

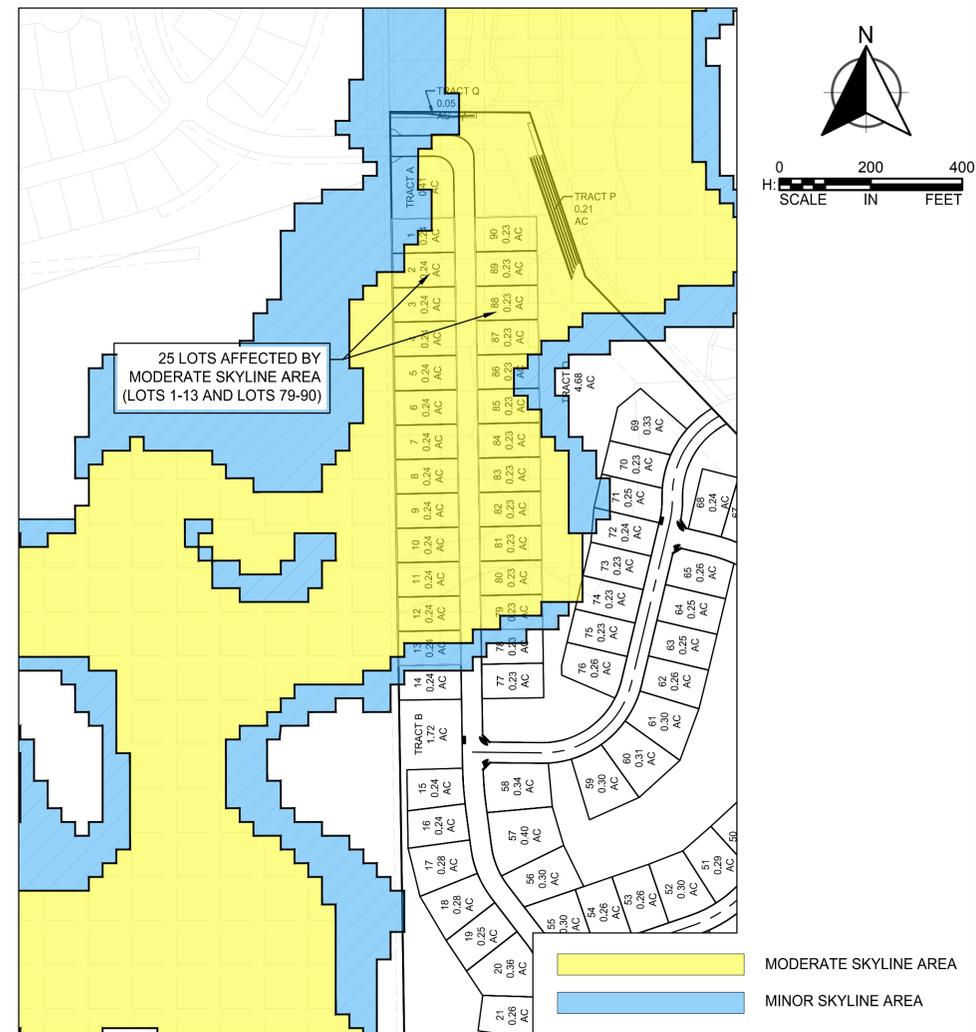
**LEGEND**

- VIEWING PLATFORMS SUBJECT TO THIS STUDY.
- VIEWING PLATFORMS WITH NO VISIBILITY OF LOTS DUE TO EXISTING TOPOGRAPHY OR BUILT ENVIRONMENT. NOT PART OF THIS STUDY

**SKYLINE AREA CATEGORY BY STRUCTURE HEIGHT VISIBILITY \***

# of Viewing Platforms	25' visible?	35' visible?
16 or less	Not shown	Not shown
17 to 64	Moderate	Minor
65 or more	Major	Major

\* See Technical Methodology and Field Observation Report Page 4



Skyline Variance request.

The applicant has performed a study of the Skyline/Ridgeline Protection Regulations as they relate to the proposed Site Development Plan for The Ridge at Crystal Valley project. As currently mapped there are 25 lots located within the Moderate Skyline area. Structures located within the Moderate Skyline area have a maximum height requirement of 25-feet.

The applicants study used definitions and procedures found within the Technical Methodology and Field Observation Report, Town of Castle Rock, Ridgeline Regulations, dated February 25, 1999 (1999 Report), along with information within the Town of Castle Rock Skyline/Ridgeline Protection Regulations. Based upon the 1999 Report and Skyline Ridgeline Regulations, a skyline is the highest point visible from a Viewing Platform. Viewing Platforms are a single point or series of points where an observation of the skyline is taken. The Town identified 232 Viewing Platforms in the 1999 Report. These Viewing Platforms run along major roadways within the Town and are typically spaced at 1/8-mile intervals along these major roadways.

