



TUALATIN CITY COUNCIL AND TUALATIN DEVELOPMENT COMMISSION

Monday, March 28, 2011

CITY COUNCIL CHAMBERS
18880 SW Martinazzi Avenue
Tualatin, OR 97062

WORK SESSION begins at **4:00 p.m. [START TIME CHANGE]**
REGULAR MEETING begins at 7:00 p.m.

Mayor Lou Ogden
Council President Chris Barhyte
Councilor Monique Beikman Councilor Wade Brooksby
Councilor Frank Bubenik Councilor Joelle Davis
Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following *Presentations*, at which time citizens may address the Council concerning any item not on the agenda, with each speaker **limited to 3 minutes**, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.ci.tualatin.or.us/government/CouncilPackets.cfm, at the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011, to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by "*streaming video*" on the City's website the day of the meeting at www.ci.tualatin.or.us/government/CouncilPackets.cfm.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City, rather than a specific piece of property.

- The Mayor opens the public hearing and identifies the subject.
- A staff member presents the staff report to the Council.
- Public testimony is taken.
- The Council then asks questions of staff, the applicant or any member of the public who testified.
- When the Council has finished its questions, the Mayor closes the public hearing.
- When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny* or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, variances, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

- The Mayor opens the public hearing and identifies the case to be considered.
- A staff member presents the staff report to the Council.
- Public testimony is taken:
 - In support of the application
 - In opposition or neutral
- The Council then asks questions of staff, the applicant or any member of the public who testified.
- When the Council has finished its questions, the Mayor closes the public hearing.
- When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

Executive Session is a portion of the Council meeting that is closed to the public to allow the Council to discuss certain confidential matters. No decisions are made in Executive Session. The City Council must return to the public session before taking final action.

The City Council may go into Executive Session under the following statutory provisions to consider or discuss: *ORS 192.660(2)(a)* the employment of personnel; *ORS 192.660(2)(b)* the dismissal or discipline of personnel; *ORS 192.660(2)(d)* labor relations; *ORS 192.660(2)(e)* real property transactions; *ORS 192.660(2)(f)* non-public information or records; *ORS 192.660(2)(g)* matters of commerce in which the Council is in competition with other governing bodies; *ORS 192.660(2)(h)* current and pending litigation issues; *ORS 192.660(2)(i)* employee performance; *ORS 192.660(2)(j)* investments; or *ORS 192.660(2)(m)* security issues. *All discussions within this session are confidential.* Therefore, nothing from this meeting may be disclosed by those present. News media representatives are allowed to attend this session (unless it involves labor relations), but shall not disclose any information discussed during this session.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL FOR MARCH 28, 2011

A. CALL TO ORDER
Pledge of Allegiance

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Eagle Scout Project Presentation - *Dylan Washburne*
2. Tree City USA Presentation / Arbor Week Proclamation
3. Tigard-Tualatin Family Resource Center Update - *Catherine West*
4. Juanita Pohl Center Update
5. New Employee Introduction - *John Dubuque, Operations*

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, H) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Approval of the Minutes for the Work Session and Meeting of March 14, 2011
2. Resolution No. **5026-11** Authorizing the Mayor to Sign an Intergovernmental Agreement between the City of Lake Oswego, the City of Tualatin and Clean Water Services
3. Community Involvement Committee Appointments
4. Approval of 2011 Liquor License Renewals Late Submittal(s)
5. Approval of a New Liquor License Application for Buffalo Wild Wings Grill & Bar
6. Resolution No. **5027-11** Granting Heritage Tree Status to Trees at the Winona Grange #271

E. PUBLIC HEARINGS – Legislative or Other

F. PUBLIC HEARINGS – Quasi-Judicial

1. Sign Variance for Legacy Bridgeport Clinic in the General Commercial (CG) Planning District at 18010 SW McEwan Road (Tax Map 2S113DD, Tax Lot 1800) (SVAR-10-01)
-CONTINUED HEARING-

G. GENERAL BUSINESS

1. An Ordinance No. 1319-11 Relating to Storm Water Enforcement; and Amending TMC 3-5-320, 3-5-470, 6-4-050, 6-4-090, 6-4-130; and Adding TMC 3-5-435
2. 2010 Annual Report of the Tualatin Planning Advisory Committee

H. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS

J. EXECUTIVE SESSION

K. ADJOURNMENT



CITY COUNCIL SIGN-UP SHEET

DATE: March 28, 2011

PLEASE COMPLETE TO GIVE TESTIMONY

LIMIT TESTIMONY TO THREE MINUTES

(PLEASE PRINT CLEARLY)						
	Name	Address	E-mail	Representing	Agenda Item(s) or Citizen Comments	
1.	HANK STUKELI	11570 SW ROXBOROUGH	componek@kenekohol.com	TRG	SLED	
2.	DAVIA NEY	10235 SW FAULTOY		SELF	ART COM	
3.	Robert Spalding	5765 SW Joshua St.	spalding@gmail.com	SELF	chickens	
4.	Chuck Bruce	18010 SW McEwan Rd	cbBruce@lhs.org	Legacy Health	Agenda	
5.	George Vigilers	Shawnee trail 18230 SW	Vigilers2@yahoo.com	SELF	CID COM.	
6.	Will Moore	6011 SE 30 th Portland	wmoore@LHS.org	Legacy Health	Agenda	
7.						
8.						

Submitted for the record by
George Vigileos at the 3/28/11
Council meeting under "Citizen
Comments"

John W. Broome, F.A.I.A.

Letter to the Mayor and City Council of Tualatin
27 March, 2011
Re: Establishment of City Neighborhood Organizations

Dear Mayor Ogden and Council Members:

A long time ago, 31 years to be specific, I was privileged to be selected Chairman of the City Club of Portland's "Report on a Vision of Portland's Future". Many, but not all, of our "Visions" have been realized; but more importantly, I think, is that ever since that time I have been favorably impressed by the actions and support of citizen involvement in civic affairs. As someone once observed, "The Committee is a genius".

The Ad Hoc Organization for Tualatin Citizen Involvement has identified several logical neighborhood identities, and further proposes to develop neighborhood guidelines and objectives. There should be a general commonality of these goals, because not all Neighborhoods are similarly endowed. For example, Neighborhood One contains the Tualatin River and the Hedges Creek wetland. However, all neighborhood actions will foster a sense of citizenship and participation in the affairs and future of Tualatin. These are good and important aspects of urban living.

Of course, not all City Governmental interests and activities will, or should, involve Neighborhood input, thus we need to be very careful not to over-involve Neighborhood organizations in civic affairs. But, as some Colonial genius (Ben Franklin perhaps) noted, "We must all hang together, or assuredly we shall all hang separately." The City Council need not become alarmed about over-zealous citizen involvement. Human nature mitigates against this potential.

In summary, I strongly support the Neighborhood Organization process now underway, and urge the City Government to do likewise. In this manner, we citizens of Tualatin should be all the more supportive of our City Government.

Sincerely Yours,


John W. Broome

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Deterring Fake Public Participation

J. H. SNIDER*

Abstract

Fake public participation is widespread in United States government and in governments all over the world. Since fake public participation undermines true public participation, good government advocates should work to deter it. Fake public participation is a subset of fake democracy and occurs for the same reason: we live in an era when democracy is the only legitimate form of government, so the incentive to fake participation is great. To deter fake public participation, the nature of the problem should be recognized followed by the development of a detailed set of public policy recommendations to address it. Proposals to improve public participation, like the Obama administration's Open Government Directive, should be carefully scrutinized for loopholes allowing fake participation.

Keywords: public participation, democracy, Obama, Open Government Directive

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Fake public participation is widespread in United States government and in governments all over the world. Since fake public participation undermines true public participation, good government advocates should work to deter it.

Fake participation occurs when governments seek the democratic legitimacy but not the accountability that comes with public participation. Fake participation allows politicians to say, "I gave you an opportunity to speak on this legislation--and you didn't take it."

The Hitchhiker's Guide to the Galaxy has several great scenes depicting fake participation. They are funny because, although they are taken to ridiculous extremes, they depict a fundamental truth most of us have experienced firsthand. One of those scenes describes a government official (Mr. Prosser) justifying his surprise appearance to demolish Arthur Dent's house (Adams, 1980, pp. 9-10):

Mr Prosser: "You were quite entitled to make any suggestions or protests at the appropriate time, you know?"

Arthur: "Appropriate time? The first I knew about it was when a workman arrived at my home yesterday."

Mr Prosser: "But Mr. Dent, the plans have been available in the local planning office for the last nine months."

Arthur: "Oh yes, well, as soon as I heard I went straight round to see them, yesterday afternoon. You hadn't exactly gone out of your way to call attention to them, had you? I mean, like actually telling anybody or anything?"

Mr. Prosser: "But the plans were on display..."

Arthur: "On display? I eventually had to go down to the cellar to find them."

Mr Prosser: "That's the display department."

Arthur: "With a flashlight."

Mr Prosser: "Ah, well the lights had probably gone."

Arthur: "So had the stairs."

Mr Prosser: "But look, you found the notice didn't you?"

Arthur: "[Y]es I did. It was on display in the bottom of a locked filing cabinet stuck in a disused lavatory with a sign on the door saying Beware of the Leopard."

Fake Participation as a Subset of Fake Democracy

Fake participation is an element of the much larger and more troublesome phenomenon of fake democracy. The basic logic behind fake democracy is quite simple. In the contemporary world, democratic rule has more public legitimacy than authoritarian rule (Mandelbaum, 2007), so it is generally in the interest of rulers to present themselves as democrats rather than autocrats.

Students of comparative politics have created a large literature on fake democracy, under such labels as “electoral authoritarianism,” “pseudo democracy,” and “façade democracy.” For example, Larry Diamond, who directs Stanford University’s Center on Democracy, Development and the Rule of Law, writes that “the term ‘pseudodemocracy’ resonates distinctively with the contemporary era, in which democracy is the only broadly legitimate regime form, and regimes have felt unprecedented pressure (international and domestic) to adopt—or at least to mimic—the democratic form” (Diamond & Plattner, 2009, p. 232). Writes Professor Andreas Schedler, introducing a collection of essays under the title, *Electoral Authoritarianism*: “A large number of political regimes in the contemporary world, ranging from Azerbaijan to Zimbabwe, from Russia to Singapore, from Belarus to Cameroon, from Egypt to Malaysia, have established the institutional facades of democracy, including regular multiparty elections for the chief executive, in order to conceal (and reproduce) the harsh realities of authoritarian governance.” (Schedler, 2006, p. 1)

Fake democracies can be placed on a continuum. At one extreme are countries such as Iran, Russia, and Venezuela whose elected leaders claim to hold free and fair elections but rig them so only one party can win. The public is encouraged to participate—as long as the outcome endorses the ruling regime.

At the other extreme are liberal democracies such as the United States, U.K., and Canada, which have genuine multiparty competition, free speech, and free assembly (Freedom House, 2009). Citizens of these countries don’t fear being thrown into prison and tortured for expressing thoughts critical of those in power. Nevertheless, fake participation is widespread. It turns out that there are many ways for political elites to bias public participation without resorting to the techniques of physical intimidation and gross corruption employed by authoritarian regimes.

Major Categories of Fake Public Participation

Venues for fake public participation can be divided into the civic and governmental. Campaign events are an example of the civic; the meetings of formal public bodies are an example of the governmental.

Venues for fake participation can be further divided into high stakes and low stakes. High stakes participation includes highly publicized and recorded activities. An example of high stakes participation is a televised national political party convention. An example of low stakes participation is a public official's informal, unrecorded chat with constituents at a local diner.

The pressure to engage in fake participation increases as the stakes increase. For example, at a high stakes national party convention, the delegates elected to participate are carefully screened upon entering the convention hall for unauthorized signage. The presidential candidates control this participation because they don't want delegates to hold up off-message signs that might be shown on national TV.

Similarly, presidential candidates often carefully stack participants invited to high profile local campaign events that might be picked up on TV. In theory, attendance will be open; in practice, opponents will be marginalized. For example, to create a supportive audience, a candidate's campaign will give known supporters private advance notice of the candidate's appearance. They may also choose supporters based on their race, gender, age, and other visible characteristics. Supporters will occupy the best locations near the candidate, and supporters with the most politically useful demographics will be closest to the candidate.

As a matter of public policy, little can or should be done about non-governmental fake participation. If public officials in their private capacities want to foster fake participation, they should have that privilege in a free society, although it would be nice if the press and other opinion leaders occasionally exposed it.

But the same standard should not apply to government-sponsored fake participation, which is taxpayer funded and already heavily regulated by laws mandating genuine government openness. Examples of such laws at the federal level include the Administrative Procedures Act and the Freedom of Information Act; at the local level, examples include open meeting and public record acts.

Opportunities for fake public participation appear to be greatest at the local level of government because at the national level there is often little pretense that participation is open.

At a Congressional hearing, for example, it is understood that members of Congress, usually via the committee chair's and ranking minority member's staff, invite the witnesses to testify. At a local hearing, in contrast, public officials may claim that the microphone is open to anyone who wants to speak on a first-come, first-serve basis. However, through selective public notice, behind-the-scenes mobilization, and subtle intimidation, the audience may be as carefully managed as that of a modern presidential campaign stop.

Even at a Congressional hearing, the degree of official control may not be apparent to the public. The public, for example, may not know that the witnesses at a particular hearing had to submit their testimony ahead of time to have it vetted by Congressional staff. This type of prior screening serves to both muzzle witnesses and make Congressional hearings into a sort of professional wrestling match, where the proceedings appear spontaneous but have actually been carefully rigged ahead of time.

Lastly, a crucial distinction is between controversial and non-controversial public participation. It is hard to overemphasize the importance of this distinction because most fatally flawed right-to-know legislation and studies of compliance with such legislation fail to make it. Most government information, such as the popular genealogical information made available by the National Archives, is minimally controversial, so governments have relatively little resistance to releasing it. Thus, if you study compliance with right-to-know laws taken together, they will always tend to reveal high rates of compliance. The key question, however, is rates of compliance for disclosing the most politically sensitive information (Snider, 1999, 2001a, 2005, 2009c). Here the rates of compliance are often dismal.

An important recent example of such flawed legislation is the Obama administration's Open Government Directive (Orszag, 2009). The flaw here is that federal agencies can be in compliance with the Directive's mandate to release "high-value information" without disclosing the most democratically useful information.

Right-to-know compliance surveys regularly issued by various local and federal press associations also tend to suffer from lack of a clear distinction between what is and is not highly politically sensitive information. For example, in the last survey conducted in 2009, the Society of Professional Journalists, American Society of Newspaper Editors, and National Freedom of Information Coalition surveyed access to death certificates, complaints against business, disciplinary actions against attorneys, gas pump overcharge records, and hospital inspection

reports (ASNE, NFOIC, & SPJ, 2009). Access to such information may result in highly profitable consumer stories (often called “news-you-can-use”), but is far less politically sensitive information than, say, access to public employee compensation data (Snider, 2008) and recordings of sensitive meetings of public bodies (Snider, 1999, 2009c).

The Political Logic Favoring Fake Public Participation

The techniques local public officials use to bias public participation in their own favor are quite varied. However, the underlying principle behind what they do is quite simple and a matter of common sense: control public participation so that unfavorable public participation information becomes more costly for the general public to access than favorable public participation information.

Consider the following common dilemma. A public official wants to implement a particular public policy. The official recognizes that providing for public comment on it would add to its democratic legitimacy; indeed, the law may mandate that he provide an opportunity for public comment before his proposed policy can become law. On the other hand, he sees no political gain in holding a public hearing that might mobilize opposition. Thus, he wants to limit unfavorable public participation as much as possible while nevertheless being able to tell potential future opponents: “you had the chance to participate before we made this decision.” This is the political logic illustrated so vividly in the anecdote from *The Hitchiker's Guide to the Galaxy*. Five widely used techniques to bias participation in this manner are:

1) Don't publicize the meeting to potential opponents.

In practice, this will probably mean poorly promoting the meeting to everyone. For example, Congress mandates that local governments must conduct a public needs assessment before allocating money raised from local cable and telco TV providers for public media such as public, education, and government (PEG) access TV and Internet fiber networks (I-NETs) connecting government buildings. Total United States expenditures on such services may exceed \$1 billion per year. To comply with the “public” part of the needs assessment, a local government may hold two public hearings. But there is a huge difference between being public and being meaningfully public.

In Anne Arundel County, Maryland (population 510,000) where I live, public officials viewed the \$16 million allocated for PEG access and I-NETs as a way to fund many of their own

pet projects. I repeatedly asked the County's public telecommunications officer and his superior to notify me when the two public hearings were scheduled for a particular date. I was a well-recognized expert on this subject and had many ideas on how these funds could be best spent (e.g., see Snider, 2009b). Instead, county officials fulfilled the letter of Maryland's Open Meetings Act by placing a classified ad in the local newspaper before each of the two special public meetings. Not surprisingly, I missed the obscure ads (despite reading the local newspaper every day) and only a handful of citizens showed up, most of which weren't even interested in the use of the \$16 million; they wanted to complain about their cable bill.

2) Schedule the meeting at an inconvenient time or place.

Many otherwise civically minded people cannot justify driving an hour to a downtown public meeting location, searching and paying for a parking space, and then passing through security—all to attend a public meeting. Moreover, very few people can justify taking time off from work to attend a public meeting during regular work hours. Yet it may be in such public meetings where most of the most controversial issues are discussed. In Anne Arundel County, for example, the so-called “public” work sessions of the County Council are held under such conditions. Unless the written minutes of the meetings are detailed (which they are not), the meetings are televised and made accessible online (which they are not; no meetings are webcast and only two meetings a month are televised), or local reporters diligently attend and report on the meetings (which they do not), public participation is effectively precluded.

3) Stack citizen representatives on public bodies.

Many public bodies created by public officials have citizen representatives. Public officials often create these public bodies in part to deal with potentially controversial decisions. After those decisions are made, the public official is able to deflect criticism of the policy to the public body, which is presented as having democratic legitimacy. Unfortunately, citizen representatives on these bodies often aren't as representative of the public as their role would suggest. For example, while in theory the public body may be expected to be open minded to various alternatives, in practice the public official may have a hidden preferred policy and exclude likely critics of that policy. Similarly, special interest groups may be given a veto power on the selection of citizen representatives. And if one or more of the citizen representatives does dissent, there may be no easily accessible public record of either the dissent or the reasons given for the dissent. Anne Arundel County's local school system, for example, has countless

committees with parent representatives to deal with such subjects as school calendars, course schedules, and math, health, and literature curriculums. But the details about who these parent representatives are and how they participate are virtually hidden. What school system parents are told and expected to trust without verification is that their views are being represented on these committees.

4) Signal the futility of participating to those most likely to participate.

As a general rule, citizens won't waste their time participating in a political activity if they feel they have no chance of success. This is why, for example, candidates for political office almost always publicly overrate their chances of success to donors, volunteers, and the press. Nevertheless, countless public meetings are held on issues that civically minded citizens know are primarily for show. In a generally upbeat report on prospects for local civic participation, *National Civic Review* editor Mike McGrath damns the traditional public meeting in remarkably blunt language: "Too often the decision has already been made, or its outcome is a foregone conclusion, and the 'hearing,' if you could call it that, is little more than a public ritual" (McGrath, 2009, p. 17; see also Renn & Webler, 1995, p. 24). Good ways for public officials to signal to the handful of civically minded citizens that public input is for show is not to ask obvious follow-up questions, not to record it, not make it accessible online, not refer to it when publicly justifying their decision (probably providing no justification at all), and acting contrary to the gist of the public input.

5) Intimidate potential opponents by forcing them to reveal their identities.

Forcing citizens to access public records and attend public meetings face-to-face can serve to intimidate them, thus preventing their participation. As the famous German sociologist Max Weber observed close to a hundred years ago, an eternal rule of thumb for public officials is that those who seek information generally do so to critique rather than praise their work (Weber, Gerth, & Mills, 1946, p. 233). So if a citizen seeks particular information, a political agenda can be inferred. In other words, just as a dog's presence by a door can signal with a high likelihood that it wants to go out, a citizen's presence at a small public meeting can signal a critical public policy position—one that the citizen might want to keep private. For example, suppose a citizen is dependent on a local city councilor's goodwill and is thus fearful of taking any action the councilor might perceive as hostile. Unless the citizen can do so anonymously, he will not want

to exercise his right as a citizen to request a copy of that elected official's conflict of interest disclosure forms, the printed public meeting minutes including that councilor's votes, or a copy of a videotape where the councilor made what in retrospect was a politically unpopular statement. Similarly, he will not want to attend a public meeting where the city councilor has discreetly taken an unpopular position in support of a special interest.

In Anne Arundel County, none of this information gathering can be done anonymously. For example, I must file a public records request with the County Council's office to find out how my county councilor votes, pay approximately \$400 to find out how my county councilor voted over his last term (25 cents/page for written minutes), and face the inquisitive stares and questions of the County Council's staff as I gather the information. Access to video records of the same proceedings, to the extent they exist (most public meetings are not televised and, for those that are, there is no legal requirement to keep video records), would cost me many thousands more. And for access to conflict-of-interest information kept by the County's ethics office, I must sign my name and contact information to a document, which is then automatically sent to any public official possibly implicated by the request (Snider, 2005).

Public Policy Recommendations

To deter fake public meeting participation, public officials' ability to bias participation in their own favor should be reduced. Steps to do this include the following:

1) Don't mandate public participation that can be easily faked.

An example would be satisfying a public notice legal requirement by taking out an ad in a local newspaper. Public officials and newspapers love such laws. Public officials can claim the democratic legitimacy of providing for public participation without really doing so. Meanwhile, newspapers (usually the local monopoly newspaper) may get exclusive access to potential news and a significant and reliable source of revenue at premium rates for the least desirable parts of the newspaper. The big losers in this sweetheart deal are the public and democratic accountability. A reasonable argument can be made for publicly subsidizing newspapers (e.g., through a sales tax exemption), but this is one subsidy that, in my opinion, is not only grossly inefficient but also harmful to democracy.

A far better approach to public notice would be to require all public bodies to post public notices to the Internet in an open, structured, machine-readable format that independent Internet

aggregators can access. These independent aggregators should include both authoritative centralized government compliance databases and private aggregators such as Google, Yahoo, and Bing. Citizens should be able to sign up to receive email or other notification of any type of public meeting that interests them.

2) Enhance prospective public participation.

Prospective public participation is what people usually mean when they refer to public participation. It means participation before public officials have made a decision regarding a particular issue. When members of the public receive notice of a public meeting, watch it live in person or online, or comment as an official part of the meeting, they are engaging in prospective participation. Improved public meeting notice (as described above), high fidelity televised access to public meetings, and well integrated and easily searchable public meeting text (including roll call votes) and video are all examples of policies that can enhance prospective public participation.

3) Enhance retrospective public participation.

Retrospective public participation refers to access to prospective public participation data after public officials have made a decision regarding the issue subject to prospective public participation. This type of data allows the public to assess whether public officials, given information readily available to them at the time of decision, made the best decision.

Both prospective and retrospective participation are types of democratic accountability. The accountability information that counts in a democracy is the information that the public possesses when they enter the polls. By its nature, only relatively small groups of elites engage in prospective accountability, but the entire voting populace may engage in retrospective accountability. Retrospective accountability also benefits from 20-20 hindsight, which is the most efficient information about a decision that a voter can have.

Despite their differences, prospective and retrospective public participation are integrally related. Enhanced prospective participation provides a record for retrospective participation. And enhanced retrospective participation increases the political cost—often greatly—when public officials ignore the information generated via prospective participation. This forces public officials to take prospective participation much more seriously.

It is thus surprising to discover that the public participation system is currently overwhelmingly geared to prospective participation. Only a small fraction of formal participation

is recorded and stored leading up to the next election. Even more striking, only a tiny fraction of that is made available online in an accessible manner. These are all problems that, in our YouTube Age, could be easily solved (Snider, 1995, 2003). But the political will to solve them appears to be sorely missing (Snider, 2001b, 2005, 2009c).

4) Enhance access to public participation metadata.

Public participation metadata relates to information about the procedures of prospective and retrospective participation. As part of a web-based public meeting record, for example, such metadata include: all official steps to publicize a meeting, including how much was spent, who spent it, where it was spent, emails sent to the press, notice given to lobbyists, and notice given to public employees; the nature of the recordings of the participation, including how long they will be stored, where they will be stored, how accessible they will be (e.g., will search engines be blocked from accessing them), whether they can subsequently be edited, and, if edited, whether any notice to that effect will be placed in the public record and be as easily accessible as the edits; the exact method used for selecting public speakers, such as a copy of a blank signup sheet, when it is posted, where it is posted, and the relationship between the order of names on the signup sheet and participation rights (e.g., first-come, first-serve); and the guidelines for submitting written comments to the public record and making them accessible, including the duration, location, and accessibility of the stored record.

5) Federalize local public participation standards.

Public bodies that receive money from the federal government should be required to follow minimal due process requirements concerning public participation. If the public relies on the more than 80,000 local government bodies to deter fake participation, it may take many decades for significant progress to be made. If the federal government solves the problem, it could be addressed in a single stroke (Snider, 2009a). The federal government has already instituted many policies to ensure that local governments that receive federal funds are accountable for the use of those funds. For example, local contractors that receive federal stimulus dollars via state and local governments must provide detailed accounting to the federal government's Recovery Accountability and Transparency Board; local school districts that receive federal funds must provide the U.S. Department of Education with detailed comparative data about student achievement; and local transportation departments that receive federal funds must subject themselves to the U.S. Department of Transportation's safety standards and inspections. An even

closer precedent for such a participation requirement are the many federal statutes and regulations that mandate that certain local contracts and expenditures, such as for PEG access, only be allowed after local public notice is given. But, as we have seen, if an obscure newspaper classified ad is allowed to meet this requirement, it may be worse than having no requirement at all. Such federal rules are desperately in need of modernization—a goal that should become a key part of the Obama administration's Open Government Directive.

Conclusion

Fake public participation, like fake democracy, can be highly stable. Just as fake democracies can thrive for decades on end, one should not assume some inevitable transition from fake to real participation. But history also reveals that an attentive and mobilized public can successfully demand reform.

To deter fake public participation, the first step is to recognize the nature of the problem, including where the problem is most severe. The second step is to develop a detailed set of public policy recommendations to address the problem. Fortunately, many new information technologies can help remedy the problem. But without an attentive and mobilized public willing to punish public officials who engage in fake participation, even the most advanced technologies won't make a difference.

Like the struggle to preserve and enhance democracy, the struggle to eliminate fake public participation must be ongoing. Proposals to improve public participation, like the Obama administration's Open Government Directive, should be carefully scrutinized for loopholes allowing fake participation.

