

Utah Land Use Institute Conference

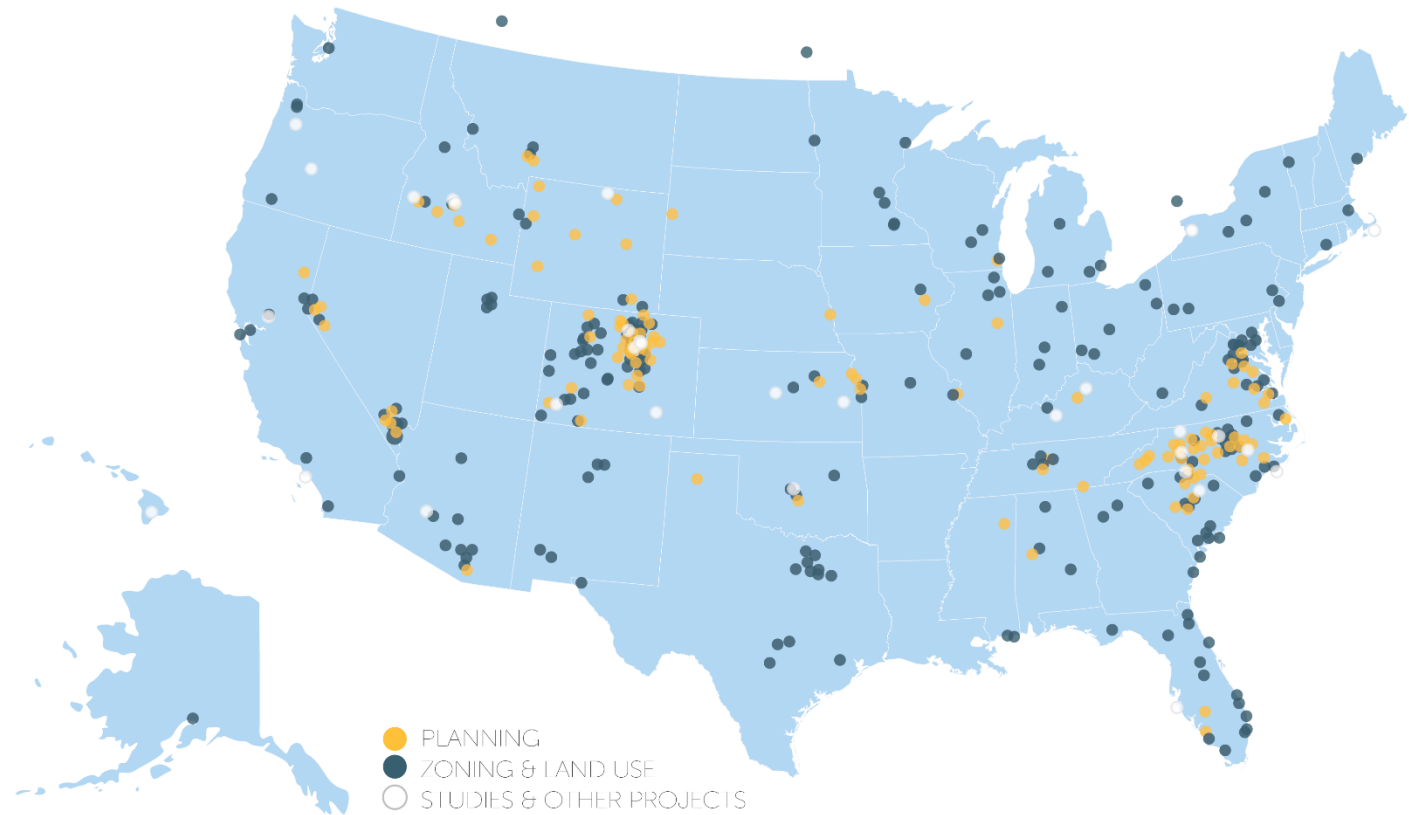


Prospects for Planning in a Changing World

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- Senior Consultant,
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- Planner/lawyer drafting
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development codes
- Former member of
Denver Planning Board



Outline

Prospects for Planning

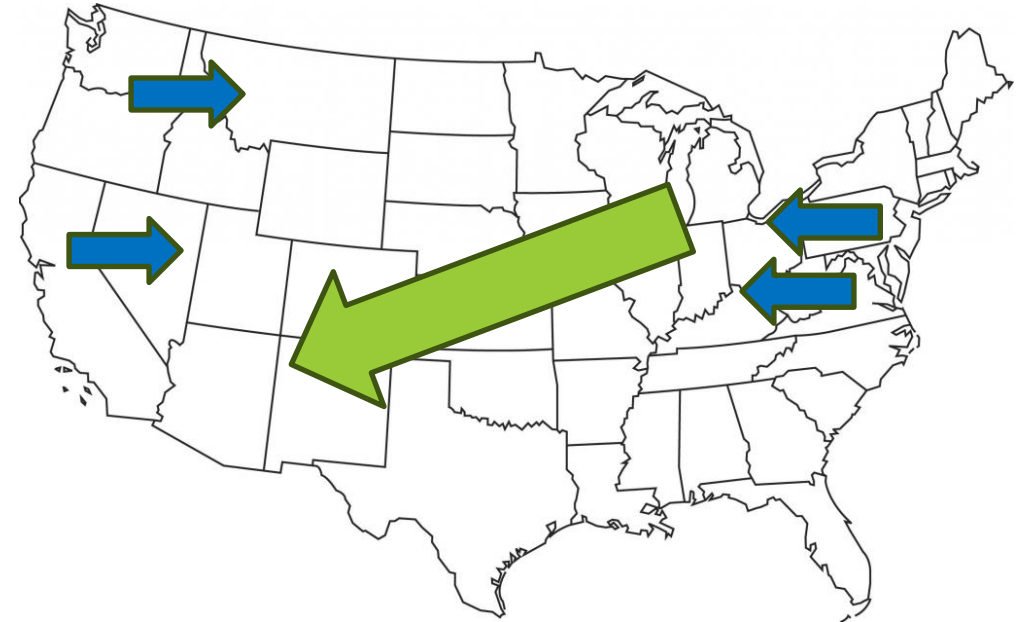
1. Major Planning Trends
2. Major Housing Trends
3. Continuing Local Preferences
4. What Does that Mean for Planning?
5. What Does that Mean for Zoning?



Where are We ?

Major Demographic Trends

- Americans continue to relocate from the North and East to the Southwest (including Utah)
- But they are also relocating from high cost states (like California) to lower cost states (like Texas – and Utah)
- An aging population and rising imbalance between older residents needing support and younger residents contributing to that support

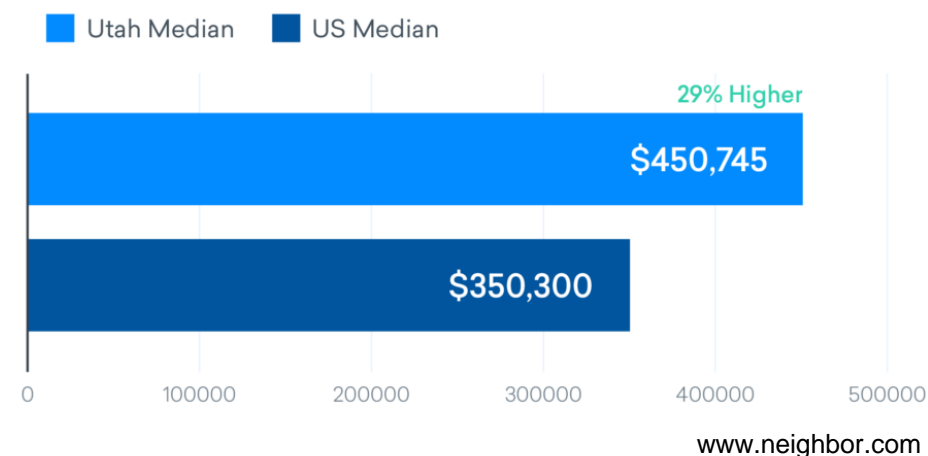


Where are We ?

