

EXECUTIVE SUMMARY

The objective of this Capstone report is to evaluate Jefferson County's Rezoning review criteria for unintended racial and socioeconomic biases, and propose changes to the criteria based on my analysis. The client, Jefferson County Planning and Zoning, has requested revisiting the criteria to ensure it does not perpetuate, introduce, or reinforce bias in the development review process, and to move forward with changes that could be implemented through a Zoning Resolution regulation update. This Capstone report will provide the Planning and Zoning staff with a thorough literature review, a review of best practices in action, an in-depth analysis of Jefferson County's zoning history, a review of Rezoning cases, and a recommendation framework to adequately address the needs and objective of this report. While this report is advisory in nature, the recommendation framework will help establish a platform for Jefferson County to work with as they continue their ongoing initiatives toward equity, diversity, and inclusivity.

The Jefferson County Planning and Zoning Division provides the public with planning services and information based on County regulations, policies and plans for the unincorporated portion of Jefferson County. All properties within Jefferson County have a zoning designation to establish the type, intensity, and development standards of the uses allowed. If a desired use does not conform to the existing standards of the zone district, a Rezoning or Special Use process is required to change the zoning. The Rezoning of property in Jefferson County is governed by the Zoning Resolution. When reviewing a proposed Rezoning or Special Use, the Planning and Zoning staff uses the County's Comprehensive Master Plan (CMP) to ensure the proposal conforms to the Goals and Policies of the CMP's Development Review section. The Rezoning and Special Use process uses a series of eight review and approval steps to ensure project proposals move efficiently.

In order to address instances of racial and socioeconomic biases in the Rezoning review criteria, the evolution of zoning and its exclusionary role in development review procedures must be acknowledged and understood. What began as an attempt to control land use to protect the health, safety, morals, properties, and general welfare of the population, zoning quickly developed as a means to preserve property values rather than mitigating social, economic, and environmental detriments. The role of racial bias in

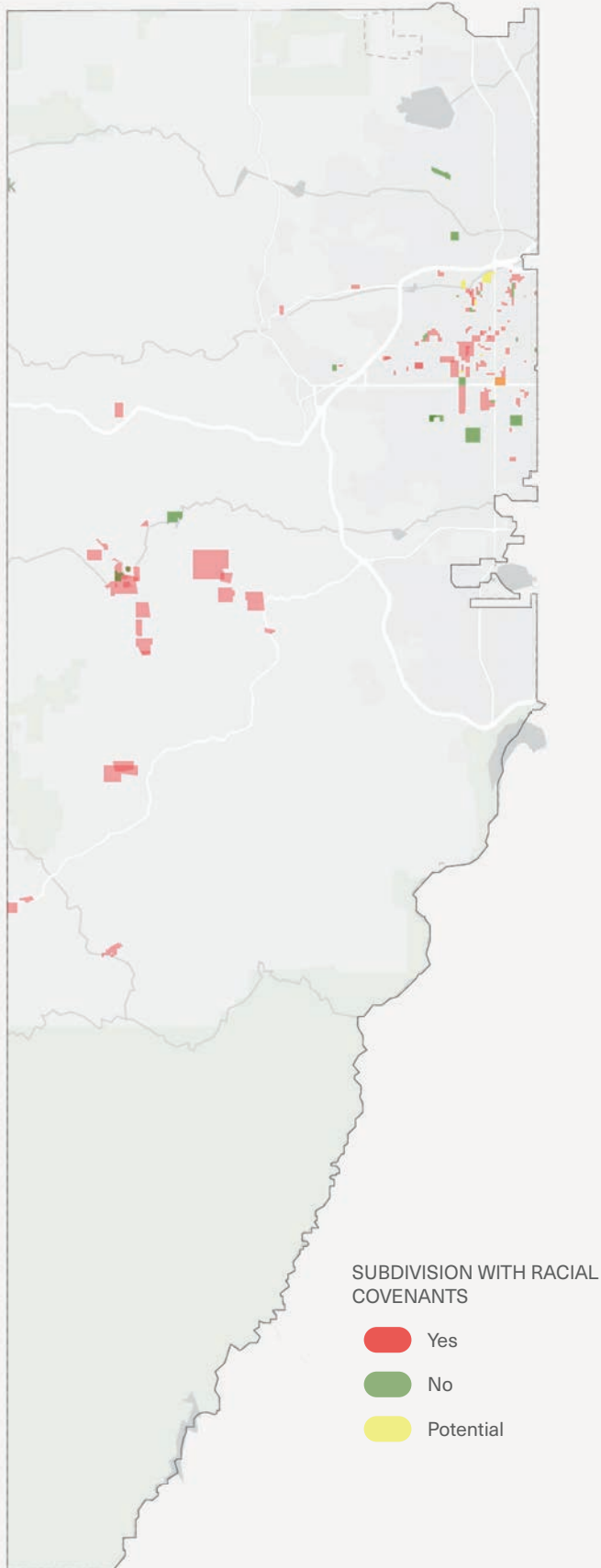
exclusionary zoning stems from the inherently exclusionary definition of zoning itself – a process meant to divide and assign, and thereby exclude, certain types of operations allowed on a site. There are many ways zoning has contributed to the segregation and exclusion of racial and economic minorities, including ordinances designed to uphold concepts of police power and maintain the character and integrity of a community or neighborhood. Some typical devices within exclusionary practice include minimum-lot requirements, land improvement requirements, housing density requirements, and the prohibition of multi-family dwellings.

