QUASI-JUDICIAL HEARINGS

The City Council, Planning Commission, and Board of Adjustment sometimes act in a quasi-judicial capacity. In this capacity, public officials function as a court of law. In these instances, the public process must comply with the requirements of due process.

Public officials involved in quasi-judicial decisions must avoid receiving “ex-parte” contacts. Ex-parte contacts refer to contacts or information the decision-maker receives from interested parties outside of the formal decision-making process.

While council members can attend or even facilitate neighborhood meetings, they must maintain neutrality and refrain from taking a position prior to official proceedings.

PUBLIC HEARING PROCESS

1. Applicant submits a land use application
2. Staff deems application complete
3. Public hearing scheduled
4. Notice sent to registered neighborhood group 21 days before public hearing
5. Notice sent to property owners within 350 feet of the site 15 days before public hearing
6. Notice is also published in a newspaper and posted at the site
7. Public comment period
8. Staff analysis completed and staff report published
9. PUBLIC HEARING
10. Board/Commission makes a decision on the application at the public hearing
11. 10-day appeal window after public hearing
12a. No appeal
12b. Appeal
13. Decision is final
12c. The City Council reviews rezoning applications and all appeals

PUBLIC INPUT

Public input is an important part of the land use application process. Notice is given to neighborhood groups and nearby property owners ahead of the public hearing in order to give neighbors and community members time to give feedback. Notice of the public hearing is also published in a newspaper of general circulation and posted at the site.

You can submit written comments to the CPED planner assigned to review the project. Comments submitted before the staff report is published will be included in the final packet of materials. Comments submitted after the staff report is published will be distributed to public officials on the day of the public hearing.

You are also welcome to speak at the public hearing. There will be an opportunity for public testimony prior to the public officials’ decision.