Rivergrove.<sup>2</sup>

---

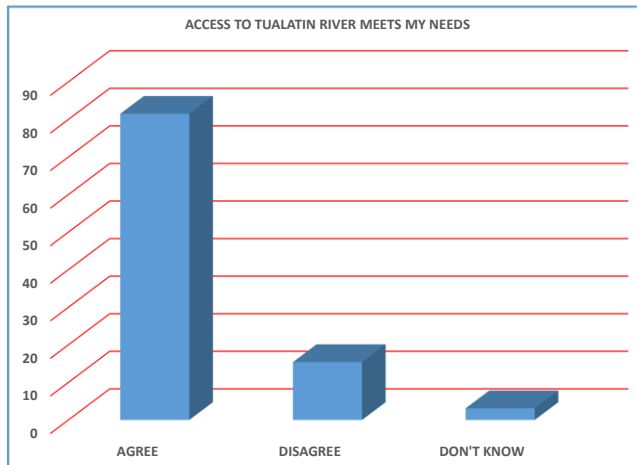
<sup>2</sup> More explicitness is to occur with detailed land-use ordinances in support of the Comprehensive Plan Policies.

1 Within Rivergrove's Comprehensive Plan (Ordinance 79-2011), there are several  
2 specific references to Stark Boat Ramp. They are as follows.

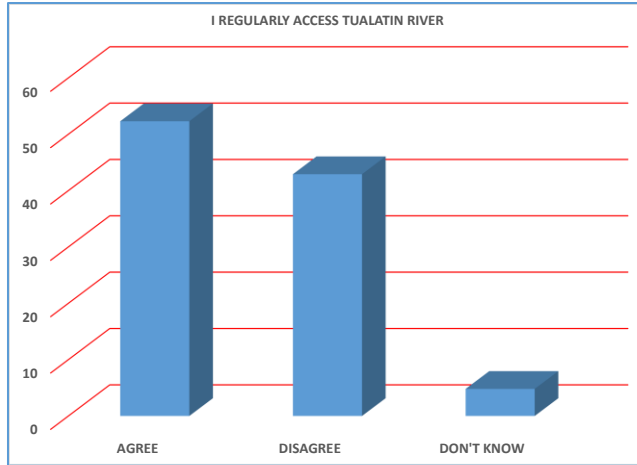
3  
4 a.) The content of Rivergrove's Comprehensive Plan Ordinance 79-2011 includes  
5 results from a survey of the entire Citizen Body. These results state that 66.2% of the  
6 Citizens consider Stark Boat Ramp as a great asset to the City,  
7



8  
9  
10 b.) The content of Rivergrove's Comprehensive Plan Ordinance 79-2011 includes  
11 results from a survey of the entire Citizen Body. These results state that river access  
12 meets the requirements of the Citizen Body,  
13



14  
15  
16 c.) The content of Rivergrove's Comprehensive Plan Ordinance 79-2011 includes  
17 Citizen Body survey results that state that 52.3% of the Citizens "*regularly access the*  
18 *river.*"



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

d.) Beyond the Citizen Survey results, Goal #5, Policy 14 of Rivergrove’s Comprehensive Plan Ordinance 79-2011 states,

*“The City shall make an effort to improve public access to the Tualatin River.”*

e.) Beyond the Citizen Survey results, Goal #13, Policy 8 of Rivergrove’s Comprehensive Plan Ordinance 79-2011 states,

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

Technically, it will be difficult for the City to adopt any changes to the Stark Boat Ramp MOO (mode of operation) and still be within the land-use constraints currently defined in the City’s Comprehensive Plan.

**Ignoring the Rivergrove’s Comprehensive Plan, Ordinance 79-2011**

The City Council of Rivergrove has the option of ignoring the content of Comprehensive Plan Ordinance 79-2011 and making land-use decisions otherwise...making changes to the functionality of Stark Boat Ramp while consciously ignoring the content in Rivergrove’s Comprehensive Plan Ordinance 79-2011. This results in what is referred to as an *“un-coordinated Comprehensive Plan”*.

