

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, JANUARY 27, 2015**
 To: Planning and Zoning Commission
 From: Jonathan Spendlove, Community Development Dept.

ITEM IV-

Request: Requests the Commission’s recommendation for a **Zoning Title Amendment** to amend Title 10 to increase the required public notice for various public hearings.(app 2702)

Time Estimate:

The presentation may take up to ten (10) minutes followed by questions from the commission.

Background:

Applicant:	
City of Twin Falls Planning and Zoning Staff	Requested Zoning: Amendment to Twin Falls City Code – Title 10
Representative:	
Jonathan Spendlove Planner I	Applicable Regulations: Numerous Sections within Title 10.

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.

Regulatory Impact:

Approval by the City Council will allow the code to be amended as presented.

History:

This request was generated by the Planning and Zoning Commission following some discussion regarding the effectiveness of the current public hearing notice requirements as described in Twin Falls City Code Title 10. These discussions occurred as a direct result of some public hearing items that took place in August and September 2014.

Staff has generated this zoning title amendment under the direction given by the Planning and Zoning Commission during multiple publicly advertised work sessions in October, November and December 2014.

Analysis:

The proposed amendment modifies multiple sectors within Title 10. The major change occurs in Title 10- Chapter 7. A new Section 20 has been written to address the concerns and changes voiced by the public and the Commission. Some changes also address some discrepancy between Twin Falls City Code and State Statute regarding notice.

There are 3 major changes: **(1)** Applicants will be required to notify public hearings, send letters and post signs, on the same day. **(2)** Notification distances have been increased in order to more adequately provide notice to surrounding property owners. **(3)** The number and size of public notice signs has been increased to provide more adequate notice on adjacent street frontages.

Major Change **#1** listed above will require the applicant to send the notification letters and post the public notice signs on the property 15 days prior to the public hearing. This will enable staff to more closely monitor the status of the notifications, catch notification violations sooner, simplify the process for the applicant, and most importantly provide an increase of notification time to adjoining owners and residents.

Major Change **#2** listed above will increase the minimum notification distance. Current City Code applies an across the board three hundred feet (300') measured from the exterior property line. This amendment modifies the required distance depending on the type of change being requested. With the changes requested, no public hearing will be notified less than a distance of five hundred feet (500'). Certain public hearings within the C-1, CB, R-6, and MHO-1 Zoning Districts will be noticed at seven hundred fifty feet (750'). Certain Public hearings in the M1 and M2 Zoning Districts will be notified at one thousand feet (1000').

Major Change **#3** listed above will increase the # and size of signs to be placed on the site. Locations that front multiple roads will be required to place a sign on each frontage. Locations will be required to have a minimum of one sign per three hundred (300) feet of street frontage, or a fraction thereof. Locations that front a City designated arterial street or State Highway, will be required to furnish signs that are a minimum four (4) feet tall and four (4) feet wide, with the bottom of the sign being at least three (3) feet above the ground.

Additional changes included in this newly proposed code section include the following: providing the decision by the Planning and Zoning Commission on public notice when items are forwarded to the City Council, a timeframe to remove the public notice signs, a requirement for staff to furnish a press release to local news media, and to post the public notice on the City Website.

Other sections listed on this amendment are to redirect the reference for public notifications to the newly created Title 10- Chapter 7 – Section 20.

Conclusion:

The Commission may recommend approval of the amendment as proposed to the City Council, you may recommend a modification of the amendment (this will require another public hearing before the Commission), or the Commission may recommend denial the amendment.

Attachments:

1. Proposed changes to Title 10.

No amendments needed for a ZDA and Requests for Additional Height

10-3-4: NONCONFORMING USES OR BUILDINGS:

(D) 3. a. Prior to granting a Nonconforming Building Expansion Permit, at least one public hearing shall be held before the Planning and Zoning Commission. At said hearings, all interested persons shall have the opportunity to be heard. [Notice for public hearings shall be provided as required in this Title.](#)

~~At least fifteen (15) days prior to the intended hearing, a notice of the time and place and a brief summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. A copy of the notices of public hearing shall be mailed by the applicant to all property owners within three hundred feet (300') of the external boundaries of the property in question. The applicant shall sign an affidavit of mailing and attach to the application the names and addresses of all persons so notified. Where notice is required to two hundred (200) or more property owners, in lieu of mailing the notification of public hearing, three (3) notices in the newspaper or paper of general circulation shall be deemed sufficient. The last of said publications shall appear at least ten (10) days prior to the date set for public hearing.~~

10-7-19: CITY SERVICES:

(C) Approval Of New Uses By City Council: Any proposed new use to be established on real property owned and/or operated by the city of Twin Falls, not already permitted by other provisions of this zoning ordinance or already approved as required utility improvements in new developments, must be approved by the city council after a public hearing at which interested persons shall have an opportunity to be heard. [Notice for public hearings shall be provided as required in this Title.](#) ~~At least fifteen (15) days prior to the hearing, notice of time and place and a description of the proposed use shall be published in the official newspaper or paper of general circulation within the jurisdiction of this city. Additional notice shall be provided by posting the property; by mail to property owners and residents within three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed use, as determined by the zoning administrator.~~

