



**NOTICE OF AGENDA --
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
OCTOBER 8, 2013
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301
Amended Agenda 10-07-13**

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):
September 24, 2013
September 4, 2013 WS
August 1, 2013 WS
2. Approval of Findings of Fact and Conclusions of Law:
 - Artem Petroysan (SUP 09-10-13) • Magic Valley Flight Simulation (SUP 09-10-13)

III. ITEMS OF CONSIDERATION:

1. Request to approve the preliminary plat for the Dunthorn Subdivision approximately 1.52 (+/-) acres for 4 residential lots located at the south west corner of 9th Avenue West and Oak Street
c/o JUB Engineers on behalf of Raymond Perron

IV. PUBLIC HEARINGS:

1. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K) by permitting temporary real estate open house signs within public right-of-way under specific conditions
c/o Greater Twin Falls Association of Realtors (app.2602) **WITHDRAWN TO BE RESCHEDULED**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing- **Tuesday, October 22, 2013** 6:00 pm
2. Work Session- **Wednesday, November 6, 2013** 12:00 pm

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanches al (208) 735-7287
Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at
(208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**** Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **TUESDAY, October 8, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-1

Request: Request for the Commission's consideration of the Preliminary Plat of Dunthorn Subdivision, 1.52 (+/-) acres consisting of four lots on property located at the southwest corner of 4th Avenue West and Oak Street. c/o JUB Engineers on behalf of Raymond Perron.

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may be up to five (5) minutes.

Background:

Applicant:	Status: Property Owner	Size: 1.52(+/-) acres
P&J Property Investments LLC ATTN: Ray Perron 2468 Dorm Drive Twin Falls, ID 83301 734-7700/352-0021	Current Zoning: R-6 MHO CRO	Requested Zoning: Approval of a preliminary plat
	Comprehensive Plan: Townsite	Lot Count: 4 lots
	Existing Land Use: residential	Proposed Land Use: residential
Representative:	Zoning Designations & Surrounding Land Use(s)	
JUB Engineers Inc c/o Rex Harding 115 Northstar Ave Twin Falls, Idaho 83301 208-733-2414 rlh@jub.com	North: R-6 MHO; 4 th Ave W, residential	East: R-6 MHO; Oak St, residential
	South: R-6 MHO CRO; residential	West: OS CRO; Rock Creek Canyon
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-6, 10-4-17, 10-4-19, 10-12-2.3	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

After a public hearing, a recommendation from the Planning and Zoning Commission for the requested change will allow the applicant to proceed to develop a final plat in conformance with the approved preliminary plat and any conditions placed on the approval.

History:

On October 21, 1991, Ordinance #2360 was approved for vacation of sewer line easements crossing property located at 939 4th Avenue West.

In 2008 this property went through the subdivision process for a two (2) lot subdivision. This process was not completed and the proposed subdivision was not recorded.

Analysis:

This Preliminary Plat for the Dunthorn Subdivision includes 1.52 (+/-) acres and is zoned R-6 (Residential Multi-Household) MHO (Mobile Home Overlay) CRO (Canyon Rim Overlay) zone. The request is to plat four (4) lots. The site is located at the southwest corner of 4th Avenue West and Oak Street.

The proposed plat will divide an existing lot into two (2) lots and include two (2) additional developed residential parcels. The property is currently developed with three (3) single family dwellings and one (1) multi-family dwelling. The parcels are being subdivided into Lot 1 (6098 sq ft), Lot 2 (6098 sq ft), Lot 3 (8276 sq ft) and Lot 4 (45,738 sq ft). The minimum lot area requirement per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit. The proposed development is for single family residential subdivision that meets the minimum code standards.

The proposed subdivision is partially within the Rock Creek Canyon Rim Overlay. The existing building located at 939 4th Avenue West was constructed before the CRO District was adopted on May 20, 1996. The existing multi-family dwelling is a legal non-conforming building. Any expansion of the existing structure will require compliance with all current code requirements at the time of expansion.

The Twin Falls Fire Department Subdivision Code Review revealed a deficiency in fire flow. An upgrade of the water main will be required before any new construction will be allowed without installation of automatic fire suppression systems.

A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the

Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for townsite.