According to Code ORS 197.005(1), the significance and the threat of an un-coordinated Comprehensive Plan is as follows,

*“The Legislative Assembly finds that:*

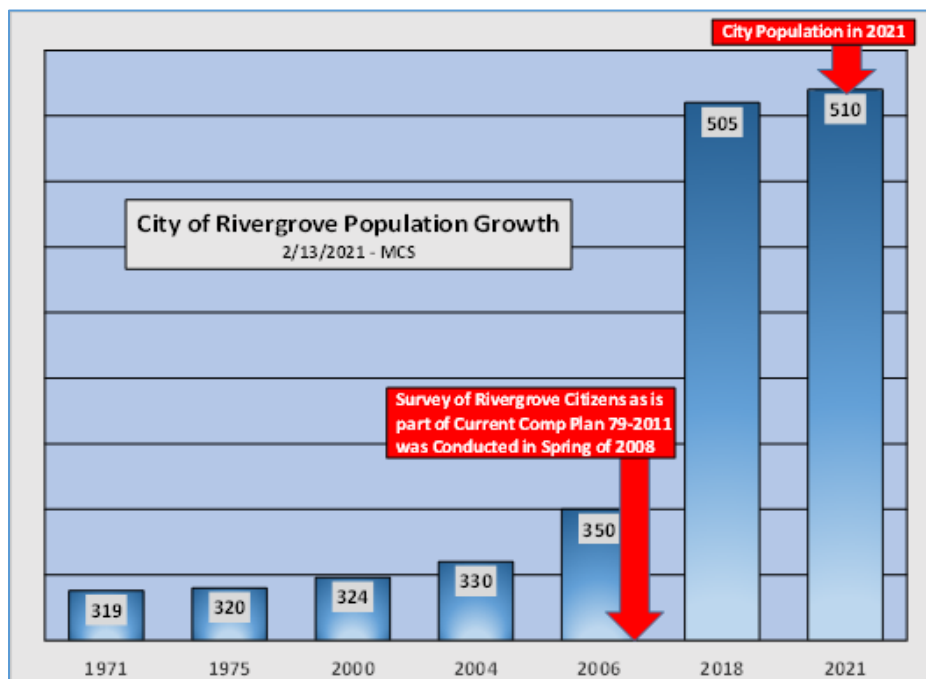
*(1) Uncoordinated use of lands within this state threatens the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.”*

1 The trade-off is that ignoring the current Rivergrove Comprehensive Plan also exposes  
 2 the City to a possible Citizen initiate enforcement order per ORS 197.319 to 197.335  
 3 and 197.646.<sup>3</sup>  
 4

5 So, while the recommendation by Marcel Lahsene in his 8/7/2021 email to, "Reduce the  
 6 hours of use from 7AM-7PM" of Stark Boat Ramp is a very good suggestion, the  
 7 question is how can this be done while still complying with the content of the City's  
 8 acknowledged Comprehensive Plan 79-2011?  
 9

### Part of the Problem

10  
 11  
 12 Part of the problem is that the citizen survey results in Rivergrove's Comprehensive  
 13 Plan are non-current. The survey results in the City Comprehensive Plan....and plotted  
 14 above...are from a survey that was conducted in 2008 when the City population was  
 15 approximately 350. Today (2021), Rivergrove is with a population in the 510 range...in  
 16 the range of 45% greater. There are many new citizen in the City who are without input.  
 17



18  
 19  
 20 **RECOMMENDATION:** The input of the residents neighboring Stark Boat Ramp, like that  
 21 of Marcel Lahsene, earn respect as does the City's DLCD acknowledged  
 22 Comprehensive Plan and the also that of the newer population of citizens who are  
 23 currently without representation in Rivergrove's Comprehensive Plan (Ordinance 79-  
 24 2011.)  
 25  
 26

<sup>3</sup> This is a valuable process that assists citizens in defending their democratic rights.

