

PLANNING COMMISSION RULES OF PROCEDURE FOR QUASI-JUDICIAL AND LEGISLATIVE HEARINGS OF THE CITY OF CAMAS, WASHINGTON.

City of Camas Municipal Code Title 2, Section 2.32.050 requires the Planning Commission to adopt rules for the transaction of its business, and Title 18, Section 18.55.230 provides that the Planning Commission will conduct public hearings in accordance with its rules of procedure.

SECTION 1 - HEARING TYPES

- A. Legislative Public Hearings – The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy. Legislative public hearings are required for such things as amendments to the zoning code or comprehensive land use plan. These public hearings are generally less formal than quasi-judicial public hearings and do not involve the legal rights of specific, private parties in a contested setting, but rather affect a wider range of citizens.
- B. Quasi-judicial Public Hearings – Quasi-judicial hearings are subject to stricter procedural requirements than legislative hearings as they involve the legal rights of specific parties. As such, decisions made as a result of such hearings must be based upon and supported by the “record” developed at the hearing. Most quasi-judicial hearings include land use matters such as conditional uses, preliminary plats, variances, and tract specific rezones.

SECTION 2. CONFLICT OF INTEREST, EX-PARTE CONTACT AND APPEARANCE OF FAIRNESS

- A. Any communication between any party and a Planning Commission member that may have the appearance of or potential to lead to bias or partiality should be disclosed as soon as possible at the quasi-judicial hearing on the matter.
- B. Any party to a quasi-judicial proceeding, may challenge the partiality and

appearance of fairness of any member of the Planning Commission during the hearing. A challenge must include the facts relied on by the challenging party, relating to the commissioners alleged bias, prejudgment, or personal interest, or other basis by which the party has concluded that the member cannot participate in a recommendation in an impartial manner.

1. In the event of a challenge under this subsection, the challenged member shall respond in a statement, which shall be part of the record, or step down from participating in the hearing on the matter. The statement shall respond to the challenge and include the reasons why he or she should be allowed to participate.
2. The statement regarding continuing to participate in the hearing shall not be subject to commission examination but shall be subject to rebuttal by the challenging party.
3. In the event of a rebuttal, the member shall be given an opportunity to respond making special reference to the facts alleged in rebuttal, or shall disqualify him or herself and state the reasons therefore.
4. If as a result of conflicts, ex-parte contact and/or appearance of fairness, a quorum of the entire Planning Commission cannot be assembled for the purposes of conducting a hearing, the Doctrine of Necessity shall be applied.

SECTION 3. CONDUCT OF HEARING

- A. The Planning Commission in conducting a quasi-judicial hearing shall acknowledge that Parties are entitled to an opportunity to appear, in person or by a representative or Counsel to present and rebut testimony and evidence to an impartial approval authority, to have the proceedings recorded and to receive notice of the date, time and place the City Council will decide the matter.
- B. The Planning Commission may call as a witness a person with technical or

specialized knowledge regarding an issue in the matter before them.

- C. No person shall testify without 1) receiving recognition from the Planning Commission Chairperson, and 2) Stating his or her full name and residence address.
- D. There shall be no audience demonstration, applause, cheering, display of signs or other conduct disruptive to the hearing. Disruptive conduct may be cause for appropriate action as determined by the Planning Commission or City Attorney.
- E. Planning Commission Hearings shall conclude no later than 10 pm on any evening, unless a majority of the Planning Commission present, votes to extend the hearing.

SECTION 4. PLANNING COMMISSION ROLE

In addition to the responsibilities described above and in City Ordinances, the Planning Commission shall:

- A. Regulate the course and decorum of a hearing;
- B. Rule on procedural matters;
- C. Rule on the relevance of evidence and testimony;
- D. Seek the opinion of the City Attorney on legal questions pertaining to any matter before the Planning Commission;
- E. Take other action necessary to lawfully conduct a hearing.

SECTION 5. RULES OF EVIDENCE

- A. Evidence received at a hearing shall be of the quality that reasonable person would rely upon on in the conduct of affairs.
- B. Irrelevant, incomprehensible or repetitive testimony or evidence shall not be admitted.

SECTION 6. ORDER OF PROCEDURE

The Planning Commission Chair (Chair) conducts the public hearing generally in the following order of procedure:

- A. The Planning Commission Chair **opens the hearing** with the following statements:
 - 1. The case number of the application(s) to be heard;

- 2. The name(s) of the property owner and applicant;
- 3. The address of the property in question, or, if there is no address, The specific location of the property;
- 4. Identify that the applicable substantive approval criteria are addressed in the staff report.
- 5. Instruct the audience that only testimony or evidence directed to the approval criteria will be accepted.
- 6. Call for disclosure by Planning Commission Members of any conflict of interest or ex-parte contact as provided in Section 2.
- 7. Call for any public challenge to the partiality of any member.
- 8. Summarize the sequenced events to be followed at the hearing as described in (B) through (G) of this section:

- B. Chair calls for the **Presentation Portion:**

- 1. Planning Staff to describe the nature of the proposal and summarize the Staff Report and Recommendation.
- 2. Applicant to present his/her proposal.

- C. Chair opens the **Public Testimony Portion:**

- 1. Proponents (those testifying in support of an application) have twenty minutes for all such testimony by the group of proponents. Additional time may be granted at the discretion of the Chair if the evidence and testimony is not repetitious, irrelevant, or immaterial.
- 2. Call for the presentation of testimony and evidence by any party in opposition to the application. Those testifying in opposition to an application have twenty minutes for all such testimony by the group. Additional time may be granted at the discretion of the Chair if the evidence and testimony is not repetitious, irrelevant, or immaterial.

- 3. Applicant provided an opportunity for rebuttal which shall be limited to responding to applicable testimony raised by the opponents.

- 4. Provide opportunity for City Staff to add to or clarify the factual information presented.

- D. Chair **closes the Public Testimony**

portion of the hearing.

- E. **Chair calls for Planning Commission questions of applicant, Staff, or public.**
- F. Chair calls for deliberation.
- G. Upon a motion being passed by a majority of the Planning Commission the Chair Closes the Hearing.

In the event the Chair uses his or/her discretion to accept additional testimony or evidence after the close of the Public Testimony portion of the hearing, the Chair should reopen the Public Testimony portion of the hearing and may limit testimony to a specific issue and timeframe.

SECTION 7. RECOMMENDATIONS

- A. Except as otherwise provided, the Planning Commission shall deliberate and make a recommendation to the City Council to approve, approve with conditions, or to deny an application at the conclusion of the presentation of evidence and testimony on each application.
- B. The Planning Commission shall adopt, or modify and adopt, Findings and Conclusions proposed by City Staff or shall direct the City Staff to prepare other Findings based on the record to support the recommendation. A recommendation to approve or deny must be accompanied by findings supporting the recommendation.
- C. Any hearing before the Planning Commission may be continued to a date and time certain, whereupon a recommendation on that application shall be made or the hearing further continued to a date certain.