



BOISE COUNTY

RESOLUTION NO. 2018-58

A BOISE COUNTY RESOLUTION TO ADOPT LAND USE PUBLIC HEARING PROCEDURES WITHIN BOISE COUNTY

WHEREAS, Idaho Code §67-6534 requires that counties maintain a regular set of procedures for public hearings held by the Boise County Planning and Zoning Commission and the Board of County Commissioners in matters governed by the Local Land Use Planning Act; and

WHEREAS, From time to time it is beneficial to review and revise those hearing procedures to Better facilitate input from the public and to promote a thorough and expeditious hearing;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that Boise County hereby adopts the following procedures to be applied in matters concerning land use-Related public hearings:

Section 1. Public Notice

- a. If a public hearing is required by law or ordinance, the planning commission and, when applicable, the Board of County Commissioners shall hold at least one public hearing in which interested persons shall have an opportunity to be heard. 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 county's official newspaper. Notice of public hearing should only be published when an application is complete in a manner sufficient to address the requirements established by ordinance and application forms.
- b. In the case of annexations, conditional use permits, subdivisions, and variances, notice shall also be provided to property owners within the land being considered; those record owners of lands within six hundred feet (600') of the external boundaries of the land being considered; and, optionally, within any additional areas that may be substantially impacted by the proposal as determined by the planning and zoning commission or by decision of the planning and zoning department staff. Contents of the mailed notice must contain the information required by law and when practical should include information guided by this Resolution such as requirements of testimony, default time limits (or issue-specific time limits, if known), timing for allowing written submissions, and other significant conditions or restrictions on testifying.
- c. When mailed notices would be required to be sent to two hundred (200) or more property owners, a notice of public hearing, at least 2" x 4" in size, published in the county's official newspaper at least 15 days prior to the hearing, shall be considered adequate in lieu of otherwise required mailed notices. Alternative notice shall meet the Unified Land Use Ordinance requirements.
- d. For site-specific matters, the subject property shall be posted with signs describing the type of action to be considered, contact information for the Planning and Zoning

Department, and the time, date and location of the hearing. Such signage shall be posted on the site as required by law or ordinance.

Section 2. General Rules for Testimony in a Quasi-judicial Public Hearing:

- a. At the commencement of the public hearing, the Commission/Board, or the Chairman may establish a time limit to be observed by all speakers. This resolution provides the default time limits as follows: Applicant (to describe application and reasons that it meets requirements) – not to exceed fifteen (15) minutes. Staff explanation – not to exceed fifteen (15) minutes. Individual testimony – pro, neutral and con – three (3) minutes per person (up to fifteen (15) minutes for spokesman in cases where spokesmen are pre-authorized by the chairman, county clerk, or administrator). Rebuttal by the applicant (no new evidence should be presented – only information from the record to rebut assertions by contrary testimony) – as needed.
- b. No person shall be permitted to testify or speak before the hearing agency at a public hearing unless such person has signed his name and written his contact address on sign-up sheets to be provided by the county. This requirement shall not apply to staff or technical witnesses directed by the chairperson to give evidence or information to the hearing agency.
- c. The presiding officer, or the Commission/Board, is authorized to revise the default time frames and order of proceedings so long as due process rights are maintained. In the event of disagreement by governing board members with procedural rulings by the chairman, the governing board may suspend or amend any one or more of these rules by majority vote of members of the governing board then in attendance, provided that due process rights are preserved.
- d. Anyone who intends to appear as a representative of a group at a hearing where spokesmen will be allowed pursuant to directive by the Chairman should contact the Planning and Zoning Department at least five (5) days prior to the hearing. Staff may then apprise the representative of procedures for the hearing and any special limits or allowances concerning testimony.
- e. No person shall be permitted to speak before the Commission/Board at a public hearing until such person is recognized by the chairperson.
- f. Testimony should directly address the subject at hand.
- g. Testimony should not be repetitious with other entries into the record.
- h. Testimony should not be personally derogatory.
- i. Testimony should comply with time restrictions established by the hearing agency.
- j. If oral testimony fails to comply with the aforementioned standards, the chairperson may declare such testimony out of order and require it to cease.