

MACPZA Professional Development Day Public Hearing Process

September 27, 2017
Arrowwood Lodge, Baxter MN



Douglas County Examples

Gustafson County
Planning Advisory Commission
And
Board of Adjustment

Introductions and ground rules for public meetings and hearings

Board of Adjustment Introduction:

Welcome to the Gustafson County Board of Adjustment meeting and public hearing. The purpose of tonight's meeting is to consider applications for variances from the County Zoning Ordinance and appeals of administrative decisions. The Board will be seeking public testimony both for and against applications and shall consider all evidence and facts presented by the public, government agencies, and staff prior to making any decision to either approve or deny the applications. Decisions by the Board are final and may be appealed to the District court.

Planning Advisory Commission Introduction:

Welcome to the Gustafson County Planning Advisory Commission meeting and public hearing. The Commission is an advisory board that makes recommendations to the County Board of Commissioners on applications for conditional use permits, platted subdivision of land, and changes to the ordinances and zoning districts. The Commission will be seeking public testimony both for and against applications and shall consider all evidence and facts presented by the public, government agencies, and staff prior to making any recommendation to the County Board of Commissioners to either approve or deny the applications. The recommendations of the Planning Commission are forwarded to the County Board for their consideration at a regular meeting. The County Board will act on the recommendation of the Planning Commission and make the decision to either approve or deny the applications. They are not obligated to accept public testimony. Decisions of the County Board may be appealed to the District Court.

Ground rules for Public Hearings:

The purpose of the public hearing is to gather opinions and information from individuals, groups, and agencies that may be affected by the proposed action of the County. Hearings must be conducted in an orderly and respectful manner to ensure that all those attending have the same ability to express their views. The Board uses Robert's Rules of Order as a guideline in conducting their meetings and hearings and asks that those attending the hearing adhere to the following rules:

STAFF REPORT

Applicant: Donald and Cathy Grothen and Jerry G Grothen (R&R Ready Mix, Inc.)

Application: Tabled Conditional use permit to allow aggregate mining.

Location: NW4NW4 (lot 5) Ex 10.54 Ac. Ac 29.46 (County Road 63 Highway Easement) and NE4 NW4 lying South of Rd Ex E 469' Ac. 26.99 (Co Rd 63 Hwy Easement). Section 7 (Miltona Township) Zoning Rural Residential and RS(NES) Lake # 21-528 and RS(RDS) Lake Vermont.

Background: R and R Ready Mix Incorporated is proposing a new 42-acre aggregate mining operation. The project includes the development of a site to be used for the excavation and extraction of nonmetallic-minerals, primarily sand and aggregate (gravel) material, to be hauled off-site for further processing and/or sale. The scale of the proposed mining operation has triggered a mandatory environmental assessment worksheet (EAW) be completed, held out for public comment, and reviewed by the County Board of Commissioners prior to any final decision on this application.



DOUGLAS COUNTY BOARD OF ADJUSTMENT

In the Matter of the Application of Gloria K. and Roger Roder
to allow an 800 square foot addition to an existing 2200 square foot shed on property less than 5 acres on a parcel described as S'ly triangular tract of Lot 2 (70.81' along cl Casa Marina Rd); & Lot 3 "Aud Sub of Part of G. Lot 1". Ac 2.40. Section 1 (LaGrand Township) Zoning RS(GDS) Lake Darling.

STATEMENT OF PROCEDURAL HISTORY AND BACKGROUND

1 On May 3, 2014 the applicants filed an application for a variance to allow an 800 square foot addition to an existing 2200 square foot shed on property less than 5 acres.

2 On May 16, 2014 members of the Board of Adjustment, Township, and County staff viewed the property with the applicant. No decisions were made at this publicly advertised meeting of the Board.

3 On May 27, 2014 the application for a variance received a public hearing before the Douglas County Board of Adjustment. The Board of Adjustment heard from the applicants and opened the hearing up for public comment. A few members of the public expressed concerns about the amount and type of materials currently being stored on the property. The township testified that they supported approval of the variance only if the conditions suggested by staff requiring the applicants to clean up the property were approved by the Board. The public hearing was closed.

