

Cache

Planning News

November 2019



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Grand opening of the New Bridger Bike Park, the first bike park of its kind in the Cache Valley focusing on Mountain and BMX trails

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Bridger Bike Park Now Open

The \$317,000 Bike Park is the first of its kind in the Cache Valley



On October 16th the Bridger Bike Park located at 400 West 1200 North in Logan officially opened its trails.

The bike park, a two acre mountain bike and BMX playground contains jumps, pumptracks, technical features, skills courses, and more.

The park is the result of close collaboration between Logan City, and the Cache County Trails Department. Funding was provided by Logan City, Cache County, RAPZ tax, a Utah Outdoor Recreation Grant, and local community funding.

The bike park has trails for riders of all levels of riders from small children and beginners, to advanced riders.

The park and trails are built entirely of native Cache Valley clay-based soils, as such, it is closed

during rain and storm events, until the ground dries out (typically 24-48 hours).

Those interested in more information about the park are advised to visit the parks Facebook page at [facebook.com/bridgerbikepark](https://www.facebook.com/bridgerbikepark) for park conditions, updates, and volunteer opportunities to be a part of the ongoing care of this amazing resource.

Cache Planning News would also like to wish Dayton Crites the County Trails Planner, the best of luck as he has accepted a position with a private firm and will be leaving the county for the East coast in November. Dayton has been transformative with his work at Trails Cache, and will be greatly missed

Cache Summit



The 5th Annual CACHE SUMMIT will be held on November 7th, 2019 at the Cache County Events Center at the Fairgrounds. Registration is \$25 in advance at www.Cachesummit.com or \$30 at the door. Keynote speakers are:

Don Albrecht, Director of the Western Rural Development Center, who will discuss land uses effects on economic development, and economic developments effects on land uses.

John Janson, a Planning Consultant and former president of the Utah chapter of the American Planning Association (APA), he will discuss how to make positive land use changes in your community.

The Cache Summit regularly attracts hundreds of attendees including local community, business, and city leaders. To learn more or register visit www.CacheSummit.com

Who needs Parking Minimums anyhow?

Your code probably has them, but do we need them? and do we know their true cost? - The answer to both these questions is probably not

Parking minimums are a hallmark of nearly every zoning ordinance, and off-street parking, is always one of the most closely scrutinized aspects of a development application, but increasingly parking minimum standards are being abandoned across the nation. Increasingly research is revealing that parking minimums are: unnecessary, arbitrary, expensive, wasteful, unproductive, and rob our communities of valuable streetscapes leaving us with useless empty spaces.

Parking Minimums are arbitrary and excessive: Take the County Off-Street Parking minimums for example, for every 250 SF of sales or service area, a parking stall is required. As an average parking stall takes 180 SF (plus an average of 108 square feet of drive space) we are essentially requiring 288 SF of parking for every 250 SF of floor space, meaning new commercial development is required to dedicate more space for parking our vehicles than selling goods or services. Furthermore, the amount of parking we require is arbitrary, taken from engineering manuals that do their best to come up with an average amount of parking needed for each use, as a result uses with very different parking needs end up being required to provide the same amount of parking. A more rational response would be to allow new businesses, and housing developments determine how much parking they need, putting the burden on them to determine what their need is, allowing them to balance the need to provide parking to customers or tenants, with the cost of building parking.

Parking is expensive, like really, really expensive. The cost of a typical surface parking stall is between \$5,000 and \$10,000, and where structured parking is needed the cost rises to between \$25,000 and \$50,000 PER PARKING SPACE. By arbitrarily requiring excessive parking we are adding huge costs to new development, costs that could be the difference between a new small business opening in our communities and a lot or building remaining vacant and unproductive. This also has the unintended selection bias favoring large nation-wide retailers over smaller local retailers that give our cities and towns their unique flavor (large corporations are more likely to be able to handle the excess costs of development than small local, mom and pop shops). Quite literally, our parking minimums may be making it impossible for local businesses to thrive. Excessive parking requirements in residential developments are passed onto renters and buyers, increasing the cost of housing for everyone in our communities.

