

Boulder Zoning Process Memo #4

TO: Boulder Planning Commission; Curtis Oberhansly, Zoning Administrator; Mayor Steve Cox, Other Interested Parties

FROM: Lee Nellis, FAICP

DATE: May 28, 2020

SUBJECT: Mostly Plan Amendments

Step 1: Basis in Plan

I have appended some proposed amendments to the general plan in both marked up and “clean” versions. These amendments add Lower Boulder Road to the list of transportation problems in Boulder and explain the direction we are taking on commercial development. In writing the latter amendment, I found myself wanting to make the point that Boulder is, and wishes to be, different. I kept it simpler for now, but wanted to plant a thought with you.

Boulder as the Alternative?

Boulder’s lack of commercial sprawl offers an alternative to every other gateway community in southern Utah (I guess Springdale is something of an exception, but I haven’t been there for a few years to see how it has evolved). I think you would benefit economically, as well as support your planning goals, by branding yourselves as something like the quiet alternative. or maybe the quiet contrast?

Other places have almost equally stunning scenery (if you look past all the development, Moab is amazing) and access to public lands. But they all, even your neighbors in the Fremont Valley where growth is more recent and could have followed a different path, have succumbed to the typical pattern. Boulder doesn’t have to. I think it would be helpful to say that in the general plan – both in the section about commercial land use and in the general goals – but did not want to add that without discussion.

Step 2: Consistent Terminology - Nothing here for this meeting.

Step 3: Definitions

We need to return to the definition of “guest ranch” tonight. I offered you a somewhat complicated definition in the last memo, but after listening to the Planning Commission hearing, I am wondering if you should just permit lodging, but with limits on its scale that vary with the situation. Which is to say, allowing lodging with a CUP, but not allowing 30 units except with direct access to Highway 12. We will need several definitions to support the standards, but let’s get the standards close to how you want them first.

Step 4: Commercial Zoning Standards

I have added a bit to the proposed home business standards. I wanted to make it clear that the dimensional standards of the ordinance apply to conditional uses and, also, given our discussion, give the Town the ability to require deeper setbacks to help mitigate potential conflicts. Almost all residential parcels in Boulder are large enough to make that a useful

strategy. See Appendix B. I have not revised the Home Business checklist. I will wait to be sure you are ok with these changes.

I have begun work on the standards for commercial uses that are not home based, but felt that we ought to work through what's here: the guest ranch definition, the minor changes to the home business standards, and the proposed amendments to the plan. If we get through these things, we can probably get through the commercial standards in the next meeting and be at a good place to assess both our progress and what should come next.

Chapter 8: Beyond the standards, we will need to make some revisions to Chapter 8 of the zoning ordinance, which establishes the procedures for conditional use permits. While we are making the necessary changes, we may as well look at the entire chapter, so please read it and let me know if there is anything that you find unclear.

Appendix A.1 - DRAFT General Plan Amendments – Mark Up

This version shows the changes. A “clean” version follows as Appendix A.2. This version includes my notes and questions for you.

Be it hereby resolved that the Boulder Town General Plan (Version 3, August 1, 2013) be amended as follows:

Chapter 7. Land Use

7-5 Land Use Zoning Categories and Patterns

D. Commercial. ~~The commercial properties that presently exist are the only commercial zones within the Town. The Town should continue with its past process whereby future commercial uses are established by the conditional use application and hearing on a case by case basis only. The burden should remain on the applicant to demonstrate that the location and type of commercial application is fitting within the overall General Plan and goals of the Town. All commercial applications that arise out of franchise or large corporate environments should be discouraged and locally owned and operated businesses encouraged.~~

As part of its effort to maintain its special character, Boulder will not engage in speculative commercial or industrial zoning. That practice is not consistent with the available public facilities and services, anyway, and would undercut the vision and goals adopted in this plan.

Boulder will instead establish performance-based zoning regulations that permit commercial and industrial activity pursuant to a conditional use permit, as authorized by the Utah Municipal Code, Title 10, Chapter 9a, Section 507. Each proposed commercial or industrial enterprise, including home-based businesses, will be reviewed for compliance with a pre-adopted set of standards. Those standards will ensure that new commercial or industrial activities do not overtax Boulder's infrastructure and are compatible with the peaceful agricultural village ambience that attracts and sustains current residents and respectful visitors.

There will be two sets of performance standards:

- one for home-based businesses that are operated by an occupant of residential premises and expected to have essentially no impact on neighboring properties, and
- one for other commercial or industrial enterprises that are not home-based and may have more potential impact on the community, but still meet the goals of this plan.

The handful of properties that are now in the Commercial Zoning District will continue pursuant to their approved permits or as nonconforming uses. Changes within the mapped commercial districts will require a conditional use permit.

It would be helpful to add a map of the existing commercial properties here. It would also be helpful to know if any of the existing businesses predate the zoning and are operating in the Commercial Zoning District, but not under a CUP.