The 1999 Report differentiates skyline areas into three (3) categories: Minor Skylines, Moderate Skylines and Major Skylines. In the 1999 Report, these categories are defined by the height of a 25' and 35' structure and the number of points that a structure would skyline or break the view plane at an observation point:

- 16 or less
- 17 to 64
- 65 or more

Per the 1999 Report, regions where structures (25' or 35') skyline from 16 or less points are not mapped; regions where 35' structures skyline from 17 to 64 points are mapped as Minor Skyline Areas. Areas where 25' structures skyline from 17 to 64 points are mapped as Moderate Skyline Areas. Regions where 25' structures skyline from 65 or more points are mapped as Major Skyline Areas.

In the adopted regulations, the Minor Skyline Area is defined as, "...skyline areas where a 25-foot-high structure would not be visible, but a 35-foot-high structure would be visible from several points along the Viewing Platforms." The Moderate Skyline Areas is defined as, "...skyline areas where a 25-foot-high structure would be visible from several points along the Viewing Platforms. The ordinance does not define "several points" to an exact number.

The applicant performed a skyline study to further understand the impacts of structures to the skyline within the Moderate Skyline area, which encompasses 25 lots (lots 1-13 & lots 79-90). The applicant's skyline study analyzed all 232 Viewing Platforms to determine from which Viewing Platforms a 25-foot-high or 35-foot-high structure on the 25 lots would be visible and break the view plane. Considering existing topography and the future grades of the 25 lots, it was determined that a 25-foot-high or 35-foot-high structure was not visible from 200 of 232 Viewing Platforms but potentially visible from 32 Viewing Platforms.

The applicant's study further reviewed these 32 Viewing Platforms, which are located along I-25 at 1/8-mile intervals. The distances of the 32 Viewing Platforms to the 25 lots located within the moderate skyline area of The Ridge at Crystal Valley project range from approximately 9,000 linear ft. to 15,000 linear ft.

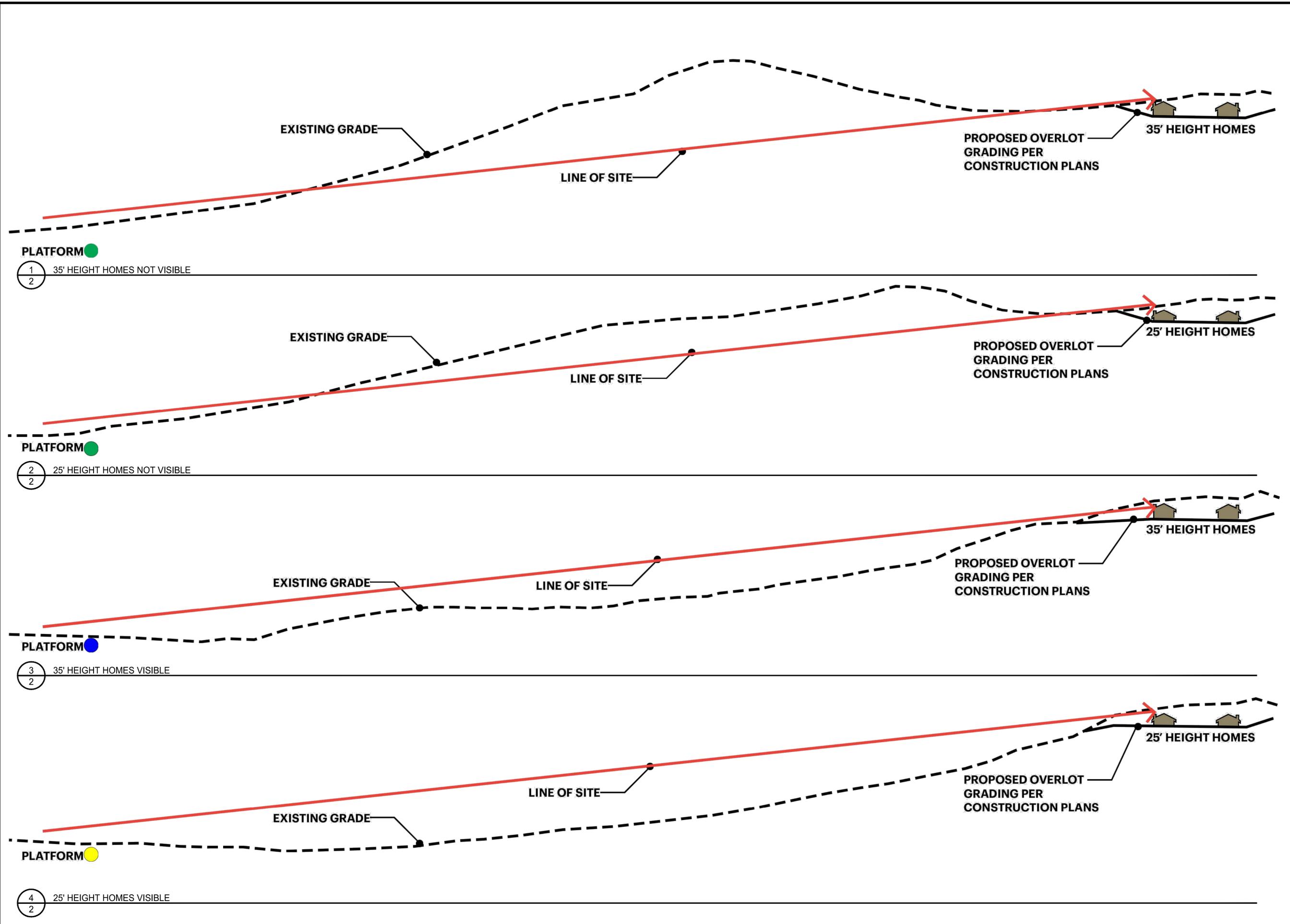
The applicant assessed the impact of both a 25-foot-tall home and a 35-foot-tall home on all 25 lots located within the Moderate Skyline area. The study found that homes 25' in height would be visible from, at most, 16 Viewing Platforms (points) and that homes 35' in height would be visible from, at most, 17 Viewing Platforms and only for two lots (lot 2 and lot 3). A home 35' in height on all other lots are visible from 16 Viewing Platforms or less. These findings indicate, when compared to the technical methodology, that the 25 lots, should not be mapped as a Major Skyline area. Instead, 2 of the 25 lots should be mapped as Minor Skyline area and the other 23 lots should not be mapped at all.