4 After a thorough discussion by the Board of Adjustment, a motion was made and seconded to deny the request for a variance. That motion passed 3-1. The Board directed staff to draft findings consistent with the denial to be reviewed at a later meeting.

LEGAL STANDARD

The Standard for Granting Variances

1. The Board has "broad discretion" in granting variances based upon "practical difficulties."



Nicollet County Examples

GUIDELINES TO PUBLIC TESTIMONY

1. Individuals interested in speaking must complete a card, available in the back of the room. Cards must be submitted to staff prior to speaking.
2. The speaker must approach the podium and state your full name and address. Please give your card to staff for the record. Each speaker will be given 3 minutes to comment on the request. Staff will raise their hand when 1 minute remains.
3. All testimony must be directed to the Chair.
4. Individuals shall refrain from disruptive arguments, profanity, insults, or attacks against any persons.
5. There shall be no demonstrations or comments from the members of the audience during public testimony.
6. Failure to adhere to the guidelines will result in a verbal warning. If after such warning, an individual will be asked to leave the meeting.

QUESTIONS FOR APPLICANTS

GENERAL:

1. What is the purpose of the project? How exactly is the structure going to be used?
2. What is the time frame for the project?
3. What evidence do you have to support your request? (documentation, technical reports, expert testimony, etc.)

ALTERNATIVES:

1. Is there any way to proceed without a variance?
2. Is there anywhere on the property you can locate the structure without a variance?
3. Will a lesser request enable you to proceed with your proposal?
4. What prevents you from proceeding without a variance, or proceeding with a lesser request than you have presented?

CIRCUMSTANCES UNIOUE TO PROPERTY NOT CAUSED BY LANDOWNER:

1. What extraordinary circumstances result in the need for the variance? What about these circumstances are unique to the property and beyond your control?
2. How is the need for the variance not the result of your own actions, or the actions of a previous owner?
3. Where you aware of this circumstance prior to buying the home? Did you contact the Property Services office prior to the purchase of the home?

REASONABLE USE:

1. How are you denied reasonable or beneficial use of the property without the variance?
2. How does the request not alter the character of the surrounding community? Can you provide specific examples of similar uses in the area?

KNOWLEDGE OF STANDARD

1. Where you aware of the standard? Did you talk to staff about development limitations prior to purchase?
2. When did you purchase the property? Was the standard you are asking to vary from in place when you purchased the property?

HEALTH, SAFETY OR GENERAL WELFARE:

1. Explain how the variance does not threaten the health, safety or general welfare of the community?
2. What could you do to lessen any adverse impact the variance may have on the health, safety or general welfare of the community?

V-12-17

VARIANCE

**REDUCE FRONT YARD SETBACK,
REDUCE ORDINARY HIGH
WATER LEVEL SETBACK,
REDUCE BLUFF SETBACK,
INTENSIFICATION OF
NONCONFORMING STRUCTURE**