Major Housing Trends

- Housing affordability continues to be a serious challenge – everywhere
- The demographic bulge of the Baby Boomers are aging and selling suburban homes and often relocating “closer in” for increased amenities or health care services”
- Decreasing average household sizes, which requires more housing units even when the population is not growing

Utah Median Home Price vs US



Where are We ?

Continuing Local Preferences

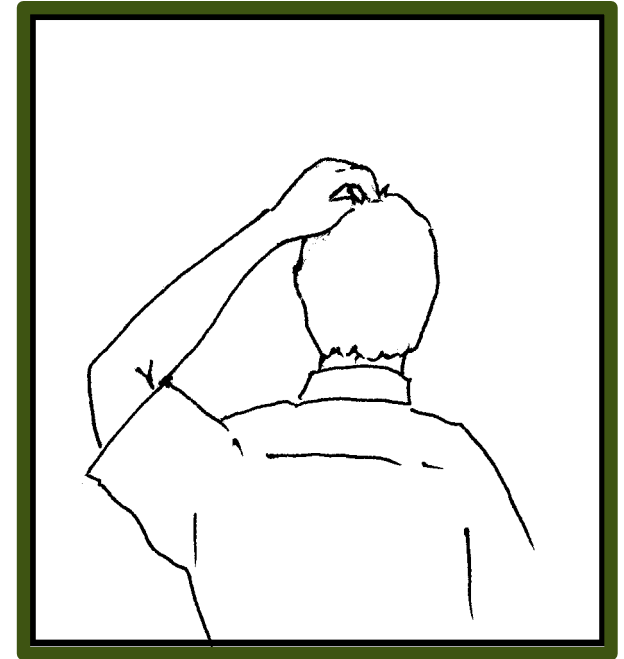
- Long-term continued interest in:
 - **Affordability** – changes to bring down the costs of housing
 - **Sustainability** – reducing greenhouse gas emissions
 - **Equity** – making systems fairer and more inclusive



Where are We ?

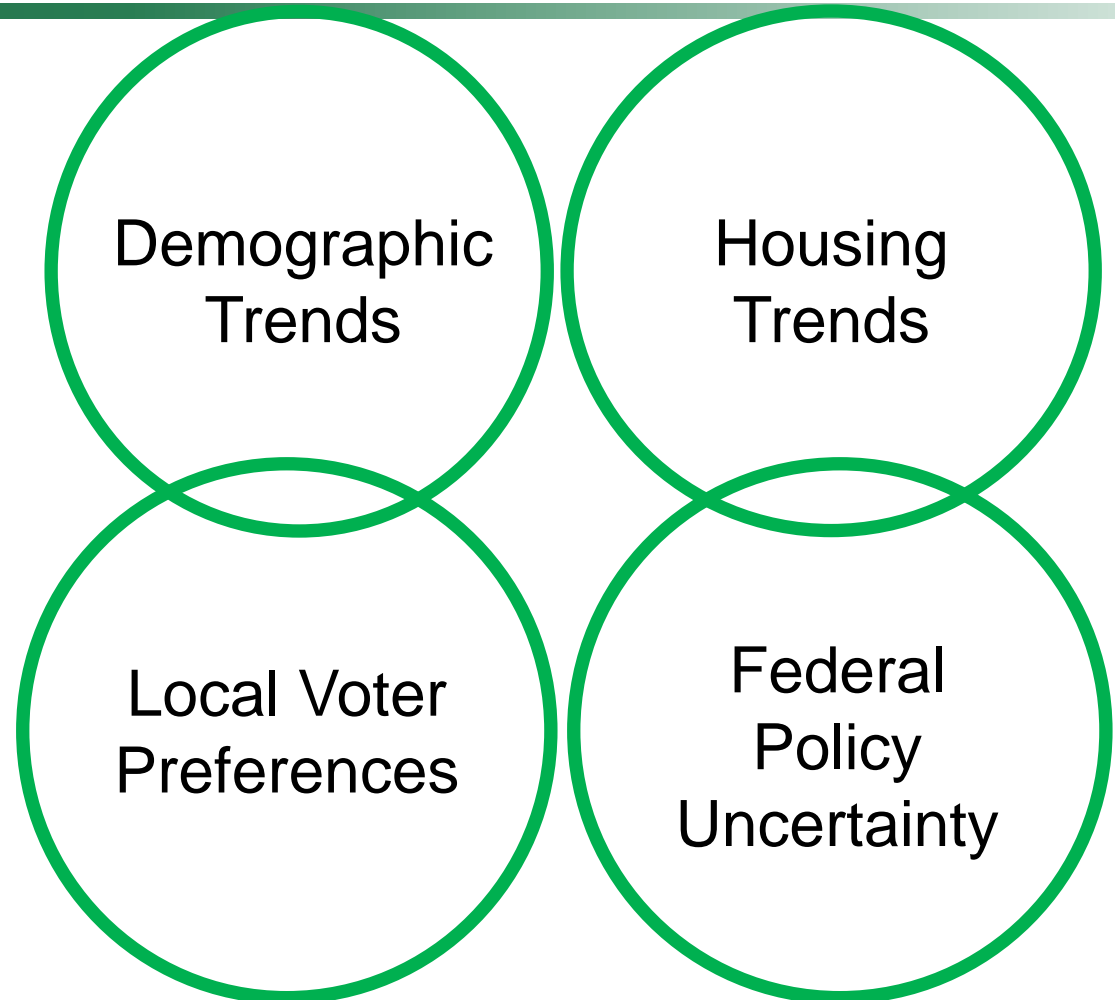
Federal Policy Uncertainty

- Major uncertainty about federal programming and financial resources – but probably reduced significantly, including possible cuts to:
 - Transportation funding?
 - CDBG funding?
 - Conservation/open space funding?
 - Refugee-immigrant impact funding?
- Federal retrenchment will ripple through state budgets and require more focus on basic state services



Where are We ?

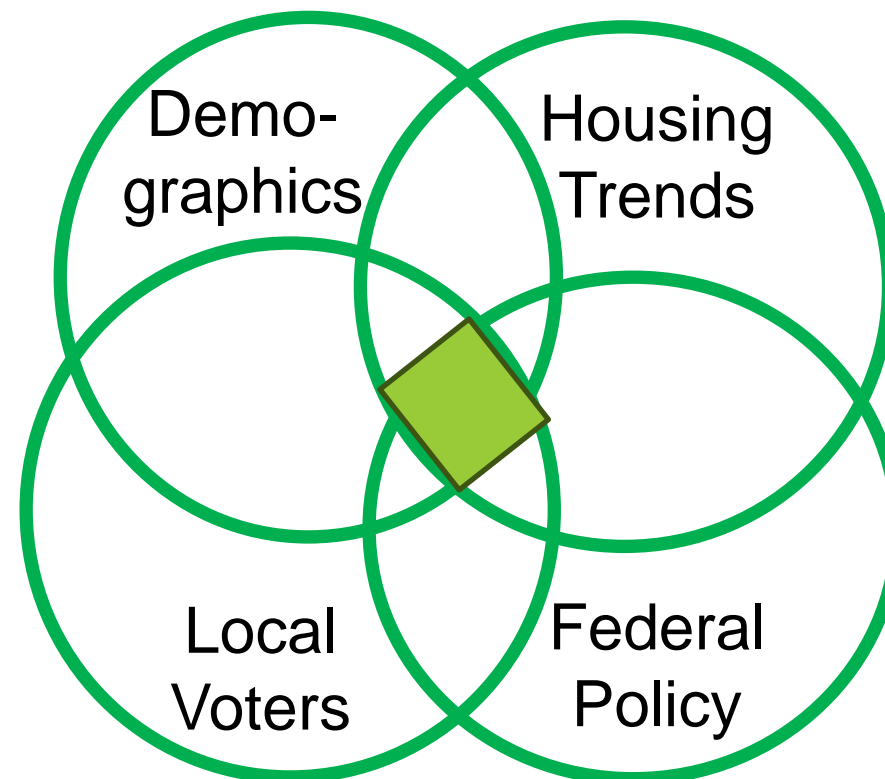
The Search for the “Do-able”



Where are We ?

