

Boulder Access Standards

This is an outline, as detailed as time allowed, of what Boulder might adopt as standards for access to subdivisions. These standards answer two questions.

Does the subdivision and each lot within it have legal access from an existing public road?

Does the subdivision and each lot within it have safe physical access?

Legal

While I suppose it is beside the point, I do want to point out one more time that there are excellent reasons why most jurisdictions require dedicated public access in most, if not all cases. I understand how it is harmonious with Boulder's particular history and character, but the PC needs to own the fact that you are doing access the hard way and this implies that the Town has certain responsibilities that should not (really cannot in the long run) be shifted to landowners.

Two basic principles:

1. There must be legal RECORDED access to every subdivision and every lot within a subdivision from an existing public street or highway.
2. No subdivision may result in landlocking a parcel or the loss of historically existing access to neighboring lands, including public lands.

There will be three ways a proposed (it is important to remember that this does not apply retroactively) subdivision lot in Boulder can have legal access.

1. A lot can abut and have direct access onto an existing dedicated public street or UT 12. This sounds simpler than it is. The only way this standard can fairly be applied to every possible proposed lot is for the Town to adopt a street map into the General Plan as a basis for making this determination. The Town's failure to do so is imposing unnecessary costs on applicants and unnecessary case-by-case frustration on the PC, ZA, and TC. Even if the map showed only what is inarguably a public way, the situation would be better. Ideally, the map would also use the power the Town has under state law to declare existing roads that are in general public use, but not dedicated, to be public streets. Such a declaration does not oblige the Town to undertake regular maintenance. Providing maintenance is a separate decision.
2. A lot can abut and have direct access onto a new or existing private street that connects to a dedicated public street or UT 12.
3. A lot can have access to an existing or new public or private street via a recorded driveway easement that crosses another property. The current ordinance limits this to four lots, though upon reflection, it is not clear whether there can be as many as four lots on one private driveway or whether whoever wrote the existing language intended that four individual lots could each be served by a private driveway. That needs to be clarified in the final subdivision ordinance.

These three options require three definitions; “public street,” “private street,” and “private driveway.” There will also have to be three (or more, see below) sets of standards for the physical (the design, construction, and maintenance) implementation of each type of access.

Private Driveways

The PC sent a definition of private driveway to the TC for adoption.

A PRIVATE DRIVEWAY provides access to one or more lots or parcels. It is maintained by the landowner/s it serves pursuant to a maintenance agreement that runs with the land and is approved and enforceable by the Town. A private driveway may be created only by the recording of an easement that is shown on the final subdivision plat. Private driveways are included within the area of any lot they cross for the determination of lot size.

Upon reflection, I am sure that the “or more” is not a good idea. I would not let that stop the TC from adopting this definition for the interim, but the final subdivision ordinance should limit private driveways to serving only one lot. It is important to remember that the amendments you sent to TC allow flag lots, and that will help eliminate some of the demand to create private driveways in new subdivisions.

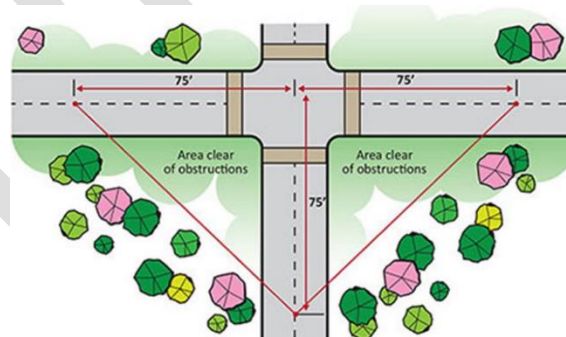
Private Driveway Standards

A private driveway may serve only one lot that does not abut a public or private street. Serving more lots will require a private street.

A private driveway must intersect a public or private street at a 90° (+/-10°) angle.

A private driveway must have a grade of no more than three percent within 40 feet of its intersection with a public or private street.

A private driveway must have an adequate line of sight along the public or private street with which it intersects. This is easiest to explain using an illustration. The one included here shows required line-of-sight at an intersection. I will find one showing it at a driveway for the next iteration of these standards.



A private driveway must not channel surface runoff directly onto a public or private street nor may it interrupt drainage along a public or private street. Where necessary to maintain proper drainage along a public or private street, a culvert meeting Town standards shall be installed.

Private Streets

The PC sent a definition of private driveway to the TC for adoption.

A PRIVATE STREET is a transportation and utility right-of-way that provides access to multiple lots and/or parcels. It meets Town standards for streets, but is maintained by the landowners it serves pursuant to a maintenance agreement that runs with the land and is approved and enforceable by the Town. The area of private streets may be included within the area of any lot they serve for the determination of lot size.

Private Street Standards

Private streets should meet the same standards as public. I am assembling examples of maintenance agreements.

Public Streets

Boulder's code of ordinances does not define "street" or "public street." There is a broad definition of "road" that does not connect to a legal status, a definition of "right-of-way", a definition of "right-of-way lot" (which needs to be stricken when the next opportunity arises). There is also, interestingly and to add to the inconsistencies, a definition of "public way" buried in the definitions of different types of signs. A definition of "public street" should be added in the final subdivision regulations.

A PUBLIC STREET lies within a transportation and utility right-of-way that provides access to multiple lots and/or parcels. A public street occupies a dedicated right-of-way OR a right-of-way recognized by the Town due to general public use as provided by State law. The area of public streets is not included within the area of any lot they serve for the determination of lot size.

Public Street Standards

First, these standards should be tiered. Everyone is wary of imposing excessive costs on DIY subdivisions. But beyond a certain scale, the objective of creating a subdivision is almost always profit. Proper design and construction should come out of the anticipated profit. I recommend requiring engineered streets in subdivisions of eight or more lots. The Town should also tier streets based on the terrain they cross. Streets that cross or encroach upon stream corridors or wetlands or steep (15% or more) slopes should be engineered regardless of the size of subdivision they serve.

The street standards John Veranth has been working on will be plugged in here.

The General Plan

The transportation section of the General Plan should be updated to reflect all this work on access. Drafting that needs to await the results of the PC discussion of what is offered here.