Conclusion:

Staff recommends the Commission approve the preliminary plat of the Dunthorn Subdivision, as presented, and subject to the following conditions:

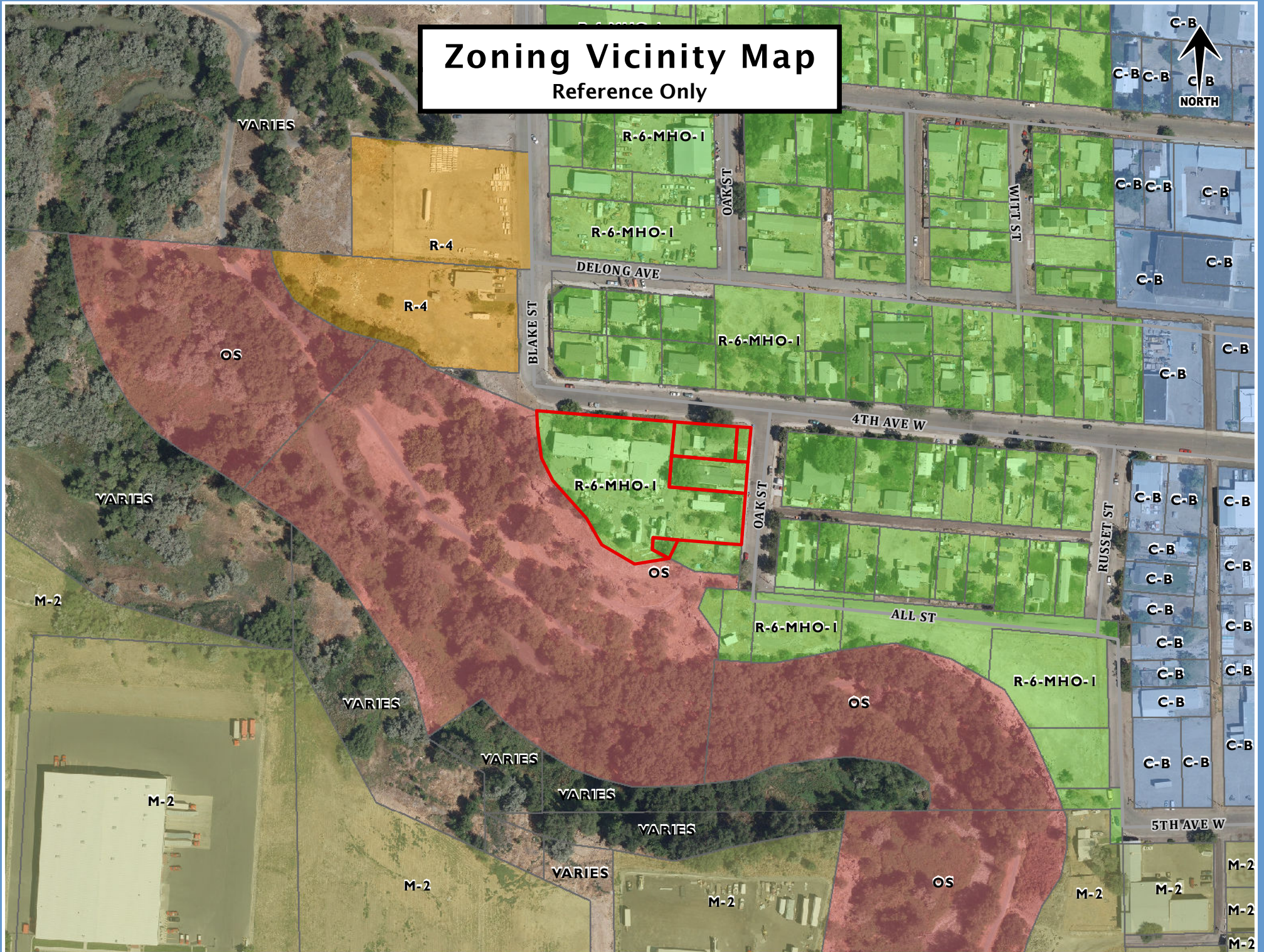
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

Attachments:

