

Decision-Making & Hearings for Idaho County Officials

Understanding Legislative vs. Quasi-Judicial Decisions
& Conducting Effective Hearings

Presented by: Gary Armstrong, Planning Administrator, Madison County

For: New Idaho County Commissioners and Planners

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Presenter: Gary Armstrong

Planning Administrator - Madison County

- Grew up in Challis
- BA - Political Science, MA - Public Policy - BYU
- 30 Years experience in planning at all levels of government
- Last 9 years as Planning Administrator in Teton (4 years) and Madison Counties (5 years)
- Past Adjunct Professor in Political Science & Business at BYU-I

Workshop Goals

- Understand differences between legislative & quasi-judicial decisions
- Learn how to conduct structured public hearings
- Improve deliberation & motion-making
- Create defensible written decisions with findings of fact

Who is this Workshop For

- Newly elected county commissioners
- County planning staff
- Planning & Zoning Commission members
- Officials interacting with land use decisions

Legal Foundation in Idaho

- Local Land Use Planning Act (LLUPA) (Idaho Code Title 67, Ch. 65)
- Open Meeting Law (Idaho Code Title 74, Ch. 2)
- Public Records Act (Idaho Code Title 74, Ch. 1)
- Delegated authority to P&Z Commission and BOCC

Two Types of Land Use Decision

Type	Purpose	Input	Standard	Appeal Basis
Legislative	Create Policy	Broad Public Input	Discretionary	Political/Legal Process
Quasi-Judicial	Apply policy to specific facts	Evidence-based testimony	Ordinance standards	Record & procedural errors

LEGISLATIVE VS. QUASI-JUDICIAL

General Principles

- **Legislative Decisions:**

Establish broad policies, apply to large areas or classes of property, and are not dependent on site-specific facts.

Examples: adoption of comprehensive plan, city/county-initiated zone change.

- **Quasi-Judicial Decisions:**

Apply existing policies to a specific parcel or proposal, based on evidence in a public hearing record.

Examples: conditional/special use permits, subdivision plats, variances, site plan approvals.

Examples of Legislative Decisions

- Comprehensive plan adoption or amendments
- Zoning text amendments
- Zoning map changes (in many Idaho counties treated legislative)
- Area of impact agreements

Characteristics of Legislative Decisions

- Policy-driven
- Future-oriented & broad impact
- Greater discretion
- Public testimony based on preferences & general concerns

Examples of Quasi-Judicial Decisions

- Conditional Use Permits
- Variances
- Subdivision approvals
- Zoning map amendments (if treated quasi-judicial)
- Appeals of administrative decisions

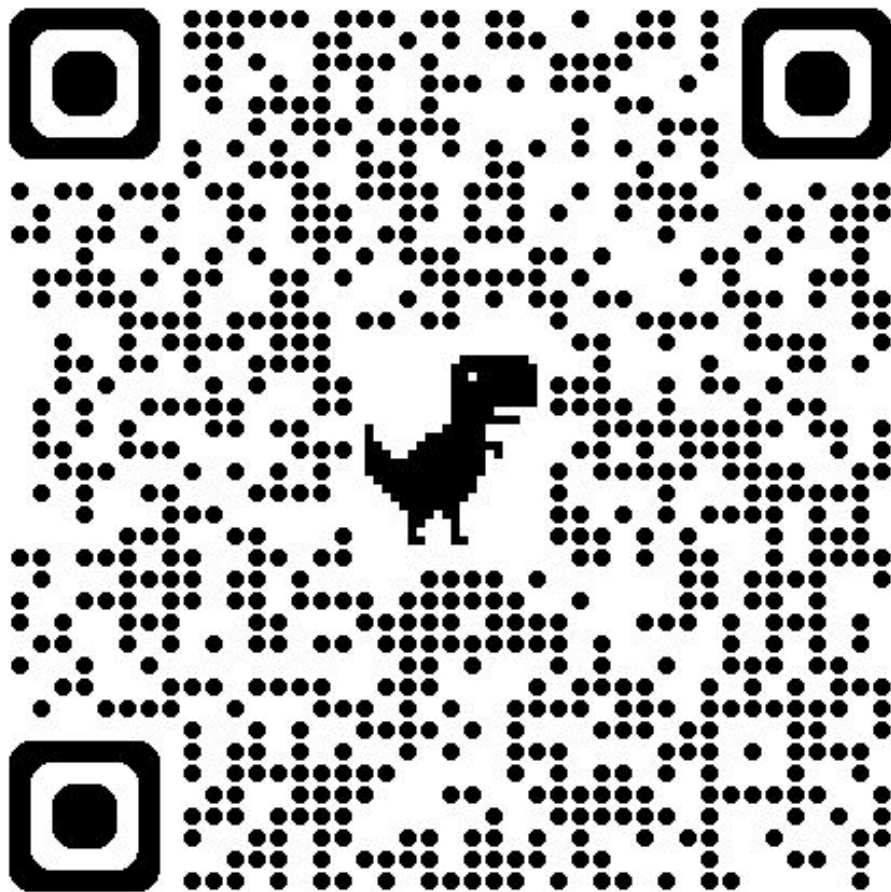
Characteristics of Quasi-Judicial Decisions

