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BLAINE COUNTY, ID  
LAND USE & BUILDING SERVICES

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*Learn About the Hearing Examiner  
Process...*

WHAT IS THE ROLE OF THE HEARING EXAMINER?

The Hearing Examiner is an independent contractor of the County who conducts public hearings and decides upon certain categories of conditional use permit and variance applications as established by the Board of County Commissioners. The types of conditional use permit applications include floodplain development, accessory dwelling units, home occupations, agricultural businesses, and mobile homes. Variance applications considered by the Hearing Examiner include those involving building setback issues. The Hearing Examiner is a professionally trained person qualified in deciding upon land use issues. Generally speaking, the Hearing Examiner takes the place of the Planning and Zoning Commission. This allows for a more efficient and expedited public hearing process. The duties of the Hearing Examiner are established by Idaho Code Section 67-6520, and Blaine County Code, Title 9, Chapter 33.

HOW DOES THE HEARING EXAMINER PROCESS WORK?

The Hearing Examiner process is very similar to bringing an application before the Planning and Zoning Commission.

First, establish that a variance or conditional use permit is required for the proposed development. The Zoning Administrator will be glad to assist you in making this determination. She can be reached by calling (208) 788-5570. Zoning maps and ordinances are available for review or purchase during regular business hours in the Planning Office.

Next, obtain the appropriate application form from the Planning Office. Complete the application and attach all required additional information.

Then, submit the completed application, application fee and all associated information to the Planning Office.

WHAT HAPPENS AFTER I SUBMIT MY APPLICATION TO THE PLANNING OFFICE?

First, the application is reviewed for completeness and general compliance to the Zoning Regulations and other applicable regulations. Depending upon the nature of the application, comment by other governmental agencies may be required. If necessary, the application will be submitted to the County Engineer for a technical review related to floodplain, infrastructure and other issues. The cost of the County Engineer review is at the expense of the applicant, and all outstanding engineer review fees must be paid prior to public hearing.

Next, once the application is certified by the Administrator as generally complete and in compliance with applicable regulations, a date of certification will be affixed to the application. The application will then be scheduled for the next available public hearing before the Hearing Examiner for which legal notice requirements can be satisfied. At this point, you may be asked to stake and/or otherwise identify the location and scope of the proposed development, to facilitate a site visit by the Planning Office staff and/or the Hearing Examiner prior to public hearing.

Once a public hearing date has been determined, the Planning Office will send notice of the proposal to surrounding property owners and other entities as required by Zoning Regulations and Idaho Code. If your application involves a conditional use permit, you will be required to place a “posting notice” as provided by the Planning Office on your property for at least seven (7) days prior to public hearing. This lets your neighbors and the public know that an application is pending before the County.

Finally, prior to the public hearing the Hearing Examiner will prepare a pre-hearing report which outlines 1) the general facts relating to the proposal, 2) the objective standards of evaluation that will be used in the decision-making process, 3) the public notice procedure utilized for the application, and 4) possible conditions of approval that may be attached to the permit, if approved by the Hearing Examiner. You will be provided a copy of this report prior to the public hearing.

### THE PUBLIC HEARING PROCESS...

At the public hearing, you will be given an opportunity to make a presentation of the project. The public will have an opportunity to comment on the proposal as well. At the close of the public hearing, the Hearing Examiner will take the application under advisement and issue a written decision within 14 days. If necessary, the application may be continued to another meeting, to allow the applicant sufficient time to provide additional information as determined necessary by the Hearing Examiner.

### THE DECISION...

If the conditional use permit or variance application is approved, you may apply for a building permit once the written decision has been entered by the Hearing Examiner, and the conditions of approval attached to the permit have been satisfied. If the conditional use permit or variance is denied, you may appeal the decision to the Board of County Commissioners within 20 days of the date of the decision, pursuant to the requirements of Chapter 32 of the Zoning Regulations. Other parties aggrieved by the decision may appeal an approval or denial, also within 20 days of the written decision.

The Planning Staff is here to answer your questions and provide assistance as necessary. An appointment can be made with the planning staff for a pre-review of the development proposal. This is a great way to get the project off to a good start!

Blaine County Land Use & Building Services  
219 First Avenue South, Suite 208  
Hailey, Idaho 83333  
Phone (208) 788-5570  
Fax (208) 788-5576  
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