The applicant is requesting a variance under standard 17.48.090 - Variances, which allows a variance under the grounds that "a proposed 25-foot-high structure in a Moderate Skyline Area will not be visible in the Skyline from several points along the Viewing Platforms in which event the restriction of the Minor Skyline Area shall apply". The applicant's study has determined that for the 25 lots within the Moderate Skyline Area of the Ridge at Crystal Valley project, a 25' high structure will not be visible from most Viewing Platforms. Specifically, a 25' high structure within the Moderate Skyline Area will not be visible from 216 of 232 Viewing Platforms. Based upon the Skyline Area Breakdowns in the 1999 Report, the 25 lots would not fall within the Moderate Skyline category and only two lots would fall into the Minor Skyline category. Therefore, the applicant is requesting that the restriction of the Minor Skyline Area apply to all 25 lots, rather than the Moderate Skyline Area restrictions, and have a maximum height requirement of 35-feet, rather than 25-feet.

**REVISIONS**

NO.	DATE	DESCRIPTION

**THE RIDGE AT CRYSTAL VALLEY RANCH  
CASTLE ROCK, COLORADO  
SKYLINE EXHIBIT**



PLATFORM ●  
1 35' HEIGHT HOMES NOT VISIBLE  
2

PLATFORM ●  
2 25' HEIGHT HOMES NOT VISIBLE  
2

PLATFORM ●  
3 35' HEIGHT HOMES VISIBLE  
2

PLATFORM ●  
4 25' HEIGHT HOMES VISIBLE  
2

REVISIONS	
NO.	DESCRIPTION

THE RIDGE AT CRYSTAL VALLEY RANCH  
CASTLE ROCK, COLORADO  
SKYLINE EXHIBIT





**Technical Methodology and Field Observation Report**  
**Town of Castle Rock**  
**Ridgeline Regulations**  
**February 25, 1999**

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## Introduction

This report begins with a technical description of concepts important to the computer implementation of the skylining algorithm. Viewing platforms are discussed along with program parameters and data sources. A description of the different skyline and ridgeline areas shown on the Official Map follows. Finally, this report ends with some definitions that may prove useful for understanding some of the more technical concepts.