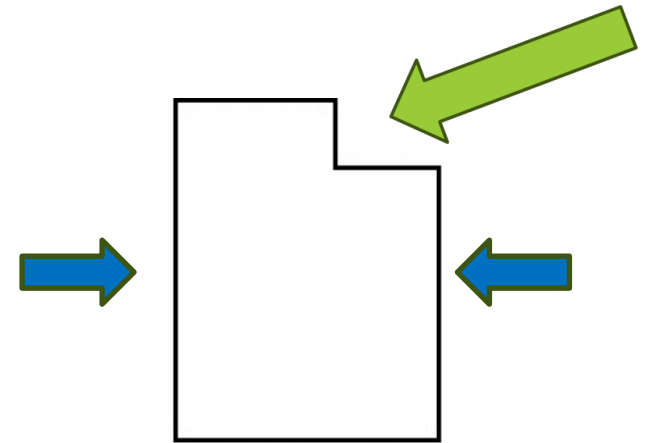
The Search for the “Do-able”

Let's look at three of these major influences in planning
– one at a time



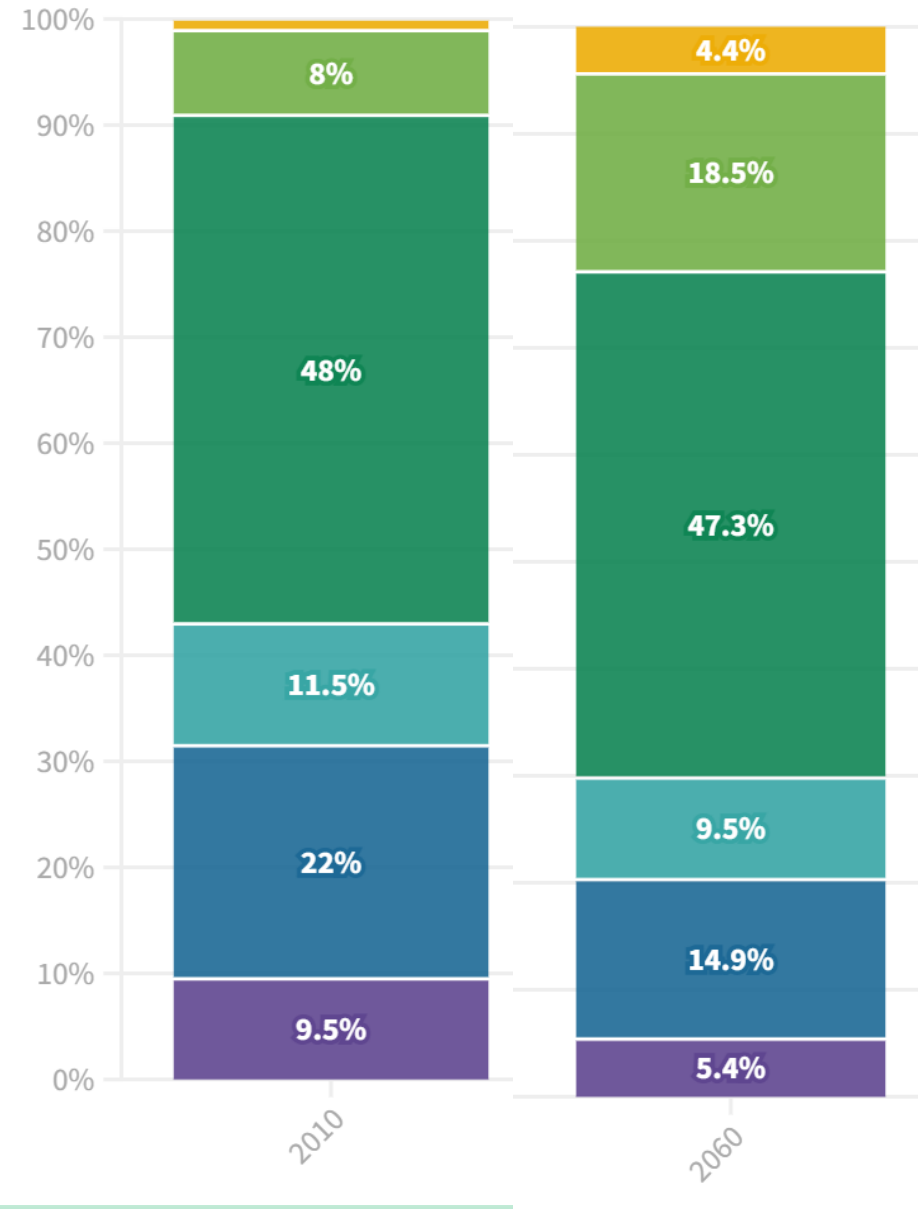
Demographic Trends – in Utah

- Utah is – and will continue to be – in the path of growth:
 - The population is moving South and West
 - Younger Americans lead the trend for lifestyle reasons
 - Companies follow to ensure access to talent
 - Parents sometimes follow
 - Older Americans are a big and growing part of the population – and they get tired of the cold
- The only question is where they can afford housing and living costs
 - Increasingly pulls people from high-cost states (mostly coastal)



Demographics - Utah

- Yes, Utah is aging, and household size is shrinking just like everywhere else
- You start higher – you still have the youngest average population and largest average household size
- But those numbers are falling just like everywhere else
- And it is the decreases that drive planning and housing trends rather than the starting point
- None of this is likely to change soon



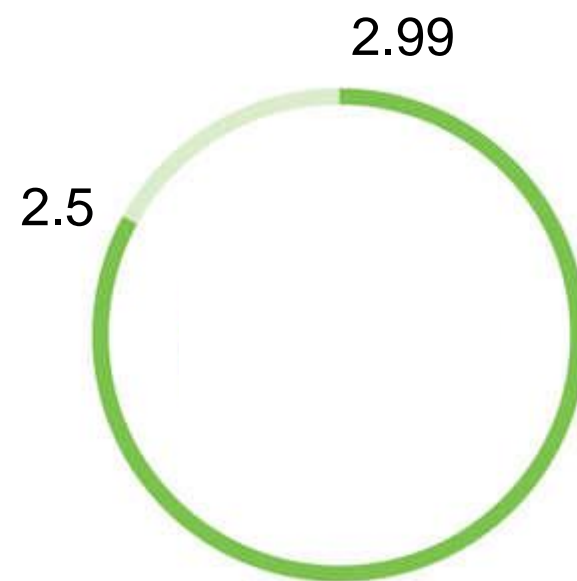
Demographic Trends – in Utah

“In Utah County, for example, household sizes will drop from 3.51 members today to 2.75 in 40 years, while, in Salt Lake County, they’ll dip from 2.89 now to 2.34 in 2060.”

Statewide, average household sizes will decline by half a person, from 3 now to 2.5 in 2060