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Deliberations about deliberative methods: issues in the design and evaluation of public participation processes

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Abstract

A common thread weaving through the current public participation debate is the need for new approaches that emphasize two-way interaction between decision makers and the public as well as deliberation among participants. Increasingly complex decision making processes require a more informed citizenry that has weighed the evidence on the issue, discussed and debated potential decision options and arrived at a mutually agreed upon decision or at least one by which all parties can abide. We explore the recent fascination with deliberative methods for public involvement first by examining their origins within democratic theory, and then by focusing on the experiences with deliberative methods within the health sector. In doing so, we answer the following questions “What are deliberative methods and why have they become so popular? What are their potential contributions to the health sector?” We use this critical review of the literature as the basis for developing general principles that can be used to guide the design and evaluation of public involvement processes for the health-care sector in particular.

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Introduction

A convergence of activity among scholars and decision makers from a wide range of policy sectors appears to be taking hold of the public participation agenda. Where much previous attention has been given to normative discussions of the merits of, and conceptual frameworks for, public involvement, current activity seems largely focused on efforts to design more informed, effective and legitimate public participation processes with a strong evaluation component. Whether the decisions fall into the environmental, biotechnology or local government sphere, policy makers, regulators, experts and public advocacy groups agree on the importance of involving the citizenry in the decisions

that affect them but are grappling with how best to do this (Rowe & Frewer, 2000; Beierle & Konisky, 2000; Graham & Phillips, 1998; Pratchett, 1999; Simrell King, 1998; Leroux, Hirtle, & Fortin, 1998).

This agreement has been reached from different underlying motivations—those arising from ideological (i.e., the desire to pursue democratic ideals of legitimacy, transparency and accountability) or more pragmatic (i.e., the desire to achieve popular support for potentially unpopular decisions) reasons (Rowe & Frewer, 2000; Abelson et al., 2002). Much of the current emphasis on participation methods is also a response to the prevailing view that methods used in the past are no longer appropriate for current decision making processes or for a more educated, sophisticated and less deferential public (Inglehart, 1995; Inglehart, Nevitte, & Basanez, 1996; O’Hara, 1998). An additional motivation is the belief that more effective public participation techniques might foster, or even act as a substitute for,

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social capital, seen as necessary for improving governance (broadly and in the health system) and manifested through collaborative problem solving among citizens in communities and organizations (Putnam, 1993; Veenstra & Lomas, 1999). Widespread calls for increased civic participation, capacity-building and the creation of social capital are the proposed antidote to the rise of individualism of the 1980s and view a re-created community as the cornerstone to improvements in social and economic conditions (Putnam, 1993; Sandel, 1996; Bellah, 1985).

A common thread weaving through the current participation debate is the need for new approaches that emphasize two-way interaction between decision makers and the public as well as deliberation among participants. Increasingly complex decision making processes, it is argued, require a more informed citizenry that has weighed the evidence on the issue, discussed and debated potential decision options and arrived at a mutually agreed upon decision or at least one by which all parties can abide. An active, engaged citizen (rather than the passive recipient of information) is the prescription of the day. This current trend has emerged, in part, from the neo-liberal consumerist and customer-centered public sector management philosophy that has dominated the 1980s and 1990s and from a governance philosophy that fosters reciprocal obligations between citizens and governments and emphasizes participation for collective rather than individual purposes (Graham & Phillips, 1998; Pratchett, 1999; O'Hara, 1998). The creation of an appropriate "public sphere" (Habermas, 1984) for dialogue has become a recent pre-occupation in the health system recently as pressures mount for governments to clarify the relative roles of the private and public sectors in funding and delivering what have historically been largely 'public goods'.

The deliberative paradigm has gripped the health sector over the past decade with governments, research organizations and health authorities using deliberative methods to engage the public in values-based discussions about their health care systems (National Forum on Health, 1997; EKOS, 2000; CPRN, 2000; Wyman, Shulman, & Ham, 2000) and in priority setting processes to inform local health authority decision making (Lenaghan, New, & Mitchell, 1996; McIver, 1998; Coote & Lenaghan, 1997; Lenaghan, 1999; Cookson & Dolan, 1999; Dolan, Cookson, & Ferguson, 1999).

We explore the recent fascination with deliberation methods by examining their origins within the political theory and public participation literatures, and then focus more specifically on their use in the health sector. In doing so, we identify the potential contributions of deliberative methods to health systems decision making as well as the theoretical and methodological challenges faced in their utilization. To address these questions we discuss the strengths and weaknesses of more traditional

methods such as surveys, public hearings and focus groups as well as the accumulated empirical literature on deliberative methods in the health sector. Finally, we use this critical review of the literature as the basis for the development and application of general principles that can be used to guide the design and evaluation of public involvement processes for the health sector in particular.

Methods

A systematic review of the participation literature was conducted to gather and assess the most seminal multi-disciplinary works produced in recent years on two aspects of public participation:

- (i) empirical studies of public participation and consultation methods, practice and evaluation;
- (ii) theory and conceptual frameworks regarding the design and evaluation of public participation processes.

All searches were conducted in a variety of article databases,¹ using a set of predefined keywords.² Searches were limited to articles published in English and French since 1996 to update a database already established by one of the authors (JA) and to focus on

¹ PsycINFO 1996-1999/08, Social Sciences Index 2/83-7/99, Wilson Business Abstracts 1/95-7/99, Sociological Abstracts 1986-1999/06, Humanities Index 2/84-7/99, General Sciences Index 5/84-7/99, PubMed 1965-1999, ABI/Inform 1986- (only articles that were available online were selected)

² community participation and planning—37 hits, citizen participation and health—64 hits, public input and planning—2 hits, citizen participation and health care—24 hits, public participation and health care—21 hits, public involvement and local planning—1 hit, obstacles and citizen participation—6 hits, public input—16 hits, public involvement—16 hits, barriers and community participation—5 hits, barriers and citizen participation—7 hits, obstacles and community participation—4 hits, susan pickard—10 hits, citizen participation and local planning—7 hits, citizen participation and health and decision making—8 hits, community participation and local planning—3 hits, community participation and health education—19 hits, community participation and decision making—10 hits, public input and decision making—1 hit, citizen participation and health education—3 hits, public participation and health education—1 hit, citizen participation and planning—109 hits, public participation and health—51 hits, citizen participation—584 hits, citizen participation and health care and decision making—0 hits, public, participation—488 hits, public participation and health environ—0 hits, public participation and local planning—1 hit (already noted), barriers to citizen participation—0 hits, barriers and public participation—0 hits, community participation—219 hits, citizen engagement—0 hits, public involvement and health education—0 hits, public input and health and decision making—0 hits, public input and local planning—0 hits.

an accumulating experience with deliberative processes. Articles selected using the search strategy were supplemented by those recommended by colleagues or obtained from bibliographies. Research team members read and summarized the articles using a standardized extraction sheet to elicit information about the context, use and evaluation of different methods.

Democracy and deliberation

The essence of democracy itself is now widely taken to be deliberation, as opposed to voting, interest aggregation, constitutional rights, or even self-government. The deliberative turn represents a renewed concern with the authenticity of democracy: the degree to which democratic control is substantive rather than symbolic, and engaged by competent citizens. (Dryzek, 2000, p. 1)

While a comprehensive review of the political theory of deliberation is beyond the scope of this paper³ a basic understanding of the theoretical principles of deliberation helps to inform our review of the empirical literature in this area. Taylor's (1985) analysis of social theory as practice provides a useful backdrop for this discussion. Social theories (which include political theory) have the potential to do more than explain social life; "they [also] define the understandings that underpin different forms of social practice and they help to orient us in the social world" (Taylor, 1985, p. 108). In the context of deliberative methods, renewed interest in deliberative democratic theory has had a powerful influence over democratic practices such as public participation and consultation.

What is deliberation?

Deliberation refers either to a particular sort of discussion—one that involves the careful and serious weighing of reasons for and against some proposition—or to an interior process by which an individual weighs reasons for and against courses of action. (Fearon, 1998, p. 63)

As implied in the above definition, in theory, deliberation can occur with others or as an individual process; it is the act of considering different points of view and coming to a reasoned decision that distinguishes deliberation from a generic group activity. To most deliberation theorists and practitioners, however, macro-level (group) deliberation has become the defining feature of this participatory approach. Collective

"problem-solving" discussion is viewed as the critical element of deliberation, to allow individuals with different backgrounds, interests and values to listen, understand, potentially persuade and ultimately come to more reasoned, informed and public-spirited decisions (Arendt, 1958; Habermas, 1984; Manin, 1987; Fearon, 1998; Fishkin, 1991; Gutmann & Thompson, 1996; Bostwick, 1999, 1996; Schudson, 1997; McLeod et al., 1999). As a social process, *authentic* deliberation relies on persuasion to induce participants' reflection on and altering of views (Dryzek, 2000; Przeworski, 1998; Cohen, 1989), in contrast to other communication approaches such as coercion, manipulation or deception which are achieved through ideological domination and interest group capture (Przeworski, 1998; Stokes, 1998). The presumption that power can be excluded from the deliberative dialogue and that status inequalities among participants can be reduced in pursuit of rational consensus around the common good has been challenged by a literature that emphasizes the centrality of power relations (Hindess, 1996; Elkin 1985; Bachrach & Baratz, 1962) and depictions of the public sphere of deliberative dialogue as "an institutional mechanism for rationalizing political domination by rendering states accountable to (some of) the citizenry." (Fraser, 1997, p. 72). We recognize these challenges and reflect on them in our discussion of the development and application of design and evaluation principles for deliberative processes in the health sector.

Over the past decade, the word "deliberation" has become ubiquitous among political philosophers, public opinion researchers, public policy analysts and communication scholars (Gastil, 2000). Although the benefits of incorporating deliberative elements into public policy decision-making processes may be broadly accepted, there is theoretical debate about whether this deliberation is best undertaken within or outside government. The more traditional view is that it occurs *within* government (i.e., as a feature of representative democracy). But deliberation can also occur *outside* government as a mediated process through mass media communications. Alternatively, deliberation outside government could take the shape of direct citizen involvement in face-to-face meetings as the primary way to achieve the democratic ideal, a swing away from representative, elite-driven politics to direct, citizen-driven politics.

Deliberation is more than merely a discussion of the issues. Emphasis is also given to the product that arises from discussion (e.g., a decision or set of recommendations), and the process through which that product comes about. Fearon (1998) considers the value of discussing issues before making a decision to provide the opportunity to: (1) share views on a subject that voting does not allow (and associated activities such as the ability to communicate intensity of preferences and the

³For a more complete discussion of deliberative democratic theory see Dryzek (2000); Gutmann and Thompson (1996); Fishkin (1991;1995), Fishkin, Luskin, & Jowell, 2000; and Manin (1987).

relative weights of preferences); (2) generate and consider a wider range of options or new alternatives that might not have been considered otherwise; (3) support or encourage more public-spirited proposals in contrast to those motivated by self-interest; (4) increase the legitimacy of the ultimate decision and to ease implementation or compliance with decision by giving everyone a say; and (5) improve the moral or intellectual qualities of the participants.

While there is widespread support for the basic tenets of deliberation and its emphasis on improving the accountability, legitimacy and responsiveness of decision making by building popular involvement, these virtues conflict with other fundamental features of democratic participation such as political equality and representation.

The size of cities and towns precludes full participation in the deliberative process as depicted by Aristotle in ancient Greece⁴ or the American Founding Fathers in the New England Town Halls. The requirement to select a small group of “representative participants” subjects deliberative processes to critics who will dismiss their outcomes as unrepresentative (Gutmann & Thompson, 1996) while forcing the architects of the deliberative exercise to carefully consider whom to involve. An additional “double-edge” built into the deliberative paradigm is the naïve assumption about the role of information as a tool for informing dialogue which ignores the reality of information as a source of power, with respect to its availability and use, in the participatory process.

Deliberation and public participation processes

Deliberative features have been incorporated into a broad grouping of methods that include citizens’ juries, planning cells, deliberative polling, consensus conferences and citizens’ panels. Individual methods may differ with respect to specific features such as participant selection (i.e., statistically representative vs. purposeful sampling); the number of participants (i.e., a hundred vs. a dozen); the type of input obtained or the number of meetings. Common to all, however, is the deliberative component where participants are provided with information about the issue being considered, encouraged to discuss and challenge the information and consider each others’ views before making a final decision or recommendation for action. In reviewing these methods (and attempting to categorize them as deliberative or not), we found that some methods such as citizens’ juries and their German equivalent (the planning cell) have deliberation as their defining feature. Other methods such as citizens’ panels and deliberative polls, however,

more closely resemble variants of traditional methods such as surveys and opinion polls.

Citizens’ juries, panels and consensus conferences are routinely used to integrate technical information and values into planning and resource allocation decisions in the environmental, energy, education and local government fields. In these settings, their basic purpose has been to provide a forum for “non-expert citizens, acting as ‘value consultants’, ... to combine technical facts with public values into a set of conclusions and recommendations” (Beierle, 1999). The menu of deliberative approaches has been described in detail elsewhere (Beierle, 1999; Webler, 1995; Pratchett, 1999; Leroux et al. (1998); O’Hara, 1998). We offer a brief description of a selection of deliberative methods that have been used in the health sector.

Citizens’ juries and *planning cells* have been run in the US and Germany respectively since the 1970s. The jury method was developed by Ned Crosby, who has promoted and/or organized juries at the state government level in agriculture, water and welfare policy; and at the national level for US health care reform, the federal budget and candidate ratings (Smith & Wales, 1999). Basic features of the method include the selection of 12–24 participants to meet over several days as part of a single jury (i.e., one decision) (Crosby, 1995). Its German counterpart, the *planning cell*, has had more formal institutional support from government and agency sponsors who have commissioned the Research Institute for Citizen Participation to organize such cells to provide input to policy making processes in the areas of local planning, national energy, technology and communication (Smith & Wales, 1999). In planning cells, deliberation takes place among approximately 25 randomly selected citizens who may meet several times. Results are presented to the sponsor, the media, and other interested groups. An accountability requirement is built into the process, which requires the sponsor to agree to consider the decisions produced by the planning cell (Coote & Lenaghan, 1997).

Citizens’ panels are similar to juries in their composition and task but can have more permanency with the same, or a partially replaced group, meeting routinely to consider and make recommendations or decisions about different issues or on different aspects of a single decision-making process.

Consensus conferences, developed in Denmark, are used in a variety of settings and typically involve a group of citizens with varied backgrounds who meet to discuss issues of a scientific or technical nature. The conference has two stages: the first involves small group meetings with experts to discuss the issues and work towards consensus. The second stage assembles experts, media and the public where the conferences main observations and conclusions are presented. The consensus conference has been widely used in the field of medicine for

⁴Of course, the Athenians did not include the entire citizenry either, excluding slaves and women from their “town halls”.

developing clinical guidelines, although lay participation is a feature of some conferences.

Deliberative polling attempts to incorporate a deliberative process into the traditional opinion poll. Developed by James Fishkin in the early 1990s, the deliberative poll combines the strengths of a large representative, random sample while providing opportunities for discussion and deliberation over a 2–3 day period. The large scale and significant costs associated with running a deliberative poll has resulted in its restricted application to national issues. Polls have been conducted on issues such as crime, the monarchy, the future of Europe and the UK's National Health Service and in association with presidential campaigns in the US. Empirical studies of this method using pre- and post-deliberation polls suggest that participant views do change as a result of the deliberative process although it is unclear precisely how this occurs (i.e., through several influential voices or through a fair and reasonable process). The outcomes produced from a deliberative poll are individual opinions (as with traditional polls) that are shaped by group deliberation (Fishkin, 1991, 1995; Fishkin, Luskin, & Jowell, 2000).

Deliberation in the health sector

Deliberative processes are a recent phenomenon in the health sector compared to a longer history of their use in other sectors. The National Health Service in the UK has been enthusiastic in its experimentation with deliberative methods since the early 1990s and NHS policy requiring a greater role for public views in setting health care priorities (Department of Health, 1992). The mail survey was the initial method of choice for eliciting patient, provider and public views with respect to perceived needs and priorities for health care resource allocation (Richardson, Charny, & Hanmer-Lloyd, 1992; Bowling, Jacobson, & Southgate, 1993; Heginbotham, 1993). Although a popular and conventional method for obtaining information from large groups of people about a range of subjects, surveys are limited in their ability to communicate, and obtain in-depth views about, complex issues. Interviewer-administered surveys achieved some success in addressing these shortcomings but their limitations undoubtedly influenced the search for new public involvement methods (Donovan & Coast, 1996). Broader objectives of stimulating debate, improving public understanding of complex health care issues, and the desire to achieve consensus around public and community values for health services priorities have provided a strong impetus to introduce deliberative methods into the highly politicized world of health services priority setting.

The citizens' jury gained popularity in the UK and New Zealand in the mid-1990s as inputs to health care rationing and priority setting decisions. Several juries

have dealt with questions of whom should set priorities and how; others were asked to allocate resources within or between program areas (Lenaghan et al. (1996); McIver, 1998; Coote & Lenaghan, 1997; Lenaghan, 1999; Smith and Wales, 1999). Citizens panels have also been used by UK health authorities, although on a more limited basis, as a method for incorporating community values into local decision-making processes (Bowie, Richardson, & Sykes, 1995). Deliberation-oriented focus groups have been used for obtaining the public views about health-care priority setting. In one health authority, a random sample of patients from two urban general practices was invited to attend two focus group meetings, two weeks apart, to assess the impact of the deliberative process on their views (Dolan et al. (1999); Cookson & Dolan, 1999). Although the NHS has been the principal laboratory for more recent experiments with deliberative processes, deliberative polling, citizens panels and public dialogue methods have been used elsewhere to involve citizens in a variety of national and local public involvement initiatives (Abelson, Lomas, Eyles, Birch, & Veenstra, 1995; Abelson, Eyles, Forest, McMullan, & Collins, 2001; CPRN, 2000; National Forum on Health, 1997). The seeds of the now more commonplace approaches to deliberation trace back to state and national priority setting exercises of the late 1980s and early 1990s in Oregon, Sweden, the Netherlands and New Zealand (Stronks, Strijbis, Wendte, & Gunning-Schepers, 1997; Coast, 1996; Cooper, 1995; Campbell, 1995; Honigsbaum, Calltorp, Ham, & Holmstrom, 1995).

Evaluating deliberative methods

Evaluation principles

The approach taken to evaluation in most empirical studies of consultation or participation methods involves documenting how a particular method was used, what results were obtained with at best, a short discussion of "lessons learned" or "future recommendations" appended to the study. This depiction also characterizes studies of deliberative processes in the health sector. Our review of empirical studies of deliberative methods in the health sector identified only one systematic attempt to evaluate a particular method—the citizens' jury—using pre-defined evaluation criteria (McIver, 1998). While a useful set of practical recommendations for employing different deliberative methods is beginning to emerge from these experiences, there is a paucity of rigorous studies of these approaches to determine their efficacy. Attempts to address this gap have been initiated by participation scholars in the environmental policy field (which has had a long and rich history of public participation) through the

development of comprehensive frameworks to evaluate public participation processes generally and deliberative approaches more specifically. The most comprehensive attempt to develop an evaluation framework is based on a normative theory of public participation (based on a revision of Habermas' concepts of ideal speech and communicative competence⁵) (Renn, 1992; Webler, 1995) which identifies two key meta-principles: *fairness* and *competence*, against which deliberative participation processes can be judged (Webler, 1995). The *fairness* goal requires the equal distribution of opportunities to act meaningfully in all aspects of the participation process including agenda setting, establishing procedural rules, selecting the information and expertise to inform the process and assessing the validity of claims. The *competence* goal deals more with the content of the process. A competent process ensures that appropriate knowledge and understanding of the issue is achieved through access to information and the interpretation of the information. Competence also requires that appropriate procedures be used to select the knowledge that will be considered in the process.

As discussed at the outset of the paper, approaches to the design and, subsequently, to the evaluation of deliberative methods have occurred within a narrow theoretical frame (i.e., a process that ensures equality of access, procedural fairness and mutual respect will produce legitimate outcomes) that ignores, or at least tries to neutralize, the role of power within political institutions and the role of political institutions as "purpose- or end-creating activities" (not merely the means for producing a particular set of outcomes (Elkin, 1985, p. 262). We recognize the challenges to this theoretical frame and discuss them in the following sections. The Renn and Webler framework, however, has been a major influence through the widespread use and adaptation of the fairness and competence principles in numerous evaluation studies, including those in the health sector (Petts, 2001; Rowe & Frewer, 2000; Pratchett, 1999; Beierle, 1999; Beierle & Cayford, 2000; McIver, 1998; Smith & Wales, 1996; Crosby, 1995). As such, we have chosen to draw on this now familiar work for its basic elements (rather than its theoretical frame) and later work of Beierle (1999) to identify the four key components of any evaluation of a deliberative process: (1) representation; (2) the structure of the process or procedures; (3) the information used in the process; and (4) the outcomes and decisions arising from the process. Table 1 considers these components and the specific

evaluation criteria subsumed within each. Renn and Webler's fairness and competence criteria are captured within the first three columns while the emphasis on outcome, from Beierle's work, has been captured in the fourth. Each of the table elements is briefly discussed below.

Representation: All evaluation frameworks include some criteria about how representation issues might be assessed and emphasize the extent to which different types of representation can be achieved (e.g. geographic, demographic or political). Consultation processes may also be assessed against criteria that emphasize both access to a consultation (by providing equal opportunities) as well as clarity and legitimacy in the selection process.

Procedures: Assessing the extent to which the procedural aspects of a consultation process are legitimate, reasonable, responsive and fair are fundamental aspects of the evaluation process (Pratchett, 1999; Smith & Wales, 1999; Crosby, 1996). Legitimacy and responsiveness principles are assessed by considering questions such as: (1) What point in the decision-making process is public input being sought (i.e., is the public involved in significant aspects of decision-making such as agenda setting or in minor decisions only?); (2) At what level of the organization does the participation occur? (i.e., who is listening and ultimately responding to the public?). Evaluations of deliberative processes in particular would also assess elements of the process such as: (1) Was ample time provided for discussion? (2) Did participants have the opportunity to challenge the information presented? (3) Was mutual respect and concern for others emphasized throughout deliberations?

Information: Decisions regarding what and how information is selected, presented and interpreted are crucial elements of any consultation process and are therefore important evaluation principles to consider. Table 1 describes each of these components and also suggests a fourth category related to the quality of input obtained which emphasizes the information received by rather than provided to participants.

Outcomes: The final set of evaluation principles considers the various set of potential outcomes of the public participation process. These may include, first, legitimacy and accountability, in the context of decision making itself rather than the process leading to the decision. Elements to consider include an assessment of the extent to which public input was incorporated into the final decisions, how decisions and the public's input into these decisions were communicated to the public, and the degree to which the decision-making authority was found to respond to the public's input (i.e., what aspects of the input did they incorporate or not incorporate and why?). Secondly, participants must be satisfied with the process which must lead to a more

⁵We note the formative influence that Hannah Arendt's work has had on Habermas' communicative reasoning theory through her thinking about the development of citizen capacities for free expression, reasoned judgement and political action through appropriate institutional mechanisms. See *The Human Condition* (1958) and *On Revolution* (Arendt 1962).

Table 1
Principles for the Design and evaluation of public participation processes

Representation	Procedural rules	Information	Outcomes/decisions
Legitimacy and fairness of selection process	Degree of citizen control/input into agenda setting, establishing rules, selecting experts, information	Characteristics	Legitimacy and accountability of:
Is there a representative sample?	Deliberation	Accessibility	Decision-making
Geographic	Amount of time	Readability	Communication of decisions
Demographic	Emphasis on challenging experts, information	Digestibility	Responses to decision or input
Political	Mutual respect	Selection and presentation	More informed citizenry
Community		Who chooses the information	
Participant selection vs. Self-selection	Credibility/legitimacy of process	Who chooses the experts	
Inclusiveness (broad) vs. Exclusiveness (narrow)	What point in the decision-making process is input being sought?	Interpretation	Achievement of consensus over the decision
	Who is listening? (e.g., Influential decision-makers or junior staff)	Adequacy of time provided to consider, discuss and challenge the information	(I.e., Broad-based understanding and acceptance of final decision)
			Better (or different) decisions

informed citizenry with a better understanding of the issue. Thirdly, an important outcome is the extent to which consensus was achieved and finally, it must be asked if better decisions were taken and the participation process improved policy making (i.e., did the process make a difference to the final decision?).

How well do deliberative methods fare in the health sector?

Applying these principles to our discussion of deliberative methods highlights the numerous and potentially competing goals for public participation processes and, consequently, the trade-offs inherent in designing public participation processes that, in emphasizing a particular goal, may sacrifice another. For example, emphasis on the design of procedurally fair and legitimate processes that provide opportunities for meaningful involvement, shared learning and the consideration of a range of views—the pillars of deliberative methods—are, by design, exclusive processes that involve only a small group of citizens. Furthermore, the outcomes (i.e., decisions) may not be held accountable to or by the broader community. The small number of citizens who can meaningfully deliberate at any one time is clearly a weakness of deliberative methods such as citizens' juries that involve fewer than 20 individuals in the process. Underlying this concern are issues of participant selection (given the amount of

time required to participate and whether paid or volunteer) and *representation* (i.e., can such a small group of participants ever adequately represent the range of views at a local community, regional or national level?) (Coote & Lenaghan, 1997; McIver, 1998; Dunkerley & Glasner, 1998). Larger, multiple group processes with adequate attention given to fair participant selection processes may overcome these criticisms (McIver, 1998). As well, features of more traditional citizens' survey panels have the potential to address the representation problems although individual level "interior" deliberation obviously sacrifices the goal of group discussion.

Citizens' juries and group panels clearly offer great potential for meeting many of the *procedural rules* principles. Their very structure emphasizes group deliberation through a process of acquiring and considering information for the purposes of reaching some considered judgment on an issue. Citizens' jury experiences in the UK have provided these forums for exchange with participants' coming away believing they've learned a great deal from the process (i.e., creating a more informed citizenry). Indeed, many consider their participation in the group discussions to be the most valuable part of the experience (Fishkin, 1995).

In general, jurors tended to praise the fact that the models enabled them to meet new people from

different backgrounds and perspectives, to learn about a new area, to participate in decision making, and to foster a sense of *community* (Lenaghan, 1999, p. 54).

Yet few evaluations have assessed what jury sponsors have learned from the process, implying that the information flow and learning is uni-directional (i.e., from decision-maker to participant) rather than a two-way information exchange as idealized by the principles of the deliberative forum. Assessing procedural fairness is no simple matter in the health sector, for a variety of reasons, many of which relate to what *information* is presented, how and by whom (column 3).

The selection and role of witnesses in the jury process has come under scrutiny in the citizens' jury process. For jury issues that have a heavy scientific orientation, witnesses play a crucial role in the presentation and communication of technical information. Although expert medical and/or scientific witnesses play an obvious role, lay witnesses can also be helpful in improving the public's understanding of complex principles but only, as one lay witness describes, if they are "to be used on an equal footing with professionals, with equal time and equal opportunity for questioning, ..." (Dunkerley & Glasner, 1998, p. 188). As with the juror selection process, consideration also needs to be given to the representativeness of witnesses (Dunkerley & Glasner, 1998). Precisely how this is done is less clear as there appear to be no pre-defined roles and responsibilities for jurors or jury organizers.

