



TANEY COUNTY PLANNING COMMISSION

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TANEY COUNTY BOARD OF ADJUSTMENT

STAFF REPORT

JONI GLESSNER

#07-6

OCTOBER 15, 2008

Public Hearing for Joni Glessner located at 588 Crestview Dr. Ridgedale Missouri in the Scott Township Sec. 2 Twp. 21 Rng. 22.

The applicant requests an appeal of the Taney County Planning Commission decision of June 18, 2007 to approve a permit to Big Cedar Wilderness Club to construct condominiums.

History: The Planning Commission approved the request by Big Cedar Wilderness Club to place a condominium project at the corner of Crestview and McMeen Roads in the Oakmont Subdivision. The Board of Adjustment denied the request and denied a rehearing. The applicant proceeded to Circuit Court and the judge asked that the Board rehear the request and that staff do a policy checklist on the project and present it to the Board.

General Description: The project consists of a three story 18 unit lodge building and 4 cabins on land adjacent to the resort consisting of up to 300 units. The adjoining properties to the development consist of single family residential and the Big Cedar Resort.

Review: The appeal is for the permit to be denied and the Planning Commission decision to approve overturned.

Summary: If the Taney County Board of Adjustment approves this request the following requirements shall apply, unless revised by the Board:

1. Permit #07-20 revoked.
2. The Decision of Record shall be filed with the Taney County Recorder's Office within 120 days or the approval shall expire (Chapter II Item 6).

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 38th Judicial Circuit Court, Taney County, Missouri

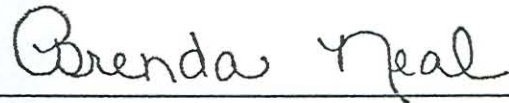
JONI GLESSNER V TANEY CO BOARD OF ADJUSTMENT ET AL

CASE NO : 08AF-CV00063

To: ROBERT R PAULSON II
P.O. BOX 1086
FORSYTH MO 65653

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
26-Aug-2008	Judgment Entered See file for details. kr Judgment For: JONI GLESSNER Judgment Against: TANEY COUNTY BOARD OF ADJUSTMENT Judgment Against: BLUEGREEN/BIG CEDAR VACATIONS LLC Judgment Against: DAVID CLEMENSON Judgment Against: CARL PRIDE Judgment Against: ALAN LAWSON Judgment Against: ROBERT ANDERSON Judgment Against: TIM HUDDLESTON Judgment Against: TANEY COUNTY PLANNING AND ZONING COMMISSION



Clerk of Court

CC: File
CHRISTOPHER FRANCIS WEISS
ROBERT R PAULSON II
RODNEY E. DANIELS
Date Printed : 27-Aug-2008

IN THE CIRCUIT COURT OF TANEY COUNTY, MISSOURI

JONI GLESSNER,

Petitioner,

vs.

THE TANEY COUNTY BOARD OF
ADJUSTMENT, et al.,

Respondents,

and

BLUEGREEN/BIG CEDAR
VACATIONS, LLC,

Intervenor.

Case No.: 08AF-CV00063

JUDGMENT

On August 18, 2008, the parties appeared. Petitioner Joni Glessner appeared through attorney Rodney Daniels. The Taney County Board of Adjustment, as well as all other Taney County Defendants, appeared through attorney Bob Paulson.¹ Intervenor Bluegreen/Big Cedar Vacations LLC appeared through attorney Christopher Weiss.² Argument was heard by the Court on Petitioner's Petition for Writ of Certiorari.

The record was submitted to the Court. The only objection as to the record was that of Big Cedar's objection to video disc recordings of both the planning and zoning hearing and the board of adjustment hearing at issue. The Court took the objection with the case. Subsequent to argument, the Court took the case under advisement. Being duly informed, the Court enters judgment as set forth below.

