



**GLADSTONE PLANNING COMMISSION AGENDA
GLADSTONE CIVIC CENTER, 18505 PORTLAND AVENUE**

Tuesday, June 16, 2020
6:30 p.m.

Per the Governor's Executive Order 20-16, regarding compliance with Oregon's public meeting laws, the City of Gladstone is abiding by social distancing requirements during the coronavirus pandemic. This public hearing will be conducted virtually using the Zoom platform.

Join Zoom Meeting

<https://zoom.us/j/98775474157?pwd=M29oRVZMUeEcrbUo4WGxyMnYwV3RnUT09>

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6:30 P.M. CALL TO ORDER

ROLL CALL

FLAG SALUTE

CONSENT AGENDA

All items listed below are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a commission member or person in the audience requests specific items be removed from the Consent Agenda for discussion prior to the time the commission votes on the motion to adopt the Consent Agenda.

1. Approval of May 19, 2020 Meeting Minutes

REGULAR AGENDA

2. Monthly Planning Report – May 2020
3. Discussion of Annual Work Plan – based on Planning Commission homework assignments

BUSINESS FROM THE PUBLIC - Visitors: This is an opportunity for members of the audience to bring to the Commission's attention any item not otherwise listed on the Agenda. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others and must fill out a speaker card available in the back of the room prior to making a comment.

BUSINESS FROM THE PLANNING COMMISSION

ADJOURN



CONSENT AGENDA

GLADSTONE PLANNING COMMISSION MEETING MINUTES of March 19, 2020

Meeting was called to order at approximately 6:30 P.M. (via Zoom)

ROLL CALL:

Chair Michael Milch, Commissioner Andriel Langston, Commissioner Natalie Smith, Commissioner Malachi de AElfweald, Commissioner Patrick Smith, Commissioner Darren Williams (joined the meeting at approximately 6:39 P.M.), Commissioner Les Poole (joined the meeting at approximately 7:08 P.M.)

ABSENT:

None

STAFF:

Tami Bannick, City Recorder; Joy Fields, Senior Planner; David Doughman, City Attorney

CONSENT AGENDA:

1. Approval of February 18, 2020 Meeting Minutes

Commissioner Patrick Smith asked for clarification regarding comments from Chair Milch, page 1-7, second sentence where he said he hopes in the future the conversations could be a little more regulated from the Chair and a little less free form. Chair Milch said he would like to be able to call on members to speak one at a time on various issues and take a little more leadership of the meeting than what happened the last time. He would like everyone to be able to participate but especially with this flat form it might be helpful to call on people individually and only have one person speak.

Commissioner Langston made a motion to approve the Consent Agenda. Motion was seconded by Commissioner Patrick Smith. Motion passed unanimously.

REGULAR AGENDA:

2. Monthly Planning Reports – February, March, and April 2020:

Ms. Fields went over the planning reports. In February there were 10 contacts with customers over the counter, 66 emails/phone call contacts, 4 building permits with land use reviews, and 1 administrative decision. There was a public hearing held by the Planning Commission on proposed code amendments and they made a recommendation to City Council who then heard the proposed amendments in March. The administrative permit pertained to the Gladstone Civic Center signs and they were approved. The building permits that were reviewed included a car port cover, a patio cover, replacement of rafters, and an installation of a bathroom, and commercial tenant improvements that included the removal of balcony and a reroofing.

In March they continued to have customer contacts at the counter while the lobby was still open, 62 emails/phone calls, 11 building permits with land use reviews, and 1 administrative decision. In April the lobby was closed to the public. There were 3 building permits with land use reviews. The public hearing that had been scheduled for March had to be rescheduled to this meeting. The proposed code amendments were heard by City Council and they adopted them as recommended by the Planning Commission on March 10th. The administrative permits that Planning staff reviewed included New Life Church signs. Building permits included replacement of siding, solar system at the new Civic Center, heat pump, remodeling, repair to fire damage, wall/fence, and certificate of occupancy for the new Civic Center.

Commissioner Natalie Smith said she appreciates that they list out what the administrative decisions are for.

Commissioner de AElfweald made a motion to approve the February, March, and April Planning Reports. Motion was seconded by Commissioner Langston. Motion passed unanimously.

BUSINESS FROM THE PUBLIC:

None.

Chair Milch said a few words regarding the role of the Planning Commission and the process pertaining to public hearings. He said their role is to conduct public hearings and to make decisions about land use matters in Gladstone. In making those decisions they must apply the law as enumerated in the City's Land Use Regulations, which include the Gladstone Comprehensive Plan and Title 17, Zoning and Development, of the Gladstone Municipal Code. The Commission cannot vary from or change that law. State law provides that applications must be judged based on the law that existed when the application is filed. Members of the Planning Commission are to be unbiased. Before the start of the hearing on each item he will ask the members of the Planning Commission if they have any potential conflicts such as family, financial or business relationship with any of the applicants or with regard to the land in question. If such a potential conflict exists he will ask whether the Commissioner in question believes he/she is without actual bias or whether he/she would like to step down from the Planning Commission during the hearing. He will also ask if any of the Commissioners have discussed the application in question with any of the parties or have independent knowledge of relevant facts such as from a visit to the site in question. If any of the Commissioners have had such contacts he will ask them to disclose the substance of that contact. If a Commissioner has independent knowledge of relevant facts he will ask them to summarize those facts. During the testimony a witness may challenge the impartiality of a Commissioner and may rebut the substance of a Commissioner's knowledge of the facts. The Commissioner in question may respond to such a challenge. Copies of the agenda for tonight's hearing and staff reports are available online. He went over the procedures followed during the hearings and the decision process. A decision may be made by the Planning Commission at the close of the hearing or the public hearing or Commission deliberations may be continued to a time and date certain. If the hearing or deliberations are continued to a specific date and time this will be the only notice of that date which you will receive. Regardless of whether the hearing is continued or the record is held open for any other reason State law provides that they must hold open the record for at least seven days after it is closed to all other parties to allow the applicant to submit final written arguments in support of an application unless the applicant waives that right. They must also comply with State law that requires the City to make a final decision, including all appeals, within 120 days after the Planning staff found the application was complete, unless an applicant waives that right. Except in cases where the Commission is making a recommendation to the City Council the Commission's decision will be the City's final decision in this matter unless it is appealed to the City Council. An appeal must be filed within 15 days and in accordance with Chapter 17.92 of the Gladstone Municipal Code. Failure by the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough specificity to allow the Commission to respond to the issue will preclude an action for damages in Circuit Court.

