



MACPZA Spring Conference

June 3, 2021

Public Hearings Best Practices

Mission Statement

Providing efficient services with innovation and accountability.

Vision Statement

Setting the standard for providing superior and efficient county government services through leadership, accountability and innovation to a growing and diverse society.

**Leadership. Efficiency.
Accountability.
Innovation. Integrity.**

Public Hearing Documents

- Order and Dialogue
- Order of Business
- By-Laws
- Meeting Sign-In Sheets
- Speaking Cards
- Public Comment Guidelines
- Templates
 - Minutes, Notification and Approval/Denial Letters, Agendas, and Recording Documents

Planning and Zoning Advisory Commission – Order and Dialogue

- Identifies 26 steps to run a meeting

PLANNING AND ZONING ADVISORY COMMISSION – ORDER & DIALOGUE FOR CHAIRING A MEETING

- CALL TO ORDER: **I will call the (month) meeting of the Planning and Zoning Advisory Commission to Order.**
- ROLL CALL: *(Staff), will you call the roll?* [Staff will call roll and state if there is a quorum.]
- REVIEW AGENDA: **Are there any additions or deletions to the agenda?**
- 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.**
- VOTE: **We have a motion by (member), seconded by (member), to approve the minutes. All in favor say Aye, opposed Nay.**
- GUIDELINES TO PUBLIC TESTIMONY: [Read the “Guidelines to Public Testimony”.]
- 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.**
- HEARING(S): **The hearing is for (read information off the agenda).**
- CONFLICT OF INTEREST: **Does any member wish to recuse themselves at this time for a conflict of interest concerning this request? Conflict of Interest Declaration:**
A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.
- STAFF REPORT: *(Staff), will you present the staff report?*
- APPLICANT COMMENT: **Does the applicant have any comments or anything to add? Does the applicant agree with all of the conditions?**
- 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.]
- APPLICANT RESPONSE: **Does the applicant have additional comments or would you like to respond to comments made during the public testimony?**
- AFTER ALL PUBLIC TESTIMONY: **I will now conclude the public hearing and bring it back to the Commission for discussion.**
- MOTION: **I will entertain a motion on the request.** [The motion and second is made by members of the Commission]. **We have a motion by (member), seconded by (member), to (approve with conditions: deny) the request.**
- SITE VISIT/ CONTACT: **For the record, has any member visited this site or has been contacted by a member of the public regarding this hearing?**
- 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, unless a question is directed to them by a member of the Commission.]
- 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. 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 OF THE CRITERIA MUST BE ANSWERED YES FOR APPROVAL.]

Board of Adjustment and Appeals – Order and Dialogue

- Identifies 24 steps to run a meeting

BOARD OF ADJUSTMENT AND APPEALS – ORDER & DIALOGUE FOR CHAIRING A 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 TO PUBLIC TESTIMONY: Chair reads the “Guidelines to Public Testimony”.
6. 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.**
7. HEARING(S): **The hearing is for (read information off the agenda).**
8. CONFLICT OF INTEREST: **Does any member wish to recuse themselves at this time for a conflict of interest concerning this request? Conflict of Interest Declaration:**
A conflict of interest, whether actual, potential, or perceived, occurs when someone in a position of trust has competing professional or personal interests, and these competing interests make it difficult to fulfill professional duties impartially. At this time, members are requested to declare conflicts of interest they may have regarding today’s business. Any member who declares an actual conflict of interest must not vote on that agenda item. All actual, potential, and perceived conflicts of interest will be announced to the board by staff before any vote.
9. STAFF REPORT: **(Staff), will you present the staff report?**
10. APPLICANT COMMENT: **Does the applicant have any comments or anything to add? Does the applicant object to any of the proposed conditions?**
11. AFTER THE STAFF REPORT/PUBLIC TESTIMONY: **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.]
12. APPLICANT RESPONSE: **Does the applicant have additional comments or would you like to respond to comments made during the public testimony?**
13. AFTER ALL PUBLIC TESTIMONY: **I will now conclude the public hearing.**
14. MOTION: **I will entertain a motion on the request.** [The motion and second is made by members of the Board.] **We have a motion by (member), seconded by (member), to (approve with conditions: deny) the variance.**
15. SITE VISIT/ CONTACT: **For the record, has any member visited this site or has been contacted by a member of the public regarding this hearing?**
16. 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, unless a question is directed to them by a member of the Board.]
17. CRITERIA FOR GRANTING A VARIANCE: **If there is no more discussion. I will call for the answers to the ‘Criteria for Granting a Variance’.** [Chair 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.]
18. VOTE ON MOTION: **I will call for a vote on the motion to (approve with conditions: deny) that is on the table. Those in favor say Aye, opposed Nay.**

