

## What is zoning?

Zoning is a set of rules that determines where you can build, what you can build, and what activities you can have on that property. Some common zoning standards include:

- Maximum Height
- Minimum setbacks (how far a structure must be from property lines)
- Maximum Lot coverage [percentage of the total lot size that is covered by building(s)]
- Maximum Floor Area Ratio (percentage of the total lot size that can be built as habitable space)
- Dimensional requirements (minimum lot widths and depths)
- Minimum lot size (each zoning category has a minimum lot size)
- Parking requirements based on use

Zoning has traditionally been used to separate different land uses from one another. For example, residential uses are typically located away from industrial and commercial uses to reduce impacts from noise, pollution, and traffic.

## History of zoning

The first city in the United States that established a comprehensive zoning ordinance was New York City in 1916. It was “comprehensive” because every single piece of property within the City was subject to the new rules. Before the zoning code was established, there were no restrictions on use or height as tall skyscrapers were making an appearance. Lower Manhattan was becoming a jumble of different uses and factories could be built adjacent to single-family homes. Zoning was a tool meant to ensure air and light could reach city streets.<sup>1</sup>

Most cities followed suit and adopted their own comprehensive zoning ordinances. The City of West Linn’s first zoning ordinance was established in 1956.

<sup>1</sup> Revisiting 1916 (Part I): The History of New York City’s First Zoning Resolution, <https://buildingtheskyline.org/revisiting-1916-i/>

## Exclusion in residential zoning

Prior to residential zoning, Oregon had an exclusionary past as it excluded non-white people from 1844 until the passage of the 14<sup>th</sup> amendment in 1866. However, the exclusion clause remained in the state constitution until 1926.<sup>2</sup>

Various government policies and programs (such as redlining, racially restrictive covenants, and urban renewal) continued to make it particularly difficult for people of color to settle in the state and own property.

### Redlining

In the past, there have been government actions that made it difficult for people of color or low-income individuals to purchase property in a particular area. The term “redlining” refers to the federal government’s practice used in the 1930s to reinforce racial segregation by restricting federal lending and private lending. The practice made it difficult or impossible for residents living in a “redlined” area to receive loans.

The Home Owners Loan Corporation assessed neighborhoods’ desirability by assigning colors to a map (red, yellow, blue, and green). These colors were based on a variety of factors such as average income and race. “Redlined” areas were typically those with high concentrations of Black residents or people of color. On the other hand, “greenlined” areas were those that had a large concentration of white higher income individuals. This practice contributed greatly in the segregation of neighborhoods.

### Racially Restrictive Covenants

Racial covenants were legal clauses written into a deed that were used to restrict the race of a homeowner. Covenants were used from the early 1900s before zoning codes were adopted.

For example, Palatine Hill located in Portland adjacent to Lewis and Clark College, had a covenant which stated “That prior to January 1, 1975, no person of African, Asiatic or Mongolian

<sup>2</sup> Black in Oregon 1840-1870, <https://sos.oregon.gov/archives/exhibits/black-history/Pages/context/chronology.aspx>

descent shall be allowed to purchase, own, or lease said premises or any part thereof.”<sup>3</sup>

Racially restrictive covenants were declared unenforceable by the U.S. Supreme Court in 1948, but their impact remains to this day.

## Urban Renewal

In the 1950s the federal government began an overhaul of “blighted” or “slum” neighborhoods. The goal of the program was to provide improved housing opportunities for people of color, although the program largely failed. Eminent domain (the tool used by the federal government to purchase private property) was used to acquire private property and demolish those neighborhoods, leading to public housing projects or new developments in the private interest. This burden fell largely on people of color as they were displaced from their neighborhoods. Often, the neighborhoods that were cleared were close to the city center, and once redeveloped, provided wealthier white suburbanites faster access to their jobs and more entertainment opportunities.<sup>4</sup>



entry level ownership opportunities, individuals looking for smaller dwelling units, or those looking to downsize.

By expanding middle housing options, making them allowed in all zones that allow for detached single-family dwellings, the City can move towards its goal of being more diverse, equitable, and inclusive in providing additional opportunities to live or own a home in West Linn.

## Moving Forward

Such discriminatory practices in the past have led us down a path of exclusion and provided little to no opportunities for people of color to acquire the same generational wealth available to white, affluent individuals. Housing Bill 2001 helps mitigate some of the past practices that historically have been made by providing more choices for type and size of dwelling unit. Implementation of HB2001 through amendments to our City’s Community Development Code could result in more affordable

<sup>3</sup> Map of Portland Racist Covenants, [Portland Racial Covenants - Google My Maps](#)

<sup>4</sup> Maps Show How Tearing Down City Slums Displaced Thousands (2017), <https://www.nationalgeographic.com/history/article/urban-renewal-projects-maps-united-states>