- 3. Public Hearing: File Z0018-20-D – Remodeling existing 1,838 sq. ft. building to meet code, ADA requirements and change exterior. Proposal includes site development with the addition of a trash enclosure, bottle storage room, new fuel tanks and increased paving for vehicular circulation and parking. 810 E. Arlington, Peter Kappertz:**

Ms. Fields shared a Power Point presentation pertaining to the project. The applicant informed her today that the fuel tanks will remain as is and are not being replaced. The existing fence will be removed and the pavement will come out to include parking spaces. The site is approximately ½ acre in size and is zoned General Commercial. Vehicle service stations such as this are an allowed use in that zoning district. The properties around it are also zoned commercial so there is no screening requirement for residential properties because it does not abut any residentially zoned properties. Public notice was sent to the applicant, the owner of the subject property is located within 250 feet of the subject property. It was also sent to the City of Gladstone, Public Works Department, Gladstone Fire, Gladstone Police, Engineering, WES (provides storm sewer services), and Tri-City (provides additional water/sewage services). Comments have been received from Public Works, Fire, and WES/Tri-City. The comments from Public Works were incorporated into the special conditions and all of the comments were included in the staff report. The siding of the building meets standards. The use is compatible with surrounding uses, including the adjacent car wash. The mechanical equipment on top of the building is proposed to be shielded by the white walls at the top. She said the Commission needs to consider the design of the building with the exterior materials that are being proposed because it is only allowed if they explicitly approve it (the Gladstone Municipal Code does not allow the use of metal siding unless explicitly allowed by approval from the Planning Commission). The applicant proposes to use a mixture of materials, some of which includes ribbed metal sheeting. This is the third revision of the site plan – it was revised on March 17th to remove two parking spaces and increase the width of the landscaping between the parking spaces and the property boundaries. Section 17.46.020 requires that permits for design review include a ten foot landscaped area between parking areas and the property lines so the plans were revised. That section also requires that 15% of the site shall be landscaped and with the removal of the two parking spaces the amount of landscaping increased to 6,810 sq. ft., which is approximately 26% of the site. There will be plants (shrubs and trees) that will create a visual barrier between the parking and adjacent businesses, as well as parking in the street. The proposal also includes a sign on the building. The free-standing sign and the signs on the fuel canopies were approved through sign permits in December. The addition of the on-building sign is in line with the dimensional standards for signs in the Gladstone Municipal Code. Planning staff is recommending approval of the proposed design review project with five standard conditions and twelve special conditions of approval. The special conditions of approval include lighting to make sure the light from the project does not spill over into adjacent properties. There are too many parking space proposed on the site. The revised site plan, as of March 17th, shows a total of 14 parking spaces, including 13 around the edge and 1 handicapped parking space. The GMC, Section 17.48 allows the Planning Commission to grant an exception to parking standards as long as it does not exceed 25% of the standards. The maximum number of parking spots allowed would be 11, so the 25% increase that could be met through an exception to the standards would bring it up to 14. In the revised site plan that was provided this morning the applicant modified the location of the handicap-accessible parking space and removed two parking spaces – so that makes a total of 12 parking spaces, which is still 1 above the maximum number allowed without an exception granted by the Commission. The Public Works Department made comments regarding water, sanitary sewer, right-of-way, and sidewalks. The final construction plans will be reviewed and will have to be approved per special condition #10. If there any changes to the plan that impact the landscaping or parking/access that would bring it out of compliance with the special conditions the Commission provides or the approval then they will have to go through design review again and the Commission will see the plans.

Commissioner Patrick Smith asked if there was a specific structural reason that metal siding is being used.

Ms. Fields said the applicant can respond to that question.

Commissioner de AElfweald pointed out an error in the last paragraph of page 3-12 pertaining to the total number of parking spaces, but the plans have since been revised.

Chair Milch asked the Commissioners if they want to declare any potential conflict of interest, ex parte contacts, or independent knowledge of relevant facts regarding this project. None did. Commissioners Langston, Natalie Smith, Poole, Williams, Patrick Smith, and Chair Milch have visited the site. Commissioner de AElfweald had not visited the site.

APPLICANT TESTIMONY:

Peter Kappertz, with Petroleum Designs, said the existing building was once a service station so it is a non-combustible sheet metal building that was previously remodeled. The existing exterior is flat sheet metal panels and the owner wanted to give it a more modern look. There is no structural value to the proposed ribbed metal panels; it's simply for aesthetics. The parking spaces are primarily for employees and customers. The owners decided not to replace the existing underground tanks since they are double-wall fiberglass, but they will be replacing the underground piping and upgrading the dispensers so they will have double-wall piping and dispensers with containment sumps under each dispenser. They are requesting one additional parking stall above the maximum required and request approval of ribbed metal siding for this project. He asked what triggers the storm water requirement – Ms. Fields said the requirements are triggered by a certain amount of new impervious surface and the staff report mentions State requirements for storm drainage, but the GMC requires that the Public Works design standards are met. Commissioner Poole asked if there are specific DEQ requirements related to gas stations – Ms. Fields said it's usually triggered by a certain amount of impervious surface, but this is a small amount so the trigger is not met. Mr. Kappertz said since they do not meet that threshold he requested that the condition of approval for storm water management for the entire site is stricken from the condition of approval. Ms. Fields said the storm water/storm drainage was a note for his awareness – it was not included as a special condition. Commissioner Williams asked if the footprint of the parking area increased with the revised plan – Mr. Kappertz does not believe it did. Commissioner de AElfweald asked if there were any road alterations to the sidewalk going from the handicapped space to the front door to reduce traffic going through at a faster pace – Mr. Kappertz said they have only proposed paint striping as opposed to different material. Commissioner Williams asked if there will be a ramp there as well – Mr. Kappertz said there will be and that the entire sidewalk in front of the building is being replaced because it does not meet the minimum width requirement. Commissioner Natalie Smith asked if there were any other styles/types of siding that the owner considered – Mr. Kappertz said they specifically wanted a box rib siding because he likes the appearance of it. He went over the pattern/color scheme.

PUBLIC TESTIMONY:

None.

Commissioner Patrick Smith asked if they needed to deal with the two revisions (parking spaces and the acceptance of the metal siding) prior to making a decision on the existing proposal. Ms. Fields shared her proposed motions.

Commissioner de AElfweald made a motion to close the public hearing. Motion was seconded by Commissioner Natalie Smith. Motion passed unanimously.

Chair Milch asked if any member of the audience wished to challenge the right of any Commission member to make a ruling on this matter – none did.

Commissioner Patrick Smith made a motion to amend design review Z0018-20-D to reduce the number of parking spaces from 14 to 12 to include the handicapped space knowing that that is one above the maximum limit. Motion was seconded by Commissioner Williams. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Commissioner Langston made a motion to approve design review Z0018-20-D to approve the building material proposed on this project. Motion was seconded by Commissioner Poole. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Commissioner de AElfweald made a motion to approve design review Z0018-20-D with approval of the building materials and exception to the parking standards to allow a total of 12 parking spaces and conditions pursuant to staff recommendations. Motion was seconded by Commissioner Patrick Smith. Ms. Bannick took a roll call vote: Commissioner Langston – yes. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed unanimously.

