

Mackay Planning and Zoning Public Hearing Policy and Procedure.

Idaho Code 67-6534 states that the purpose of a public hearing is for the Council, Governing Board, or Commission to gather facts and evidence necessary to make a decision. It provides an opportunity for all affected persons to present and rebut evidence.

The State Code and Mackay City ordinances require the Planning and Zoning Commission to hold a public hearing before certain decisions or recommendations are made or applications approved or denied. These include but are not limited to zoning changes, changes to the zoning map or zoning boundaries, amendments to the City Planning and Zoning Ordinances, amendments to the City Comprehensive plan, proposed development agreements, Special Use permits, Variance applications, Flood plain variance applications, and other issues as may be required by law or ordinance.

The following rules are hereby established and shall be observed in the conduct of any public hearing before the planning and zoning commission, or any standing or ad hoc committee authorized to conduct public hearings and shall be known as the “public hearing rules of procedure”. The term “Commission” means the Planning and Zoning Commission and any committee authorized to conduct public hearings.

- A. No person shall be permitted to testify or speak at a public hearing, unless such person has written his or her name and address on a sign-up sheet provided by the city or unless such person has been recognized by the presiding chairman to testify or provide evidence at the public hearing.
- B. No person shall be permitted to speak before a city agency at a public hearing until such person has been recognized by the presiding chairman and has clearly stated their name, address, and interest in the matter.
- C. All public hearing proceedings shall be recorded electronically. As such, all persons speaking at such public hearing shall speak in such a manner as will assure that the recorded testimony or remarks can be included in the record of proceedings. Any language that is insulting, obscene, vulgar, or profane will not be recorded as testimony and can be removed from the record. The clerk of the proceedings shall notify speakers when they are not in compliance.
- D. The following is the general public hearing maximum time limit for speakers, unless a special hearing time limit is otherwise established by majority vote of the members of the city agency. Time for Commission questions and response is not included in the time limit.

Chairman reads agenda title.

Applicant /representative: 15 minutes maximum to present a summary of the application.

City Staff presentation: 15 minutes maximum.

Commission may ask any questions of the staff or the applicant.

Chairperson opens public hearing and invites public to comment.

Public Testimony: 3 minutes maximum each.

Suggested testimony order: Those supporting the application.
Those neutral on the application,
and those opposed to the application.

Written comments entered into public record.

Applicant response 10 minutes maximum.

Chairperson closes public hearing.

Commission discussion (public comment is no longer recognized)

Commission takes action.

Persons called to testify by the commission or agency members to respond to their questions are not subject to these time limits.

No testimony will be received after the approval of a motion to close evidence presentation and proceed to deliberation.

Any special time limit established by the commission or agency shall consider, but not be limited to, number of speakers who sign up for each hearing, providing a fair opportunity for interested parties and persons to present relevant evidence or information, the lateness of the hour at commencement of the hearing, and the number of hearing left on the meeting agenda, and shall apply only to the speakers comments.

E. Any person or applicant who wishes to speak and who also wishes to present documents and other forms of physical evidence not already in the record of proceeding must provide same to the clerk of the proceedings prior to the commencement of the receipt of testimony so the same may be marked as an exhibit by the clerk which shall be identified by the speaker during their testimony. Any electronic displays or presentations must be provided prior to the meeting and prior to the distribution of the agenda and supporting documents to the governing body (Commission).

F. Speakers should not be interrupted by members of the commission so long as the speaker's comments are related to the subject matter of the hearing until an imposed time limit has been reached.

G. At the conclusion of a speaker's comments, each member of the commission or city agency, when recognized by the presiding chairman, shall be allowed to question the speaker, and the speaker shall be limited to answers to the questions asked. The question-

and-answer period shall not be included in the speaker's time limit, if one has been established.

H. Any person not conforming to any of the above rules may be prohibited from speaking during the public hearing. Any person refusing to comply with such prohibition may be removed from the room by order of the presiding chairman.

I. All decisions made, or actions taken by the commission or city agency shall be initiated by motion of one (1) of its members.

J. Every motion seconded shall proceed to a vote unless such motion is withdrawn by the maker of the motion prior to the vote. Every motion failing to receive a second shall die without a vote.

K. There shall be five (5) recognized public hearing motions which can be made in a meeting subject to these rules and listed in priority order in the event more than one (1) motion is pending. Such motions are:

1. Motion to open the public hearing;
2. Motion to suspend or amend these rules;
3. Motion to recess and continuance of the public hearing for matters as specified to time and date certain;
4. Motion to close evidence presentation and proceed to deliberations;
5. Motion to take action as is relevant to the deliberation and when relevant, a direction to prepare findings of fact, conclusions of law and order of recommendation or decision for approval at the next scheduled meeting.

(alt 5) Motion to approve or make recommendation to the City Council for approval, denial or table for further findings until the next scheduled meeting and prepare a statement of findings of fact and recommendation for approval or denial.