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

(T) Zoning Signs:

1. Definition: A "zoning sign" is a temporary sign erected to publicize the request for zoning or rezoning of a property.
2. Zoning Signs [shall be posted to provide notice for public hearings as required in this Title.](#) ~~Permissible: Zoning signs are permissible subject to the following conditions:~~
 - a.—Time:
 - ~~(1) The property owner or his/her representative shall erect the sign on the property seven (7) days prior to the first public hearing scheduled to discuss the applicable zoning case. The property owner shall be responsible for maintaining the sign on the property throughout the entire zoning case.~~
 - ~~(2) The property owner or his/her representative must remove the sign within three (3) days after the city's approval of the ordinance rezoning the property or after the city denies the request.~~
 - b.—Place:
 - ~~(1) The sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request.~~

~~(2) One zoning sign shall be erected adjacent to each street frontage of the property.~~

~~(3) Signs shall be located no greater than twenty feet (20') from front property line, unless otherwise directed by the zoning and development manager or his/her designee.~~

~~c. Manner:~~

~~(1) The area of a zoning sign shall be six (6) square feet.~~

~~(2) The width of a zoning sign shall be three feet (3').~~

10-13-2-1: VARIANCES:

(E) Public Hearing: Prior to granting a variance permit, at least one public hearing before the Commission in which interested persons shall have the opportunity to be heard shall be held. Notice for public hearings shall be provided as required in this Title. ~~At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Notice may also be made available to other newspapers, radio and television stations serving the jurisdiction for use as a public service announcement. Additional notice shall be provided by mail to property owners and residents within the land being considered, three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing.~~

~~The applicant requesting the proposed change shall sign an affidavit stating that he has notified in writing the required residents and the property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents, in lieu of the mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears ten (10) days prior to the public hearing.~~

10-13-2-2: SPECIAL USE:

(F) Public Hearing: Upon receipt of the application for a special use, the Commission shall hold a public hearing. Notice for public hearings shall be provided as required in this Title. ~~publish notice in the newspaper and give written notice to all parties as required for variance permits.~~

10-13-2-3: REVOCATION OF ZONING PERMITS:

(D) A public hearing on the motion or petition to revoke shall be held before the appropriate zoning body. The permit holder, city staff and/or any aggrieved party may present testimony or other evidence at said hearing. Said hearing shall be held within forty five (45) days of the filing of a petition for revocation or the passage of a motion initiating revocation proceedings Notice for public hearings shall be provided as required in this Title

10-14-4: COMMISSION ACTION:

- (C) If the request is not in accordance with a comprehensive plan, the request shall be submitted to the Commission, ~~or, in its absence, the Council~~ which shall recommend and the Council may adopt or reject an amendment to a comprehensive plan under the notice and hearing procedures [as required in this Title](#) ~~provided in Section 67-6509, Idaho Code~~. After a comprehensive plan has been amended, this Title may then be amended as hereinafter provided for.

10-14-5: PUBLIC HEARING:

- (A) Zoning Title Amendment: The Commission, prior to recommending a Zoning Title Amendment to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. [Notice for public hearings shall be provided as required in this Title](#) ~~At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City.~~ Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the amendment with its recommendation to the Council.
- (B) Zoning Map Amendment: The Commission, prior to recommending a Zoning Map Amendment that is in accordance with a comprehensive plan to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. [Notice for public hearings shall be provided as required in this Title](#) ~~At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of this City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator.~~

~~The applicant requesting the Zoning Map amendment shall sign an affidavit stating that he has notified, in writing, the required residents and the property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents, notice of said proposed change and the hearing thereon shall be published in the Times-News once a week for three (3) consecutive weeks, with at least one of said publications being fifteen (15) days prior to the date set for hearing on the proposed change and for which said notice is given.~~

10-15-2: PUBLIC HEARING:

- (B) [Notice for public hearings shall be provided as required in this Title](#) ~~At least fifteen (15) days prior to the hearing, notice of time and place, and a description of the proposed zoning changes for the unincorporated area shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing.~~

~~The applicant requesting a Zoning Map amendment shall sign an affidavit stating that he has notified, in writing, the required residents and property owners as to his purpose of application, time and place of hearing, residents serviced, and date of service. A copy of notification shall be attached to the affidavit and returned to the City.~~

~~When notice is required to two hundred (200) or more property owners or residents, in lieu of the mail notification, three (3) notices in the official newspaper or paper of general circulation in the City is sufficient; provided, that the third notice appears ten (10) days prior to the public hearing.~~ Following the Commission's hearing, if the Commission makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Commission forwards the proposal with its recommendations to the Council.

10-17-1: CITY PLANNING ADMINISTRATOR:

- (G) Appeals to the commission concerning the administrator's interpretation and administration of this title may be taken by any person aggrieved by a decision of said administrator. Said appeal shall be taken within fifteen (15) days after the decision of the administrator by filing with the administrator a notice of appeal specifying the grounds upon which the appeal is to be taken. The administrator shall transmit to the commission the appeal and all papers constituting the record upon which the appeal is based.

