

TETON COUNTY PLANNING AND ZONING COMMISSION
Meeting Minutes from April 10, 2012
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Bruce Arnold, Mr. Ryan Colyer, Mr. Shawn Hill and Mr. Chris Larson.

DEPARTMENT HEADS PRESENT: Ms. Angie Rutherford, Planning Administrator, Mr. Curt Moore, Planner, and Ms. Kathy Spitzer, County Attorney.

Mr. Hensel called the meeting to order at 5: 05 PM.

COMMISSIONER SWEAR IN:

Ms. Mary Lou Hansen, County Clerk, swore in the new County Commissioner Chris Larson.

APPROVAL OF MINUTES:

The Commission reviewed the draft minutes of March 13, 2012.

Motion: Mr. Arnold moved to approve the draft minutes of March 13, 2012, as amended. Mr. Colyer seconded the motion.

Vote: The motion passed unanimously.

CHAIRMAN BUSINESS

Mr. Hensel asked about the first draft of the Comp Plan in regards to timing and additional meetings required. Ms. Rutherford commented they are still on schedule and the first draft that will have been through the subcommittees and the core committee will be presented to the public at an open house on May 30th, although the Commission will see it before then. She also felt that doubling up meetings in June and July would be a good idea to review the Comp Plan. It was suggested separating land use applications from Comp Plan discussions if the Commission felt they could use the extra time with the Comp Plan. Ms. Rutherford suggested using the July 12th meeting to discuss only the Comp Plan in a work session meeting, and having another Comp Plan work session meeting on June 26th with a public hearing for the Comp Plan on July 10th and a public hearing on July 24th for land use applications that were postponed to focus on the Comp Plan. Mr. Hensel felt it would be a good idea to consider having three meetings before the public hearing on the Comp Plan, which would mean meeting on June 12th, 19th, and 26th. After discussing the dates, it was decided that the Commission would meet for work sessions on June 12th, 19th, and 26th.

Mr. Hensel asked how many comments were received from the public. Ms. Rutherford stated that the first on-line survey request for comments 1 ½ years earlier had produced 741 on-line survey results. The most recent request for on-line survey comments produced 768 survey results. Ms. Rutherford stated there was also a great deal of public input provided at the Comp Plan meetings.

PUBLIC HEARING: Title 8: Amendment to the Teton County Zoning Ordinance:
The Planning Staff is recommending an amendment to Title 8 that prescribes the height limit for structures in the County.

Mr. Moore commented the proposed amendment was a result of the Commission's input from the previous work session, and briefly reviewed the reasons for proposing an amendment. The main reason was that the present set of regulations do not contain special provisions for tall structures such as cell towers, windmills, various large antennas, church spires, and other architectural features. He also commented the CUP process isn't tailored to allow for height exemptions for a structure. Mr. Moore provided a power point presentation identifying the key elements proposed in Title 8.4.4.B. 1 through B. 6 and provided pictures of structures in the valley that would fall under the guidelines. The categories outlined in B. Heights for Specialized Structures include: 1. Agricultural structures; 2. Residential rooftop architectural features; 3. Non-residential architectural features; 4. Mechanical equipment; 5. Wireless communication facilities and public utilities; and 6. Miscellaneous structures.

Public Comment:

Ms. Anna Trentadue, representing VARD, wanted to focus her comments on the 10' allowance for architectural features on top of houses. She was concerned with the almost 8,000 platted lots that could all have houses up to 30' in height with an additional 10' allowance for architectural features on top of the allowed building height. She did not want to see any changes made to allow additional height on residential houses. She encouraged the Commission to stick to the maximum 30' height restriction that currently exists.

Commission Deliberation

Mr. Larson asked about 3.j. that addressed a 3rd party review for proportionality and aesthetics not permitted outright. He commented it did not say the county would be selecting the 3rd party architect and wanted clarification of the process. Mr. Moore explained the staff was not necessarily supporting the 3rd party review process, but included it based on Commission input during the work session. He commented that as written in 3.j, staff would be using a 3rd party architect in their review process, but there would not be an additional review by an architectural review board. Mr. Hensel agreed with staff, and did not think a 3rd party review was necessary.