¹ David Clemenson, Tim Huddleston, Robert Anderson, Carl Pride, Alan Lawson, as well as the Taney County Planning and Zoning Commission were represented by Mr. Paulson.

Findings of Fact

In 2000, Big Cedar obtained a Division III building/development permit for a seventy-one acre parcel of land near Table Rock Lake in Taney County, Missouri. The permit allowed Big Cedar to construct approximately forty-one cabins, six four-story multi-room buildings, and other various structures and systems on the parcel.

Later, Big Cedar obtained an adjacent four acre parcel of land. Big Cedar then applied for a new Division III permit, which would allow Big Cedar to build upon the new parcel. According to Big Cedar's evidence, the intent was not to build more buildings, but was to merely move a planned building from the original seventy-one acre site to the new, adjacent four-acre parcel. Stated differently, Big Cedar's intent was not to increase the number of buildings or density of persons upon the total acreage, but instead to spread the development out to include the new parcel.

On June 18, 2007, the Taney County Planning and Zoning Commission granted the new Division III permit. This decision was appealed to the Taney County Board of Adjustment. On December 19, 2007, the Board of Adjustment affirmed the decision of the planning and zoning commission. Both the Board of Adjustment and the Planning and Zoning Commission made their determinations after full hearings. The Board of Adjustment announced their decision via voice vote at the conclusion of the hearing.

In Taney County, major developments require Division III permits. Taney County's Development Code prescribes a procedure to be followed in obtaining such a permit. Initially, an applicant must attend a pre-application conference, followed by the filing of an application. Next, the applicant files an application for public hearing. The hearing is held after proper notice has been forwarded to interested persons/parties.

² Hereafter referred to as "Big Cedar".

The procedure dictated for the hearing is as follows:

“Step 4-Action. At the hearing, the Commission shall hear a report describing the proposed development’s compliance or failure to comply with the policies adopted in these Codes prepared by the staff. If the Commission finds that the proposed development complies with each of the absolute policies and is awarded a score of zero (+/- 0) rating or higher on the relative policies, the application may be approved and a permit issued subject to the final approval of the Planning Commission. If the Commission finds that it does not comply with each absolute policy then no permit shall be granted. However, if the Planning Commission finds a score of less than zero (+/- 0) rating on relative policies, the application may or may not be approved based upon the decision of the Planning Commission. Reports describing developments’ compliance or failure to comply with these Codes will be made consistent through the use of uniform application forms and policy checklist for all applications.”

The Development Codes, in the Definition section, distinguish between absolute and relative policies. “Absolute” policies must be met, or the development will not be allowed.

“Relative” policies encourage or discourage certain kinds of performance by developments. Each relative policy is assigned an importance factor from one through five. The development’s performance on each relative policy is rated on a scale from “minus two” to “plus two”. The score for each relative policy is determined by multiplying its importance factor by its performance rating. The definition then states, “A development must receive a cumulative score, on all relative policies, of +/- 0 rating or better to receive approval.”³

At hearing, the Board of Adjustment heard testimony from Petitioner as well as many of the adjacent and nearby landowners. Big Cedar presented testimony and evidence. Petitioner’s arguments, among others, discussed that the relative policy

³ The parties provided the Court with relevant portions of the Code, and the references above are taken from that Code. The Court has omitted the citations of the relevant portions of the Taney County Development Code, except as noted.

calculations were not done for this project during the 2007 Planning and Zoning hearing. Big Cedar argued that the change requested by Big Cedar was not much of a change from the original development approved by Planning and Zoning, and moreover there was no evidence before the Board to prove the policy calculations were not completed.

Chairman Clemenson of the Board of Adjustment subsequently stated, "And we have not used the point system in about 10 years to the degree that everybody thinks it should be used." Board member Alan Lawson noted that Big Cedar had already been given a permit~~to~~ to build essentially the same development prior to the hearing. Thereafter, the Board voted to deny Mrs. Glessner's appeal.