Implied in its name is the notion that the citizens' jury somehow mirrors its legal counterpart. When comparing the two, however, the citizens' jury and its associated activities only partially reflect the elements of a legal jury. If we consider the actors and roles in a legal jury we would include judge, jury, lawyers, witnesses and clients and the interactions between them. The citizens' jury that has been implemented in the health sector, however, appears to involve (at least explicitly) merely a jury and witnesses. This raises the issue of how the jury interacts with witnesses in the absence of lawyers who play key roles in witness selection, preparation, questioning and cross-examination. While some of the juries described in the literature identify roles for moderators and sponsors, their roles and accountabilities are much less clearly defined than are those in the legal system, thus raising questions about the authenticity of the jury process and the heavy burden placed on the citizen to act as judge, lawyer *and* jury. Despite the great potential the jury offers for meaningful public involvement, the tight hold that decision makers and/or sponsors typically have on its design can undermine its legitimacy.

Participant evaluations of deliberative processes have also raised concerns about the amount of *information* presented and the speed with which participants were

asked to digest and interpret it (Coote & Lenaghan, 1997; McIver, 1998; Lenaghan, 1999). An additional concern is the public's ability to judge the adequacy and quality of the information presented which places them at risk of being easily influenced or undermined (either intentionally or unintentionally) by jury sponsors, organizers or even witnesses. As discussed in the evaluation of a Welsh citizens' jury held in 1997, sponsored by the pharmaceutical company Smith, Kline and Beecham, "the motives of the sponsors may have been at odds with the democratizing philosophy underpinning the citizens' jury concept" (Dunkerley & Glasner, p. 187). This is not just a problem for citizens' juries, of course, but one for all deliberative methods because of their perceived strength in contributing to an *informed* public; a reasonable question to ask then is "informed by whom and what?" Even with significant lay involvement in and control over the selection of experts and information, the vast majority of the public will defer to the "experts" when it comes to these decisions because they may not have the expertise required to critically appraise the information presented. At the root of this lies the unavoidable power imbalance between those who possess what seems to be the desired information, who control its dissemination and the forum within which it is debated (the sponsor of the deliberative process), and those who do not (the participants). Power imbalances may also exist among the participants themselves which may be masked by institutionalized "comfort" among participants, apparently taking part equally. This comfort is neither realistic nor worth pursuing as it masks inequalities that exist among participants and between participants and decision makers. The institutionalized mechanism of the deliberative process also seeks to minimize, at least implicitly, potentially productive conflict among participants that can enrich the deliberative process (see Fraser, 1997) and the role that community dynamics, culture and shared histories play in influencing a deliberative process.

A further dilemma posed by the introduction of a deliberative democracy agenda within the health sector (as well as other public policy sectors) is that once exposed to the complexities of the system, participants become sympathetic to the challenges faced by decision makers who deal with these types of issues on a daily basis. Public participant experiences with deliberative processes routinely reflect on this point by acknowledging the difficult yet stimulating work they were being asked to do and through changed opinions about their desired decision-making role before and after becoming more informed about the complexities of health sector decision making (Abelson et al., 1995). There is the additional threat that as citizens become more informed about the health care system and are exposed to the harsh realities of making difficult and highly politicised

health care decisions, they may lose their lay perspective and their views may become more closely aligned with those of the “professionals” (Mullen, 2000). A balance appears to be required between the development of an informed, engaged citizenry who can actively and effectively contribute to decision-making processes but who do not become co-opted (either formally or informally) by that process.⁶

Ultimately, the effectiveness of any public participation or consultation process should be judged by some measure of the *outcomes* achieved. Agreement on what constitutes desirable or appropriate outcomes has been a major point of debate within the public participation literature typically pitting those concerned more with process measures against those more interested in what difference the process makes to the final decision(s) taken. For their part, public participants are demanding greater accountability for their participation. At minimum, they want the resulting decision communicated to the public with some demonstration of how the public’s input was used or considered in the decision-making process (Litva et al., 2002; Abelson et al., 2002). Here, once again, deliberative processes appear to offer more promise than reality. The limited experiences with deliberative methods in the health sector, to date, have demonstrated that the outcomes of deliberations are rarely, if ever, binding and are often heavily “managed” by the sponsoring organization, typically the health authority. Evaluations of deliberative processes in the health sector have identified concerns among public participants about what, if anything, would be done with their recommendations (Coote & Lenaghan, 1997; McIver, 1998; Lenaghan, 1999; Dunkerley & Glasner, 1998). While, in theory, deliberative processes could be designed to guarantee binding decisions, in reality, the stakes are often too high to delegate this authority to a group of citizens and the public may not care to assume this level of decision-making authority (Abelson et al., 1995; Litva et al., 2002).

Opportunities and challenges for deliberative methods in the health sector

With so few examples of deliberation in the health sector and the lack of rigorous evaluation, it is difficult to assess the normative claims that are made about

deliberation. We offer a set of guiding principles that can be used to assess the extent to which deliberative methods have achieved, and can potentially achieve, some of the oft-cited objectives for public participation processes. Through this process, we have identified various trade-offs in the pursuit of one objective over another, some potential threats to the pursuit of legitimate deliberation and some options for mitigating these threats.

When to deliberate

For those seeking to determine the most optimal conditions under which deliberative methods might be used, the empirical literature, once again, offers mixed reviews. For example, the substantial costs associated with deliberative methods such as citizens’ juries appear to justify their use only for substantive issues where there are clearly articulated options and for which there is available information (McIver, 1998). By creating this type of open, transparent process, however, the jury becomes vulnerable to interest group capture, particularly where clear and identifiable recommendations are produced that are obvious targets for mobilization. For issues that are particularly thorny, such as many health care priority setting decisions, the mere prospect of a jury being held and the process of juror recruitment can precipitate interest group mobilization. These threats have led others to recommend the use of deliberative processes, such as citizens’ panels, early on in a decision-making process before stakeholder views become entrenched (Kathlene & Martin, 1991). The type of issue and decision-making context are clearly important considerations in the choice and design of deliberative process. Juries may be more amenable to processes that emphasize a decision among options while citizens’ panels and deliberative polling may be more appropriate for eliciting public values.

A concern relevant to the health sector is that deliberative processes are difficult to execute and, therefore, should not be used to inform difficult decisions (e.g., choosing between programs, limiting program eligibility criteria or closing facilities) or around “crisis” issues when opportunities for considered judgment may be reduced. The extent to which crisis rhetoric is used by interest groups operating in the health sector may, once again, thwart efforts to effectively engage in deliberative processes. Alternatively, that may be precisely when deliberation is most important, when difficult, values-based choices need to be made (O’Hara, 1998). Cynics would argue that this is precisely why there has been so much interest in experimenting with deliberative processes in the health sector. It allows decision makers to diffuse or at least share the blame for these difficult decisions with a participating public.

⁶See Selznick (1953) for an in-depth analysis of the sociological concept of co-optation in his landmark study of the Tennessee Valley Authority. He defines co-optation as “the process of absorbing new elements into the leadership or policy-determining structure of an organization as a means of averting threats to its stability or existence”. Although this definition does not explicitly address the issue of co-optation through deliberative democratic processes, it identifies the relevant issue of using a democratic process for pragmatic purposes.

Public willingness to deliberate

Increased citizen engagement through deliberative processes is viewed as a direct response to public discontent with past public participation experiences, and their loss of deference to, and trust in, public officials (O'Hara, 1998; Maxwell, 2001; Nevitte, 1996; Graham & Phillips, 1998). What evidence do we have from the public that they welcome this increased role and commitment to a new style of participation? Public opinion polls indicate that citizens are looking for different ways of participating (EKOS, 2000). Experiences with public involvement in deliberative exercises such as citizens' juries and panels have generated positive feedback from participants who welcome the opportunity to become more informed about their local health system but who also express concerns about the outcome of the process given the substantial time investment. Participants in these types of deliberative processes also tend to emerge from these experiences with a fuller understanding of the complexities of decision making in the health sector and, hence, renewed respect for existing decision makers (McIver, 1998; Coote & Lenaghan, 1997; Abelson et al., 1995). Recent evidence suggests, however, that the public may not be that willing to participate in time consuming, face-to-face processes, especially if they cannot be assured that their involvement will make a difference (Abelson, Eyles, Forest, McMullan, & Collins, 2001).

But we know that citizens are more likely to get involved when their interests are affected, typically when they are afraid of losing something like their local hospital or if they or a close one suffers from a particular health problem (Abelson, 2001; Henig, 1982; Kraft & Clary, 1991; Parry, Moyser, & Day, 1992). For participation in more 'routine' health-care decision making, organizations tend to rely on a small group of "interested individuals" who have a clear stake in the outcome of the decision-making process or who can be convinced of the need for them to step forward to promote the public interests of their community (Abelson, 2001). If deliberative methods are to succeed, there needs to be buy-in at the community level, especially by civic leaders, to mobilize citizen deliberation.

Despite its potential, the challenges of engaging the public in deliberation in the health sector are numerous. These challenges include:

1. How to mitigate strong vested interests which may try to use the deliberative process to sway the discussion or, ultimately, the outcome of the exercise
2. How to mitigate potential biases introduced in witness and information selection and presentations due to the lack of citizen control/ownership of the deliberative process
3. How to achieve representativeness when citizens do not want to participate

4. How to ensure accountability to the participants for the outcome of the deliberation when the deliberative process is only one input into the decision-making process or if the final decision is several years into the future or may not be taken at all.
5. How to build an infrastructure of civic deliberation within communities and public institutions.

Future research

The theoretical literature routinely compares and contrasts public participation methods to illustrate their similarities and differences and to offer guidance about which methods *should* be used given a particular decision-making context. The empirical studies reviewed here suggest that some methods may be preferable to others depending on the goals for participation. Further, there are particular challenges faced by deliberative methods as they have been used in the health sector. Our review of these studies has failed to identify a single study in the health sector, or elsewhere, that has rigorously compared the use of different participation methods (e.g., comparison of different deliberative methods or comparison of one deliberative method vs. a non-deliberative method) for the same decision-making process, or assessed the relative costs of these methods against their effectiveness.⁷ There are significant challenges to undertaking this type of research. First, the comparison of public participation processes is complicated by the different contexts within which participation is undertaken and expressed. Second, disentangling the effects of participation from other effects is also very complicated making it difficult to determine the outcomes upon which to assess the process (Zakus & Lysack, 1998). For example, a citizens' jury implemented in one community to address one set of issues is not easily replicated in another community for the same set of issues, raising serious challenges to conducting cross-jurisdictional comparative evaluations of public participation processes. Within a specific decision-making process and context, however, similar approaches may be compared such as different survey techniques or different deliberative methods. Moreover, for some issues such as priority setting decisions, it may be reasonable to consider such diverse methods as juries and surveys to compare the views of an informed vs.

⁷We identified one pilot study evaluated three citizen participation approaches—mail surveys, community conversations and community dinners—against three pre-determined criteria: (i) whether participants were demographically representative of their community; (ii) whether the methods focused on communal vs. individual-specific issues; and (iii) whether the processes elicit information about underlying beliefs and values regarding the issue under study (Carr & Halvorsen, 2001). Although formal evaluation criteria were used in this evaluation, the findings are considered preliminary and not widely generalizable.

uninformed group of citizens. A strong case can be made for this type of comparative research given citizen concerns about achieving “value for money”, their desire for “accountable consultation” (Litva et al., 2002) and decision-makers’ interest in low-cost high-yield consultations that do not divert significant resources away from service delivery. Learning more about what the public wants and expects from public consultation and participation processes will be an important input into this research agenda.

Conclusions

Our review is intended to provide health researchers and decision makers with the theoretical underpinnings of deliberative methods and insights into their recent popularity in the health sector. The examination of their application to the health sector provides some practical guidance for decision makers. The paucity of rigorous evaluations is, however, of concern for those looking to draw generalizable lessons to inform the design of more effective participation processes in the future. Indeed, more work is needed to unpack the meaning of effectiveness in the context of public participation methods and to systematically assess various methods against pre-determined evaluation criteria. Some of this work has begun in the fields of science, technology and environmental policy (Rowe & Frewer, 2000; Beierle & Cayford, 2002; Petts, 2001). Researchers and decision makers in the health sector can contribute to this knowledge base by undertaking more rigorous evaluations of public participation approaches using clearly defined and agreed upon criteria. In the meantime, several key messages arise from the literature so far, to suggest that clear thinking about why you want to consult, with whom and about what will take participation practitioners at least part of the way. Deliberative approaches offer much promise for achieving the goals of more effective, informed and meaningful participation. As their theoretical underpinnings suggest, they also have the potential to foster a more engaged, public-spirited citizenry and early experiments with these processes suggest that the public finds these processes stimulating and informative. Whether deliberative processes lead to improved or even different decisions is not yet known. Their future promise, however, lies in the ability for those constructing them to overcome numerous challenges to their legitimacy driven by an increasingly demanding and discerning public.

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Proclamation

Proclamation Declaring April 3 - 9, 2011 Arbor Week in the City of Tualatin

WHEREAS in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. This holiday became Arbor Day and was first observed with the planting of more than a million trees in Nebraska. Arbor Day is now observed throughout the nation and the world and is observed in the State of Oregon during the week of April 3 - 9, 2011; and

WHEREAS healthy trees can reduce the erosion of topsoil by wind and water, moderate the temperature, calm traffic, clean the air, produce oxygen, provide habitat for wildlife and are a renewable resource giving us paper and countless other wood products; and

WHEREAS trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and where over 14,500 trees and shrubs were planted by volunteers on City of Tualatin parkland in 2010; and

WHEREAS recertification for 2011 marks the 24th consecutive time the City of Tualatin has been recognized as a Tree City USA by the National Arbor Day Foundation and this year will mark the 12th time that Tualatin has received the Tree City USA Growth Award; and

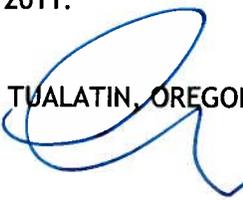
BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, that:

Section 1. All citizens are urged to support efforts to protect and plant trees to gladden the hearts and promote the well being of present and future generations.

Section 2. The citizens of the City of Tualatin support the Oregon Department of Forestry and the National Arbor Day Foundation in their recognition of the value of trees and forests by proclaiming April 3 - 9, 2011, as Arbor Week in Tualatin.

INTRODUCED AND ADOPTED this 28th day of March, 2011.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST:
BY 

City Recorder

Juanita Pohl Center & Loaves & Fishes

- Tualatin City Council Annual Update
March 28, 2011



An Effective Partnership for Seniors

- The City of Tualatin and Loaves & Fishes have been partners at the Juanita Pohl Center for 29 years. Loaves & Fishes has provided oversight management for the center since 1982.



Juanita Pohl Center

- Center is open weekdays: 9am-5 p.m.
- Hours of operation have increased 25%
- Extended hours include an 8:30 a.m. daily weekday opening with additional evening and weekend hours



Juanita Pohl Volunteers

- Juanita Pohl Center relies on the support of 287 volunteers each year
- In FY 2010, volunteers donated 13,009 hours of their time and talents to Juanita Pohl Center



YTD Nutrition Statistics

- 3,469 home-delivered meals (MoW)
- 6,087 dining room meals
(6% increase)
- 249 unduplicated clients
(6% increase)



Juanita Pohl Center

- More entrée choices
- “Scratch” cooking
- 50 % increase in events celebrating holidays and international cuisine



Juanita Pohl Center

- Social services & programs
- More than 200 activities per month



March 21, 2011 -
March 25, 2011

Week at a Glance

March 2011							April 2011						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

21 Monday

- 8:30am 9:45am Gentle Yoga (East Dining)
- 9:00am 4:30pm Billiards (Billiard Room)
- 10:00am 11:00am Cardio Circuit (East Dining)
- 11:15am 12:00pm Silver & Fit (East Dining)
- 11:45am 1:00pm Dining (West Dining)
- 12:45pm 1:45pm Muscle Strength (East Dining)
- 1:00pm 4:00pm Bridge (Entry Room)

22 Tuesday

- 9:00am 4:30pm Billiards (Billiard Room)
- 9:00am 1:00pm Quilling (East Dining)
- 9:00am 10:00am Walk & Talk (Park)
- 11:45am 1:00pm Dining (West Dining)
- 1:00pm 4:00pm Bridge (Entry Room)
- 1:30pm 2:30pm Cardio Circuit (East Dining)
- 2:45pm 3:45pm Yoga Stretch (East Dining)
- 6:00pm 9:00pm Tuesday Night Social (Entry Room)

23 Wednesday

- 8:30am 9:45am Gentle Yoga (East Dining)
- 9:00am 4:30pm Billiards (Billiard Room)
- 10:00am 11:00am Cardio Circuit (East Dining)
- 10:30am 1:00pm S.N.A.P. (West Lounge)
- 11:00am 12:00pm Advanced Line Dancing (East Dining)
- 11:45am 1:00pm Dining (West Dining)
- 12:45pm 1:45pm Muscle Strength (East Dining)
- 1:00pm 4:00pm Bridge (Entry Room)
- 2:30pm 3:30pm Arthritis Exercising (East Dining)

24 Thursday

- 9:00am 4:30pm Billiards (Billiard Room)
- 9:00am 1:00pm Quilling (East Dining)
- 10:00am 11:30am Crochet & Knit 2 (Entry Room)
- 11:00am 12:00pm Hearing Aid Check (Health Room)
- 11:45am 1:00pm Dining (West Dining)
- 1:00pm 4:00pm Bridge (Entry Room)
- 1:00pm 2:30pm Mah Jongg (Entry Room)
- 1:30pm 2:30pm Cardio Circuit (East Dining)
- 2:30pm 3:30pm Yoga Stretch (East Dining)

25 Friday

- 8:30am 9:15am Zumba Gold (East Dining)
- 9:00am 4:30pm Billiards (Billiard Room)
- 9:00am 1:00pm Massage (Health Room)
- 9:00am 10:00am Walk & Talk (Park)
- 9:30am 10:45am Yoga/PCC (East Dining)
- 10:00am 11:00am Bingo (Multi-Purpose)
- 11:00am 12:00pm Cardio Circuit (East Dining)
- 11:45am 1:00pm Dining (West Dining)
- 1:00pm 4:00pm Bridge (Entry Room)

- Entry Room
- Billiard Room
- Multi Purpose
- Health Room
- East Dining
- West Dining
- West Lounge
- Park

Juanita Pohl Activities

- Yoga, Zumba Gold
- Cardio Circuit
- Line Dancing
- Arthritis Exercise
- Personal Training
- Silver & Fit
- Muscle Strength & Range of Motion
- Outdoor Park Walks & Cycling



Juanita Pohl Activities (cont.)

- Bridge
- Billiards
- Bingo
- Mah Jongg
- Quilting
- Knitting
- Crocheting
- Beaded Jewelry
- Book Club



Juanita Pohl Activities (cont.)

- Foot Care
- Blood Pressure & Hearing Checks
- Spa Services & Massage
- Alzheimer's Support
- Elder Law
- AARP Driving Class
- SNAP & SHIBA



Juanita Pohl Activities (cont.)

- Special Events & Celebrations



Juanita Pohl Activities (cont.)

- Gift Shop



Juanita Pohl Activities (cont.)

- More than 400 people registered for exercise classes, not including outdoor walking & biking events
- An average of 2,400 people pass through our doors for activities each month



A New Staffing Plan

● Nutrition Manager, Patty Weaver

- New, full time Nutrition Manager for Juanita Pohl Center
- Oversees daily senior meal program operations
- Oversees daily center activities & programs
- Daily meal program documentation & cash reports



● Center Director, Paula Stewart

- One, full time Center Director position for:
Juanita Pohl Center & Sherwood Center
- Director provides oversight management:**
- Develops & Implements Centers Activities & Programs
 - Conducts Community Outreach & Fundraising
 - Oversees volunteer recruitment and training
 - Maintains weekly work schedule at each center



New Offerings in the Pipeline

- Card Making Class
- Tea Ceremony for the Modern Woman
- Community Garden Club
- Watercolor Class (Plein Air in summer)

Community Involvement

- Community Health & Safety Fair
- Tualatin Quilt Show & Auction
- 1st Place Winner 2010 Crawfish Festival Parade



Future Forecast-Community Park Campus

- Juanita Pohl Center Addition & Renovation
- Bicycle Club hosted in Lafky House
- Pottery program and intergenerational activities in Van Raden



Visit our websites!



www.ci.tualatin.or.us



www.feedseniors.com



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 3-28-11

Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 03/28/2011

SUBJECT: Approval of the Minutes for the Work Session and Meeting of March 14, 2011

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes of the Work Session and Meeting of March 14, 2011.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

FINANCIAL IMPLICATIONS:

There are no financial impacts associated with this item.

Attachments: A - Work Session Minutes of 3/14/11
B - Minutes of 03/14/11



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR MARCH 14, 2011

Present: Council President Chris Barhyte, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax

Absent: Mayor Lou Ogden, Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Services Director Paul Hennon, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer

Call to Order

Mayor Pro Tem Barhyte called the work session to order at 6:33 p.m.

Volunteer of the Year Selection

Victoria Eggleston gave a brief background and reviewed the recommendations that were submitted to the selection committee. Council reviewed and discussed the nominees recommended by the selection committee. Council made a change to the youth nominees, and agreed with the remainder of the recommendations submitted by the selection committee.

Council Meeting Agenda Review, Communications & Roundtable

There were no questions on the Consent Agenda. Council discussed agenda process and protocol.

City Attorney Brenda Braden updated Council on the Poole Quarry issue, and said in her view of the Hearing Officer's findings, there would have to be substantial evidence to appeal, of which there is not. Wilsonville has concluded they are not going to appeal for basically the same reason. There is a residents group that will likely appeal. It is possible to do a "me-too" brief if Council decides. The property is outside the Urban Growth Boundary (UGB), and the most can hope for is a "remand." Council discussed and City Attorney Braden responded how much weight would be given to a "me-too" brief would commit to a "Notice of Intent to Appeal." Discussion followed and it was noted that the quarry is likely not going to be stopped. Council President Barhyte said he would agree to a "me-too" brief, the rest of the Council present said they do not agree with proceeding with an appeal.

Council President Barhyte, representative on the Metropolitan Area Communications Commission (MACC) Board, said when Frontier took over Verizon there were concerns of whether Frontier would be continuing services. Council President Barhyte said MACC could not have done anything. They are trying to meet with Frontier representatives for discussions.

City Manager Lombos referenced the recently passed Charter amendment and said will be holding a "get together" with the measure proponents and the utilities. Council will need to discuss administrative procedures addressing the amendment. Council President Barhyte added there will be a work session to further discuss sometime in April.

Mention was made of the Tualatin-Sherwood Road Landscaping project, and whether to repurpose the urban renewal funds. City Manager Lombos said information will be presented at the March 28, 2011 work session on the Core Area Parking District's operations and policies. Councilor Beikman is a member of the Core Area Parking District Board, and at the last board meeting, members do not believe they should be deciding whether to repurpose urban renewal funds. Councilor Beikman said much of the landscaping project is near completion and she was not in favor of repurposing the urban renewal funds, and she believes the core area parking district operations and maintenance and the landscaping project are two separate issues. Councilor Bubenik agreed with Councilor Beikman. Councilors Brooksby and Truax said they were undecided at this point. City Manager Lombos said core area parking will be discussed in detail at the March 28, 2011 work session.

Adjournment

MOTION by Councilor Monique Beikman, SECONDED by Councilor Ed Truax to adjourn the work session at 6:58 p.m.

Vote: 5 - 0 CARRIED

Sherilyn Lombos, City Manager

Maureen Smith

Maureen Smith / Recording Secretary



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL FOR MARCH 14, 2011

Present: Council President Chris Barhyte, Councilor Monique Beikman, Councilor Wade Brooksby, Councilor Frank Bubenik, Councilor Ed Truax

Absent: Mayor Lou Ogden, Councilor Joelle Davis

Staff Present: City Manager Sherilyn Lombos, City Attorney Brenda Braden, City Engineer Mike McKillip, Police Chief Kent Barker, Community Services Director Paul Hennon, Human Resources Director Nancy McDonald, Finance Director Don Hudson, Acting Planning Manager Aquilla Hurd-Ravich, Development Manager Eric Underwood, Associate Planner William Harper, Assistant Planner Cindy Hahn, Parks and Recreation Manager Carl Switzer, Teen Program Specialist Julie Ludemann, Maintenance Services Division Manager Clayton Reynolds, Management Intern Ben Bryant, Executive Assistant Maureen Smith, Assistant to the City Manager Sara Singer, Community Development Director Alice Rouyer

A. CALL TO ORDER

The meeting was called to order by Mayor pro tem Barhyte at 7:05 p.m.

Pledge of Allegiance

The pledge of allegiance was led by Eagle Scout Tanner Mitton.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. *Eagle Scout Project Presentation - Tanner Mitton*

Volunteer Coordinator Victoria Eggleston introduced Eagle Scout Tanner Mitton. Tanner Mitton gave a brief PowerPoint presentation on the landscaping work he did at Jurgens Park, and said he enjoyed and learned a lot about landscape architecture.

2. *Swearing-in of New Police Officers*

Police Chief Kent Barker introduced and swore-in two new police officers, Shawn Fischer, and Mark Neumeister, and gave a brief background on each. Chief Barker said they both are going to the Police Academy and will return sometime in July.

Police Chief Barker announced Tualatin Police, in cooperation with the Drug Enforcement Administration (DEA) will host a "Pharmaceutical Drug Take Back Day" on Saturday, April 30, 2011, 10:00 a.m. to 2:00 p.m. It is an opportunity for citizens to bring in unwanted or expired prescription medications (liquid or solid) and over-the-counter medicines and dispose of them in a way that is safer for the environment and our community. The drop off site will be in the parking lot of the Tualatin Police Department. It will be

drive-thru convenience with no questions asked.

Chief Barker also noted the early morning incident in the Fox Hills neighborhood over the weekend was a burglary in progress involving two juveniles. Assistance by a police K-9 unit and other police agencies successfully caught the subjects involved.

3. ***Tualatin Youth Advisory Council***

Representatives from the Tualatin Youth Advisory Council (YAC) presented a PowerPoint update on upcoming events and activities.

4. ***Community Enhancement Award Presentation***

Councilor Frank Bubenik introduced members of the Tualatin Arts Advisory Committee (TAAC), Richard Hager and Art Barry, present to recognize the second recipient of the TAAC's Committee's Community Enhancement Award. The Community Enhancement Award was created to recognize individuals or organizations whose contributions have impacted arts-related experiences for local residents. Mr. Hager noted this year's recipient is "Willowbrook Arts Camp", and introduced founder Althea Pratt-Broome, her family and staff of Willowbrook. Mr. Hager also thanked Becky Savino, who staffs the TAAC, and Community Development Director Paul Hennon.

A short video was played about Willowbrook Arts Camp. Art Barry gave some background on Willowbrook and the history leading up to today, and Richard Hager expanded on the activities that happen at Willowbrook Arts Camp.

Council President Barhyte presented Ms. Pratt-Broome with a plaque honoring the Willowbrook Arts Camp, as the recipient of the Community Enhancement Award. Ms. Pratt-Broome thanked the Council and all involved for the award, and the people that brought their children to Willowbrook.