- Must apply adopted standards
- Testimony is evidence-based
- Parties have due-process rights
- Decisions subject to judicial review

WHY IS IT SO IMPORTANT - HOW WE ENGAGE

Aspect	Legislative	Quasi-Judicial
Type of Action	Policy-Making	Applying law to specific case
Public Interaction	Freely Allowed	Restricted - only at hearing
Ex Parte Communication	Permitted	Prohibited - must disclose if occurs
Disclosure Required?	No	Yes
Impartiality Requirement	Political advocacy allowed	Must remain neutral and unbiased
Decision Basis	Policy and Public Input	Evidence and Record
Due Process Protections	Minimal	Strictly required
Decision Adoption	Requires Ordinance	Record of Decision/Findings of Fact

QUIZ TIME



QUESTION 1

A city initiates a proposal to rezone a large tract of land that includes 100 parcels within the impact area. The public hearing before the Planning Com... considered to be LEGISLATIVE or QUASI-JUDICIAL?

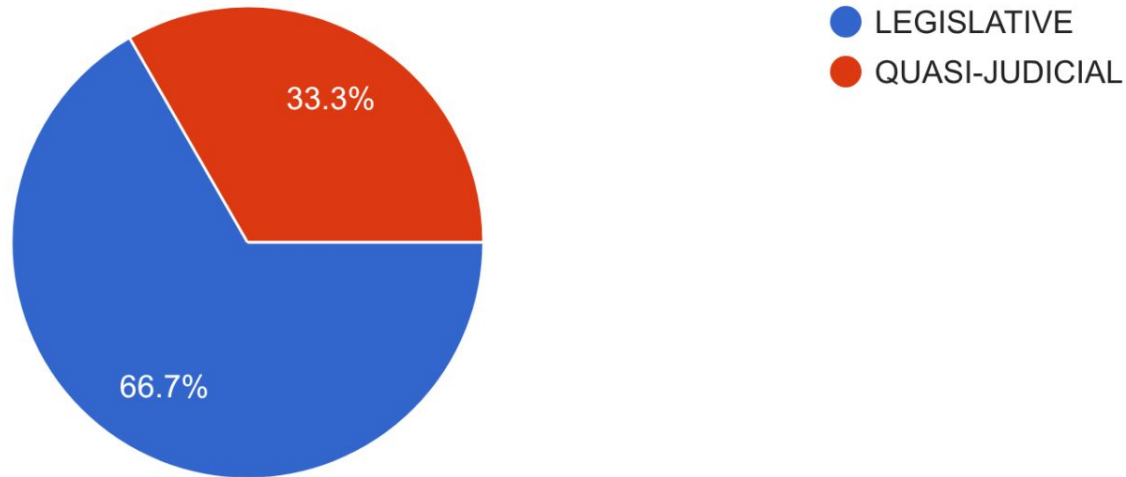
3 responses



QUESTION 2

Farmer Bob lives in the impact area. He submits an application to the Planning and Zoning Commission to have his 80 acres rezoned from Ag...onsidered to be LEGISLATIVE or QUASI-JUDICIAL?

