HEARING PROCEDURES

**General Guidelines**

The following procedures shall be followed by the Planning and Zoning Commission, by the Hearing Examiner, and by the Board of County Commissioners in matters in which a public hearing is required:

A. Hearing Officer; Certification of Notice of Hearing: The hearing officer (including the examiner, the chairman or vice chairman serving as hearing officer) shall preside over the public hearing and shall make all procedural decisions which are necessary. Before commencing the hearing, the presiding officer will certify that at least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the request to be heard was published in the newspaper designated by the Board of County Commissioners for publication of legal notices, and that written notice by United States mail was provided so that at least fifteen (15) days prior to the hearing property owners of property adjoining the subject land site and others as required by the local land use act were notified of the hearing.

B. List of Procedures; Sign Up Sheets: At least one-half (1/2) hour prior to the commencement of the hearing, a list of the procedures to be followed at the hearing shall be posted at the entrance to the hearing room along with sign-up sheets for prospective witnesses to sign.

C. Failure to Sign Up: The hearing officer may refuse to permit any person to testify who has not signed the sign-up sheet prior to commencement of the hearing.

D. Statement of Rules and Procedures: The hearing officer shall open the meeting with a statement of the rules and procedures to be followed during the hearing.

E. Statement of Issues: The hearing officer shall open each hearing with a statement of the issues before the commission or board in that particular case and relief requested by the applicant.

F. Administration of Oath or Affirmation: The hearing officer shall administer the oath or affirmation to the witnesses, except at legislative hearings where public input is solicited.

G. Burden of Persuasion: The applicant for relief or action by the board or commission shall have the burden of persuasion.

H. Record of Hearing: The record of the hearing, including minutes, documents relating to the provision of notice of the hearing, documents admitted into evidence or offered into evidence and rejected, motions and briefs filed by any party, and the decision of the board or commission, shall be filed by the hearing officer with the clerk of the board of county commissioners to be held as official records of the county.

I. Written Findings, Conclusions and Order; Recommendation: The written findings, conclusions and order or recommendation of the commission, hearing officer or board shall be filed with the clerk of the board of county commissioners to be held as official records of the county, and a copy shall be mailed to the applicant seeking relief or action. (Ord. 09 09, 10-6-2009)