Mr. Hensel commented he was not in favor of exemptions for amateur radio antennas. Mr. Colyer agreed with Mr. Hensel, and suggested the items listed in 6.e be consistent

with the height restrictions for residential rooftop features restrictions. Mr. Hill expressed concerns in regards to distinguishing between things like windmills versus flag poles or amateur radio antennas. He commented that whenever an exemption is granted, as suggested in 6.e., you were inherently making some kind of value judgment. Mr. Hensel felt windmills provide a specific energy solution, and he did not feel they should be dealt with the same as amateur radio antennas.

Mr. Arnold did not have a problem with requiring a CUP for an amateur radio or personal antenna, but did not want to have flag poles or lightning rods require a CUP. He also felt those should fall under the same restrictions as the residential rooftop features. Mr. Hensel asked if it would be an undue hardship to restrict flag poles to 60' or less. Mr. Moore pointed out that they are exempt from the 30' height restriction as currently written in 6.e. Mr. Hensel felt 6.e. should be stricken because they should fall under the 30' plus whatever additional height is approved for residential structures in B.2. The Commission agreed on removing 6.e from B. Heights for Specialized Structures.

Mr. Larson asked about the exemptions in B.5 and the CUP process. Ms. Spitzer commented the height would be addressed during the CUP review and would be based on the impact of the proposed structure. She believed the Commissioners in place would use their discretion to make appropriate height decisions based on use and impact. Mr. Hill suggested adding something about exceeding the height limit should be considered if it was necessary for functionality. Mr. Spitzer felt it would be more appropriate to strengthen the language in the CUP section of the code to deal with wireless communication or public utility towers. Mr. Hensel commented he agreed with working on the CUP section language rather than dealing with it in the height of buildings section of the code. Mr. Hill did not have a problem with that option. Mr. Moore commented staff was looking into a wireless communication overlay because of an application that will be reviewed by the Board of County Commissioners at their next meeting.

Regarding B. 4. Mechanical equipment, the Commission's consensus was the language was acceptable as written.

Mr. Hensel suggested going to the beginning of B. Heights for Specialized Structures and discussing B.1 Agricultural structures next. Mr. Hensel commented there are not an insignificant number of functioning agricultural operations on land zoned A 2.5, and was somewhat concerned about limiting them to 30' on 2.5 acre land that was in Ag status. He wondered if there could be some mechanism to allow the 60' height if it was a functioning agricultural operation. Mr. Arnold felt there should be some type of permit process if it was, in fact, being used as Ag land. Mr. Hill read the purpose statement for the A 2.5 zoning that identifies "marginal agricultural land use". He felt if someone was truly conducting an Ag operation that wasn't "marginal" and warranted a structure of the scale allowed in A 20, a zone change to A 20 should be proposed. Ms. Spitzer commented that the intent of the A 20 zone is to allow agricultural activity to remain unimpeded, and the A 2.5 zone does not state that intent. Mr. Arnold asked if it was more practical to apply for a CUP rather than a zone change. Mr. Moore pointed out a proposed sentence in his presentation that states: "The roofline for new Ag structures in

