

Public Hearing Checklist

Prior to meeting. [designated staff]

- A. Arrange for alternates due to anticipated absence or conflict of interest.
- B. Send the agenda, proposal, and staff reports to commission members.
- C. Comply with open meeting law and public hearing notice requirements.
Arrange for a tape recording of the hearing or a court reporter.

Preliminary matters at meeting.

- A. Distribute and collect hearing appearance slips. (see example on page 22). [chair]
- B. Call the meeting to order. [chair]
- C. Take roll and confirm that a quorum is present. [secretary]
- D. Confirm compliance with open meetings law and public notice requirements. [commission]
- E. Read the agenda and amend as necessary (reorder hearings). [chair and commission]
Inform the public in attendance of hearing procedures (see script on page 23). [chair]

For Legislative Proceedings: (i.e. plan or ordinance adoption or amendment)

Public hearing.

- A. Open the public hearing. [chair]
- B. Provide a summary and rationale for the proposal. [commission or staff]
- C. Allow time for group and individual questions and answers. [commission, staff, public]
- D. Request formal statements from the public. [chair]
Close the record and the hearing. [chair]

Deliberation and recommendation.

- A. Decide/vote on the proposal.
Forward recommendation to the governing body.

For Quasi-Judicial Proceedings: (i.e. conditional use, variance, rezone of individual property)

Public hearing.

- A. Open the first public hearing. [chair]
- B. Read petition or application. [staff]
- C. Report on any site inspection. [secretary or staff]

- D. Request a statement by the applicant. [chair with questions by commission]
 - E. Read the staff report. [staff with questions by commission]
 - F. Report on related correspondence. [secretary]
 - G. Disclose any ex parte communication. [commission]
 - H. Request statements of witnesses (pro/con/information). [chair with questions by commission]
 - I. Request a response by the applicant (or after each witness). [chair with questions by commission]
 - J. Request a response by staff. [staff with questions by commission]
 - K. Ask any final questions. [commission]
- Close the record and the hearing. [chair]

Deliberation and decision or recommendation.

(Note: many plan commissions conduct all hearings before deliberating on decisions)

A. Findings of fact

Determine whether the commission has the authority to make the decision.

Determine whether application contains information necessary to make a decision.

Record pertinent facts on the decision form and in meeting minutes.

B. Conclusions of law

Specify applicable legal standards (found in state statutes, case law or local ordinance).

Determine which facts relate to the legal standards.

Determine whether the legal standards are met.

Agree on any permit conditions.

C. Order and Determination

Decide/vote on the case.

Direct staff to take any necessary action.

Repeat steps 3 and 4 for additional hearings.

Other agenda items.

Adjourn meeting.