5. ***Recognition of Richard Hager***

Council President Barhyte gave background on the years of service Richard Hager has done for the community, first as a city councilor, participation on numerous city committees, and twenty years of service on the Washington County Policy Advisory Board. Council thanked Mr. Hager for his years of service and Councilor Truax presented Mr. Hager with a plaque honoring his twenty years of service on the Policy Advisory Board.

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

Bob Haas, 20887 SW Willapa Way, Tualatin, OR , spoke on the new protected permissive signalization. At particular intersections, such as Boones Ferry Road and Tualatin Road, there seems to be confusion by the driver and with timing of the permissive signal. Mr. Haas added he does believe they are used appropriately at a number of other places.

Mayor Pro Tem Barhyte noted the concerns and referred the issue to staff to address Mr. Haas' concerns.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, H) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Councilor Monique Beikman, SECONDED by Councilor Ed Truax to approve the Consent Agenda as read.

Vote: 5 - 0 CARRIED

1. Approval of the Minutes of the Work Session and Meeting of February 28, 2011
2. Resolution No. **5024-11** Establishing School Zones at Tualatin Elementary School at SW 95th and SW Avery Street and Rescinding Resolution No. 4218-04
3. Approval of 2011 Liquor License Renewals Late Submittal(s)
4. Resolution No. **5025-11** Supporting HB 3225

E. PUBLIC HEARINGS – Legislative or Other
None.

F. PUBLIC HEARINGS – Quasi-Judicial
None.

G. GENERAL BUSINESS
None.

H. ITEMS REMOVED FROM CONSENT AGENDA
Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

I. COMMUNICATIONS FROM COUNCILORS
None.

J. EXECUTIVE SESSION
None.

K. ADJOURNMENT

MOTION by Councilor Ed Truax, SECONDED by Councilor Monique Beikman to adjourn the meeting at 7:43 p.m.

Vote: 5 - 0 CARRIED

Sherilyn Lombos, City Manager

Maureen Smith

Maureen Smith / Recording Secretary



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 3-28-11

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Kaaren Hofmann, Civil Engineer
Mike McKillip, City Engineer

DATE: 03/28/2011

SUBJECT: Resolution Authorizing the Mayor to Sign an Intergovernmental Agreement between the City of Lake Oswego, the City of Tualatin and Clean Water Services

ISSUE BEFORE THE COUNCIL:

Should the Council adopt the attached resolution directing the Mayor to sign the attached intergovernmental agreement, clarifying and simplifying the responsibilities and procedures for areas in the City of Tualatin that have sewerage and drainage flowing into Lake Oswego.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution directing the Mayor to sign the intergovernmental agreement between Tualatin, Clean Water Services and the City of Lake Oswego dealing with sanitary sewer and storm drainage services.

EXECUTIVE SUMMARY:

There are multiple existing agreements between the City of Tualatin, the City of Lake Oswego and Clean Water Services for the areas noted in the exhibits to the agreement. This agreement would replace all of the existing agreements for this area of town and will simplify the reporting and payments. With this agreement, Tualatin will pay Clean Water Services for service to this area and will no longer pay the City of Lake Oswego. This means a reduction in the costs for the City as the rates paid to Clean Water Services are lower than the rates paid to the City of Lake Oswego.

The Board of Commissioners for Clean Water Services approved this intergovernmental agreement at their meeting on March 15, 2011.

OUTCOMES OF DECISION:

The existing agreement will be replaced with this new agreement. The new agreement simplifies the relationship between the three entities involved.

FINANCIAL IMPLICATIONS:

With the signing of this intergovernmental agreement, the City will save on the amount of money paid for providing sanitary sewer treatment to the areas north of the river and east of the freeway.

Attachments: A - Resolution
B - IGA

RESOLUTION NO. 5026-11

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LAKE
OSWEGO, CITY OF TUALATIN AND CLEAN WATER SERVICES

WHEREAS the parties have existing agreements regarding provision of sanitary sewer and storm and surface water management services relating to the service areas that are noted in the agreement; and

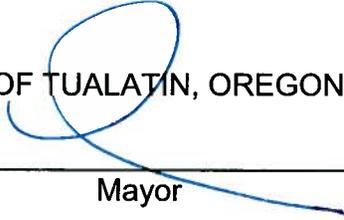
WHEREAS the parties have determined that this Agreement provides for a continuation of an adequate level of sanitary sewer and storm and surface water management services to the area served by each.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN,
OREGON, that:

Section 1. The Mayor is authorized to sign the attached intergovernmental agreement with Lake Oswego and Clean Water Services.

INTRODUCED AND ADOPTED this 28th day of March, 2011.

CITY OF TUALATIN, OREGON

BY 

Mayor

ATTEST
BY 

City Recorder

Sent for Signa
By: Kaaren - Eng.

INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF LAKE OSWEGO, CITY OF TUALATIN, AND
CLEAN WATER SERVICES

THIS AGREEMENT is entered into this ____ day of _____, 2011 by and between Clean Water Services, an ORS Chapter 451 County Service District (District), the City of Lake Oswego, an Oregon municipal corporation (Lake Oswego), and the City of Tualatin, an Oregon municipal corporation (Tualatin).

RECITALS

- A. Lake Oswego and Tualatin are authorized to provide services to citizens living within their boundaries.
- B. The District has the authority to provide sanitary sewer conveyance and treatment facilities, and to provide for storm and surface water management within its boundaries. Portions of Clackamas County are within the District by action of its Board of Directors pursuant to an election duly conducted within the boundaries of the District and action of the Portland Metropolitan Area Local Government Boundary Commission.
- C. Lake Oswego, Tualatin, and the District have the authority to enter into this Agreement pursuant to ORS 190.003.
- D. In establishing this Agreement, Lake Oswego, Tualatin, and the District have considered the financial and operational capacities of each entity, the physical factors, the capacities, and the economic and engineering options for provision of storm and sanitary sewer urban services.
- E. The parties have existing agreements regarding provision of sanitary sewer and storm and surface water management services relating to the service areas that are the subject of the Agreement.
- F. Lake Oswego, Tualatin, and the District have determined that this Agreement provides for a continuation of an adequate level of sanitary sewer and storm and surface water management services to the areas served by each.

DEFINITIONS

- A. Industrial Waste means any liquid, gaseous, radioactive or solid waste substance or a combination thereof resulting from any process of industrial or manufacturing business, or from the development or recovery of natural resources. For the purposes of this agreement, Industrial Waste shall also include any substance regulated under 33 USC Sec. 1317, together with regulations adopted there under.
- B. Operation and Maintenance means the regular performance of work required to assure continued functioning of the storm and surface water system and the sanitary sewerage system and corrective measures taken to repair facilities to keep them in operating condition, and in compliance with the requirements of applicable laws, regulations, and permits.

- C. Rates and Charges are defined in the District's "Rates and Charges" Resolution and Order No. 10-09 (R&O), or as amended. The following terms when used in this agreement shall be as defined in the R&O:
1. Dwelling Unit (DU)
 2. Dwelling Unit Equivalent (DUE)
 3. Impervious Surface Area
 4. Permit Application and Inspection
 5. Sanitary Sewer Service Charge
 6. Sanitary System Development Charge (SDC, also called "Connection Charge")
 7. Storm and Surface Water Service Charge
 8. Storm and Surface Water System Development Charge
- D. Sanitary Sewerage System means any combination of sewer treatment plant, pumping or lift facilities, sewer pipe, force mains, laterals, manholes, side sewers, laboratory facilities and equipment, and any other facilities for the collection, conveyance, treatment and disposal of sanitary sewage comprising the total publicly-owned sanitary sewerage system within District jurisdiction, to which storm, surface and ground waters are not intentionally admitted.
- E. Storm and Surface Water System (Storm Water System) means any combination of publicly owned storm and surface water quality treatment facilities, pumping or lift facilities, storm drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, grates and covers, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total publicly owned storm and surface water system within District's jurisdiction, to which sanitary sewage flows are not intentionally admitted.

GENERAL TERMS

- I. **Provision of Services – Responsibilities for provision of services covered by this agreement shall be based on the Service Area Maps attached to this agreement as Exhibits A and B. The Service Area Maps are further described below.**
- A. **Description of Service Area Maps**
1. Exhibit A is a map of Service Area "A". Exhibit A shows the following:
 - a. The area within Clackamas County in which the sanitary sewer system flows by gravity to the District's sanitary sewer system, and for which the District provides treatment.
 - b. Areas within the City limits of Lake Oswego.
 - c. Areas within the District Boundary.
 - d. Areas that are neither within the District Boundary or Lake Oswego City Limits, but are within "Service Area A".

- e. The existing public sanitary sewer system, and the jurisdiction responsible for operation and maintenance of each line segment.

2. Exhibit B is a map of Service Area "B". Exhibit B shows the following:

- a. "Service Area B-1" is the area within Clackamas County in which the sanitary sewer system flows by gravity to the District's Childs Road Pump Station, which is then pumped by force main to the Lake Oswego sanitary sewer system, and for which Lake Oswego provides treatment.
- b. "Service Area B-2" is the area within Clackamas County in which the sanitary sewer system flows by gravity to Lake Oswego's sanitary sewer system, and for which Lake Oswego provides treatment.
- c. Areas within the City limits of Lake Oswego.
- d. Areas within the District Boundary.
- e. Areas within City limits of Tualatin.
- f. Unincorporated areas that are neither within the District Boundary nor City Limits of Lake Oswego or Tualatin but are within either Service Area B-1 or B-2.
- g. The existing public sanitary sewer system, and the jurisdiction responsible for operation and maintenance of each line segment.

B. Sewage Treatment and Pumping responsibilities

Subject to any rules or directives of any federal, state, regional or local authority having jurisdiction,

1. District shall accept, treat and dispose of sewage originating from Service Area A.
2. Lake Oswego shall accept, treat and dispose of sewage originating from Service Areas B-1 and B-2.
3. District shall operate and maintain the Childs Road Pump station and force main.

C. Payment for Sewage Treatment Services

1. Lake Oswego and District shall each calculate the average monthly sewer service charge for a single family residence. This shall be known as the "Average Dwelling Unit Equivalent Rate" or "ADUER". As of the date of this agreement, the ADUER for Lake Oswego is \$58.97 and for the District is \$34.46. Lake Oswego and District shall notify the other party when their ADUER changes.
2. As of the date of this agreement, the sanitary sewer connection charge for a single family house for Lake Oswego is \$3,908 and for the District is \$4,100. Lake Oswego and District will notify the other party when these amounts change.
3. Each party shall keep a record of the number of DUE's it serves within Service Areas A, B-1, and B-2, and monthly shall record any changes (such as new connections) within those service areas. For Lake Oswego, the DUE's shall be determined by dividing the total monthly revenue for an area by the ADUER.

4. Each party shall send a report to the party providing sewage treatment services no later than the 20th of the following month showing the number of sanitary sewer DUE's served, and the number of new DUE connections issued within Service Areas A, B-1, and B-2. For Lake Oswego, the new DUE connections shall be determined by dividing the total connection charge revenue for the month in a given area by the amount charged by the Lake Oswego for a single family house connection.
5. Service Charge Payment – Monthly, Lake Oswego shall pay District for treatment services calculated by multiplying the number of DUE's within Lake Oswego where District provides treatment (Lake Oswego portion of Area A) times the then current ADUER for the District times 83.69%. Monthly, District shall pay Lake Oswego for treatment services calculated by multiplying the number of DUE's within District, Tualatin and Rivergrove where Lake Oswego provides treatment (District, Tualatin, and Rivergrove portions of Areas B-1 and B-2) times the then current ADUER for Lake Oswego times 83.69%. All payments shall be made by the end of the following month.
6. Connection Charge Payment – Monthly, Lake Oswego shall pay District for new connections calculated by multiplying the number of new DUE connections issued within Lake Oswego where District provides treatment (Lake Oswego portion of Area A), as determined in Subsection 4 above, by the current District single family connection charge rate, then multiplying by 83.69%. Monthly, District shall pay Lake Oswego for new connections by multiplying the number of new DUE connections issued within Tualatin, District, and Rivergrove where Lake Oswego provides Treatment (Tualatin, District, and Rivergrove portions of Areas B-1 and B-2) by the current Lake Oswego single family connection charge rate, then multiplying by 83.69%. All payments shall be made by the end of the following month.
7. Tualatin shall send District the portion of sewer service charges and sewer connection charges as identified in the January 2005 Agreement as amended between Tualatin and District relating to operation of the Sanitary Sewerage System and Storm Water System (Tualatin-District 2005 Agreement) including those fees collected by Tualatin for unincorporated properties connected to the District/Tualatin sanitary sewer system in Service Area B-1 (portions of Rivergrove).
8. Each party shall institute administrative procedures within a reasonable time to diligently maintain regular billings and collection of fees, adjust complaints thereon, and pursue delinquency follow-ups and take reasonable steps for collection thereof.
9. Each party shall allow the other parties at any reasonable time and upon reasonable notice, to inspect and audit their books and records with respect to matters within the purview of this Agreement.
10. Interest may accrue on late monthly payments at a rate of 1.25 times the monthly Local Government Investment Pool earnings rate as posted for the previous month, and will be applied each month to the unpaid balance.

D. Modification of Exhibits

1. Expansion of Service Area A requires written approval by the District General Manager. Expansion of Service Areas B-1 or B-2 requires written approval by the City Manager of Lake Oswego.
2. At any time, Lake Oswego may install pumping or other systems so that all or a portion of Service Area A within Lake Oswego is no longer connected to the District system and when completed, Exhibit A shall automatically be amended to reduce the size of Service Area A.
3. At any time, District may install pumping or other systems so that all or a portion of Service Areas B-1 or B-2 within Tualatin is no longer is connected to the Lake Oswego system and when completed, Exhibit B shall automatically be amended to reduce the size of Service Area B-1 or B-2.
4. From time to time annexations may occur. Annexations that do not expand Service Area A, B-1 or B-2 shall automatically amend Exhibits A and B and do not require approval of the parties.
5. Operation and Maintenance responsibilities for facilities serving Service Area A shall be allocated as shown in Exhibit A, subject to the following:
 - i. District will maintain gravity sanitary sewer lines so long as there is a property served by District connected to that line anywhere upstream. District responsibility will end after the first upstream manhole above the last property served by District.
 - ii. Lake Oswego will maintain sanitary sewer lines serving Lake Oswego property so long as there are no properties served by CWS connected upstream.
 - iii. As annexations occur, the operation and maintenance responsibilities shown in Exhibit A will automatically be amended and do not require approval of the parties.
6. Operation and Maintenance responsibilities for facilities serving Service Area B-1 shall be allocated as shown in Exhibit B, subject to the following:
 - i. Tualatin will maintain gravity sanitary sewer line segments so long as there is a property served by Tualatin connected to that line segment. A line segment is defined as a sewer line from manhole to manhole.
 - ii. Lake Oswego will maintain gravity sanitary sewer lines within Service Area B-1 within Lake Oswego City Limits unless the line is being maintained by Tualatin per subsection 6.i above.
 - iii. District will maintain the Childs Road Pump Station and Force Main to the point where it connects to the Lake Oswego gravity sanitary sewer system. Lake Oswego will maintain the gravity system from that point on.
 - iv. As annexations occur, the operation and maintenance responsibilities shown in Exhibit B will automatically be amended and do not require approval of the parties.

7. Operation and Maintenance responsibilities for facilities serving Service Area B-2 shall be allocated as shown in Exhibit B subject to the following:
 - i. Tualatin will maintain gravity sanitary sewer lines inside their City limits within Service Area B-2 to the point where the system connects to the Lake Oswego gravity sanitary sewer system.
 - ii. Lake Oswego will maintain the sanitary sewer system that accepts the flows from Service Area B-2.
 - iii. As annexations occur, the operation and maintenance responsibilities shown in Exhibit B will automatically be amended and do not require approval of the parties.
8. For the Storm Water System, each jurisdiction will maintain the facilities within its boundary. For line segments that cross between jurisdictions, the jurisdiction in which the upstream manhole or junction structure is located will maintain that line segment to the next downstream manhole or junction structure. Parties may agree in writing on other arrangements for the maintenance of the Storm Water System, and those arrangements shall be reflected on Exhibits A and B as they occur. As annexations occur, the Operation and Maintenance responsibilities shown in Exhibit B will automatically be amended and do not require approval of the parties.
9. Upon transfer of Operation and Maintenance responsibilities in Sections I.D.5, 6, 7 and 8 above, the party previously responsible shall transfer any available as-built drawings, maintenance history, TV inspection records, master planning information, and other relevant maintenance records to the new responsible party.

E. Reduction of Infiltration and Inflow

Each party shall implement measures to reduce Infiltration and Inflow into the Sanitary Sewerage System. Each party, at its own expense, may install monitoring equipment to measure the flow being received by the other party. The monthly service charges specified in Section I.C are based upon a total maximum allowable discharge of twelve thousand (12,000) gallons of sewage per DU or DUE per month. Should the total discharge in any month exceed the maximum, computed by multiplying the number of DUs and DUEs by twelve thousand (12,000) gallons of sewage, the party providing treatment may charge the party generating the excessive flow a surcharge computed at a flat rate of one-third of the amount due under Section I.C above, for each four thousand (4,000) gallons per DU or DUE in excess of the maximum allowable discharge, or any part thereof. The surcharge, if any, shall be paid at the end each fiscal year.

F. Issuance of Permits

Subject to compliance with Lake Oswego City Code provisions, Lake Oswego will issue to District permits, upon completion of applications, from time to time as may be necessary for the installation of sewerage facilities in the public streets and ways of Lake Oswego without imposing any permit issuance fee; provided however, that the District shall adhere to any condition required pursuant to ORS 451.550(6). In addition, District, its agents and assigns, during the construction, repair, or

maintenance of the sanitary sewer system within Lake Oswego shall be exempt from any and all fees or taxes normally charged by Lake Oswego for the same or similar work.

G. Industrial Waste

Each party shall implement measures to monitor and reduce the introduction of Industrial Wastes into the sanitary sewer system.

II. Storm Water

Storm water is generated within Lake Oswego that flows downstream to District's Storm and Water System in Service Area A, and is generated within District and Tualatin within Service Area B-2 that flows downstream to Lake Oswego's Storm and Water System. Storm water generated in Service Area B-1 generally flows directly to the Tualatin River. The parties agree to take reasonable measures to reduce the negative quantity and quality impacts of storm water runoff on the downstream party.

III. Extension of Services

The District shall not extend sanitary sewer service to areas outside of the District except with prior approval of Lake Oswego where such areas are included in the Urban Planning Area Agreement between Lake Oswego and the appropriate county or counties.

IV. Prior Agreement

- A. Lake Oswego and District have an existing agreement from March, 1986 (Lake Oswego-District 1986 Agreement) relating to the provision of the Sanitary Sewerage System and Storm Water System urban services. The Lake Oswego-District 1986 Agreement is hereby terminated by mutual consent of Lake Oswego and District including any amendments between the parties, provided that this termination of such prior agreement shall not relieve either party of any claims that arose under that agreement before its termination.
- B. Lake Oswego and Tualatin have an existing agreement from September 1982 (Lake Oswego-Tualatin 1982 Agreement) relating to the provision of the Sanitary Sewer and Storm Water System urban services. The Lake Oswego-Tualatin 1982 Agreement is hereby terminated by mutual consent of Lake Oswego and Tualatin including any amendments between the parties, provided that this termination of such prior agreement shall not relieve either party of any claims that arose under that agreement before its termination.
- C. The Tualatin-District 2005 Agreement remains in effect as written and no portion of this Intergovernmental Agreement amends, modifies or terminates that agreement.

V. Term, Review and Modification of Agreement

- A. This Agreement shall remain in effect until June 30, 2015. At the end of that period, and at the end of each succeeding five year period, this Agreement shall be

automatically renewed for an additional five year period unless any of the parties first notifies the others in writing of its election not to renew. Notice of non-renewal shall be given not less than three (3) years prior to the effective expiration date.

B. The parties shall jointly review this Agreement at least every five years from the above date to evaluate the effectiveness of the Agreement and to propose any necessary modifications. Any proposed modifications shall be presented to the governing body of each party for approval, if necessary.

C. Except as provided in Section I.D, this agreement may only be modified by a written amendment executed by the parties.

VI. Indemnity

Subject to the limitations of the Oregon Tort Claims Act, ORS 30.260 et seq., each party shall defend, indemnify and hold harmless the other parties, its governing body, officers, employees, agents and representatives from and against all claims, demands, penalties and causes of action of any kind or character, including attorney's fees, on account of personal injury, death or damage to property sustained in any way in connection with the indemnifying party's acts or omissions relating to this Agreement.

VII. Severability

In the event that any provision of this Agreement shall be held to be impossible, invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties hereto.

VIII. Waiver

Failure by a party to enforce any provision of this Agreement shall not be construed by the other parties as a waiver of a subsequent breach of the same provision by the other parties.

IX. Assignment

This Agreement shall not be assigned by any of the parties without first obtaining the written consent of the others. Any attempted assignment in violation of this provision shall be void.

X. Hold Harmless

Each of the parties hereto shall defend, indemnify and hold harmless the other party, its officers, employees, agents and representatives from and against all claims, demands, penalties and causes of action of any kind or character including the cost of defense and

attorney's fees arising in favor of any person, on account of personal injury, death or damage to property arising out of services performed, the omission of services or in any way resulting from the act or omissions of the party so indemnifying and/or its agents, employees, subcontractors, or representatives.

CLEAN WATER SERVICES

CITY OF LAKE OSWEGO

By: _____
Bill Gaffi, General Manager

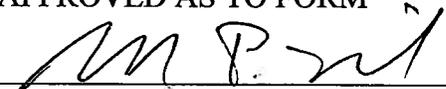
By: _____
Jack D. Hoffman, Mayor

Dated: _____

Dated: _____

APPROVED AS TO FORM

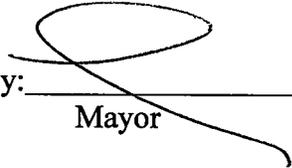
APPROVED AS TO FORM:



Gerald Linder, District General Counsel

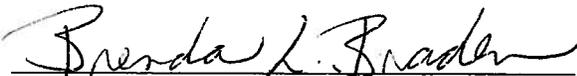
David Powell, Lake Oswego City Attorney

CITY OF TUALATIN


By: _____
Mayor

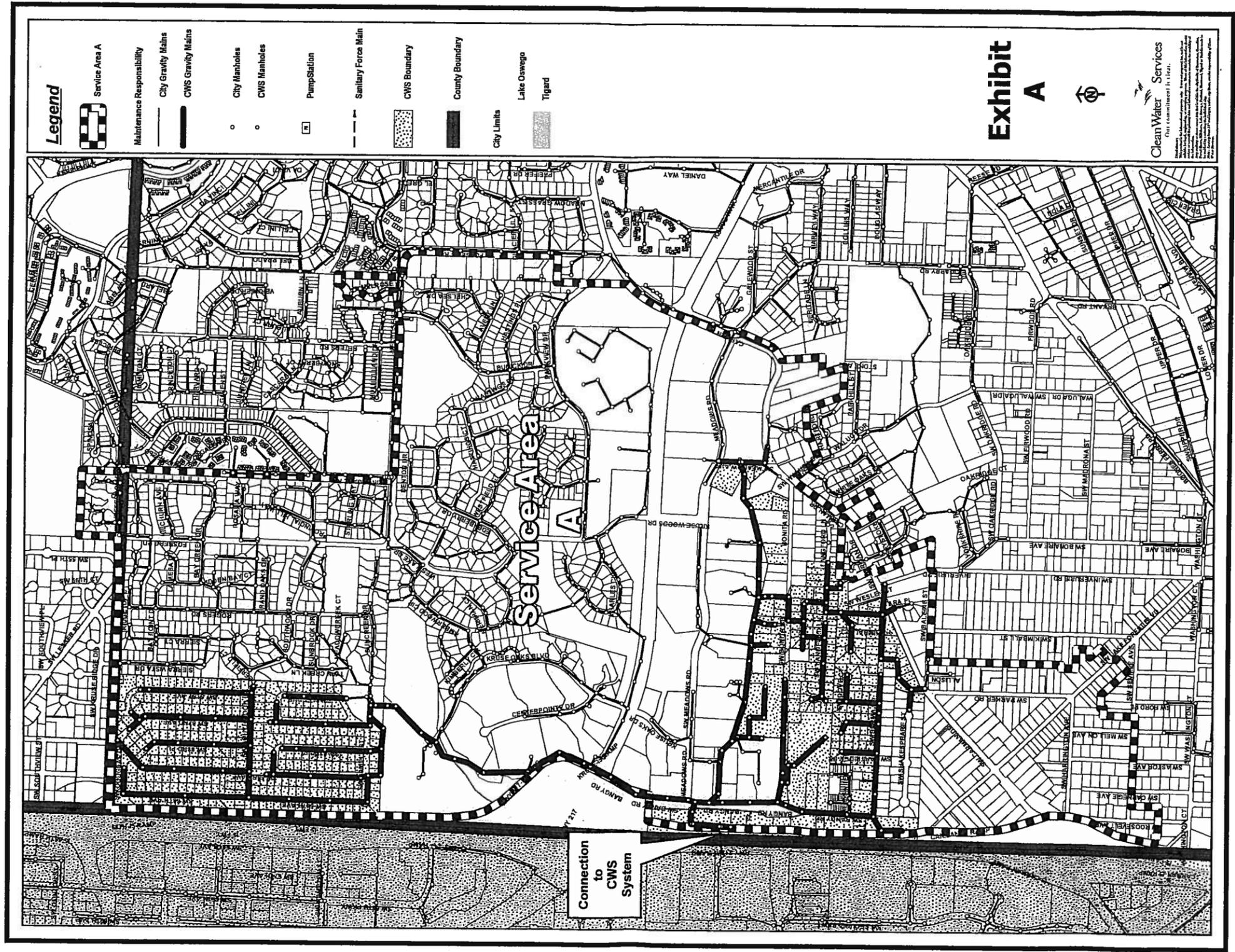
Dated: 3-28-2011

APPROVED AS TO FORM

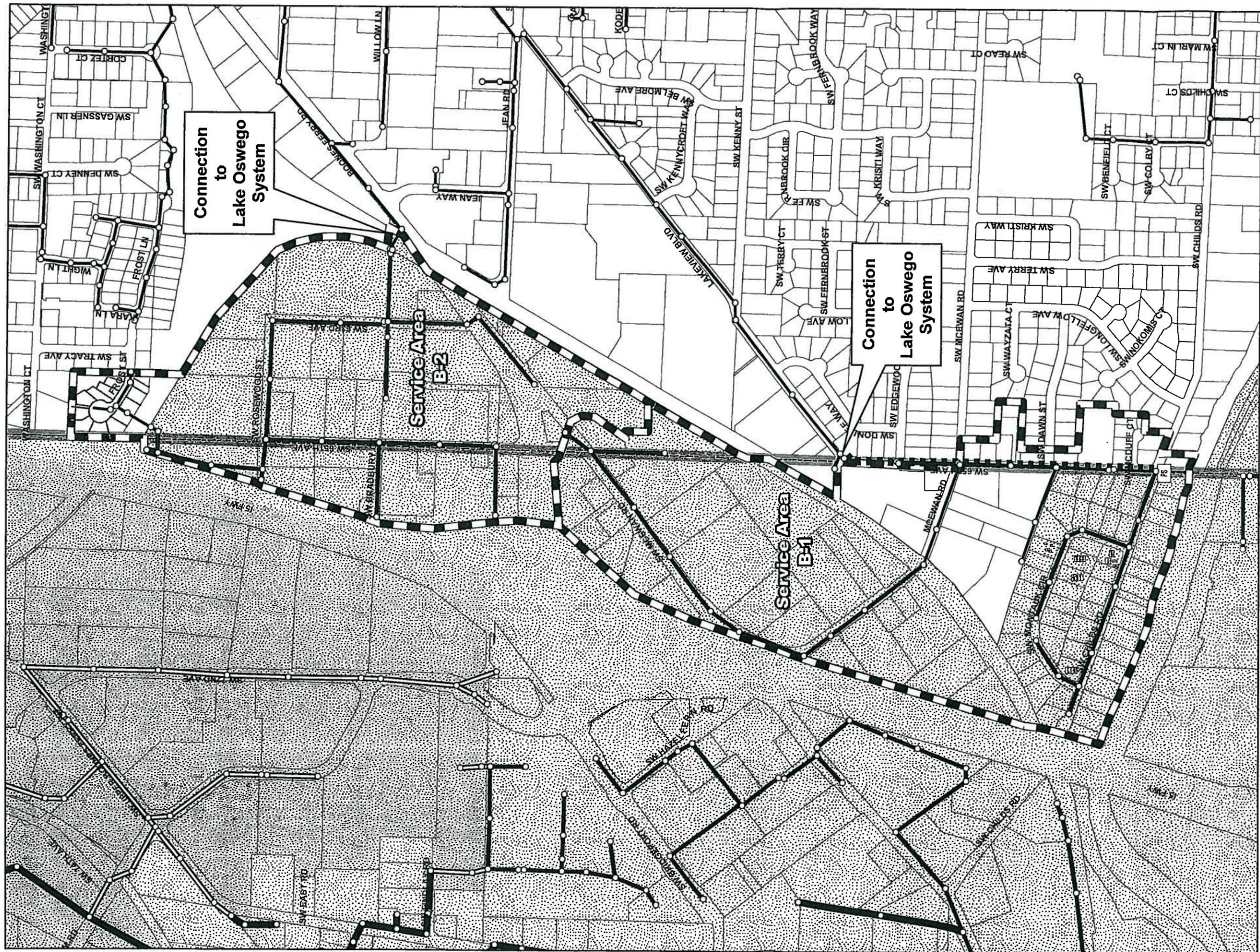


Brenda Braden, Tualatin City Attorney

Sent for Signatures
By: _____



Sent to: Signatures
By: _____



Connection to Lake Oswego System

Connection to Lake Oswego System

Service Area B-2

Service Area B-1

Legend

-  Service Area Boundary
-  CWS Boundary
-  County Boundary
-  Pump Station
-  Sanitary Manholes
-  Lake Oswego Gravity Mains
-  Tualatin Gravity Mains
-  Tigard Gravity Mains
-  CWS Gravity Mains
-  Sanitary Force Main
-  Lake Oswego
-  Rivergrove
-  Tigard
-  Tualatin
-  Unincorporated

Exhibit B



Disclaimer: The information presented on this map is for informational purposes only and does not constitute a contract. The information is based on the best available data and is subject to change without notice. The user of this information is advised to verify the accuracy of the information before using it for any purpose. The user of this information is advised to verify the accuracy of the information before using it for any purpose. The user of this information is advised to verify the accuracy of the information before using it for any purpose.