Standard of Review

When reviewing the decision of a board of adjustment, the Court's scope is limited to determining whether the board's ruling is authorized by law and supported by competent and substantial evidence upon the whole record. *Boldman v. Taney County Commission*, 179 S.W.3d 427, 430 (Mo.App.S.D. 2005), *Mo. Const. art. V § 18*.

Competent evidence is relevant and admissible evidence that can establish the fact at issue, while substantial evidence is competent evidence which, if believed, would have probative force upon the issues. *Martin Marietta Materials, Inc. v Board of Zoning Adjustment of Cass County*, 246 S.W.3d 9, 11 fn.3 (Mo.App.W.D. 2007).

The Court may also determine whether the Board's decision was legal. In so doing, this Court is not bound by an arbitrary or capricious action of the board, or where there has been a manifest abuse of discretion. *Veal et al v. Leimkuehler et al*, 249 S.W.2d 491, 495-96 (Mo.App. 1952). Whether an action is arbitrary focuses on whether an agency had a rational basis for its decision, while capriciousness concerns whether the

agency's action was whimsical, impulsive, or unpredictable. *Mo. National Educ. Assoc. v. Mo. State Bd. of Educ.*, 34 S.W.3d 266, 281 (Mo.App.W.D. 2000). To meet basic standards of due process and to avoid being arbitrary, unreasonable, or capricious, an agency's decision must be made using some kind of objective data rather than mere surmise, guesswork, or "gut feeling." *Id.*, at 281.

Conclusions of law

At argument, Counsel for Petitioner noted that he had two main points of contention in this case: (1) whether the Board's failure to utilize the scoring system from the development guidelines caused its decision to be unlawful; and (2) whether the Board erred by not finding the Big Cedar development an incompatible land use with adjacent land.

Failure to use Guideline Scoring System

Petitioner contends that the failure of both the Planning and Zoning Commission and the Board of Adjustment to use the scoring system laid out by Taney County's development guidelines make the grant of the permit unlawful.

As noted above, at a hearing to determine whether Big Cedar, or any other applicant, was to receive a Division III permit, the Commission is to review whether the applicant's development complies with each of Taney County's absolute policies. Next, the development's compliance with various relative policies is scored. While compliance with the absolute policies are mandatory, the Commission has discretion as to whether to grant a permit if an applicant's relative scores are less than zero.⁴ Petitioner did raise this issue at the hearing of the Board of Adjustment.

⁴ Clearly, the Taney County Development Code's provisions, regarding whether a less-than-zero scoring development may be awarded a Division III permit, conflict with each other. For example, the definition of

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As the Court reads Taney County's Development Code, the Code could be read to grant the Board discretion to grant a permit for a less-than-zero score. The question begged in this case is whether the Board of Adjustment, as well as the Planning and Zoning Commission, can just ignore and refuse to make the calculations entirely.

As noted above, the capriciousness of an agency's action concerns whether, *inter alia*, the decision was unpredictable. Mo. National. Educ. Assoc. v. Mo. State Bd. of Educ., 34 S.W.3d 266, 281 (Mo.App.W.D. 2000). Chairman Clemenson noted that it had been approximately 10 years since Taney County had used the relative policies and performance calculations. As the Development Codes contain no alternative way of determining whether to grant a Division III permit, Taney County's lack of methodology for granting, or refusing to grant, such permits is lacking in rational basis.

As noted in Veal, to meet basic standards of due process and to avoid being arbitrary, unreasonable, or capricious, an agency's decision must be made using some kind of objective data rather than mere surmise, guesswork, or "gut feeling." While the Court finds that Taney County's decisions have a rational basis, it must hold that Taney County's decisions do not have a methodology. Under the rule of Mo. National, Taney County's failure to use its own code, while not arbitrary, is capricious. Accordingly, the Court will grant the Petitioner's Writ of Certiorari.