Chapter 10. Transportation

10-5 Traffic Flow Problem Areas

~~There are several problem areas of potential traffic hazards and areas of parking congestion along Highway 12 and elsewhere in Boulder, including: are considered to be potentially hazardous, especially during the height of the tourist season. The areas include:~~

1. ~~congested~~ parking in the vicinity of Pole's Place, Boulder Exchange, and the Anasazi State Park ~~is congested~~;
2. ~~Highway 12 adjacent to the Hills and Hollows Store has limited visibility along Highway 12 adjacent to the Hills and Hollows Store; and needs warning signs and additional road improvement.~~

Needed improvements should be listed in 10-6.

3. ~~congested~~ parking and poor visibility for cars turning either direction on the Burr Trail from the Burr Trail Grill parking lot at the junction of Highway 12 and the Burr Trail ~~is frequently congested~~. poses a risk;
4. the road between the LDS church and the elementary school offers poor visibility, particularly around corners;
5. frequent pedestrian use and the absence of a sidewalk or trail along ~~of~~ the Burr Trail Road between the junction with Highway 12 and the Boulder Mesa Restaurant ~~is used frequently by pedestrians and joggers and can~~ poses a hazard for both vehicles encountering the foot traffic and those on foot;
6. the blind corner where the Town landfill road ~~access onto~~ intersects with Highway 12 ~~is a blind corner; and~~
7. the narrow cross-section and lack of shoulders along Lower Boulder Road.

Is this the best way to describe the Lower Boulder Road issue until the build-out study I recommended can be completed. What do I need to add?

In an ideal world the general plan would include a map and photographs of the listed areas.

10-6 Transportation Goals and Policies

Goal 1: To provide a circulation system to move people and goods safely and efficiently throughout the town and the general planning area.

G1-1 Maximize and improve the operating efficiency and safety of the existing roadway system. Specific improvements that may be needed include:

- a. warning signs and turn lanes where Highway 12 passes the Hills and Hollows store;

Do you want to list anything else specific? Perhaps a sidewalk or pedestrian path along the Burr Trail Road? I understand that the Town has very limited resources, but it is important to say what is ideal in the general plan so that you have a foundation for grants, for working with developers, etc.

Appendix A.2 - DRAFT General Plan Amendments – As It Would Appear

Be it hereby resolved that the Boulder Town General Plan (Version 3, August 1, 2013) be amended as follows:

Chapter 7. Land Use

7-5 Land Use Zoning Categories and Patterns

D. Commercial

As part of its effort to maintain its special character and market itself as different from other Canyon Country communities, Boulder will not engage in speculative commercial or industrial zoning. That practice is not consistent with the available public facilities and services, anyway, nor would it contribute to the vision and goals adopted earlier in this plan.

Boulder will instead establish performance-based zoning regulations that permit commercial and industrial activity pursuant to a conditional use permit, as authorized by the Utah Municipal Code, Title 10, Chapter 9a, Section 507. Each proposed commercial or industrial enterprise, including home-based businesses, will be reviewed for compliance with a pre-adopted set of standards. Those standards will ensure that new commercial or industrial activities do not overtax Boulder's infrastructure and are compatible with the peaceful agricultural village that attracts and sustains current residents and respectful visitors.

There will be two sets of performance standards:

- one for home-based businesses that are operated by an occupant of residential premises and expected to have essentially no impact on neighboring properties, and

- one for other commercial or industrial enterprises that are not home-based and may have more potential impact on the community, but still meet the goals of this plan.

The handful of properties that are now in the Commercial Zoning District will continue pursuant to their approved permits or as nonconforming uses. Changes within the mapped commercial districts will require a conditional use permit.

Chapter 10. Transportation

10-5 Traffic Flow Problem Areas

There are several potential traffic hazards and areas of parking congestion along Highway 12 and elsewhere in Boulder, including:

1. congested parking in the vicinity of Pole's Place, Boulder Exchange, and the Anasazi State Park;
2. limited visibility along Highway 12 adjacent to the Hills and Hollows Store-

Needed improvements should be listed in 10-6.

3. congested parking and poor visibility for cars turning either direction on the Burr Trail from the Burr Trail Grill parking lot at the junction of Highway 12 and the Burr Trail- poses a risk;
4. the road between the LDS church and the elementary school offers poor visibility, particularly around corners;
5. frequent pedestrian use and the absence of a sidewalk or trail along the Burr Trail Road between the junction with Highway 12 and the Boulder Mesa Restaurant poses a hazard for both vehicles and those on foot;
6. the blind corner where the Town landfill road intersects with Highway 12; and
7. the narrow cross-section and lack of shoulders along Lower Boulder Road.

10-6 Transportation Goals and Policies

Goal 1: To provide a circulation system to move people and goods safely and efficiently throughout the town and the general planning area.

