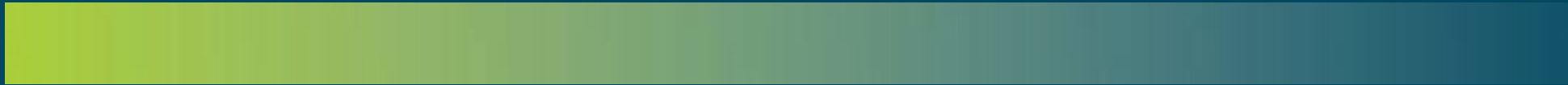


Quasi-judicial Planning Board Procedures



Quasi-judicial Planning Board Procedures

What Is a Quasi-Judicial Hearing?

A quasi-judicial hearing is a formal public hearing that works much like a court case. The people involved have an opportunity to present their side, provide information and evidence, and respond to the other side. There is usually a petitioner—the person or group asking for something to be approved or changed—and opposition, which may include people or groups who disagree with the request. The hearing process is designed to make sure that everyone involved has a fair opportunity to be heard before a decision is made.

Who Hears a Quasi-Judicial Case?

These cases are heard by a board, commission, or other government body that has been given the authority to make decisions on specific types of issues.

They may:

- Listen to testimony from the people involved

- Review documents, plans, and other evidence

- Ask questions

- Consider the facts and applicable rules

- Make a formal decision

The people making the decision are generally not judges. They may be members of a board or commission with knowledge or experience related to the issue, such as planning, zoning, law, or other areas of government.

Why Is It Called "Quasi-Judicial"?"

Quasi-judicial" simply means "similar to a court, but not actually a court. The important difference is that the board or commission is making a decision within a specific area of government responsibility, rather than acting as a regular court.

Quasi-judicial Planning Board Procedures

Types of Quasi-judicial cases that Planning Board hears:

- Comprehensive Sketch Plan in NT, PGCC, MXD, R-ED, R-HED
- Projects that are major subdivisions in the RR (Tier III)
- Street renaming petitions
- Declaratory rulings
- Optional Design Projects

Quasi-judicial Planning Board Procedures

Who can participate:

- Petitioner (or the applicant before the planning board)
 - They may call witnesses and submit evidence to present their case
- Opposition (any person or party who signs in to the hearing opposed to the proposal)
 - They may call witnesses and submit evidence to present their case

Quasi-judicial Planning Board Format

Format of the proceedings

- Chair will swear in each participant- meaning everyone wishing to speak that is not representation.
- Public Testimony- General comments accepted at the time.
 - This is intended for those participants that are not in formal opposition or proponents.
- Opening statements of the parties- Petitioner and Opposition

** Testimony can only be for the matters before the board and the board's evaluation criteria.*

Quasi-judicial Planning Board Format

Format of the proceedings cont...

- Petitioner case- presentation of witnesses, submits evidence, cross examination by opposition.
- Opposition case- presentation of witnesses, submits evidence, cross examination by petitioner.

Quasi-judicial Planning Board Format

Format of the proceedings cont...

- Rebuttal- Petitioner has the opportunity to rebut any evidence introduced by the opposition, but no new line of testimony may be introduced. Then opposition has the same opportunity.
- Closing statements by Petitioner and Opposition
- Hearing concludes
- Planning Board deliberations