Compatibility with local land use

Petitioner cites the Court to the Martin Marietta case for the proposition that Big Cedar's land use is not compatible with surrounding land use. As the Court is remanding

"Relative policies" states that a development must receive at least a zero score to be awarded a permit. Likewise, the definition of "score" holds that no development with a negative score should be approved. These provisions clearly conflict with the "step 4-action" paragraph discussed above. The issue of which provision should prevail is not before the Court in the case at bar.

the matter for further review, the Court need not, and shall not decide such compatibility issues at present, as such is better reserved for Taney County. However, the Court will provide guidance.

Big Cedar's permit was originally granted in 2000, and has been granted, as amended, two more times in 2007. Also, the evidence provided to the Court shows that Big Cedar has already conducted extensive building pursuant to the permits. Moreover, many of the complainants at the Board hearing showed that they had purchased their nearby homes ~~well~~ after construction had begun. For Petitioner and the other complainants to now attempt to enjoin or otherwise hinder the project that began in 2000 would be like trying to "shut the barn door after the horse is already gone."

Instead, the determination for the Board is whether Big Cedar's newly-acquired four acre parcel should be granted a permit. Having reviewed the Martin Marietta case provided by Petitioner, and applying that law to the facts of the case at bar, the Court finds the application of that law to the present facts dubious at best. That case involved extending rock quarry operations, with attendant heavy machinery and explosions, to border a residential district. The Court of Appeals in that case held that the Board was within its powers to deny the permit, as constant and perpetual heavy machinery and explosives do not mix well with residential areas. Martin Marietta Materials, Inc. v. Board of Zoning Adjustment of Cass County, 246 S.W.3d 9, 14 (Mo.App.W.D. 2007).

The present case involves a resort on the shores of Table Rock Lake, near Branson, Taney County, Missouri. Whether such a use on the new four-acre parcel is consistent with Taney County's development goals is for the Board to decide, but this is clearly not a situation like that found in Martin Marietta.

calculations were not done for this project during the 2007 Planning and Zoning hearing. Big Cedar argued that the change requested by Big Cedar was not much of a change from the original development approved by Planning and Zoning, and moreover there was no evidence before the Board to prove the policy calculations were not completed.

Chairman Clemenson of the Board of Adjustment subsequently stated, "And we have not used the point system in about 10 years to the degree that everybody thinks it should be used." Board member Alan Lawson noted that Big Cedar had already been given a permit to build essentially the same development prior to the hearing. Thereafter, the Board voted to deny Mrs. Glessner's appeal.

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The Court may also determine whether the Board's decision was legal. In so doing, this Court is not bound by an arbitrary or capricious action of the board, or where there has been a manifest abuse of discretion. *Veal et al v. Leimkuehler et al*, 249 S.W.2d 491, 495-96 (Mo.App. 1952). Whether an action is arbitrary focuses on whether an agency had a rational basis for its decision, while capriciousness concerns whether the

Petitioner also argued to the Court that as the Board's findings, vis-à-vis the calculations, were not written, they were void. Generally, Missouri law holds that a Board does not have to supply written findings in support of its decisions. Mullen v. Kansas City, 557 S.W.2d 652, 654 (Mo.App. 1977). However, in *Article XIV, paragraph e* of the Taney County Board of Adjustment Hearing Procedures, the Secretary is required to serve the Board's "findings of fact and conclusions of law upon all interested parties by regular mail" within five working days of the Secretary's notification of the Board's decision. As such, the Court finds that the Board does have a duty to provide such to Petitioner.

Petitioner has listed approximately thirty other points of error with the Board's decision. Having reviewed the Petition, the Court finds that those issues are properly for the Board to decide at hearing.