Chair Milch said he appreciates that staff and the applicant could work together to come to a satisfactory conclusion on issues like this.

4. Public Hearing: File Z0071-20-C. Convert existing 27,000 sq. ft. building to provide 48 residential units that will be a mix of single-room occupancy (SRO) and studios, for older adults as well as space for third party supportive services. Proposal includes site maintenance with the removal of some accessory structures and repairing the parking area. 18000 Webster Road, Housing Authority of Clackamas County:

Ms. Fields said this is a two part application. Both parts are tied to the property located at 18000 Webster Road. The entire proposal is to convert the existing 27,000 sq. ft. building to provide a mix of meeting rooms, residential units, and kitchen space. The property is zoned R-7.2, it is a single-family residential zone that is approximately 2.2 acres in size. There were no environmental overlays found on this location. There are churches on two sides of the site, a water tower, and a road of single-family residences to the north of the site. Public notice was sent out to the property owner, the applicant, the property owners located within 250 feet of the subject property, the City of Gladstone, Public Works Department, Gladstone Fire, Gladstone Police, Engineering and WES/Tri-City. Comments were received from Public Works, Fire, and the Metropolitan Alliance for Common Good and were incorporated into the Planning Commission packet. They also received comments from a neighbor who provided testimony for tonight's meeting. The first part of the application is to consider an authorization of similar use. The reason is that the zoning district R-7.2 allows homes for the aged but does not allow senior housing centers. Because it is explicitly allowed in a different use and not identified in the section of the GMC that applies to the R-7.2 zoning district the Planning Commission has to authorize whether or not the proposal best fits the home for the aged, the senior housing center, or multi-family housing. If they determine that it best fits the description and requirements of home for the aged then they will move forward with the second piece of the application, which is a conditional use application for the remodeling and change of use. The existing structure was originally built as a nursing home. It was then used as a rehab center for teenagers. This proposal is changing the use to be for people over the age of 55 who are infirm. Because the use is changing they are not able to use the previously approved

conditional use that was allowed for the previous use. She fixed a typo in the last bullet in the PDF that was originally submitted to the website.

Mr. Doughman said it made sense to him that the Commission first look at the similar use issue based on the various definitions that are in the code and proceed from there.

Chair Milch made a motion to approve authorization of similar use pursuant to the staff recommendation. Motion was seconded by Commissioner Natalie Smith.

Discussion: Commissioner de AElfweald said (in reference to the table in the staff report, bottom of page 4-10) it was his understanding that they would not be furnishing the food or personal services and the individuals would be age 55+ so it seems that it would fit into “multi-family housing”.

Mr. Doughman said the Commission should discuss this now, but also allow for public testimony, including the applicant testimony, before they make a final decision on how they are going to interpret this.

Commissioner Natalie Smith said the Housing Authority is trying a new concept in order to provide housing for low income people. She is surprised at what the area is zoned for but they are allowed to make special accommodations.

Chair Milch said that it is “similar use” and not “identical use” so the preponderance of the conditions as the staff report and applicant’s report have both indicated seem to think that “home for the aged” is the appropriate category for this proposal.

Commissioner Poole said that “multi-family” doesn’t have an age limit.

Ms. Fields said the applicant provided the definition of “home for the aged” from the Oregon Revised Statutes in 1990 – “a facility which furnished food, shelter, and personal services for compensation to three or more aged persons who are residents thereof and excludes such persons who require nursing care”. The “aged person” was defined as “a person of the age of 65 years or more who requires personal services or a person less than 65 years who, by reasons of infirmity, requires care”. The applicant proposes that the age limit of 55 with the reason of infirmity being that the people they serve are often suffering from addiction/mental health/physical issues causes that to be meeting the definition of the “home for the aged” or those served by a “home for the aged”.

Commissioner Patrick Smith said if they are going to have common feeding areas and common social interactivity and it’s not just an apartment house for older people then there may be a rush on this that may not be prudent at this point due to what’s been happening in the world recently. Commissioner de AElfweald said he feels this fits into the “multi-family” category the best.

APPLICANT TESTIMONY:

Debbie Cleek, Land Use Planner from The Bookin Group, (representing HACC) said they had to work with some old code definitions that don’t really match the reality of how things work in care facilities now. There is a huge need to provide housing in Clackamas County. They were told that they needed to show that their facility was going to be different than the senior housing facility, which specifically said it was for age 65 and older. “Home for aged” said you could have age 65 and older plus people that were defined as “infirm” so they decided to drop the age to 55 and older. She said their services are much more wrapped around the residents of the facility so there will be

supervision, accountability of people coming and going, personal services provided (healthcare workers, nutritionists, life care skills, etc.), which is different than a typical apartment building. They have to be “a home for the aged” in order to be considered a conditional use in the zone they are in. She said the facility was originally built as a nursing home and the most recent use was for adolescents who had drug and behavioral problems. The last time the Planning Commission went through this exercise to make the determination of whether it was a similar use they determined that adolescents were similar to a nursing home. These are individual units - studio apartments for individuals. There will be two staff members on site 24/7 keeping track of the coming and going of residents, keeping the peace, observing smoking rules, etc.

Stephen McMurtrey, Director of Housing Development with the Housing Authority of Clackamas County, said their mission is to provide opportunities and to help lift people out of trying times. This was an opportunity for them to provide independent living for folks and allow them to live in dignity and help get themselves back on track. Units would be deeply affordable at 30% or less of area median income. Case management services such as eviction prevention issues, drug/alcohol counseling, food insecurity, etc. would be available to residents.

Commissioner de AElfweald said it sounds similar in scope to the River Glen Apartments because it’s targeting the same type of usage, same type of care, and the same type of services.

Mr. McMurtrey said the River Glen Apartments don’t have those services within the building and a 24/7 type of setting. Commissioner Natalie Smith asked if this was the first time they have proposed a living vision like this – Mr. McMurtrey said this is the first time they have proposed this type of development. It is 48 units – 12 of which would serve permanent supportive housing and the rest of the units would be served by site-based rental assistance. He said this type of facility has been done throughout the region and country many times before. All units under the low income housing tax credit program must be at 60% or less of area median income and those that qualify then sign a lease and they can stay indefinitely if they so choose. Some people can transition on at some point.

Commissioner Poole said there are a lot of gray areas as to what is going to be going on at this facility and what the reality will be. Mr. Doughman said before they get into the discussions regarding similar use and if it qualifies for conditional use approval they need to see if the applicant has any additional testimony and take any public testimony.

