



City Commission Work Session Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center
February 19, 2019
5:30 PM

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT

(Public comment on any matter and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.)

WORK SESSION ITEMS

1. Online Budget Tool - Kirsten Myre and Melissa Kinzler.
2. Public Hearing Process - Sara Sexe.

DISCUSSION POTENTIAL UPCOMING WORK SESSION TOPICS

ADJOURNMENT

City Commission Work Sessions are televised on cable channel 190. If a recording is made, the work session video will be posted on the City's website at <https://greatfallsmt.net/meetings>. Work Session meetings are re-aired on cable channel 190 the following Thursday morning at 10 a.m. and the following Tuesday evening at 5:30 p.m.

UPCOMING MEETING SCHEDULE

Work Session -- Tuesday March 5, 2019 5:30 p.m.

Commission Meeting -- Tuesday March 5, 2019 7:00 p.m.

CODE REVISIONS – PUBLIC HEARINGS

City Commission Work Session
February 19, 2019
Sara Sexe, City Attorney

REVISIONS INTENT

- Provide consistent, City-wide process
 - Assist presiding officers of all City boards, councils, commissions
 - Educate and inform the public, applicants and others
 - Allow for more uniform process

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PUBLIC HEARINGS CODE REVISIONS

- Ord. 3197, draft Exhibit A
 - OCCGF Title 1, Chapter 2, Section 050, establishing a Public Hearing procedure applicable to all City Public Hearings.
 - Not just land use issues.

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ORD. 3198

- OCCGF Title 17, Chapter 16, Article 6
- Three options for Commission review/input
 - Exhibits A and B, and with two alternate versions

PRESENTATION OF MATERIALS IN 17.16.6.020

- Requiring all applicant's materials to be submitted before posting
 - Provides better opportunity for review prior to meeting.
 - Reduces the need for postponing actions to review new material.
- Allowing applicant to provide additional documents after applicant reviews City staff agenda report
 - 72 hours prior to the meeting

PROCEDURE⁶ IN 17.16.6.030

- Applicant's presentation 17.16.6.030.C.
 - Suggested 10 minute time limit
- Optional public questions regarding application
 - Currently used in Planning Advisory Board/Zoning Commission
 - Uniformity in questions from the public in 17.16.6.030.D.
 - All questions directed to presiding officer, then
 - Responses to questions from staff and/or applicant.

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PROCEDURE IN 17.16.6.030

- Clarification of applicant's response to comments from public in 17.16.6.030.I.
 - May provide response to comments, and/or
 - Submit additional information.
 - Amending application has been removed
 - 17.16.6.050 allows for continuance
 - Response/submission limited to 5 minutes

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PROCEDURE IN 17.16.6.030

- Seeking Commission input/guidance regarding 17.16.6.030 (with **bolding**):
 - L. If the seconded motion substantially deviates from the publicly noticed motion which was recommended by staff, the presiding officer may offer an opportunity for additional public comment **on the motion** before final action;

9

OPTION 1 OF 3

- Subsection L. of Procedure portion
- Not a reopening of the public hearing
- Less formal option compared to setting an additional public hearing under 17.16.6.050:
 - New, relevant, credible information comes from public hearing that public or body has not been able to consider.

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OPTION 2. EXHIBIT A, ALTERNATIVE 1

- Same L. language with additional public comment on substantially different motion;
- Placed into 17.17.6.050 as B.
- The option of setting an additional public hearing remains.

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OPTION 3. EXHIBIT A, ALTERNATIVE 2

- Does not include language regarding additional public comment after public hearing closure;
- Once public comment portion of hearing is closed, only option is to set an additional public hearing under 17.17.6.050.

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FUTURE REVISIONS

- Future proposed changes will include:
 - Title 3 pertaining to revenue and finance
 - Title 13 pertaining to Water Service, Sewer Service, and Storm Drainage
 - Title 17 (continued) Land Development Code
- Staff is requesting direction on future changes.



Title 1 - GENERAL PROVISIONS

Chapter 2 GENERAL PROVISIONS

Sections:

1.2.050 Public Hearing Procedure.

Unless otherwise specified in the OCCGF, or by stipulation of the parties, all public hearings held by any City Commission, Council, Board, or Committee will follow the public hearing procedure set forth in the OCCGF, Title 17.