Finally, the Court should clarify what this judgment does not prohibit. Big Cedar's prior building for this project began in 2000. All such building operations on Big Cedar's original 71 acre parcel are still authorized by the original permit. This Court has addressed no issue in this case that would bear upon the original permit or attendant projects or operations thereto. The sole matter for decision by the Taney County Board of Adjustment is whether Big Cedar shall be allowed to extend said operations onto the new four-acre parcel.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner's Writ of Certiorari is granted. This case is remanded to the Taney County Board of Adjustments, with orders that said Board is to re-conduct the hearing concerning Big Cedar's Division III permit for inclusion of the new four-acre parcel into Big Cedar's

prior development. At said hearing, the Board is directed to fully comply with its own Development Code guidelines, to include all relevant mathematical calculations as pertaining to Relative Policies and Performance Ratings, as well as providing written findings of fact and conclusions of law. As the Court finds no reason for relay, said hearing shall be conducted within sixty (60) days of the date of this judgment. Big Cedar's operations pursuant to the prior permit, upon the original parcel of land, are to be impeded in no way.

Dated: August 21, 2008



Judge

Big Cedar Wilderness Club		Permit#:		07-20	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
Water Quality					
SEWAGE DISPOSAL					
centralized system		2	5	1	5
on-site treatment system(s) with adequate safeguards to mitigate pollution		1			
septic system of adequate design and capacity		0			
proposed system may not provide adequate capacity		-1			
proposed solution may cause surface and/or ground water pollution		-2			
Environmental Policies					
SOIL LIMITATIONS					
no known limitations		0	3	0	0
potential limitations but mitigation acceptable		-1			
mitigation inadequate		-2			
SLOPES					
NOTE: if residential, mark "x" in box.....					
development on slope under 30%		0	4	0	0
slope exceeds 30% but is engineered and certified		-1			
slope exceeds 30% and not engineered		-2			
WILDLIFE HABITAT AND FISHERIES					
no impact on critical wildlife habitat or fisheries issues		0	2	0	0
critical wildlife present but not threatened		-1			
potential impact on critical wildlife habitat or fisheries		-2			
AIR QUALITY					
cannot cause impact		0	2	0	0
could impact but appropriate abatement installed		-1			
could impact, no abatement or unknown impact		-2			
Land Use Compatibility					
OFF-SITE NUISANCES					
no issues or nuisance(s) can be fully mitigated		0	5	0	0
buffered and minimally mitigated		-1			
cannot be mitigated		-2			
Compatibility Factors					
USE COMPATIBILITY					
no conflicts / isolated property		0	4	-1	-4
transparent change / change not readily noticeable		-1			
impact readily apparent / out of place		-2			

Big Cedar Wilderness Club		Permit#:		07-20	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LOT COVERAGE					
lot coverage compatible with surrounding areas		0	1	0	0
lot coverage exceeds surrounding areas by less than 50%		-1			
lot coverage exceeds surrounding areas by more than 50%		-2			
BUILDING BULK AND SCALE					
bulk / scale less than or equivalent to surrounding areas		0	3	0	0
bulk / scale differs from surrounding areas but not obtrusive		-1			
bulk / scale significantly different from surrounding areas / obtrusive		-2			
BUILDING MATERIALS					
proposed materials equivalent to existing surrounding structures		0	2	0	0
proposed materials similar and should blend with existing structures		-1			
materials differ from surrounding structures and would be noticeable		-2			
STRUCTURAL SCREENING OF ROOFTOP EQUIPMENT & VENTS					
no rooftop equipment or vents		2	1	0	0
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF SOLID WASTE CONTAINERS					
no on-site waste containers		2	3	-1	-3
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
STRUCTURAL SCREENING OF OUTDOOR EQUIP, STORAGE, ETC.					
no outdoor storage of equipment, materials, etc., or outdoor work areas		2	3	2	6
blocked from view by structure design		1			
blocked from view using screening		0			
partially blocked from view		-1			
exposed / not blocked from view		-2			
LANDSCAPED BUFFERS – RESIDENTIAL					
approved landscaped buffer between homes and all streets / roads / highways		2	2	1	2
approved landscaped buffer from major roads / highways only		1			
minimal landscaped buffer, but compensates with expanse of land		0			
no landscaped buffer between residences and local streets		-1			
no landscaped buffer from any road		-2			