the A 2.5 zone district shall be 30' with an allowance for an architectural features top elevation to be no greater than 40' above the adjacent grade." Mr. Larson commented he was in favor of a zone change rather than a CUP. Mr. Hill commented he liked the idea of a CUP or some kind of discretionary tool for unique cases, but he struggled with making Title 8 more complex than it needs to be. If a large grain silo is really necessary, you can always apply for a zone change to A 20. Mr. Hensel was concerned with a hardship on someone trying to run an Ag operation by requiring a zone change in order to be allowed to build a grain storage building the height they need to succeed. Mr. Arnold felt it could be "permitted with conditions" on A 2.5 zones in Table 2 as an option if a zone change is not something the land owner was in favor of. Mr. Hill commented he could live with a CUP process on A 2.5 land being used for Ag purposes that would expire if the land was used for residential purposes in the future. Mr. Larson felt a CUP was appropriate to require because the setback restrictions in A 2.5 zoning could allow a grain silo to be built 60' from the neighbors property line. Mr. Moore suggested a sentence could be added that states "The roofline for new Ag structures in the A 2.5 zone district shall be 30' or require a CUP." Ms. Spitzer commented it would still need to be in the Land Use Matrix, and suggested recommending to staff to work on the specific language before it goes before the BOCC for approval. It was the consensus of the Commission that B.1 is acceptable as written and that the Land Use Matrix be changed to allow a taller than 30' structure in A 2.5 with a CUP.

Regarding B. 2. Residential rooftop architectural features, it was the consensus of the Commission, based on the work session discussion, to limit the allowed height to 4' taller than the maximum height of the residential structure.

Regarding B. 3. Non-residential architectural features, Mr. Hensel felt the paragraph was not appropriate and that the 30' plus 4' should apply for all structures. He felt if a structure needs to be taller, it should be located in a zone that would allow the additional height. Mr. Hill agreed with Mr. Hensel and commented the types of structures that are urban structures, as referred to in B.3, should be located in a place where taller heights are tolerated, such as in a city. Mr. Arnold suggested 3.c, which refers to a place of worship, an educational institute, a building used for processing agricultural products, or a publicly owned building, be listed under 6. Miscellaneous structures as allowed with a CUP since batch plants and sports fields are listed there. Mr. Hill felt a batch plant should not be allowed to be taller than the 45' allowed in the M1 zone so it does not need to be under B. 6. Miscellaneous structures. Mr. Hensel agreed that the batch plant should not be an exemption on B.6 or the sports lighting as well, he believed a sports field should be located in the city. Mr. Hensel suggested B. 3 should be removed entirely. Mr. Larson agreed. Mr. Hill was in favor of eliminating B.3 because he did not want to see Teton County have laws so complex as to need a large staff to enforce, and he wanted to maintain the rural character of the county. Mr. Colyer suggested adding the words "non-residential" to B.2. Mr. Larson suggested eliminating the word "Residential" in B.2 so it would simply read "Rooftop architectural features" and allow an additional 4' in any zone, removing the reference to A 2.5 and A 20 zones. Mr. Hill was concerned with the potential interpretation of "architectural features" in B.2. He also suggested adding B 3.g regarding combined areas of architectural features to B.2. Mr. Hensel commented that

something that exceeds over 10% of the square footage of the roof would not meet his definition of an architectural feature.

Mr. Moore reiterated the original reason for proposing the change, which was due to the cell towers and the steeple issues that have come up recently. He commented he was hearing from the Commission that B.3, which was added mostly to deal with the steeple issue, was not necessary and that all structures should be limited to the existing 30' height with a few extra feet for rooftop features. The Commission agreed with Mr. Moore's assessment.

Ms. Rutherford commented she was hearing the Commission to request B.1 Agricultural structures stay as written and staff will work on language adding agricultural structures less than 60' to the Land Use Matrix that will be a conditional use in A 2.5 and a permitted use in A 20 and M 1. Regarding B. 2 and B.3, strike both of them and replace it with a B.2 that states "Rooftop features are allowed by right to be 4' taller than the maximum height of a structure. The combined areas of all rooftop features shall not cover more than 10% of the total roof area of the structure." Also, 4. Mechanical equipment will then become 3. Mechanical equipment; 5. Wireless Communication Facilities and Public Utilities will become #4, and 6. Miscellaneous structures will become #5 and will strike 5.e.

Mr. Colyer asked if there was really a need to have 5. b, c, and d. Ms. Rutherford stated they were necessary or there would have to be some kind of variance or some other way to allow the height. Mr. Arnold commented he would not vote for the motion without the inclusion of the old B. 3.e in the new B. 5.