Salt Lake Tribune, January 2022

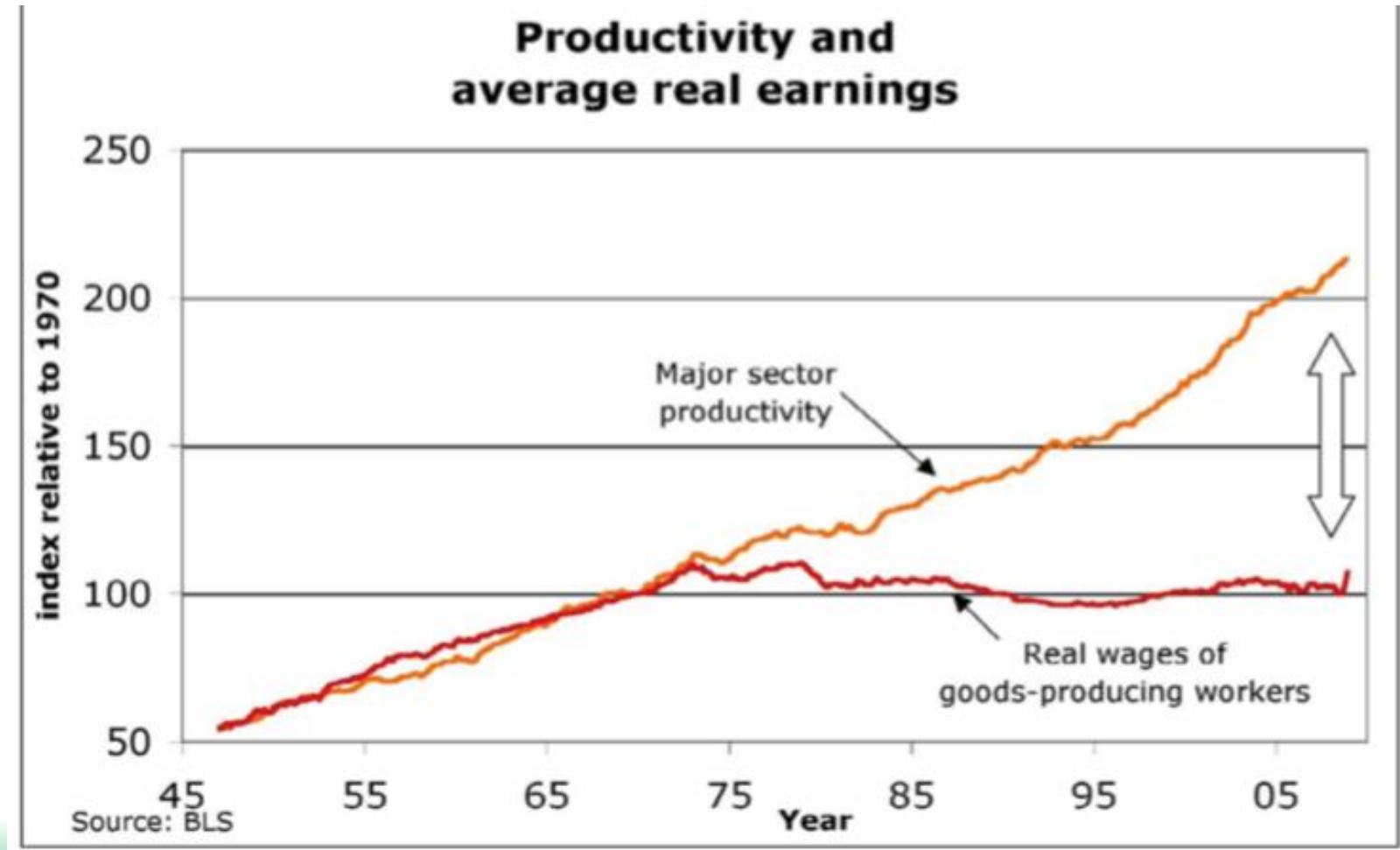
Need for housing support/maintenance services increases with number of households – it does not decrease much because the households are smaller



Housing Economics

1. Global Forces

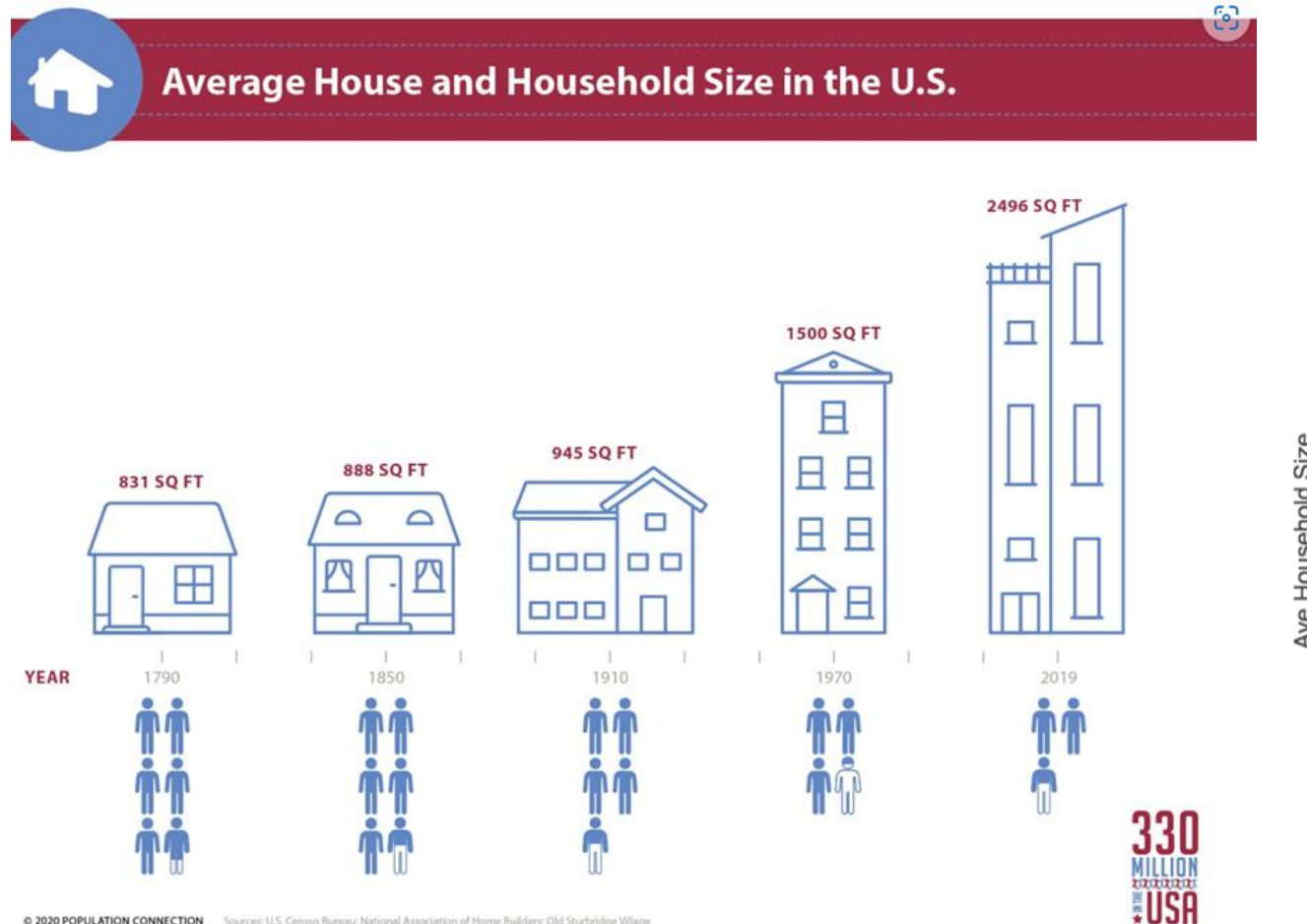
The affordability problem is bigger and more serious than you think – because it is caused in part by global forces