DARREL & LINDSAY PALMER

BAA – ORDER & DIALOGUE FOR CHAIRING MEETING

1. CALL TO ORDER: I will call the *(month)* meeting of the Board of Adjustment and Appeals to Order.
2. ROLL CALL: *(Staff)*, will you call the roll? [Staff will call roll and state if there is a quorum.]
3. APPROVAL OF MINUTES: Are there any corrections to the minutes? If there are no corrections, I will entertain a motion for approval of the *(month)* minutes.
4. VOTE: We have a motion by *(member)*, seconded by *(member)*, to approve the minutes. All in favor say Aye, opposed Nay.
5. GUIDELINES: [Read the “Guidelines to Public Testimony”.]
6. HEARING(S): The hearing is for *(read information off the agenda)*.
7. CONFLICT OF INTEREST: Does any member wish to recuse themselves at this time for a conflict of interest concerning this request?
8. STAFF REPORT: *(Staff)*, will you present the staff report?
9. APPLICANT COMMENT: Does the applicant have any comments or anything to add? Does the applicant object to any of the proposed conditions? [Not applicable if motion to deny.]
10. AFTER THE STAFF REPORT: I will now open the hearing up for public testimony. If you would like to speak, please come forward and state your name and address for the record, and speak loud and clear. [The speaker MUST direct their questions to the Chair, who will then direct the question to the appropriate person.]
11. APPLICANT RESPONSE: Does the applicant have additional comments or would you like to respond to comments made during the public testimony?
12. AFTER ALL PUBLIC TESTIMONY: I will now conclude the public hearing and bring it back to the Board for discussion.
13. MOTION: I will entertain a motion to approve or deny the request.
[Move to approve : deny] [Second...]
We have a motion by *(member)*, seconded by *(member)*, to *(approve : deny)* the request.
14. SITE VISIT: For the record, has any member visited this site?
15. BOARD'S DISCUSSION: [During the Member's discussion, the Board may ask questions of the applicant, the public MAY NOT speak at this point because the public testimony has been CONCLUDED.]
15. CRITERIA FOR GRANTING A VARIANCE: If there is no more discussion, I will call for the answers to the ‘Criteria for Granting a Variance’. [Chairperson reads each question and staff records each member's vote and response on the Findings of Fact document. Member's MUST state why voting yes or no for each criteria. ALL SIX CRITERIA MUST BE ANSWERED YES FOR APPROVAL.]
16. VOTE ON MOTION: I will call for a vote on the motion to *(approve : deny)* that is on the table. Those in favor say Aye, opposed Nay.
17. MOTION TO ADOPT THE FINDINGS: I will call for a vote on the motion to adopt the “Findings” as written in the ‘Criteria for Granting a Variance’.
We have a motion by *(member)*, seconded by *(member)*, to approve the findings. All in favor say Aye, opposed Nay.
18. ANNOUNCEMENT OF MOTION : The motion *(carried : failed)*.
(Mr./Mrs./Ms. applicant) your request has been *(approved : denied)*.
[Next hearing repeat #6 through #18, otherwise continue on to #19.]

PLANNING COMMISSION – ORDER & DIALOGUE FOR CHAIRING MEETING

1. CALL TO ORDER: I will call the (*month*) meeting of the Planning and Zoning Advisory Commission to Order.
2. ROLL CALL: (*Staff*), will you call the roll? [Staff will call roll and state if there is a quorum.]
3. REVIEW AGENDA: Are there any additions or deletions to the agenda?
4. APPROVAL OF MINUTES: Are there any corrections to the minutes? If there are no corrections, I will entertain a motion for approval of the (*month*) minutes.
5. VOTE: We have a motion by (*member*), seconded by (*member*), to approve the minutes. All in favor say Aye, opposed Nay.
6. GUIDELINES: [Read the "Guidelines to Public Testimony".]
7. PUBLIC APPEARANCES: Is there anyone in the audience that would like to make a public appearance tonight? If so, please come forward, state your name and address for the record, and speak loud and clear.
8. HEARING(S): The hearing is for (*read information off the agenda*).
9. CONFLICT OF INTEREST: Does any member wish to recuse themselves at this time for a conflict of interest concerning this request?
10. STAFF REPORT: (*Staff*), will you present the staff report?
11. APPLICANT COMMENT: Does the applicant have any comments or anything to add? Does the applicant object to any of the proposed conditions? [Not applicable if motion to deny.]
12. AFTER THE STAFF REPORT: I will now open the hearing up for public testimony. If you would like to speak, please come forward and state your name and address for the record, and speak loud and clear. [The speaker MUST direct their questions to the Chair, who will then direct the question to the appropriate person.]
13. APPLICANT RESPONSE: Does the applicant have additional comments or would you like to respond to comments made during the public testimony?
14. AFTER ALL PUBLIC TESTIMONY: I will now **conclude** the public hearing and bring it back to the Commission for discussion.
15. MOTION: I will entertain a motion to begin discussing the request.
[Move to approve : deny] [Second...]
We have a motion by (*member*), seconded by (*member*), to (*approve : deny*) the request.
16. SITE VISIT: For the record, has any member visited this site?
17. COMMISSION'S DISCUSSION: [During the Commission's discussion, the Commission may ask questions of the applicant, the public MAY NOT speak at this point because the public testimony has been CONCLUDED.]
16. CRITERIA FOR GRANTING CUP: If there is no more discussion, I will call for the answers to the 'Criteria for Granting a Conditional Use Permit'. [Chairperson reads each question and staff records each planning commissioner's vote and response on the Findings of Fact document. Planning Commissioners MUST state why voting yes or no for each criteria. Staff will tally the responses and state if there is a majority or not. A MAJORITY IS NECESSARY FOR APPROVAL.]
18. VOTE ON MOTION: I will call for a vote on the motion to (*approve : deny*) that is on the table. Those in favor of the motion say Aye, opposed Nay.
19. MOTION TO ADOPT THE FINDINGS: I will call for a vote on the motion to adopt the 'Findings' as written in the 'Criteria for Granting a Conditional Use Permit'. We have a motion by (*member*), seconded by (*member*), to approve the findings. All in favor say Aye, opposed Nay.
20. ANNOUNCEMENT OF MOTION: The motion (*carried : failed*). (*Mr./Mrs./Ms. applicant*) your request has been (*approved : denied*). The Planning and Zoning Advisory Commission's recommendation will be presented to the Board of Commissioners on (*date*).

