

Site Development Plan Checklist - to be used for applications for Conditional Use Permits

items required by §153.152(B)	applicant's initials	ZA's initials
(1) A plan drawn to a scale identifying the location and dimension of the property and any existing buildings or other structures, and fence lines		EJS
(2) Proof of ownership of the lot on which the CUP is requested and, where the application for a CUP is presented by a representative, . . . written authorization for the representative to submit the application;		EJS
(3) The location and dimension of all proposed buildings;		N/A
(4) All proposed off-street parking areas including egress and ingress and including areas for off-street parking during construction;		EJS
(5) The location of roads and utilities that are now serving the site or will be required to serve the site;		
(6) A storm water plan		EJS
(7) A landscape plan identifying the treatments, including type and number of plant materials proposed for all areas not occupied by buildings and parking and identifying proposed screening and buffering treatments and a calculation of the amount of pervious and impervious area		EJS
(8) A construction plan identifying the phases of construction, a construction schedule and a list of all permits necessary for the proposed use;		EJS
(9) A service impact assessment which shall include, but not be limited to, identifying requirements for culinary water, sanitary sewer and anticipated traffic volumes, proposed accesses and Utah Department of Transportation requirements and permits, as applicable;		EJS
<u>(10) The proposed material and colors of all exterior building facades shall be identified as well as all proposed site signage, including the height and size of all signs. All signage must comply with the requirements of § 153.202 of this chapter; and</u>		N/A
(11) Commercial site development plans shall also be required to include all other materials needed to demonstrate compliance with the requirements of this chapter, specifically including compliance with the standards of §§ 153.185 et seq., 153.400 et seq., and 153.415 et seq.		
Additional Items Frequently Required to Comply with (11). The ZA may list others.		
plans submitted for (1) must also show watercourses and irrigation works, and the required buffers		
a slope map of the site		
an outdoor lighting plan		
Application deemed complete: _____		
Signature of ZA: _____		
Signature of Applicant: _____		

COMMERCIAL DEVELOPMENT STANDARDS**§ 153.415 COMMERCIAL DEVELOPMENT STANDARDS.**

This chapter provides detailed standards with which potentially compatible commercial uses must comply to receive a conditional use permit (CUP). The Planning Commission shall approve any application for a CUP that complies with these standards. Compliance means that the proposal meets all absolute standards of this chapter and has a cumulative score of zero or better on the relative standards. Compliance with the relative standards adopted here will be determined by the Planning Commission using the scoring range and weights adopted on the commercial use checklist that is located in § 153.416.

1 (A) Are there locational constraints on commercial development in Boulder? Yes. Commercial development is confined to parcels from which there is direct access to Utah Highway 12.

2 (B) Are there environmental constraints on commercial development in Boulder? Yes.

(1) There shall be no commercial development on sensitive lands, as defined in §§ 153.185 et seq., or within the Sensitive Lands, Hillside, and Mesa Tops Overlay District established by §§ 153.235 et seq.

2b (2) Commercial development must provide a vegetated buffer along all watercourses, permanent and intermittent, including irrigation works and wetlands. Where feasible, the buffer along a watercourse shall include the entire riparian or wetland area and an additional upland buffer of at least twenty five feet (25'). Where the Planning Commission finds that it is not feasible to include the entire riparian or wetland area, the minimum buffer along a watercourse or around a wetland, shall be fifty feet (50'). The minimum buffer along an irrigation ditch shall be determined in consultation with the owner of the ditch. Irrigation works may, with permission of the owner, be moved underground.

2c (3) Commercial development is encouraged to avoid slopes of fifteen percent (15%) to thirty percent (30%).

2d (4) An exception may be made to allow utilities and pedestrian trails, or, where the Planning Commission finds that no other vehicular access is feasible, an access drive to cross watercourses and their buffers or moderate slopes. Where a crossing is permitted, it shall take the shortest feasible route and disturb the minimum area necessary for its safe functioning.

2e (5) The siting and design of commercial buildings and outdoor spaces is encouraged to preserve views and make use of the site's natural and cultural features.

3 (C) Must existing vegetation be retained during construction and occupancy of a commercial development? In some cases.

A (1) The removal of existing perennial vegetation, particularly trees, that provides buffering, shade, and/or other functions is discouraged.

B (2) All vegetation preserved in compliance with these standards shall be protected during construction, including clearly marking the permitted limits of grading and, where necessary, the installation of tree wells or other barriers.

3 (D) Must commercial development manage its storm water runoff? Yes.

(1) All development must comply with Utah's Storm Water Management Program.

