

September 2, 2020

Boulder Town Planning Commission
Boulder, Utah
Via Email

Re: Comments on Rockpile LLC's Rezoning Application and Subdivision Plan

Dear Planning Commission:

Thank you for hosting a public hearing on August 13, 2020 and for providing an opportunity to comment on Rockpile LLC's July 14, 2020 Rezoning Application and Application for Subdivisions. I am grateful for the Commission's dedication to protecting Boulder's unique characteristics and excited by its continued efforts to improve the Town. My ancestors, the Peterson family, settled in Boulder generations ago, and I am proud of the legacy that they left in helping to establish this frontier community.

After reviewing the materials circulated in advance of the August 13 hearing, I respectfully ask that the Planning Commission recommend denial of Rockpile LLC's Rezoning Application. The Rezoning Application (1) conflicts with the dictates of the General Plan; (2) lacks required elements of a rezoning application; and (3) would create a precedent for spot zoning that could be detrimental to Boulder Town. For these reasons, and as detailed below, the Planning Commission should recommend that this proposal be denied.

I. The Rezoning Application Conflicts with the General Plan

The Zoning Ordinance is clear: "No amendment to the Zoning Ordinance or Zoning Districts Map (rezone) may be recommended by the Commission nor approved by the Council unless such amendment is found to be consistent with the General Plan." Sec. 407. The Rezoning Application is at odds with each of the Town primary objectives detailed in the General Plan:

The primary objectives of the community are (1) to preserve the ranching, small-scale agricultural, wilderness lifestyle of the place in keeping with the rural/frontier spirit of Boulder; (2) to protect the open space, clean air, clean water, dark skies, and quiet country-style atmosphere that currently exists; and (3) to promote self-reliance and resiliency. General Plan at 5-1.

The General Plan further describes that the "most important" consideration in evaluating proposed clustered developments is the "[preservation of] productive or historically productive agriculture land." Sec. 7-3(F). Recognizing these primary objectives, the General Plan counsels a measured approach in the establishment of new high-density residential zones, stating, "Additional high density residential zones, beyond those previously established by the Town, should be considered pursuant to a conditional use application." Sec. 7-5. For these reasons, the Plan also maintains a preference that lot sizes be kept at one acre or greater, even in high-density areas. And, even where high-density clusters are allowed, the General Plan requires that they be "buffered from the Highway and other development by pinyon and juniper cover or other topographical features." Sec. 7-5.

Rockpile LLC’s proposed rezoning would destroy what is now a scenic, productive pasture. (While the accompanying conceptual plan contemplates leaving certain open space, this space appears to be divided into two distinct segments, in contrast with the Subdivision Ordinance’s requirement for a contiguous area. Sec. 1000-4.) The rezoned high-density residential area would undermine the “ranching spirit of Boulder” and threaten “the open space, clean air, clean water, dark skies, and quiet country-style atmosphere.” Rather than be separated by topographic features, the rezoned high-density area stands at a high point in a highly visible location. As such, the Rezoning Application is at odds with the General Plan.

II. The Rezoning Application Lacks Required Factual Support

While the Subdivision Ordinance provides a procedure for soliciting preliminary feedback on a “concept plan,” the Zoning Ordinance expects applicants to approach the Planning Commission only with a complete plan. Subdivision Ordinance at Sec. 200; Zoning Ordinance at Sec. 406. Rezone applications affect the Town’s ability to support the commitments made in the General Plan, and their factual support must thus be closely considered. Here, Rockpile LLC’s Rezoning Application should be denied because it lacks required factual support.

In particular, the Rezoning Application relies almost entirely upon its assertions that it will (1) provide affordable housing, and (2) that it will offer new housing first to current Boulder residents. These are important goals. But, the Rezoning Application offers no indication of the feasibility of these ends. Moreover, the public record contains skeptical assessments of the potential affordability of new housing that could be built pursuant to Rockpile LLC’s plan. The applicant should have offered a detailed plan demonstrating its ability to follow through on these promises. Absent such factual support, the Rezoning Application is deficient and should be denied.

III. The Rezoning Application Creates a Precedent for Spot Zoning

Finally, I would ask that the Planning Commission consider the precedent for spot zoning that approval of this application would establish. The General Plan and associated ordinances provide for responsible growth pursuant to established terms that are visible to all community stakeholders. Rezoning particular parcels at the request of conditional buyers could undermine the Town’s ability to adhere to a coherent plan and manage real issues like traffic and consistency with the General Plan. The Planning Commission should avoid setting such a precedent here.

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Thank you for your consideration of these comments. I look forward to continued engagement with the Planning Commission.

Sincerely,

Nicholas Sparks
Peterson Boulder Ranch LP