Motion: Mr. Hill moved to recommend approval of the text amendment with the noted changes and make the findings of fact that support and justify this amendment to the Teton County Zoning Ordinance. Mr. Larson seconded the motion.

Mr. Hensel asked for discussion from the Commission of the motion. He wanted clarification about the need for 5. d which refers to transfer stations in the unincorporated part of the county, so why not a church. Mr. Moore commented there is already a transfer station built there. Mr. Hill commented he understands Mr. Arnolds contention that the section "Miscellaneous Structures" should be open up a bit wider, and that Mr. Hensel is suggesting it be more closed. Mr. Hensel commented he understood the need for the transfer station and the wind energy systems because they provide a specific use that should be encouraged, but did not feel a batch plant should be included as an exception. Mr. Hill did not have a problem amending his motion to remove batch plants from B. 5. He did not feel the wind energy systems and the sports field lighting have the same structural intensity that a batch plant tower does. Mr. Colyer suggested eliminating sports field lighting as well because he believed it should be encouraged to be located closer to the cities. Mr. Hill felt that was a valid point and would support eliminating them for that reason. Mr. Arnold commented that if 5. b and c were eliminated, he would be in favor of the motion.

Amended Motion: Mr. Hill amended his motion to strike 5. b. c, and e. Mr. Larson seconded the modification.

Vote: After a roll call vote the motion was unanimously approved.

PUBLIC HEARING: Title 1: Amendment to the Teton County Administration Ordinance: The Planning Staff is recommending an amendment to Title 1 to allow for an administrative process for code enforcement throughout the County.

Ms. Spitzer explained the proposed amendment to Title 1 to add Chapter 10 regarding Administrative Fines stems from the fact that at present, Teton County's only enforcement option for all its code violations like dog at large, chair trash, CUP or building permit violation, is to charge an alleged violator with a misdemeanor. These charges often are difficult to enforce and inflict large fines or jail time. A more nimble approach to enforcement might allow more and better enforcement of the regulations that exist in the code. She proposed one change in the staff report presented to the Commission in 1-10-4. Notice to Owner of Real Property, to strike 2 a. & b. and change 2. to read "Mail a certified copy to the owner of record according to tax roles". She also discussed the fines proposed in 1-10-5. Determination of the Amount of the Administrative Fine when the Citation is Issued. Mr. Larson asked for an explanation of the difference between 1-10-5 (A) and (B). Ms. Spitzer commented it wouldn't be a big deal if it is just a garbage can violation, but it would be if it is a building code violation. Mr. Larsen felt there should be some kind scale where the garbage violation be less of a charge than the building code violation. Mr. Spitzer suggested taking out (A) (B) and (C) and change 1-10-5 to read "The fines shall be as stated in the fine schedule set by the Board of County Commissioners". Ms. Spitzer stated she would come up with specific language that meets the legal requirements of the county and state laws.

Mr. Larson suggested removing "up to" in 1-10-6. (A) to make it more clear as to when the fine is actually due. Ms. Spitzer stated that was an acceptable change. Mr. Larson also questioned the appointment of the hearing officer in 1-10-9 Appeal Procedure: Appointment of Hearing Officer, and asked if anyone could be appointed, or were there qualifications for the appointment. Mr. Larson felt there should be some way to ensure that the person was impartial. Ms. Spitzer commented she would do some research to amend that language.

Ms. Spitzer also pointed out one other change to the proposed amendment in 1-10-8 (C) where she added the words "No interest or late fees shall accrue during the appeal period."

Mr. Hensel summarized the areas that would be revised as 1-10-4 (A) 2 language., 1-10-5 language, 1-10-6 (A) language, 1-10-8 (C) language, and 1-10-9 (B) language.

Motion: Mr. Arnold moved to recommend approval of an amendment to Title 1 to add a new section Chapter 10 Procedures for Governing the Imposition of Administrative Fines with the county prosecutor's suggested changes. Mr. Hill seconded the motion.