(Ord. 3197, 2018).

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Exhibit "A"

Title 17 LAND DEVELOPMENT CODE

Article 6 PUBLIC HEARINGS

Sections:

~~17.16.6.010 Legislative findings.~~

~~17.16.6.020 General requirements.~~

~~17.16.6.030 Procedure.~~

~~17.16.6.040 Continuances.~~

~~17.16.6.050 Public comment.~~

17.16.6.010 Legislative findings.

17.16.6.020 General requirements.

17.16.6.030 Procedure.

17.16.6.040 Additional Public Hearing in Subdivision Applications.

17.16.6.050 Continuances and Additional Hearings.

17.16.6.060 Public comment.

17.16.6.010 Legislative findings.

The City Commission makes the following findings:

1. ~~A.~~ Public hearings should be conducted in an orderly, timely, and efficient manner. ~~;~~ and
2. ~~B.~~ Public ~~input~~ participation is important and should be encouraged.

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17.16.6.020 General requirements.

- A. ~~Meetings to be public.~~ All public hearings shall be conducted in a place that is open to the public.
- B. ~~Notice of meetings.~~ Notice of public hearings shall be given as provided for in Article 4 of this ~~chapter.~~ Chapter and/or in accordance with other applicable laws and regulations.
- C. ~~Minutes.~~ The body conducting the hearing shall keep minutes in compliance with Mont. Code Ann. §2-3-212.
- D. All public hearings pertaining to land use and development shall be conducted pursuant to the provisions of this Article.
- E. To allow public access to the application materials, the applicant's materials:
 1. must be submitted to the appropriate body liaison in advance of the proceedings, indicating the attendance of each member, and the vote of each member on each question. ~~The body conducting the hearing shall approve the minutes, and upon approval shall become part~~ posting of the meeting agenda for the public record. ~~, but~~

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Title 17 LAND DEVELOPMENT CODE

2. if after receipt of the staff agenda report, an applicant has additional materials for electronic viewing at the meeting, those materials must be provided to the appropriate body liaison no less than 72 hours prior to the meeting.

17.16.6.030 Procedure.

The body conducting the public hearing shall follow the following general procedure:

- 4.—A. The presiding officer shall announce the purpose and subject of and open, the public hearing;
- 2.—B. The presiding officer shall ask the staff to present a staff report, ~~if required~~, on the matter at issue;
- 3.—C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
1. All questions from the public shall be directed to the presiding officer; and
 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to ~~both the applicant and staff, if present~~ staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- 4.—F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for ~~statements~~ comments from the public who are in favor of the application;
- 5.—H. The presiding officer shall ask for ~~statements~~ comments from the public who oppose the application;
- 6.—I. The presiding officer shall ~~call for discussion of the members of the body conducting the public hearing during which time they may ask questions of the applicant and staff, if present.~~
- 7.—The presiding officer shall ask the applicant if he/she wishes to (1) respond to any comment made by an individual during the proceeding; (2) submit additional information; (3) and/or amend/respond to any comment made during the question or public comment periods. The applicant's submission or response is limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing; a body conducting a public hearing which has been formally closed may not receive additional comment except as set forth in this Article;
- K. The presiding officer shall call for a motion regarding the application-

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~~8. Following discussion, a motion to approve or deny the application or a , and after the motion to recommend approval or denial, as appropriate, shall be made and is seconded., the presiding officer shall call for discussion from the members of the body;~~

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~~L. If the seconded motion substantially deviates from the publicly noticed motion which was recommended by staff, the presiding officer may offer an opportunity for additional public comment on the motion before final action; and~~

~~M. After the discussion by the members of the body, the presiding officer shall call for a vote.~~

17.16.6.040 Additional Public Hearing in Subdivision Applications.

~~In subdivision applications, before a motion to approve, deny, amend, or otherwise regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.~~

~~A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:~~

~~1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or~~

~~2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.~~

~~B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.~~

17.16.6.050 Continuances and Additional Hearings.

~~A. **Initiation.** The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may agree to grant the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a~~