“I Wish to Speak” Cards



**PLANNING & ZONING ADVISORY COMMISSION
BOARD OF ADJUSTMENT & APPEALS**

Registration to Speak

Date: _____

Name: _____

Address: _____

Phone: _____

PUBLIC TESTIMONY GUIDELINES

- * Must complete a card and return to staff
- * Must approach the microphone/table during testimony
- * Must speak to hearing at hand
- * Must state name and address
- * Speakers are limited to three minutes of testimony

**Failure to adhere to the guidelines will result in an oral warning
and then removal from the meeting.**

Public Comment Guidelines

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.

Minutes Template



Planning & Zoning Advisory Commission

MINUTES JUNE 26, 2020 7:00 PM NICOLLET COUNTY GOVERNMENT CENTER

BOARD MEMBERS	David Hermanson <input type="checkbox"/> <i>Chair</i>	David Wendinger <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <i>Commissioner</i> Terry Morrow <input type="checkbox"/> <i>Commissioner, Alternate</i>
	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
ABSENT EXCUSED	David Hermanson <input type="checkbox"/> <i>Chair</i>	David Wendinger <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <i>Commissioner</i> Terry Morrow <input type="checkbox"/> <i>Commissioner, Alternate</i>
	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
ABSENT	David Hermanson <input type="checkbox"/> <i>Chair</i>	David Wendinger <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <i>Commissioner</i> Terry Morrow <input type="checkbox"/> <i>Commissioner, Alternate</i>
	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
STAFF PRESENT	Property and Public Services Director Mandy Landkamer <input type="checkbox"/>		
	Deputy Zoning Administrator/Planner Jon Hammel <input type="checkbox"/>		
	Assistant County Attorney Megan E. Gaudette Coryell <input type="checkbox"/>		
	Other Staff <input type="checkbox"/>		

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REVIEW OF CANCELLATIONS & ADDITIONS			
MOTION TO APPROVE MINUTES OF FEBRUARY 4, 2021		APPROVE <input type="checkbox"/>	APPROVE WITH REVISIONS <input type="checkbox"/>
1 ST	David Hermanson <input type="checkbox"/> <i>Chair</i>	David Wendinger <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <i>Commissioner</i> Terry Morrow <input type="checkbox"/> <i>Commissioner, Alternate</i>
	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
2 ND	David Hermanson <input type="checkbox"/> <i>Chair</i>	David Wendinger <input type="checkbox"/> <i>Vice Chair</i>	Marie Dranttel <input type="checkbox"/> <i>Commissioner</i> Terry Morrow <input type="checkbox"/> <i>Commissioner, Alternate</i>
	Justin Laven <input type="checkbox"/>	Ron Regenscheid <input type="checkbox"/>	Dave Ubel <input type="checkbox"/>
ROLL CALL VOTE	Marie Dranttel	APPROVE <input type="checkbox"/>	DENY <input type="checkbox"/>
	Jason Enter	APPROVE <input type="checkbox"/>	DENY <input type="checkbox"/>
	David Hermanson	APPROVE <input type="checkbox"/>	DENY <input type="checkbox"/>
	Justin Laven	APPROVE <input type="checkbox"/>	DENY <input type="checkbox"/>

Variance – Questions for Applicants

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 UNIQUE 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?