My recommendations derive from a thorough assessment of zoning's evolution in American city planning, and an organized methodology was established to adhere to the Capstone's objective and requirements. A series of analyses and findings are structured in a thematic format to provide a more streamlined understanding of the many issues relating to development review criteria and processes. The Literature Review provides a thorough account of scholarship that ranges from authors offering their critiques to traditional zoning mechanisms like the Euclidean zoning model, to the relationship between language usage and development review processes. A Comparative Study of Equity Work is included to highlight three U.S. jurisdictions - the City of Minneapolis, the City of Charlotte, and the State of Connecticut – that have proposed zoning reform to tackle topics like housing affordability and accessibility, and have evaluated outdated zoning policies to help racial disparities in land use development.

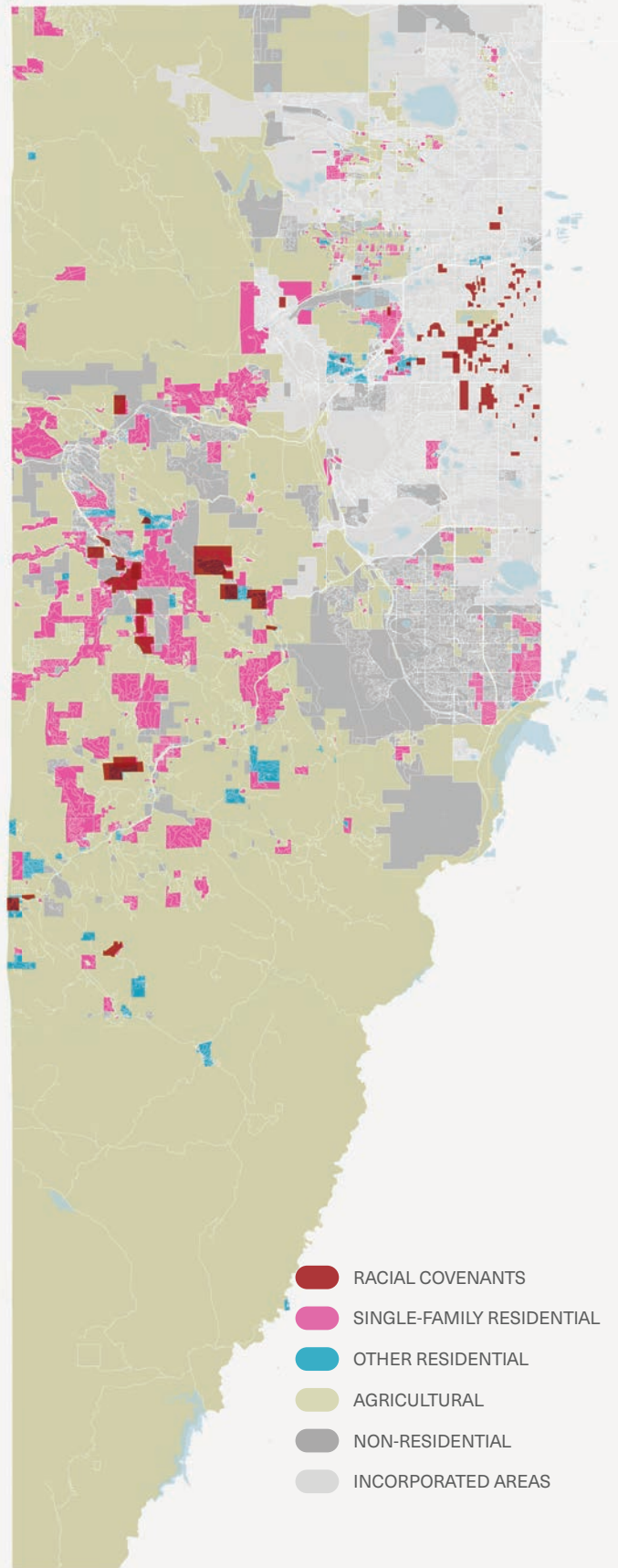
The first analysis looks at the effects of historic discriminatory planning in Jefferson County and how it impacts land use patterns and regulations today. Jefferson County is among many local governments across the nation that hold recorded historical documents containing racially-restrictive covenants into their real estate practices. Housing developments as early as the 1920s often contained covenant clauses that explicitly defined, by racial ethnicity, who may own or occupy the property. These covenants were then officiated by locally elected and appointed officials, allowing full enforcement by legal and police action. A website from Arthur Lakes Library in Golden, CO identifies subdivisions throughout Jefferson County that contained race-based exclusionary clauses. This data was collected and published by the library's Geospatial Information Librarian, who compiled historic property deeds that reveal patterns of discriminatory behavior throughout Jefferson County.