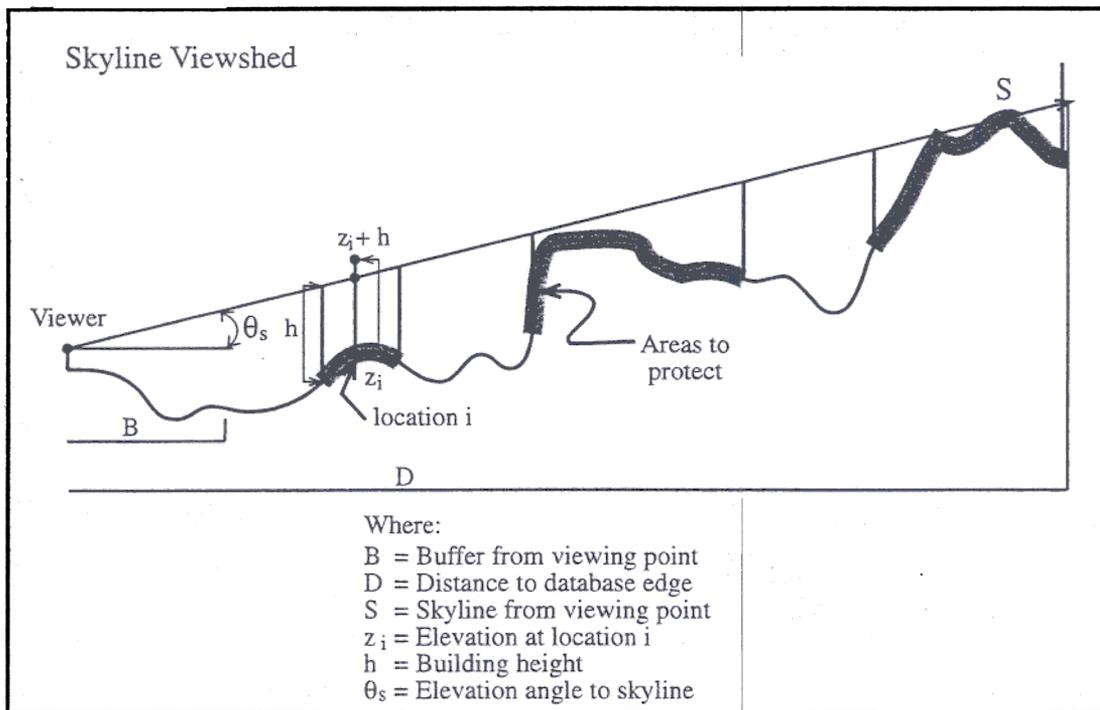
## Skylining

Intuitively, the skyline is the interface between land and sky. A structure is skylined if it interrupts this land/sky interface. For the computer implementation, these intuitive concepts must be stated as precisely as possible. A technical description follows.

The skyline of an elevation profile (physical or terrain skyline) occurs at a location  $s$  if the elevation angle at  $s$  is the maximum for the profile. The elevation angle at  $s$  is the angle between the horizontal and the line-of-sight to  $s$  and is called  $\theta_s$ . A structure of height  $h$  skylines (or is skylined) at location  $i$  (with elevation  $z_i$ ) if the line-of-sight to  $z_i + h$  forms an elevation angle greater than  $\theta_s$  (Figure 1). So in order to determine the skyline regions for a 35 foot structure (for example), it is first necessary to determine the physical skyline, then perform a second pass to find areas where a structure would break the line-of-sight to the physical skyline.

Only visibility blocks from terrain were considered in this analysis. Specifically, vegetation screening and visibility obstructions caused by buildings or other structures were not considered.

Figure 1



## Viewing Platforms

The viewing platforms were selected by the Ridgeline Protection Regulations Study Group (Group) and later modified by the Planning Commission (Figure 2). A location at a high point just west of Butterfield Park was the only isolated viewing platform; all other platforms were located along roadways. For the roadways selected as viewing platforms, individual observation points were selected at 1/8 mile intervals. A total of 232 observation points were used in the analysis.

It was decided by the Group that no special weighting should be applied to roadways. Consequently, an observation point along Gilbert Street is “worth” as much as an observation point along I25, even though I25 sees significantly more traffic.

### Program Parameters

Computer code, using the skylining algorithm previously described, was used for the analyses that produced the Official Map. Several important parameters used by the program are presented in table 1. The viewing platform height is the observation height above local terrain. The buffer distance provides a region around the viewing location where structure skyline computations do not occur. This is because structures very close to the viewer almost always skyline. The maximum distance is the distance at which the structure skyline computations stop (the program “looks” to the edge of the terrain database in order to find the physical skyline).

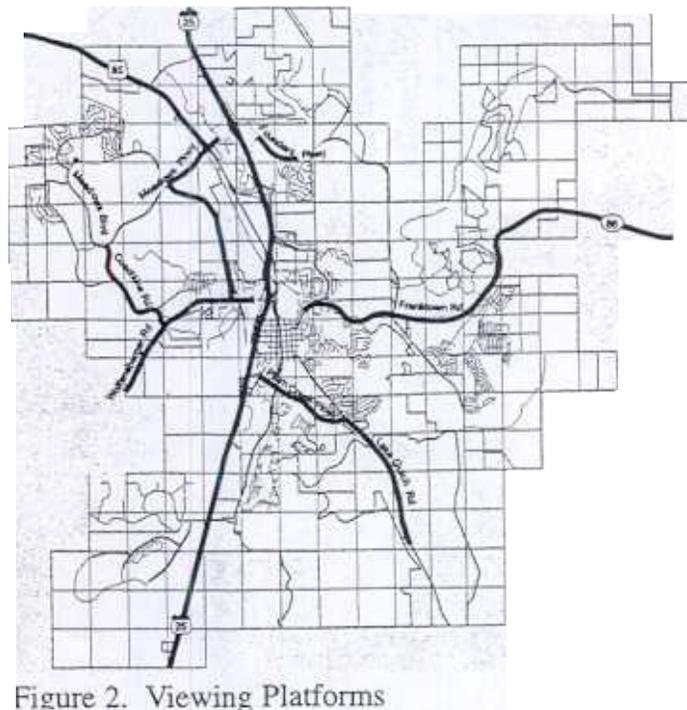


Figure 2. Viewing Platforms

Table 1 Parameters for Skyline Analysis

Parameter	Value
Sample spacing along roadways:	0.125 miles
Observer height above local terrain:	6 feet
Structure heights:	25 feet and 35 feet
Maximum distance for recording skylined areas:	4 miles
Buffer distance:	0.25 miles

