

## Hearing Appearance Slip

Date: \_\_\_\_\_

Hearing name/number: \_\_\_\_\_

Regarding: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Representing: \_\_\_\_\_

- I wish to speak in favor of the application.
- I wish to speak in opposition of the application.
- I wish to speak for informational purposes only.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Tear off this portion and deliver to the plan commission chair)

-----

### Instructions for Witnesses

- Complete a hearing appearance slip and deliver it to the plan commission chair.
- You will be recognized by the chair when it is your turn to speak.
- Your testimony may be sworn if required by plan commission rules.
- Direct all comments, questions and replies to the chair.
- When asked to speak:
  1. State your name and place of residence.
  2. Indicate whether you represent a group or association.
  3. Indicate whether or not you favor or oppose the application or are speaking for informational purposes only.
  4. Please state your qualifications to speak on this matter or the source of your information.
  5. Limit your testimony to facts relevant to the case at hand.
  6. Limit your comments to the time period specified by the chair.
  7. Avoid repetitive testimony.

## **Announcement of Hearing Proceedings**

### **Role of the Plan Commission**

The plan commission makes recommendations to the governing body on the adoption and amendment of community plans, official maps, ordinances and other matters. When considering a specific development proposal such as a conditional use, variance or other approval, the plan commission functions like a court. In this situation, the plan commission does not have authority to amend or repeal any provision of an ordinance. Its job is to apply ordinances and appropriate legal standards to the facts of each case. If site plan approval is required in addition to a zoning map or text amendment, that approval is a separate decision that will be considered if approved by the governing body.

### **Purpose of Public Hearing**

The purpose of a public hearing is to give a full and fair hearing to any person affected by the plan, ordinance or other matter under consideration prior to a final governmental decision. Proposals can be changed before a final decision is made on the matter. Hearings are open to the public and prior notice of hearings is provided. A taped recording is being made of the proceedings (or a reporter is recording the proceedings).

### **Order of Events for Hearings**

Each hearing will be opened with a summary of the petition for ordinance or plan amendment or a reading of the application or request. Time will then be provided for questions and answers to clarify the proposal. The site inspection report (if any) will then be read. The applicant/appellant's statement and the staff report (if any) will each be followed by related commission questions. Witness testimony (from those who have submitted appearance slips and alternating among those in favor, those opposed, and those appearing to provide information) are next, followed by related commission questions and responses from the applicant and staff.

If the commission has all of the necessary facts, it will close the record and may deliberate and decide this matter before proceeding to the next hearing or may decide it at a later time. Decisions will be reduced to writing, filed in the planning and zoning office and mailed to parties in interest as soon as practicable. Minutes of commission meetings and decisions will be available in the planning and zoning office approximately (2 weeks) after the hearing.

### **Instructions for Witnesses**

Anyone wishing to speak should complete a hearing appearance slip and deliver it to the plan commission chair/secretary. You must be recognized by the commission chair in order to speak. When called upon as a witness, you will be put under oath (if required by commission rules). Please address your comments and questions to the chair and state:

- Your name and place of residence,
- Whether you represent a group or association,
- Your qualifications to speak on this matter and the source of your information,
- Whether you favor or oppose the proposal or are only providing information, and
- Your concerns about the proposal and other pertinent information.

Please confine your testimony to facts related to the case at hand and avoid repetitive testimony. You will be limited to (5 minutes).

Any permission to develop granted by a decision of the commission must be authorized by obtaining the necessary building, zoning, and other permits. Construction must be substantially completed within (12 months) of the date of the commission's decision. This period will be extended if a court order or operation of law postpones the final decision and may be extended for other good cause. Permission to develop may be revoked for violation of any of the conditions imposed by the commission. The applicant will be given notice of the violation and an opportunity to be heard.

### **Appeal of Plan Commission Decisions**

A decision of the plan commission regarding a conditional use or other approval may be appealed as provided by ordinance by filing an appeal stating reasons for contesting the commission's decision with the office of the (body) within (30 days) of notice of the decision. An applicant that commences construction prior to expiration of the appeal period assumes the risk of having the plan commission decision overturned.

Recommendations of the plan commission regarding plan or ordinance adoption or amendment cannot be appealed because they are not final governmental decisions. In these cases, members of the public should direct comments to both the plan commission and the community's governing body.

### **Contested Cases**

[Modify the announcement above for hearings conducted as contested cases. For example, the commission may decide to conduct a hearing on a conditional use or other development approval as a contested case at the request of an applicant.]

A contested case is a proceeding in which:

- Testimony is taken under oath,
- Parties have a right to review and object to evidence presented by other parties,
- Objections are entered in the record, and
- Parties may cross-examine witnesses who present testimony.

In contested cases, a party may object to the introduction of written materials or photographs as evidence unless they are given an opportunity to question the writer/photographer and to provide a written reply regarding the evidence. Contested cases usually include a complete written record of the proceedings (often by a court reporter).