Housing Economics

2. Compounding Factors

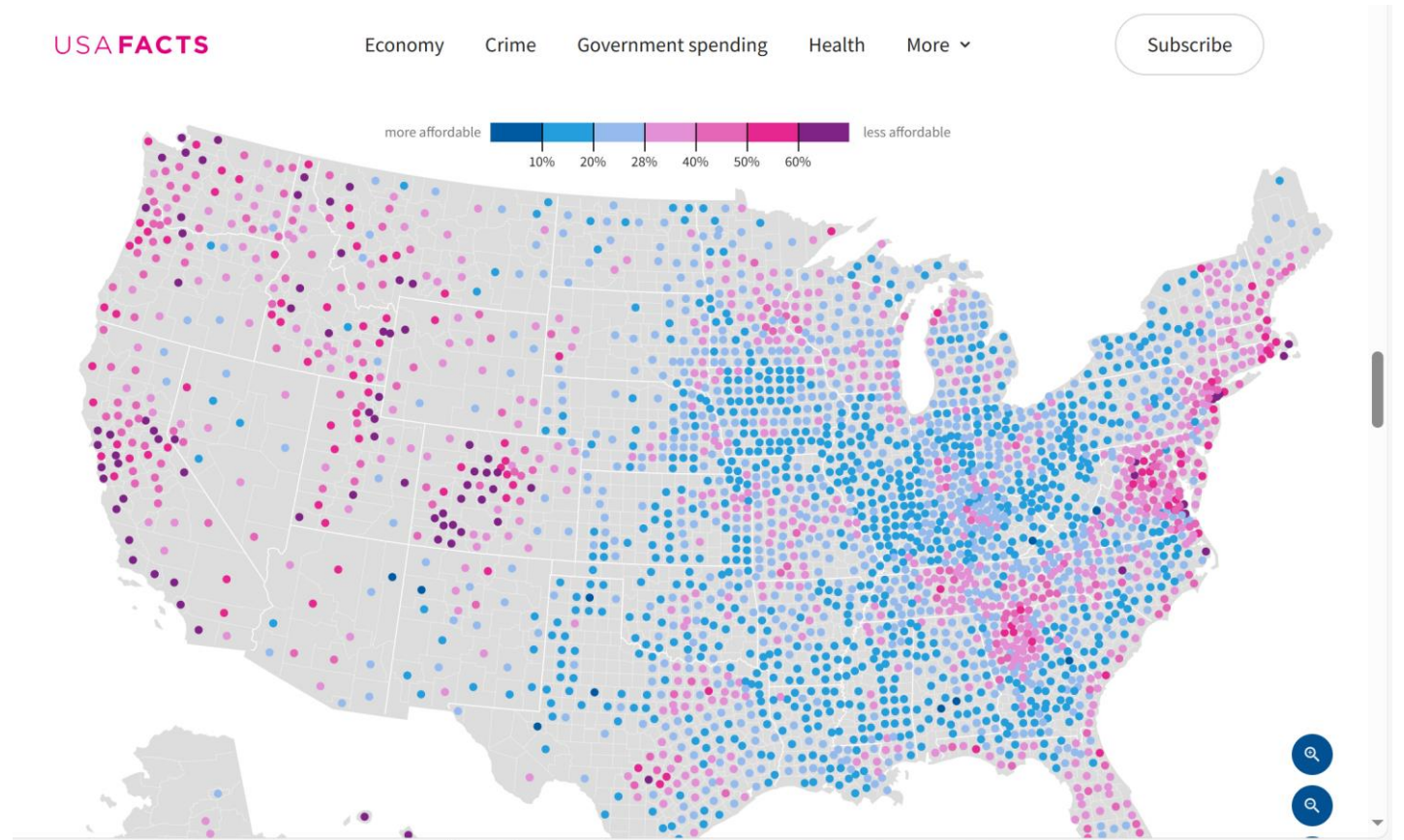
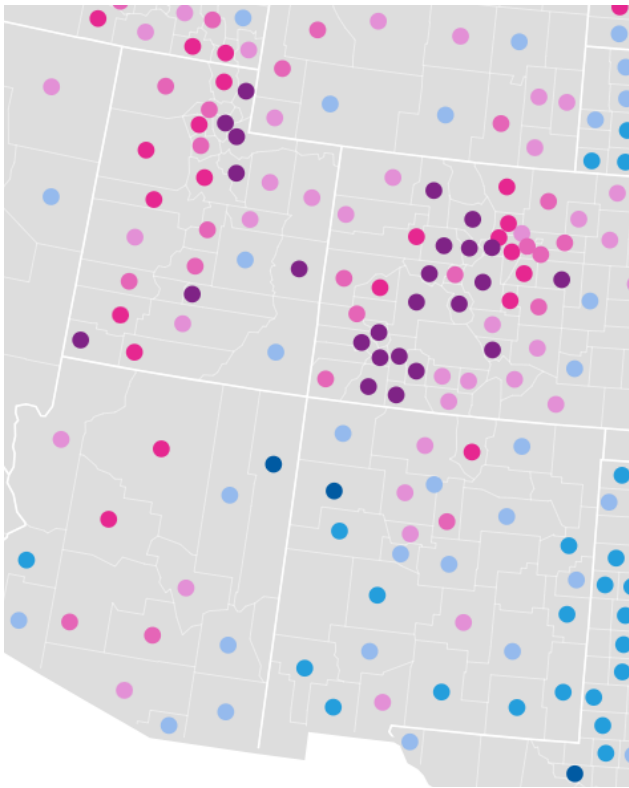
- Continually falling household sizes
- Partly driven by lower birth rates, but mostly by personal desires to live in smaller household units
- Public opposition to increased density or housing variety in locations close to their homes



