

APPLICANT INFORMATION		
Date:	March <u>19</u> , 2020	
Name:	Jacqui Smalley	
Address:	410 West SR 12, Boulder, UT 84716	
City:	Boulder	State: Utah Zip: 84716
Phone:	435-335-7429	Fax:
Cell Phone:		
Email:		
Contact Person:	Jacqui Smalley	
CONDITIONAL USE and SITE PLAN APPLICATION		Fee Amount: \$
Proposed Conditional Use: "Recreational Facility" for the conduct of leisure-time activities, ie, visual and performing arts; and "School", ie, education in arts, conservation and sustainable agriculture.		
Location/Address of Proposed Application: 410 West SR 12, Boulder, UT 84716		
Current Zoning District:	GMU	
Total Acreage (square feet or acres) of Site:	296 acres	
Name of Property Owners:	Boulder Creek Canyon, LLC, Jacqui Smalley, President - Owner	
Signature of Applicant(s):	<u>Jacqueline Smalley</u>	
Boulder Town Office Use Only		
Date Received:	Date Determined Complete:	Fees Paid:
<u>March 19, 2020</u>	<u>March 31, 2020</u> <u>Curtis [Signature]</u> <u>Zoning Administrator</u>	

PROPERTY OWNER AFFIDAVIT

STATE OF UTAH }
 }ss
COUNTY OF GARFIELD}

I (we), Jacqui Smalley, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

State of Utah
County of Garfield

Jacqui Smalley

(Property Owner)
Jacqui Smalley

(Property Owner)

Subscribed and sworn to me this 19th day of March, 2020.



Judith Davis

(Notary)
My commission expires: 07-29-2023

AGENT AUTHORIZATION AFFIDAVIT

I (we), _____, the owner(s) of the real property described in the attached application, do authorized as my (our) agent(s), _____, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the Town considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the agent authorization who duly acknowledged to me that they executed the same.

(Notary)
My commission expires: _____

To: Boulder Planning Commission
From: Jacqui Smalley, President, Boulder Creek Canyon Ranch, LLC
Re: CUP application for a BOULDER ARTS & CULTURAL CENTER

This is submitted to the PC as a narrative explaining my application for a Conditional Use Permit and the reasons I am interested in funding and building a facility that can serve the Boulder community in a variety of ways. My application is focused on two parts of the Table of Uses and Definitions: 1) Recreational Facility – for leisure time activities, and 2) School – an educational venue to host workshops and presentations focusing on the arts and agriculture.

My vision for a Boulder Arts & Cultural Center (the “Center”) grew from my extensive engagement with the community schools, local arts and the agriculture conservation easement covering the ranch. As I worked with these three segments of Boulder, it became clear to me that there were needs that could not be met by the available facilities.

Schools: Boulder Escalante Scholarship Foundation, which my husband John Austin and I formed eleven years ago, supports students who wish to continue their post-secondary education by attending academic or technical school. It quickly became evident to us that students in rural schools do not have access to many of the tools afforded to urban students. The Center will provide adequate space for traveling exhibits, such as planetary lightshows, multi-media demonstrations, technology seminars as well as a chance to experience agricultural learning and hands-on vegetable gardening. At present, the Boulder Elementary School students have to travel to Escalante High School auditorium for certain events, but this Center will accommodate those needs locally.

Arts: My barn and house have become the site for many dance, music and literary events. I am a Board member of the Boulder Arts Council and we provide other workshops, performances and events at the Community Center. (See attached letter from the Boulder Arts Council.) The Community Center is in high demand and not well suited for some of our Art Council’s events. The Center would provide a year-round space for these events. Winters here are too cold for outdoor events, summer events often have to be planned around the high temperatures and finding shade. The opportunity to have a stage and seating (approximately 110 seats) in an acoustically vibrant space for local musicians to gather and practice would be a community service. Dance and theater groups, visiting and local, would have the opportunity to perform in a welcoming center for the community. Artists would have a well-designed gallery to show their work. Other classes and workshops (yoga and crafts to name a few) would be welcome. With few exceptions, most of our Arts Council events are free and geared to enriching the lives of our community members of all ages.

