Hearing Procedures **

* To get to a Planning Commission Hearing, a citizen/applicant has had an idea for a use on a property. *In this case a fly-fishing retreat for veterans on a residential property on the Big Thompson River.*
* The citizen has worked with County staff to prepare and submit an application to allow a use to occur on a particular property. *In this case, a “Retreat” is the proposed use, and a retreat is defined in the Land Use Code as “a facility for four or more people to occupy on a short-term basis (30 or fewer consecutive days out of any calendar year) offering overnight accommodations for a fee for study or instruction.” For this property, 5 acres on the Big Thompson River, the primary types of uses on the property are residential in nature. A “Retreat” is listed as an accommodation use, not a residential use.*
* The applicant has gone through initial staff review and both parties, citizen/applicant and staff, have determined that the application is ready to move forward to a public hearing.
* A Planning Commission hearing is a public hearing. A public hearing is the first opportunity that other citizens and neighbors have to formally comment on an application. Specifically, Planning Commissioners, the applicant, staff, and neighbors will be discussing whether the proposed use is appropriate and if it should be allowed on a property. *In this case the discussion will center on* *a retreat/ accommodation use on a residential property, how it’s impacting the surrounding properties, if limits or conditions should be placed on the use to make it more compatible, and if it should be allowed to continue.*
* The Planning Commission is a volunteer citizen board that provides a recommendation to the Board of County Commissioners. Their role generally, is to use their experience and points of view as citizens to evaluate a use based on the presentation from the applicant, information from staff and referral agencies, the review criteria for the process, and the opinions of the neighbors.

Parliamentary Procedure generally

Planning Commission hearings at Larimer County generally follow Parliamentary Procedure. Parliamentary Procedure is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion. Organizations using parliamentary procedure usually follow a fixed order of business. Below is a typical example at Larimer County:

1. Call to order.

2. Roll call of members present.

3. Reading of minutes of last meeting.

4. Tabled projects

5. Consent Agenda

6. Discussion Agenda

7. Adjournment.

Mechanics of the Hearing

At the hearing, the Board Chair is in charge of running the meeting. He or She tries to keep applicants and citizens focused in their comments, so the hearing can move forward to a decision.

1. The hearing begins with a statement from the Chair.
2. Then staff presents the project, background information, concerns, referral comments, and staff recommendation.
3. Next the applicant presents the project and adds to what staff has said.
4. At this point Planning Commissioners have the opportunity to ask questions of staff and the applicant.
5. Next, the public comment portion of the hearing begins. The Chair invites citizens to speak about the application.
6. All neighbors, in favor and opposed can speak to the Planning Commissioners at this time. This is the only opportunity for neighbors and citizens other than the applicant to voice their opinion.
7. When it looks like all have spoken who wanted to, the Chair closes the public comment portion.
8. The applicant is allowed a rebuttal to any comments from neighbors. The purpose is to address or answer any questions that came up or provide clarifying or additional information.
9. The next phase is Planning Commissioner Discussion. At this point the Commissioners may ask some questions of staff, but generally they discuss their thoughts on the application. Usually there is not an opportunity for neighbors or applicant to speak during this time.
10. The discussion ends when it seems all Commissioners have indicated their opinions. At this point, the Chair calls for a motion. (The method used by members to make a decision is to make a motion. A motion is a proposal that allows the entire membership take action or a stand on an issue. The purpose of a motion is to introduce items to the membership for their consideration. A motion cannot be made when any other motion is on the floor, a motion needs to be made and decided upon without interruption.)
11. A planning commissioner makes a motion to approve or deny the application, and usually the person making the motion needs to specify what conditions should be attached to the recommendation. (A Planning Commissioner might say, “I move that we approve xyz project with the following conditions…” Conditions would then be verbally listed, or a commissioner could refer to a page in the packet that lists conditions of approval). Again, the Planning Commission is making a recommendation to the Board of County Commissioners. The BCC will make the final decision on the request.
12. Generally at Planning Commission hearings, only one motion is made and only one vote is taken per request. A role call vote is taken and the decision is made at that point. (A Roll Call vote is where each member answers "yes" or "no" as his name is called.)
13. If the applicant is unhappy with a decision, they will work with staff at this point on various options. If an applicant is happy with a decision, they will move forward to schedule the project for a BCC hearing and final decision.