(2) The Town prefers that runoff be absorbed as near its point of origin as possible. Curb and gutter will not ordinarily be permitted, but the Planning Commission may approve an exception where the use of curb and gutter clearly results in more effective storm water management.

4 (E) Must commercial development provide utilities and access in accord with Town standards? Yes.

A (1) Utilities must be provided as required by §§ 153.185 et seq. and Utah law.

b (2) UDOT approval is required for access to Highway 12.

C (3) Points of access (driveways) to town or county roads shall have a minimum width of twenty two feet (22') and meet all applicable state and county standards.

d (4) Undergrounding of utilities is encouraged.

5 (F) Must commercial development comply with the dimensional requirements of § 153.119? At a minimum, yes. The Planning Commission may, however, condition approval of a commercial use on the provision of setbacks deeper than those established by § 153.119 where it finds that a greater distance from property lines or public ways is necessary to mitigate potential impacts of the proposed commercial use.

(G) Is the scale of proposed commercial uses directly limited? Yes.

b (1) Commercial uses for which more than fifteen (15) total parking spaces would be required by § 153.120 are prohibited in the LDR.

6b (2) Commercial uses for which more fifty (50) total parking spaces would be required by § 153.120 are prohibited in the GMU.

6c (3) Where there is a dwelling on a parcel that has a commercial use, the parking associated with that dwelling may be in addition to what is permitted for the commercial use.

6d (4) Land use intensity - as measured by the floor area ratio and lot coverage - is encouraged to be compatible with that on neighboring properties.

7a (H) Can a commercial use have outdoor workspace or store materials outdoors? Potentially. Outdoor workspaces and the outdoor storage of materials, supplies, equipment, vehicles, or will be evaluated using the following standards.

a (1) At a minimum, outdoor workspace and storage must fall within the setbacks required by § 153.119. Deeper setbacks may be required for compliance with division (F), above.

7b (2) The effective buffering or screening of outdoor workspaces or storage is encouraged. The lack of irrigation water to support effective landscaping is a valid reason for a finding that a proposed commercial use fails to comply with this standard.

(3) Outdoor workspaces and/or storage must not occupy required parking spaces.

8 (I) Can a commercial use have outdoor sales space? Potentially. Outdoor sales spaces will be evaluated using the following standards.

(1) Outdoor sales areas must fall within the setbacks required by § 153.119. Deeper setbacks may be required for compliance with division (F), above.

(2) Outdoor sales areas may not occupy more than ten percent (10%) of the parcel's street frontage up to a maximum of forty feet (40').

(3) The landscaping of outdoor sales spaces is encouraged. The lack of irrigation water to support effective landscaping is a valid reason for a finding that a proposed commercial use fails to comply with this standard.

(4) Outdoor sales must not occupy required parking spaces.

9 (J) Are there limits on parking or traffic generation for commercial development? Potentially.

(1) Commercial uses that are reasonably expected to generate parking or traffic congestion along town roads or Highway 12, or that have the potential to obstruct access to other properties are discouraged prohibited. The potential for congestion will be determined by the Planning Commission using the scoring range and weight adopted on the commercial use checklist. Among other things, In making a finding that there will be parking or traffic congestion, the Planning Commission may consider parking and traffic generated by deliveries and the possibility that the proposed commercial use will offer classes or stage events. The Commission may table consideration of an application pending completion, at the applicant's expense, of a traffic study by qualified professionals.

b (2) Approval of a CUP may be conditioned on the installation of improvements that will fully mitigate reasonably expected congestion. Such improvements shall be made at the developer's expense.

10 (K) Must a commercial use provide off-street parking? Yes, as required by the following standards.

a (1) Off-street parking must be provided at the rate set by § 153.120.

b (2) Excessive off-street parking is prohibited. This means that a use may provide no more than four parking spaces more than the minimum set by § 153.120.

c (3) Uses that are intended or reasonably expected to serve the traveling public, specifically including, but not limited to, lodging and restaurants, must provide at least one off-street parking space that is suitable for recreational vehicles plus one additional recreational vehicle parking space for every ten (10) spaces that use is required to provide. No additional recreational vehicle parking space must be provided where fewer than ten (10) spaces are required.

d (4) Off-street parking is not permitted within the front setbacks established by § 153.119.

e (5) Off-street parking is discouraged from occupying more than sixty percent (60%) of the frontage of a commercial development (for corner lots, the frontage along the busiest street).

f (6) Effective buffering or screening of off-street parking areas is encouraged.

g (7) Provision of internal landscaping within off-street parking areas that include ten (10) or more spaces is encouraged.