~~B. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.~~

~~C. A granted continuance, who is not under compulsion to grant such continuance.~~

~~B. **Effect.** A continuance stops the time clock for making a decision, or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.~~

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Title 17 LAND DEVELOPMENT CODE

17.16.6.~~050060~~ **Public comment.**

- A. ~~Time limitations on public comment. The~~ limits are not previously established by the body, the presiding officer may impose time limits on ~~each individual~~ members of the public who ~~wishes~~ wish to speak to assure completion of the agenda in a timely manner.
- B. ~~Written comment. B.~~ Members of the public may submit written statements to the body conducting the public hearing prior to the body taking final action on the item.

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Title 17 LAND DEVELOPMENT CODE

Article 6 PUBLIC HEARINGS

Sections:

- 17.16.6.010 Legislative findings.
- 17.16.6.020 General requirements.
- 17.16.6.030 Procedure.
- 17.16.6.040 Additional Public Hearing in Subdivision Applications.
- 17.16.6.050 Continuances and Additional Hearings.
- 17.16.6.060 Public comment.

17.16.6.010 Legislative findings.

The City Commission makes the following findings:

- A. Public hearings should be conducted in an orderly, timely, and efficient manner; and
- B. Public participation is important and should be encouraged.

17.16.6.020 General requirements.

- A. All public hearings shall be conducted in a place that is open to the public.
- B. Notice of public hearings shall be given as provided for in Article 4 of this Chapter and/or in accordance with other applicable laws and regulations.
- C. The body conducting the hearing shall keep minutes in compliance with Mont. Code Ann. §2-3-212.
- D. All public hearings pertaining to land use and development shall be conducted pursuant to the provisions of this Article.
- E. To allow public access to the application materials, the applicant's materials:
 - 1. must be submitted to the appropriate body liaison in advance of the posting of the meeting agenda for the public, but
 - 2. if after receipt of the staff agenda report, an applicant has additional materials for electronic viewing at the meeting, those materials must be provided to the appropriate body liaison no less than 72 hours prior to the meeting.

17.16.6.030 Procedure.

The body conducting the public hearing shall follow the following general procedure:

- A. The presiding officer shall announce the purpose and subject of, and open, the public hearing;
- B. The presiding officer shall ask the staff to present a staff report on the matter at issue;

Exhibit "B"

Title 17 LAND DEVELOPMENT CODE

- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
 - 1. All questions from the public shall be directed to the presiding officer; and
 - 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for comments from the public who are in favor of the application;
- H. The presiding officer shall ask for comments from the public who oppose the application;
- I. The presiding officer shall ask the applicant if the applicant wishes to submit additional information and/or respond to any comment made during the question or public comment periods. The applicant's submission or response is limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing; a body conducting a public hearing which has been formally closed may not receive additional comment except as set forth in this Article;
- K. The presiding officer shall call for a motion regarding the application, and after the motion is seconded, the presiding officer shall call for discussion from the members of the body;
- L. If the seconded motion substantially deviates from the publicly noticed motion which was recommended by staff, the presiding officer may offer an opportunity for additional public comment on the motion before final action; and
- M. After the discussion by the members of the body, the presiding officer shall call for a vote.

17.16.6.040 Additional Public Hearing in Subdivision Applications.

In subdivision applications, before a motion to approve, deny, amend, or otherwise regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:

Exhibit "B"

Title 17 LAND DEVELOPMENT CODE

1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or
 2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.050 Continuances and Additional Hearings.

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.
- C. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.060 Public comment.

- A. If limits are not previously established by the body, the presiding officer may impose time limits on members of the public who wish to speak to assure completion of the agenda in a timely manner.
- B. Members of the public may submit written statements to the body conducting the public hearing prior to the body taking final action on the item.