In order to reach the objectives of this Capstone, it was critical to understand how discriminatory practices have shaped Jefferson County's landscape. To recognize the correlation between the recorded plats containing racial covenants and the impact

MAP OF RACIAL COVENANTS IN JEFFERSON COUNTY



MAP OF RACIAL COVENANTS LIE IN AREAS ZONED AS SINGLE-FAMILY RESIDENTIAL



they may have had on land use development, a map was created using Arthur Lakes Library's digitized collection of restrictive subdivisions overlaid to another map identifying areas in Jefferson County that are zones as single-family residential. This data identifies an interesting visual of Jefferson County's legacy of restrictive covenants, which is similar to the history of many jurisdictions across the country, and its potential impact on contemporary land use development.

Another analysis conveys projections to Jefferson County's population and demographic through a website called The National Equity Atlas, which provides leaders and policymakers with equity metrics and strategies to advance racial equity and shared prosperity. Their data indicates that a significant share of Jefferson County's recent growth has been attributable to people of color, and will continue to grow over the next 30 years. The website also projects that by 2050, 41% of Jefferson County's population will be people of color. The data serves as a critical reminder that racial equity and inclusion strengthen communities. Populations of color still face barriers accessing social and economic resources and opportunities, and for Jefferson County to prosper, it must address areas of systemic bias or discrimination. If the County is unable to recognize the demographic changes that the aforementioned data predicts, more people of color will be susceptible to socioeconomic barriers that would further exclude them from opportunities.

This Capstone report has shown that communities of color are disproportionately isolated from housing opportunities and economic prosperity due to discriminatory zoning practices. Identifying the link between local land use regulations and these disparities, while common, can be difficult to explore. Existing scholarship struggles with inequities embedded into zoning ordinances as it relates to language, because language is a subjective avenue. Nonetheless, attempting to understand the link between zoning and disparities, as it relates to language, is critical for effective policymaking to take place for future development. There is a misrepresentation of terms like compatibility and community character in zoning ordinances, which have evolved to be one of the most important criteria when evaluating rezoning proposals and land development processes. The distortion of these terms stems from the understanding that words are often used in a consciously dishonest manner. In the most basic sense, language in zoning has solidified the idea that in order to be compatible, newcomers must be of the existing character of the neighborhood to preserve an illusion that their social status is as affluent as theirs. This type of language is often prevalent in zoning decision cases, where public opposition refer to topics relating to safety, crime, home values, and the preservation of character when opposing

a proposed Rezoning that could be of benefit to the changing demographics of the community.