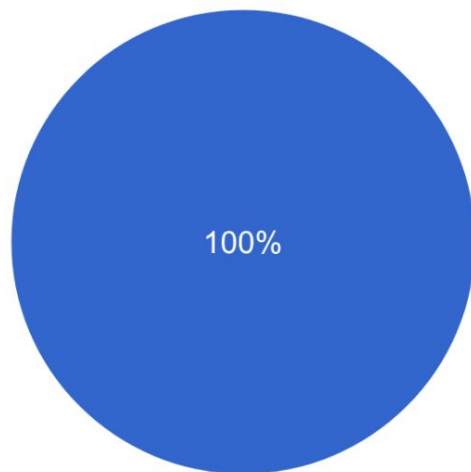
3 responses



QUESTION 3

The County Commissioners have directed the Planning Commission to lead efforts to update the Comprehensive Plan. After much community work, t...onsidered to be LEGISLATIVE or QUASI-JUDICIAL?

3 responses

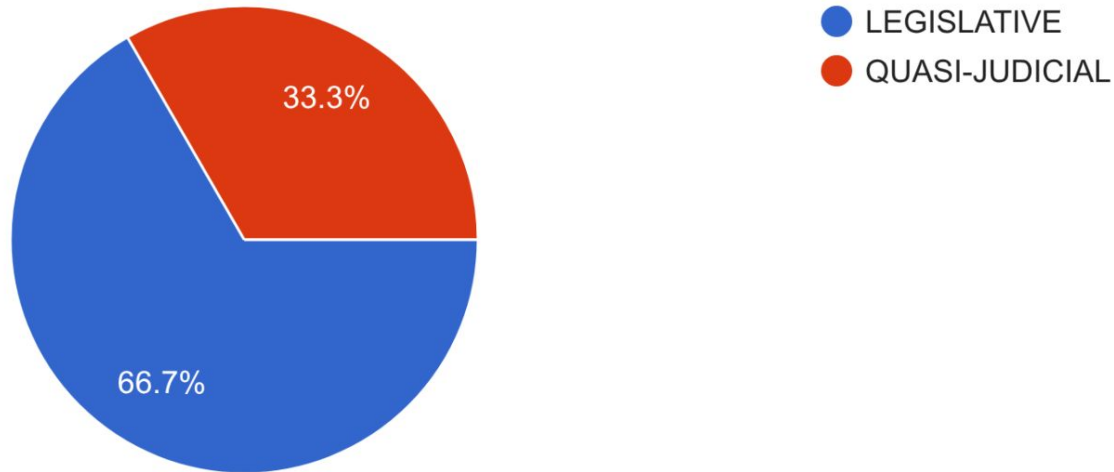


- LEGISLATIVE
- QUAS-JUDICIAL

QUESTION 4

Developer Dan has purchased some land for development. He has prepared his Preliminary Plat application for the subdivision and submitted it to the local government. How is this application considered to be LEGISLATIVE or QUASI-JUDICIAL?

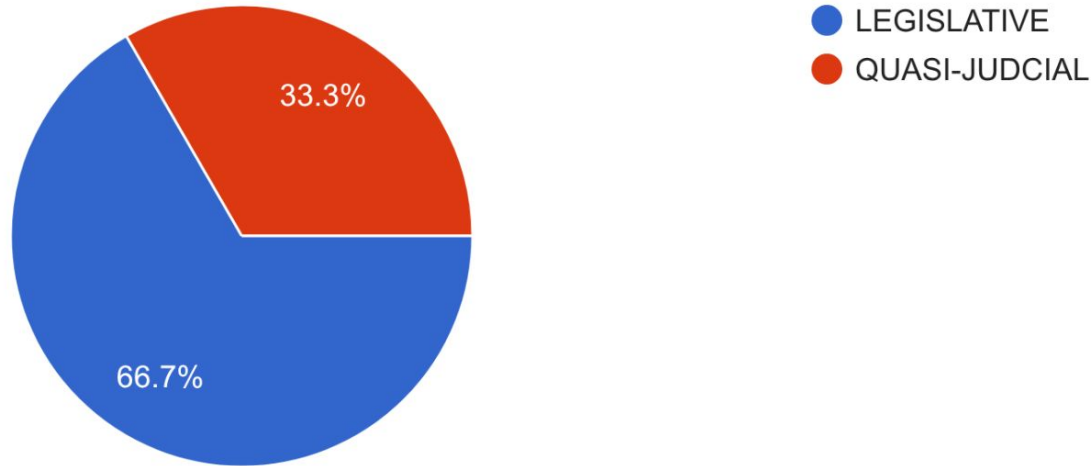
3 responses



QUESTION 5

Twinkle Toes Tony and Tonya are excellent dancers. They want to teach dance lessons at their home. Due to the scale of the dance studio, a Co...action considered LEGISLATIVE or QUASI-JUDICIAL?