<https://populationeducation.org>

Housing Economics

Again – Utah is not exempt

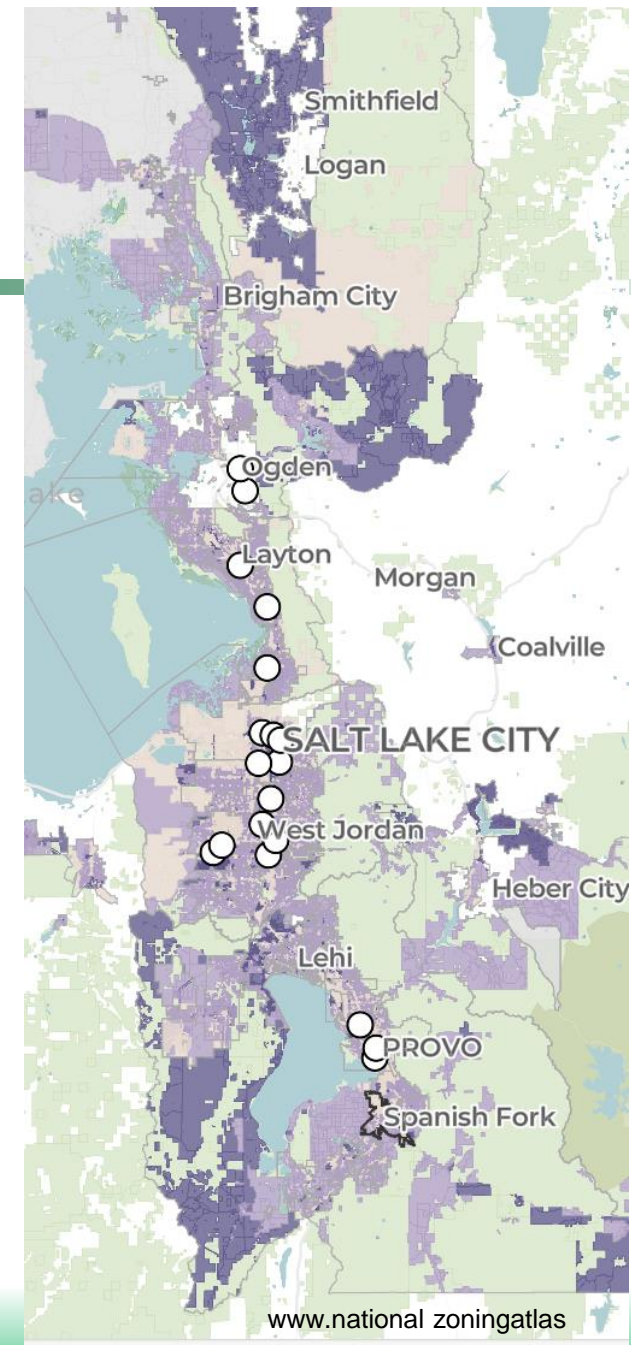


www.usafacts.org

Housing Economics

2. Compounding Factors

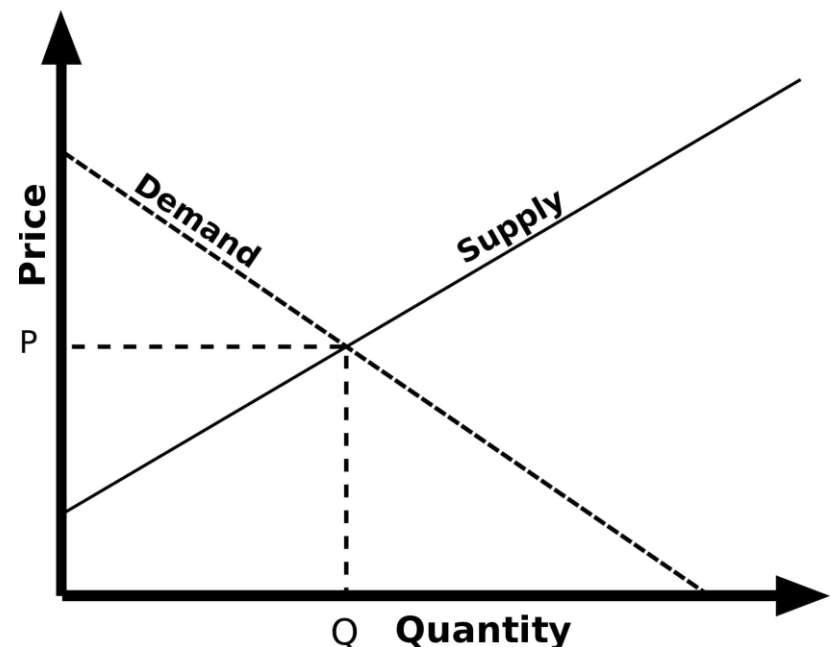
- Exclusionary zoning and restrictive covenants
- Single-household only zoning applied to large majorities of many urban lands
- Minimum lot sizes much larger than necessary for public health, light, and air
- Maximum units/acre and minimum open space/unit standards
- Subdivision improvement standards that are significantly higher/bigger than necessary for public health and safety



Housing Economics

3. The Basics

- You cannot escape microeconomics
- Increasing housing supply alone cannot bring down housing prices
- But there is no long-term solution to high housing prices that does not involve very big increases in housing supply
- We dug ourselves a very big hole
- Both planning and zoning have to stop digging and begin filling that hole

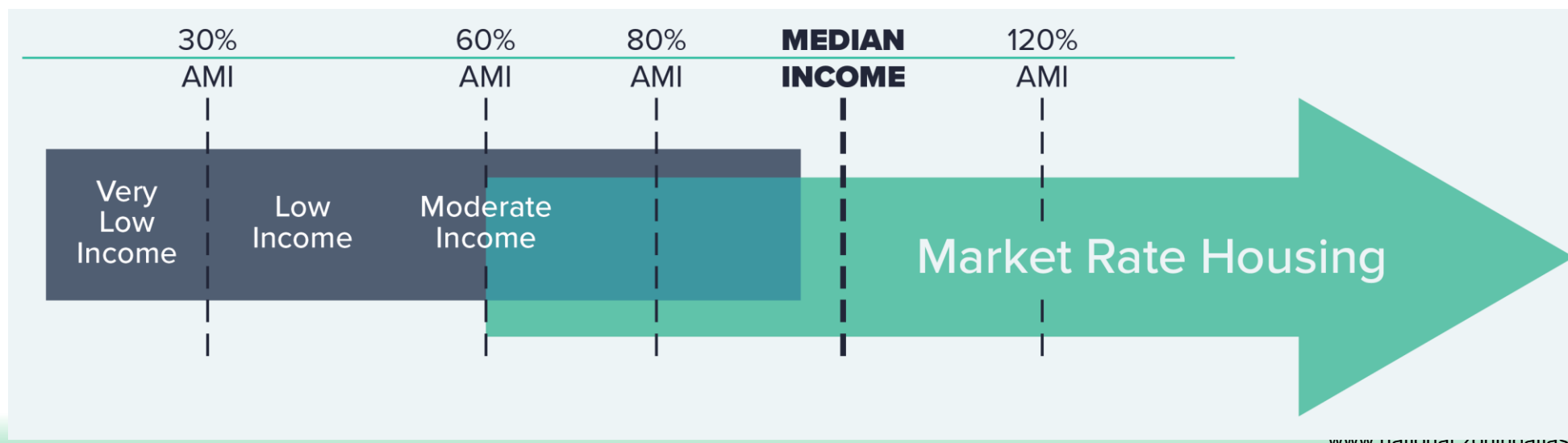


www.thoughtco.com

Housing Economics

4. It is a “Yes And” situation for housing

- The supply/demand gap is so big that it is pointless to talk about a single “right” solution
- We are going to need more housing of almost all types and to use almost all the tools we know how to use



Local Voter Preferences

Three Substantive Trends over the Past 25 Years

- **Affordability** – changes to bring down the costs of housing
- **Sustainability** – reducing greenhouse gas emissions
- **Equity** – making systems fairer and more inclusive

No Change ?

- Also not new, but by the time consultants are hired the need for some level of change to key regulations is clear – at least to the planners and elected officials

Local Voter Preferences

Affordability

- Rapidly rising public concern about affects of high housing prices on:
 - Ability of your children to live in the community
 - Ability to recruit health, education, public safety, and service workers
 - Ability of parents to age in place
- Planner concerns about lack of “Missing Middle” housing to loosen up the market



Local Voter Preferences

Sustainability

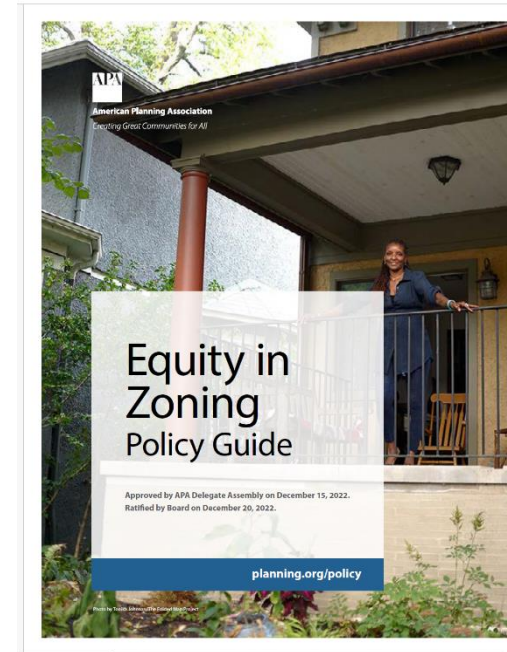
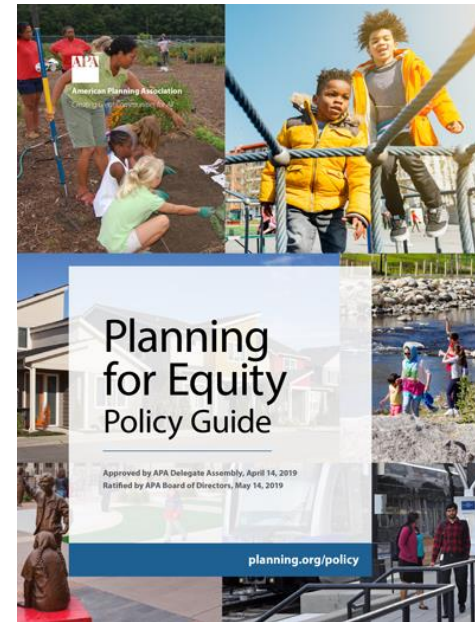
- Continuing desires to have local governments approve developments that:
 - Reduce contributions to greenhouse gasses
 - Allow more renewable energy generation and use
 - Allow more walking and biking and shorter vehicle trips
 - Allow more local food production



Local Voter Preferences

Equity

- Long-term planner concern – and rising public concern – that planning and zoning systems tend to reinforce historic disparities in:
 - Income
 - Wealth
 - Access to good schools and public services
 - Access to opportunities for advancement
- Better public engagement is badly needed
 - But not enough



Local Voter Preferences

AICP Principles

People who participate in the planning process shall work to achieve economic, social and racial equity.

- “Seek social justice by identifying and working to expand choice and opportunity for all persons, emphasizing our special responsibility to plan with those who have been marginalized or disadvantaged and to promote racial and economic equity.”
- “Recognize and work to mitigate the impacts of existing plans and procedures that result in patterns of discrimination, displacement, or environmental injustice. Plan for anticipated public and private sector investment in historically low-income neighborhoods to ensure benefits defined by the local community. Promote an increase in the supply and quality of affordable housing and improved services and facilities with equal access for all residents, including people with disabilities.”

