
NCC 10-2-8.C: Public hearings.

- C. *Hearing procedures.* The following sequence of events shall be followed/used during public zoning hearing(s):
1. *Call to order.* The mayor, presiding council person, planning chairperson, or presiding commissioner (all hereinafter a.k.a. "presiding officer") shall explain the meeting's hearing procedures thereby setting forth the rules under which the public meeting shall be conducted, and shall announce the amount of time to be allotted to speakers.
 2. *Allotted speaker times.*
 - a. *Standard hearing item speaking times.* At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation by the applicant or his representative shall be limited to seven minutes, persons from the audience shall be limited to three minutes each, and closing applicant's rebuttal or concluding comments shall be limited to five minutes. Persons representing groups may be given more time than individuals presenting their own views, if allowed by the meeting's chair. City staff shall be given sufficient time to present their report(s).
 - b. *Items on appeal speaking times.* At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation by the appellant shall be limited to seven minutes, city staff shall be given time as they require, the appellee/respondent, if any, shall then have seven minutes, persons from the audience shall be limited to three minutes each, closing appellant's concluding comments shall be limited to five minutes and concluding appellee's/respondent's concluding comments shall be limited to five minutes. Persons representing groups may be given more time than individuals presenting their own views if allowed by the meeting's chair providing that if more time is allotted to either the appellant or appellee/respondent, then the opposing side shall be afforded equal time to rebut.
 3. *Hearing protocol.*
 - a. The applicant(s) or appellant(s) and/or their representative(s) may present their case. During such presentation or immediately following it, the council or commission may ask their questions of the applicant(s) or appellant(s) and/or their representative(s). Applicants or appellants are encouraged to be or have a representative present to convey their desires and justifications as related to their request and/or to answer questions.
 - b. City planning and zoning staff shall present their findings regarding the matter at hand.
 - c. Written correspondence shall be officially recognized and accepted as part of the hearing record for the matter at hand under review.
 - d. The council or commission shall then receive testimony from those persons supporting the application. No person shall be permitted to speak at a public hearing until the presiding officer has recognized such person. Each person testifying shall be limited to three minutes per person (unless made more or less by the conducting officer following official announcement of the same at the start of the hearing).
 - e. The council or commission shall then receive testimony from those persons uncommitted/neutral regarding the proposal/application.

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- f. The council or commission shall then receive testimony from those persons opposing the application.
 - g. The applicant(s) or appellant(s) and/or their representative(s) shall then be allowed to rebut statements previously made by any person who testified.
 - h. The presiding officer shall then close the public hearing to further testimony and allow initiation of deliberations on the matter at hand. They may also ask or receive any code interpretation or procedural questions of, or from, the city staff as deemed warranted.

If, however, the commission, or council, reopens the hearing by vote, then they may take further public testimony. In so doing, they shall provide for rebuttal time by the public and the applicant(s) or appellant(s) and/or their representative equal to that expended by any that speak on the record in support of, or opposition to, the application(s) under consideration.
 - i. The attending/governing board shall then vote on the item once deliberations have ceased.

4. *Continuance/recess/remand.* If all sides of the issue cannot be heard in the time allotted, the hearing may be recessed to a later time during the same meeting stated by the chairperson. Persons not having had an opportunity to be heard may sign a roster in order to secure their opportunity to speak at the time stated.

The council or planning and zoning commission may remand an application back to the recommending body for reconsideration of their decision based on new information presented or requested at the public hearing. The application shall be accompanied by a filing fee in an amount established by council resolution, and which is nonrefundable. The application shall be furnished by the city.

5. *Compliance required.* Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, they may be removed from the room by order of the presiding officer.

D. *Other hearing conduct rules.*

1. Public officials shall not bring up the pros and cons of the subject of the hearing prior to all testimony and evidence being submitted.
2. A transcribable, record of hearing shall be made and kept in accordance with Idaho Code section 67-6536. In order to assure accuracy of the record, each person shall speak before the microphone in an orderly and constructive fashion, giving their full name and address and stating their views as briefly as possible.
3. The audience, public officials or city staff, shall not interrupt speakers until their time limit has expired or until they have completed their comments.
4. At the conclusion of a speaker's comments, public officials or Planning staff when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer to the question asked. The question-and-answer period shall not be included in the speaker's time limit.

(Ord. No. 4617 , § 1(Exh. A), 10-4-2021; Ord. No. 4671 , § 1(Exh. A), 5-16-2022)