Chair Milch asked the Commissioners if they wanted to declare any potential conflict of interest, ex parte contacts, or independent knowledge of relevant facts regarding this project. Commissioner Langston believed he may have a potential conflict of interest because he has a working relationship with Carleton Hart (Architect) and his organization has provided input on some of the project planning so he recused himself from the hearing. Chair Milch said he had seen a post on social media in December that said the building was going to be leveled for the purpose of new construction. None of the other Commissioners did. Commissioners Natalie Smith, Poole, Patrick Smith, and Chair Milch have visited the site. Commissioner de AElfweald had not visited the site. Commissioner Williams has been past the facility.

Chair Milch asked if any member of the public wished to challenge the ability of any member of the Commission to hear this matter impartially. None did.

Ms. Fields said she wanted to get the decision regarding similar use out of the way before going into more details regarding the plans. She has received testimony from two individuals, but it seems to be more general testimony pertaining to conditional use.

PUBLIC TESTIMONY:

Ms. Fields read email testimony from Bruce Hildreth: “My name is Bruce Hildreth and I live at 7500 Ridgewood Drive. My wife and I are not currently opposed to the project and its use at this time. As close proximity neighbors we can see parts of the property and hear most loud activity. We are hoping that the County will abide by promises to keep the property well maintained and to monitor excess noise, especially during quiet hours of the evening. Since the County has bought the property in 2019 and conducted its first meeting with the public noise has not been a problem. However, the upkeep of the property has been next to nil with lack of suitable outdoor maintenance of the grounds. The property has random junk stored openly in the back, which has become an attractive nuisance. A small shed that has old paint cans which have been broken open and kicked about. There have also been many instances of vandalism to the property, which includes breaking and entering. All of these seemingly minor items do not bode well for a contiguous neighbor with decent people living in nice homes. We understand the process of permitting to begin development and the time it takes to approve but the County has an obligation to follow the ordinances of the City of Gladstone. Currently I believe this property is in violation on many counts and frankly should be reported. We are hoping that this letter of testimony will prompt the County to take a reasonable approach to clean up and maintain this property indefinitely beginning today. Respectfully, Bruce Hildreth.”

Ellen Burns said: “I am here in support of the conditional use application for 18000 Webster Road for the purpose of providing permanent supportive housing for very low-income seniors. I am a Registered Nurse with a Bachelor’s in Gerontology. The health and safety of older community members is a major concern of mine. Without a safe, stable place to call home, it’s nearly impossible to focus on basic health and medical needs. We know that housing is a key driver of health. This is especially true for our seniors, who are often dealing with chronic diseases and other complex health issues. Elders are particularly vulnerable to the high prices in the housing market because many rely solely on Social Security. If they have a savings account, they are getting minimal return on their resources. The added stress of insecure housing takes a toll on their physical, mental, and emotional health. Proposals like the Webster Road project are essential to addressing the critically needed supply of affordable housing. Gladstone has little availability of buildable land. Upgrading and using this empty building for housing one of our vulnerable populations solves two problems for Gladstone, by renovating a decaying building in the city and addressing Gladstone’s housing inequity. The location is well suited for elders with public transportation and walkability. Partnering with the Clackamas County Housing Authority for this project is a win/win for supportive housing. The Housing Authority has experience and expertise in providing supportive housing. The City of Gladstone is relieved of the financial burden of finding a solution for housing inequity on its own. I urge your support of the Webster Road application. Thank you.”

Chair Milch noted that there is a letter of support dated March 17th from Metropolitan Alliance for Common Good (MACG) included in the packet.

APPLICANT REBUTTAL:

Mr. McMurtrey said since they took possession of the property in 2019 they have done a tremendous amount of clean up, especially the grounds of that site. They have cleared a lot of the undergrowth. They have suffered a few break-ins. They have contracted evening/weekend security services. The Housing Authority is thrilled to be taking a building that is currently in disarray and bringing it up to be a beautiful new asset for the City of Gladstone, their own portfolio, and the people they will serve. They will double down on their efforts to clean up the site and to make sure they are removing the debris that may still be there.

Discussion: Commissioner de AElfweald said he likes the idea of providing the housing but his main concern is that we're not providing some of the services that are expected of the similar use. Ms. Fields explained they can only look at applications for things that are explicitly allowed in the R-7.2 zone. That zone allows homes for the aged as a conditional use application. The pre-application meeting between Melissa Ahrens and the applicant provided discussion that led the applicant to try to find a way to meet the home for the aged definition based on what the applicant was proposing with housing, residents that were age 55 and up, who were infirm, and who had extremely low incomes, it seemed the most applicable route to go. The way the project was described it did not seem similar to an apartment building (multi-family housing) because it has the protection services, wrap-around services, etc. – those are not often brought to the site of people's homes. Ms. Cleek said to use the similar use requirements in the zone they have to show that they are not similar to a use that's allowed in another zone. Multi-family housing is allowed outright in the MR zone. Senior housing is allowed outright in the business park zone. So they needed to provide information that shows that they were neither senior housing nor multi-family housing because those were both uses that were allowed outright in other zones. Multi-family housing is not allowed in the zone that this site is in (R-7.2). Commissioner Natalie Smith said this is very similar to when the building was used as a nursing home, which is providing care and services, and then the last tenants provided services and care to adolescents with behavioral/mental health issues. She is fine with it being considered similar use. Commissioner Poole agreed. He feels they can make the definition work.

Chair Milch made a motion that the Commission approve authorization of similar use pursuant to the staff recommendation. Motion was seconded by Commissioner Poole. Ms. Bannick took a roll call vote: Commissioner Natalie Smith – yes. Commissioner de AElfweald – no. Commissioner Poole – yes. Commissioner Williams – yes. Commissioner Patrick Smith – abstained. Chair Milch – yes. Motion passed (4-1, one abstention and one recusal).

Ms. Fields went over the rest of the staff report. She said the GMC provides the Planning Commission with the authority to grant or deny a conditional use and it can be pursuant to the authorization of similar use that they just provided for this proposal. When they consider a proposal they are supposed to consider whether it is suitable for the proposed site considering the size, shape, location, topography, existence of improvements, and natural features. They are supposed to consider whether it is timely considering the adequacy of transportation systems, public facilities, and services existing or planned for the area that are effected by the use of the property for what is being proposed. The location size and functional characteristics of the proposal are such that it can be made reasonable compatible with and have minimal impact on livability and appropriate development of properties in the area and satisfies the policies of the Comprehensive Plan that apply to the proposed use. It also says that they can apply conditions to their granting or denial of a conditional use application.