Vote: After a roll call vote, the motion was unanimously approved.

Motion: Mr. Larson moved to adjourn the meeting. Mr. Arnold seconded the motion.

Vote: The motion was unanimously approved.

The meeting was adjourned at 7:35 pm.

DRAFT

TETON COUNTY PLANNING AND ZONING COMMISSION
Draft Meeting Minutes from March 13, 2012
County Commissioners Meeting Room, Driggs, ID

COMMISSIONERS PRESENT: Mr. Dave Hensel, Mr. Darryl Johnson, Ms. Jennifer Dustin, Mr. Bruce Arnold, and Mr. Shawn Hill.

DEPARTMENT HEADS PRESENT: Ms. Angie Rutherford, Planning Administrator, Mr. Curt Moore, Planner, and Ms. Kathy Spitzer, County Attorney.

Mr. Hensel called the meeting to order at 5: 10 PM.

APPROVAL OF MINUTES:

The Commission reviewed the draft minutes of February 14, 2012.

Motion: Mr. Arnold moved to approve the draft minutes of February 14, 2012, as amended. Mr. Johnson seconded the motion.

Vote: The motion passed unanimously.

CHAIRMAN BUSINESS:

Mr. Hensel stated the Mr. Eagens had a job opportunity out of state and therefore resigned from the Planning & Zoning Commission. On Monday, March 10th, the Board of County Commissioners appointed Mr. Chris Larsen, who has some experience serving on the Park City Planning & Zoning Commission. He will be sworn in at the April meeting.

ADMINISTRATIVE BUSINESS:

Ms. Rutherford commented on the upcoming Comprehensive Plan meetings to be held next week on Tuesday in Teton, on Wednesday in Driggs, and on Thursday in Victor. She commented they were looking to find implementation tools and obtain feedback on some tools and options that can be used.

WORK SESSION: Title 8: Amendment to the Teton County Zoning Ordinance.

The Planning Staff is recommending an amendment to Table 2 of Section 8-4-4 that prescribes the height limit to be 30-feet for buildings in the A-2.5 Zoning District.

Mr. Moore explained the proposed Title 8 amendment was changed to be a work session because the proposed changes in the County Land Use Code were greater than what was legally advertised as changes to the A-2.5 Zone, the discussion may involve some of the other zoning districts as well. Mr. Moore commented that rather than providing a proper proposal from staff, an array of land use codes from other jurisdictions have been

provided to facilitate a discussion to assist staff with direction to produce a proposed Title 8 ordinance change that can be reviewed in a public hearing. Mr. Moore reviewed reasons for the proposed changes to the regulations, including a recent Idaho Supreme Court determination for Burns Concrete. He discussed the CUP process and the Variance process and felt the Code should be written precise enough to cover the issue of building height rather than using either one of those processes for a height determination. He discussed a local batch plant tower, common above-roof architectural features, cell towers, rooftop mechanical equipment not addressed in the existing code, the Variance and CUP process when considering height restriction deviations, and agricultural structures up to 60 feet tall that are currently allowed on A 2.5 zoned lots. Mr. Moore stated the staff's goal was to create an ordinance that suits the community and minimizes the need for variance applications. Mr. Moore pointed out the display on the wall behind the Commission that had a scale from "all architectural features exempted" to "no architectural features allowed" and was hoping for some guidance from the Commission as to where on the scale they felt the proposed ordinance should focus.

Mr. Hill asked about the Ada County's code where it refers to the mass of the architectural feature being in visual proportion and scale with the building. Mr. Moore felt it would be a difficult call for a planner to make that type of decision. Mr. Hill asked if the county could retain a qualified design professional to assist in reviewing applications. Mr. Moore commented that was a possibility, and that the City of Driggs has an Architectural Design Review Advisory Commission that works with the City. Mr. Hill asked if the County could use the Driggs Design Review Advisory Commission as a consultant. Ms. Spitzer pointed out that would be taking something that was a city thing and making it a county thing. Mr. Hill felt the proposed Teton County code was thorough and well designed for covering the height issue, but even well written code cannot dictate a well designed building. Mr. Hensel commented there are other areas of the code that require the applicant to hire a qualified professional to review the proposal, so possibly an application that was over 30' in height could require an independent 3rd party be consulted to review the application and supply the staff with his comments for their review.

