



Program #90021B - Land Use Planning Code Equity Analysis FY 2024 Department Requested

Department: Community Services **Program Contact:** Adam Barber
Program Offer Type: New **Program Offer Stage:** Department Requested
Related Programs: 90020, 90021A, 90021C
Program Characteristics: One-Time-Only Request, Out of Target

Executive Summary

This program offer is to conduct the first phase of a multi-year process for a comprehensive update to the Multnomah County Zoning Code. An organizational assessment identified the zoning code as the root cause of delays in processing applications and difficulties with understanding rules. Additionally, the zoning code was found to include barriers to participation by Black, Indigenous and People of Color (BIPOC) and underrepresented community members due to its bias towards property ownership and reliance on complicated and lengthy processes. This program offer would align processes with impacts, provide clarity for staff and customers, and remove structural barriers that have fostered racial inequities in the land use planning process.

Program Description

The Multnomah County Zoning Code was analyzed to evaluate its organization, clarity, and usability as part of an organizational assessment conducted in FY2022. The analysis concluded that the code is poorly and inconsistently organized, uses complex and often confusing language, is vague when it should provide clear direction and lacks flexibility to address minor modifications through the permitting process. Staff have also experienced several instances where the required approval processes were significantly out of proportion to the potential impact of the proposed project in terms of time, degree of review and cost. In other cases, the code was found to be missing critical provisions commonly found in most zoning regulations to help address neighborhood concerns. The complex language negatively impacts equity, access, and efficiency. A recent readability analysis found that a sample paragraph scored 19.25 (17 is equivalent to college graduate level and a best practice is for text to be written at the 8th grade level or lower for the general public).

This program offer would be used to hire consultants to conduct an equity audit of the zoning code and prepare recommendations for changes to processes, practices and policies that directly or indirectly impact BIPOC and underrepresented community members. The second phase of the multi-year process, which is not part of this program offer, will involve consultant assistance to conduct an independent technical evaluation of the code, synthesize issues identified by staff, the planning commission, previous code analyses and the equity audit, prepare a summary report to confirm understanding and direction and draft a comprehensive update to the Multnomah County Zoning Code.

The division was awarded funding to initiate this project in FY2023 which did not occur due to insufficient internal resources. This resource constraint was caused by the combination of reduced staffing (retirement and resignations) at the same time the division was faced with an increase in workload related to submission of complex applications and the ongoing work related to replacement of the division's permitting system.

Performance Measures

| Measure Type | Primary Measure | FY22 Actual | FY23 Budgeted | FY23 Estimate | FY24 Offer |
|--------------|---|-------------|---------------|---------------|------------|
| Output | Number of Zoning Code processes identified for simplification | New | New | New | 4 |
| Outcome | Community groups participating in the project not traditionally engaged in land use matters | New | New | New | 3 |

Performance Measures Descriptions

The number of zoning code processes identified for simplification represents an output measure of the degree to which the zoning code could be updated in the future to reduce barriers and improve accessibility. The community engagement outcome is a proxy to measure the collaborative environment necessary for the county to identify community needs and new opportunities to eliminate barriers to the land use planning process.

Legal / Contractual Obligation

ORS 197.610 - submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development. Changes to plan or land use regulations would not occur as part of this program offer (Phase 1), but would occur after Phase 2 which will be proposed in detail as part of a future program offer.

Revenue/Expense Detail

| | Adopted General Fund | Adopted Other Funds | Department Requested General Fund | Department Requested Other Funds |
|-------------------------|-------------------------|------------------------|---|--|
| Program Expenses | 2023 | 2023 | 2024 | 2024 |
| Contractual Services | \$0 | \$0 | \$150,000 | \$0 |
| Total GF/non-GF | \$0 | \$0 | \$150,000 | \$0 |
| Program Total: | \$0 | | \$150,000 | |
| Program FTE | 0.00 | 0.00 | 0.00 | 0.00 |

| Program Revenues | | | | |
|----------------------|------------|------------|------------|------------|
| Total Revenue | \$0 | \$0 | \$0 | \$0 |

Explanation of Revenues

This program is supported by the General Fund, one-time-only.

Significant Program Changes

Last Year this program was: FY 2023: 90021B Land Use Planning Code Equity Analysis and Update

The division was awarded one-time-only County General Funds to initiate a Code Equity Analysis and Update project in FY2023 which did not occur due to insufficient internal staff resources. This project has since been broken into two phases with Phase 1 (Code Equity Analysis) proposed for FY2024. Code updates (Phase 2) are not part of this program offer and will be contemplated as part of a future program offer proposal.