1. Zoning Vicinity Map
2. Aerial Map
3. Preliminary Plat Exhibit
4. Pictures (3)

Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only



354 BLAKE

BLAKE ST

1 AV

880 4TH AV

874 4TH AV

4TH AVE W

410 OAK ST

418 OAK ST

939 4TH AV

881 4TH AV

OAK ST

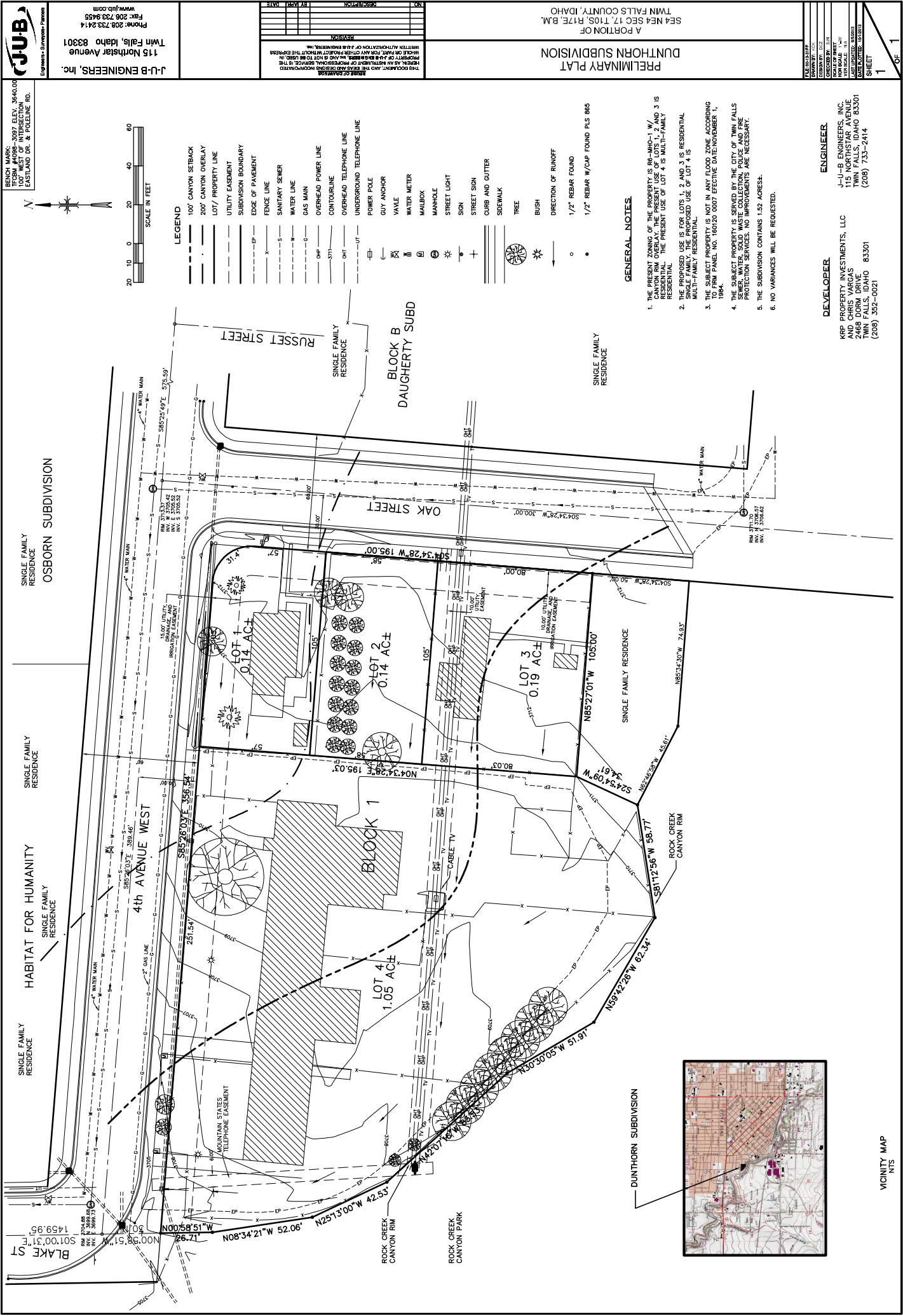
430 OAK ST

762 ALL ST

440 OAK ST

ALL ST

439 OAK ST



BENCH MARK: 3007 ELEV. 3440.00
100' WEST OF INTERSECTION
EASTLAND DR. & POOLINE RD.

SINGLE FAMILY RESIDENCE
OSBORN SUBDIVISION

SINGLE FAMILY RESIDENCE
HABITAT FOR HUMANITY

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

SINGLE FAMILY RESIDENCE

LEGEND

100' CANYON SETBACK

200' CANYON OVERLAY

LOT/ PROPERTY LINE

UTILITY EASEMENT

SUBDIVISION BOUNDARY

EDGE OF PAVEMENT

FENCE LINE

SANITARY SEWER

WATER LINE

GAS MAIN

OVERHEAD POWER LINE

CONTOURLINE

OVERHEAD TELEPHONE LINE

UNDERGROUND TELEPHONE LINE

POWER POLE

GUY ANCHOR

VALE

WATER METER

MAILBOX

MANHOLE

STREET LIGHT

SIGN

STREET SIGN

CURB AND GUTTER

SIDEWALK

TREE

BUSH

DIRECTION OF RUNOFF

1/2" REBAR FOUND

1/2" REBAR W/CAP FOUND PLS 865

SCALE IN FEET

20 10 0 20 40 60

N

115 Northstar Avenue

Twin Falls, Idaho 83301

J-L-B ENGINEERS, Inc.