Mr. Hill was also concerned with accommodating federal and state laws that direct the county to make exceptions to religious organizations, and suggested the county code reflect the language in the state and federal laws to eliminate the conflict. Ms. Spitzer felt the law should treat everyone and every use equally, and not make exceptions for any specific organization. Mr. Moore commented he felt the counties that have codes that are aligned with the state and federal regulations weren't modified to intentionally be similar.

Public Comment:

Although public comment is not a required part of a Commission work session hearing, Mr. Hensel allowed the members of the public to speak.

Mr. Sean Moulton with Moulton Law Office, representing Blackfoot Farms, commented on the Right to Farm Act as it relates to height, and how it allows some buildings to be

higher than 60 feet. Mr. Moulton stated he favored Ada County's ordinance as a guide. He was concerned with B 3.h. limiting the height to 60 feet as it relates to his client, and B 3.j. limiting the width to no more than one foot in width. He felt 80 feet for height was more appropriate and the width should be wider than one foot to accommodate most traditional steeples. He also supported using a professional consultant for reviewing applications.

Mr. Scott Nielson, representing Blackfoot Farms, felt the ordinance should be flexible in order to address a variety of architectural elements. He felt good architecture is subjective and proportions are an integral part of that, and supported using design professionals to be a part of the review process. He felt the minimum for a steeple height and should be at least a 1 to 1 ratio with the size of the building, and the steeple base should be about 10% of the width of the building. Mr. Nielson was concerned with the language in the proposed Teton County ordinance, B. 3.j. regarding the diameter of the architectural feature.

Mr. Robert Crandall, an Alta resident, felt the more unique a building is, the more subjective viewpoints will be. He did not feel the height of a steeple, which he considered unique, could be compared with other structures in the valley, such as the batch plant.

Mr. Tony Goe agreed with Mr. Nielson regarding having input from architecture specialists as part of the review process. He wanted the Commission to consider the proposed steeple for the LDS church when drafting the ordinance.

Mr. Richard Burk, a county resident, wanted to know why the Commission was trying to regulate steeple height. He felt it should be part of the CUP process that allows churches with conditions. He did not want to see an ordinance drafted to allow steeples in agricultural areas, which he felt should be preserved. He stated there are areas within the city limits where a church could be built with a steeple without needing a variance.

Mr. Russ Jenkins, a Victor resident and a member of the Victor Planning & Zoning Commission, commented he wanted to see the County encourage development within the city centers, as stated in the Comprehensive Plan. He did not want to see the height restrictions changed in agricultural areas. He encouraged the Commission to restrict heights in rural areas.

Ms. Anna Trentadue, representing VARD, commented on B. 2 Residential rooftop architectural features in the proposed ordinance and was concerned with providing a 10 foot exemption for residential homes. She was also concerned with B 3.g and the 10% of the total roof area restriction. She thought that was too much of an allowance for residential structures. She did not want to see exemptions for structures other than churches, schools and public buildings.

Mr. Brigham Beach Huntsman commented he believed it was a slippery slope to allow exemptions for certain structures. He was also concerned with allowing an exception for a church that might be converted to a residential structure in the future.

Commission Discussion:

Mr. Moore suggested if the Commission wanted to base height restrictions on the specific zones, they should go back and see what the original intent of the zone was when it was developed. Each zone has a specific purpose in mind for anticipated development.

