

## Procedure and Script for Public Hearings

It is the Planning Commission's duty to be fair, impartial and preserve due process for all participating in this hearing. The Chair may impose time limits on participants if necessary.

1. Open Public Hearing: Chair to state the application number listed on the agenda.  
Example: *Public Hearing is now open for the purpose of considering (read from Agenda).*
2. Chairman reads the following Hearing Disclosure Statement:
  - a. *The criteria which must be satisfied for approval of this action are listed in the City Staff Report.*
  - b. *Public testimony must be directed to those criteria, or other criteria in the plan or land use regulation which the testifier believes to apply to the decision.*
  - c. *Failure to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and the parties an opportunity to respond to the issue precludes an appeal based on that issue.*
  - d. *Prior to the conclusion of this hearing any participant may request an opportunity to present additional evidence, arguments, or testimony. The Commission will decide whether the hearing will be continued to another date or whether the record will be left open for at least 7 days.*
3. Chairman reads the outline of the public hearing procedure. *"The procedure will follow the order of"*
  - A. *Planning Staff Report*
  - B. *Applicant's testimony*
  - C. *Other members of the audience who wish to speak on the proposal*
  - D. *Applicant's rebuttal*
  - F. *Close Hearing*
4. Testifying instructions – Chair states the following *"If you are testifying, please state your name and residence address. If you wish to be notified of a continuance, appeal, or other action on this application, please print your name and complete mailing address on the form on the table outside the meeting room."*
5. Chair reads applications information; *"The public hearing applicant is \_\_\_\_\_ (Name of Applicant) and the hearing will be for a \_\_\_\_\_ (Type of application requested).*
6. Chair asks *"Does anyone challenge the Planning Commission Jurisdiction to hear this application?"*
7. Chair asks *"If any member of the commission has a personal bias or conflict of interest, they shall declare it now."*
8. Chair asks *"If any member of the Commission has made a site visit, the shall state their impressions or observations now."*
9. Chair asks for the City Staff Report – Staff states the application information, applicable criteria, findings of fact and recommendations to the Planning Commission.
10. Commission then asks questions to Staff. Chair states *"The commission shall now ask questions to staff in regards to the application."*
11. Correspondence – Staff states any correspondence received on the application.

12. Applicant's Presentation to the Planning Commission. (Burden of Proof is upon the Applicant). Chair asks *"Is the applicant present and would they like to provide any additional information on the application? If so, please stand at the podium and present your name and address for the record?"*
  13. Testimony from the public in favor of the Application. Chair asks *"Is there any members of the audience who wish to speak in favor of this proposal? If so, please stand at the podium and present your name and address for the record?"*
  14. Testimony from the public against of the Application. Chair asks *"Is there any members of the audience who wish to speak against of this proposal? If so, please stand at the podium and present your name and address for the record?"*
  15. Rebuttal of "In favor" or "Against: testimony (No new evidence or testimony). Chair asks *"Will the applicant like to make any rebuttal statement in regard to any of the statements made?"*
  16. Commission now able to ask questions to Applicant and Public (if applicable).
  17. Final Staff Comments. Chair asks *"Does staff have any final comments?"*.
  18. Chair states "Unless waived by the applicant, the city shall allow the applicant at least seven days to submit final written arguments but no new evidence, facts, documents, date, or testimony in support of the application.
  19. Chairs ask applicant if they want to waive the right to submit at a later time. *"Would the applicant like to waive their right to submit additional written arguments at this time or would they like to submit additional written arguments within the next 7 days."*
  20. Chair asks Commission to make one of the following motions:
    - a. Motion to close
    - b. Motion to continue hearing to a date at least 7 days from today.
    - c. Keep record open at least 7 days for additional written arguments.
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If the motion was to either continue the hearing or keep the record open, nothing more is done now.

If the motion was to close the hearing, the Commission proceeds as outlined below. *The Commission can decide during deliberation to reopen the record to continue the hearing to another time and date.*

21. Commission Discussion (re-open hearing IF Commission has new questions for the record).
22. Additional Commission questions (opportunity for rebuttal if new questions emerge).
23. Motion & Second (with Findings of Fact or Conditions) to:
  - Approve
  - Approve with Conditions
  - Deny
24. Vote

**The Motion to approve, approve with conditions or deny should be read as follows:**

1. I move that, based on the findings of fact and recommendation presented in the City Staff and testimony received, the Planning Commission approves Application \_\_\_\_\_.
2. I move that, based on the findings of fact and recommendation presented in the City Staff report dated and testimony received, the Planning Commission approves Application \_\_\_\_\_ with the following conditions \_\_\_\_\_ \* **OR** the conditions listed in the City Staff Report / and as stated by Staff).  
*\*(Any conditions as determined by the Commission)*
3. I move that, based on the findings of fact and recommendation presented in the City Staff report dated \_\_\_\_\_, and testimony received, the Planning Commission denies Application \_\_\_\_\_.