Parking Minimums are wasteful and unproductive, as our largest parking lots are typically located in our most valuable, highest taxed commercial districts, where every acre of parking provided is an acre of potentially

productive commercial space lost. Recently studies have quantified this cost and discovered that even high value retailers such as Costco or Sam's Club provide fewer tax dollars per acre than older smaller buildings on main streets due to the large amount of parking required to serve these uses. While older buildings, built before parking minimums dedicate more space to selling goods and providing service than they do parking, making them more productive, and paying more taxes per acre. Taxes which we can use to fix our streets, plow our snow, and maintain our parks.

Parking minimums rob our communities of sense of place. Parking minimums have the effect of requiring the development of vast parking lots. Vast parking lots increase the space between buildings, lengthen roads that access our commercial cores, and create hostile walking environments. All of these factors have the result of eroding the sense of place in many communities, as they place acres of empty black top in our cities, acres that could be more productive as homes, shops, parks and gathering places.



This isn't to say parking is bad, or unnecessary, because parking is important to our communities, and is absolutely needed. Our current approach to parking, is unscientific, and results in spending excess capital and is largely unproductive, by allowing businesses (at least in our commercial cores) to determine their own parking needs, and plan and build accordingly we can allow the market to better regulate parking needs, and allow our cities to grow and prosper efficiently.

Compliance Column

FAIR HOUSING ACT



DISABILITY



RACE



SEX



COLOR



NATIONAL
ORIGIN



RELIGION



FAMILY
STATUS

The regulation of land use and zoning is traditionally reserved to local governments and municipalities, but one arena where The Federal Government plays a large role in land use is through the Fair Housing Act which is intended to protect members of protected classes from discrimination based on their membership within a protected class (Race, Sex, Physical disability, mental disability, and illness, recovering alcoholics, and recovering drug addicts (non-users), age, religion, national origin, or familial statue).

According to the Fair Housing Act, a dwelling includes any building, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as a residence by one or more families, furthermore, any vacant land which is offered for sale or lease for the construction or location thereon of any such building or structure. Therefore decisions related to development or use of land may NOT be based upon one or more the protected statuses of the residents or potential residents who may live in the dwelling.

The Fair Housing Act prohibits local governments from making zoning or land use decisions that exclude or otherwise discriminate against individuals protected by fair housing laws (including all those listed above), whether intentionally or by discriminatory effect. Discriminatory effect can be established by showing that an action, such as a zoning decision, while facially neutral, has either an adverse impact on a particular minority group or causes harm to the community generally. Examples of this include minimum dwelling sizes that increase the cost of housing, that has the effect of excluding persons from a locality or neighborhood by their membership in a protected class, or requiring special occupancy permits for residents in group homes that aren't required for other similar single family homes.

The Fair Housing Act also requires that we make "Reasonable Accommodations" to zoning and land use rules, policies, practices and procedures as necessary to provide an individual within a protected class equal housing access. Reasonable accommodations provide a

means for local government flexibility in the application of land use and zoning regulations, or, in some cases a waiver of certain restrictions or requirements. An example of a reasonable accommodation is the waving of a municipalities "family" definition, so that a group of unrelated individuals with disabilities that intend to live together in a group or recovery home are allowed to do so as a "family".

What does this mean for municipalities of the valley? We need to be careful when making land use decisions, particularly when we receive an application for a "group home". Most cases where communities violate the Fair Housing Act are not cases of intentional discrimination but through discriminatory effect, where the discrimination is not intentional, but the result of enforcement of rules that appear neutral on their face but have unintended consequences that discriminate against members of protected classes.

This can become particularly difficult when a group home with a perceived negative impact wants to locate within an established community, and residents mobilize and ask us to deny the use. As local leaders and representatives there is an understandable need and desire to hear, and respond on behalf of residents and constituents and it may be tempting to deny or implement additional restrictions on a group home, but we can find ourselves in violation of the fair housing act if we place restrictions on group homes that are not placed on other types of housing, or through our failure to grant reasonable accommodations, this may result in making decisions that are difficult and unpopular, but are correct.

The Countywide Planning and Development office recommends communities review the joint statement published by the U.S. Department of Housing and Urban Development and the U.S. Department of Justice, On State and Local Land Use Laws and Practices and the Application of the Fair Housing Act found:

<https://www.justice.gov/crt/page/file/909956/download>