Sent for Signatures By: _____



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 3-28-11
Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Maureen Smith, Executive Assistant
DATE: 03/28/2011
SUBJECT: Community Involvement Committee Appointments

ISSUE BEFORE THE COUNCIL:

Should the City Council approve appointments to various Advisory Committees and Boards.

RECOMMENDATION:

Staff recommends the City Council approve the Community Involvement Committee (CIC) recommendations and appoint the below listed individuals.

EXECUTIVE SUMMARY:

The Community Involvement Committee met and interviewed citizens interested in participating on City committees and boards. The Committee recommends appointing and reappointing the following individuals:

<i>Individuals</i>	<i>Committee / Board</i>	<i>Term</i>
Sam Graham	Planning Advisory Committee	Partial Term Expiring 08/31/13
Phil Anderson	Library Advisory Committee	Partial Term Expiring 02/28/11
Dana Paulino	Parks Advisory Committee	Reappointment-Term Expiring 02/28/14
Kay Dix	Parks Advisory Committee	Reappointment-Term Expiring 02/28/14
Valerie Pratt	Parks Advisory Committee	Reappointment-Term Expiring 02/28/14
Dennis Wells	Parks Advisory Committee	Reappointment-Term Expiring 02/28/14
Paul Sivley	Budget Advisory Committee	Reappointment-Term Expiring 12/31/13
Gimena Olguin	Library Advisory Committee	Reappointment-Student Term Expiring 11/23/11

Attachments:



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date 3-28-11
Recording Secretary M. Smith

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Maureen Smith, Executive Assistant
DATE: 03/28/2011
SUBJECT: Approval of 2011 Liquor License Renewals Late Submittal(s)

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve liquor license renewal applications for 2011. The businesses listed below submitted their 2011 renewal application too late to be included in the renewals approved at the February 28, 2011 Council meeting. Copies have not been included with this staff report but are available at the City Offices for review.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the following liquor license application renewals for 2011:

Ex Cathedra	La Barca Guerrero
Famous Dave's	La Isla Bonita Mexican Restaurant
Fiorano's Ristorante	Nacho Mama's
Fuddrucker's	Tualatin Island Grill

EXECUTIVE SUMMARY:

Annually the Oregon Liquor Control Commission (OLCC) requires all liquor licenses be renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.

Attachments:



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 3-28-11

Recording Secretary [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Maureen Smith, Executive Assistant

DATE: 03/28/2011

SUBJECT: Approval of a New Liquor License Application for Buffalo Wild Wings Grill & Bar

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Buffalo Wild Wings Grill & Bar.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Buffalo Wild Wings Grill & Bar.

EXECUTIVE SUMMARY:

Buffalo Wild Wings Grill & Bar has submitted a new liquor license application under the category of Full On-Premises Sales, Commercial Establishment (which allows the sale and service of distilled spirits, malt beverages and wine for consumption on the licensed premises. Also allows pre-approved licensees to cater events off the licensed premises; category F-COM - commercial establishment). The business is located at 8505 SW Tualatin-Sherwood Road. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council.

Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval.

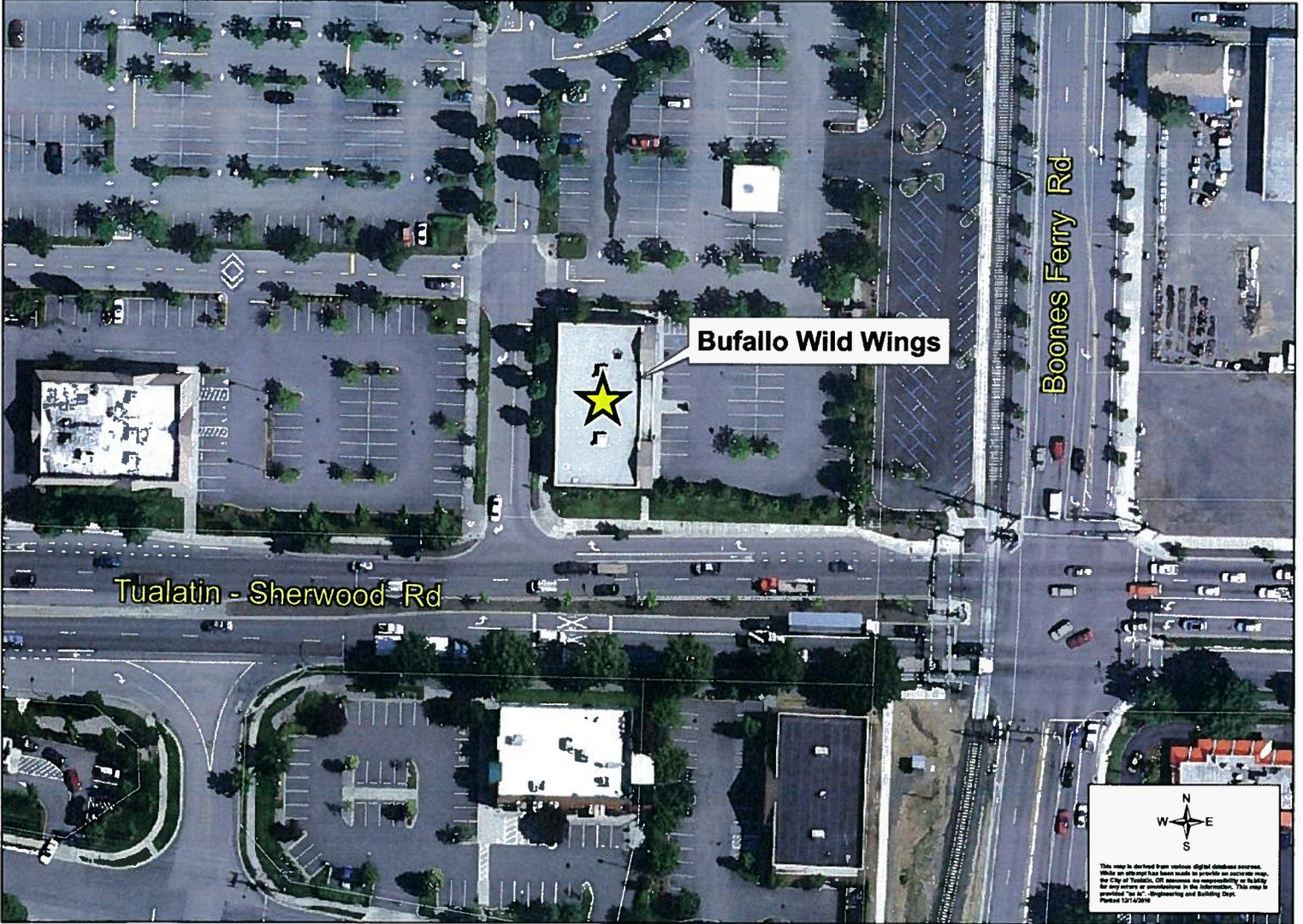
According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: A - Vicinity Map
B - License Types
C - Application

Buffalo Wild Wings- 8505 SW Tualatin-Sherwood Rd



N
W — E
S

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". Engineering and Building Dept. Printed 12/12/2010

OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES & PRIVILEGES

Brewery – public house

Allows the manufacture & sale of malt beverages to wholesalers, & the sale of malt beverages, wine & cider for consumption on or off the premises. [ORS 471.200]

Brewery

Allows the manufacture, importation, storage, transportation & wholesale sale of malt beverages to OLCC licensees. Malt beverages brewed on the premises may be sold for consumption on the premises & sold in kegs to the public. [ORS 471.220] designates a licensee that does not allow tastings or other on premises consumption.

Certificate of Approval

This certificate allows an out-of-state manufacturer, or an importer of foreign wine or malt beverages, to import wine & malt beverages to Oregon licensees. [ORS 471.289]

Distillery

Allows the holder to import, manufacture, distill, rectify, blend, denature & store distilled spirits. A distillery that produces distilled liquor may permit tastings by visitors. [ORS 471.230]

Direct Shipper Permit

Allows manufacturers & retailers to ship wine & cider directly to Oregon residents for their personal use. [ORS 471.282]

Full On Premises Sales

Allows the sale & service of distilled spirits, malt beverages & wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off of the licensed premises [ORS 471.175] license sub-type designates the type of business licensed: F-CAT- caterer; F-CLU- private club; F-COM - commercial establishment; F-PC - passenger carrier; F-PL - other public location.

Growers Sales Privilege

Allows the importation, storage, transportation, export, & wholesale & retail sales of wines made from fruit or grapes grown in Oregon [ORS 471.227]. Designates a licensee that does not allow tastings or other on premises consumption.

Limited On Premises Sales

Allows the sale of malt beverages, wine & cider for consumption on the licensed premises & the sale of kegs of malt beverages for off premises consumption. Also allows licensees who are pre-approved to cater events off of the licensed premises. [ORS 471.178]

Off Premises Sales

Allows the sale of malt beverages, wine & cider in factory sealed containers for consumption off the licensed premises & allows approved licensees to offer sample tasting of malt beverages, wine & cider. [ORS 471.186]

Warehouse

Allows the storage, importing, exporting, bottling, producing, blending & transporting of wine & malt beverages. [ORS 471.242]

Wholesale Malt Beverage & Wine

Allows the importation, storage, transportation & wholesale sale of malt beverages & wine to OLCC licensees & limited retail sales to the public (dock sales). [ORS 471.235]

Wine Self Distribution Permit

Allows manufacturers to sell & ship wine & cider produced by the manufacturer directly to Oregon retailers for resale to consumers. May ship to businesses which have an OLCC endorsement to receive the shipments. [ORS 471.274]

Winery

Allows the licensee to import, bottle, produce, blend, store, transport & export wines, & allows wholesale sales to OLCC & licensees, & retail sales of malt beverages & wine for consumption on or off the licensed premises.[ORS 471.223]



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Date 2/4/11

IMPORTANT: This is a three-page form. **You are required to complete all sections of the form.** If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business(dba): Buffalo Wild Wings Grill & Bar

Business address: 8505 SW Tualatin Sherwood Road City: Tualatin State: OR Zip Code: 97062

Telephone #: tbd Fax #: tbd

Name(s) of business manager(s)*: First Christopher Middle Edmund Last Minoza

**We are providing information for an officer of the company. We will provide information about the GM once hired.*

Date of birth [REDACTED] Social Security # [REDACTED] ODL# [REDACTED] M X F

Home address: [REDACTED] City: Portland State: OR Zip Code: 97210
(attach additional pages if necessary)

Type of business: Full Restaurant and Bar

Type of food served: Wings, burgers, sandwiches and general Americana.

Type of entertainment (dancing, live music, exotic dancers, etc.): Recorded music & coin operated games.

Days and hours of operation: Mon-Thur (11AM-12AM); Fri-Sat (11AM-1AM); Sun (9AM-10:30PM)

Food service hours: Breakfast: N/A Lunch: 11AM-3PM Dinner: 5PM-10PM

Restaurant seating capacity: 208 224 Outside or patio seating capacity: N/A

How late will you have outside seating? N/A How late will you sell alcohol? Until closing.

How many full-time employees do you have? 25 Part-time employees? 70

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants: MBH Tualatin, LLC

Type of liquor license (refer to OLCC form): Full On-Premises Sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: *If this box is checked, provide full name, date of birth, and residence address.*

Full name: _____ Date of birth: _____

Residence address: _____

PARTNERSHIP: *If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.*

Full name: _____ Date of birth: _____

Residence address: _____

Full name: _____ Date of birth: _____

Residence address: _____

CORPORATION: *If this box is checked, complete (a) through (c).*

(a) Name and business address of registered agent.

Full name: _____

Business address: _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.

Full name: _____ Date of birth: _____

Residence address: _____

(c) Are there more than 35 shareholders of this corporation? ___ Yes ___ No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.

Full name of president: _____ Date of birth: _____

Residence address: _____

Full name of treasurer: _____ Date of birth: _____

Residence address: _____

Full name of secretary: _____ Date of birth: _____

Residence address: _____

LIMITED LIABILITY COMPANY: *If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.*

Full name: MBH Holding, LLC Date of birth: 

Residence address:  Vancouver, WA 98660

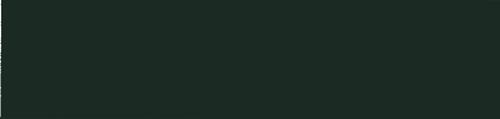
Full name: _____ Date of birth: _____

Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.


Signature of Applicant _____ Date 2/4/11

For City Use Only

Sources Checked:

DMV by [Signature] LEADS by [Signature] TuPD Records by [Signature]

Public Records by [Signature]

Number of alcohol-related incidents during past year for location. _____
 Number of Tualatin arrest/suspect contacts for: _____
 Number of Tualatin arrest/suspect contacts for: _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____


Signature _____ Date 3/14/11

Kent W. Barker
Chief of Police
Tualatin Police Department



Suite 2300
1300 SW Fifth Avenue
Portland, OR 97201-5630

Duke Tufty
503.778.5209 tel
503.778.5299 fax

duketufty@dwt.com

March 4, 2011

REC'D
CITY OF TUALATIN
MAR 07 2011

MAYOR ___ COUNCIL ___ POLICE ___ ADM ___
FINANCE ___ COMM DEV ___ LEGAL ___ OPER ___
COMM SVCS ___ ENG & BLDG ___ LIBRARY ___

City of Tualatin
Attn: Maureen Smith
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062

Re: MBH Tualatin, LLC
dba Buffalo Wild Wings Grill & Bar
8505 SW Tualatin Sherwood Road, Tualatin, OR 97062

Dear Ms. Smith:

This firm represents MBH Tualatin, LLC, an Oregon limited liability company (the "Company"). The Company is applying for a New Outlet Full On-Premises Sales License at the above referenced location. In support of the application, enclosed are the following:

1. City of Tualatin Liquor License Application along with the license application fee of \$100.
2. OLCC Liquor License Application and supporting documents.

Once the City has processed the application, please return it in the enclosed envelope. If you have any questions, please call.

Very truly yours,

Davis Wright Tremaine LLP


Duke Tufty

DT:cl
Enclosures
cc: Chris Minoza



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Carl Switzer, Parks & Recreation Manager
Paul Hennon, Community Services Director

DATE: 03/28/2011

SUBJECT: Resolution Granting Heritage Tree Status to Trees at the Winona Grange #271

ISSUE BEFORE THE COUNCIL:

The Council will consider designating as Heritage Trees three Big Leaf Maples at the Winona Grange.

RECOMMENDATION:

The Tualatin Park Advisory Committee (TPARK) acts as the City's Tree Board, and after reviewing the nomination application, recommends that Council grant Heritage Tree status to these trees.

Staff respectfully recommends that Council adopt the attached resolution designating these trees as Heritage Trees and authorizing and directing certain administrative acts consistent with that designation.

EXECUTIVE SUMMARY:

The purpose of this report is to request Council approval of the attached resolution that bestows Heritage Tree status for three trees at the Winona Grange, and directs and authorizes completion of certain administrative acts consistent with that designation.

Council adopted the Heritage Tree program in 1987 to recognize, foster appreciation of, and protect Heritage Trees; to inspire awareness of the contribution of trees to the community; and to encourage planting of trees. A Heritage Tree is defined as a tree or stand of trees that is special due to its age, size, species, quality or historic association, or is of landmark importance, and its retention as such will not unreasonably interfere with the use of the property upon which it stands. If approved, these trees will become the thirty-fifth (35) trees or stands of trees in the program. The Heritage Tree program is found in Chapter 1-23 of the Tualatin Municipal Code.

Nominations for the Heritage Tree program were solicited in the January Tualatin Today newsletter. The City received one nomination from the Winona Grange to adopt three Big Leaf Maples on its property into the Heritage Tree program. Tualatin's Winona Grange was organized in 1895. The Grange used different locations for their meetings until the Winona Grange building was erected in 1940. The three Big Leaf Maple trees are believed to have been planted at the time of construction and since then have provided cooling shade to the Grange and visual beauty the site. The Winona Grange is located at 8340 SW Seneca Street in Tualatin. Two of the trees are located on the west side of the Grange and one is located on the east side. They have an estimated height of 80 feet and have an estimated crown spread of 50-60 feet each. These trees were nominated for Heritage Tree status due their historic association with the Grange. Images of the trees are presented in Attachment B.

The following five conditions for Heritage Tree designation per Chapter 1-23 of the Tualatin Municipal Code (TMC) have been met:

1) TPARK finds that the tree is in conformance with the definition of a Heritage Tree,

- 2) The tree is healthy (free of disease, or hazardous or unsafe conditions),
- 3) The property owners voluntarily agree to the Heritage Tree designation,
- 4) The property owners agree to forfeit for the Heritage Trees any exemptions which might otherwise have been granted under TDC 34.200, and
- 5) The property owner agrees to record the tree's designation as a Heritage Tree, its site and its description on the land title. The Heritage Tree Preservation Agreement (Attachment C) addresses this condition.

If approved by Council, the City will furnish a bronze plaque stating that the trees have been designated as Heritage Trees by the City of Tualatin and the plaque will be placed in a visible location near the Heritage Trees. Also, if approved by Council, these trees will be added to the official listing and map of Heritage Trees as required by TMC 1-23.

FINANCIAL IMPLICATIONS:

Upon approval of the nomination the City will furnish plaque stating that the trees have been designated as Heritage Trees. The cost of the plaque is approximately \$230 and will be purchased by the Community Services Department and installed by the Operations Department. The property owner is responsible for on-going maintenance of the Heritage Trees.

Attachments: Attachment A - Resolution
 Attachment B - Pictures
 Attachment C - Preservation Agreement

RESOLUTION NO. 5027-11

RESOLUTION GRANTING HERITAGE TREE STATUS TO A TREE ON CITY PROPERTY

WHEREAS Chapter 1-23 of the Tualatin Municipal Code established a program to recognize and protect Heritage Trees; and

WHEREAS Chapter 1-23 of the Tualatin Municipal Code specified that ten (10) trees could receive Heritage Tree Status in the first year of the program and in each subsequent year a maximum number of five (5) trees may be designated as Heritage Trees, and with this new group of three trees added the total number of trees or stands with the Heritage Tree designation would be 35; and

WHEREAS nominations have been solicited, received and reviewed by the Tualatin Parks Advisory Committee (TPARK); and

WHEREAS TPARK, at its regular meeting held on March 8, 2011, recommended that three (3) trees at the Winona Grange identified in the staff report receive Heritage Tree designation at this time; and

WHEREAS Chapter 1-23 of the Tualatin Municipal Code stipulates that the property owner agree to forfeit for the Heritage Tree any exemption which might otherwise have been granted under Section 34.200 of the Tualatin Development Code, and further agree to record the tree's designation as a Heritage Tree, its site and its description on the County records; and

WHEREAS certain administrative acts are required to implement all the provisions of the ordinance establishing the Heritage Tree Program.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. Three (3) Big Leaf Maple trees located on the Winona Grange property at 8340 SW Seneca Street, are hereby designated as a Heritage Trees of the City of Tualatin.

Section 2. The Mayor and City Recorder are authorized and directed to sign the Heritage Tree Preservation Agreement.

Section 3. Upon receipt of agreement referred to in Section 2, the City Recorder shall cause to be recorded the tree's designation as a Heritage Tree, its site and its description on the County Records.

Section 4. The Parks and Recreation Manager is directed to place a plaque identifying the trees as a Heritage Trees in a visible location near the designated

Heritage Trees.

Section 5. The Parks and Recreation Manager is directed to place this tree on the official listing and map of Heritage Trees and to maintain said listing and map in accordance with the provisions of Chapter 1-23 of the Tualatin Municipal Code.

INTRODUCED AND ADOPTED this 28th day of March, 2011.

CITY OF TUALATIN, OREGON

BY

Mayor

ATTEST:

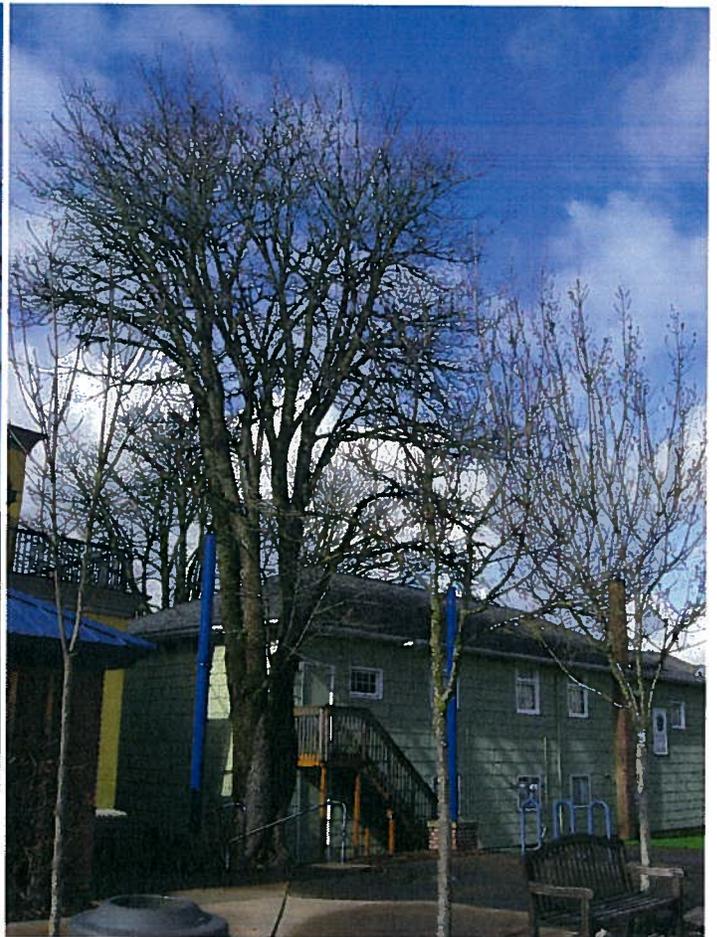
BY



City Recorder



Two Big Leaf Maples – West side of Grange



One Big Leaf Maple – East side of Grange

HERITAGE TREE PRESERVATION AGREEMENT

Upon acceptance of the Tualatin City Council, We, the **Winona Grange #271**, as owners of the following described property agree that certain trees thereon and more fully described herein shall be placed on the City of Tualatin's list of Heritage Trees and thereafter preserved and protected. I recognize and agree that placement on this list is due to the age, size, species, quality, historic association, and/or landmark importance of such tree or trees and its retention will not interfere with the use of the property upon which it is located.

The .26 acre Winona Grange property on which the trees are located is at 8340 SW Seneca Street, Tualatin Oregon, 97062. The property on which the tree is described on the records of the Washington County Department of Assessment and Taxation is Tax Lot 4700 of Tax Map 2S1 24BC.

Three Big Leaf Maple trees have been nominated for Heritage Tree status. Two of the trees are located on the west side of the building and one is located on the east side of the building.

As the owner of the property and the trees, we recognize and agree that this Heritage Tree designation does not affect my title and, therefore, I will indemnify and hold the City harmless from any claim which challenges this designation. We also understand and agree that tree maintenance, care and/or pruning continues to be my responsibility as the property owner and not the City's and that I will, to the best of my ability, preserve the tree from disease and death.

