

TEMPLE FAQs

- 1. Now that the Church has applied for a smaller temple, what are the next steps and what is the timeline?**

The Town of Fairview Planning & Zoning Commission will vote on the Church's application on April 24th, and the Town Council will hold a public hearing and vote on April 29th. The Church is grateful the Town is acting quickly on its new application. If approved, the Church will schedule a groundbreaking and move forward as quickly as possible with construction.

- 2. If the smaller temple is approved, how long will it be until it is finished?**

Construction will take approximately 32–36 months after groundbreaking.

- 3. Will the Church take legal action if the Town Council does not approve the smaller temple?**

If the current application is not approved, the Church would likely have no other option than to seek the assistance of the courts to uphold its rights.

- 4. Why not seek to uphold the Church's rights immediately?**

One reason the Church agreed to compromise rather than take legal action is that lawsuits can last years. The Church believes it would prevail, but only after substantial delay. The Church is anxious to begin construction and bring the blessings of the temple to the area, even if that means a smaller temple.

- 5. Why did the Church give notice of its intent to sue but then still apply for a smaller temple?**

The Church planned to apply for the smaller temple soon after it reached an agreement with the Town during mediation and had no intention of sending a notice of intent to sue. However, the Church became concerned when Town officials made public comments suggesting they would not vote to approve the smaller temple. After Mayor Lessner expressed confidence that following appropriate review the Town Council would likely support the

smaller temple, the Church decided to submit the application for the smaller temple.

6. Why did the Church push for approval of the larger temple if it was willing to compromise and build a smaller one?

The Church applied for the larger temple because it met the needs of a growing Church membership in the area. That temple complied with local ordinances. Federal and state law also protect the Church's right to build the temple as originally submitted. The Church hoped the Town Council would apply the law and approve the temple. When that did not happen, the Church tried to reach a compromise, but Town officials indicated they would have difficulty approving any temple that rose above 68 feet. The Town agreed to consider the 120-foot temple application only after the Church pushed for recognition of its rights and following mediation with a former federal judge.

7. Why did the Church choose a "residential" neighborhood for the temple?

Most religious meetinghouses, including large ones, are built in residential neighborhoods. In any case, the Church disagrees with those who call this site "residential" or "rural." The Town of Fairview is part of the metropolitan Dallas-Fort Worth area. And this large 8.1-acre site is on a busy four-lane road, and across the street from a shopping complex and fast-food restaurant. No residential neighborhood will be substantially affected by the proposed temple. Further, the temple will be flanked by two other churches. The Church believes this is an entirely appropriate location for the temple and believes that will be even clearer after the temple is built and is in operation.

8. Why didn't the Church make more of an effort to address the Town's concerns from the outset?

The Church tried its best and did address many of the Town's concerns, such as those about the temple's lighting. The main dispute was over the size and height of the temple. Town officials insisted that the Church lower the temple

to 68 feet, which the Church could not agree to do. Until recently, it seemed there was no possibility of finding middle ground.

9. Why do temple opponents still claim the Church is not following the law?

Temple opponents believe the 35-foot height restriction in residential zones applies to churches. That's not accurate. The Town's ordinances require churches to apply to rezone the property as a "conditional use permit district" regardless of their height. (Even if the temple was only 35 feet high, the Church would still have to apply for rezoning.) Once rezoned, however, the height restrictions for the RE-1 district are *not* applicable. Instead, the Code of Ordinances gives the Town Council authority to establish, on a case-by-case basis, "any special condition or regulation," which means the Town Council can approve churches that exceed 35 feet in height. The Church has followed this process in seeking approval of the temple. Opponents also fail to recognize that state and federal laws would protect the Church's right to build the proposed temple even if local law didn't allow it.

10. Why not find a different location where the Church can build a larger temple?

Temple sites are prayerfully selected and ultimately approved by the First Presidency of the Church. Church leaders decided that building a smaller temple at this site was preferable to looking for a different site. As explained above, the Church believes this is a perfectly appropriate site for a temple.

11. What is RLUIPA?

The Religious Land Use and Institutionalized Persons Act, or RLUIPA, is a federal civil rights law that protects the right of religious institutions to build houses of worship. It supersedes local land use laws when there's a conflict.

12. Is the Church relying on RLUIPA to seek approval of the temple?

The Church's application complies with local laws and ordinances. The Town Council has authority to approve the Church's application as is. RLUIPA provides additional support for the Church's application.

13. Has the Church sued other towns that have not approved temples?

In rare instances, the Church has been forced to take legal action against municipalities to protect its rights. Currently, in Heber City, Utah, Las Vegas, Nevada, and Cody, Wyoming, local officials *approved* the Church's application to build a temple, and it was residents who sued the city or county to overturn those decisions. The Church did not file those lawsuits; it intervened after they were filed to protect the Church's rights.

14. Why do the Church's lawyers, instead of Church leaders, take the lead in seeking approval of temple application?

Senior Church leaders oversee the temple building process and are the ultimate decisionmakers, but they do not have time to handle every aspect of the process. Like any sophisticated organization, the Church hires architects, engineers, lawyers, and land-use experts to seek approval of land-use applications. With the proposed temple in Fairview, senior Church leaders have in fact visited the area in furtherance of the Church's application to construct the temple.

15. Why has it taken so long to reach this point?

The Church did its best to move the process along as quickly as possible. The Church asked for a delay from June until August hoping to reach a compromise with the Town so it could get approval in August. During that time, however, Town officials continued to insist that the Church lower the height of the temple to 68 feet, which the Church could not agree to. Church leaders prayerfully deliberated after the August Town Council meeting about what to do next and decided to make one more effort at compromise through a joint mediation with the Town. The Church was ready to move quickly after the mediation by submitting an application for the 120-foot temple, but became concerned and sought reassurance when comments by Town officials cast doubt on whether the 120-foot temple would be approved. Following recent encouragement from the Town to submit the 120-foot

application, the Church is hopeful the Town Council will, after reviewing the revised application, give final approval at its April 29th meeting.