11 (L) Are commercial uses encouraged to moderate their visual impact, as seen from the road? They are. The long axis of commercial buildings is encouraged to be perpendicular rather than parallel to the road (for buildings on a corner lot, perpendicular to the busiest road). See also division (T)(3).

12 (M) Are there restrictions on potential nuisances generated by commercial uses? Yes.

A (1) No commercial use shall require an UPDES permit that is required by state law.

b (2) No commercial use shall channel surface run-off onto another property, into irrigation works or a storm water treatment pond, or onto a public way except in compliance with an approved storm water management plan and with permission of the property owner(s).

C (3) No commercial use shall require an air quality permit this is required by state law.

d (4) Commercial storage, processing, use, and disposal of hazardous materials is not permitted. It is recognized, however, that some compatible commercial uses may use small quantities of hazardous materials (paint, solvents, and the like). The use of hazardous materials is permitted only to the extent allowed by and in compliance with NFPA 1, the 2006 Uniform Fire Code.

E (5) All outdoor lighting fixtures shall bear the International Dark Sky Association Fixture Seal of Approval.

f (6) No commercial use shall aim or direct light onto another property or public way.

g (7) No commercial use shall result in blowing dust or smoke that adversely affects adjoining properties or the use of public ways.

h (8) No commercial use shall result in radiant heat or glare from welding equipment or other sources of intense heat or light that adversely affect adjoining properties or the use of public ways.

i (9) No commercial use shall generate sound that adversely affects adjoining properties.

12j (10) Compliance with the Utah Noxious Weeds Act, Utah Code, Title 4, Chapter 17, is required.

B (N) Must commercial uses make proper provision for solid waste storage and disposal? Of course.

(1) All applications for CUPs for commercial uses shall show how any solid waste generated will be properly stored and disposed of. The Planning Commission may reject an application for a CUP for a commercial use upon finding that the proposed provisions for solid waste storage and disposal are inadequate.

(2) Effective buffering or screening of solid waste receptacles is encouraged.

- 13c (3) No use shall serve food primarily in disposable containers, except when such containers are required for take-out service during a public health emergency.
- 14 (O) Can commercial uses have signs? Yes, but only in compliance with the requirements of §§ 153.185 et seq.
- 15 (P) Can the operating hours of home businesses be restricted? Yes. The Planning Commission may condition approval of a commercial use on limited operating hours.
- 16 (Q) Are drive-throughs or drive-ins allowed? No. Drive-through windows and facilities for drive-in service are prohibited in Boulder. This standard does not prohibit curbside service for people with mobility limitations or during a public health emergency.
- 17 (R) Are standardized commercial uses allowed? No. Commercial enterprises that are required to use standardized features including architecture, décor, menus, signs, and/or uniforms by contractual, franchise, or other agreements are prohibited.
- 18 (S) Can commercial uses include accessory dwellings? Yes.
- ~~a~~ (1) Accessory dwellings for the owner and/or employees are permitted as part of a commercial use.
- b (2) Provision of affordable housing for employees as part of a commercial development is encouraged.
- 19 (T) Does the Town encourage new or substantially rebuilt commercial buildings to comply with certain design standards? Yes. Compliance with these standards will be determined by the Planning Commission using the scoring range and weight adopted on the commercial use checklist.
- A (1) Reflectivity: The use of highly reflective building materials, including large expanses of metal and/or glass is discouraged. This standard is not intended to prohibit or discourage the use of solar power.
- B (2) Color: New or substantially rebuilt commercial buildings are encouraged to use earth tones for the bulk of their facade. Bright accents in the form of trim, doors, or possibly other architectural details are not discouraged.
- C (3) Building Lines: Long, uniform building lines are discouraged. There are numerous ways to comply with this standard, depending on the scale and use of the building, including varying the pitch

of the roofline, varying the building footprint, placement of windows and doors, and adding architectural details, potentially including changes in color or the texture of the siding.

198 (4) Detached Forms: The use of detached forms - a cluster of smaller buildings rather than one larger structure - is encouraged for lodging and commercial development that will have multiple tenants.

20 (U) Are any commercial uses specifically encouraged because of their contribution to the local economy? Yes. Commercial uses that process and sell primarily local agricultural products and/or primarily the creations of local artists or artisans are encouraged.

(V) Does the Town regulate telecommunications facilities? Yes, but not using the provisions of this chapter. Please see Ordinance 2020-3.

