

Article 19. Public Hearing Procedures

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Sec. 1901. Purpose and Objectives: There are three principal purposes for this article. The first purpose of the article is to establish uniform procedures for public hearings notices required by this Development Code. The second purpose of the article is to establish uniform rules for conducting public hearings required by this Development Code. The third purpose of the article is to establish standard fees and application forms for the various types of applications required to initiate proceedings for the various actions identified by this Development Code. These forms provide the Zoning Administrator and the Planning Commission with the necessary information to determine whether the application is consistent with the intentions and purposes of the Development Code.

All proceedings carried out under this article or information required by this article, to evaluate an application are secondary to any requirement of state law. Therefore, if there is a difference between this article and state law, the proceedings or information required by state law shall prevail.

Sec. 1902. Public Hearing Notice:

- A. Before a decision on any Conditional Use Permit; Variance; appeal of a decision on a Conditional Use Permit, Site Plan Review, or Variance; or amendment is made pursuant to this Development Code, a notice of the public hearing shall be given by the decision maker or decision making body as prescribed by Section 1903 of the Article.
- B. In the case of a Site Plan Review, Conditional Use Permit or Variance revocation hearing, notice of said hearing shall be given not less than 10 days prior to the date of the hearing by either personal service of a copy of said notice to the permit holder or by sending a copy of the notice by certified mail, return receipt requested, to said permit holder. The notice shall also state the reason or reasons why action is being taken for the revocation of the Conditional Use Permit or Variance.

Sec. 1903. Method of Giving Notice: The notice of public hearing shall be given as required by Government Code Section 65090, et seq. For site specific projects, notice shall also be given in the following manner:

- A. If the property immediately adjacent to the subject property is more than 300 feet in width, then notice shall be given to the next adjacent parcel as well. However, if the immediately adjacent property is less than 300 feet in width, no additional notice is required beyond the 300 feet. Parcels separated by a street or road shall be considered adjacent for determining which parcels are given notice.
- B. In addition to the above requirements, if a parcel is within the area that receives notice, both the property owner; and the situs address if different from the owner's address as shown on the latest equalized assessment roll, shall be given notice. Any additional notification or method of notification deemed necessary or appropriate in the opinion of the Zoning Administrator or decision maker or as may be required by law, may also be used to give notice.

Sec. 1904. Contents of the Public Hearing Notice: The notice of public hearing shall contain the information required by Government Code Section 65094. Any additional information the Zoning Administrator or decision maker deems important or necessary may be added to the notice.



Sec. 1905. Timing of the Hearing: The hearing body or officer shall hold a public hearing on each application as prescribed in this Development Code. Such hearings shall be held within following time frames which shall begin on the date the application is determined to be complete by the Zoning Administrator:

Table 19-1 PUBLIC HEARING TIME FRAMES	
Site Plan Review (if required by the Zoning Administrator)	15 days
Conditional Use Permit	45 days
Amendment	45 days
Variance	45 days

Sec. 1906. Rules for Conducting Public Hearings: The following procedures shall be the basis for conducting public hearings required by this Development Code, and the hearing officer or body may modify these rules to accommodate specific requirements unique to an individual application.

A. Order of Procedure:

1. Oral and documentary evidence will be presented in the following order:
 - a. Staff Report – Planning staff will give a detailed verbal report to the hearing body on the application, including environmental review documents, that are before the decision maker.
 - b. Questions from the decision maker and the public - Upon completion of the staff report the decision maker may reserves time to ask questions of staff to clarify the staff report and recommendation. Following the decision maker’s questions members of the public may be allowed at the discretion of the decision maker to ask questions to clarify the staff report and recommendation.
 - c. Public Testimony:
 - (1) Everyone who wants to present testimony in favor of the proposal will be heard.
 - (2) Everyone who wants to present testimony opposed to the proposal will be heard.
 - (3) The applicant or the applicants authorized agent may rebut any testimony.

B. Rules Applicable to Public Testimony:

1. Testimony shall be received on a first come-first serve basis. If the decision maker determines that the hearing may be lengthy special rules may be invoked to require those who wish to testify to fill out a speaker’s reservation card and, testimony will be by order of the number on the card. Failure of a person to promptly respond when their name is called shall result in the person forfeiting their right to address the decision making body or officer, unless the chairman or officer expressly rules otherwise. This rule may be modified to fit specific case as needed.
2. The person testifying will audibly state into the microphone, if one is present, his or her name and address before beginning testimony. If that person is representing a group or organization the speaker shall identify that group or organization, including that group or organizations address.
3. All speakers shall address the hearing officer or chairman of the decision making body, and comply with the following rules:
 - a. At the discretion of the hearing officer or chairman any obscene language or defamatory statements shall be ruled out of order and may forfeit the speaker's right to make or continue to make his or her presentation.
 - b. Anyone making personal, impertinent, or slanderous remarks, or who shall become boisterous or disruptive while addressing the hearing officer or decision maker so as to impair the conduct of the hearing, or who addresses anyone but the chairman without first securing permission of the chairman shall forthwith, by order of the



chairman, be barred from further attendance at such hearing or meeting, unless permission to remain shall be granted by majority vote of the full decision making body.