### Data Sources

The program requires two data files: a viewing platform file and an elevation database. Viewing platforms were originally selected from the U. S. Geological Survey (USGS) 1:100,000 scale Digital Line Graph (DLG) database. The viewing platform locations were later modified to match roadway centerlines or right-of-ways from the Town parcel database. The elevation data file was obtained from the Town for regions in and adjacent to the incorporated area (5 foot contour equivalent). This elevation database was augmented by the 1:24,000 scale USGS Digital Elevation Model (DEM - 20 foot contour equivalent) for regions outside of the Town.

### Skyline Area Breakdowns

For the Official Map, skyline computations were performed for buildings of 25 foot and 35 foot height. Regions were broken down by the amount of skylining that occurred. Specifically, regions where structures (of 25 foot or 35 foot) skylined from 16 points or less are not shown. Regions where 35 foot structures (but not 25 foot structures) skylined from 17 to 64 points are shown in cyan and are indicated as “Minor Skyline Areas” on the Map legend. Regions where 25 foot structures skylined from 17 to 64 points are shown in yellow and are indicated as “Moderate Skyline Areas” on the Map legend. Regions where 25 foot structures skylined for 65 points or more are shown in red and are indicated as “Major Skyline Areas” on the Map legend. Major and minor ridgelines (indicated by hatched patterns on the Map legend) were determined by the Group on a field tour and are described below.

## Major and Minor Ridgelines

Some members of the Group expressed concern that there may be visually significant ridgelines that were missed by the skyline analysis (minor ridgelines). Also, it was felt that some particularly sensitive skyline areas should be "upgraded" to the highest protection level (major ridgelines). To address these concerns, a field tour was undertaken to determine which ridgelines should be given the minor ridgeline or major ridgeline designation and included on the Official Map.

For this field trip, a physical ridgeline map was produced to show those ridges that were visually significant, but not picked up by the skyline mapping. To determine the physical ridgelines to field check, a watershed utility\* was used - the assumption being that the "headwater" regions would delineate the ridgelines. A noise filter was used to eliminate spurious single pixels from consideration. To assess how visually significant each ridgeline was, a watershed analysis was run. Those ridges that were seen from 16 points or fewer (of the Group's selected viewing platforms) were removed from consideration. Similarly, those ridges that were already mapped by the skyline analysis, developed, or outside the Town boundary were also discarded. Additionally, the Group named areas of interest that should be field verified. These areas were combined with the physical ridgeline map to determine ridgelines of interest (Figure 3). It should be noted that the ridge regions delineated do not correspond to any particular elevation or distance below the ridge crest.

On November 20, 1998, the Group took this map into the field to view ridgelines visible from Castle Rock first hand. The purpose of the field tour was to determine which ridgelines would be included on the Official Map as well as in the regulations.

Each Group member was provided with a map of the Ridgelines of Interest (Figure 3). The Group followed the route specified on the field tour map (Figure 4). At each stop, the Group looked at the ridgelines of interest and visually determined whether each should be included in the regulations and if so, at what level. Determining factors in the field included the visual prominence of a ridgeline and whether structures, vegetation, or landforms obscured the view of a ridgeline. The Group also reviewed the skylines and upgraded some from "Minor Skyline Areas" or "Moderate Skyline Areas" to "Major Skyline Areas". Ridgelines designated for inclusion on the Official Map were roughly outlined in the field. Minor ridgelines were digitized using the physical ridgeline map along with the field outlined regions. Considerable interpretation was involved in this process.

Major ridgelines were predominantly regions that had significant expression (at the minor or moderate skyline level) on the skyline map. In order to connect regions along a single ridgeline that were discontinuous on the skyline map, the criterion of skylining at nine points or more at the 25 foot height was used. The lone exception to this rule was the prominent ridgeline north of Highway 86 in the Heritage Farm PD. At the request of the Planning Commission, the major ridgeline boundary was drawn to correspond with the 17 point (at 25 foot height) skyline threshold.

At subsequent Group meetings, the Group validated the activities of the field tour by deciding to include the physical ridgelines determined in the field to be important for protection. These ridgelines were included on the Official Map and in the regulations.

\* The watershed utility in the GRASS (Geographic Resources Analysis Support System) GIS software package was used.