Agriculture: Boulder Creek Canyon Ranch is subject to a Conservation Easement that is held by the Utah State Department of Agriculture, which by its terms strictly prohibits any subdivision of the ranch and further restricts certain traditional ranching and farming techniques in favor of organic and wholistic methods. We have initiated a regenerative agriculture project to convert its pastures from conventional agricultural production of alfalfa to a mix of native grasses and forbs. Regenerative agriculture techniques seek to build the natural nutrient cycling and pest and disease suppression capabilities of soils by increasing diversity of the micro- biological

community present within them. Although benefits can be achieved fairly quickly, the true measure of benefits is most clearly visible following two-three years of regenerative techniques. The regenerative techniques employed will increase soil carbon content, reduce pests and disease, result in an increase in forage productivity and plant nutrient content. Most importantly, it will result in a significant increase in soil moisture holding capacity and a concomitant decrease in water use. Boulder Creek Canyon Ranch can be a center for seminars and meetings to share the benefits of regenerative agriculture. (See attached letter from our ranch manager.) The ranch and Center will also serve as a place for members of the community to learn about the value and implementation of Conservation Easements; and how these legal instruments can secure a landowner's vision for their land in perpetuity.



ARTS AND CULTURAL CENTER

A PORTION OF THE S1/2 OF SECTION 26, T33S, R4E,
WEST OF THE 6TH P.M., GARFIELD COUNTY, UTAH

SITE OWNER:
JACQUI SMALLEY
PO BOX 1313
BOULDER, UT 84716
(435) 335-7429

SITE ADDRESS:
410 W. HWY 12
BOULDER, UT 84716
PARCEL: 02-0005-0068

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architects

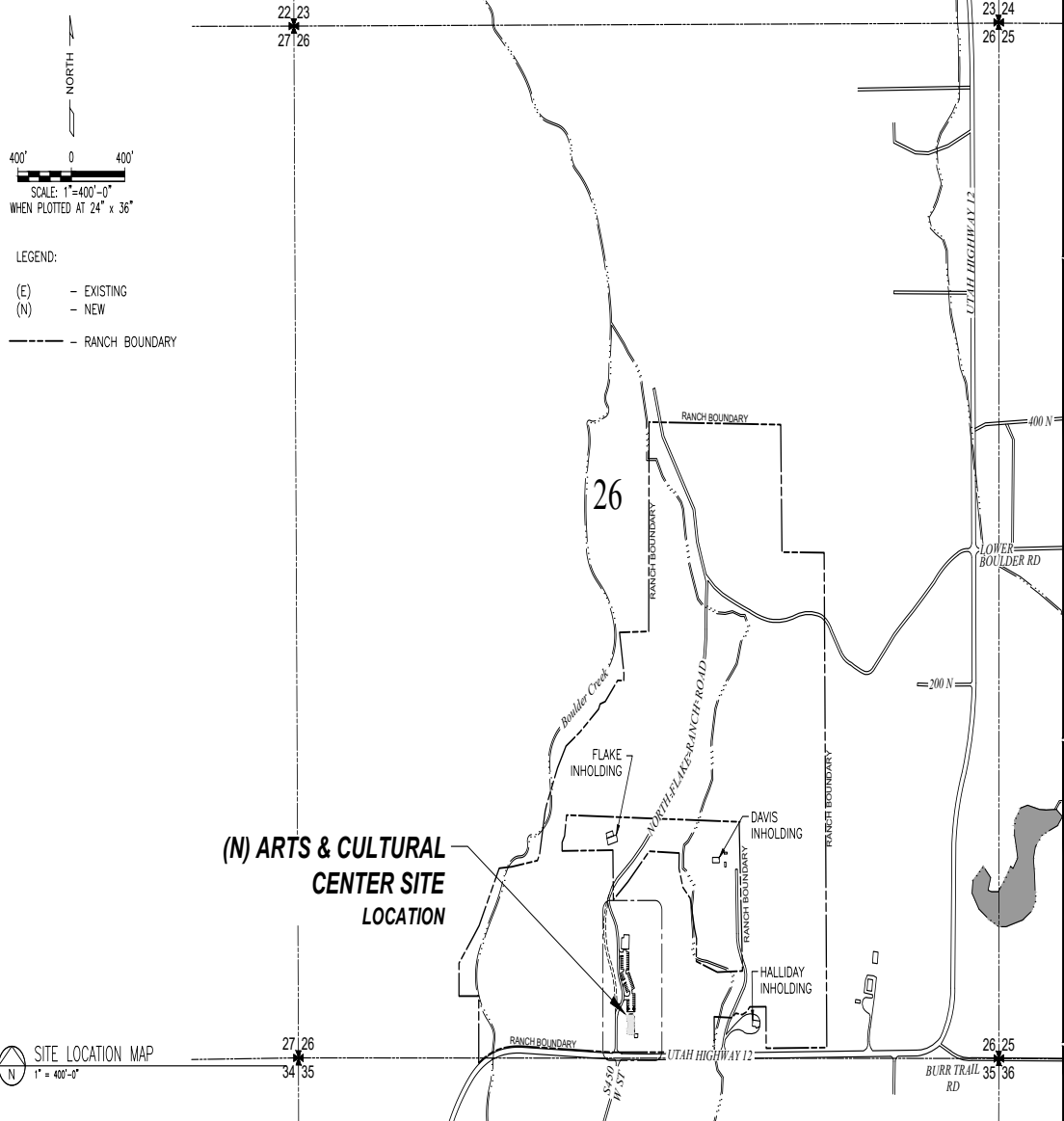
1722 14th St.
Suite #115
Boulder, CO
303-449-1336