1 I recommend that the City of Rivergrove Governing Body create a new Citizen Survey of  
2 the current (approximately 510) residents and then amend Goal #5, Policy 14 and Goal  
3 #13, Policy 8 of Rivergrove’s Comprehensive Plan 79-2011. Sub sequentially actions  
4 TBD.<sup>4</sup>

5  
6 **Another Park**

7  
8 Marcel Lahsene’s 8/7/2021 email to Mayor William and the Rivergrove City Council also  
9 includes the following recommendation,

10  
11 *“Make a concerted effort to make sure Rivergrove residents aware that Rivergrove*  
12 *has another park located on the other Dogwood with a bank they can fish off and a*  
13 *bench they can sit on and pass the day. They can walk around the path, picnic, hold*  
14 *meetings, have family gatherings and play with their dogs.”*

15  
16 Unfortunately, content of Rivergrove’s Comprehensive Plan (Ordinance 79-2011) does  
17 not acknowledge “another park”. GOAL #5 (NATURAL RESOURCES, SCENIC &  
18 HISTORIC AREAS) of Rivergrove Comprehensive Plan 79-2011<sup>5</sup>, states that,

19  
20 *“Public open space within the City is limited to a City-owned park on Dogwood Drive*  
21 *between Marlin and Tualamere Avenues. The park includes a boat ramp and totals*  
22 *1.11 acres.”.*

23  
24 **RECOMMENDATION:** This recommendation by Marcel Lahsene is valid and worthy but  
25 requires updating the City Comprehensive Plan. Currently, the Comprehensive Plan  
26 does not acknowledge any other park. I recommend that the City of Rivergrove  
27 Governing Body amend the Rivergrove’s Comprehensive Plan 79-2011 to  
28 accommodate.<sup>6</sup>

29  
30 **Require Permits for those Outside of Rivergrove**

31  
32 Marcel Lahsene’s 8/7/2021 email to Mayor William to the Rivergrove City Council  
33 includes the following recommendation,

34  
35 *“Require permits to hold events in the park. If they are from outside Rivergrove a*  
36 *permit should be considered and perhaps a fee. So random groups don’t just show*  
37 *up. Other parks require permits. Rules should apply. “*

38  

---

<sup>4</sup> Technically, this is a responsibility of the Planning Commission and not the City Council. The Planning Commission is the Committee for Citizen Involvement.

<sup>5</sup> Page 14. of Rivergrove Comprehensive Plan 79-2011

<sup>6</sup> Another task that, technically, is a responsibility of the Planning Commission and not the City Council. The Planning Commission is the Committee for Citizen Involvement.

1 I am not sure that this would be legal. This might be discrimination in the use of a public  
2 facility.  
3

4 **Signage at Stark Boat Ramp**

5  
6 The recommendation by Marcel Lahsene in his 8/7/2021 email to, "*Post clear rules for*  
7 *use and noise levels.*" is another excellent suggestion.  
8

9 **RECOMMENDATION:** I would suggest that Susie & Marcel Lahsene create several  
10 proposals of signage for public and City Council review. I know that Metro has some  
11 regulations for comparable Metro facilities. Maybe such rules and regulation inspire  
12 some signage at Stark Boat Ramp. Example,  
13

14 *Metro Rules and Regulations*

15  
16 **10.03.120 Boats and Moorage:** *It is unlawful for any person to: (a) Disobey any*  
17 *applicable signage posted in boat launching, moorage and beach areas. (b) Moor*  
18 *a boat or other floating vessel longer than 30 minutes on boarding docks, or 12*  
19 *hours on transient docks. (c) Improperly secure a boat or other floating vessel in*  
20 *such a manner as to cause personal injury or damage to park property or*  
21 *resources. (d) Swim, fish, sunbathe, kiteboard, paddleboard, sailboard, wakeboard*  
22 *or water ski in the immediate vicinity of a boat launch or from boat moorage docks.*  
23 *[Ord. 96-659A, Sec. 1; Ord. 18-1419.*  
24

25 **In Closing**

26  
27 Thanks....