## **Definitions**

Viewing platform: A single point or series of points (for example, a roadway) where the observer is located.

Line-of-sight: The line between an observer and a viewed object (also called sight line).

Viewing ray: A straight line segment emanating from the observer to the edge of the study area.

Elevation profile: The projection of a viewing ray onto the elevation surface. This results in a complex curve.

Digital Elevation Model (DEM): Digital representation of topography. This is usually implemented as a regularly-spaced matrix of values. (Imagine a checkerboard placed over the landscape with an elevation tabulated at each checkerboard square center).

## Chapter 17.48 - Skyline/Ridgeline Protection Regulations

## 17.48.010 - Title and effective date.

This Chapter may be cited as the "Skyline/Ridgeline Protection Regulations" and shall become effective April 5, 1999.

(Ord. 2012-18 §1)

## 17.48.020 - Purpose and intent.

Within the corporate limits of the Town there are many significant landforms including mesas with distinct ridgelines, usually at higher elevations. These topographical features distinguish the Town and Douglas County from metropolitan Denver, and accordingly constitute a unique natural resource meriting protection and preservation. Construction of structures in locations on these landforms which are visible from many areas of the Town degrades this natural heritage. The regulations adopted by this Chapter place restrictions on the siting of structures in visually significant areas and provide mitigation of the visual impact of such development. These regulations are promulgated and applied as a zoning overlay district as a legislative exercise by the Town Council of the police powers of the Town. These regulations apply uniformly to all zoned development encompassing landforms with visually sensitive areas, while also recognizing pre-existing development rights vested under law and the need to site public facilities at locations optimizing their effectiveness.

(Ord. 2012-18 §1)

## 17.48.030 - Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

*Area* means one of the five geographical subsets of the district: Major Ridgeline, Minor Ridgeline, Major Skyline, Moderate Skyline and Minor Skyline.

*Building height* shall have the same meaning as defined in Chapter 17.14, CRMC.

*CRMC* means the Castle Rock Municipal Code, as amended.

*District* means the Skyline/Ridgeline Protection District as delineated on the district map.

*District Map* means the official map of the district boundaries and the areas within the district.

*District regulations* means the restrictions and requirements on development within the District imposed by this Chapter.

*Mature planned development* means a planned development (PD) district of which two-thirds ( $\frac{2}{3}$ ) or more of the area of the PD is zoned for residential, commercial or industrial development and has been made subject to a final subdivision plat as of July 1, 1999.

*Public facilities* means facilities which are developed by the Town or developed by others and conveyed to the Town to support the provision of municipal services, including but not limited to water production, treatment and storage, parks and recreation and telecommunications. Public facilities are further defined to include the following community facilities developed and owned by others: medical complexes that include a hospital, public and nonpublic schools, colleges or universities and proprietary schools as defined in Chapter 17.28.

*Ridgeline area* means an area delineated on the district map in which all or part of a permanent structure constructed thereon would be visible from one or more points on a viewing platform, but would not be visible along the skyline when viewed from the same point because of a higher landform located behind the ridge.

1. Major ridgeline areas are ridgeline areas with a major visual impact.
2. Minor ridgeline areas are ridgeline areas with a minor visual impact.

*Skyline* means the horizon between land and sky.

*Skyline area* means an area as delineated on the district map in which all or part of a permanent structure constructed thereon would be visible along the skyline; i.e., it would extend higher than the highest landform located either in front or behind the structure, when viewed from one or more points on a viewing platform.

1. *Major skyline areas* are skyline areas where a 25-foot high structure would be highly visible along the viewing platforms.
2. *Minor skyline areas* are skyline areas where a 25-foot high structure would not be visible, but a 35-foot high structure would be visible from several points along the viewing platforms.
3. *Moderate skyline areas* are skyline areas where a 25-foot high structure would be visible from several points along the viewing platforms.

*Viewing platforms* means those portions of major thoroughfares and other selected vantage points within and adjacent to the municipal boundaries from which computer and field observations were used to assess the visual significance of development on prominent landforms.

(Ord. 2012-18 §1)

#### 17.48.040 - Applicability and compliance.

The Skyline/Ridgeline District is a Zoning District under Chapter 17.02, which overlays the Zoning Districts enumerated in 17.02.020. The district regulations apply to all land use applications for which any portion of the subject property is located within the district as delineated on the district map. District regulations do

not apply to public facilities constructed or developed in the district. Any rezoning, subdivision, development or building approval or permit shall be subject to compliance with the district regulations, irrespective of whether specific reference to the district regulations is made in the code sections governing such approval or permit. In the event of overlapping or conflicting requirements between the district regulations and other provisions or regulations under the CRMC, the more restrictive provision shall apply. The district regulations shall supersede any conflicting development or building standard or regulation contained in any PD zoning regulation (as defined in Section 17.34.040), and the district regulations shall constitute an amendment thereto.