Arts and Cultural Center
Boulder, UT

date:
2019-08-20
conceptual
drawn by:
edward
revisions:

ALL RIGHTS RESERVED

T-1





architects

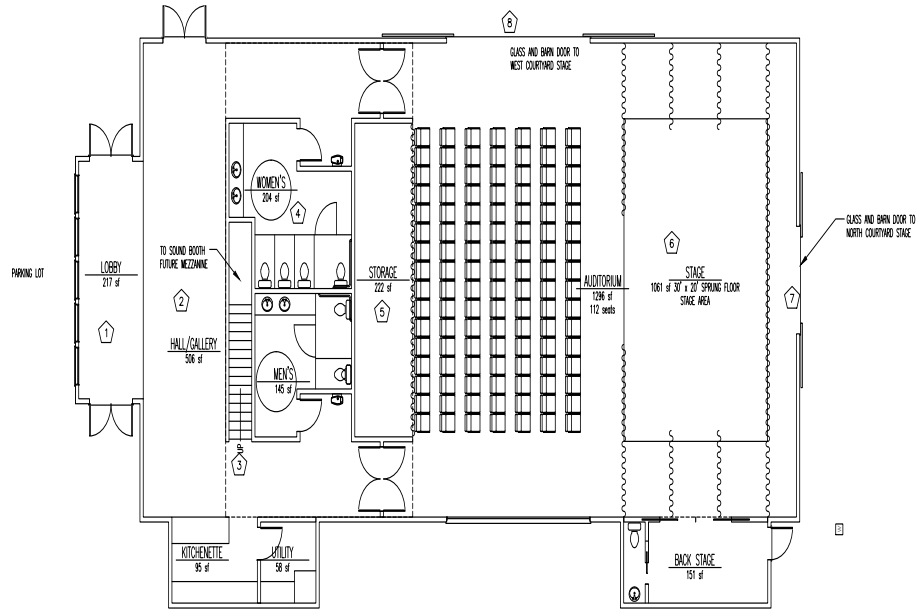
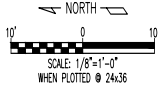
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A-2



 MAIN FLOOR PLAN
1/8" = 1'-0"



architects

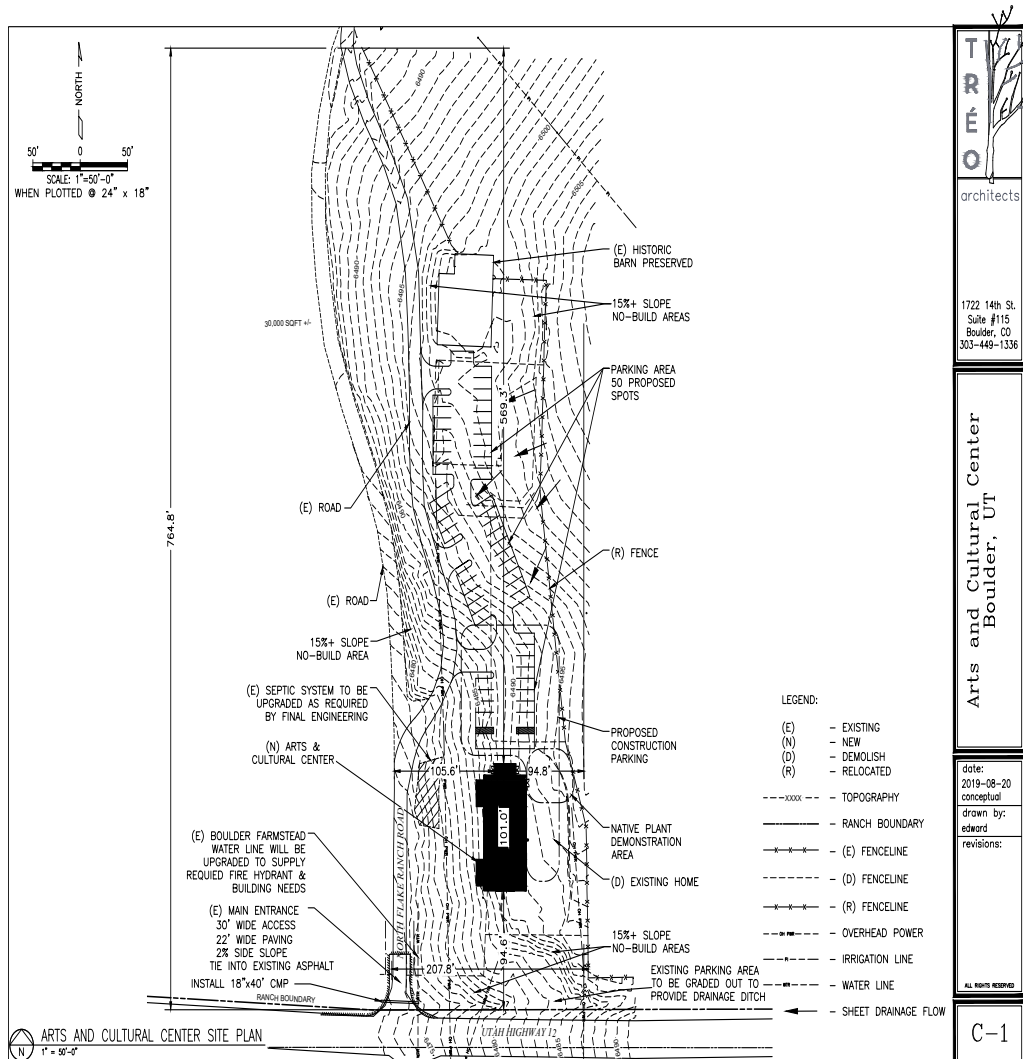
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A-1