3 responses



Structure of a Public Hearing

1. Open hearing / identify decision type
2. Disclosures: conflict, ex parte contact
3. Staff report
4. Applicant presentation
5. Public testimony (with rules)
6. Applicant rebuttal
7. Close public comment
8. Deliberation
9. Motion & decision

Rules of Order

- Time limits on testimony
- Avoid personal attacks & maintain decorum
- Chair controls comment, not audience
- Written testimony accepted into the record

Creating a Defensible Record

Record must contain:

- Notices & agenda
- Staff report
- Exhibits & evidence
- Testimony transcript/minutes
- Written findings & order

Decision must be based only on the record

Deliberation Guidelines

Do:

- Refer to ordinance criteria
- Discuss evidence in record
- State reasoning out loud

Avoid:

- Personal knowledge not in record
- Decisions based solely on public opposition
- New information after hearing closes

Motions

- Approval with conditions
- Approval as presented
- Denial based on specific standards
- Continuance for more evidence
- Remand to P&Z or staff

Approval

Having found that the application meets the requirements for Final Plat as outlined in Madison County Code 115-32, I move to APPROVE the application from Forge Holdings, LLC for the Final Plat of the Patriot Plaza Subdivision, as proposed in application materials received October 9, 2025.

Denial

Having found that the application does NOT meet the requirements for Final Plat as outlined in Madison County Code 115-32, I move to DENY the application from Forge Holdings, LLC for the Final Plat of the Patriot Plaza Subdivision, as proposed in application materials received October 9, 2025 for the following reasons:

Tabled

I move to TABLE the the application from Forge Holdings, LLC for the Final Plat of the Patriot Plaza Subdivision, as proposed in application materials received October 9, 2025, and request additional information from the applicant, including:

Why Findings Matter

- Required for judicial review
- Shows how standards were applied
- Protects county from lawsuits
- Clarifies conditions for applicant

Components of Written Decision

1. Procedural history
2. Findings of fact (evidence)
3. Applicable standards of law
4. Conclusions applying facts to standards
5. Decision & conditions

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Sample Heading

**BEFORE THE BOARD OF COUNTY
COMMISSIONERS OF [COUNTY], IDAHO**

**IN THE MATTER OF A CONDITIONAL USE PERMIT
FOR [APPLICANT], CASE #2025-__**

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER**

Procedural Background Sample

A public hearing on the above-referenced application was held on January 14, 2025, before the [Planning and Zoning Commission / Board of County Commissioners], pursuant to Idaho Code §67-6512 and [County Code § ____]. Proper notice was provided in accordance with Idaho Code §67-6509, including publication, posting, and mailing to surrounding property owners.

Findings of Fact Sample

1. The subject property consists of approximately 8.2 acres located at [address/legal description].
2. The property is zoned **Rural Residential**.
3. The applicant proposes a commercial horse boarding facility containing up to 20 stalls and an outdoor riding arena.
4. The property access is via County Road ____, a public roadway maintained year-round.
5. Testimony from neighboring residents raised concerns regarding lighting and traffic.
6. The applicant testified that operations will cease by 9:00 p.m., and lighting will be downward-shielded.

Conclusions of Law

Sample

Based on the foregoing findings, and pursuant to Idaho Code §67-6512, the Board concludes:

- A. The proposed use is **specifically allowed** as a Conditional Use in the Rural Residential Zone under County Code §____.
- B. The use **will not create undue traffic hazards** based on testimony from the Road & Bridge Department.
- C. Impacts to adjoining residential uses **can be mitigated** through conditions requiring shielding of outdoor lighting and limits on hours of operation.
- D. The application is **consistent with the Comprehensive Plan**, including goals supporting agricultural-related rural businesses.

Decision Sample

IT IS HEREBY ORDERED that the Conditional Use Permit is **APPROVED WITH CONDITIONS**, as follows:

1. All outdoor lighting must be downward-shielded.
2. Hours of operation shall be limited to 7:00 a.m. – 9:00 p.m.
3. No more than 20 horses may be boarded on site.
4. Any expansion or significant modification requires additional review.

