**Boulder Zoning Process Memo #9A**

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

**FROM:** Lee Nellis, FAICP

**DATE:** October 26, 2020

**SUBJECT: Draft General Plan Amendments**

Here are the proposed general plan amendments again. This draft includes an improvement in the list of transportation problem areas provided by Curtis and language that reflects the Town’s recent adoption of an ordinance regulating cell towers. These small changes are highlighted in yellow.

**DRAFT General Plan Amendments**

**Be it hereby resolved that the Boulder Town General Plan (Version 3, August 1, 2019) is amended as follows. Deletions from the current text are stricken: ~~deletion~~. Additions to the current text are underlined: addition.**

**Chapter 7. Land Use**

**7-4 Land Use Goals and Policies**

**Goal 4: Responsible Growth Management**

**G4-3 -** Consider capacity and effects on Boulder’s school, parks, community centers, emergency services, etc. when evaluating development proposals. ~~under the land use plan.~~

**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 existing character, Boulder will not engage in speculative commercial or industrial zoning. That practice is not consistent with the available public facilities and services or the current mixture of land uses, anyway, and would undercut the vision and goals adopted in this plan.

Boulder will instead establish performance-based zoning regulations that permit compatible commercial and industrial activity in the residential and GMU zoning districts 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 public services, and that they are compatible with the peaceful, mixed-use 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.*

Attaining the goals of this plan requires, above all, that the scale of commercial development be consistent with Boulder’s character. Dimensional limits on scale, like floor area ratio or lot coverage, will not be effective here, where large, mostly agricultural parcels are mixed with smaller parcels. Even the most restrictive dimensional standards could still permit out-of-scale development. Restricting floor area to just one percent, for example, would still permit what would, for Boulder, be massive buildings on some of the larger lots that adjoin Highway 12. A 120-acre parcel could accommodate a 52,000 square foot structure.

The most straightforward and appropriate way to regulate scale in Boulder will, instead, be to directly address that aspect of commercial development that has the most impact on the view from the road (and thus, peoples’ perception of the community) and traffic generation, as well as a potentially significant impact on the environment through storm water runoff: parking. Boulder will impose maximum parking lot sizes and frontages on commercial development, along with standards for the buffering or screening of parking.

This approach is less arbitrary than the alternatives. For example, the Town formerly regulated lodging places by the number of units, a measure that says nothing about the functionality or appearance of the business, nor anything direct about its impacts on its neighbors or the community. Limiting parking, on the other hand, directly addresses potential impacts, functionality, and even appearance.

**Chapter 9. Economic Goals** - While Boulder is a small rural community, the value of a strong and viable local economy cannot be overemphasized.

Goal 1: ~~To~~ Promote ~~the~~ development of ~~small~~ home-based businesses, sustainable agriculture~~al~~, and nonpolluting, ~~cottage-type~~ small-scale businesses that have minimal impact on the town’s infrastructure and public services, ~~or activities, i.e., traffic, noise, parking, etc.~~ and are compatible with neighboring uses and the Town’s character as it is defined by the vision and goals of this plan.

Policies: G1-1 - ~~Make~~ Small home businesses that require minimal off-street parking and signs, ~~or audible characteristics~~ and have little nuisance potential will be a ~~conditional~~ potentially compatible use in all ~~residential and agricultural zones~~ zoning districts.

G1-2 - All commercial development ~~on major streets in the town~~ should reflect and promote Boulder’s identity and character. **2020 amendments to the Town’s general plan provided more specific guidance about how commercial development should respect local identity and character, providing specific performance standards for the scale of commercial projects – see 7.5.D, above - and commercial building design.**

G1-3 - Encourage the placement of all utilities underground in commercial areas.

G1-4 - Establish and regularly update site planning standards for all new commercial areas. As described above, a major review of how the Town regulates commercial development was undertaken in 2020, resulting in revisions to this plan and the zoning ordinance.

**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 Burr Trail (400 East and 300 East) and the LDS church and the elementary school is narrow and 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.

*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:

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

**Chapter 12. Public Facilities and Services**

12-1 - ~~Overview~~ A trade-off of living in Boulder is the relative lack of public facilities and services. ~~However,~~ This does not appear to detract from the overall quality of life for current residents, but an increase in the number of transitory visitors would impact the limited services available ~~in the community~~ and could place an undue burden – potentially including both reductions in the availability of services and increased taxes and fees - on ~~the~~ current residents. ~~Additional taxes to support such services as fire protection, emergency medical services, and search and rescue could become a burden to the current population. Services that do exist in Boulder include Boulder Elementary, which provides public education for grades K-6; a volunteer fire department; volunteer search and rescue; volunteer EMT crew and ambulance; and a resident county deputy.~~

*I shrank this so as not to dilute the point and because it is not necessary to repeat the inventory of facilities and services that is already given in this chapter.* ***It would be good if the Planning Commission re-read Chapter 12 to be sure it gives an accurate description of the currently available facilities and services.*** *We can correct inaccuracies in these amendments.*

**12-14 Public Facilities and Services Goals and Policies**

~~G1-3 CERT programs, Hazmat, etc.~~

This section of the plan includes what appears to be an unfinished policy. I suggest that it be deleted, as shown above. The Planning Commission can then discuss its intent and how to fix it. The citation system (numbering/lettering of policies) also seems incorrect, or at least inconsistent, but this problem appears throughout the plan and needs to be comprehensively corrected.

G1-3 Wireless telecommunications are necessary for the safety and convenience of Boulder’s citizens, but also have great potential to detract from the Town’s wonderful scenic vistas. The Town adopted a telecommunications ordinance that addresses these issues in September 2020.