(W) How will compliance with these standards be ensured? A certificate of occupancy is required for all commercial developments. No such certificate shall be issued until all improvements, including, but not limited to, landscaping, screening, parking areas, off-site traffic mitigation, required for compliance with any of the standards adopted here are in place. A CUP is subject to revocation, as provided in §§ 153.150 et seq.

(Ord. 2021-2, passed - -2021)

§ 153.416 COMMERCIAL STANDARDS REVIEW WORKSHEET:

Commercial Standards Review Worksheet						Review of Project # _____				
Standard	notes	ABSOLUTE	RELATIVE	WEIGHT	POINT RANGE	NR	Complies	Fails	Points	Points X Weight
Commercial Standards Review Worksheet						Review of Project # _____				
Standard	notes	ABSOLUTE	RELATIVE	WEIGHT	POINT RANGE	NR	Complies	Fails	Points	Points X Weight
1. Commercial on UT 12 Only		T								
2.a No Commercial in Overlay		T								
2.b Watercourse Buffer		T								
2.c Moderate Slopes			T	5	-2/0					
2.d Crossings		T								
2.e Views, Natural Features			T	3	-2/+2					
3.a Retaining Vegetation			T	5	-2/0					
3.b Protecting Vegetation		T								
3. Storm Water	state law	T								
4.a Utilities	Chapter 10	T								
4.b Access to Hwy 12	state law	T								
4.c Access to Other Roads		T								
4.d. Utilities underground			T	3	0/+2					
5. Dimensional Standards	Table 2	T	Planning Commission may require deeper setbacks							
6.a Maximum Parking, LDR	15	T	Applicable standard depends on access to UT 12							
6.b Maximum Parking, GMU	15/50	T								
6.c Parking for Dwelling		T								
6.d Land Use Intensity			T	3	-2/+2					
7.a Outdoor Spaces Setback	Table 2	T	Planning Commission may require deeper setbacks							
7.b Buffering/Screening			T	3	-2/+2					
7.c Conflict with Parking		T								
8.a Outdoor Sales Setback		T	Planning Commission may require deeper setbacks							

8.b Outdoor Sales Fontage		T							
8.c Outdoor Sales Landscaping			T	3	-2/+2				
8.d Conflict with Parking		T							
9.a Parking & Traffic		T							
9.b Mitigation		T							
10.a Off-street Parking	Table 3	T							
10.b Excessive Parking		T							
10.c RV Parking		T							
10.d Not in Front Setback		T							
10.e Limit on Frontage Parking			T	3	-2/+2				
10.f Buffering/Screening			T	3	-2/+2				
10.g Internal Landscaping			T	1	-2/+2				
11. Building Axis			T	3	-2/+2				
12.a No UPDES	state law	T							
12.b Runoff		T							
12.c No Air Quality Permit	state law	T							
12.d Hazardous Materials	fire code	T							
12.e Outdoor Lighting	IDA Seal	T							
12.f Light Trespass		T							
12.g Dust, Smoke		T							
12.h Heat, Glare		T							
12.i Noise		T							
12.j Noxious Weeds	state law	T							
13.a Solid Waste		T							
13.b Buffering/Screening			T	2	-2/+2				
13.c Disposable Food Containers		T							
14. Signs		T							
15. Operating Hours		T							
16. Drive-in, Drive Through		T							
17. Standardized Commercial		T							

18.a. Accessory Dwellings		T						
18.b Employee Housing			T	3	0/+2			
19.a Reflectivity			T	5	-2/0			
19.b Color			T	4	-2/+2			
19.c Building Lines			T	4	-2/+2			
19.d Detached Forms			T	4	0/+2			
20. Local Value Added			T	1	-2/+2			
To receive a CUP, projects must comply with ALL absolute standards and have a cumulative score of zero or more on the relative standards. Continuing compliance is required.								subtotal >
								total >
		number of absolute standards with which project fails to comply >						

(Ord. 2021-2, passed - -2021)

Applicant's Commentary on Commercial Standards Review Worksheet
 Gardner - Gravel Pit Project
 March 2024