G1-1 Maximize and improve the operating efficiency and safety of the existing roadway system. Specific improvements that may be needed include:

- a. warning signs and turn lanes where Highway 12 passes the Hills and Hollows store;

Appendix B - DRAFT Home Businesses Chapter, Revised

This chapter provides detailed standards for home businesses. The Planning Commission shall approve any application for a CUP for a proposed home business that complies with the standards of this chapter. Compliance means that the proposal meets all absolute standards of this chapter and has a positive cumulative score on the relative standards.

1. *Must the owner of a home business be in residence?* Yes. The proposed home business must be owned and operated by a current resident of the dwelling in which it is proposed. the right to continue the home business ends if its owner is no longer in residence.

2. *How much indoor space can be used for a home business?* That depends on its location. The indoor space that can be used for a home business is limited as follows.

- a. A maximum of 1500 square feet will be permitted in the C and GMU zoning districts.
- b. A maximum of 750 square feet will be permitted in the residential zoning districts.

Applicants must demonstrate compliance with this standard by submitting a scaled floor plan of the dwelling or accessory structure that clearly delineates the area that will be used for the home business.

3. *Must a home business comply with the dimensional requirements of Table 2?* At a minimum, yes, but the Planning Commission may condition approval of a home business on the provision of deeper setbacks than those established by Table 2 in order to mitigate potential impacts of the home business.

4. *Can a home business have outdoor workspace or store materials outdoors?* Yes, outdoor workspaces and the outdoor storage of materials, supplies, equipment, vehicles, or goods for sale associated with a home business will be evaluated using the following standards.

- a. At a minimum, they fall within the setbacks required by Table 2 of this ordinance, but see 3, above.
- b. The effective buffering or screening of outdoor workspaces or storage associated with home businesses is encouraged. Compliance with this relative standard will be determined by the Planning Commission using the scoring range and weights adopted on the Home Business Checklist.

Applicants must demonstrate compliance with this standard by submitting a scaled site plan for their property that clearly delineates any outdoor space that would be used for the proposed home business. This drawing must show the required setbacks and any proposed buffers or screening. Where it is proposed to use existing vegetation as a buffer, photographs of that existing vegetation must be submitted. Where the buffer or screening will be installed, a planting plan or screening design must be submitted.

5. *Are there restrictions on parking or traffic generation by home businesses?* Potentially. Home businesses that are reasonably expected to generate parking or traffic

congestion along town roads or that have the potential to obstruct access to other properties are discouraged. The potential for congestion will be determined by the Planning Commission using the scoring range and weight adopted on the Home Business Checklist. Among other things, the Planning Commission may consider parking and traffic generated by deliveries and the possibility that the proposed home business will offer classes or stage events.

6. Must a home business provide parking? Potentially.

- a. Additional off-street parking must be provided at the rate determined by the Planning Commission, following the general guidance of Table 3. NOTE: That rate may be zero.

A fair number of communities would prohibit any additional parking for a home business. That seems a little too restrictive for Boulder to me, but it is a simpler option.

- b. Where more than one additional off-street parking space is provided, effective buffering or screening of that off-street parking is encouraged. Compliance with this relative standard will be determined by the Planning Commission using the scoring range and weights adopted on the Home Business Checklist.

7. Are there restrictions on potential nuisances generated by home businesses? Yes.

- a. No home business shall require an NPDES permit, as required by state law.
- b. No home business shall channel surface run-off onto another property, into irrigation works or a storm water treatment pond, or onto a public way except in compliance with an approved storm water management plan and with permission of the property owner/s.

Forgot this one. It seldom applies to home businesses (but how about an auto detailing business that generates runoff, it could happen), but is one the Town will need to carry over to other commercial/industrial uses.

- c. No home business shall require an air quality permit, as required by state law.
- d. The storage, use, and disposal of hazardous materials by home businesses shall be permitted only to the extent allowed for residential occupancies by NFPA 1, the 2006 Uniform Fire Code. The Planning Commission may permit an exception for a home business on a parcel of one or more acres upon finding that the proposed home business will comply with all requirements of the 2006 Uniform Fire Code, including requirements for inspections by the fire department.
- e. No home business shall result in additional outdoor lighting.
- f. No home business shall result in blowing dust or smoke that adversely affects adjoining properties.
- g. No home business shall result in radiant heat or glare from welding equipment or other sources of intense heat or light that adversely affect adjoining properties.

h. No home business shall generate sound that adversely affects adjoining properties.

8. Can a home business have a sign? Yes. Home businesses may display a single sign of no more than four square feet in size. This may be a freestanding, hanging, projecting, or wall sign. The application for a permit to establish a home business must be accompanied by scaled drawings that show the placement of the sign on the property and/or structure and the dimensions of the sign.

9. Can commercial vehicles associated with the business be parked on residential premises? Only vehicles of 10,000 pounds gross vehicle weight or less can be parked overnight in the residential zoning districts. The overnight parking of larger vehicles is not a permitted part of home businesses.

10. Can the operating hours of home businesses be restricted? Yes. The Planning Commission may condition the approval of a home business on limited operating hours.