(Ord. No. 2015-06, § 3, 2-17-2015; Ord. 2012-18, §1)

#### 17.48.050 - Adoption of official map.

The Zoning District Map dated February 26, 1999, designating the areas in which the district regulations apply is adopted as an amendment to the Zoning District Map maintained by the Town pursuant to Section 17.02.040. The Zoning District Map shall be kept in digital form at the offices of the Development Services Department and shall be distributed to the public upon request. In addition, unofficial paper reproductions of the Zoning District Map shall be available for review by the public during normal business hours, and for distribution to the public upon request and payment of a fee covering copying costs. In the event of a conflict between the digital Zoning District Map and the paper reproduction, the digital Zoning District Map shall control. Disputes concerning the boundaries of the district shall be resolved as provided in Section 17.02.040.

(Ord. 2012-18 §1)

#### 17.48.060 - Building restrictions and visual impact mitigation.

- A. Structures prohibited. Within major skyline and major ridgeline areas, no primary or accessory structure shall be constructed. Land within such areas may be included in lots that extend outside such areas provided that the primary and accessory structures on such lots are located completely outside the major skyline and major ridgeline areas. To ensure the placement of structures outside of the major skyline and major ridgeline area on such lots, and to provide notice of such restriction, building envelopes shall be designated on the applicable subdivision plat and/or zoning site plan.
- B. Restrictions on height. Within moderate skyline areas, no primary or accessory structure with a building height of greater than 25-feet shall be constructed, provided that, if the underlying zoning allows multifamily structures of 50-feet or higher as a permitted use or the structure is located within a mature planned development, the building height restriction shall be 35-feet. Within minor skyline and minor ridgeline areas, no primary or accessory structure with a building height greater than 35-feet shall be constructed.
- C. Mitigation of Impacts. Within moderate skyline, minor skyline and minor ridgeline areas of the

district, all primary and accessory structures shall be required to comply with the following measures designated to mitigate the visual impact of the structure prior to occupancy, unless explicitly exempted elsewhere in this Chapter.

1. Colors. All occupied structures and accessory structures shall be constructed and maintained so that predominant exterior wall colors (including the colors of basement walls on the downhill side of the structure) and roof surfacing materials:
  - a. Repeat the colors found most commonly in the land and vegetation around the building (earth tone), and
  - b. Have a light reflective value of no more than 40%. Reflective materials and bright colors that contrast dramatically with the colors of the land and vegetation around them shall not be used as predominant colors on any wall or roof surface.
2. Vegetation. The area around each primary structure and accessory structure shall include at least one tree of a species with a mature height of at least 35-feet for each 2,500-square feet of lot or parcel area; provided, however, that this requirement shall not require any single-family residential lot to contain more than eight trees. At least 50% of the total number of trees required on the lot or parcel pursuant to this Paragraph shall be located within 50-feet of the primary structure on the side of the primary structure facing the nearest viewing platform as so designated by the Director of Development Services. The remainder of the trees required on the lot or parcel pursuant to this Paragraph shall be located within 50-feet of the primary structure. All trees installed to meet the requirements of this Paragraph shall be of coniferous species, shall be a minimum of eight feet tall when planted and shall be planted before a certificate of occupancy is issued for the primary structure, or, if that is not possible due to planting season or weather conditions, then within one month of the beginning of the planting season for the species. In addition, to the maximum degree feasible, during overlot grading, all existing mature vegetation with a height of more than 3-feet, other than noxious plants and weeds, shall be preserved. Any existing trees that meet the height requirement are counted towards satisfaction of the tree requirements, regardless of whether they are coniferous or deciduous. Concurrently with the Site plan review and approval process, the property owner submitting such plan may request approval of a vegetation plan in which the vegetation requirements for certain lots or tracts may be increased, decreased or deleted, to reflect the degree of visibility of structures located in various portions of the subdivision. Additionally, such owner may request alternative placement of landscaping on certain lots and tracts if such placement provides adequate mitigation of the visual impact of the roof line of the primary structure. Landscaping required by this Section shall be credited against the landscaping requirement imposed by any other section of the CRMC, or the specific PD development plan. In commercial and multifamily residential areas, vegetation screening required by this Paragraph shall be limited to the total

area required for landscaping under the CRMC or the applicable PD Plan, and, therefore, only such vegetation screening which can be reasonably accommodated within such areas is required to be planted or maintained.

3. Floodlighting. Floodlights shall not be used to light all or any portion of any primary or accessory structure facade, and all outdoor light sources mounted on poles, buildings or trees to illuminate streets, sidewalks, walkways, parking lots or other outdoor areas shall use full cutoff light fixtures. For purposes of this Section, a full cutoff light fixture is one in which no more than 2.5% of the total output is emitted at ninety degrees (90°) from the vertical pole or building wall on which it is mounted. All such fixtures shall be installed or shielded so that part of the light bulb or light source is not visible beyond the property boundaries.
4. Exposed basements. On the side of each primary and accessory structure facing the nearest viewing platform as so designated by the Director of Development Services, no basement wall shall be exposed for more than one-half its height, unless a vegetated berm at least 3-feet in height is constructed between such basement and the property line closest to the nearest viewing platform.