[Next hearing repeat #8 through #20, otherwise continue on to #21.]



Mille Lacs County Examples

MILLE LACS COUNTY APPLICATION SCHEDULE

Planning Commission Schedule 2017

Application Date	Legal Notice to Paper	Agenda Packets and Property Notices Mailed	Meeting Date	County Board Date	Total Days
December 12, 2016	December 23, 2016	December 30, 2016	January 9, 2017	February 7, 2017	57
January 9, 2017	January 27, 2017	February 8, 2017	February 13, 2017	March 7, 2017	57
February 6, 2017	February 24, 2017	March 3, 2017	March 13, 2017	April 4, 2017	58
March 6, 2017	March 24, 2017	March 31, 2017	April 10, 2017	May 2, 2017	57
April 10, 2017	April 21, 2017	April 28, 2017	May 8, 2017	June 6, 2017	57
May 8, 2017	May 26, 2017	June 2, 2017	June 12, 2017	July 5, 2017	58
June 5, 2017	June 23, 2017	June 30, 2017	July 10, 2017	August 1, 2017	57
July 10, 2017	July 28, 2017	August 4, 2017	August 14, 2017	September 5, 2017	57
August 7, 2017	August 25, 2017	September 1, 2017	September 11, 2017	October 3, 2017	57
September 11, 2017	September 22, 2017	September 29, 2017	October 9, 2017	November 7, 2017	57
October 9, 2017	October 27, 2017	November 3, 2017	November 13, 2017	December 5, 2017	57
November 6, 2017	November 22, 2017	December 1, 2017	December 11, 2017	January 2, 2018	58
December 11, 2017	December 22, 2017	December 29, 2017	January 8, 2018	February 6, 2018	57

** November 22, 2017 is the Wednesday prior to Thanksgiving.

*** December 5, 2017 Board Meeting will be a 6 pm start.

Board of Adjustment Schedule 2017

Application Date	Legal Notice to Paper	Agenda Packets and Property Notices Mailed	Meeting Date	Total Days
December 23, 2017	January 6, 2017	January 13, 2017	January 23, 2017	32
January 23, 2017	February 10, 2017	February 17, 2017	February 27, 2017	35
February 21, 2017	March 10, 2017	March 17, 2017	March 27, 2017	34
March 20, 2017	April 7, 2017	April 14, 2017	April 24, 2017	35
April 17, 2017	May 5, 2017	May 12, 2017	May 22, 2017	35
May 22, 2017	June 9, 2017	June 16, 2017	June 26, 2017	35
June 26, 2017	July 7, 2017	July 14, 2017	July 24, 2017	35
July 24, 2017	August 11, 2017	August 18, 2017	August 28, 2017	35
August 21, 2017	September 8, 2017	September 15, 2017	September 25, 2017	35
September 18, 2017	October 6, 2017	October 13, 2017	October 23, 2017	35
October 23, 2017	November 9, 2017	November 17, 2017	November 27, 2017	35
November 20, 2017	December 8, 2017	December 15, 2017	December 26, 2017	36
December 18, 2018	January 5, 2018	January 12, 2018	January 22, 2018	35