

## **Mackay Planning and Zoning Public Hearing Process information handout.**

A public hearing is the designated time during a public meeting when the City Council or Planning & Zoning Commission (or committee appointed to act on their behalf) takes comment from the public regarding a pending application or other particular matter. Public hearings are required for Quasi-Judicial matters. Quasi-Judicial matters are those in which the decision-making body is acting as a judging body and applying the law to individual properties. These include applications for subdivision and zone changes, applications for variances and special use permits.

A public hearing process ensures that individuals will be given a meaningful opportunity to be heard before a decision is rendered that may affect their personal or private property rights. It is the public's reasonable opportunity to give testimony and offer evidence for or against the subject of the hearing or state an opinion in a neutral matter. It is important for citizens to understand that public hearings are not held for "straw votes" but are governed by specific review criteria.

Additionally, written comments from the public are collected and presented to the decision-making body at the public hearing. Although all written comments will be entered into the public record and considered by the Council/Commission, the comments may be summarized at the hearing for purposes of time.

During a public hearing, after the public has provided their testimony, the applicant will have the opportunity to respond to comments and questions raised. After this the public hearing is typically closed and the decision-making body begins their deliberation and works towards a decision.

Public testimony is received during the scheduled public hearing on the item. This is the only time when decision makers can hear from the public on the specific matter, due to Open Meeting Law requirements, and to ensure these decisions are made in a clear and open manner.

### **Public Hearing Process**

1. Chairperson reads agenda title, Opens the public hearing.
2. Applicant/Representative Presentation (15 minutes maximum).
3. City Staff Presentation (15 minutes maximum).
4. Council/Commission questions for staff or applicant.
5. Chairperson opens hearing for public testimony (3 minutes maximum each).
6. Public comment is taken in the order of: for, neutral, opposed.
7. Written comments put into public record (may be a summary at this time).
8. Applicant is given opportunity to respond (10 minutes maximum).
9. Chairperson closes public hearing.
10. Council/Commission discussion (public comment is no longer recognized).
11. Council/Commission takes action.