(Ord. 2012-18 §1)

#### 17.48.070 - Exemptions.

- A. Properties that have received final plat approval on or before the effective date of Ordinance No. 1999-15 (March 29, 1999), shall be exempt from the provisions of Subsections 17.48.060.A and B above, including replatting, but shall be subject to all other requirements of this Chapter, including, without limitation, the provisions of Subsection 17.48.060.C above.
- B. Structures that have been built or for which a building permit has been issued prior to the effective date of Ordinance No. 1999-15 (March 29, 1999), shall be exempt from all requirements of this Chapter, provided that an exempt structure may not be remodeled or expanded so as to result in a structure with a building height in excess of the limitations of Section 17.48.060. An existing structure exempted from the district regulations under this Section may be rebuilt to a building height equal to the greater of:
  1. The limitation under Section 17.48.060; or
  2. Its prior building height.
- C. Structures constructed within an IO PD (see Chapter 17.44) are exempt from this Chapter.

(Ord. 2013-18 §1; Ord. 2012-18 §1)

#### 17.48.080 - Vested development plans.

The district regulations shall not be applied to any property for which the PD Plan has been vested pursuant to Chapter 17.08 to the extent such application of the district regulations is prohibited by Section 24-68-105, C.R.S. Irrespective of the inclusion of property subject to a vested development plan in the district, such property shall be exempt from Subsections 17.48.060.A and B above.

(Ord. 2012-18 §1)

#### 17.48.090 - Variances.

- A. Applicants for land use approval in the district may request a variance from one or more of the provisions of this Chapter pursuant to the procedures and standards described below.
- B. Appeals to Town Council. Any applicant or any party who has testified at a public hearing regarding a variance request may appeal the decision of the Planning Commission to the Town Council. Requests to appeal the decision of the Planning Commission must be filed with the Department of Development Services within thirty days of the date of the written findings by the Planning Commission referenced in Subsection D below. The Town Council shall hear the appeal request at a public hearing noticed in accordance with the requirements of Chapter 17.04, and shall uphold, reverse or modify the decision of the Planning Commission, after a review of evidence presented by the applicant and any other interested party at a public hearing.
- C. Grounds for variance.
  1. Any applicant may only request a variance on one or more of the following grounds:
    - a. A proposed 25-foot high structure in a major skyline area will not be highly visible in the skyline from the viewing platforms, in which event the restrictions of the moderate skyline area shall apply;
    - b. A proposed 25-foot high structure in a moderate skyline area will not be visible in the skyline from several points along the viewing platforms, in which event the restrictions of the minor skyline area shall apply;
    - c. A proposed 35-foot high structure in a minor skyline area will not be visible in the skyline from the viewing platforms;
    - d. No part of a proposed structure in a major or minor ridgeline area will be visible above the top of the ridge around which the ridgeline area is mapped, when viewed from any viewing platform; or
    - e. When viewed from all viewing platforms, all views of a proposed structure in a minor skyline area, a moderate skyline area or a minor ridgeline area will be mitigated more effectively through tools and techniques other than those listed in Subsection 17.48.060.C.
  2. For the purpose of assessing a variance request:
    - a. The finished subdivision grade as reflected in the approved grading plan shall be utilized,

- if such information is available; otherwise the natural grade shall be utilized;
- b. The effect on visibility from the viewing platforms resulting from structures on subdivided lots (constructed or to be constructed) in the vicinity of the area subject to the variance request shall be considered; and
  - c. The screening provided by existing landscaping and vegetation shall be taken into account.
- D. Standards for Approval. The Planning Commission may only grant a variance if it makes a written finding that one or more of the grounds for variance listed in Paragraph C.1 above has been proven. The Town Council may only grant or uphold a variance on appeal if it makes a written finding that one or more of the grounds for variance listed in Paragraph C.1 above have been established.
- E. Relief. If the Planning Commission, or the Town Council on appeal, determines that a variance should be approved or approved with conditions, it shall grant only such relief as is necessary to carry out the intent of this Chapter and may grant a different form of variance than that requested by the applicant.

(Ord. 2012-18 §1)

#### 17.48.100. - Violations; penalties.

- A. Any person who violates any of the provisions of this Chapter shall be punished by a fine of not more than \$1,000.00.
- B. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by any such person.
- C. In addition to receiving any fines or other monetary remuneration, the Town shall have the right to seek injunctive relief for any and all violations of this Chapter and all other remedies provided at law or in equity.

(Ord. 2012-18 §1)