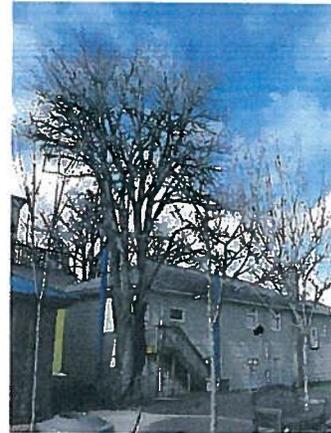
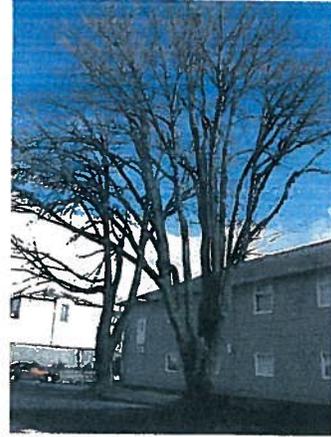
Finally, we agree to forfeit any exemption we may have from the provisions of the City of Tualatin Development Code, Section 34.200, which might otherwise permit us to cut down this tree. This forfeiture of exemption does not prohibit the property owner from applying for a permit to cut or otherwise remove said tree under the Tree Protection Ordinance.

The covenants and conditions in this agreement shall bind the Winona Grange including heirs, successors and assigns and this document may be filed in the County Recorder's Office.

By: *Doreen Wagon*

Date: 3/18/2011

Title: PRESIDENT, WINONA GRANGE #271



State of Oregon)
) ss.
County of Washington)

Signed or attested before me on this 18th day of March, 2011

by *Doreen Wagon*



Notary Public for Oregon
My Commission expires: July 14th, 2014

Approved and accepted by the Tualatin City Council this 28th day of March, 2011.

CITY OF TUALATIN, Oregon

BY: *[Signature]*
Mayor

ATTEST: *[Signature]*
BY: *[Signature]*
City Recorder

After recording, return to:
City of Tualatin
Community Services Department
18880 SW Martinazzi Avenue (Mailing)
8515 SW Tualatin Road (Physical)
Tualatin, OR 97062



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL
Date: 3-28-11
Recording Secretary: [Signature]

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: William Harper, Associate Planner
Alice Rouyer, Community Development Director

DATE: 03/28/2011

SUBJECT: Sign Variance for Legacy Bridgeport Clinic in the General Commercial (CG) Planning District at 18010 SW McEwan Road (Tax Map 2S113DD, Tax Lot 1800) (SVAR-10-01) **-CONTINUED HEARING-**

ISSUE BEFORE THE COUNCIL:

A request for a Sign Variance that would allow a taller freestanding pole sign with increased sign face height and increased sign face area from the maximum allowed by the Tualatin Development Code Chapter 38 Sign Regulations for properties in the General Commercial (CG) Planning District.

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and provide direction.

EXECUTIVE SUMMARY:

- This matter is a quasi-judicial public hearing.
- The applicant is Thomasina Gabriele, representing Legacy Health Systems for a Legacy Medical Group (LMG)-Bridgeport Clinic building tenant. SilverKing LLC is the owner of the 1.56 acres, Tax Lot 1800 (Map 2S113DD) subject property located at 18010 SW McEwan Road in the CG Planning District. The development on the property consists of a 10,000 s.f. one-story building with parking and landscaping. The property has two ingress/egress accesses on the adjoining SW McEwan Road frontage. The vicinity of the site includes commercial development to the north and east, self-storage businesses and the NW Natural Service Yard (across SW McEwan Road to the south) in the ML (Light Manufacturing) Planning District. The I-5 Freeway north bound lane is approximately 90 ft. from the subject property (west of SW McEwan Road) and approximately 195 ft. from the SilverKing Building west tenant entrance. A Vicinity Map, a Tax Map and a Site Map are included as Attachments A, B & C respectively. The applicant's materials including a site plan are included as Attachment D.
- Legacy Medical Group (LMG)-Bridgeport Clinic occupies a 5,200 sq. ft. portion of the SilverKing Building that opened when the tenant improvements were completed in the Fall of 2010. The other building tenant is an office use. The applicant describes the clinic as:

"...a primary care clinic with both internal medicine and family practice physicians. In addition, Legacy Laboratory Services has a phlebotomist on site to do lab draws for all clinic hours of operation."
(Attachment D, pg. 1)

- The LMG-Bridgeport Clinic utilizes an existing freestanding monument sign located on the subject property's SW McEwan Road frontage. The existing freestanding monument sign was approved in S-10-019 with a sign height of 4.5 ft. and a sign face area of 39 sq. ft.
- LMG-Bridgeport Clinic seeks the Sign Variance to allow a taller pole sign, increased sign face height and additional sign face area for location on the SilverKing property. The Sign Code allows freestanding monument signs and pole signs in the CG Planning District with the standards in TDC 38.220 (1)(a, c) (Attachment F). A freestanding pole sign on the SilverKing property would be subject to the standards of TDC 38.220(1)(c), allowing a sign height of 15 feet, a sign face height of 8 feet and a sign face area of 48 square feet.

A property owner such as SilverKing LLC that is seeking to obtain sign permit approval to erect a freestanding pole sign that does not meet the standards of the Sign Code in TDC Chapter 38 has two options: 1. obtain Council approval of a Sign Variance to allow the proposed sign or, 2. obtain Council approval of a Plan Text Amendment to TDC Chapter 38 to change the standards for a freestanding sign.

- The Legacy Bridgeport Clinic application seeks a variance to allow a "... proposed pole sign ... 35 feet above grade with the sign face beginning 23 feet above grade and sign face area of 78 square feet" (Attachment D pg. 1). In the Introduction, the applicant states:

"The property is adjacent to I-5, but not visible from the freeway. Access to the property is convenient from I-5, via the Lower Boones Ferry exit. However, wayfinding to the address on SW McEwan is confusing." (Attachment D, pg. 1)

In the narrative, the applicant states:

"Patients coming to the clinic mostly drive to the clinic via the freeway, exit onto SW Lower Boones Ferry Road and then turn and drive nearly one half mile on little known SW McEwan Road." "...already there have been patients reporting they could not find the clinic..." "The proposed sign, visible from both directions on I-5 would assist in marking the location of the clinic and assure patients they are driving in the right direction and they will arrive after traveling some distance on McEwan." (Attachment D, pp 1-2). "The proposed sign size and height are necessary to provide visibility from Interstate 5 in both the northbound and southbound approaches, create a presence and provide a landmark for patients that have overshot the nearest north or south freeway exits and have difficulty finding the clinic." (Attachment D, pg. 6)

- The Applicant has prepared a narrative that describes the sign variance request and addresses the Sign Variance approval criteria (Attachment D). Attachment E is the Background Information and staff has reviewed the Applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment F).
- In response to concerns about the large size and unattractive appearance of a number of freestanding pole signs in the commercial areas of Tualatin, the City Council amended the Sign Code in June 2008 (Ordinance 1261-08) to remove tall and large freestanding pole signs as allowed signs in the vicinity of the I-5 Freeway interchanges (SW Nyberg Street and SW Lower Boones Ferry Road) and in the Central Commercial (CC) & General Commercial (CG) Planning Districts. The amendment also revised provisions for non-conforming freestanding signs to allow oversized freestanding signs to remain indefinitely or be altered if the sign height and size are reduced. The existing 45 ft. tall, 250 square foot area pole signs located in the vicinity of the SilverKing property (ie. Burger King, Motel 6, Carl's Jr.) are non-conforming signs and new signs of that size are no longer allowed by the Sign Code.
- As a means to improve the appearance of freestanding signs in commercial areas of Tualatin, the City Council amended the Sign Code in May 2010 (Ordinance 1302-10) to add provisions for design standards and a "Level I" review process for freestanding signs in the CC & CG Planning Districts, restricting freestanding pole signs to Collector and Local Commercial streets, and revisions to TDC 35.200 Non-Conforming Signs allowing structural modifications to non-conforming freestanding signs. New freestanding signs are subject to the Sign Design Standards of TDC 38.075.
- The City Council has both granted and denied Sign Variances. The following applications were approved: SVAR-92-01 for the Best Western (Pole Sign-Height increase) and SVAR-09-01 for Dick's Sporting

Goods (Wall Sign-Face Height and Area increase). The following applications were denied: Sign Variances SVAR-92-02 for Sweetbrier Inn (Pole sign-Increased Height & Area); SVAR-95-01 for Ben Lake Building (Additional Freestanding Sign); SVAR-95-02 for Michaels Crafts (Wall Sign-Increased Height & Area); and SVAR-96-01 for GI Joe's (Wall Sign -Increased Height).

- The application was submitted on October 22, 2010 and determined complete on November 18, 2010. The statutory 120th day within which a decision must be made was March 18, 2011. The Council granted the applicant's request for a continuance of the initial February 14, 2011 hearing to March 28, 2011, extending the 120 days by 42 days (162 days total) to a final decision date of April 29, 2011. This hearing is on day 130. No testimony or Council discussion occurred when the public hearing was opened on February 14, 2011 and continued. A public hearing notice (for the February 14, 2011 meeting) was mailed to property owners within 1,000 ft. of the subject property.
- The applicable policies and regulations that apply to the proposed Sign Variance include: TDC 6.030 Commercial Planning District Objectives; TDC 20.030-Sign Design Objectives; TDC Chapter 33-Variations; TDC Chapter 38-Sign Regulations.
- Before granting the proposed sign variance, the City Council must find that the sign variance criteria 1-6 listed in TDC 33.022 are met: The Analysis and Findings (Attachment F) examines the application in respect to the criteria for granting a Sign Variance. In the Analysis and Findings, Staff finds that the applicant has not demonstrated that Sign Variance Criteria 1, 2, & 4 [(1) Hardship circumstances; (2) Hardship not created by choice, and; (4) Preservation of a property right possessed by others in the same Planning District] are met.

OUTCOMES OF DECISION:

Approval of the Sign Variance request as proposed by the applicant will result in the following:

1. Allows Legacy Medical Group-Bridgeport Clinic to obtain a sign permit for and erect a freestanding pole sign with a sign height of 35 ft. and sign face height of 12 ft. and 78 square feet of sign face area on the subject property, located in a CG Planning District.

Approval of the Sign Variance with conditions chosen by the Council can address the following Sign Code standards that apply to the proposed sign and issues related to ensuring location of the sign outside the public right of way, protection of trees and stating terms of non-conformance if the applicant's medical clinic or a succeeding medical clinic use no longer occupy the subject property. The following issues were identified by staff in the Analysis & Findings Attachment F with recommended conditions.

1. Remove or relocate the existing freestanding monument sign on the SilverKing property frontage in compliance with TDC 38.220(1)(a) (remove existing monument sign or relocate 300 ft. or more from the proposed pole sign);
2. Compliance with the Sign Design standards for freestanding signs in TDC 38.075 (meet sign structure and exterior design element requirements);
3. Locate the proposed sign outside the public right of way (clearly identify SW McEwan Road property boundary).
4. Ensure existing trees in the public right of way or on Interstate 5 property will be protected from removal based on claims of obscuring or interfering with visibility of a sign approved by the proposed variance.
5. Decide if the approved sign with the varied sign dimensions can or cannot remain on the SilverKing property at such time the medical clinic use that justified the sign variance is no longer located on the property.

Denial of the Sign Variance request will result in the following:

1. The applicant will not be allowed to construct the proposed pole sign with the increased sign height, increased sign face height and sign face area greater than 48 sq. ft.

ALTERNATIVES TO RECOMMENDATION:

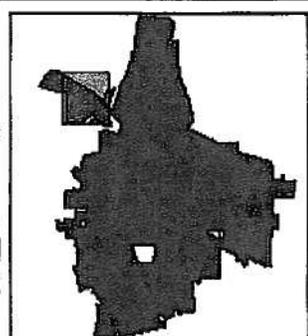
The alternatives for the Council are:

- Approve the proposed Sign Variance with findings and conditions to support a determination that the applicant has met each of criteria 1-6 in TDC 33.022.
- Deny the request for the proposed Sign Variance with findings that state which criteria in TDC 33.022 the applicant has failed to meet.
- Continue the discussion of the proposed Sign Variance and return to the matter at a later date.

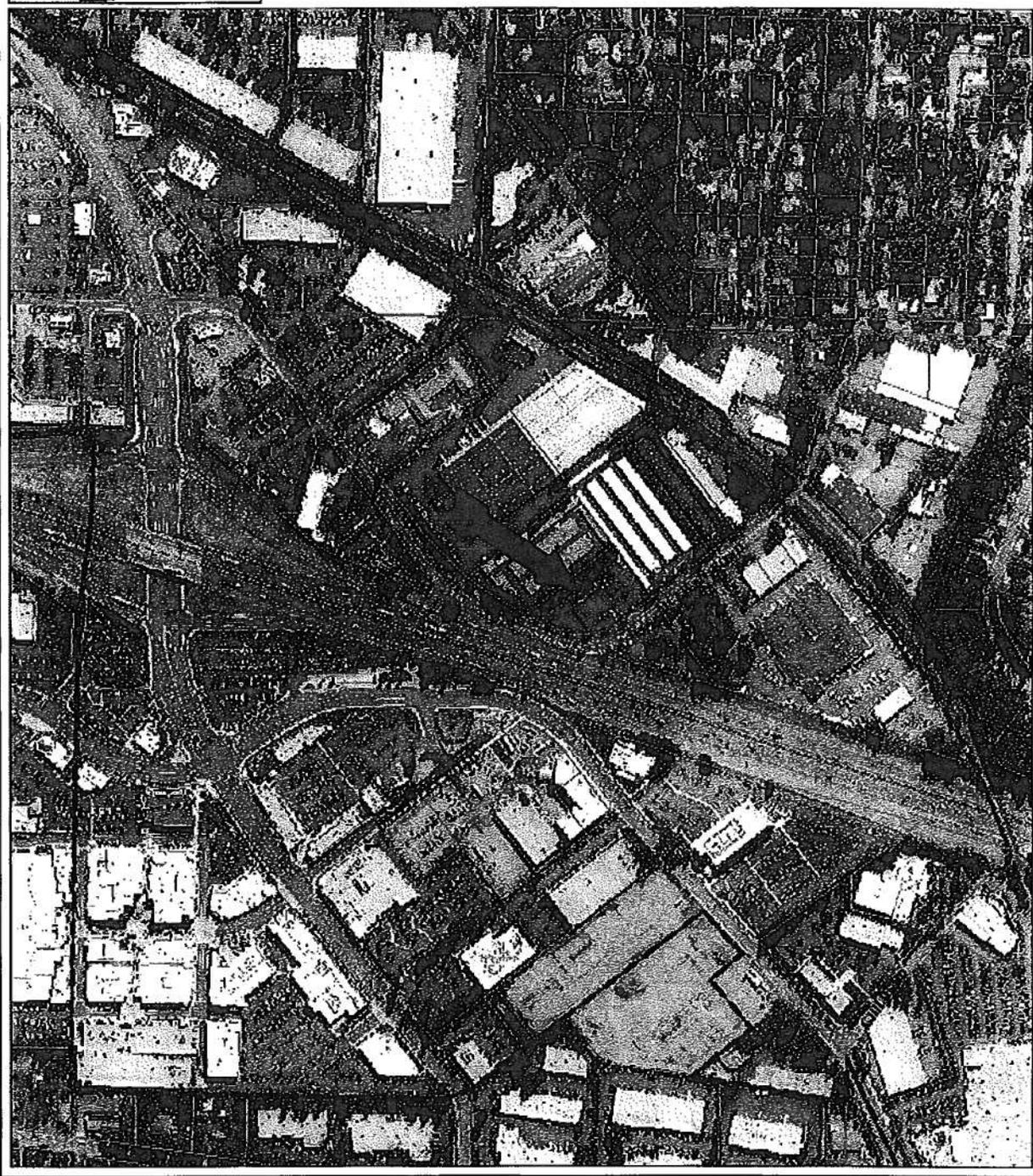
FINANCIAL IMPLICATIONS:

The applicant submitted the required \$646.00 fee with the Sign Variance SVAR-10-01. Revenue for Sign Variances has been budgeted for Fiscal Year 10/11.

Attachments: A-C - Vicinity, Tax and Aerial Maps
 D - Application Narrative
 E - Background & Public Involvement
 F - Analysis & Findings
 G - Freestanding Sign Standards (CC/CG)

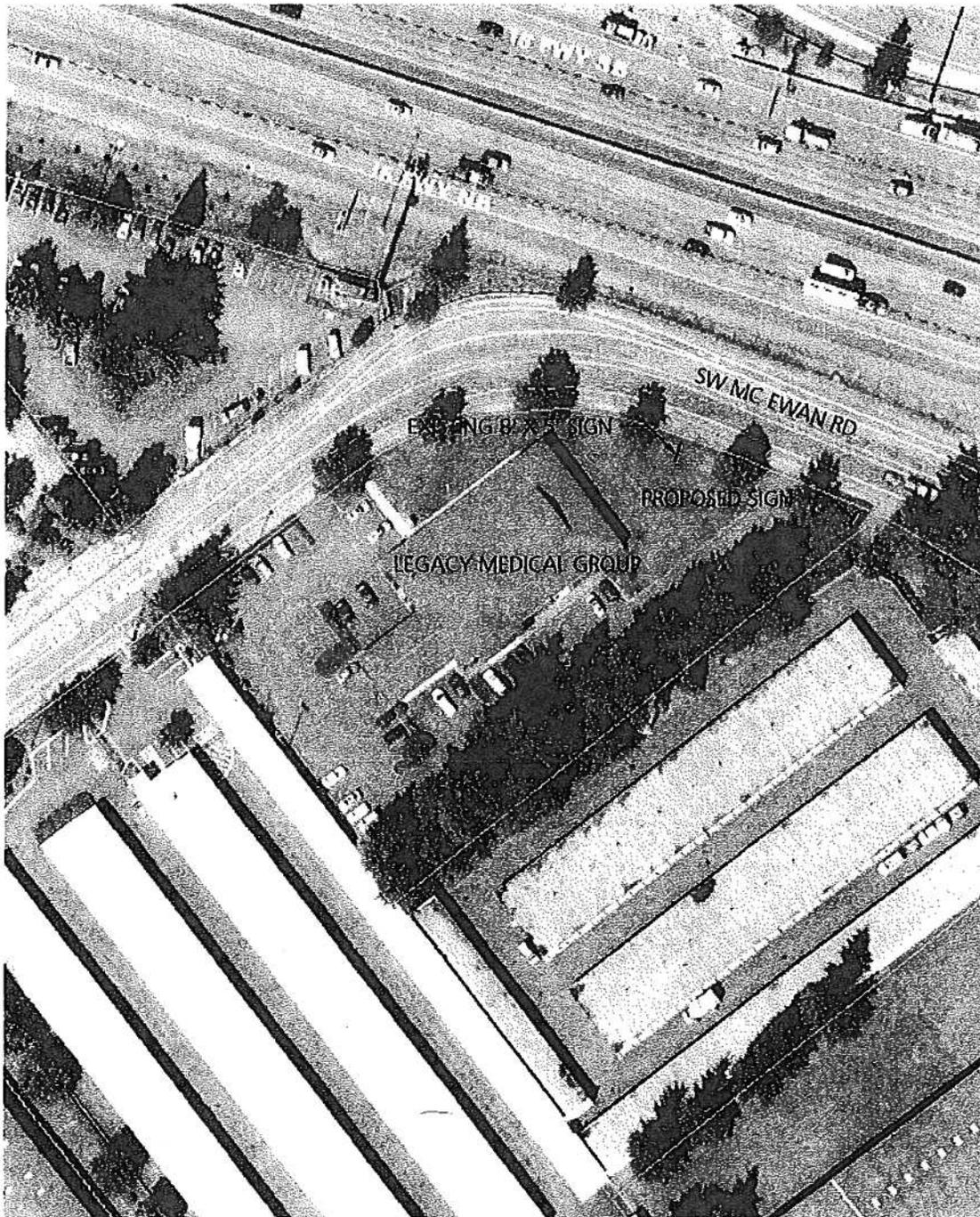


Scale 1:6,240
1 in = 520 ft



ATT
A

Exhibit 2
Sign Plan



APP C



City of Tualatin

www.ci.tualatin.or.us

SIGN VARIANCE APPLICATION

BUSINESS NAME LMG - BRIDGEPORT CLINIC CONTACT PERSON ^{CINDY} HALDORSON PHONE 503-692-2193
 ADDRESS 18010 SW McEwan CITY LAKE OSWEGO STATE OR ZIP 97035
 APPLICANT'S NAME THOMASINA GABRIELUC PHONE 503-312-8002
 ADDRESS 2424 NW NORTHROP CITY PORTLAND STATE OR ZIP 97210

AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND THE INFORMATION IS CORRECT TO THE BEST OF MY KNOWLEDGE.

APPLICANT'S SIGNATURE Thomasina Gabrieluc DATE 10/22/10
 PROPERTY OWNER'S NAME Legacy Health System PHONE 503-415-5675
 ADDRESS 1919 NW Lovejoy CITY Portland STATE OR ZIP 97209
 PROPERTY OWNER'S SIGNATURE _____ DATE _____

Power of attorney/letter of authorization required if not signed by owner.

BUILDING OWNER'S NAME _____ PHONE _____
 (If different than property owner.)

ADDRESS _____ CITY _____ STATE _____ ZIP _____

BUILDING OWNER'S SIGNATURE _____ DATE _____

Power of attorney/letter of authorization required if not signed by owner.

VARIANCE REQUEST

A BRIEF STATEMENT OF THE VARIANCE REQUESTED AND THE SIGN ORDINANCE SECTION NO. VARIANCE TO POLE SIGN DEVELOPMENT STANDARDS FOR HEIGHT 38.220.1c iii 35' ; height of sign face iv: 23' and sign face area v: 78 SF.
 SUBMIT SEPARATE SHEETS WITH THE SUPPORTING MATERIAL ADDRESSING THE SIGN VARIANCE CRITERIA [TDC 33.020 (6-11)] AND EXPLAINING WHY AND HOW THE REQUESTED VARIANCE MEETS THE CRITERIA.

PROJECT INFORMATION

PLANNING DISTRICT CG PROPOSED/EXISTING USE MEDICAL CLINIC

TAX MAP NO. T 02 S R 01 W 513 TAX LOT NO. 25113 0001800 PARCEL SIZE 1.36 ACRES

Date App Rcvd: _____ Received by _____ Date App Complete _____

Receipt # _____ Variance Fee _____ Circle one: Cash Check Credit Card

Sign Variance Case No. _____



GABRIELLE
DEVELOPMENT SERVICES

WRITTEN STATEMENT FOR LEGACY BRIDGEPORT CLINIC SIGN VARIANCE

Introduction

Legacy Medical Group (LMG) Bridgeport Clinic is a primary care clinic with both internal medicine and family practice physicians. In addition, Legacy Laboratory Services has a phlebotomist on site to do lab draws for all clinic hours of operation. It is conveniently located for residents of Lake Oswego, Tigard, and Tualatin. The property is adjacent to I-5, but not visible from the freeway. Access to the property is convenient from I-5, via the Lower Boones Ferry exit. However, wayfinding to the address on SW McEwan is confusing.

The clinic serves a broad patient population of all age groups, a broad range of socio-economic statuses, and a mix of commercially and government insured, as well as some uninsured. In addition to appointments, walk-ins are accepted on a space-available basis and can generally be accommodated with same-day or next day appointments. The clinic accepts Medicare patients. Since finding a provider that accepts Medicare is often difficult, patients often drive from far distances to seek care.

This written statement addresses the approval criteria for granting a sign variance to the 38.220.1 (c) Pole Sign Development Standards in the CG General Commercial zone for iii height above grade: 15 feet, iv height of sign face: 8 feet, and v sign face area: 48 square feet. The proposed pole sign is 35 feet above grade with the sign face beginning 23 feet above grade and a sign face area of 78 square feet.

Section 33.022 Criteria for Granting a Sign Variance.

No sign variance shall be granted by the City Council unless it can be shown that approval criteria (1)-(6) are met:

(1) A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

The Bridgeport Clinic is located on a street generally running parallel and adjacent to the I-5 freeway. Patients coming to the clinic mostly drive to the clinic via the freeway, exit onto Lower Boones Ferry Road and then turn and drive nearly one half mile on little known SW McEwan Road. The length and curves of SW McEwan Road create hardship in the form of making patients unsure that they are going the right way as they travel beyond the business parks and other commercial uses. This uncertainty is exacerbated by the curves that make it difficult to see ahead and the curve prior to the clinic which makes it appear that the road is ending or is going to reconnect with the freeway. The clinic has been open

2424 NW Northrup
Portland, OR 97210
971-252-1363
503.312.8002 (cell)

one month, and already there have been patients reporting that they could not find the clinic and returned home or turned around thinking they had missed it and arrived twenty to thirty minutes late for their appointment. The proposed sign, visible from both directions on I-5 would assist in marking the location of the clinic and assure patients they are driving in the right direction and that they will arrive after traveling some distance on McEwan.

(2) The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

The distance from the freeway exits and the curve in the road did not result from any action of current or previous owners. The property was selected after an extensive search for a suitable building that could best serve residents of the area. Given the commercial and suburban nature of the service area, there were no properties available whose location would be found more easily by patients using signs that met the sign code standards.

(3) The variance is the minimum remedy necessary to eliminate the hardship.

The area and height of the sign is the minimum needed to be visible from the freeway and to be readable. Mayer/Reed studied the view corridors from the I-5 to propose a sign location that could be seen from either direction with enough time for a driver to read it and prepare to exit the freeway.

(4) The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

The variance will preserve the ability for the hospital and its clinics to best serve the needs of the patients similar to other hospital clinics in the area such as Providence.

(5) The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.

The sign will be constructed to be safe with quality materials and design that will not detract from the properties or improvements in the vicinity. Legacy has retained Mayer/Reed, a highly recognized sign designer, and Pathway Design/Vancouver Sign Group, an experienced sign contractor, to ensure the best methods of construction and the highest quality of design.

(6) The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

The following addresses the pertinent Sign Design Objectives. Where applicable, an explanation addresses a group of related objectives.

- (1) Preserve the right of free speech exercised through the use of signs.
The proposed sign will allow Legacy to inform its patients of the clinic location.
- (2) Protect the public health, safety and welfare.

The location, size and design of the sign is not detrimental to this criteria. The services provided at the clinic serve the health needs of residents of Lake Oswego, Tigard, and Tualatin, as well as for I-5 commuters coming from surrounding communities. The health needs of all patients, but especially low income and Medicare patients that have few healthcare options and often travel long distances to have access to a provider, will benefit from being able to see the clinic location from the freeway.

- (3) Protect persons and property in rights-of-way from unsafe and dangerous signs that distract, rather than inform, motorists, bicyclists and pedestrians.

The sign presents a straight-forward message identifying the clinic in a restrained manner that is consistent with Legacy corporate design standards for signage. Sign placement will not distract, or create site line problems for motorists traveling SW McEwan, or for motorists entering or exiting the property.