Application for Conditional Use on Boulder Creek Canyon Ranch continued:

Below find ZO Sections 803 and 606 requirements and a written explanation detailing how each is satisfied for this Conditional Use Application. Attached to this written explanation is a set of plats and drawings that provide the data called for in the ordinances. The building drawings, elevations, and landscape designation are submitted for the purpose of describing the uses and construction for obtaining the conditional use permit. The final design and specific engineering for the project will be developed according to the appropriate commercial building

codes and building permitting process during the rest of 2020 once the approval for the conditional use is in place.

SECTION 803, SITE DEVELOPMENT PLAN REQUIREMENTS:

A Site Development Plan shall be required to accompany all Conditional Use Applications. The Site Development Plan shall provide the following:

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.
 - a. *OVERVIEW. See attached maps and architectural drawings. These maps and drawings locate the Ranch, parking and the Facility within the ranch relative to Boulder Town and Highway 12.*
2. A topographical map of the site identifying site features, as applicable, identifying areas of the site with greater than fifteen percent (15%) average slope and areas of the site with greater than thirty percent (30%) average slope with contour lines, at an interval of two (2) feet, and other features of the site, including but not limited to areas of natural vegetation, tree stands, water courses, drainage ways.
 - a. *SLOPES. See topographical map (pg 2, Arch. drawings) with contour lines identifying areas with slopes greater than 15%. Even though all of the slopes exceeding 15% are micro slopes with small elevation differentials, no construction will take place thereon and Chapter 12, ZO, will not be relevant.*
 - b. *DRAINAGE AND WATERCOURSES. There are no notable drainage features and no water courses that impact the structure or the parking area. (The 296 acre property has significant drainage and water features, the closest to this Facility being Boulder Creek, which is a significant distance west of the Facility and much lower in elevation. The dwelling on the property that will be the site of and replaced by the Facility has been there for over 50 years and experienced no drainage or storm runoff issues.*
 - c. *VEGETATION. The vegetation on the site is limited due to the agricultural usages of the property for the past century. There are three cottonwood trees west of the existing dwelling, which may have to be removed with the dwelling. Replacement trees and native*

plants will be planted to shield and buffer the parking area and enhance the site.

