

**LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
PUBLIC HEARING GUIDELINES FOR  
THE SITING OF WIND ENERGY CONVERSION SYSTEMS**

## GENERAL PROVISIONS

1. These rules are supplementary to the provisions of the Livingston County Zoning Ordinance including Annex 1 of the Livingston County Zoning Ordinance concerning regulating the siting of wind energy conversion systems in Livingston County.
2. These provisions shall govern procedures of the public hearings before the Livingston County Zoning Board of Appeals (the "ZBA") concerning wind energy conversion systems. The Chairperson and the ZBA may modify these procedures in their reasonable discretion.
3. A court reporter shall be present at every hearing and voting meeting in order to provide a transcript of the proceedings. Transcripts will be prepared by the court reporter and sent to the ZBA. Costs for all transcripts of hearings or voting meetings before the ZBA shall be borne by the applicant, and the cost of the transcripts shall be paid directly to the court reporting service.
4. The hearing shall occur on the date and time set forth in the published notice. All necessary additional hearing dates shall be scheduled at the discretion of the ZBA.
5. The Chairperson or acting Chairperson of the ZBA shall preside at the public hearings of the ZBA. The Chairperson shall have the authority to control the hearing proceedings, and may set time limits, schedule the appearance of witnesses and require their appearance on dates set forth in the scheduling order, restrict witnesses from testifying for failure to appear on the date scheduled for that witness' testimony, adopt reasonable limits upon the questioning of witnesses by the applicant and interested parties, and take other action deemed reasonably necessary by the Chairperson in order to conduct the hearing in an orderly, efficient and professional manner.

6. The hearing before the ZBA shall not be governed by, and the ZBA shall not be bound by, the strict rules of evidence. The ZBA may exclude irrelevant material and unduly repetitious testimony, and any other testimony or evidence that in the discretion of the Chairperson and ZBA is not pertinent to the proceedings.

7. At the discretion of the Chairperson, ZBA members shall be permitted to question witnesses at any time during the hearing and ZBA members may request that additional information or evidence be presented to them during the hearing.

8. Public hearings may be held by less than a quorum of the ZBA.

### **HEARING PROCEDURES**

1. Call to order and roll call.

2. ZBA or County staff will identify the application and the applicant for which the hearing has been set, including a general description of the proposed wind energy conversion system, and the areas in which such system is proposed to be developed.

3. The ZBA or County staff will provide confirmation that the necessary fees have been paid by the applicant, and that the notice of the public hearing has been published and mailed in accordance with law.

4. All witnesses, including those of the applicant and any other interested party, wishing to address the ZBA shall be sworn. All witnesses shall testify under oath.

5. Applicant shall present testimony and evidence. Each of the applicant's witnesses shall remain present for questioning by the ZBA or other interested parties, until such time as the witness is excused by the Chairperson.



6. Members of the ZBA shall have the opportunity to question the applicant's witnesses providing testimony. ZBA members may, in the discretion of the Chairperson, ask questions at any time during the hearing.

7. Other interested parties shall have the opportunity to question the applicant's witnesses and present testimony and evidence. Interested parties wishing to address the ZBA shall identify themselves on forms that are available before or at the hearing and shall identify themselves by name and address on the record at the hearing. Interested parties shall be invited to address the ZBA in the following order:

- a. Units of local government, including school districts;
- b. Interested parties represented by licensed attorneys;
- c. Other interested parties; and
- d. Livingston County staff and consultants.

8. After each interested party has presented testimony and evidence, such interested party may be questioned by the members of the ZBA, the applicant and other interested parties.

9. Presentation of any County staff reports or comments.

10. Closing statement by applicant. Applicant shall not introduce new information in the closing statement.

11. Closing statements by interested parties (in the same order as listed in Section 7). Interested parties must have testified previously to be eligible to make a closing statement. Interested parties shall not introduce new information in the closing statement.

12. Rebuttal closing statement by applicant.

13. The ZBA shall close the hearing.

14. The ZBA shall deliberate and vote on the application. The ZBA may in its discretion set a future meeting date for deliberations and voting on the application.

15. The vote of the ZBA is not a final decision, but is a recommendation to the County Board. The ZBA shall transmit its findings and recommendation to the County Board.