She went over the renderings of the site modifications that were provided by the applicant. There were special conditions from Public Works and the Fire Department pertaining to the sanitary sewer system, storm sewer, sidewalks, etc. – all of them will require investigation. The proposal includes maintenance of the existing landscaping with the addition of a walkway and picnic area and removal of the basketball court. They propose adding a few parking spaces behind the site where there are currently accessory buildings that are in disrepair. They are proposing to repair and update the parking in the front. The special conditions include parking signage but the applicant did not provide a description of the signs they will have. She went over the site plans/visuals. The applicant pointed out the timeliness of the application – there is a housing crisis in Gladstone and Clackamas County and a need for additional affordable housing units that is documented in the

Housing Needs Analysis and the Regional Housing Needs Analysis. The Comprehensive Plan identifies goals that are in line with this application, including remodeling existing structures, preserving existing structures, adding additional housing to the supply, and protecting natural resources.

Nursing homes and homes for the aged is a conditional use allowed in this zoning district. With the authorization of similar use that the Planning Commission provided tonight this application can be considered in this zoning district. No changes are planned to expand the footprint of the structure. The dimensional standards for the zoning district are met.

Ms. Fields went over excerpts from the Comprehensive Plan pertaining to this application. Staff found that this is an appropriate use for the residential areas and the proposed use meets the needs of the Comprehensive Plan and the City.

Commissioner Williams said he has questions regarding age, curfews, etc.

There was discussion regarding whether to close the public hearing, continuing the discussion or holding it over to the next meeting. It was agreed to have Commissioners ask their questions now. Mr. McMurtrey said they anticipate that there may be some tenants that qualify or meet the criteria to live in this housing but it is not restricted to between age 55 and 64 – it is 55 and older. There are significant needs for those who are 65 and older for this type of housing.

Commissioner Patrick Smith asked who will ultimately be responsible for the property so that it's a valued member of the community. Mr. McMurtrey said the underlying ownership would remain with the Housing Authority of Clackamas County. He said they will maintain this building to a very high level – he said it's a requirement of the financial investment in it from the State and those providing low income tax credits. They want to be good neighbors and good shepherds of the housing they build. Commissioner Poole asked what guarantees they have that they aren't going to have maintenance issues – will there be a third party doing the actual property management? Mr. McMurtrey said they will have a third party management company working in conjunction with the Housing Authority staff, which may include their own maintenance staff, for the long term operation of this building. They are required to put money aside for things like maintenance of the building as well as landscaping.

Chair Milch said that it appeared that the Commissioners want to continue this matter and continue to hear testimony from the applicant, staff, and members of the community at a later date. The next normal meeting date would be Tuesday, June 16th. Commissioners were asked if they had their questions answered satisfactorily.

Commissioner Patrick Smith said he knows and respects both points from the people who testified earlier. He said that the Housing Authority can't be held responsible for criminal activity on the property, but you can be held responsible for not cleaning up paint cans. He wanted to be sure that that isn't going to happen – that the grounds will be maintained in the same standard as the rest of the community. Commissioner de AElfweald said they have required maintenance as a condition of approval in the past. Ms. Fields said they could add building and landscaping maintenance in perpetuity while HACC maintains ownership of the property.

Commissioners agreed to continue the hearing now.

Chair Milch asked Ms. Fields if there were any aspects of the conditions that raise any red flags for her. Ms. Fields said a couple of easements that are required to meet the City of Gladstone

requirements, verification that the water and sewer systems are in good use and that the fire suppression is adequate to meet the current requirements. She said she didn't see anything out of the ordinary.

Chair Milch asked if there were any other members of the public who wished to testify – there were none. He asked if the applicant felt the need to rebut any of the other comments made earlier – they did not.

Commissioner de AElfweald made a motion to close the public hearing. Motion was seconded by Commissioner Patrick Smith. Motion passed unanimously.

Commissioner de AElfweald made a motion to approve Conditional Use Z0071-20-C with conditions modified during the public hearing and pursuant to staff recommendation. Motion was seconded by Commissioner Natalie Smith.

Discussion: Chair Milch asked if they needed any different kind of vote – Ms. Fields said this provides them with a section of a code that they are acting within. Section 17.94.060 (2H) of the GMC gives the Planning Commission the right to approve conditional land use applications.

Ms. Bannick took a roll call vote: Commissioner Langston – recused. Commissioner Natalie Smith – yes. Commissioner de AElfweald – yes. Commissioner Poole – abstained. Commissioner Williams – yes. Commissioner Patrick Smith – yes. Chair Milch – yes. Motion passed (5 in favor, 1 recusal, 1 abstention).

Chair Milch said he is pleased that our city is going to be involved with a project that's this important. This Commission has stated in its own goals the importance of addressing the housing shortage in our community and some of them weren't sure how much the County was going to get involved in our city when they began to work on this issue. They didn't think they'd ever have an opportunity to be this much involved and make this significant a roll in what's happening. They are pleasantly surprised to be playing a part in this important work that HACC does. They are hopeful that HACC will live up to what they've told them tonight and this is something they can all be proud of and that will meet a real need in our community. He thanked the applicants for coming tonight. Commissioner Natalie Smith hopes they will allow the Planning Commissioners to take a tour of the new facility prior to opening.

BUSINESS FROM THE PUBLIC:

None.

BUSINESS FROM THE COMMISSION:

None.

ADJOURN:

Meeting adjourned at approximately 9:43 P.M.

Minutes approved by the Planning Commission this _____ day of _____, 2020.

Michael Milch, Chair



REGULAR AGENDA



City of Gladstone Monthly Report May 2020

PUBLIC CONTACTS/PLANNING ACTIONS

CUSTOMER CONTACT/ Planning Actions	January	February	March	April	May	YEAR TOTALS
Customer Service Counter Contacts	5	10	1	0	0	16
Customer phone/email Contacts	43	66	62	34	49	254
Building Permits with Land Use Review	5	4	11	3	0	23
Pre-application Conferences	1	0	0	0	0	1
Administrative Decisions	2	1	1	0	0	4

PLANNING COMMISSION ACTIONS/DECISIONS

- Public Hearing May 19, 2020:
 - Approved Z0018-20-D - 810 E Arlington renovation and site development
 - Approved Z0071-20-C – 18000 Webster Road Authorization of Similar Use and Conditional Use for renovation of building to house low income older adults

CITY COUNCIL LAND USE ACTIONS/DECISIONS

- None

PRE-APPLICATION CONFERENCES

- None

ADMINISTRATIVE PERMITS

- None

BUILDING PERMITS WITH LAND USE REVIEW

MAY – NONE

FUTURE ITEMS/PROPERTY UPDATES

Location	Topic
18500 Webster Road	Comprehensive Plan and Zoning Map amendment with Property Line Adjustment.
525 Portland Ave	Gladstone Municipal Code Amendment



REGULAR AGENDA

Tami Bannick

From: Michael Milch
Sent: Friday, May 29, 2020 8:58 AM
To: Tami Bannick; Andriel Langston; Darren Williams; Les Poole; Malachi deAElfweald; Natalie Smith; Patrick Smith; Thomas Mersereau
Cc: Fields, Joy; Jacque Betz
Subject: Planning Commission Meeting Homework Assignments

Planning Commission Members:

In an effort to accomplish more of our annual Planning Commission work plan, I will periodically be making some "homework assignments" to prepare us for deliberating at future meetings. These are NOT meant to initiate online or verbal discussion or deliberation among commissioners outside the public meeting setting, although you are welcome to seek input from people who are not on the Commission if that would be productive. Please do not "reply all" to this email.