3. The location and dimension of all proposed buildings.
 - a. *PLANS AND SPECIFICATIONS. See attached site plan, floor plan and elevations.*
4. All proposed Off-Street parking areas including egress and ingress and including areas for Off-Street parking during construction.
 - a. *PARKING. Even though 50 parking stalls exceeds the number required in the Boulder ordinances, Table 3, the architects arrived at that number in discussions with the county building inspector and UDOT.*
5. The location of roads and utilities that are now serving the site or will be required to serve the site.
 - a. *ROADS. See plat and site plan showing the existing roads serving the ranch and access to the parking for the Facility. Each road will be widened enough to comply with the appropriate building codes.*
 - b. *POWER AND PHONE. These utilities are currently connected and in use in the existing dwelling. They will be upgraded as required by commercial code.*
 - c. *WATER. The dwelling is currently served by a connection and meter to Boulder Farmstead water main. This will also serve the Facility.*
6. A Storm Water Plan. *See 2(b) above.*
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.
 - a. *LANDSCAPING PLAN. The landscaping will incorporate approximately 75 suitable bushes and trees, both evergreen and deciduous, generally found in the area and Boulder growing zone in sufficient numbers, type and size to adequately 1) buffer the relevant sight lines from the south and east toward the structure and parking area, 2) restore the site after construction, and 3) enhance the overall*

appearance of the structure through strategic plantings of native trees, shrubs, bushes and some flower beds and raised boxes.

- b. PERVIOUS AREA. The parking area and roads will be gravel and road base. The only impervious areas will be that occupied by the footprint of the Facility, walkways for handicap accommodations as required by code and the required asphalt apron at the entry to the ranch as required by UDOT.*

- 8. A Construction Plan identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use.

- a. CONSTRUCTION. The phases of construction will be 1) excavation, 2) structural support, 3) framing and roof, 4) plumbing and electrical, and 5) finish work.*
- b. PERMITS. As required by the International Commercial Code set forth in the Utah Code Annotated, Land Use Development and Management Plan.*

- 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.

- a. CULINARY WATER. See 5.c above.*
- b. SANITARY SEWER. Renovation of existing septic system for dwelling as required by Southwest Health Dept.*
- c. TRAFFIC. UDOT representatives visited the site and met with the engineer. The specifications for ingress/egress were set forth by UDOT and are shown on the drawing site plan, lower left, "Main Entrance" with UDOT specs listed (widen to 30', leveled and paved for 22' tied to existing asphalt SR 12, 2% max slope, and 40' culvert). UDOT determined that a traffic study will not be necessary because the facility is solely intended as a community resource and will in no way function as a destination facility for tourism.*

- 10. Building Plans and Signs. 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 Section 1018 of this Ordinance.

- a. *PLANS AND MATERIALS. See 3(a), architectural drawings of the elevations above. The design, colors and materials are all designed to be compatible with and complementary to the historic barn -- vertical board and batten on the exterior walls to match the exterior of the barn, roof profiles similar the barn as shown on the drawings, all intended to tie those two structures together visually so the entire site design works in harmony from the red barn to proposed new structure near Hg 12.*
- b. *SIGNAGE. No sign is being applied for as part of this application. This is a separate CUP application and will be applied for during the construction phase in accordance with ZO Section 1018.*

11. Commercial Site Plans as required under Section 1013(1).

- a. *The relevant provisions of Sec. 1013(1) have been addressed throughout Sec. 803 above and the accompanying exhibits and materials.*

PARKING

ZO, Section 606, Table 3 - Off-Street Parking Requirements:

1. Americans with Disabilities Act. All property owners and applicants for development approvals are advised that in addition to the minimum off-street parking requirements, they are also required to comply with the minimum standards for the provision of handicapped parking spaces as identified and required by the Americans with Disabilities Act, as amended.

The code requires ADA access and handicap parking stalls, which will be incorporated into the design.

2. Location of Required Parking Spaces. No off-street parking shall be provided within any required Front Yard setback, such area being landscaped.

No parking off SR 12 or in setback area as shown on shown on drawings. Front setback to be buffered with landscaping elements.

3. Dimensions of Required Parking Spaces. Each required parking space shall be an area of not less than eight feet six inches (8'6") in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway

connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

a. The parking stall dimensions shall comply with the foregoing, or with the relevant Building Code provisions, whichever is "greater".

b. See drawings for ingress and egress onto Flake Ranch Rd. and Permit from UDOT for ingress and egress from Highway 12. See UDOT permit attached below. The permit was issued based upon on-site discussions and representations between the applicants representatives and UDOT. In discussing the "uses" of the proposed Arts and Culture Center, UDOT's primary line of questioning revolved around whether the Center would be used in any way as a "tourist venue." It was made clear to UDOT that the Center was solely for the use by the community and that it is in no way intended as a for-profit venue to attract the tourist trade.

4. Maintenance and Development Standards for all Parking Areas.

a) All off-street parking areas with more than four parking spaces shall provide adequate drainage.

See topographical plat of area, no drainage issues as noted by engineer.

b) Any off-street parking area providing parking for more than twenty (20) vehicles shall provide at least five percent (5%) of the parking area in landscape treatments located within the parking area.

