



Do's & Do Not's

THE PUBLIC HEARING

Decision-Making

Legislative: Making Law

or

Quasi-Judicial: Applying Law

Comprehensive Plan

Land Development Code

Zoning

Development Standards

Subdivision Review

Site Plan Review

Concurrency

Horizontal Construction
Technical Manuals

Vertical Construction
Building Codes

Quasi-Judicial Decisions

Most land use decisions implement previously determined policy decisions made in the comprehensive plan and **are considered quasi-judicial.**

The Development Review Process

"You have no [entitlement] rights and you won't have any rights until and unless we give them to you,"

The Quasi-Judicial Process

Ex parte communication:

- Communication outside the hearing
- May prevent parties from knowing the basis of a decision
- Disclosure

The Quasi-Judicial Process

Substantial Competent Evidence

- Expert opinion
 - Based on education and experience
 - Application of education and experience to the case at hand
 - Must have a factual basis

- Factual or expert testimony by laypersons

The Quasi-Judicial Process

Conduct of the Hearing

- Notice
- Neutral decision-maker
- Presentation of evidence
 - Sworn testimony
- Questioning of witnesses
 - Rebuttal

The Quasi-Judicial Process

Findings of Fact

Decisions made by planning officials should be documented and supported by “findings of fact”