



Program #90021B - Land Use Planning Code Equity Analysis and Update 5/2/2022

Department: Community Services **Program Contact:** Carol Johnson
Program Offer Type: Innovative/New Program **Program Offer Stage:** As Proposed
Related Programs: 90020, 90021A, 90021C
Program Characteristics: One-Time-Only Request

Executive Summary

This program offer provides funding for an equity audit and comprehensive update of the Multnomah County Zoning Code. An organizational assessment conducted in FY 2022 identified the Zoning Code as the root cause of delays in processing permits, and difficulties with understanding the land use regulatory environment. In addition, 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 Summary

The Multnomah County Zoning Code was analyzed to evaluate its organization, clarity, and usability as part of an organizational assessment in FY 2022. 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 to properties through the permitting process. Staff have also documented several cases demonstrating required approval processes that were significantly out of proportion to the potential impact of the proposed project in terms of time, degree of review, and costs. In other cases, the Code was found to be missing critical provisions commonly found in most zoning regulations which resulted in the inability to address neighborhood concerns. The Code’s 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 it’s a best practice for text to be written at the 8th grade level or lower for the general public).

The program offer would provide funding to hire a consultant, and for a limited duration Planner 2 to create capacity for existing staff to provide project management, input and review of the Code update. It would also fund services from a consulting team to (1) 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, and (2) 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 Code.

Performance Measures

Measure Type	Primary Measure	FY21 Actual	FY22 Budgeted	FY22 Estimate	FY23 Offer
Output	Number of Code processes simplified	N/A	N/A	N/A	4
Outcome	Readability Index (grade level) of the Zoning Code	N/A	N/A	N/A	12 or less

Performance Measures Descriptions

The number of Code processes simplified represents one measure of how the Code is updated to reduce barriers and be more accessible.

The Readability Index of the Zoning Code is a proxy to measure the clarity and usability of the Zoning Code, and the elimination of 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.

Revenue/Expense Detail

	Adopted General Fund	Adopted Other Funds	Proposed General Fund	Proposed Other Funds
Program Expenses	2022	2022	2023	2023
Personnel	\$0	\$0	\$150,000	\$0
Contractual Services	\$0	\$0	\$350,000	\$0
Total GF/non-GF	\$0	\$0	\$500,000	\$0
Program Total:	\$0		\$500,000	
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 County general funds one-time-only.

Significant Program Changes

Last Year this program was:

N/A