- (4) Protect persons and property from unsafe and dangerous signs due to natural forces, including but not limited to wind, earthquakes, precipitation and floodwaters.

The sign will be fabricated and installed to all applicable codes.

- (5) Protect persons and property from unsafe and dangerous signs due to improper construction, repair and maintenance.

As noted in Criteria 4 above, the sign will be engineered by a licensed structural engineer and will be fabricated and installed by licensed sign contractor. Legacy has the staff and capacity to maintain the sign to the same level as other Legacy properties and campuses. The placement of the sign and the use of a logo make the sign an easy-to-understand marker for motorists.

- (6) Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through.

- (7) Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin.

- (8) Protect and enhance property values.

- (9) Protect and enhance the City's economy.

- (10) Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter.

The design fits with a sign typology that Mayer/Reed is designing for Legacy that will be a clean, consistent, informative identity to its buildings and campuses throughout the region. The sign will use high quality, long lasting materials for the pole – painted steel – and the sign cabinet – aluminum with an internally illuminated acrylic sign face. Materials, appearance and workmanship will be similar to the existing monument sign located on the property. The size of the sign is the minimum required to provide needed identity and way-finding for patients. The existing monument sign will be removed to comply with having only one sign per frontage.

- (11) Allow greater sign heights and dimensions for Major Commercial Centers.

The property does not meet the definition of a Major Commercial Center.

(12) Allow only temporary signs on a property with no building.

The proposal is for a permanent sign.

(13) Allow no new permanent sign, or a change of face on an existing permanent sign, on a property with an unoccupied building.

The building is occupied.

(14) Allow permanent signs only on buildings, or parts of buildings, that are occupied.

The sign is not on a building.

(15) Regulate the number, height and dimensions of temporary signs.

The proposed sign will be permanent.

(16) In the manufacturing and institutional planning districts allow permanent freestanding monument signs, but not permanent freestanding pole signs.

The property is not in a manufacturing or institutional planning district.

(17) In the residential planning districts sign numbers, heights and dimensions for dwelling units shall be restricted and for conditional uses shall be consistent with the use.

The property is not in a residential planning district.

(18) Allow indirect and internal illumination in residential planning districts for conditional uses.

The property is not in a residential planning district, however the sign will be internally lit.

(19) Allow greater sign diversity in the Central Urban Renewal District's Central Design District for uses on properties abutting the City owned promenade around the Lake of the Commons.

The property is not in this district.

(20) The wiring for electrically illuminated freestanding signs shall be underground and for wall signs shall be in the wall or a race.

The wiring will be underground.

(21) Adopt sign regulations for the Mixed Use Commercial Overlay District that are consistent with the type and high quality of developments desired in the District. New sign types to be allowed are wall-mounted plaques and in-laid floor signs.

The property is not in this district.

(22) Adopt Sign Design standards and a Sign Design Review process for freestanding signs in commercial districts that encourage attractive and creative signage with varied design elements such as proportionally wider sign bases or pylons, a mix of exterior materials that have a relationship to building architecture, use of dimensional lettering and logos with halo or internal lighting and is consistent with the high quality of developments desired in commercial districts.

The proposed sign is made of steel, aluminum and acrylic. The sign face includes a logo

and is internally lit.

(23) In Central Commercial and General Commercial planning districts, allow permanent freestanding monument signs on Arterial Streets, and restrict permanent freestanding pole signs to Collector or Local Commercial Street frontages.

The property is in a General Commercial planning district. The proposed freestanding pole sign is located on a local commercial street frontage.

(24) Create an incentive for improvement of existing freestanding signs and adopt provisions allowing non-conforming freestanding signs in commercial districts to retain non-conforming sign status when structurally altered subject to improved compliance with Sign dimension and Sign Design standards

The proposed sign is a new sign although there was an existing pole sign previously on the property.

Exhibit 1
Sign Illustration



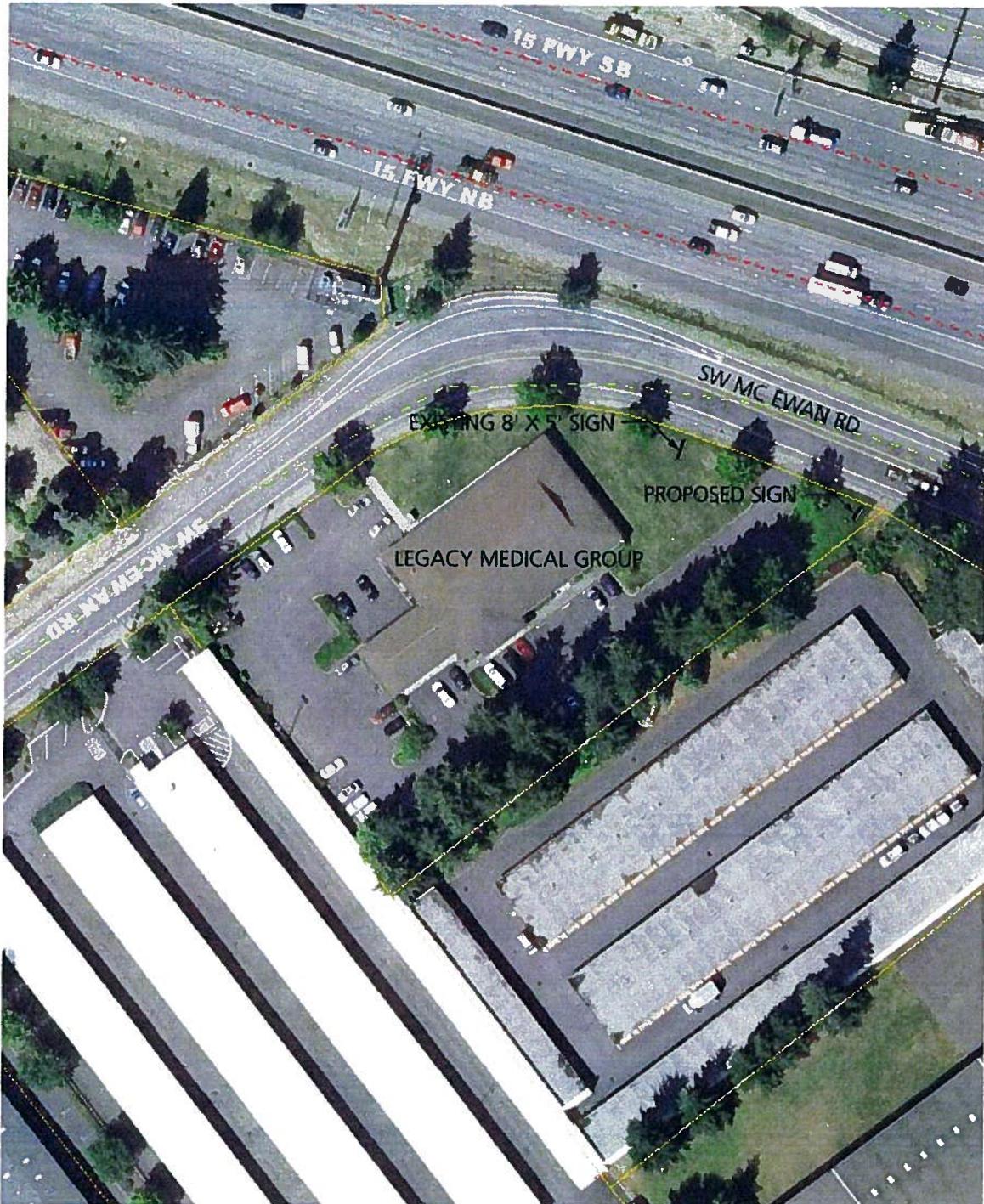
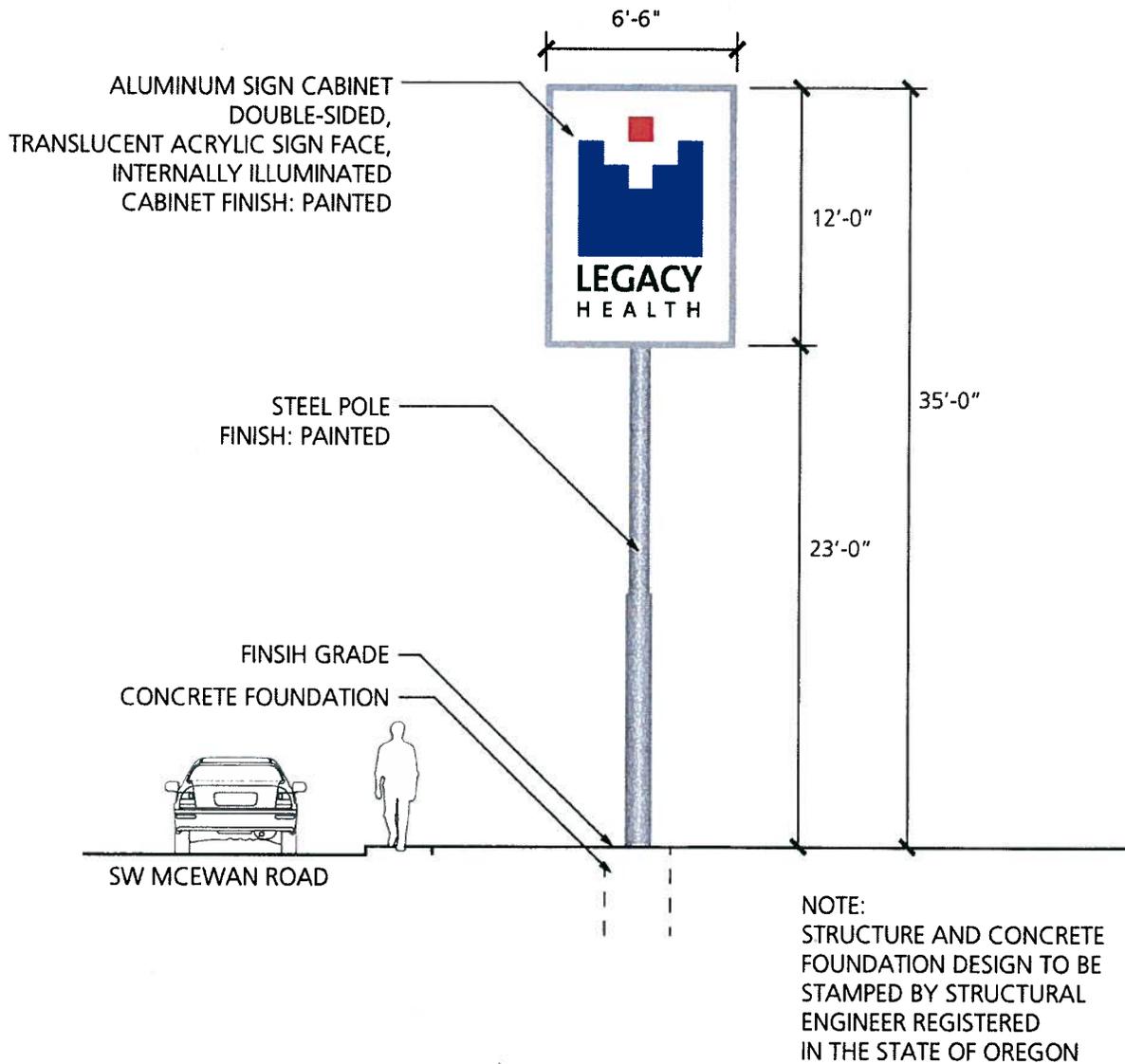


Exhibit 3
Sign Construction



PROPOSED POLE SIGN SIZES
HEIGHT ABOVE GRADE: 35'-0"
HEIGHT OF SIGN FACE: 23'-0"
AREA OF SIGN FACE: 78 SQ. FT.

POLE SIGN CODE REQUIREMENTS
HEIGHT ABOVE GRADE: 15 FT MAX
HEIGHT OF SIGN FACE: 8 FT MAX
AREA OF SIGN FACE: MAX 48 SQ. FT.

SCALE: 1/8" = 1'

ATTACHMENT E

SVAR-10-01: BACKGROUND INFORMATION

Pertinent background information obtained from the submitted application for SVAR-10-01 and other supporting documents is summarized in this section.

The applicant is Thomasina Gabrielle, representing Legacy Health Systems for Legacy Medical Group (LMG)-Bridgeport Clinic building tenant. SilverKing LLC is the owner of the 1.56 acre, Tax Lot 1800 (Map 2S113DD) subject property located at 18010 SW McEwan Road in the CG (General Commercial) Planning District.

Legacy Medical Group Bridgeport Clinic occupies a portion of the SilverKing Building on the property. The other building tenant is a general office. The building was constructed as a State Farm Insurance Claim Center as approved in Architectural Review AR-81-25. There have been minor modifications to the building after State Farm sold the facility and commercial office uses occupied the building. LMG remodeled the interior of the north portion of the building and began operating in September of 2010. A monument style sign identifying the LMG clinic was erected on the property as per sign permit S-10-19.

The applicant describes the LMG clinic as:

“...a primary care clinic with both internal medicine and family practice physicians. In addition, Legacy Laboratory Services has a phlebotomist on site to do lab draws for all clinic hours of operation.” (Attachment D, pg. 1).

The applicant seeks to erect a pole sign to increase visibility and identification of the business direct to persons traveling the nearby I-5 freeway and to the adjoining section of SW McEwan Road. The proposed Sign Variance would allow a taller sign, increased sign face height and additional sign face area over what is currently allowed in CG Planning District.

The Council granted the applicant's request for a continuance of the initial February 14, 2011 hearing to March 28, 2011, extending the 120 days by 42 days (162 days total) to a final decision date of April 29, 2011. No testimony or Council discussion occurred when the public hearing was opened on February 14, 2011 and continued.

PUBLIC INVOLVEMENT:

The Applicant conducted a Neighbor/Developer meeting at the SilverKing Building on October 13, 2010, to explain the Sign Variance proposal to neighboring property owners and to receive comments. Aside from the applicants' representatives, no one attended the meeting.

ATTACHMENT F

SVAR-10-01: ANALYSIS AND FINDINGS

The approval criteria of the Tualatin Development Code (TDC) 33.022(1)-(6) must be met if the proposed Sign Variance to allow the Legacy Medical Group-Bridgeport Clinic a pole sign with an increased sign height, sign face height and sign face area is to be granted. The Applicants prepared a narrative that addresses the Sign Variance criteria (Attachment D). Staff has reviewed the Applicants' material and included pertinent excerpts with each of the criteria in the analysis and findings below.

1. A hardship is created by exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same planning district, and the conditions are a result of lot size or shape or topography over which the applicant or owner has no control.

The LMG-Bridgeport Clinic is a tenant in the SilverKing Building located on the 1.56 acres, Tax Lot 1800 (Map 2S113DD) subject property located at 18010 SW McEwan Road in the CG Planning District (Attachments A-C). The building faces west toward SW McEwan Road and a segment of the I-5 Freeway. The I-5 Freeway north bound lane is approximately 90 ft. from the subject property (west of SW McEwan Road) and approximately 195 ft. from the SilverKing building west tenant entrance. The site elevation (near the property's north entrance driveway) is approximately 179 ft. compared to the 176-182 ft. elevation of the I-5 North-Bound lanes opposite the SilverKing property.

The property consists of the SilverKing Building with 2-3 tenant spaces, a large landscaped area on the SW McEwan Road frontage, a parking area on the east side of the building and two accesses to SW McEwan Road,

The property currently has a low-profile freestanding monument style sign west of the building and adjacent to the SW McEwan Road right-of-way. The Sign Regulations for the CG Planning District allows a property such as the subject property with over 1.5 acres in size and over 500 ft. of public street frontage to have up to 2 freestanding monument signs with a maximum height of eight (8) ft. and 40 sq. ft. of sign face area. One of the freestanding signs allowed may be a freestanding pole sign a maximum height of 15 ft. and 48 sq. ft. of sign face area.

The LMG-Bridgeport Clinic application proposes a variance to allow the proposed pole sign to be "...35 feet above grade with the sign face beginning 23 feet above grade and sign face area of 78 square feet" (Attachment D pg. 1). The reasons for the larger freestanding pole sign dimensions are given as:

“The property is adjacent to I-5, but not visible from the freeway. Access to the property is convenient from I-5, via the Lower Boones Ferry exit. However, wayfinding to the address on SW McEwan is confusing.” (Attachment D, pg. 1).

“...already there have been patients reporting they could not find the clinic...” “The proposed sign, visible from both directions on I-5 would assist in marking the location of the clinic and assure patients they are driving in the right direction and they will arrive after traveling some distance on McEwan.” (Attachment D, pp 1-2). “The proposed sign size and height are necessary to provide visibility from Interstate 5 in both the northbound and southbound approaches, create a presence and provide a landmark for patients that have overshot the nearest north or south freeway exits and have difficulty finding the clinic.” (Attachment D, pg. 6)

In addressing Criterion 1 (Attachment D, pp. 1-2), the applicant states:

“The Bridgeport Clinic is located on a street generally running parallel and adjacent the I-5 freeway. Patients coming to the clinic mostly drive to the clinic via the freeway, exit onto SW Lower Boones Ferry Road and then turn and drive nearly one half mile on little known SW McEwan Road. The length and curves of SW McEwan road create hardship in the form of making patients unsure that they are going to right way as they travel beyond the business parks and other commercial uses. This uncertainty is exacerbated by the curves that make it difficult to see ahead and the curve prior to the clinic which makes it appear that the road is ending or is going to reconnect with the freeway. The clinic has been open one month (reported in October 2010) and already there have been patients reporting they could not find the clinic and returned home or turned around thinking they had missed it and arrived twenty to thirty minutes late for their appointment. The proposed sign, visible from both directions on I-5 would assist in marking the location of the clinic and assure patients they are driving in the right direction and that they will arrive after traveling some distance on McEwan.”

“Legacy Health’s service area for the Bridgeport Clinic is an extension of the Legacy Meridian Park Hospital and is primarily accessed from the Interstate 5 corridor that is adjacent to the property.” (Attachment D, pg. 6)

Sign Variance Criterion 1 requires finding there is a “hardship” and there are physical circumstances present on a property that are unique or uncommon when compared to other properties in the same planning district. It is the most difficult criteria to meet for a variance applicant. Staff finds that the applicant for the SilverKing property/LMG-Bridgeport Clinic does not provide information that supports a claim that a “hardship” caused or created by “...exceptional or extraordinary conditions applying to the property that do not generally apply to other properties in the same planning district” exists in the case of the SilverKing subject property or for the LMG Bridgeport Clinic tenant/applicant.

The subject property and building were constructed by the original developer in 1981 with a site and building location close to and oriented toward the I-5 Freeway and Lower Boones Ferry Road and a street frontage on SW McEwan Road that were approved in Architectural Review and were appropriate and suitable for commercial businesses that

were located there at the time. The State Farm Insurance Claim Center business which was an office and commercial service use and a subsequent general office use that were in the building from 1982 through 2010 did not claim or identify hardship conditions for the businesses or for their customers due to poor exposure to I-5 or a location on SW McEwan Road away from the I-5 Exit 290 Interchange.

The SilverKing property's site configuration, orientation to an adjoining Collector Street, location off of an arterial street or freeway interchange and limited exposure to traffic on I-5 are common development characteristics of office buildings in Tualatin commercial districts. Examples include the office buildings in the Sagert Office Park (Express Personnel, Morton & Associates, South Park Place Building), South Center Office Park, Bridgeport Crossing and the Providence Medical Clinic. These examples exhibit similar circumstances to the SilverKing property where some visibility from I-5 is available to the office development, but prolonged signage exposure or direct access is not possible due to the nature of freeway traffic (55-60 MPH typical speed), presence of trees and other buildings narrowing the view of a freeway driver, and the location of the property in respect to access from the two freeway interchanges at SW Nyberg Street and SW Lower Boones Ferry Road in Tualatin. None of the office buildings in Tualatin enjoy direct access from a I-5 freeway interchange and few have more than intermittent or minimal sign exposure to freeway drivers that would be sufficient to allow a freeway driver to identify a office building or business and exit the freeway at the closest interchange. The subject property's lack of direct and unobstructed visibility from I-5 freeway traffic to a sign and direct street access from a freeway interchange off ramp is a common situation. It is not shown to be an exceptional or extraordinary condition that does not apply generally to other commercial (CC or CG) Planning District properties. It does not create or result in a hardship.

While most commercial developments and buildings in Tualatin do not enjoy direct and unobstructed visibility to I-5 freeway traffic, some businesses or commercial centers have locations abutting the freeway and take advantage of any freeway exposure with wall or freestanding signs to present their message. In the vicinity of the subject property are several restaurant, motel and service station businesses on SW McEwan Road that have tall and large non-conforming pole signs (formerly known as Freeway Oriented Signs) that were established in the 1970's and 80's and allowed at the two I-5 interchanges until 2009. No office buildings or medical facilities have been or are eligible for the freeway oriented pole signs.

Like the large majority of other commercial properties in Tualatin, the SilverKing Building / LMG Bridgeport Clinic business does not have a large freeway-oriented pole sign consistent with the sign regulations in effect since the property was developed. The lack of direct and unobstructed visibility from I-5 freeway and interchange traffic to a taller, larger sign is not an exceptional or extraordinary condition present on the subject property that: 1. Does not apply generally to other commercial (CC or CG) Planning District properties, and; 2. Creates or results in a hardship.

The topography of the SilverKing site and subject property remains relatively unchanged since development in 1980's with a favorable elevation relative to SW McEwan Road (building and site similar in elevation) and to the elevation of the I-5 Freeway northbound lanes at Exit 290 (similar to the freeway surface). Except for the maturing of landscaping and trees and some lane widening on I-5, the building's visibility to SW Lower Boones Ferry Road is relatively unchanged from the time the development was constructed. The SilverKing Building's relative elevation to SW McEwan Road and the surrounding topography are not unfavorable and do not create an exceptional or extraordinary situation on the subject property.

The application has not demonstrated that the SilverKing building or the LMG Bridgeport Clinic tenant is subject to a hardship created by exceptional or extraordinary conditions that do not apply generally to other commercial (CC or CG) Planning District properties.

Criterion 1 is not met.

To identify a hardship and justify a variance remedy, the applicant's reasons rely on the statement of certain factors associated with operation of a medical clinic and the perceived needs of clinic patients and visitors that were applied to the subject location. Unless conditioned in a decision to approve a sign variance, the sign approved by a variance may remain as a legal, conforming sign indefinitely and available to all uses, purposes and messages. Over time and with a change in the tenancy or ownership of the SilverKing Building, the stated justification for the sign may no longer be present or the sign owner no longer may be interested in displaying a message that achieves the purpose that the variance may have been granted for. To ensure that a sign variance for the taller, larger commercial sign will continue to serve the purposes it was granted for and not be taken over for a use not associated with a medical clinic, Staff recommends that if the proposed sign variance is approved, the following condition of approval be considered:

1. The variance for the SilverKing freestanding pole sign is intended to serve a medical clinic. If a medical clinic ceases to occupy the Silver King Building for a period of 180 days or more, the Sign Variance will become void. The freestanding sign approved in the Sign Variance will be removed by the property owner within 60 days of notification by the City that the condition of approval must be met or the sign removed or replaced as per applicable sign regulations.

2. The hardship does not result from actions of the applicant, owner or previous owner, or from personal circumstances or from the financial situation of the applicant or owner or the company, or from regional economic conditions.

In addressing Criterion 2 (Attachment D, pg. 2), the applicant states:

“The distance from the freeway exits and the curve in the road did not result from any action of current or previous owners. The property was selected after an extensive search for a suitable building that could best serve residents in the area. Given the commercial and suburban nature of the service area, there were no properties available whose location would be found more easily by patients using signs that met the sign code standards.”

As addressed under Criterion 1 above, the existing physical and property conditions on the SilverKing Building are relatively unchanged since the area was developed in the early 1980's. The conditions present today are minor changes from the early 80's mostly the result of improvements to the I-5 freeway (lane widening, maintenance of vegetation along the east side of the freeway). There is no evidence that conditions of visibility or exposure are any worse than when the subject property was developed. The actions of the previous owners and developers of the subject property and building did not create the physical circumstances of the property's current visibility to SW McEwan Road or to the I-5 freeway.

There is no evidence that lack of direct freeway visibility for a pole sign is an exceptional circumstance or condition. The desire for signage that would increase the visibility of a message from the I-5 freeway over and above the visibility and other advantages that the property possesses today is a choice and decision by the property owner or tenant. There is no evidence that there is a hardship to overcome for the SilverKing Building property.

The LMG-Bridgeport Clinic is concerned about providing adequate information to patients as to the clinic's location and giving patients a clearer idea on the way to get to the clinic from I-5 or Lower Boones Ferry Road. This application focuses on using a pole sign to identify the property. There is no evidence as to what degree this method will improve the directional and wayfinding needs of persons visiting the clinic. Other methods of addressing the concern such as advertising, maps, on-freeway message panels are not provided in the application.

Compliance with Criterion 2 is undetermined due to the lack of evidence of a hardship and establishing any alternative ways to achieve the applicant's stated purposes.

3. The variance is the minimum remedy necessary to eliminate the hardship.

In addressing Criterion 3, the applicant states:

“The area and height of the sign is the minimum needed to be visible from the freeway and to be readable. Mayer/Reed studied the view corridors from the I-5 to

propose a sign location that could be seen from either direction with enough time for a driver to read it and prepare to exit the freeway (Attachment D, pg. 2)

“The proposed sign size and height are necessary to provide visibility from Interstate 5 on both the northbound and southbound approaches, create a presence and provide a landmark for patients that have overshot the nearest north or south freeway exits and have difficulty finding the clinic.” (Attachment D, pg. 6)

“The sign is scaled for the viewing distance and traffic speed on Interstate 5 and will be optimally placed on the property to be visible for both northbound and southbound Interstate 5 traffic. The proposed sign size and height has taken into consideration vehicular sight lines that are limited by mature tree canopies on adjacent properties and topography between Interstate 5 and the site.” (Attachment D, pg. 6)

“The application is not requesting tree removal or retention of the existing monument sign, which will free up location options for the proposed pole sign. The applicant acknowledges that the final sign location and Tualatin Development Code Section 38.075(4) Sign Design Standards will need to be addressed as a condition of approval. The existing monument sign will be replaced by wall mounted signs to provide identity to (SW) McEwan Road.” (Attachment D, pg. 6)

Staff agrees generally with the applicant’s statements about the scale of the proposed sign dimensions relative to the available exposure to Interstate 5. On the basis of visibility and purpose, the proposed 35 ft. pole sign height and 78 square feet in sign face area is supportable.

The application indicates the proposed sign will not require any tree removal on or off the subject property, that the sign will be located on private property (not in the SW McEwan Road ROW) and that the Sign Design standards of TDC 38.220(4) for freestanding signs in the CG Planning District will apply. For the protection of trees and to establish the adequacy of the sign as a minimum remedy to justify a variance, Staff recommends that if the proposed sign variance is approved, the following conditions of approval be considered:

2. To ensure the protection of trees in the vicinity of the SilverKing property, if trees are removed from public or private property for the purpose of improving the visibility of the SilverKing freestanding pole sign, the Sign Variance will become void and the sign approved in the Sign Variance will be removed by the property owner within 60 days of the tree removal.
3. Except as approved by sign variance, freestanding signage on the SilverKing property shall be subject to all applicable Tualatin Development Code (TDC) standards for freestanding signs in the General Commercial Planning District including the Sign Design requirements of TDC 38.220 and TDC 38.075.