Phone 208 733 2414

Fax 208 733 9455

www.jlb.com

Engineers • Surveyors • Planners

THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF J-L-B ENGINEERS, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE EXPRESS WRITTEN AUTHORIZATION OF J-L-B ENGINEERS, INC.

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

PRELIMINARY PLAT

DUNTHORN SUBDIVISION

SE4 NE4 SEC 17, T10S, R17E, B.M.

TWIN FALLS COUNTY, IDAHO

A PORTION OF

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

GENERAL NOTES

1. THE PRESENT ZONING OF THE PROPERTY IS RM-100-1 W/

2. THE PROPOSED USE IS FOR LOTS 1, 2 AND 3 IS RESIDENTIAL

3. THE SUB-EST. PROPERTY IS NOT IN ANY CLASS ZONE ACCORDING

4. THE SUBJECT PROPERTY IS SERVED BY THE CITY OF TWIN FALLS

5. THE SUBDIVISION CONTAINS 1.52 ACRES.

6. NO VARIANCES WILL BE REQUESTED.

DEVELOPER

KRP PROPERTY INVESTMENTS, LLC

AND CHRIS VARGAS

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 352-0021

ENGINEER

J-L-B ENGINEERS, INC.

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 733-2414

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

VICINITY MAP

NTS

DUNTHORN SUBDIVISION

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DEVELOPER

KRP PROPERTY INVESTMENTS, LLC

AND CHRIS VARGAS

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 352-0021

ENGINEER

J-L-B ENGINEERS, INC.

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 733-2414

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DEVELOPER

KRP PROPERTY INVESTMENTS, LLC

AND CHRIS VARGAS

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 352-0021

ENGINEER

J-L-B ENGINEERS, INC.

115 NORTHSTAR AVENUE

TWIN FALLS, IDAHO 83301

(208) 733-2414

NO. 1

DESCRIPTION

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE

BY

DATE



West end of property long 4th Ave W

AM10:37 11/FEB/2013



East end of property along 4th Ave W

AM10:59 11/FEB/2013



Middle of Property along 4th Ave
W

03/27/2013 12:33 PM



Single wide on East side of
property along Oak Street

AM10:36 30/SEP/2013





Public Hearing: **TUESDAY, October 8, 2013**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-1

Request: Request for the Commissions' recommendation for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K) Real Estate Signs to allow temporary real estate open house signs in the public right-of-way under specific conditions. (App 2602) *Greater Twin Falls Association of REALTORS c/o Nan Gandy*

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
Greater Twin Falls Association of REALTORS 1162 Eastland Dr. North, Suite 1 Twin Falls, Idaho 83301	Requested Zoning: Amendment to Twin Falls City Code – Title 10; Chapter 9; Section 9(K); Real Estate Signs
Representative:	
Nan Gandy 1411 Falls Ave E Suite 215 Twin Falls, ID 83301 208-733-6421 nancy@twinfallsrealtors.com	Applicable Regulations: 10-2-1, 10-9-9(K), 10-14-1 through 7

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall

specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced the previous Title 10 of Twin Falls City Code in its entirety.

In December 2008, Ordinance 2957 was approved by the City Council. This ordinance replaced the previous Title 10 Chapter 9: Sign Regulations in its entirety.

Ordinance 3005 was approved in June 2011 which made changes to references in Title 10 Chapter 4: Zoning Designations, as well as various definitions in Title 10 Chapter 2.

Analysis:

This is a request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs: to allow Real Estate Open House Signs to be located on any public right-of-way subject to: limited hours not to exceed five (5) total hours in any one day, access of public right of way to remain open including wheelchair access, and signs to be removed from the right-of-way within one hour after completion of open house.

The Greater Twin Falls Association of REALTORS making this request state in their narrative that placing signs on the public right-of-way has been common practice and the sign ordinance as currently written often effectively eliminates licensed REALTORS from holding open houses within the City limits. The narrative further states that placing signs on private property can be problematic in residential and commercial areas due to homeowners not being home very often, or not agreeing to allow the signs on their property, and businesses being closed on weekends, and during normal open house hours. These circumstances leave REALTORS with few options, which lead them to use the only space available, the public right-of-way.

The Zoning Ordinance Amendment Committee (ZOAC) reviewed this proposed amendment during a regular committee meeting. The motion of that committee was to not endorse this amendment. Some of the

reasons given by that committee were that it could be construed that REALTORS were being given unfair advertising advantage over other businesses and that it would open the door to misinterpretation and confusion by other individuals and entities as to where signs are allowed in relation to the public right-of-way.