See parking area landscaping plans consisting of trees and bushes to buffer the views of the parking area (and the structure).

c) Any off-street parking area providing parking for more than ten (10) vehicles that adjoins a Residential Zoning District or a residential structure shall be screened by a solid visual barrier not less than four (4) feet or higher than six (6) feet.

The sight lines from the adjoining Gloria Holiday, Stacy Davis and Charles Flake residences of the parking area are already completely blocked by the topography, trees and bushes and each is in excess of 1,000 feet away. The Ryan Haws residence is approximately ¼ mile west, but has a direct easterly view of the parking lot and structure -- ample screening in the form of bushes, trees and other landscaping elements will buffer that view. The residences across Highway 12 have a slight view of the area, mostly blocked by the topography, but the landscaping of both the structure and the parking will significantly buffer those sightlines.

d) Any lighting located within an off-street parking area shall be so arranged and designed so as not to allow light trespass onto any adjoining property.

All lighting will be IDA dark sky compliant sufficient to illuminate the parking area for safe foot travel. No barn lights, yards lights will be allowed. All lighting for the parking will be hooded or shielded, as will the lighting on and around the structure.

5. Loading and Unloading Requirements and Regulations.

a) Loading and Unloading for Commercial and Industrial Buildings. For all commercial and industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each twenty five thousand (25,000) square feet of floor area or as approved by the Planning Commission.

One loading/unloading space will be provided per the above.

b) Location of Required Loading and Unloading Spaces. The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement. Boulder Town Zoning Ordinance (Amended) As Amended to 5/8/2008 by Ordinance #59

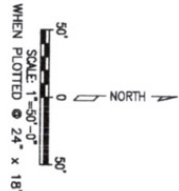
The load/unload space is to be sited at the south end of the parking lot adjacent to the entrance, north side of the structure.

c) Collective Action Relative to Loading and Unloading. This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings or uses computed separately.

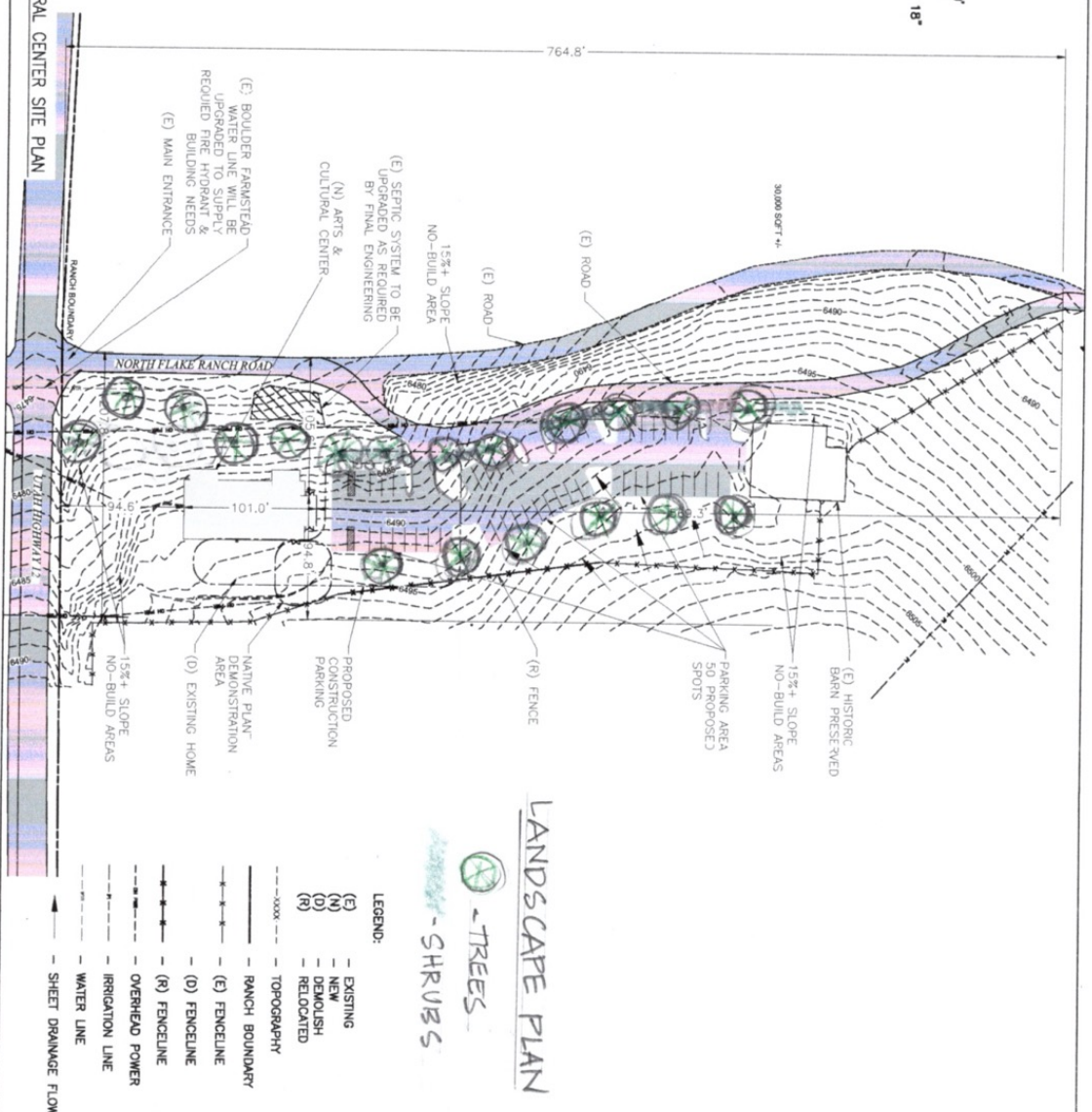
Not applicable.