What Does this Mean for Planning?

The Planning Process

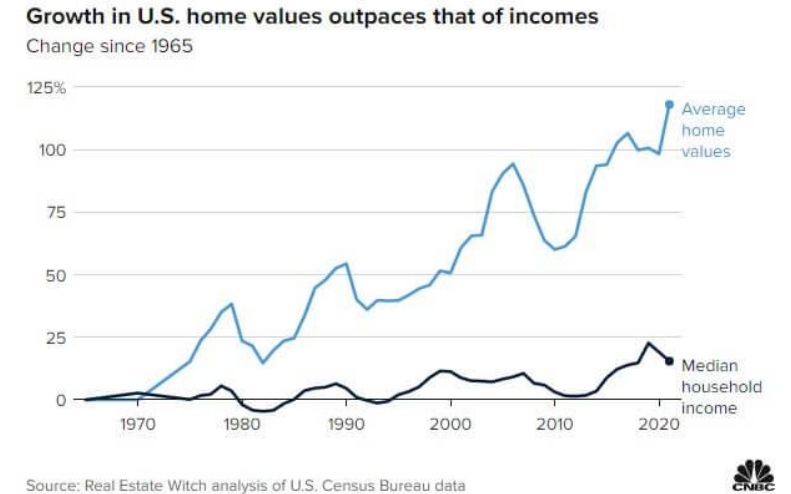
1. Go WAY beyond traditional public engagement practices
 - Reach the tenants
 - Listen to the younger voices
 - Listen to older voices
 - Seek out the missing voices
2. Be prepared to do more with less but:
 - Do not rely heavily on engagement platforms
 - Beware of AI tools until they improve



What Does this Mean for Planning?

The Plan Substance

1. Embrace reality about
 - Demographics
 - Non-residential uses
 - Fair shares of housing supply
 - Reuse and redevelopment
2. Prioritize housing
 - Especially for the old and young
 - Use real numbers
 - Emphasize historic mixes of housing types



What Does this Mean for Planning?

The Plan Substance

3. Emphasize mixed-use (with guardrails) to:
 - Shorten travel time and emissions
 - Respond to COVID-driven changes in where work gets done
 - Don't get too focused on vertical mixes
4. Identify and protect poor and vulnerable populations and businesses
 - Always working closely “with” (not “for”) them

The negative impacts of plans and zoning on poorer and more vulnerable populations are not found in discriminatory language

- They are found in facially neutral language that has known negative outcomes for racial and ethnic minorities, women-headed households, and households headed by disabled persons
- Often the impacts are indirect – they happen because exclusion of uses and housing types on some neighborhoods forces them into others

What Does this Mean for Zoning?

A Simple Framework to Organize Needed Changes

1. The Zoning Rules

- This is where many key improvements to affordability, sustainability, and equity get “built in”

2. The Zoning Procedures

- This can be as important to affordability and equity as the rules
- But the public cannot talk about process changes until they have discussed the proposed changes in zoning rules

3. The Zoning Map

- Do this last to avoid distracting from the hard work of rules and procedures

What Does this Mean for Zoning?

Remember

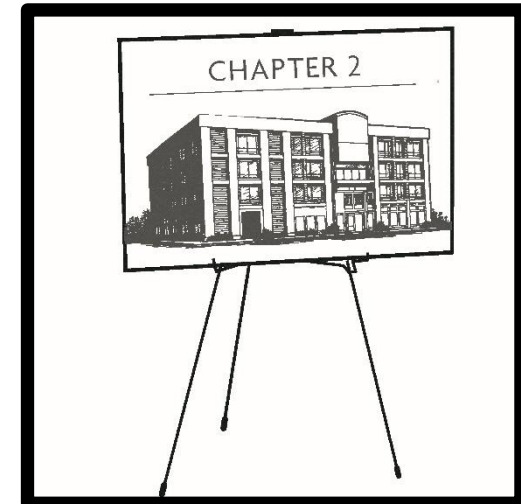
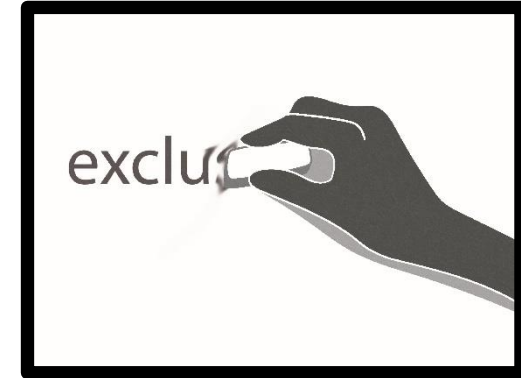
1. Zoning was designed to exclude – and it does that
 - Through line drawing between different zoning districts
 - By adopting exclusionary rules
2. Every line drawn and every rule added is a barrier that often contributes to:
 - The affordable housing crisis
 - Disproportionately negative impacts on poor populations
 - Inefficient government – by complicating administration
4. So – look for and erase lines and rules that have these impacts



What Does this Mean for Zoning?

1. The Zoning Rules – Generally

- Simplify – we wrote the rules and we can erase them
- Focus on reuse and redevelopment
 - It is 80% of what happens in many communities
 - Particularly in mature communities
 - Beware of “greenfield” thinking
- Avoid “zoning to a picture,” which often
 - Results in overly rigid rules and expectations that then need multiple amendments
 - Contributes to over-zoning for ground floor pedestrian uses that the market cannot support



What Does this Mean for Zoning?

1. The Zoning Rules – Specifics

- Allow more types of housing in more places
- Remove unneeded du/acre and open space per unit regulations -- and beware of FARs
- Use better building scale/form/envelope controls
- Incentivize affordable housing
- Don't over-require ground floor pedestrian active uses
- Protect Naturally Occurring Affordable Housing (NOAH)
 - We already do that for historic districts and manufactured home parks
- Tailor housing rules to avoid gentrifying vulnerable communities that want those protections



What Does this Mean for Zoning?

1. The Zoning Rules – Specifics

- Maximize opportunities for adaptive reuse of existing buildings wherever possible
 - The greenest building is the one already built
- Allow multi-family development in most or all commercial districts
- Allow more types of home occupations
 - Important for post COVID work habits and for equity



What Does this Mean for Zoning?

1. The Zoning Rules – Specifics

- Ensure that public serving childcare, elder care, and medical/health care/delivery uses are available with administrative approvals throughout the community
- Avoid singling out drug treatment facilities from medical clinic office uses if possible
- Avoid singling out commercial uses with low entry barriers for more restrictions
- Important for equity and to avoid zoning based on stereotypes instead of land use impacts



What Does this Mean for Zoning?

1. The Zoning Rules – Specifics

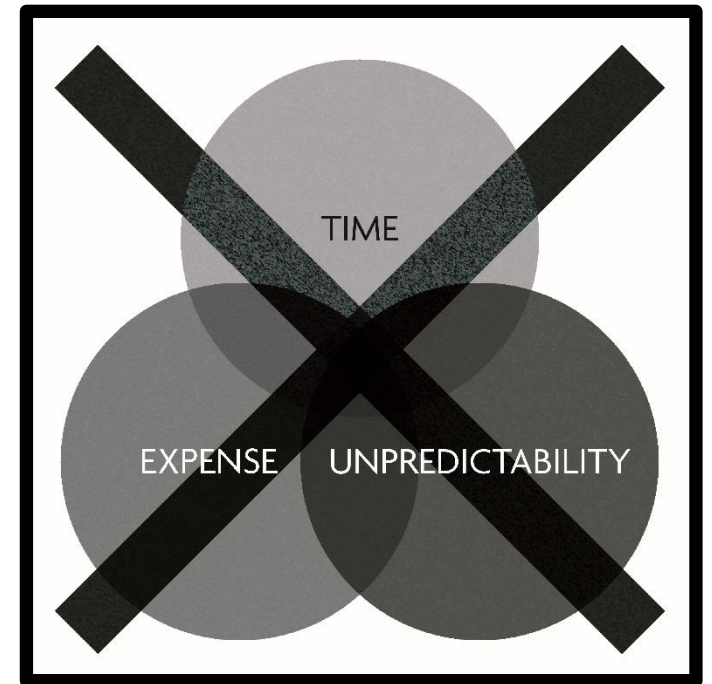
- Reduce or remove minimum parking standards from most uses – especially commercial and mixed-use
- Allow small scale/accessory renewable energy facilities in most areas of the community
- Allow small scale/accessory food production in most areas of the community
- Replace conditional uses requiring a public hearing with administrative approvals subject to objective standards wherever possible



What Does this Mean for Zoning?

