

HARPER COUNTY PLANNING COMMISSION

CHECKLIST FOR CONDUCTING A PUBLIC HEARING ON A CONDITIONAL USE CASE

PURPOSE:

This checklist is to assist: (1) the Chairperson in conducting the hearing; (2) the Recording Secretary in an orderly process of minute taking; (3) the Applicant in presenting their request; and (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case and the number of persons to be heard.

CALL AGENDA ITEM(S):

It is ____:____ p.m. and I now call Agenda item # 7 which is a public hearing on Cases No. CU-02-2016. This is for an application for a Conditional Use to permit a Commercial Wind Energy Project in the A-1 Agricultural District.

We would like to welcome everyone interested in this hearing and lay out a few ground rules:

1. It is important that you present any facts or views you have as evidence at this hearing so that an informed recommendation can be made by the Planning Commission to the Governing Body for their final decision.
2. The Governing Body does not have to hold another public hearing on the matter, although they may listen to whomever they wish. You will be asked if there is any new information which was not heard at this hearing. It is to everyone=s advantage if you present all the necessary information at this hearing.
3. After our Zoning Administrator provides us with some information, I will call upon the Applicant and then we will hear from other interested parties. After all have been heard, the Applicant will have an opportunity for final comments. The Planning Commission will close the hearing to public comments and will then consider the 17 factors on which to base their recommendation. During this time they may direct questions to the Applicant, the public, the staff or our consultant.
4. You should be aware that any uses permitted outright in a district by the regulations can receive a zoning permit, not just the use(s) being proposed now by the Applicant. Furthermore, if the Applicant chooses to describe various features of their development plans, the County can only enforce those provisions which are covered in zoning and other County codes.

5. Please write your name and address on the sign-up sheet being circulated so we will have record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please come forward and speak clearly so that your comments may be (picked up by the tape recorder to be) summarized for the minutes by our Recording Secretary.

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed with the hearing, I'll ask the Planning Commission members if any of them intend to disqualify themselves from hearing, discussing and voting on this case because they or a relative own property in the notification area or have conflicts of interest. (Let the minutes show that _____has disqualified himself/herself because _____and has temporarily disassociated himself/herself from our assembled Commission.) (According to our Bylaws, those members who abstain from voting are still part of the quorum.) I declare that we have a quorum of _____present for the hearing.

NOTIFICATION:

According to the Recording Secretary, a notice for this hearing was published in The Attica Independent on September 29, 2016 and notices were mailed to the Applicant, Agent and 219 real property owners in the area of notification on September 28, 2016. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATIONS:

Although we don't encourage such communications, I will ask the Commission if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, Lori Reedy, to provide us with a background report on the case. (See Conditional Use Report.)

Thank you for your presentation. Are there any questions from the Commission, staff or consultant?

APPLICANT'S REQUEST:

I call upon the Applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the Applicant from Commission, the staff or consultant?

PUBLIC COMMENTS:

Are there any members of the public who wish to speak on this case? (Recognize first come, first served: obtain name and address: and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

WRITTEN COMMUNICATIONS:

Are there any written communications? (Recording Secretary could be asked to read them.)

APPLICANT'S FINAL COMMENTS:

Does the applicant wish to present any final comments?

CLOSE THE HEARING:

Hearing no further comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Commission wishes to ask questions to clarify information.

PLANNING COMMISSION DELIBERATIONS:

The Planning Commission will now deliberate the request. There are 17 factors which the Commission must consider in order to make findings on the factors and a recommendation. They are found beginning on page 2 in the Conditional Use Report. Each factor will be considered and our collective opinion will be summarized based on the evidence presented. (Determine if the Commission agrees with the wording provided for the 17 factors or whether rewording is needed.)

RECOMMENDATION:

Having discussed and reached conclusions on our findings on the factors, I would remind the Commission that a proper motion should reflect the factors on which it is based and if approval is recommended, then consideration should be given to conditions that might be attached. Is there a motion to either recommend approval, modification and approval, disapproval or to table the decision?

SAMPLE MOTIONS:

To Table Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that Case No. CU-02-2016 be deferred until _____, 2016 at ____:____ p.m. in this same meeting room for more (information) (and) (study) in regard to _____.

Conditional Use Application

Having considered the evidence at the hearing and the factors to evaluate the conditional use application, I (_____) move that we recommend to the Governing Body that Case No. CU-02-2016 be (approved) (modified and approved) (disapproved) for the establishment of a CWEP in the A-1 Agricultural District based on the findings of the Planning Commission as recorded in the Conditional Use Report (as amended), (and that such approval be subject to the condition(s) listed therein.)

Having heard the motion by _____, is there a second? Having been seconded by _____, is there any discussion of the motion? Is the Commission ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote, ask for a show of hands and Recording Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of _____ to _____. (An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote, abstentions are counted as part of the majority vote. If the Commission fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of November 14, 2016 which begins at 9:00 a.m. at the Harper County Courthouse. The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.

Protest petitions against the change in special use, but not directed at the Commission's recommendation as such, may be received by the County Clerk for 14 days after tonight, i.e. until November 8, 2016 at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification not counting public street right of way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the Governing Body.

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I call for Agenda item # 8.