ARTS AND CULTURAL CENTER SITE PLAN
1" = 50'-0"



LANDSCAPE PLAN



TREES



SHRUBS

LEGEND:

- (E) - EXISTING
- (N) - NEW
- (D) - DEMOLISH
- (R) - RELOCATED
- - TOPOGRAPHY
- - RANCH BOUNDARY
- - FENCELINE
- - FENCELINE
- - FENCELINE
- - OVERHEAD POWER
- - IRRIGATION LINE
- - WATER LINE
- - SHEET DRAINAGE FLOW

Arts and Cultural Center
Boulder, UT

1722 14th St.
Suite #115
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303-449-1316

architects



C-1



CONDITIONAL ACCESS PERMIT

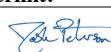


GENERAL INFORMATION					
Issuance Date		Region		Project Name	
4/2/2020		Region 4		Boulder Arts & Cultural Center	
Physical Address		City		Permit Type	
410 West Highway 12		BOULDER		Change	
OLP Application ID					
102250					
Access Use Type					
Commercial					
PERMITEE INFORMATION					
Property Owner Name		Primary Contact		Primary Phone	
Tom Hoyt for Jaqui Smalley		Rodney Torgersen		(435) 893-1855	
Email					
rod@torgeng.com					
LOCATION, WIDTH, AND ACCESS CATEGORY INFORMATION					
State Route		Milepost Marker		DD Center Latitude	
0012		85.9			
0012		85.9		37.9010397	
0012		85.887		-111.4333081	
				24	
				4 - Regional Rural	
				24	
				4 - Regional Rural	
				24	
				4 - Regional Rural	

A Conditional Access Permit is hereby authorized subject to the Utah Department of Transportation's (the Department's) Access Management Rule (Utah Administrative Code R-930-6), the Utility Accommodation Rule (Utah Administrative Code R930-7), the Standard Specifications for Road and Bridge Construction, and any terms, conditions, and limitations set forth herein. Per Utah Administrative Code R930-6-8(6)(g), a Conditional Access Permit shall expire if the access construction is not completed within twelve (12) months of the issuance date as identified at the top left of this document.

By carrying out the activities authorized by this approval the permittee and the permittee's successors in interests and/or assigns agree to accept all terms, conditions, and, limitations, of the approval including any attachments submitted with the Conditional Access Permit Application. In addition, the permittee certifies they will comply with all applicable regulations, properly control and warn the public of said work to prevent accident, and shall defend, indemnify and hold harmless the Department from all damages arising out of any and all operations performed during construction and operation of said access. Per Utah Administrative Code R930-6-8(5)(e), the permittee understands any intentional misrepresentation of existing or future conditions or of information requested for the application for the purposes of receiving a more favorable determination is sufficient grounds for permit revocation. The access allowed under this permit creates a license to only access a state highway to the extent provided in the permit. The access may be closed, modified or relocated by UDOT if, at any time, UDOT determines in its sole discretion that safety, efficiency or other reasons so require. UDOT will not be liable for any costs, losses or damages resulting from UDOT's review and comments on the submitted plan sets for a Conditional Access Permit.