2. The Zoning Procedures - Generally

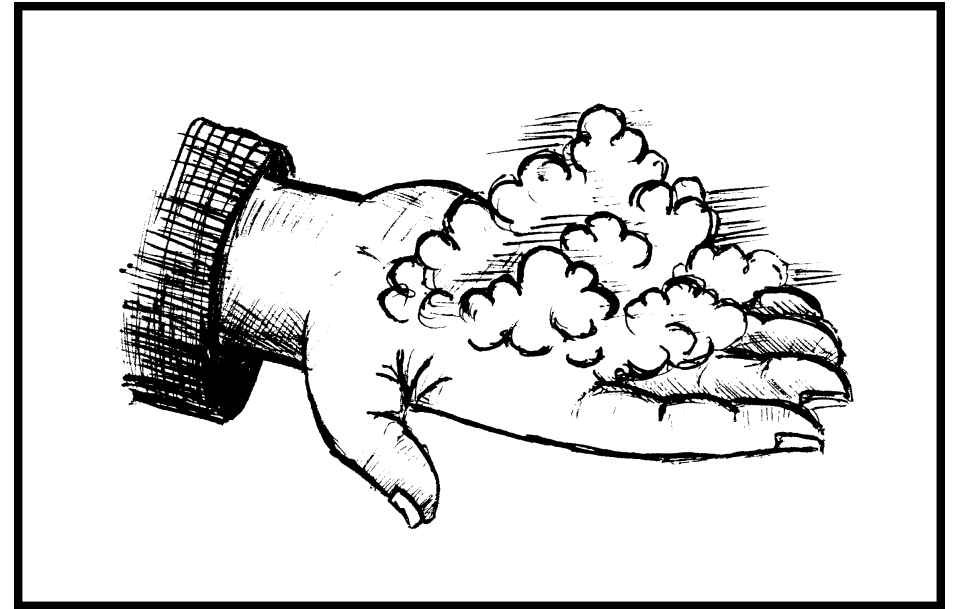
- Expand public notice
 - Even for projects not requiring a public hearing
 - Always include tenants
- Reduce public hearings for specific conditional uses and site-specific development approvals that comply with zoning
- Replace with administratively approvals subject to objective standards
 - Public hearings are a major source of exclusion
- Avoid procedural “Trifecta”



What Does this Mean for Zoning?

2. The Zoning Procedures - Specifics

- Remove subjective criteria for approval of rezonings, conditional uses, and site-specific development standards
 - “Harmonious,” “compatible,” “consistent,” “attractive,” “quality,” and “character” are the worst offenders
 - Just invitations to argue and exclude
- Address possible adjacency concerns with step-downs, scale controls, or hours of operation controls



What Does this Mean for Zoning?

2. The Zoning Procedures - Specifics

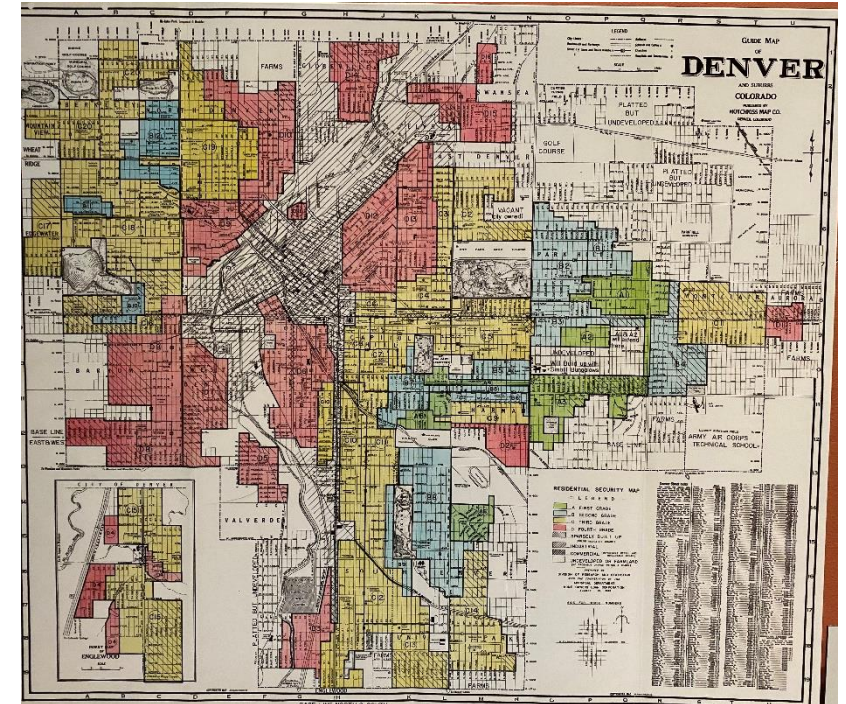
- Remove opportunities to use appeals to delay projects that otherwise comply with code standards
 - Clarify that appeals are “on the record” – not “de novo”
 - Require that appellants cite specific code provisions allegedly ignored or mis-applied
 - Using objective standards will help a lot
- Allow administrative adjustments in the development approval process where needed to accommodate unique site conditions
 - List which standards can be adjusted and by how much



What Does this Mean for Zoning?

3. The Zoning Map

- Fewer lines (reflecting fewer, more flexible zone districts) are generally better
- Remember the map just reflects the rules, and many changes to rules will avoid map changes
- Be careful about erasing lines “redlines” to equalize rules between more and less vulnerable neighborhoods without first consulting with the more vulnerable neighborhood about what they want



What Does this Mean for Zoning?

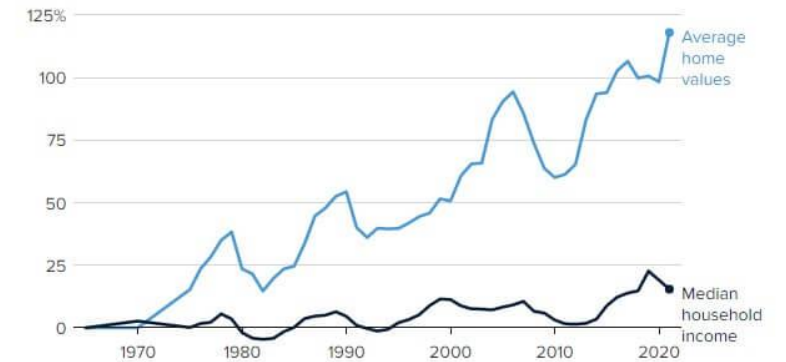
Final Check

Always evaluate proposed zoning changes for their:

- Consistency with major demographic trends;
 - Growth, aging, and smaller household sizes
- Responsiveness to regional housing needs;
 - Will this do our fair share in filling the housing gap
- Effectiveness in promoting improved:
 - Affordability
 - Sustainability
 - Equity

Growth in U.S. home values outpaces that of incomes

Change since 1965



Source: Real Estate Witch analysis of U.S. Census Bureau data



What Does this Mean?

4. Possible State Intervention

Colorado (2024)

- SB24-174: Comp planning/housing needs assessment
- HB24-1313: Transit Oriented Communities (TOC) bill
- HB24-1007: No Family Relationship Occupancy Limits
- HB24-1304: Limits Minimum Parking Requirements
- HB24-1152: Allows Accessory Dwelling Units
- HB23-1255: Limitations on local government growth caps (2023)
- HB21 -1117: Inclusionary Housing Bill (2021)
- HB25-1169: YIGBY (2025)

Questions and Discussions

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