Standard	Commentary	Scoring	
1. Commercial on UT 12 Only	Access from Highway 12 is shown on the site plan. UDOT permit application to upgrade existing agricultural access.	Complies with Absolute Standard.	
2.a No Commercial in Overlay	Access road and pit are not in any sensitive lands overlay area that is mapped in the General Plan.	Complies with Absolute Standard.	
2.b Watercourse Buffer-	The required upland buffer of at least 25 feet is greatly exceeded because the gravel pit operation area is over 400 feet from the east ^{west} fork of Deer Creek. The existing irrigation ditch is privately owned by the applicant and will be protected by undisturbed buffer and by adding a culvert.	Complies with Absolute Standard.	
2 c. Moderate Slopes	The access and pit avoid slopes greater than 15%. The average slope from south to north is 2% and the side hill to the west averages 8%	Recommended score zero	0
2 d. Crossings	The vehicular access requires a stream crossing and the crossing is perpendicular which is the shortest feasible distance. See site plan.	Complies with Absolute Standard	
2 e. Views, Natural Features.	The work area is screened from the highway view by distance and undisturbed terrain. The project is uphill from the highway and screened by trees along the creek. The work site be momentarily seen from the highway, but only by looking away from the road.	Recommended Score Weight 3 Score +1	3
3a Retaining Vegetation	Existing vegetation along the creek will be retained. The pit is in an area already cleared for agriculture.	Recommended score zero	0
3b Protecting vegetation	Existing vegetation between the highway and the pit will be protected.	Complies with Absolute Standard	
3. Storm water	An annual SWPPP permit will be obtained and will follow the recommended practices in the the Utah DEQ Industrial permit template. Jackson Excavating is familiar with storm water protection requirements.	Complies with Absolute Standard	
4. Utilities	Not applicable. No utilities are required. Portable toilet will be provided for worker use.	Complies	

4b - Access to Highway 12	Not applicable. No utilities are required.	Complies	
4c Access to other roads	Not applicable. Only access is to Highway 12	Complies	
4d Utilities underground	Not applicable. No utilities are required.	Complies	
5. Dimensional Standards	The pit is over 400 feet from Highway 12 and setback is provided from the property line	Complies	
6. a, b, c Parking	The parking for workers and equipment will be far less than the 50 allowed in GMU	Complies	
6 d. Land use intensity	The scale of the 4 acre pit is appropriate because disturbed area occupies less than 5% of the contiguous private land. It is located in an area of agricultural and forest service land and is far from any other development	Weight 3 Score +2	+6
7a, b, c Outdoor workspaces	The work area is screened from the highway view by distance from the highway and undisturbed terrain.	Weight 3 Score +1	+3
8 a, b, c, d. Outdoor sales	The gravel product will be loaded at the pit and delivered. This does not constitute outdoor sales as discussed in 153,415 (I). There is no impact on the highway frontage.		
8 c, Outdoor sales landscaping	The work area is screened from the highway view by distance from the highway and undisturbed terrain.	Weight 3 Score +1	3
9 a, b Traffic	Estimated traffic is around 50 loads per year. If the project is not approved an equivalent number of loads would have to come in by highway anyway.	Complies	
10 a, b, c, d, Parking	Not applicable. There will be no customer parking on site.	Complies	
10 e Frontage parking	No frontage parking.	Weight 3 Score +1	3
10 f, Buffering	The pit is buffered by 400 foot distance	Weight 3 Score +1	3
10 g Internal landscaping	The area between the highway and the pit is irrigated agriculture.	Weight 1 Score +0	0
11. Building Axis	Not applicable, no buildings	Weight 3 Score +0	0
12. a, b, c, d Environmental impacts	No environmental permits are required	Complies	

12 e, f Lighting	Not applicable, no outdoor lighting	Complies	
12 g, h, i Dust, smoke	A gravel pit generates mineral dust and noise, however off-site impacts are not anticipated because of distance to the highway and any habitation.	Complies	
13 a, b, c Solid waste food containers	Not applicable to a gravel pit. Minor trash will be taken to county dumpsters.	Complies	
14. Signs	Not applicable to a gravel pit.	Complies	
15, Operating Hours	The gravel operation will take place during normal working hours.	Complies	
16. Drive in	Not applicable to a gravel pit.	Complies	
17 Standardized Commercial	Not applicable to a gravel pit.	Complies	
18 a. Accessory dwellings	Not applicable to a gravel pit.	Complies	
18 b Employee housing	Not provided	Weight 3 Score +0	
19 a Reflectivity	Not applicable to a gravel pi	Weight 5 Score +0	
19 b Color	Not applicable to a gravel pi	Weight 4 Score +0	
19 c Building Lines	Not applicable to a gravel pi	Weight 4 Score +0	
19 d Detached forms	Not applicable to a gravel pi	Weight 4 Score +0	
20 Local Value Added	This project will provide a local source of sand and gravel for construction and maintenance of driveways and town roads.	Weight1 Score +2	2
	Overall score as determined by applicant		+23