Based on the information provided by the applicant and with the suggested conditions of approval, Criterion 3 is met.

4. The variance is necessary for the preservation of a property right of the owner substantially the same as is possessed by owners of other property in the same planning district, however, nonconforming or illegal signs on the subject property or on nearby properties shall not constitute justification to support a variance request.

In addressing Criterion 4, the applicant states:

“The variance will preserve the ability for the hospital and its clinics to best serve the needs of patients similar to other hospital clinics the area such as Providence.”
(Attachment D pg. 4)

Staff finds that there is no evidence presented in the application and no provisions in the TDC establishing that visibility of signs or a business location from the I-5 freeway is a property right possessed by businesses located in the CG or other commercial Planning Districts. As addressed in the findings of Criterion 1, other medical clinics or commercial office developments in commercial areas have the same or less sign visibility from the I-5 freeway and have locations that are accessed via a network of streets and not immediately accessed from a freeway interchange. Other retail commercial centers in the CG or even CC Planning Districts have similar or even less exposure to the I-5 freeway, freeway interchanges or to an arterial street compared to the SilverKing Building. While some commercial properties enjoy the benefits of adjacency or proximity to the I-5 freeway and direct travel routes to the property, each individual property or development has its own physical location, site, building and sign conditions that are advantages or disadvantages. There is no property right or entitlement for the visibility or exposure of a sign associated with a particular location or development in the CG Planning District.

The SilverKing property is in the vicinity of a number of non-conforming freeway-oriented pole signs associated with the I-5 Exit 290 interchange and located on commercial properties with businesses such as Burger King, Motel 6 and Carl's Jr. The nearby non-conforming signs do not constitute justification for a variance to allow a taller and larger pole sign.

The Silver King property is 1.56 acres in size and has over 500 ft. in frontage on the adjoining public street (SW McEwan Road) and is eligible for two freestanding monument signs subject to a minimum 300 ft. separation distance [TDC 38.220(1)(a)(i)]. One of the freestanding signs may be a pole sign. The applicant proposes to remove the existing monument sign on the SilverKing property and locate a freestanding pole sign to a position near the north driveway. This is an option for signage that the SilverKing property has and the applicant has chosen to forgo at this time. No property right is alleged for the opportunity to have multiple freestanding signs.

The variance is not necessary to preserve a property right that other properties in the CG Planning District possess.

Criterion 4 is not met.

5. The variance shall not be detrimental to the general public health, safety and welfare, and not be injurious to properties or improvements in the vicinity.

In addressing Criterion 5, the applicant states:

“The sign will be constructed to be safe with quality materials and design that will not detract from the properties or improvements in the vicinity. Legacy has retained Mayer/Reed, a highly recognized sign designer, and Pathway Design/Vancouver Sign Group, an experienced sign contractor, to ensure the best methods of construction and the highest quality design.” (Attachment D pg. 2)

Staff agrees that the public health, safety and welfare will not be damaged by allowing a larger pole sign and there will not be injury to nearby buildings or properties in the vicinity of the SilverKing Building.

Criterion 5 is met.

6. The variance shall not be detrimental to the applicable Sign Design Objectives, TDC 20.030.

The applicant addresses Sign Design Objectives Section 20.030 (1-5, 10 & 22-24) (Attachment D, pp 2-4) as follows:

- Objective 2 (Public Safety, Health and Welfare), the applicant states that the “...location size and design of the sign is not detrimental to this criteria.”
- Objective 3 concerns distracting signs and the applicant states that “Sign placement will not distract, or create sight line problems for motorists traveling SW McEwan, or for motorists entering or exiting the property.”
- Objective 5 calls for protection from unsafe and dangerous signs due to improper construction. The Applicant states the sign will be designed and constructed by professional engineers and installers.
- Objective 10 regards sign design for business identification and avoiding sign clutter. The Applicant describes the proposed sign design and function of providing way finding for patients of the LMG Bridgeport Clinic.

Staff agrees that Tualatin Community Plan objectives in TDC Chapter 20 (Sign Design) listed by the applicant are applicable to the SilverKing Building/LMG-Bridgeport Clinic variance request. Staff provides an alternative evaluation of the balance of the applicants’ interests and the public interest in the objectives when considering a sign variance for larger signs.

20.030(6) "Protect and enhance the visual appearance of the City as a place to live, work, recreate, visit and drive through."

20.030(7) "Protect and enhance the quality streetscapes, architecture, landscaping and urban character in Tualatin."

20.030 (10) "Ensure the number, height and dimensions of signs allowed adequately identifies a business or use and does not result in sign clutter."

The TDC sign regulations were implemented in accordance with the three objectives listed above, balancing the allowed number and size of signs and the quality of community aesthetics with the basic needs of business for identification. Each planning district has a specific set of wall and freestanding sign standards based on the basic use, the level of activity associated with a use, the size of the development and considerations of general locations in the City such as downtown or on busier public streets. The current standards are intended to meet the public interest objectives in 20.030(6, 7 & 10). There is no evidence in this Sign Variance application that the existing freestanding sign standards for the CG Planning District are insufficient to adequately identify a business or use such as the SilverKing Building or the LMG-Bridgeport Clinic tenant.

While Staff disagrees with applicant's contentions the sign variance is needed and a conclusion that the applicable sign objectives are entirely satisfied with the sign variance proposal, the applicants' discussion of the applicable objectives is sufficient to meet Criterion #6.

Staff Conclusion

Based on the application and the above findings and analysis, the proposed SilverKing LLC/LMG-Bridgeport Clinic Sign Variance for a pole sign does not meet Criteria 1, 2 and 4 in TDC 33.022.

Section 38.220 Signs Permitted in the Central Commercial (CC) and General Commercial (CG) Planning Districts.

(1) Section 38.220 does not apply to the Mixed Use Commercial Overlay District, see Section 38.225. No sign shall be permitted in the CC or CG Planning Districts for permitted and conditional uses except the following:

(a) Monument signs are permitted. If used, the following standards apply:

(i) Number: One for a single frontage lot. Two for a single frontage lot with a minimum of 1.5-2.0 acres in lot area and 500 feet of frontage on one public street, provided the signs are not less than 300 feet apart from each other. Two for a corner lot with two or more frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more frontages, provided no more than one sign is on each frontage.

(ii) Number of Sides: No more than two.

(iii) Height Above Grade: No higher than eight feet, except a Major Commercial Center sign may be up to 10 feet.

(iv) Area: No more than 40 square feet, except a Major Commercial Center sign may be up to 55 square feet.

(v) Letter, Symbol, Logo, Size: Letters, symbols and logos shall be at least one foot high measured from the top of the letter/symbol/logo to the bottom of the letter/symbol/logo. Numbers may be less than one foot high.

(vi) Illumination: Subject to Sign Design Review Standards of TDC 38.075, direct, indirect or internal.

(vii) Location: No greater than 30 feet from the frontage property line along the public right-of-way.

(viii) Design: Subject to Sign Design Review Standards of TDC 38.075.

(c) Pole signs are permitted in place of the monument signs allowed in TDC

38.220(1)(a) above, except on an Arterial Street frontage. If used, the following standards apply:

(i) Number: One for a single Collector or Local Street frontage lot. Two for a corner lot with two or more Collector or Local Street frontages, provided the signs are not less than 300 feet apart from each other. Two for a through lot with two or more Collector or Local Street frontages, provided no more than one sign is on each frontage. Notwithstanding the preceding sentences in TDC

38.220(1)(c)(i), a Major Commercial Center is limited to one freestanding pole sign.

(ii) Number of Sides: There is no restriction, except Major Commercial Center Signs are limited to two sides.

(iii) Height Above Grade: No higher than 15 feet, except the Major Commercial Center Sign may be up to 20 feet.

(iv) Height of Sign Face: No higher than eight feet, except the Major Commercial Center Sign may be up to 10 feet.

(v) Area: No more than 48 square feet, except the Major Commercial Center sign may be up to 100 square feet.

(vi) Letter, Symbol, Logo, Size: See TDC 38.220(1)(a)(v).

(vii) Illumination: Subject to Sign Design Review Standards of TDC 38.075, direct, indirect or internal, except the Major Commercial Center sign shall not be direct.

(viii) Mechanical Reader-board: For churches, cinemas and theaters, the sign may be a mechanical reader-board.

(ix) Design. Subject to Sign Design Review Standards of TDC 38.075.



STAFF REPORT

CITY OF TUALATIN

APPROVED BY TUALATIN CITY COUNCIL

Date 3-28-11

Recording Secretary MSmith

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Laura Vierkandt, Engineering Technician II
Mike McKillip, City Engineer

DATE: 03/28/2011

SUBJECT: An Ordinance Relating to Storm Water Enforcement; and Amending TMC 3-5-320, 3-5-470, 6-4-050, 6-4-090, 6-4-130; and Adding TMC 3-5-435

ISSUE BEFORE THE COUNCIL:

Whether the Council should approve changes to the Tualatin Municipal Code regarding the enforcement of private water quality facility maintenance.

RECOMMENDATION:

Staff recommends Council adopt the attached TMC ordinance amendments and additions.

EXECUTIVE SUMMARY:

The City of Tualatin is required by Clean Water Services to provide enforcement measures for the Private Water Quality Facility Management Program. Current code provides the ability to enforce some maintenance aspects of private water quality facilities, but does not provide adequate detail to enforce all necessary parameters. Code changes are necessary to carry out the same functions prescribed by Clean Water Services Ordinance 27 with the following purposes:

- Current code defines a stormwater quality control facility, but does not specifically include stormwater facilities utilizing Low Impact Development Approaches aka "LIDA" facilities. The proposed changes would specify that these facilities are included in the definition of a Stormwater Quality Control Facility and provide examples of LIDA facilities;
- Currently, City conducted inspections are required for each facility at least once every four years. Deferred maintenance can create an additional burden on the facility owner and compound water quality impacts. The Private Water Quality Facility Management Program currently requires owners to submit inspection logs with photos once a year, similar to the Backflow Prevention Program, with the intent of catching issues related to deferral or necessary maintenance. The annual reporting will also provide another form of education when accompanied with feedback from the City's water quality facility inspector; especially in the recognition of invasive species of vegetation and animals, channelization, and sedimentation;
- The code needs to specifically state that causing water quality degradation is a civil infraction;
- The code also needs to specifically list water quality facilities as a potential source of water pollution. The intent of a water quality facility is to provide 65% removal of phosphorous, a documented pollutant, from stormwater runoff. If facilities are not maintained as designed they are potentially discharging phosphorous exceeding permitted limits, contributing to water pollution;
- The code also needs to define vegetation negatively affecting water quality treatment in a water quality facility as noxious vegetation; and

- Provide clarification of the responsible parties, in conjunction with a private water quality facility; in addition to the expectation that it be maintained as designed.

OUTCOMES OF DECISION:

The acceptance of the proposed code changes will provide clarity to the code with regards to the enforcement of water quality facility maintenance. Enforcement is regarded as an absolute last resort, after all other efforts have been exhausted. If the ordinance is not adopted, the city will not have all the enforcement options available for Private Water Quality Facilities.

FINANCIAL IMPLICATIONS:

Code violations will follow the fee schedule for civil citations.

Attachments: Ordinance

ORDINANCE NO. 1319-11

AN ORDINANCE RELATING TO STORM WATER ENFORCEMENT;
AMENDING TMC 3-5-320, 3-5-470 6-4-050, 6-4-090, 6-4-130; AND ADDING
TMC 3-5-435

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. TMC 3-5-320 is amended to read as follows:

(1) "Stormwater Quality Control Facility" refers to any structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement. It may also include, but is not limited to, existing features such as constructed wetlands, water quality swales, low impact development approaches ("LIDA"), and ponds which are maintained as stormwater quality control facilities.

(2) "Low impact development approaches" or "LIDA: means stormwater facilities constructed utilizing low impact development approaches used to temporarily store, route or filter run-off for the purpose of improving water quality. Examples include, but are not limited to, Porous Pavement, Green Roofs, Infiltration Planters/Rain Gardens, Flow-Through Planters, LIDA Swales, Vegetated Filter Strips, Vegetated Swales, Extended Dry Basins, Constructed Water Quality Wetlands, Conveyance and Stormwater Art, and Planting Design and Habitats.

(23) "Water Quality Swale" means a vegetated natural depression, wide shallow ditch, or constructed facility used to temporarily store, route or filter run-off for the purpose of improving water quality.

(34) "Existing Wetlands" means those areas identified and delineated as set forth in the Federal Manual for Identifying the Delineating Jurisdictional Wetlands, January, 1989, or as amended, by a qualified wetlands specialist.

(45) "Created Wetlands" means those wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement.

(56) "Constructed Wetlands" means those wetlands developed as a water quality or quantity facility, subject to change and maintenance as such. These areas must be clearly defined and/or separated from existing or created wetlands. This separation shall preclude a free and open connection to such other wetlands.

Section 2. TMC 3-5-470 is amended to read as follows:

(1) ~~A violation of any a provision of this ordinance is a civil infraction. For failure to comply with any permit or any condition of a permit issued pursuant to under this ordinance is a civil infraction if it includes; fFailure to take immediate steps to correct a condition which is or may result in erosion or water quality degradation or pollution upon.~~ Failure to implement or comply with an erosion control plan or maintenance plan approved by the City or an amendment thereto is a civil infraction. Each day that a violation of this ordinance exists shall constitute a separate violation.

Section 3. TMC 6-4-050 is amended to read as follows:

No person shall cause or permit on property owned or controlled by him/her a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this ordinance.

(1) Privies. Open vaults or privies constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the health division regulations.

(2) Debris. Accumulations of debris, rubbish, manure and other refuse that are not removed within a reasonable time and that affect the health of the City.

(3) Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.

(4) Water pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes, water quality facilities or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(5) Food. Decayed or unwholesome food which is offered for human consumption.

(6) Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.

(7) Surface drainage. Drainage of liquid wastes from private premises.

(8) Cesspools. Cesspools or septic tanks which are in an unsanitary condition or which cause an offensive odor.

Section 4. TMC 6-4-090 is amended to read as follows:

(1) The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard or a fire or traffic hazard within the meaning of Subsection (2) of this section.

(2) The term "noxious vegetation" includes, at any time between March 1 and October 31 of any year:

(a) Weeds more than 10 inches high.

(b) Grass more than 10 inches high and not within the exception stated in Subsection (1) of this section.

(c) Poison oak.

(d) Poison ivy.

(e) Blackberry bushes that extend into a public thoroughfare or across a property line.

(f) Vegetation that is:

(i) A health hazard.

(ii) A fire hazard because it is near other combustibles; or

(iii) A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

(iv) Impeding stormwater flows into or through a stormwater quality facility.

(v) Affecting treatment capacity and/or altering designed drainage paths in a water quality facility.

(3) Between March 1 and October 31 of any year, no owner or person in charge of property may allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, from becoming a fire hazard, or in the case of weeds or other noxious vegetation, from maturing or from going to seed.

(4) Between January 15 and February 28 of each year, the City Recorder may cause to be published three times in a newspaper of general circulation in the City a

copy of Subsection (3) of this section as a notice to all owners and persons in charge of property of their duty to keep their property free from noxious vegetation. The notice shall state that the City intends to abate all such nuisances 10 or more days after the date of the final publication of the notice and to charge the cost of doing so on any particular parcel of property to the owner thereof, the person in charge thereof or the property itself.

(5) If the notice provided for in Subsection (4) of this section is used, it shall be in lieu of the notice required by Section 6-4-170.

Section 5. TMC 6-4-130 is amended to read as follows:

(1) No owner or person in charge of a building or structure shall suffer or permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) The owner or person in charge of property shall install and maintain in proper state of repair adequate drainpipes or a drainage system, so that any overflow water accumulating on the roof or about the building is not carried across or upon the sidewalk.

(3) No owner or person in charge of a private water quality facility shall:

(a) allow the condition of the facility to degrade to the extent that it is not functioning as designed

(b) neglect to carry out the actions outlined in the maintenance plan submitted to the City by the developer as a provision to receiving an approved architectural review, water quality permit, or public works permit. This includes but is not limited to, structural components, plantings, invasive vegetation, grading, erosion, sedimentation, rutting from or holes from animals, debris or trash accumulation, or fencing.

Section 6. TMC 3-5-435 is added to the TMC to read as follows:

The property owner or person in control of the property shall submit inspection reports annually to the City for the purpose of ensuring maintenance activities occur according to the operation and maintenance plan submitted for an approved permit or architectural review.

INTRODUCED AND ADOPTED this 14th Day of March, 2011.

CITY OF TUALATIN, OREGON

BY  _____
Mayor

ATTEST:

BY  _____
City Recorder



STAFF REPORT CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Aquilla Hurd-Ravich, Planning Manager
Alice Rouyer, Community Development Director

DATE: 03/28/2011

SUBJECT: 2010 Annual Report of the Tualatin Planning Advisory Committee

ISSUE BEFORE THE COUNCIL:

Consideration and acceptance of the Tualatin Planning Advisory Committee (TPAC) 2010 Annual Report (Attachment A).

RECOMMENDATION:

The Tualatin Planning Advisory Committee met on February 1, 2011 and voted 5-0 to accept and forward the 2010 Annual Report to City Council.

EXECUTIVE SUMMARY:

- Not later than April 1 of each year the Committee shall file with the City Council its annual report of the activities of the Committee.
- The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee.
- The report may include activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.
- TPAC reviewed eight (8) Plan Text Amendments and two (2) Plan Map Amendments during 2010.
- Tualatin Municipal Code 11-1 contains the provisions for the functions and activities of TPAC.
- TPAC is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement.

OUTCOMES OF DECISION:

Acceptance of the TPAC Annual Report will result in the following:

1. TPAC will have fulfilled its requirements for submittal of a report by April 1, 2011

Not accepting the TPAC Annual Report will result in the following:

1. No impact is identified if the City Council does not accept the annual report.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the TPAC and staff recommendations are:

- Not accept the annual report.
- Continue consideration of the annual report and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Staff prepared this report and no additional funds were required to finalize and submit the TPAC annual report.

Attachments: A - 2010 TPAC Annual Report



City of Tualatin

2010 ANNUAL REPORT OF THE TUALATIN

PLANNING ADVISORY COMMITTEE

MARCH 28, 2011

Committee Members:

Paul Sivley, Chair
Mike Riley, Vice Chair
Nic Herriges
Alan Aplin
Jeff DeHaan
Steve Klingerman

2010 ANNUAL REPORT OF THE TUALATIN PLANNING ADVISORY COMMITTEE

BACKGROUND

The Tualatin Planning Advisory Committee (TPAC) was established by Ordinance No. 342-76 adopted July 26, 1976. The Ordinance prescribes TPAC's role in reviewing plans and ordinances and makes TPAC the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. In addition, the ordinance calls for an annual report summarizing TPAC's activities and solicits recommendations from TPAC concerning Tualatin's planning process, plan implementation measures and future committee activities.

This report will address two specific TPAC mandates under Ordinance No. 342-76.

§ 7(4). Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.

(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.

(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Committee deems appropriate.

§8 Annual Report of Committee. Not later than April 1 of each year, commencing with the year 1977, the Committee shall file with the City Council its annual report of the activities of the Committee. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.

Following is the 2010 Annual Report of TPAC prepared by staff. With TPAC approval, the report and the committee's recommendations regarding the planning process and citizen involvement will be presented to the City Council at their March 28, 2011 meeting.

EFFECTIVENESS OF THE CITIZEN INVOLVEMENT PROGRAM

Tualatin provides opportunities for citizens to participate in land use plan formation through Tualatin Planning Advisory Committee meetings where an agenda item is reserved for planning related or other public communications. Similarly, the City Council's "Open Mike" agenda item enables citizens to directly address the Council concerning any matter whatsoever. TPAC also receives communications from citizens on matters that are not on the agenda. A number of standing and ad hoc committees and boards enable citizens to participate directly in issues related to land use:

- Architectural Review Board (ARB)
- Tualatin Planning Advisory Committee (TPAC)
- Urban Renewal Advisory Committee (URAC)
- Tualatin Parks and Recreation Advisory Committee (TPARK)

Citizens also have opportunity to participate in plan implementation. Site posting (notice of proposed action) is required for architectural reviews (except for expedited process) and subdivisions. Applicant Neighborhood meeting notices and City notices of ARB and staff recommended decisions (such as Code interpretations) are sent to owners of property and recognized neighborhood associations within 1,000 feet of a proposed development. Appeals may be filed within fourteen calendar days of a staff or ARB decision (except for expedited process decisions). Some notices generate citizen inquiries about proposed actions. These are usually satisfied by a detailed explanation from staff. In practice, appeals have been very uncommon.

State law requires expedited land use decisions for partitions, subdivisions and residential architectural review have a 100-foot notice area and a comment period prior to the final decision. Appeals of expedited decisions go to a "referee" rather than the ARB or Council.

City Council hearings provide another avenue for citizen involvement. Hearings are required for numerous actions. These include conditional use permits, variances and amendments to the Tualatin Community Plan. The Council also hears appeals from the Architectural Review Board and staff recommended decisions (final expedited process decisions go to a referee). Notices of hearing are mailed to owners of property within 1,000 feet of a proposed development. Notices are also posted in the lobbies of the City offices and post office and published in the *Tualatin Times*.

In addition to the notice requirements, staff has prepared an advisory guide for citizen involvement in land use actions. These are brochure style handouts outlining how citizens can become engaged in land use actions within the community. The brochures are available at the City offices and are posted on the City's web site.

Public involvement is also encouraged for various transportation, park development and other public facility capital improvements in the City.

RECOMMENDED REVISIONS TO THE CITIZEN INVOLVEMENT PROGRAM

In 2003 TPAC and the City Council engaged in discussions about citizen involvement. TPAC has not identified any additional actions necessary for Tualatin to remain in compliance with State Land Use Planning Goal 1, Citizen Involvement in 2010. There may be revisions in the future based on the Tualatin Tomorrow Community Visioning program and other broader planning programs such as the grass roots Citizen Involvement Organizations, Urban and Rural Reserves, Urban Growth Boundary Expansion decision 2011, Town Center Plan, SW Concept Plan and Periodic Review.

ACTIVITIES OF THE COMMITTEE

During the 2010 Calendar Year TPAC met eleven (11) times. TPAC reviewed eight (8) proposed Plan Text Amendments:

- PTA-08-06—Sign Design – TPAC recommended that the City Council consider the staff report and supporting attachments and directed staff to prepare an ordinance granting PTA-08-06 with modification of the 25% reduction in non-conforming dimension to 50% reduction to non-conforming dimension.
- PTA-09-03—Historic Regulations – TPAC reviewed a memo discussing proposed revisions to the City's Historic Ordinance on February 1, 2011.
- PTA-09-07—Land Use Notification Requirements. On April 8, 2010, TPAC reviewed and recommended approval of revisions to land use notification requirements that changed notification from 500 to 1,000 feet and left subdivision language in the TDC.
- PTA-09-08—Impacts of Private Development on Public Sanitary Sewer, Stormwater Management & Potable Water Systems. TPAC met on August 3, 2010 and recommended the City Council approve PTA-09-08 with an adjustment to allow staff to determine an appropriate trigger to require a development agreement for plan map and plan text amendments.
- PTA-09-09—CUP List of Uses Residential. TPAC met on November 2, 2010 and voted to recommend all the changes in PTA-09-09 with the exception to language that uniquely discriminates against a single project.
- PTA-09-10—Urban Renewal Maximum Indebtedness. On February 11, 2010 TPAC recommended approval of the proposal to Council. TPAC's motion included a recommendation to strip project #7 stating that further public noticing needed to be made through the fashion of post cards to the neighborhood.
- PTA-10-01—Doggie Daycare in General Commercial (CG) Planning District. TPAC met on March 11, 2010 and recommended that Council accept the staff report with the following revisions: require a minimum of an eight foot fence, a 500 foot proximity to residential restriction, provide a traffic analysis prior to the hearing, request data on capacity, require a CUP process and allow outdoor activity between the hours of 7am -7pm.
- PTA-10-02—Marquis Access Management. On August 3, 2010 TPAC recommended that Council approve PMA-10-01, PTA-10-02 and the Development Agreement to allow location and construction of a new public street access on the west side of SW Boones Ferry Road in conjunction with the Marquis Retirement/Senior Care Community Project.

During the 2010 Calendar Year, TPAC reviewed two (2) Plan Map Amendments.

- PMA-10-01—Marquis Zoning Change from RL to RML. TPAC met on August 3, 2010 and recommended that Council approve PMA-10-01, PTA-10-02 and the Development Agreement. The Plan Map Amendment changed the planning district designation from Low-Density Residential (RL) to Medium-Low Density Residential (RML) on the western portion of the Old Tualatin Elementary School site with frontage on the north side of SW Sagert Street and to the centerline of the abutting public right-of-way.
- PMA-09-03—Meridian Park Hospital. TPAC met on October 8, 2009 and on July 6, 2010 for discussion and recommended approval to the City Council without a quorum. This application was ultimately withdrawn by the applicant prior to a final decision.

Twenty-three (23) individuals (persons other than TPAC members) participated in meetings considering Plan Amendments.

OTHER TPAC ACTIVITIES

Members of the public made several suggestions to regarding the agenda format during "Communications from the Public". These changes included listing names of TPAC members and staff members. Those changes were incorporated in the agenda format. .

Staff brought forward several topics for TPAC discussion including:

- Tualatin Tomorrow (Community Visioning)
- Central Urban Renewal District Maximum Indebtedness
- I5/99W Connector Project
- Urban/Rural Reserves
- Volunteer of the Year nominations
- 2009 Annual Report
- Update on High Speed Rail
- Discussion about the Transportation System Plan Update

2009 STRATEGIC MANAGEMENT PLAN

The activities of TPAC are consistent with the following Long Term (5 year) Council Goals:

Goal #2 – Manage development, redevelopment, and projected change that will occur within the city to maintain Tualatin’s quality and what the citizens value as a community.

TPAC reviewed Plan Amendments addressing this goal through, PTA-08-06, PTA-09-02, PTA-09-03, PTA-09-04, PTA-09-07, PTA-09-09.

Goal #3 – Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for Tualatin

TPAC reviewed Plan Amendments addressing this goal through PTA09-10.

Goal #4 – Enhance the city’s quality of life; seek to make Tualatin a great city
TPAC reviewed Plan Amendments addressing this goal through PTA-08-06,
PTA-09-03

Goal #5 – Preserve Tualatin’s unique and important natural features and
resources
TPAC reviewed Plan Amendments addressing this goal through PTA-09-03 and
PTA-09-04.

Goal #8 – Continue to develop and expand opportunities for citizens awareness
and active civic involvement in Tualatin, both at the community and
neighborhood levels
TPAC reviewed Plan Amendments addressing this goal through PTA-09-07.