- c. The chairman may also order the room cleared and continue in session in compliance with Government Code Section 54957.9.
4. Any questions directed to the staff by a member of the public shall be ruled out of order. Questions to such person shall be asked of the chairman or hearing officer. Any member of the decision making body may then, upon being recognized by the chairman or hearing officer, in the sole discretion of such member of the decision making body, ask the staff to respond to the question. This does not apply to the portion of the hearing devoted to answering questions from the public, when the chairman recognizes a speaker to ask such a question.
5. Anyone addressing the hearing officer or decision making body shall limit their address to a reasonable period of time as may be directed by the hearing officer or chairman, not to exceed five minutes, unless the chairman expressly rules to extend such time by an additional five minutes.
6. Whenever any group of people wishes to address the decision maker, the hearing officer or chairman may limit the number of people from that group to avoid unnecessary repetition of testimony. Anyone identifying himself or herself as a member of a group may be asked to limit his or her comments to a simple affirmation of the group spokesperson's comments. Members of a group collectively may forego speaking and yield their time to a spokesperson up to a maximum of 20 minutes.
7. Speakers should avoid repetition of statements by previous speakers. The hearing officer or chairman may cut-off any speaker if the material presented is merely repetitious.
8. Notwithstanding the foregoing time limitations, any person or group may submit written documents to the decision maker. These documents must be submitted to the hearing officer or secretary/clerk of the decision making body prior to the close of the public hearing, unless the hearing officer or chairman approves a specific extension upon a request from a person giving testimony. The hearing officer or chairman shall give a specific time within which the written testimony must be received to be considered.
9. No one, other than the hearing officer or chairman, shall be permitted to enter into any discussion with a speaker without permission or direction from the hearing officer or chairman.
10. Except as provided in sub-paragraphs A.1. above, and C.8. below, no one offering testimony may address the decision maker on more than one occasion, unless the hearing officer or chairman otherwise allows.

C. Miscellaneous Rules

1. No person except a member of the decision making body or the hearing officer may address any speaker except during rebuttal allowed under Section 1906.A.1.c.3 above.
2. Testimony (oral or written) not received prior to or during the public hearing shall be disregarded, unless specifically allowed to be submitted at a later time by the hearing officer or chairman of the decision making body, pursuant to Section 1906.B.8. above
3. Public hearings will not be conducted according to technical rules relating to evidence and witnesses, unless specifically approved by the decision maker prior to the hearing and so noted in the notice of the public hearing. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over the objection in civil actions.
4. All exhibits and documents used by witnesses during their testimony shall be marked as exhibits by the hearing officer or the decision making body's staff and introduced into the record.
5. All hearings shall be recorded by an audio recording device unless otherwise noted in the notice of the hearing. Video recordings may be substituted for audio recording. The official record of the proceedings will be the summary minutes



of the hearing prepared by the hearing officer, or decision makers' staff, and approved by the decision maker, unless the decision maker orders that a written transcript of the audio, or video, tape of the hearing be made, in which case the transcript will become the official record of the hearing.

6. The hearing officer or chairman shall rule on the admissibility of evidence into the record upon objection being made to the filing of such evidence. Such rulings may be referred to the full decision making body for review and final determination.
7. The hearing officer or decision making body may request of all public officials, staff, and any member of the public such available information, advice, or opinions as may be required to carry out its function.
8. In the event that there is anyone who wishes to speak, the time allowed by these rules may be proportionately allocated and the time limits changed at the discretion of the hearing officer or chairman.
9. After closing the hearing, proceedings may stand under advisement until a decision is rendered.
10. Banners and posters will be allowed to be placed along the side or rear of the hearing room, but any poster or banner shall be excluded by the hearing officer or chairperson subject to the following guidelines:
 - a. Assistance from staff must be asked for in the placement of any sign or poster.
 - b. Anyone who wishes to carry a hand-held banner or poster in his or her seat will be asked to sit in the rear of the room so the display of the banner or poster does not obstruct the view or hearing of individuals seated behind him or her. If a poster or banner is hand-held, it shall be made from a material that does not make a disruptive rustling or crinkling noise when bent or moved.
 - c. Posters and banners shall be a maximum of four feet by five feet in size, two-dimensional, and made of soft material such as cloth, paper, or flexible cardboard. Materials may not be glued or otherwise affixed to any banner or poster, except for stickers or other soft materials that are firmly attached. Any banner or poster that is fixed to a stick or similar object will not be allowed in the hearing room. No ink or paint may be used on a poster or banner that gives off a noxious odor.
 - d. Posters and banners shall be polite and respectful. No poster or banner may depict or suggest violence, contain profane or obscene images or words, or otherwise be offensive to the sensibilities of a reasonable member of the community in a manner that is not necessary to convey to the hearing officer or decision making body the outcome on any issue or issues before the hearing officer or decision making body desired by the proponent of the poster or banner. Posters or banners displayed at a hearing may attack ideas, but they may not attack people or personalities, display any person or organization in a false light, or include any slanderous statements or depictions.
 - e. A poster or banner shall be excluded by the hearing officer or chairperson if, on the basis of particularized facts known or made known to the hearing officer or chairperson, she or he reasonably suspects that the poster or banner is likely to incite a physical altercation or inappropriately loud disruption of the proceedings. This rule shall not be invoked to prevent the display of a poster or banner that does no more than inform the decision making body or hearing officer of the outcome on any issue or issues before the decision making body or hearing officer desired by the proponent of the poster or banner.