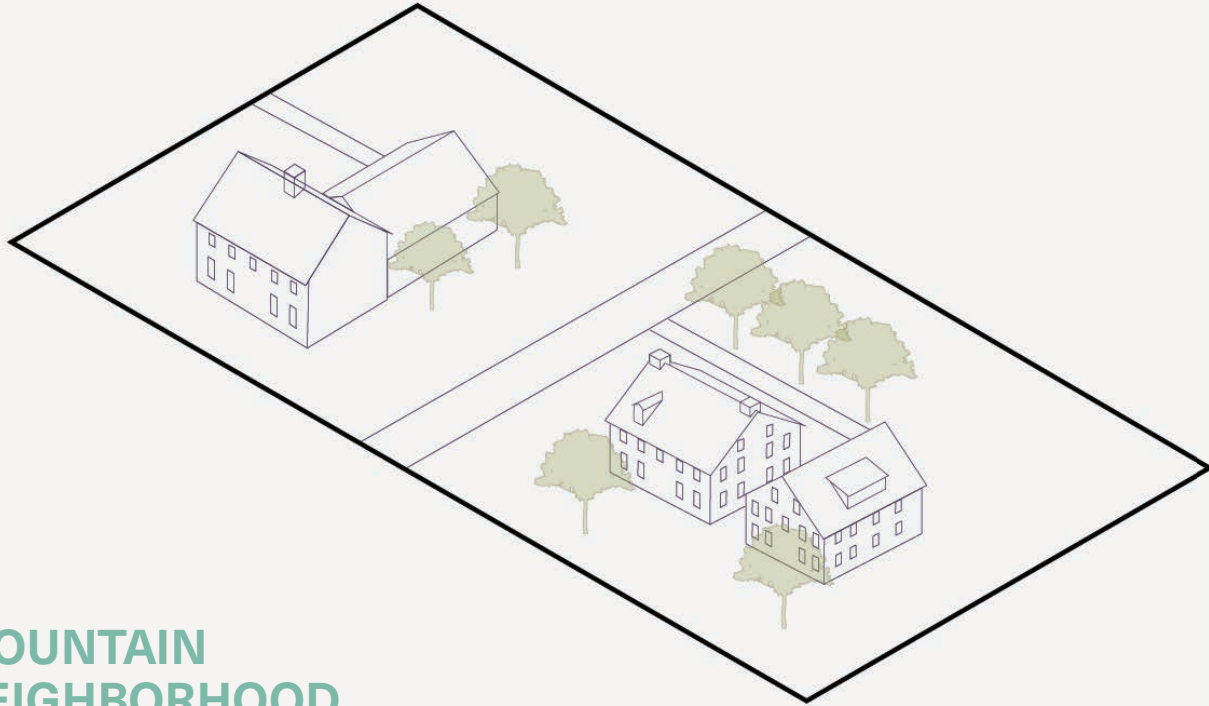
To curate recommendations for the Rezoning review criteria, it was critical to include a fair and inclusive review of all relevant land development procedures. This helps establish a framework to include Jefferson County's Zoning Resolution and Comprehensive Master Plan (CMP) within my recommendations for the Rezoning review criteria. It's important to include these documents for two reasons: 1) the Rezoning of property in Jefferson County is governed by the Zoning Resolution, which was enacted for the purpose of establishing land use regulations and restrictions for the promotion of the health, safety, and welfare of the present and future inhabitants; and 2) the Planning and Zoning staff uses the CMP when reviewing a proposed Rezoning or Special Use case, which are expected to conform to the Goals and Policies of Development Review section to encourage development that promotes economic development and redevelopment that is valuable to the community.

My recommendations for changes to the existing development review criteria for Jefferson County are divided into three stages:



The framework is intended to guide Jefferson County to not only implement changes to the Rezoning review criteria, but also consider amendments to the Zoning Resolution and Comprehensive Master plan. This step encourages the Planning and Zoning staff to amend areas of the Zoning Resolution that include instances of vague or ambiguous language. Research shows that loose definitions have historically been used as an avenue for discrimination against minority populations. My first recommendation is to redefine *character* and *compatibility* to better reflect the vision and intentions of future zoning and land use development in Jefferson County.

The second step encourages the Planning and Zoning staff to revisit areas of the Zoning Resolution as they pertain to zoning districts and permitted land uses. Currently, Jefferson County follows the Euclidean zoning model, which divides towns into districts based on permitted uses and creates specific zones where certain land uses are permitted or prohibited. While Euclidean zoning is the most common and traditional form of zoning in the United States, studies have shown that it has exacerbated segregation issues, contributed to increased costs of housing, and limited opportunities for housing diversity and supply, thus worsening accessibility to affordable options, and increasing the inequality divide. To combat the impacts of Euclidean zoning, I propose a form-based zoning model that would help foster predictable built results and support a public realm that has been developed through the physical form, as opposed to the separation of uses.