I would like all Commissioners to read this 2018 regional code audit regarding ADUs, noting in particular the bar graph on page 16 about size regulations. We will continue to examine and consider updates to our ADU-related code at a future meeting.

https://www.oregonmetro.gov/sites/default/files/2018/10/01/Build_Small_Coalition_2018_ADU_code_audit_report_final.pdf

Commissioner deAElfweald suggested in February that we examine and consider updating our local codes regarding energy efficient building provisions. I would like Malachi and Commissioners Langston and Williams to review GMC Section 17.44.020 (1) & (2) and to be prepared (at some undetermined future meeting) to share any knowledge they may have of similar code provisions in other cities or counties that address these matters in the light of more current technical and scientific understandings of energy efficiency.

<https://www.codepublishing.com/OR/Gladstone/#!/Gladstone17/Gladstone1744.html#17.44>

I will consider additional assignments for Commissioners N. Smith, Poole, and P. Smith in the next few days. I don't know whether we will have land use applications to consider at our next scheduled meeting, but any time we have the opportunity to address the items in our work plan in a public meeting setting I want us to use that time productively with the benefit of advanced preparation and relevant readings.

Thank you all for serving your community in this way.

Michael Milch

Tami Bannick

From: Michael Milch
Sent: Friday, June 5, 2020 11:24 AM
To: Tami Bannick; Andriel Langston; Darren Williams; Les Poole; Malachi deAElfweald; Natalie Smith; Patrick Smith; Thomas Mersereau
Cc: Jacque Betz
Subject: More Planning Commission Homework
Attachments: The Public Hearing.pdf; Neighborhood Defenders.pdf; Engaging Representative Participation.pdf; Citizen Engagement.pdf

Dear Commissioners:

I am attaching four more short articles or book excerpts regarding effective participation and inclusion at public hearings for Commissioners Natalie Smith, Les Poole, and Patrick Smith to read in preparation for a discussion on these topics at a future meeting (although all other Commissioners are welcome to read them, too).

Again I emphasize that these readings are preparation for future deliberations in a public meeting and should not be discussed among yourselves outside the open meeting setting. Thank you.

Michael Milch

The Public Hearing: A Nondeliberative Legacy

Many government entities are legally required to use the public hearing format. In fact, from federal issues to state and local decision making, the public hearing is one of the most-used public participation processes in the United States. But any public body that depends on hearings as its sole public engagement tool is courting disaster, in the form of a disgruntled citizenry and unsustainable decisions.

Most public hearings are publicized as per statutory requirements, with a formal notice in a newspaper of record, postings on two public bulletin boards, and that type of thing - hardly the welcoming outreach that's likely to bring in a crowd. Those who do attend are likely to represent not a broad cross section of the community but rather factions on either end of the decision-making spectrum.

Ordinary citizens who aren't accustomed to public speaking need only one intimidating experience with a squeaky microphone ("Please speak up, ma'am, your comments are going on the record!") to ensure that they won't be attending another public hearing anytime soon. Research backs up what participants already know: public hearings, although technically open to all, don't result in a broad or representative cross section of stakeholders.

If inclusion is critical to a good public process, public hearings have already flunked the test. But their ranking on deliberative qualities is even lower. While the ideal public hearing can offer an opportunity for open-minded leaders to hear citizens' views, too often they fall short of this goal. Scholars and practitioners agree: "In practice, public hearings routinely fail to resemble even a crude form of deliberation."

The typical public hearing begins with a brief presentation by the convening body and then a public comment period, often with each citizen limited to a certain amount of time to speak. In general, citizens are not encouraged to ask questions, and leaders are not required to answer them.

Hearings usually have a predefined scope; collaboratively reframing issues and identifying middle ground are far from the agenda. Even the format of the room gives the feeling of adversity, with convenors typically lined up in front of the room, emphasizing their separate status, and microphones arranged so that those testifying stand isolated, with their backs to the rest of the audience. The public hearing lends itself to recitation of arguments and pro/con entrenchment - almost anything except finding new solutions.

Too often, public hearings occur far along in a decision-making timeline - too far along to make a difference. Although they fill legal requirements regarding public participation, there is no obligation to incorporate public opinion into final decision making. This became particularly clear in the early years of the environmental movement. Embattled conservationists complained that rather than a civic engagement tool, public hearings were an element of the Army Corps of Engineers' "decide, announce, and defend" strategy for development projects. By the time a hearing was announced, a strategy had already been determined and any battle against it was uphill all the way.

Today, in the eyes of some citizens trying to make themselves heard, the best use of a mandatory public hearing has been to garner media coverage for a staged public protest. This is a far cry from the original intent of public hearings, which was to ensure public participation. But this tool has probably done as much as any institution to frustrate citizens and push them away from civic engagement. The public hearing is an object lesson in the fact that effective civic participation isn't simply a matter of summoning and dismissing citizens whenever it suits leaders. True slow democracy begins at the grassroots and grows from the ground up.

Excerpted from *Slow Democracy* (2012) by Susan Clark & Wooden Teachout (pp 143-145)

Neighborhood Defenders and the Capture of Land Use Politics

March 19, 2019

By Katherine Levine Einstein, David M. Glick, and Maxwell B. Palmer

Many American cities are facing housing crises, with rapidly escalating prices placing homeownership, reasonable commutes, and even safe and secure housing out of the reach of middle- and lower-income Americans. Most economists believe that, to address this problem, we need to increase the supply of market-rate housing in these high-cost cities. Despite widespread consensus on the need to build more housing, housing shortages persist across many urban areas. Why, if most informed observers, and many city leaders, believe that we need more housing, are most cities failing to keep pace with growing housing demand?

The answer may lie in the politics of housing, and the institutions cities have created to control land use. Land use regulations can directly forbid the construction of high-density development and restrict the supply of housing. But, they may also reduce housing production by creating a political process that amplifies the voices of housing opponents. Land use regulations create opportunities for members of the public to have a say in the housing development process. Many types of housing proposals require public hearings which solicit input from neighborhood residents. This is by design. After the excesses of urban renewal, many localities turned to neighborhood-oriented processes as a check against developer dominance. But, like many participatory institutions, these land use forums may be vulnerable to capture by advantaged neighborhood residents eager to preserve home values, exclusive access to public goods, and community character.

