

March 30, 2012

Dave Hensel
Planning and Zoning Chairman
150 Courthouse Drive - Room 107
Driggs, ID 83422

Re: April 10, 2012 Public Hearing: Title 8 - Height Amendment

Dear Chairman Hensel:

As you aware, Moulton Law Office represents Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints and assisted this client in prior hearings/workshops discussing the proposed height amendment to Title 8 of our zoning ordinance.

Previously the Planning and Zoning Staff provided the following Ada County ordinance, which we feel is an established model of a successful height exception rule:

8-4A-10-D: Height Limit Exceptions

1. Height Limit Applicability:

a. The maximum height limitations set forth in the applicable base district shall not apply to the following architectural features: church spire or steeple, belfry, cupola, chimney, or smokestack. Such architectural features shall have a maximum height limit of sixty feet (60'). A maximum height of eighty feet (80') may be allowed for a church spire, steeple, belfry, or cupola that complies with subsection D2 of this Section.

...

c. A church spire, steeple, belfry, or cupola which will exceed eighty feet (80') in height requires variance approval...

2. Height Of Architectural Features:

a. An architectural feature(s) listed in subsection D(i)(a) of this Section, which exceeds sixty feet (60') in height, but does not exceed eighty feet (80') in height shall comply with the following standards:

(1) The mass of the architectural feature is in visual proportion and scale with the building to which it is attached;

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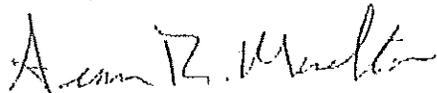


- (2) The exterior materials and colors of the architectural feature are appropriate to its mass, and are visually complementary with the building to which it is attached;
- (3) The architectural feature does not significantly impede views from adjacent properties;
- (4) The architectural feature does not include signage; and
- (5) Lighting of the architectural feature is limited to indirect lighting.

b. An architectural feature(s) which exceeds sixty feet (60') in height but does not exceed eighty feet (80') in height shall be reviewed for compliance with the standards listed in subsection D2a of this Section by a county design professional, in conjunction with director review of a Master Site Plan for the building to which the architectural feature(s) is attached.

We recommend that Planning and Zoning consider implementing such an ordinance in Teton County, as it will eliminate the establishment of arbitrary heights and potential conflict with Idaho's Freedom of Religion Exempted or the Federal Religious Land Use and Institutionalized Persons Act. Other proposed height exceptions will lead to future conflicts that can be avoided with the foresight applied in the above-mentioned Ada County ordinance. Your consideration of this matter is appreciated.

Best regards,



Sean R. Moulton
Attorney at Law

cc: Lance A. Dunkley (*Via e-mail*)

Wendy Danielson

From: Angie Rutherford
Sent: Tuesday, April 10, 2012 2:59 PM
To: Wendy Danielson; Curt Moore
Subject: FW: Ordinance regarding height regulations

Angie Rutherford
Planning Administrator
Teton County, Idaho
208 354-2593

From: [redacted] [mailto:[redacted]]
Sent: Tuesday, April 10, 2012 10:03 AM
To: Angie Rutherford
Subject: Ordinance regarding height regulations

I would like to comment regarding the proposed height ordinance.

I agree that there should be an ordinance to cover building heights. However, the heights for homes have been established at 30 feet as I understand it, and to add 10 feet for architectural features has the potential to impose on neighbors views and their right not to have them imposed on, for no justifiable reason and would benefit only some-ones vanity by saying lookee-me. My opinion is that the limit of 30 feet should remain as a total height.

I would hate to see the visual impact of non-resident buildings be increased by an additional 30 feet, and it smacks of special interest. I live in a beautiful place and don't like to have in-my-face building features imposing on the views. Once again, my opinion is that a building height limit should include any features that are a part of the building, without addition.

A different set of height limits would apply to such structures as cell towers and they would probably be as high as necessary for function, but no more.

Heights of ag buildings are already set.

Thank you,

Clint
Clint Grosse

[redacted signature]