MOUNTAIN NEIGHBORHOOD

- Places with lower to moderate density housing areas across unincorporated Jefferson County
- Primarily single-family detached, two-family, duplexes, small multi-family, cottage courts, and ADU's
- Low implementation of "missing middle housing"

Land Use

- Single-family detached homes on individual lots being the Primary use in this Place Type. ADUs are found on the same lots as individual single-family detached homes
- ADUs only required if access to water + service providers available
- Townhomes, duplexes, cottage courts, and small multi-family homes can also be found in this Place Type

Design Character

- Low-rise residential buildings uniformly setback from the street, with generally consistent lot sizes.
- Unifying characteristics are defined with setbacks, building heights, and use of design materials

Building Form

- Typical building is low-rise residential building up to 3 stories
- Townhome style buildings, whether single-attached or multi-family, will have 5 or fewer units
- Similar design character to the surrounding neighborhood; landscaping (front lawns) and tree-lined sidewalks are present between residences and street



SUBURBAN NEIGHBORHOOD

- Places with moderate to higher density housing areas across unincorporated Jefferson County
- Includes a variety of housing types such as townhomes and apartments
- Moderate implementation of “missing middle housing”
- Lower intensity housing types are still found in this Place Type to achieve a diversity of housing accessibility

Land Use

- Primary uses in this Place Type are multi-family and single-family attached residential
- Townhomes, duplexes, triplexes, quadplexes, small-multi family, apartment buildings with ground-floor non-residential uses, as well as small multi-family, cottage courts, and ADU's can also be found in this Place Type

Design Character

- Characterized by moderate to high-rise multi-family residential buildings in a walkable environment
- Unifying characteristics are defined by use of design materials, and use of common amenities
- Similar design character to the surrounding neighborhood; landscaping (front lawns) and tree-lined sidewalks are present between residences and street

Building Form

- Typical building is moderate to high rise up to 5 story residential infill and redevelopment (ADUs, townhomes, multi-family residential, and mixed use)
- Moderate to high-rise buildings are designed with active ground uses, varying from residential to commercial, for a more vibrant pedestrian environment



SEMI-URBAN NEIGHBORHOOD

- Places with high density housing in primarily transit-oriented areas across unincorporated Jefferson County
- Includes a variety of housing types with mixed use development
- High implementation of “missing middle housing”
- Lower intensity housing types are limited in this Place Type

Land Use

- Primary uses in this Place Type are high-density multi-family residential
- Townhomes, quadplexes, and small-multi family can also be found in this Place Type

Design Character

- Characterized by high-rise multi-family residential buildings and low-rise retail and commercial structures with a walkable, landscaped public realm that balances multi-modal design elements

Building Form

- Typical building is high rise up to 5.5 story residential infill and redevelopment (multi-family residential and mixed use)
- Oriented toward streets with commercial and mixed activity
- Increased housing density near commercial and transit access

To provide changes to the Rezoning review criteria, it was critical to highlight its relationship to the Zoning Resolution and the Comprehensive Master Plan (CMP). If Step 1 and Step 2 of the recommendations framework have been considered and adopted, then the third and final step would be to amend the Rezoning review criteria to reflect the changes made in the Zoning Resolution and the CMP. The Planning Commission and the Board of County Commissioners make evaluations based on the existing current criteria:

- The compatibility with existing and allowable land uses in the surrounding area
- The degree of conformance with applicable land use plans
- The ability to mitigate negative impacts upon the surrounding area
- The availability of infrastructure and services
- The effect upon health, safety, and welfare of the residents and landowners in the surrounding area

I recommend amending the Rezoning review criteria to reflect the updates made in the Zoning Resolution and the CMP – as it relates to *character* and *compatibility* – and align the criteria to meet the goals and intent of the form-based zoning. This means the Rezoning review criteria would need to ensure compliance with the proposed Place Typologies model.

I suggest the following revised model of the Rezoning review criteria:

- Is the Rezoning proposal consistent with Place Typologies and its contexts?
- Does the Rezoning proposal align with the intent and purpose of Place Typologies?
- Is the Rezoning proposal consistent with the **amended plans and documents**?
- Does the Rezoning proposal comply with the Goals and Policies of the **amended plans and documents**?

The revised model encourages applicants to become familiar with land developments documents that work in conjunction with the Rezoning application; in this case it would be the Zoning Resolution and Comprehensive Master Plan. Two criteria within the model also request consistency with the amended plans and documents – this refers to amendments suggested in Step 1 and Step 2, which encourages the redefinition of *character* and *compatibility*, and proposed Place Typologies to encourage the adoption of a form-based zoning model. Upon reviewing the suggested amendments to the Zoning Resolution and the CMP, the applicant can then ensure their proposal is consistent with the form-based zoning model.