To evaluate who participates in these land use forums, we analyzed Massachusetts zoning and planning board meeting minutes. These meeting minutes included the names, addresses, and position taken on proposed housing developments for every person who spoke at a planning or zoning board meeting across 97 cities and towns. From these documents, we can learn whether or not meeting participants support or oppose the construction of new housing in their communities, and why. Moreover, by merging these data with the Massachusetts voter file and CoreLogic Property Records, we can learn who these meeting participants are, and how representative they are of their broader communities.

We find that only 15 percent of meeting participants show up in support of the

construction of new housing. Sixty-three percent oppose new development projects. These patterns hold across every city and town we study; in liberal Cambridge, MA, a mere 40 percent of meeting participants show up in support of new housing (see Figure 1). These figures stand in stark contrast to high levels of support in Massachusetts for new housing and affordable housing, at least in the abstract. In 2010, 56 percent of voters in these cities and towns supported affordable housing in a ballot referendum.

Figure 1. Distribution of Supportive Comments by Town. Each circle represents one town in our sample; the size of the circle corresponds to the number of comments.

Meeting commenters are also starkly unrepresentative of the mass public. Relative to Massachusetts voters, they are 25 percentage points more likely to be homeowners. They are also significantly older, more likely to be longtime residents, and male. They are nine percentage points more likely to be white (see Figure 2). Latinos, in contrast, are starkly underrepresented; while Latinos comprise eight percent of voters in the cities and towns we study, they are only one percent of commenters. In Lawrence, MA—which is 80 percent Latino—1 out of 42 commenters between 2015-2017 had a Latino surname.

Figure 2. Distribution of commenters and voters by race. White voters are overrepresented at public meetings, while minority groups are underrepresented.

The meeting minutes show that these participants are highly effective neighborhood defenders. They are largely united in their opposition to new housing development, and frequently present themselves as prepared experts. They often persuade local planning and zoning officials to deny projects, or, at a minimum, delay developments by a few months with demands for more traffic or engineering studies. Other times, they threaten or actually file lawsuits, which can delay housing developments by years.

Opposition to new housing is potent and entrenched. Moreover, it is amplified in more advantaged communities where well-resourced and knowledgeable white homeowners mobilize at neighborhood meetings. This leaves poorer communities—which often feature more lax zoning codes—to bear the brunt of development pressures. This has spurred an underappreciated political consequence: a sizable fissure in the affordable housing movement. One approach to addressing rising housing costs—embodied by California’s failed SB 827—has been to push for more lax zoning in high-cost urban cores; these measures often fail to fully consider that such policies may accelerate development pressures in communities already facing gentrification. Meanwhile, communities in which neighborhood defenders have successfully mobilized against any and all development projects—often for decades—remain largely untouched. Policy measures hoping to equitably increase the regional supply of housing must account for

the political capacity of advantaged communities to combat unwanted housing developments.

Addressing these participatory disparities at meetings is not so easy. It only takes a few motivated opponents to effectively use local housing institutions. Simply making public meetings more convenient is unlikely to redress the problem. Housing developments have concentrated costs to neighbors, who face construction noise, diminished street parking, and highly visible changes to their local landscape. They will always be more motivated to turn up. In contrast, the benefits of new housing are quite diffuse; the average homebuyer or renter is unlikely to see any benefit from a small marginal increase in the area housing stock.

We need to consider broader institutional reforms at the city, state, and national levels to address the housing crisis. Our research points to the need for structural reforms that account for participatory inequalities. Concerns about housing developments and neighborhood change are widespread, and largely intractable. Efforts at reform that focus solely on motivating housing supporters to attend public meetings will likely fall flat. Instead, advocates should focus their energy on transforming how local governments review and approve housing developments.

Katherine Levine Einstein is an Assistant Professor of Political Science at Boston University.

David M. Glick is an Associate Professor of Political Science at Boston University.

Maxwell B. Palmer is an Assistant Professor of Political Science at Boston University.

Engaging Representative Participation

Policies that themselves promote inclusion in the housing participation process may be particularly appealing to the diverse sets of groups interested in housing policy. Many groups might be interested in improving attendance at local government meetings. Meetings might, for example, be held at more convenient times to attract a broader subset of the population. Or, city outreach might target *all* neighbors, not just property-owners. In many locations, cities and states require developers to notify “abutters,” “adjacent landowners,” “adjoining landowners,” or “contiguous property owners” located within a certain geographic radius of a proposed development. Renters are *not* a part of the abutter or landowner notification process.

As we noted in Chapter 2, recruitment increases political participation. Through recruitment, community members learn about political proceedings of which they may not have been aware. Moreover, they may be more likely to believe that their participation is efficacious if they are expressly asked to participate. Changing notification requirements might help to attract a more representative neighborhood slice.

The concentrated costs and diffuse benefits of housing developments create powerful obstacles to the creation of a mass pro-housing coalition. But, there are still interest groups on the pro-housing side that might be activated to attend meetings and lobby their local zoning and planning boards. Indeed, a variety of groups profit from a more pro-growth local government. Developers and realtors, for example, stand to reap enormous profits from the construction of more housing. Construction workers (and the unions that represent them) similarly might benefit from the jobs these projects create.

These individuals have the incentive to show up, unlike the members of the mass public who more diffusely benefit from the construction of new housing. Moreover, at least some subsets of these real estate interests may be publicly sympathetic and persuasive. Take the example of this Cambridge union representative:

I’m a business representative for Carpenters Local 40 in Cambridge at 10 Holworthy Street, and I have the privilege of speaking for over 40 men and women who are lifelong residents of Cambridge, who are in support of this project because of the work opportunities it will provide, but also because of the nature of Cambridge, the commitment to affordability will allow them to stay here and live in the same communities with their families.

While he and his workers clearly benefit financially from this project, their motivations are likely seen as more sympathetic and deserving of concern than the developer’s

profits. In the union representative's words, they are simply community members seeking to earn reasonable livelihoods and maintain local affordability for families.

Despite their incentives and potential influence, these real estate interests are only sporadically represented at these land use forums. While the developer whose proposal is being reviewed always speaks, we seldom found examples of *other* developers showing up in support of a proposal. Realtors and union representatives are also infrequently featured at these forums. These interests, of course, likely have other avenues for exerting power over local political outcomes. They may, for example, have more direct access to zoning and planning board representatives or elected local officials. Still, the fact remains that one group that might be plausibly motivated to attend a lengthy public meeting on land use is largely absent from these influential forums. One remedy, then, to the oppositional bias of public meetings might be to actively recruit real estate interests - especially construction workers - to these land use meetings.

Excerpted from *Neighborhood Defenders* (2020) by Einstein, Glick & Palmer (pp 161-2)

When Citizen Engagement Becomes Too Much

Politicians say they want citizens to be involved. But it can make things harder to achieve.