Big Cedar Wilderness Club		Permit#:		07-20	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
LANDSCAPED BUFFERS - INDUSTRIAL					
approved landscaped buffer from public roads		0	3	0	0
minimal landscaped buffer, but compensates with expanse of land		-1			
no landscaped buffer from public roads		-2			
Local Economic Development					
RIGHT TO FARM					
does not limit existing agricultural uses / does not cause nuisance, predation		0	3	0	0
does not limit existing agricultural uses, but may result in minor nuisance		-1			
potential impact(s) on existing agricultural land		-2			
RIGHT TO OPERATE					
no viable impact on existing industrial uses by residential development		0	3	0	0
potential impact but can be mitigated		-1			
potential impact on existing industrial uses with no mitigation		-2			
DIVERSIFICATION					
creates >=5 full-time, year-round jobs outside of recreation / resort sector		2	5	1	5
creates full-time, year-round and seasonal jobs		1			
creates seasonal jobs only		0			
Site Planning, Design, Occupancy					
RESIDENTIAL PRIVACY					
privacy provided by structural design, or not applicable		2	2	0	0
privacy provided by structural screening		1			
privacy provided by landscaped buffers		0			
privacy provided by open space		-1			
no acceptable or effective privacy buffering		-2			
MIXED-USE DEVELOPMENTS					
uses / functions are compatible or not applicable		2	3	2	6
uses / functions are integrated and separated based on compatibility		1			
uses / functions differ minimally and are not readily apparent		0			
uses / functions poorly integrated or separated		-1			
uses / functions mixed without regard to compatibility factors		-2			
Commercial Development					
DEVELOPMENT PATTERNS					
clustered development / sharing of parking, signs, ingress, egress, or not applicable		2	3	1	3
some clustering and sharing patterns with good separation of facilities		1			
some clustering and sharing patterns with minimal separation of facilities		0			
clustered development with no appreciable sharing of facilities		-1			
unclustered development with no sharing or ability to share facilities		-2			

Big Cedar Wilderness Club		Permit#:		07-20	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
DEVELOPMENT BUFFERING					
approved and effectively designed landscaped buffers between structures and all roads	2	3	1	3	
minimal landscaped buffering, but compensates with expanse of land	1				
minimal landscaped buffering	0				
no landscaped buffering, but utilizes expanse of land	-1				
no or inadequate buffering or separation by land	-2				
Services - Capacity and Access					
TRAFFIC					
no impact or insignificant impact on current traffic flows	0	2	-1	-2	
traffic flow increases expected but manageable using existing roads and road accesses	-1				
traffic flow increases exceed current road capacities	-2				
EMERGENCY SERVICES					
structure size and/or access can be serviced by emergency equipment	0	5	0	0	
structure size and/or access may impede but not hinder serviceability	-1				
structure size and/or access could be problematic or non-serviceable	-2				
RIGHT-OF-WAY OF EXISTING ROADS					
greater than 50 ft. right-of-way	1	5	-1	-5	
50 ft. right-of-way	0				
40 ft. right-of-way	-1				
less than 40 ft. right-of-way	-2				
Internal Improvements					
WATER SYSTEM SERVICE					
central water system meeting DNR requirements for capacity, storage, design, etc.	2	3	1	3	
community well / water system meeting DNR requirements	1				
private wells meeting DNR requirements	0				
private wells not meeting any established standards	-1				
individual / private wells	-2				
EMERGENCY WATER SUPPLY					
fire hydrant system throughout development with adequate pressure and flow	0	5	0	0	
fire hydrant system with limited coverage	-1				
no fire hydrant system	-2				
PEDESTRIAN CIRCULATION INFRASTRUCTURE					
paved and dedicated walkways (no bicycles) provided throughout development	2	4	0	0	
paved walkways provided throughout development / maybe shared with bicycles	1				
designated walkways provided but unpaved	0				
no pedestrian walkways, but green space provided for pedestrian use	-1				
no designated pedestrian walkway areas	-2				