Upon receipt of an appeal from the action of the administrator the commission shall, after ~~publishing notice in a newspaper and~~ giving written notice to all parties concerned at least fifteen (15) days in advance, hold a public hearing. [Notice for public hearings shall be provided as required in this Title](#) The commission's determination shall be final unless appealed to the council within the same time and pursuant to the same procedure set forth above.

NEW SECTION

10-7-20: PUBLIC HEARINGS NOTICE REQUIREMENTS:

Public notice shall be provided for land use actions requiring a public hearing. Public notice shall comply with the following requirements. Public hearings for appeals to the Administrator's interpretation and administration of this title, Zoning Title Amendments not relating to a specific property, and Comprehensive Plan Amendments not relating to a specific property are not required to provide mail and site posting notice.

(A) Mail: Mail notice shall be provided as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be provided by mail to the following:
 - a. property owners, or purchasers of record, within the land being considered,
 - b. property owners, or purchasers of record, within five hundred (500) feet of the external boundaries of the land being considered,
 - (1) For Special Use Permit, Zoning Map Amendment, and Future Land Use Map Amendment requests involving the R6, MHO-1, and nonresidential districts, except M1, M2, and OS, notices shall be mailed to property owners, or purchasers of record, within seven hundred and fifty (750) feet of the external boundaries of the land being considered.
 - (2) For Special Use Permit, Zoning Map Amendment, and Future Land Use Map Amendment requests involving the M1 and M2 districts, notices shall be mailed to property owners, or purchasers of record, within one thousand (1,000) feet of the external boundaries of the land being considered.
 - c. any additional property owners, or purchasers of record, that may be impacted by the proposed change as determined by the Administrator, and
 - d. all political subdivisions providing services within the planning jurisdiction, including the City, school districts, and the Magic Valley Regional Airport Manager.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The applicant requesting the proposed change shall mail the notices to the required property owners. Upon mailing, the applicant shall sign an affidavit stating that he has notified in writing the required property owners as to his purpose of application, time and place of hearing, residents served, and date of service. A copy of the notification shall be attached to the affidavit and returned to the City not less than ten (10) days prior to the hearing.

(B) Site Posting: Notice shall be posted on site as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the premises.
2. The applicant requesting the proposed change shall post the required notice on the premises as follows:
 - a. Notice shall be provided by not less than one (1) sign located on the subject property adjacent to each street frontage of the property. In the event that the subject property is not adjacent to a public street, signs may be placed within the nearest public street right-of-way with prior approval from the Administrator and the owner of the right-of-way.

- b. Signs shall be placed on the property so as to remain clearly visible from adjacent streets. In the event that visibility of signs located on the property is obstructed, signs may be placed within the adjacent street right-of-way with prior approval from the Administrator and the owner of the right-of-way.
 - c. If a property contains three hundred (300) or more feet of street frontage on a single street, one sign shall be placed on the property for each three hundred (300) feet, or portion thereof, of the street frontage.
 - d. Additional notice signs may be required as determined by the Administrator.
 - e. Notice signs shall be made from metal, plywood, or an equivalent hard surface and shall be mounted on two (2) posts in a manner that is perpendicular to the street along which the sign posted.
 - f. Notice signs shall be a minimum of two (2) feet tall by three (3) feet wide and mounted so the bottom of the sign is at least two (2) feet above the ground. Notice signs that are located along a City designated arterial street or a State Highway shall be a minimum of four (4) feet tall and four (4) feet wide and mounted so the bottom of the sign is at least three (3) feet above the ground.
 - g. Notice signs shall be white in color. At the top of the sign, notice signs shall include each of the following with a minimum size of six (6) inch black letters:

 - the words, "Notice of Public Meeting,"
 - the words, "for more information call," and then the phone number for the City's Planning & Zoning Department, and
 - the official City logo.
 - h. Notice signs shall include a brochure holder mounted to the sign. The applicant requesting the proposed change shall ensure that, until such time as the notice sign is removed, the brochure holder contains hand-outs providing notice of the time and place of the hearing and a summary of the proposal. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
 - i. The applicant requesting the proposed change shall remove the posted notice sign(s) from the property not more than three (3) days after the conclusion of the final public hearing for the proposed action.
- (C) Newspaper: Newspaper notice shall be provided as follows when required.
1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City.
 2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
 3. The Administrator shall cause the newspaper notice to be prepared and published.

(D) Press Release: A press release shall be provided as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be made available as a press release to news media outlets serving the jurisdiction, including newspapers, radio, and television stations.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The Administrator shall cause the press release to be prepared and made available to news media outlets. The City cannot guarantee that media outlets will broadcast the press release.

(E) City Website: Notice shall be provided on the City website as follows when required.

1. At least fifteen (15) days prior to the hearing, notice of the time and place of the hearing and a summary of the proposal shall be posted on the City website, www.tfid.org.
2. When a public hearing is to be conducted by the City Council for a proposal that the Planning & Zoning Commission has made a recommendation on, the notice for that hearing shall include the Commission's recommendation in addition to the time and place of the hearing and a summary of the proposal.
3. The Administrator shall cause the notice to be posted on the City website.