

## Motion on Subdivision Lot Access Goals in Layperson Language Version 0 - November 2, 2023

Motion: I move that the Planning Commission approve the attached statement of policy goals for access to subdivision lots with the intent that these statements in layperson language be used as specific criteria to be put into future ordinance language.

### Attachment to the Access Goals Motion: Version 1, November 6, 2024

The Boulder Planning Commission agrees that the revised subdivision ordinance includes language implementing the following points regarding access to lots:

1) Require all new subdivisions to have recorded legal access from each lot to a public street.

2) Include a definition of public street that is considers Boulder past practices and Utah case law. Public streets include Highway 12, the Burr Trail road, the Class C roads indicated on the current map prepared by Jones and Demille, and the platted streets within the Boulder Townsite.

3) Allow the access to be either by a private driveway serving one lot or by a private street on a recorded easement and serving multiple lots.

4) Require new private streets and driveways crossing adjacent property to have an easement and a maintenance agreement that runs with the land.

5) Require new subdivisions to provide access easements necessary to avoid creating landlocked lots or parcels including public lands and easements for historic access routes, utilities and irrigation developments crossing the property.

## Motion on Requesting Legal Advice

Motion: I move to forward the following priority questions and the attached supporting background document to the town attorney for legal review and request a presentation of the attorney's conclusions to discussion at a future Planning Commission meeting.

### Priority Questions

- 1) What is appropriate language regarding legal access to subdivision lots that balances property rights, municipal interests, and housing affordability?
- 2) How to define and map "public streets" given Boulder's history and Utah case law?
- 3) Are minimum road construction standards based on the fire access requirements in the Utah Urban-Wildland Interface Code appropriate to protect public safety?
- 4) What are the legal concerns for town liability resulting from continuing past practice regarding relatively primitive and informal transportation access to lots in new subdivisions?

Attached Document: Background Information for Attorney Consultation re Access to Subdivision Lots. Version 2 - November 6, 2023

## Motion on Driveway and Private Street Design Standards in Layperson Language

Motion: I move that the Planning Commission approve the attached statement of policy goals for new subdivision driveway and private street design standards with the intent that these statements in layperson language be used as specific criteria to be put into future ordinance language.

### Attachment to the Street Standards Motion Version 1 - November 6, 2023

The Boulder Planning Commission agrees that the revised subdivision ordinance include language implementing the following points:

1) Consistent with the General Plan the design standards for new subdivision driveways and private streets should allow narrow, gravel travel lanes and should not require typical “suburban-style” construction features.+

2) Driveways should be defined as serving only one lot. New access serving more than one lot shall be considered private streets.

3) Access for public safety and emergencies is the primary municipal concern in setting construction standards.

4) The access requirements in the Utah Wildland-Urban Interface Code (adopted by reference) will be used as the minimum requirements vehicle access to lots.

5) Because the term “all-weather road” is not defined in the Wildland-Urban Interface Code a set of engineering performance standards and typical road construction cross sections should be adopted by reference.

6) The reference standards should reflect past Boulder practice. Specifically, the informal standard that “the 4WD fire truck should be able to get through” will be quantified as a soil bearing load, thickness of gravel and road base, and drainage ditch and culvert guidelines.

7) Engineering design will be required for roads serving more than crossing major streams and areas identified as sensitive lands under the current ordinance.

8) No more than 8 lots shall be served by a single private street unless designed by an engineer to meet accepted geometric, drainage, and load standards. (ASHTO layout 15 mph design speed, 100 yr rainfall, H-20 load)

9) A maintenance agreement for private streets shall be recorded and run with the land and include at least the following provision: Name of the responsible contact person, provision for assessing landowners for expenses, provision for voting, provision for amending the agreement, provision for dispute resolution. If the private street is constructed to the minimum standards for public safety access a disclaimer

should be included that the travel surface may not be suitable for 2WD passenger cars in wet weather and may require maintenance after use by heavy vehicles.

10) Repeal the existing subdivision street standards 153.041(H) (4)

11) Adopt by reference in the ordinance the appropriate engineering design standards and reference drawings that reflect the above policies.

12) The above standards are based on emergency access and are not intended to be sufficient for streets that are proposed for adoption by the town as dedicated public streets.

## Motion on Zoning Working Meeting

Motion: I move that the Planning Commission schedule a working meeting on \_\_\_\_Insert date after discussion \_\_\_\_ to discuss and accept informal public input on possible changes to the zoning rules.

## Motion 1 on Land Use Ordinance Strategy and Schedule Working Meeting

Motion: I move that the Planning Commission schedule a working meeting on \_\_\_\_Insert date after discussion \_\_\_\_ to discuss and accept informal public input on a systematic plan to revise the Land Use Ordinances (Codified as Title XV).

## Motion q on Land Use Ordinance Strategy and Schedule Working Meeting

Motion: I move that the Planning Commission appoint a committee consisting of \_\_\_\_Names\_\_\_\_\_ to prepare an outline of Title XV items that can be retained with minor reorganization and editing and to identify items requiring policy changes and development of new language.