

Where will access and other standards fit into the new approach to subdivision regulation?

Subdivision regulations have traditionally, as Boulder's do, included both review procedures and the standards guiding that review. Chapter 152 of the Town's Code of Ordinances is heavy (redundant even) on procedure and light on standards. It was assumed, I suppose, that public discussion of new subdivisions would result in the outcomes the community wanted even in the absence of clear and complete standards. That assumption may or may not have been warranted, but it is no longer relevant.

The new law imposes a fast-track subdivision review procedure that discourages public involvement. What that new law does not explicitly do, however, is tie the procedures it requires to the regulations, standards, and checklists it relies upon. The Town must assume that those items are to be devised and adopted under authority of the Municipal Land Use, Development and Management Act, then applied through the new procedure.

The model recently distributed by the Utah League of Cities and Towns assumes that a city will use multiple documents, including, at the least, an ordinance adopting the new procedures and one or more adopted standards. This may be workable in places that have already adopted detailed sets of public works and similar standards for subdivisions. Boulder (excepting the wildland-urban interface code) does not have a foundation for that approach.

That is ok, though, because, as we have been saying, the ways in which the Town implements the goals of the General Plan, must shift to the zoning ordinance. The new subdivision ordinance can consist of the following.

1. A statement of authority and purpose.
2. Either definitions or, ideally, reference to a master definitions chapter.
3. The subdivision review procedures dictated by the new law. There are minor choices the PC must discuss, but this will basically be a recital of the statute. If the PC finds the statute lacking in clarity, it can create handouts to add guidance.
4. Standards.
 - a. The proposed subdivision must comply with the applicable zoning. This is a simple statement of a requirement that may not be so simple, but it is all that the new subdivision ordinance needs to say. What's important is what the zoning ordinance will say.
 - b. Provisions for water supply, wastewater disposal, and storm water management within a proposed subdivision must be approved by the district health department and/or state. A complete application will include letters from the health department and the applicable state agencies.
 - c. The local fire authority – Boulder's fire department - must find that the proposed subdivision complies with the wildland-urban interface code. A complete application will include a letter to that effect.

- d. A proposed subdivision must not interfere with the operation of an irrigation system. A complete application will include a letter from any affected irrigation system.
 - e. Any new or expanded access to Utah 12 must be approved by the Utah Department of Transportation. A complete application will include an approved permit.
 - f. Access to the proposed subdivision and to each lot within it must comply with access standards developed by the Town and adopted into the new subdivision ordinance.
 - g. Finally, the Town may want the subdivider to submit a letter indicating that power can be provided.
5. Procedures for the amendment of subdivision plats. The Town's existing procedures should be reviewed for compliance with recent changes in state law.
 6. The Town will also need to re-evaluate its subdivision application fees, which should be adopted in a separate resolution.

Determining compliance with the standards will mostly be a matter of the Zoning Administrator (ZA) finding that a letter or permit has been received from another agency AND/OR the ZA writing a letter of approval that lists conditions that such letters or permits must be received before development can begin. There are, however, three important standards for which the Town cannot rely on another agency or entity. I will discuss them in order of their complexity.

Wildland. A determination of compliance with the state's wildland-urban interface code should be made by the fire department before the application to subdivide is complete. Does this put undue pressure on a volunteer fire department? At some point, probably. I presume that there are consultants who are experts in the administration of this code and suggest that a letter from such a consultant be required as part of a complete application (or as a condition of approval) for any proposed subdivision that will create eight or more lots. The fire department can determine compliance for smaller projects.

Access. The Town must draft and adopt standards ensuring safe legal access to each lot. This task is complicated by Boulder's desire to maintain its character, a goal that makes adopting model standards unacceptable and that could actually lead the Town to prohibit the installation of suburban features like street lights, sidewalks, and curbs. As with the wildland code, Boulder's access standards should be tiered, with a "rule-of-thumb" approach applied to small subdivisions and a requirement for engineered roads applying where eight or more lots are proposed. An outline is forthcoming.

Zoning. The fast-track approach to subdivision review is feasible (I will set aside the question of whether it is desirable) in places that have full-time professional planning and engineering staff. In Boulder, it is going to put a lot of pressure on a part-time ZA. This can be somewhat ameliorated by encouraging applicants to request a pre-application conference that could be attended by one or two PC members (but

not a quorum) and assigning individual PC members to be on-call to work with the ZA when an application is submitted. The ZA should also have access to a consultant who can help with questions.

The most important tool the ZA will need, however, is clarity in the zoning regulations. Attaining that clarity is the most important task for the PC over the next few months.

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