Exhibit "A" ALTERNATIVE 1

Title 17 LAND DEVELOPMENT CODE

Article 6 PUBLIC HEARINGS

Sections:

~~17.16.6.010 Legislative findings.~~

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~~B. A public hearing which has been formally closed may not be reopened. If after a public hearing has been closed, a seconded motion substantially deviates from the publicly noticed suggested motion, the presiding officer may offer an opportunity for additional public comment on the motion before final action;~~

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Title 17 LAND DEVELOPMENT CODE

Article 6 PUBLIC HEARINGS

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Exhibit "B" ALTERNATIVE 1

Title 17 LAND DEVELOPMENT CODE

- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
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- G. The presiding officer shall ask for comments from the public who are in favor of the application;
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- J. The presiding officer shall close the public hearing;
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and
- M. After the discussion by the members of the body, the presiding officer shall call for a vote.

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- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:
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Exhibit "B" ALTERNATIVE 1

Title 17 LAND DEVELOPMENT CODE

2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.050 Continuances, Additional Comment and Public Comment.

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. A public hearing which has been formally closed may not be reopened. If after a public hearing has been closed, a seconded motion substantially deviates from the publicly noticed suggested motion, the presiding officer may offer an opportunity for additional public comment on the motion before final action;
- C. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.
- D. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.060 Public comment.

- A. If limits are not previously established by the body, the presiding officer may impose time limits on members of the public who wish to speak to assure completion of the agenda in a timely manner.
- B. Members of the public may submit written statements to the body conducting the public hearing prior to the body taking final action on the item.

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Article 6 PUBLIC HEARINGS

Sections:

~~17.16.6.010 Legislative findings.~~

~~17.16.6.020 General requirements.~~

~~17.16.6.030 Procedure.~~

~~17.16.6.040 Continuances.~~

~~17.16.6.050 Public comment.~~

~~17.16.6.010 Legislative findings.~~

~~17.16.6.020 General requirements.~~

~~17.16.6.030 Procedure.~~

~~17.16.6.040 Additional Public Hearing in Subdivision Applications.~~

~~17.16.6.050 Continuances and Additional Hearings.~~

~~17.16.6.060 Public comment.~~

17.16.6.010 Legislative findings.

The City Commission makes the following findings:

- ~~1. A. Public hearings should be conducted in an orderly, timely, and efficient manner; and~~
- ~~2. B. Public ~~input~~ participation is important and should be encouraged.~~

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17.16.6.020 General requirements.

- ~~A. **Meetings to be public.** All public hearings shall be conducted in a place that is open to the public.~~
- ~~B. **Notice of meetings.** Notice of public hearings shall be given as provided for in Article 4 of this ~~chapter.~~ Chapter and/or in accordance with other applicable laws and regulations.~~
- ~~C. **Minutes.** The body conducting the hearing shall keep minutes in compliance with Mont. Code Ann. §2-3-212.~~
- ~~D. All public hearings pertaining to land use and development shall be conducted pursuant to the provisions of this Article.~~
- ~~E. To allow public access to the application materials, the applicant's materials:
 - ~~1. must be submitted to the appropriate body liaison in advance of the proceedings, indicating the attendance of each member, and the vote of each member on each question. The body conducting the hearing shall approve the minutes, and upon approval shall become part ~~posting~~ of the meeting agenda for the public record. but~~~~

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2. if after receipt of the staff agenda report, an applicant has additional materials for electronic viewing at the meeting, those materials must be provided to the appropriate body liaison no less than 72 hours prior to the meeting.

17.16.6.030 Procedure.

The body conducting the public hearing shall follow the following general procedure:

- 4.—A. The presiding officer shall announce the purpose and subject of and open, the public hearing;
- 2.—B. The presiding officer shall ask the staff to present a staff report, ~~if required~~ on the matter at issue;
- 3.—C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
 1. All questions from the public shall be directed to the presiding officer; and
 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to ~~both the applicant and staff, if present~~ staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- 4.—F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for ~~statements~~ comments from the public who are in favor of the application;
- 5.—H. The presiding officer shall ask for ~~statements~~ comments from the public who oppose the application;
- 6.—I. The presiding officer shall ~~call for discussion of the members of the body conducting the public hearing during which time they may ask questions of the applicant and staff, if present~~.
 - 7.—The presiding officer shall ask the applicant if he/she wishes to (1) respond to any comment made by an individual during the proceeding; (2) submit additional information; (3) and/or amend/respond to any comment made during the question or public comment periods. The applicant's submission or response is limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing; a body conducting a public hearing which has been formally closed may not receive additional comment except as set forth in 17.16.6.050;
- K. The presiding officer shall call for a motion regarding the application-

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~~8. Following discussion, a motion to approve or deny the application or a , and after the motion to recommend approval or denial, as appropriate, shall be made and is seconded., the presiding officer shall call for discussion from the members of the body;~~

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and

~~L. After the discussion by the members of the body, the presiding officer shall call for a vote.~~

17.16.6.040 Additional Public Hearing in Subdivision Applications.

In subdivision applications, before a motion to approve, deny, amend, or otherwise regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:

1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or

2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.

