

Chapter 7. Land Use

7-1 Overview

The Land Use Chapter designates the proposed general distribution, location and extent of uses for housing, agriculture, business, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and may include a statement of the standards of building density recommended for the various land use categories covered by the Plan (Utah Code 10-9a-501). In general this Chapter provides an overall policy statement for land use, with the specifics being defined in the Zoning and other applicable Ordinances.

7-2 Purpose of the Land Use Chapter

The Land Use Chapter is designed to promote sound land use decisions throughout the community. The pattern of land uses, their location, mix and density, is a critical component of any planning policy. (See Section 7-5 Land Use Zoning Categories and Patterns). The Land Use Chapter is organized to plan sufficient land for residential, commercial, and public uses; to locate these uses appropriately to enhance the community's custom, culture and character; to preserve important natural resources; to conserve environmental resources as described in Chapter Six (6) of this plan; and to enable the town to efficiently provide adequate public services. [As noted in the General Plan Introduction, this update takes account of community feedback from the Boulder Town Survey 2011 (Appendix C) prepared by the Planning Commission.] *Delete or clarify with 2018 working group input.*

7-3 Key Land Use Issues

A. Land Use Compatibility – The development of the Land Use Patterns reduces the potential for incompatible land uses within the land use zone or adjacent to one another. The goals, objectives, and implementation strategies of the Plan provide additional guidance for ensuring compatibility between dissimilar land uses. (See Land Use Patterns and Land Use Map)

B. Preservation of Natural Environment and Open Space – The preservation of the natural environment and open space is one of the overriding concerns of Boulder's citizens. The Plan recognizes the importance of the natural environment and the numerous benefits of preserving Boulder's open space from development; maintaining the viability of productive land; maintaining scenic value and watersheds, protecting the quality of culinary and irrigation water; managing storm water, protecting biodiversity, and encouraging "smart" growth (as opposed to just growth). The Plan also recognizes the many undisturbed, unpolluted landscapes and watersheds in Boulder that residents want preserved, as the 2004 Town Survey clearly demonstrated. *Boulder supports grazing on public lands*

C. Distinctive Community Character – The Land Use chapter recognizes that there will be a variety of residential densities and land uses within the town. The Plan as a whole creates a long-range vision of the patterns of future developments intended to fulfill the needs of Boulder citizens while protecting the essential character of the landscape. The Plan also recognizes that future residents will want to choose between distinctive residential densities for reasons of affordability and lifestyle. This Plan allows for growth and flexibility while retaining the character of the community. The Plan focuses most of the growth around the existing town center area (Boulder Town site), preserving the character of the more agricultural surrounding areas with lower density patterns and productive land/open space.

D. Agricultural Protection – Include "Right to Farm" provisions in the Land Use Element that will

protect the rights of farmers and ranchers to operate their facilities in agricultural zones without infringement on traditional land and irrigation access and uses, or complaints regarding noise, odors, or length of work hours, but recognizing applicable town regulations such as the lighting ordinance, and the dark sky issue (see Item E). The provisions should protect the property rights and safety of residents and livestock by providing buffers and/or screening as necessary.

E. Dark Sky -- The absence of light pollution in the night sky in and around Boulder makes it ideal for night sky viewing. Boulder is situated in one of the least light-polluted areas of the country. Boulder Town wishes to preserve the naturally dark sky by stopping the adverse effects of light pollution on dark skies. Boulder Town recognizes the adverse effects of light pollution which include energy waste and the air and water pollution caused by energy waste, harm to human health, harm to nocturnal wildlife and ecosystems, reduced safety and security, reduced visibility at night, and poor nighttime ambience. Boulder Town wishes to raise awareness about light pollution, its adverse effects, and its solutions as well as educating residents about the values of quality outdoor lighting.

F. Clustering Development, Perimeter Development and Site-Sensitive Design -- The Plan recognizes the need to offer property owners an option for clustering development that will reduce infrastructure and service costs, minimize the visual impact of development to the community, reduce the need for new roads and driveways as well as access points onto existing roads, and preserve agriculture and open space. In exchange, a property owner can receive an increase in the number of lots otherwise allowed. The density bonus is intended as an incentive to a property owner in exchange for the above public benefits. This option is intended to promote a pattern of development that is most likely to be consistent with the underlying community values and to encourage the preservation of productive agricultural lands and open space.

G. Affordable Housing -- The Affordable Housing Plan was adopted by resolution in 2002. In that document strategies were suggested for implementation in the Zoning Ordinance. This Plan recognizes the need to promote the development of affordable housing policies to cater to the needs of low income residents and seasonal workers. *Needs to be updated and revised. The AHP of 2002 is outdated.*

7-4 Land Use Goals and Policies

Goal 1: Types and Mix of Land Uses to be Designated -- To achieve the development of a well-balanced, financially sound, and functional mix of agricultural, residential, commercial, open space, recreational, institutional and educational land uses, without denigration of the rural character and heritage of the Town.

Policies:

Allow the development of home-based service and cottage industry activities. These uses must be compatible with surrounding agricultural and residential land uses.