This conditional access permit does NOT allow construction or other activities within a state right-of-way. An encroachment permit must be separately applied for and issued before any construction within a state right-of-way may commence. Work on UDOT's right-of-way is seasonally restricted from October 15 to April 15. Work is not allowed on the right-of-way during the AM/PM peak traffic hours of 6:00 A.M. to 9:00 A.M. and 3:30 P.M. to 6:00 P.M. Some exceptions to this A.M./P.M. peak travel work restriction may be permissible for low AADT routes in rural areas. Any such exception requires special Region approval and must be explicitly stated on the approved encroachment permit.

Authorizing Name (printed)	Josh Peterson	Authorizing Name (signed)	
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TERMS, CONDITIONS, AND LIMITATIONS

1. A copy of this permit must be posted in a conspicuous location and be available for immediate review at the location of the permitted activity. No exceptions.
2. This agreement and/or permit is UDOT approval only. The permittee is responsible for obtaining clearances, authorizations, or permits from railroads, private property owners, other utility owners, and other government agencies as may also be required.
3. By the accepting this permit, the permittee acknowledges the hazardous nature of conducting activities within the right-of-way and assumes full responsibility in the event of an accident or other incident involving death, injury, or damages to any party resulting from the permittee's authorized use of the right-of-way.
4. All work performed under this permit must be in accordance with UDOT approved plans and standard drawings unless otherwise stated in writing.
5. The primary function of the highway is for transportation purposes. All other highway purposes are subordinate to this primary purpose. By conducting the activities authorized by this permit, the permittee agrees to timely prosecute the permitted activities in a manner that minimizes transportation-related impacts including but not limited to; ensuring overall site safety as an overarching priority, and by applying systematic efforts to minimize, or shorten, the project schedule.
6. UDOT may cancel, suspend, or revoke this permit due to:
 - A) Non-compliance with the permit provisions including terms, conditions, and limitations

Section 804 Conditions for Approval:

The Commission may impose such requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control and time limits, and other items for the Conditional Use permit as deemed necessary for the protection of adjacent properties and the public interest. The Commission may require guarantees or other evidence that such conditions will be met and complied with.

These conditions may include:

1. That the site will be suitably landscaped and maintained and that the design, setbacks, fences, and buffers are adequate to protect adjoining property and preserve and/or enhance the appearance and character of the area.

See ZO Section 606 above

2. That all buildings and structures are designed to add to the overall quality of the area.

See above. The design and the colors of the structure will be compatible with the historic red barn sited at the north end of the parking area to fit the area. The landscaping and new structure will substantially enhance the site.

3. The provision of parking facilities, including vehicular ingress and egress and loading and unloading areas. Boulder Town Zoning Ordinance (Amended)

As Amended to 5/8/2008 by Ordinance #59

See ZO Section 606 above

4. The provision of required road and street dedication and improvements, and adequate water supply, sewage disposal and fire protection, and other improvements, facilities and services.

No street dedication, private road. Boulder Farmstead water meter and service connection currently in place, septic system and fire protection per applicable building codes.

5. Conditions required for the mitigation of possible nuisance factors such as noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

None of the above are anticipated as a possible byproduct of the use with the possible exception of noise, which is a reasonable condition to impose as

measured from the closest residence. Soundproofing, sound level and vibration limitations, operating hours would constitute reasonable conditions.

6. The regulation of operating hours for activities affecting normal schedules and functions.

The applicant has indicated a partnership with the Boulder Arts Council, among others, and the Arts Council evening events end at 10:00 p.m. at the latest and generally at 8:00 or 9:00 p.m. The other activities, workshops, educational, meetings would all generally be daytime activities.

7. The regulation of signs.

See above, the applicant would apply for a separate CUP for a sign in accordance with ZO Section 1018.

8. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

See above

9. Such other reasonable conditions determined necessary by the Commission to allow the operation of the proposed conditional use in compliance with the requirements of this Ordinance.

Section 805 Required Findings for Approval or Denial of a Conditional Use Application by the Commission:

1. As required by the Act, if the Commission finds that the proposed Conditional Use Application complies with all the requirements of this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, with or without reasonable conditions being proposed, or may be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed Conditional Use, the Conditional Use shall be approved. Following the approval of a Conditional Use Application by the Commission, with or without reasonable conditions, the Applicant may apply for other necessary approvals, licenses, or permits necessary to implement the Conditional Use Application approval.

2. As required by the Act, if the Commission finds that the reasonably anticipated detrimental effects of a proposed Conditional Use cannot be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with this Ordinance, as adopted, and all other Land Use Ordinances and requirements, as applicable, the Conditional Use Application may be denied. If a Conditional Use Application is denied by the Commission, no other approvals, licenses, or permits shall be approved that are related to the proposed Conditional Use.