Alan Ehrenhalt | November 2018

In the 1950s, while doing research for a book on political participation, the social scientist James Q. Wilson found himself attending a lot of citizen engagement meetings on urban planning. Eventually he reached a conclusion that seemed obvious to him, but that public officials, and especially political reformers, didn't talk much about. Wilson's insight was that most citizens don't attend meetings to endorse a policy, to give their blessing to a new project, or to sit back and learn. They show up to complain -- to say no to what's being proposed.

It's not hard for a local government to fill an assembly hall for a session on airplane noise or the need for a new four-lane road through town. But nine times out of 10, the people aren't there to tell the government to keep up the good work. They're there because they're upset.

One reason most public officials don't talk much about this is that it runs counter to the deeply held American belief that the broadest possible public participation is good for democracy. It's true that a significant portion of the time, the ambitious plans of local government aren't good policy. In those cases, somebody really does need to speak up against them.

The decade that followed Wilson's research produced perhaps the most dramatic triumph for citizen participation in modern American history: the victory of Jane Jacobs and her band of citizen activists over New York City's super-planner Robert Moses, and the abandonment of Moses' scheme to bulldoze much of Lower Manhattan with gigantic expressways.

Jacobs' crusade marked the beginning of a period in which public participation and civic activism became untouchable articles of faith in American local government. Candidates in every corner of the country began running on a platform of more civic engagement, more transparency, more chances for ordinary citizens to show up at meetings and make their feelings known. They are still doing it.

Virtually no one runs for office these days saying what Wilson implied in the 1950s -- that mass meetings and listening sessions make it more difficult for a local government to enact any complex instrument of public policy, good or bad. Boston's Big Dig, the

highway and tunnel project that ended up costing \$24 billion and taking 25 years to complete, was made a good deal slower and more expensive than anyone expected because numerous cadres of citizen activists, environmentalists, preservationists, and others had to be consulted and mollified before work could proceed.

These days, it is almost impossible to find any local official willing to entertain Wilson's insights -- at least in public. One of the few current officeholders who will go on the record challenging the conventional wisdom is Christopher Cabaldon, the iconoclastic, provocative and often eloquent mayor of West Sacramento, Calif. Several years ago, Cabaldon appeared on a *Governing* panel that asked a small group of mayors how they apportioned their time and how they wanted to spend it. Cabaldon was asked about the number of hours he spent at town halls and other mass meetings. Too many, the mayor said. Public meetings take up huge amounts of time and rarely produce anything of genuine value.

More recently, Cabaldon expanded on his views to an audience in Texas. Public meetings, he said, generate a warped sense of what the community is all about. They attract the affluent, the angry and the articulate. They do a poor job of expressing the views of the ordinary citizen. "When we generate instant opinion, we are empowering desires in the community that are not necessarily representative. ... If we were responsive to every one of the citizen complaints, we would change from being one of the most progressive governments to one of the most regressive."

Cabaldon isn't a household name in Austin, but now would be a good time for that city's leaders to consider what he has been saying. Austin just spent five years working on a massive new planning and zoning project and ended up unable to pass anything. There was plenty of public involvement in this process; one might reasonably argue that there was too much.

No one disputes that Austin needed to do something about its zoning code. Written in the 1980s, it was so badly riddled with waivers and exemptions that even real estate developers had trouble figuring it out. In 2012, the city council approved "Imagine Austin," a comprehensive plan for the city that extended all the way out to 2040 and covered everything from transportation and housing to recreation and nutrition. One of the provisions of Imagine Austin declared the need for a new zoning code, with work to start on it immediately.

The work did begin promptly, and the new effort, known as CodeNext, attracted what one proponent called "a tidal wave of input from neighborhood associations." By 2017,

the city had received some 4,000 comments and 60 position papers. “I think it was a bit overwhelming,” says Greg Guernsey, the city planner who was in charge of CodeNext at the time.

But it soon became clear that the feel-good spirit of Imagine Austin, with its lofty rhetoric declaring the city “a beacon of sustainability, social equity and economic opportunity,” did not extend to ground-level decisions that had to be made in the new document. Virtually all of the city’s activists paid lip service to the idea of creating affordable housing, but differed on where it should go.

The more progressive housing activists were convinced that the number of affordable units the city needed -- as many as 65,000 over the next decade, by one estimate -- could be produced only through adding density to the city’s residential neighborhoods, mostly by creating more accessory dwelling units on single-family lots and allowing medium-sized apartment buildings to be built on blocks of one- or two-story homes. The neighborhoods weren’t buying this. Homeowners imagined eight-story condo towers dwarfing their modest bungalows. The city, which had been assiduous in conducting more than 100 “listening sessions” before it sat down to write, didn’t do a very good job of quieting peoples’ fears.

The second version of CodeNext was finished in the fall of 2017. It moved most of the projected affordable housing to busy commercial corridors where tall apartment buildings wouldn’t offend homeowners. This placated the neighborhood associations, but it left the housing activists complaining that there simply wasn’t enough space on these corridors to give the city more than a fraction of the affordable units it needed.

So the planners went back one more time and produced CodeNext 3, an attempt to forge a compromise the two sides could each accept. It didn’t work. The neighborhoods remained wary, and the housing activists continued to argue that the number of affordable units likely to be created was much too small. “You just have this tiny narrow strip where they’re allowing development,” said a spokesman for AURA, a grassroots housing advocacy group. “They haven’t widened out the corridors at all.”

The only thing certain about CodeNext 3 was that it didn’t have enough votes on the city council to become law. On Aug. 1, Mayor Steve Adler admitted defeat. “It seems evident,” he wrote, “that we’re not going to get to a place of sufficient consensus.” He described the entire process as “divisive and poisoned ... marked with misinformation.” The mayor asked the city manager to come up with a new plan, but offered no specifics on what that might involve.

It would be going too far to say that civic engagement killed CodeNext. But the more that mass meetings were held and the more that people morphed from passive citizens to activists, the harder it became to hammer out a deal. “This started out as a battle between diehard neighborhood activists and a couple hundred urban activists,” one participant recalled. “Then it grew to include hundreds, thousands of new people.”

It isn't hard to imagine how something like this would have been handled in the 1960s. A select group of middle-aged white businessmen, led by the mayor and the chamber of commerce, would have spent a few weekends squirreled away in a country club and emerged with a master plan for the city's future. This is literally what happened in Dallas in 1966.

No one is suggesting a return to that style of government. Cabaldon isn't arguing for it. “Simply trusting the elected officials to make all the decisions,” he admitted, “is not the right answer either.”

But paying a little attention to the insights of Cabaldon and Wilson might not be a bad idea. Public policy doesn't get better just because more people are showing up to meetings. Often it gets worse. It improves when voters elect officeholders with a pragmatic sensibility and then give them some leeway to do the right thing and explain their decisions to the public. That's called representative government. It's a lovely thing when it works.