Denial Language Sample

IT IS HEREBY ORDERED that the Conditional Use Permit is **DENIED**, based on failure to comply with County Code §____, specifically:

- The applicant failed to demonstrate adequate water rights for commercial boarding, and therefore the proposal fails to meet County Code §____ requiring proof of sufficient utilities.

Common Legal Pitfalls

1. No findings adopted in writing
2. Deliberation occurring outside the record
3. Ex parte contact not disclosed
4. Confusion between personal preference & legal standards
5. Denials without a standard-based reason

Questions

Further Questions

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Bibliography

Idaho Statutes (Local Land Use Planning Act – LLUPA)

1. **Idaho Code § 67-6508 – *Comprehensive Plan***
 - Specifies the required components of a comprehensive plan adopted by cities and counties.
2. **Idaho Code § 67-6509 – *Application for Special or Conditional Use Permits, Zoning Amendments, Variances, and Planned Unit Developments***
 - Establishes procedures for public hearings and notice requirements for land use actions.
3. **Idaho Code § 67-6511 – *Zoning Ordinance Adoption and Amendment***
 - Provides authority for cities and counties to adopt and amend zoning ordinances; applies to legislative zoning actions.
4. **Idaho Code § 67-6512 – *Special or Conditional Use Permits***
 - Governs the review, approval, or denial of conditional use permits and their conditions.
5. **Idaho Code § 67-6521 – *Judicial Review***
 - Defines the right to appeal or seek judicial review of land use decisions; subsection (1)(d) distinguishes between legislative and quasi-judicial actions.

Idaho Supreme Court Cases

1. **Cooper v. Board of County Commissioners of Ada County**,
101 Idaho 407, 614 P.2d 947 (1980)
 - Held that adoption or amendment of a **comprehensive plan** is a **legislative** act.
 - Established that broad policy decisions setting future land use direction fall under legislative authority.
2. **Evans v. Teton County**,
139 Idaho 71, 73 P.3d 84 (2003)
 - Clarified the distinction between legislative and quasi-judicial actions in land use.
 - Found that rezones affecting specific parcels are legislative, while permits and plats are quasi-judicial.
3. **Cowan v. Board of Commissioners of Fremont County**,
143 Idaho 501, 148 P.3d 1247 (2006)
 - Confirmed that **conditional use permits** and **variances** are **quasi-judicial** because they apply existing rules to specific properties.
 - Emphasized due process and record-based decision-making.
4. **Neighbors for a Healthy Gold Fork v. Valley County**,
145 Idaho 121, 176 P.3d 126 (2007)
 - Reiterated that **special/conditional use permit approvals** are **quasi-judicial** actions subject to judicial review.
 - Emphasized the requirement for findings of fact and compliance with statutory procedures.
5. **South Fork Coalition v. Board of Commissioners of Bonneville County**,
117 Idaho 857, 792 P.2d 882 (1990)
 - Distinguished between **policy-making (legislative)** and **application of policy to individual properties (quasi-judicial)** in rezoning contexts.
 - Recognized large-scale, policy-setting rezonings as **legislative** actions.
6. **Payette River Property Owners Association v. Board of Commissioners of Valley County**,
132 Idaho 551, 976 P.2d 477 (1999)
 - Reinforced the quasi-judicial nature of **plat approvals** and **permits**, requiring findings and an evidentiary record.

Scenario	Action Type	Authority
City-initiated rezone of 100 parcels	Legislative	<i>Evans v. Teton County</i> (2003); I.C. § 67-6511
Farmer Bob's rezone request (private applicant, 80 acres)	Quasi-Judicial	<i>Evans</i> (2003); <i>South Fork Coalition</i> (1990)
Adoption of a new Comprehensive Plan	Legislative	<i>Cooper</i> (1980); I.C. § 67-6508
Developer Dan's Preliminary Plat	Quasi-Judicial	<i>Payette River Property Owners Ass'n</i> (1999)
Twinkle Toes Tony & Tonya's Conditional Use Permit	Quasi-Judicial	<i>Cowan</i> (2006); <i>Neighbors for a Healthy Gold Fork</i> (2007); I.C. § 67-6512