Big Cedar Wilderness Club		Permit#:		07-20	
Division III Relative Policy Scoring Sheet: Western Taney County		Performance Value	Importance Factor	Score	Section Score
PEDESTRIAN SAFETY					
separation of pedestrian walkways from roadways by landscape or structural buffer		2	2	1	2
separation of pedestrian walkways from roadways by open land buffer		1			
pedestrian walkways abut roadways with no buffering / protection		0			
BICYCLE CIRCULATION					
dedicated / separate bike-ways with signage, bike racks, trails		2	1	0	0
bicycle lanes shared with pedestrian walkways but separated by markings / signs		1			
no designated bike-ways		0			
UNDERGROUND UTILITIES					
all utilities are provided underground up to each building / structure		2	4	2	8
all utilities traverse development underground but may be above ground from easement		1			
utilities above ground but / over designated easements		0			
utilities above ground and not within specific easements		-1			
no specific management of utilities		-2			
Open-Space Density					
USABLE OPEN SPACE					
residential developments (>25 units) include more than 25% open recreational space		2	2	2	4
residential developments (>25 units) offer >10% but <25% open recreational space		1			
recreational area provided, but highly limited and not provided as open space		0			
no designated recreational space provided, but open space available		-1			
no open recreational space provided		-2			
Solid Waste Disposal					
SOLID WASTE DISPOSAL SERVICE AVAILABILITY					
weekly service is available and documentation of availability provided		0	5	-1	-5
weekly service reportedly available but not documented		-1			
centralized, on-site trash collection receptacles available		-2			
SOLID WASTE DISPOSAL SERVICE COMMITMENT					
restrictive covenants provide for weekly disposal for each occupied structure		0	5	-1	-5
services available but not a requirement documented in covenants		-1			
not applicable / no pick-up service provided		-2			

Total Weighted Score= 23

Maximum Possible Score= 93

Actual Score as Percent of Maximum= 24.7%

Number of Negative Scores= 6

Negative Scores as % of Total Score= 17.1%

Scoring Performed by:

Jonathan Coxie

Date:

September 22, 2007

Western District Relative Policies: Division III Permit

Project: Big Cedar Wilderness Club

Permit: 07-20

	Max. Possible	As Scored
Scoring	93	23

Total Negative Scores	6	6.5%
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	Max. Possible	As Scored	Negative Scores	
			Number of	Percent
Importance Factor 5	21	-5	3	37.5%
sewage disposal	10	5		
off-site nuisances	0	0		
diversification	10	5		
emergency services	0	0		
right-of-way / roads	1	-5		
emergency water supply	0	0		
waste disposal service	0	-5		
waste disposal commitment	0	-5		
Importance Factor 4	16	4	1	25.0%
slopes	0	0		
use compatibility	0	-4		
pedestrian circulation	8	0		
underground utilities	8	8		
Importance Factor 3	36	18	1	9.1%
soil limitations	0	0		
building bulk / scale	0	0		
waste containers screening	6	-3		
outdoor equip storage	6	6		
industrial buffer / screening	0	0		
right to farm	0	0		
right to operate	0	0		
mixed-use developments	6	6		
development patterns	6	3		
development buffering	6	3		
water system service	6	3		
Importance Factor 2	16	6	1	12.5%
wildlife habitat and fisheries	0	0		
air quality	0	0		
building materials	0	0		
residential buffer / screening	4	2		
residential privacy	4	0		
traffic	0	-2		
pedestrian safety	4	2		
usable open space	4	4		
Importance Factor 1	4			
lot coverage	0	0		
rooftop vents / equipment	2	0		
bicycle circulation	2	0		

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