G1-1 Provide for the reservation of adequate land to meet projected institutional and infrastructure needs. The Town Park, which is in the planning and development stage, should address the needs of residents.

G1-2 Promote the retention and expansion of existing agricultural businesses and a variety of productive land uses under the general description of "agriculture."

Goal 2: Maintenance of Rural Heritage and Character -- To ensure that development in town is

consistent with the overall community character and that it contributes in a positive way toward Boulder's image.

Policies:

- G2-1 Maintain and enhance the desirable rural qualities found in the existing neighborhoods. *Eliminate or describe "rural qualities"*
- G2-2 Identify and encourage development of efficient land use patterns. *Eliminate or define "efficient land use patterns"*
- G2-3 Require a master plan for subdivisions; a concept plan should address the entire developable areas of a proposed subdivision.

G2-4 Enforce building and safety codes and regulations concerning the upgrade, rehabilitation, or removal of deteriorated and dilapidated buildings, structures and sites, with the exception of designated historic and cultural properties. Encourage land owners with incentives to rebuild or renovate existing housing. *Unsure if ordinances address this*

G2-5 Recognize historical sites and buildings. Encourage preservation of historical sites and buildings through incentives, grants, or other assistance. *How do we do this with an ordinance? Incentives? Photo document?*

Goal 3: Preservation of Natural Resources -- To provide protection of natural open space, environmental setting, habitat, and wildlife through the location of land uses and the use of site-sensitive design templates. *meaning?*

Policies:

G3-1 Encourage development, grading, and landscaping to be in harmony with the natural topography and major land forms in the planning area.

G3-2 Enable clustering and provide density credits or other incentives for developers to preserve a maximum amount of private or publicly useable open space, with special emphasis on encouraging use of open space for agricultural purposes. Such open space should be permanently preserved by deed restrictions or conservation easements with a local or town approved land trust. *such as?*

G3-3 Promote the retention of open space to preserve significant sensitive lands, to provide land use buffers, and to provide for public safety. Steep hillsides and ridge lines should be protected as view areas or vistas and not be developed.

G3-4 Encourage protection of wildlife corridors from undue encroachment and disruption. *Have these been identified?*

G3-5 Promote appropriate design and landscaping of the town park, town grounds, Town Hall, and other municipal open space to meet the needs of the community. *Encourage*

G3-6 Encourage clustering, perimeter development, and site-sensitive design to preserve agricultural land and contiguous open space.

G3-7 Promote soil conservation on agricultural lands through mapping, grant funding, and informational literature.

Goal 4: Responsible Growth Management-- To preserve the character of Boulder through orderly development practices and the provision of private and public capital improvements, facilities, and services. *Eliminate*

The group thought wildlife friendly fencing would be more appropriate here.

Policies:

- G4-1 Ensure facilities and services do not exceed the ability to provide and maintain such services; necessary improvements should precede or be coordinated with future development.
- G4-2 Establish and implement necessary safety measures and standards to ensure development is appropriately restricted in areas such as flood plains and wetlands or where natural hazards (seismic, geologic, flooding, fires, etc.) are present, unless such hazards can be mitigated.
- G4-3 Consider capacity and effects on Boulder's school, parks, community centers, etc. when evaluating development proposals under the land use plan.
- G4-4 Consider adopting an annexation-policy regarding the potential annexation of certain portions of private properties that are now congruent with the existing town, but are not currently within the legal limits of the incorporated area.
- G4-5 Consider a requirement for a site analysis on soils and environmental conditions to ensure development is appropriate for given ground conditions, archaeological sensitivities, etc.

7-5 Land Use Zoning Categories and Patterns

A. Public Lands -- State and Federal

A substantial portion of the land within the Boulder Town limits is comprised of public lands owned and administered by the Department of Agriculture (U.S. Forest Service), the Bureau of Land Management, and the State of Utah.

Public Lands should have a separate zoning category that accounts for the potential impacts upon the Town's General Plan were they to be sold, traded or their future uses changed.

Any Land Use Plan and Zoning Ordinance passed by the Town of Boulder needs to acknowledge the presence of these lands to be able to effectively plan for the future.

All Public Lands within the Boulder Town limits should be mapped and given a special zoning category titled "Open Space - Not for Development."

The purpose of this zone is to maintain the maximum level of control and influence over these lands in the event that they are sold into private ownership or intended to be used by the Agencies in a manner that is inconsistent with the Town General Plan.

Although jurisdictional questions may arise, in many, if not all, instances a contemplated change of use from non-developable to commercial or residential would require an application for a zone change and vest some discretion with the Town. This would enhance the Town's ability to negotiate, change, or even deny application, based upon the compatibility with the Ordinances and General Plan.

B. Municipal, Educational, Utility and Other Public Uses

This zoning category should be established separately and includes all lands owned and administered by public or community-based organizations for use by the public, or to benefit a substantial portion of the public on a nondiscriminatory basis.