Mr. Hensel asked Ms. Spitzer if she believed there was any compelling legal reason for granting religious institutions special treatment under land use regulations. Ms. Spitzer stated she did not believe there was. Mr. Hill felt the only justification for allowing height exemptions would be to reduce the conflict with state and federal laws and local zoning laws. If that is not the case, he believed the proposed building should comply with the laws developed for Teton County's unique rural mountain community. Mr. Hill commented he would be inclined to push the arrow on the scale to the red end towards "no architectural features allowed". Mr. Arnold felt there should be some predictability in the regulations. He supported the proposed ordinance changes to make allowances for specialized structures.

Mr. Johnson commented he felt there have been enough variance requests coming before the Commission to warrant addressing it through a height ordinance. Mr. Hill commented he felt if the Commission were to start talking about specifics of a height ordinance, they needed to decide where on the scale the ordinance should focus. Mr. Johnson commented he liked the idea of ratio proportionate to the height rather than a specific height limit, possibly a ratio of 1 to 2 or 1 to 4. Mr. Hill asked Mr. Moore what color he felt Mr. Johnson was describing based on his proposed ratio. Mr. Moore commented he thought it would fall somewhere in the middle. Mr. Arnold also liked the ratio possibility for determining height exemptions. He also felt the mass should be part of the consideration. Mr. Johnson agreed. He also thought B 3.j should be restated to require a professional review process of some kind to provide input. Mr. Johnson commented he understood the need for specifics, but felt it should somehow be open to a professional review for determination. Mr. Hill believed that staff was capable of coming up with a review process of some kind to address that.

Mr. Hensel asked the Commission to look at B 3.c. that lists specific types of buildings that qualify for exemptions, and wanted to get their input on whether or not other structures should qualify for a height exemption. He felt he would be on the more restrictive side of the scale for religious, educational or public buildings and less restrictive if it were a residential building. Mr. Hill felt if the proposed buildings in B 3.c could not conform to a county rural scale, they should go to one of the cities where the structural intensity allows for the mitigation of the visual impact.

Ms. Rutherford commented the staff is looking for what the Commission would support so they do not write a code the Commission would not approve. Staff was looking for a

place on the scale to use for a guideline for crafting the ordinance. Ms. Dustin felt the place on the scale should be based on the type of structure proposed, because there were so many potential applications. On residential buildings, she felt 10' was enough, but for steeples she would go with the 60' or 80' height limit with restrictions. She also liked the condition that an architectural feature does not completely block someone's view. Mr. Hill agreed a skinny steeple was less offensive than a large one so it would be less impactful. Mr. Hensel felt the form should be restricted in proportion to the height and was in favor of some type of form based restriction using a ratio requiring the architectural features to be in some scale with the building, although he was not totally convinced they needed to increase the height restrictions currently in place. Mr. Arnold thought the design review was a good way to go if they could come up with a method that was not burdensome.

Ms. Rutherford provided a recap for direction based on what she heard from the Commission. She believed they would like to see an overall height limit at about 60' from adjacent grade, some form of third party design review to provide recommendations, some type of form based restrictions referring to scale and proportion in a ratio for the structure, and style consistent with rural character. Mr. Hensel felt that a lot of the items in B.3 could be used in B.2. Ms. Rutherford commented she understood the form as strictly size, scale and proportion. Mr. Hensel was concerned that the design review process might be in conflict with a height restriction because of the potential size of the building and what might look appropriate as an architectural feature on top of the building. Mr. Hill commented if an applicant wanted a steeple height that was more than 100% of the building height, the 60' cap could get in the way of a 30' building. So, you could either scrap the 60' cap and go with a ratio wherever it falls, or leave the 60' cap in place and maintain the ratio by lowering the overall building height in order to keep the ratio in tact.

Ms. Rutherford recapped again saying she was hearing a height limit not to exceed 60' that must be scale proportionate and reviewed by a third party, and some of the provisions in B.3 included.

Motion: Mr. Arnold moved to adjourn the meeting. Mr. Hill seconded the motion.

Vote: The motion was unanimously approved.

The work session was adjourned at 8:30.