Possible Impacts: This Code amendment would not change the regulation of signs being prohibited within sight triangles located at intersections of streets, alleys and driveways. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle.

Although current City Code prohibits private signs being placed in public right-of-way, it does allow Real Estate direction signs to be placed on private property. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the existing regulations outlined in current City Code. Staff feels that this amendment to the City Code would cause confusion, and possibly an increase in violations by other individuals and entities that will see this as a precedent to allow all types of signs within the public right-of-way.

The amendment as submitted may not be located in the optimum section of the code for effective enforcement by staff. If the commission finds the amendment appropriate, staff feels that a change to the format may be needed in order to reduce conflicts and contradictions with other sections of the code.

Conclusion:

The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall ensure that any favorable recommendations for amendments are in accordance with the current comprehensive plan and established goals and objectives.

Attachments:

1. Letter of Request
2. Proposed Amendment

B. REQUEST INFORMATION – Item 2

Ordinance No. 2957

ADDITION TO SECTION 10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT:

(K) Real Estate Signs:

1. Definition: A "real estate sign" is a temporary stake sign that advertises a home, building, or property for sale or lease. This definition includes off premises real estate signs for directional purposes.
2. Real Estate Signs Permissible: Real estate signs, both on premises and off premises, are permissible subject to the following conditions:
 - a. Time: No restrictions.
 - b. Place:
 - (1) Real estate signs shall not be located within any public right of way. In general, a real estate sign shall be erected no closer than ten feet (10') from the street pavement.
 - (2) An on premises real estate sign shall be erected on the lot on which the home or property is for sale or lease.
 - (3) An off premises real estate sign shall be erected only on private real property, and only with the consent of the property owner. No more than three (3) off premises real estate signs may be located on any single lot or property.
 - c. Manner:
 - (1) A maximum of one real estate sign per street frontage may be erected on a lot.
 - (2) Residential real estate signs shall not exceed nine (9) square feet in area.
 - (3) Real estate signs on property zoned for nonresidential uses shall not exceed thirty two (32) square feet in area.
 - (4) Real estate signs on agricultural properties shall not exceed thirty two (32) square feet in area. Only properties that are larger than forty (40) acres and that currently produce agricultural products shall be considered to be agricultural properties.
 - (5) All real estate signs shall be located in conformance with the provisions of section 10-9-5 of this chapter.

3. Real estate open house signs. Real estate open house signs may be located on any public right away subject to the following conditions:

a. Time. Open house signs may are only permitted on the public right of way one hour before and one hour after a scheduled open house. The total time an open house sign will be permitted on the public right of way shall not exceed 5 hours in any one day.

b. No open house sign shall block the access of any public right of way so as to prevent passage by the general public including wheelchair access.

c. All open house signs are to be removed from the public right of way within one hour after the completion of the open house.

Ordinance No. 2957

**ADDITION TO SECTION 10-9-9: ALLOWABLE SIGNS THAT DO NOT REQUIRE THE
ISSUANCE OF A SIGN PERMIT – REASON FOR THE REQUEST:**

Holding an open house as part of a marketing plan is a long standing practice of real estate professionals and of home owners selling their property without employing a real estate professional. Homeowners expect open houses as a part of the service provided by real estate firms. Real estate professionals belonging to the Greater Twin Falls Association of REALTORS® have traditionally provided this service for many years. Placing signs on the public right-of-way has been a common practice.

The sign ordinance as currently written often effectively eliminates licensed REALTORS® from holding open houses within the City limits. Open houses usually require a number of open house signs directing the general public to the home that is being offered for sale. Most open houses occur on weekends. Frequently, adjacent homeowners are away during weekends and are away during week days working and caring for personal business. This prevents REALTORS® from being able to make direct contact with them and to request permission to place a sign on their private property.

In addition, some homeowners do not agree to have open house signs placed on their property. This can prevent REALTORS® or home owners from being able to adequately place signs to direct the public to the home being marketed.

Another problem frequently encountered in areas near commercial properties is that the businesses are not open on weekends to allow REALTORS® to ask for permission to place open house signs. Many commercial properties, especially in the downtown area have no space other than the public right of way in front of the business to place signs.

REALTORS® generally hold open houses for between 2 and 4 hours. This means that it is a very limited time that the signs would be on the public right of way. There is no reason signs should be left after the conclusion of the scheduled open house.

The members of the Greater Twin Falls Association of REALTORS® are asking for a modification of the existing ordinance to allow the temporary placement of open house signs on the public right of way for short periods of time only in a manner that will not prohibit passage by the public including the passage of walkers, wheel chairs and motorized chairs used by the physically impaired.