Municipal -- the Town Hall, Fire Department, Post Office, Town Park, and other similar uses.
Educational -- the Elementary School, Anasazi State Park, and any other similar uses.

Utility -- Garbano Energy, South Central Communications, and any similar entity providing utility services to

Why are Utilities Telecommunications in G.M.U. 2 Page 50

SETL4
land dump
2

Nothing in the ordinances - Chapter 6 - should be added

Does this exist in Ordinances?

Community Center

This is the largest zone in Town and should remain as such. All land not otherwise zoned by Ordinance and clearly shown on the Zoning Map should fall into this category.

This should be maintained at the present five-acre minimum lot size and allow single family use only. This treatment would reduce infrastructure costs thereby providing incentives to the applicant, while reducing density and keeping land open and in production, thereby providing benefits to the goals of the General Plan. This should not be a separate zone, rather an overlay on Low Density Residential and a special category in the Subdivision Ordinance that allows any land owner willing to subdivide into two or more parcels, each parcel being 20 acres or more, special treatment under the subdivision ordinance.

Low Density Residential

Minor Subdivisions (Out of date?) This should not be a separate zone, rather an overlay on Low Density Residential and a special category in the Subdivision Ordinance that allows any land owner willing to subdivide into two or more parcels, each parcel being 20 acres or more, special treatment under the subdivision ordinance. All commercial applications that arise out of franchise or large corporate environments should be discouraged and locally owned and operated businesses encouraged.

E. Residential

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.

D. Commercial

Note: The term "Greenbelt" in Utah is most often applied to land that meets the statutory requirements for special property tax treatment. To avoid confusion, the term should not be used for purposes other than defining this tax status in the Zoning Ordinances. These lands should be eligible for density credits and other benefits if the owner is willing, on a voluntary basis, to follow design and development templates (clustering, perimeter, corridor and other templates) that keep productive fields open and reduce the visual impact of development.

The Town currently has such an ordinance, and it should be expanded and refined. The Town currently has such an ordinance, and it should be expanded and refined.

C. Critical/Sensitive/Agricultural Lands

Other Public Uses -- religious, charitable, and quasi-public uses such as the LDS Church, Boulder Irrigation Company, and Boulder Farmstead Water Company. (Non-profits?)

the residents of the Town

Greenbelt Zone should apply to 6-acre lots. Tax incentive for Greenbelt for Greenbelt 5-acre ag + 1-acre home = 6 acres. Boulder Town General Plan

allow ADUs

SIX? for Greenbelt Tax for purposes

How do we do this? Sign ordinance? parking? Sewer system? # of rooms?

bordering change?

6-acre?

what is the ordinance?

Greenbelt Zone should apply to 6-acre lots

The group did not like the term Village Center

Medium Density Residential (Village-Center-Zone)

There exists within the Boulder Town limits a Boulder Township area established over 50 years ago in and around the Town Hall. This area has developed into a Village Center. When this Township area was established, there were lots ranging from one to four acres. These are all lots of record and can be sold or transferred as such without any further application or subdivision process through the Town. There were also streets platted that have never been used. The platted streets should be used as part of this Village Center zone Master Plan, and those that are not useful in the zone should be vacated.

This is the best area to establish a separate zone for lots ranging from one acre minimum upward; water and septic issues make lot sizes smaller than one acre problematic.

The agricultural character and heritage is least impacted in this Village-Center area: The Town Hall, Post Office, Park and other facilities for public use already exist in the middle of this proposed zone and comprise the Center. Establishing a Village Center consolidates the homes and public venues, encourages less use of automobiles and more walking, and enhances a sense of community. Hard to have a Village Center with septic

This Village Center zone would contain a mixed use of residential, commercial, and public uses. Special considerations are:

- Strip development along Highway 12 should be avoided by maintaining the mix of uses.
- Residential lot sizes and uses fronting Highway 12 should account for view shed, character, topography, and other considerations for the long-term benefit of residents and visitors viewing Boulder from the highway corridor.

High Density Residential

Additional high density residential zones, beyond those previously established by the Town, should be considered pursuant to a conditional use application. High density residential zoning would allow more than one dwelling per acre under limited circumstances:

- It fills a demonstrated need such as affordable housing, seasonal rentals, or similar necessities.
- It should be considered within or near the Village Center zone where it is desirable to concentrate future development. *(delete)*
- It should be buffered from the Highway and other development by pinyon and juniper cover or other topographical features.
- It should have a community-based water source and not a well. It should have sufficient land and area to accommodate a common septic and waste water area.
- It should be granted strictly as an exception. *delete - spot zoning*

Non-conforming lots of record should be considered on a case-by-case basis for further development.

Chapter 8. Housing

According to the 2010 census, there were 165 housing units in Boulder Town, of which 60.0 percent were occupied. Within the entire 84716 area, there were 238 total housing units, 44 percent of which were vacant. Of the vacancies, 0.4 percent (1) was for rent; 1.6 percent (4) were sold/for sale; 32 percent (75) were for seasonal or recreational use, and 11 (25) percent were other vacancies (abandoned, uninhabitable, etc.).