B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.050 Continuances and Additional Hearings.

~~A. **Initiation.** The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may agree to grant the continuance upon a showing of good cause. Likewise, the body conducting the public hearing may ask the applicant for a~~

~~B. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.~~

~~C. A granted continuance, who is not under compulsion to grant such continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.~~

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~~B. **Effect.** A continuance stops the time clock for making a decision.~~

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17.16.6.~~050060~~ **Public comment.**

- ~~A. **Time limitations on public comment.** The~~A. If limits are not previously established by the body, the presiding officer may impose time limits on ~~each individual~~members of the public who ~~wishes~~wish to speak to assure completion of the agenda in a timely manner.
- ~~B. **Written comment.** B.~~ Members of the public may submit written statements to the body conducting the public hearing prior to the body taking final action on the item.

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Article 6 PUBLIC HEARINGS

Sections:

- 17.16.6.010 Legislative findings.
- 17.16.6.020 General requirements.
- 17.16.6.030 Procedure.
- 17.16.6.040 Additional Public Hearing in Subdivision Applications.
- 17.16.6.050 Continuances and Additional Hearings.
- 17.16.6.060 Public comment.

17.16.6.010 Legislative findings.

The City Commission makes the following findings:

- A. Public hearings should be conducted in an orderly, timely, and efficient manner; and
- B. Public participation is important and should be encouraged.

17.16.6.020 General requirements.

- A. All public hearings shall be conducted in a place that is open to the public.
- B. Notice of public hearings shall be given as provided for in Article 4 of this Chapter and/or in accordance with other applicable laws and regulations.
- C. The body conducting the hearing shall keep minutes in compliance with Mont. Code Ann. §2-3-212.
- D. All public hearings pertaining to land use and development shall be conducted pursuant to the provisions of this Article.
- E. To allow public access to the application materials, the applicant's materials:
 - 1. must be submitted to the appropriate body liaison in advance of the posting of the meeting agenda for the public, but
 - 2. if after receipt of the staff agenda report, an applicant has additional materials for electronic viewing at the meeting, those materials must be provided to the appropriate body liaison no less than 72 hours prior to the meeting.

17.16.6.030 Procedure.

The body conducting the public hearing shall follow the following general procedure:

- A. The presiding officer shall announce the purpose and subject of, and open, the public hearing;
- B. The presiding officer shall ask the staff to present a staff report on the matter at issue;

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- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
 - 1. All questions from the public shall be directed to the presiding officer; and
 - 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for comments from the public who are in favor of the application;
- H. The presiding officer shall ask for comments from the public who oppose the application;
- I. The presiding officer shall ask the applicant if the applicant wishes to submit additional information and/or respond to any comment made during the question or public comment periods. The applicant's submission or response is limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing; a body conducting a public hearing which has been formally closed may not receive additional comment except as set forth in 17.16.6.050;
- K. The presiding officer shall call for a motion regarding the application, and after the motion is seconded, the presiding officer shall call for discussion from the members of the body;
and
- L. After the discussion by the members of the body, the presiding officer shall call for a vote.

17.16.6.040 Additional Public Hearing in Subdivision Applications.

In subdivision applications, before a motion to approve, deny, amend, or otherwise regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:

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1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or
 2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.050 Continuances and Additional Hearings.

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.
- C. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

17.16.6.060 Public comment.

- A. If limits are not previously established by the body, the presiding officer may impose time limits on members of the public who wish to speak to assure completion of the agenda in a timely manner.
- B. Members of the public may submit written statements to the body conducting the public hearing prior to the body taking final action on the item.