

Public Hearing Process

About Public Hearings: All major planning and zoning applications are required by law to be considered after public hearing, a means by which you, an interested party, may be heard and your views included in the decision making process. Your input is vital, and you're encouraged to get involved. You don't need to be a polished public speaker to present testimony, and understanding the process can increase your effectiveness. Every planning and zoning hearing requires a quasi-judicial decision, which means a decision based on Idaho Code, the Boundary County Comprehensive Plan, the Boundary County Zoning and Subdivision Ordinance and other laws. These decisions are based on the content of the application, which includes written testimony from concerned citizens, and on testimony and evidence presented in public hearing.

Prior to the hearing, each member of the commission is provided a copy of the application file, so it's important to make sure you meet the deadline posted in the public hearing notice for submitting written comment so commission members have ample time to consider your point of view.

If you're the applicant, be sure to provide as much information as possible ... the burden of proving the application is sound is up to you. If possible, talk to your neighbors before the hearing and let them know what you have in mind ... that way you'll know what their concerns are and be better able to address them at the hearing. Better yet, talk to them before you fill out your application; there are often steps you can take to ease the concerns of neighbors, and incorporating these steps in the application can save time, headaches, and the potential for appeals or litigation.

The Procedure: The public hearing process begins with public notification. A legal notice is published in the official newspaper of record at least 15 days before the hearing and letters are sent to all property owners within 300 feet of the property on which the action is proposed. When you receive this letter, determine if the action affects you. If it does, begin preparing. All information on file is public record and you have the right to see it. You may also question the zoning administrator, but do not contact any member of the board or commission which will conduct a hearing, as they may only consider what is in the public record or presented during public hearing. At the hearing, the board chair will read the procedure and call for possible conflicts of interest from commission members. If members have conflict, they can still participate by stepping down, but they cannot take part in the decision making process.

The applicant will be allowed to make a presentation on the proposal, then the staff report will be read. Public testimony begins with those speaking in favor of the proposal, followed by those who are uncommitted, then those who are opposed. The applicant is then allowed to rebut, answer questions raised or clarify the proposal. If the applicant makes a substantive change to the proposal during rebuttal, the public comment process will be repeated. During these proceedings, members of the commission may ask questions of anyone giving testimony.

After this process is concluded, the hearing is closed and no further testimony will be taken unless the hearing is formally reopened.

Once the hearing is closed, the commission will discuss the application, weigh the testimony and form a decision. Depending on the type of application, this may be to approve, deny, approve with conditions or to table a final decision for further deliberation at a later date or to allow a written decision to be drafted.

On special use permit applications, amendments or subdivisions, the Planning and Zoning Commission does not have final decision authority, but makes a recommendation to the Board of County Commissioners, who must also hold a public hearing following these same procedures.

In most cases in which a decision is appealed, success of the appeal is based on a violation of procedure. In Planning and Zoning, applicants gain no favors by getting favors ... if you notice that a person who should have received notice has not or that a step has been missed, demand that it be corrected; even if it may delay the process. If the application is appealed, what could have been a delay of a few weeks may turn into months or years.

What is considered: On most land use applications, the Planning and Zoning Commission must weigh the good of the applicant against the good of the community.

When considering an application, the commission must determine if the application is complete and provides a clear description of the proposed use, that there is sufficient land area to accommodate the use, that the use will not have substantial adverse impacts on surrounding properties and that adequate public services, such as water, sewage disposal, roads, and fire protection exist or will be built to accommodate the proposed use. On some types of applications, the commission can impose or recommend restrictions or conditions necessary to mitigate potential adverse impacts.

Boundary County imposes fewer restrictions on development than most counties nationwide, and advocates the right of property owners to use their land in their own best interests.

The public hearing process allows you to express your concerns or opinions and enables those who volunteer on the Planning and Zoning Commission to reach sound decisions based on Idaho Code, the Comprehensive Plan and the Boundary County Zoning and Subdivision Ordinance.

Preparing effective testimony:

Remember your objective: Your goal is to persuade the decision makers to decide in your favor on the issue. Angering, alienating or antagonizing those you are trying to influence will be counter-productive. Be sure to clearly state your position, why you feel that way and your recommendation.

Know the law: You have the right to review the laws of Boundary County as well as the public record on the application. It is unlikely that a decision made by the commission will violate state or county law, so avail yourself the opportunity to know laws pertinent to the application before you prepare testimony.

Be reasonable: Public officials must balance the views, interests and proposals of all parties involved, and find the best course for serving the interests of the public. While you are expected to represent your own interests, remember that you have legitimate competition. Be prepared to compromise. Remember, too, you're not at a discussion meeting; you are there to present evidence and testimony. If you ask a question, address it to the chair and don't expect an immediate answer ... the applicant may only address such questions during rebuttal.

Show your strength: Often, groups of like-minded citizens organize and have their strongest speaker present their side of the argument. If so, be certain the speaker identifies the group and has those for whom he or she is speaking stand or present a petition listing their signatures.

Appeals: If you aren't satisfied with a final decision by the Planning and Zoning Commission, you have the right to appeal that decision to the Board of County Commissioners.

An appeal is another form of public hearing, and although an appeal is made to the Board of County Commissioners, the considerations given above still apply.

Appeals must be made on the "Application for Appeal" form. The completed form and all supporting (attached) information must be submitted to the Zoning Administrator within seven days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman.

On the "Application for Appeal" form be sure to include your name, address and a daytime telephone number, the decision being appealed and the reasons for the appeal. If you are unsatisfied with a decision of the Board of County Commissioners, you have recourse through a court of law.