

CHAPTER 17.100

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CHAPTER 17.100

NOTICING AND HEARING PROCEDURE

17.100.010 PURPOSE

It is the intent of this chapter to provide for adequate notice of governmental actions to those affected by such actions. Notice is required in order for citizens to participate in decision making which affects their interests and provides opportunity to receive information pertinent to an applicant that would not otherwise be available to the decision maker. In establishing standards for providing such notice, the need for expedited processing of applications is also recognized.

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17.100.020 CONTENTS OF NOTICE

- A. The following elements shall be included in notices issued pursuant to this title:
1. Address of the property, or its location by approximate distances from the nearest major street intersections, or other description to identify the affected property;
 2. The name and address of the applicant;
 3. The name and address of the property owner of record;
 4. A description of how and where additional information regarding the action may be obtained including address and phone number of the City; and
 5. A brief description of the subject of the notice.
- B. The following additional elements shall be included in notices required for site plans, use plans, conditional use permits, certificates of appropriateness, or variances:
1. A map of the area in question so as to indicate its general location and proximity to surrounding properties shall be included in mailed and posted notices.
- C. The following additional elements shall be included in all notices required for amendments to this title:
1. A summary explanation of the intent of the amendment and the proposed amendment, .
- D. The applicant shall provide a list of names and addresses of the property owners within two hundred (200) feet of the closest point of the property, using the most current known property owners of record as certified by the Beaverhead County Clerk and Recorder's Office and stamped, unsealed envelopes (with no return address) addressed with names

of the above property owners, and/or labels with the names of the above property owners, as specified on the appropriate application. The measurement is property lot line to property lot line of adjacent property(ies).

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17.100.030 MAILING STANDARDS

- A. For all chapters of this title that require mailed notices, the following criteria is required:
1. All day counts will be by business days and not calendar days;
 2. For specified timeframes the review requirements will be considered met if the letter is postmarked within the required timeframe; and
 3. Mailing of any required notices to property owners will be considered met by date letter is postmarked.

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17.100.040 NOTICE REQUIREMENTS FOR APPLICATION PROCESSING

- A. The following minimum standards for timing, location of noticing area and type of notice shall be provided. Noticing provisions are cumulative with the maximum combination of noticing requirements being provided it must fall within the minimum and maximum days required.
- B. If for some reason a required property owner fails to receive mail notification of a scheduled public hearing, or if one or more of the required posted signs in the area or on the site for which the public hearing is being held is inadvertently moved through no fault of the City, this in no way shall invalidate the legal notice requirements of the scheduled public hearing.
- C. Notice may also be provided to property owners in any additional area that may be substantially impacted by the proposed change or use as determined by the Administrative Official. The Administrative Official may use other means in addition to posting, mailing, or publication to provide notice.

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17.100.050 NOTICE OF CITY APPROVAL WITHIN HISTORIC OVERLAY, OR ADULT ACTIVITIES OVERLAY CORRIDOR

In order to inform adjacent property owners and residents that an application within an overlay district has been approved by the City, any site approved for construction or alterations within an overlay district shall be posted with a notice supplied by the Administrative Official. The notice shall be posted in a conspicuous place on the site before any construction begins and may be removed when the project is substantially complete. The notice shall specify the name of the

owner of record, the address of the property, a description of the scope of work approved and the date of City approval.

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17.100.060 CONTINUATION OF HEARING OR CHANGE OF DATE

If a continuation of the hearing is necessary the Chairperson shall determine a date and time to continue the hearing. Notices shall be posted at City Hall, Library, and at the site, and notify news sources to announce continuation. No further notices of the date and time for continuation of the hearing are required.

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17.100.070 PUBLIC HEARING PROCEDURE

- A. Chairperson --
 - 1. Announces opening of hearing
 - 2. Explains purpose of hearing
 - 3. Announces the hearing will be taped/recorded and that each respondent should clearly state his/her name
 - 4. Asks all attendants to sign attendance sheet and indicate if they wish to speak
 - 5. Requests that comments are not repeated but will allow comments agreeing or disagreeing
- B. Chairperson or Secretary reads notice of hearing as published in local newspaper
Secretary takes minutes
- C. Orders notice placed in record
- D. Chairperson or Secretary reads technical reports or comments pertaining to the subject or purpose of the hearing
- E. Chairperson or Secretary reads any letters received regarding the subject
- F. Chairperson may at his option limit time for each speaker provided that all persons who desire to speak at the public will be heard.
- G. Chairperson
 - 1. Moderates discussion arising from comments or questions from those in attendance both proponents or opponents

- H. Announces if and when another hearing will be held
 - I. Chairperson closes the comment period
 - J. Council, Board, or Committee may elect to discuss and determine recommendation or decision
 - K. Chairperson, closes hearing
- Enc Ord 433 December 5, 2012