

**Boulder Town, Utah**  
**Ordinance 2021-1**  
**General Plan Amendments**

**WHEREAS** The Town of Boulder has adopted a General Plan as it is required to do by Utah law;

**WHEREAS** there should be substantial consistency between a town's general plan, which sets and explains its planning policies, and its land use regulations;

**WHEREAS** concerns about the quality of future commercial development have led Boulder's Planning Commission to propose significant amendments to the Town's land use regulations; and

**WHEREAS** concerns about telecommunications towers have already led to the adoption of additions to Boulder's land use regulations that were not reflected in the General Plan.

It is hereby resolved that the Boulder Town General Plan (Version 3, August 1, 2019) be amended as follows. Deletions from the plan's original text are struck through: ~~deletion~~. Additions to the plan's original 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. and other public facilities and functions 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 that has access to Utah Highway 12 in the residential

LDR 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 performance standards for:

- home-based businesses that are operated by an occupant of residential premises and expected to have essentially no impact on neighboring properties, and
- 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. Significant changes within the mapped commercial districts will require a conditional use permit.

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, 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. **The 2021 amendments to Boulder's zoning ordinance 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.
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 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.

## **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 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.~~

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

G1-3 CERT programs, Hazmat, etc.

G1-3 Wireless telecommunications are necessary for the safety and convenience of Boulder's citizens, but 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. It is Boulder's intent to protect its scenic setting by minimizing the number of telecommunications towers. The Town will seek to require co-location of all carriers on one tower.

(Modified by Ord. # \_\_\_\_\_, passed \_\_\_\_\_.)

The town clerk or recorder is hereby ordered, in accordance with the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, to do as follows:

A. Cause a copy of this ordinance to be deposited in the office of the town recorder; and

B. Either:

(1) Cause a short summary of this ordinance to be published for at least one publication in \_\_\_\_\_, a newspaper of general circulation within Boulder Town;

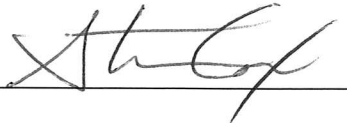
or

(2) Cause to be posted a complete copy of this ordinance in three

(3) public places within Boulder Town.

APPROVED and PASSED this 4<sup>th</sup> day of March, 2021.

ATTEST: BOULDER TOWN

\_\_\_\_\_ 

Judith Davis Steven Cox

Boulder Town Clerk Mayor

VOTE

Steven Cox, Mayor yes

Gladys LeFevre, Councilperson yes

Peter Benson, Councilperson yes

Conrad Jepsen, Councilperson yes

Judy Drain, Councilperson yes

ADOPTION OF ORDINANCE AFFIDAVIT (MUNICIPAL)

STATE OF UTAH )

: ss.

COUNTY OF GARFIELD )

I, the undersigned, the duly qualified and acting Town Clerk of Boulder

Town, Garfield County, Utah, do hereby further certify, according to the records of said Town Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 10-3-711, Utah Code Annotated, 1953, as amended, by:

(a) Causing one (1) copy of this ordinance to be deposited in the office of the Town Recorder; and

Either

(b1) Causing a short summary of this ordinance to be published for at least one publication in \_\_\_\_\_, a newspaper of general circulation within Boulder Town;

or

(b2) Causing to be posted a complete copy of this ordinance in three (3) public places within Boulder Town.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of Boulder Town, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2021.

/s/ \_\_\_\_\_

[Seal] Judith Davis

Boulder Town Clerk