

LOCAL PLANNING AGENCY QUASI-JUDICIAL PROCEDURES

1. Ex parte disclosures by Local Planning Agency
2. Request for identification of any Intervenor
3. Staff introduction of application. (The LPA generally limits Staff presentations to fifteen (15) minutes.)
 - *Swearing in of witnesses prior to presentation, if requested
4. Questions for Staff from Local Planning Agency, Intervenor, Applicant
5. Applicant presentation. (The LPA generally limits Applicant presentations to fifteen (15) minutes.)
 - *Swearing in of witnesses prior to presentation, if requested
6. Questions for Applicant from Local Planning Agency, Intervenor, Staff
7. Intervenor presentation. (The LPA generally limits Intervenor presentations to fifteen (15) minutes.)
 - *Swearing in of witnesses prior to presentation, if requested
8. Questions for Intervenor from Local Planning Agency, Applicant, Staff
9. Public Comments
 - *Any member of the public who merely wants to offer his or her comments, but does not want to be subject to cross-examination nor to participate otherwise in the proceedings, shall be allowed to offer his or her comments without being sworn.
 - **The LPA generally limits public comment to three (3) minutes.
10. Intervenor rebuttal/final comments
11. Applicant rebuttal/final comments
12. Staff rebuttal/final comments
13. Local Planning Agency final questions and deliberation/decision

NOTE: AN INTERVENOR CAN BE A PERSON OR A BUSINESS, OR EVEN ANOTHER GOVERNMENT ENTITY, WHO CLAIMS TO HAVE A DIRECT AND PERSONAL INTEREST IN THE PENDING MATTER AND WHO WANTS TO HAVE THE SAME LEGAL RIGHTS AND RESPONSIBILITIES TO PARTICIPATE IN THE PUBLIC HEARING AS THE ACTUAL PARTIES HAVE. FOR EXAMPLE, AN INTERVENOR MAY ALSO QUESTION THE WITNESSES PRESENTED BY PARTIES AND OTHER INTERVENORS, AND CAN CALL ITS OWN WITNESSES, WHO WILL BE SWORN TO TELL THE TRUTH AND WILL BE SUBJECT TO POSSIBLE CROSS-EXAMINATION BY THE PARTIES AND OTHER INTERVENORS.

SOMEONE WHO DOES NOT QUALIFY TO BE AN INTERVENOR, OR COULD QUALIFY BUT JUST DOES NOT WANT TO BE ONE, MAY BE ALLOWED TO SPEAK BRIEFLY ON HIS OR HER OWN BEHALF, EITHER TO PRESENT FACTS OR TO STATE OPINIONS, BUT CANNOT QUESTION WITNESSES, PRESENT WITNESSES, AND SO FORTH. IT SHOULD BE NOTED THAT BEING AN INTERVENOR IN A MATTER UNDER CONSIDERATION BY THE BOARD DOES NOT GUARANTEE THAT THE INTERVENOR CAN CHALLENGE OR APPEAL THE FINAL DECISION IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING. ALSO, BEING AN INTERVENOR HERE MAY NOT EVEN BE A PREREQUISITE TO FILING A CHALLENGE OR APPEAL OF THE FINAL DECISION, DEPENDING UPON WHAT STATE LAWS OR COURT RULES REQUIRE.