

### **Appearance of Fairness**

In quasi-judicial hearings, a decision-maker is not permitted to prejudge or have biases regarding a matter. Communications between parties to the hearing and members of the decision-making body are prohibited outside the context of the public hearing.

### **Decisions Based on the Record**

The "record" consists of all testimony or comment presented at the hearing and all documents or exhibits that have been submitted in connection with the matter being considered. The decision-maker in quasi-judicial hearings should only base a decision on facts and evidence that are in the record, as a court or other reviewing body generally cannot consider any facts or evidence that are not in the record. Any public body preparing to hold a quasi-judicial hearing should develop a thorough procedure and set of rules for creating a record that preserves all testimony, documents, and any other evidence presented at the hearing in case the decision is appealed.

### **Public Hearing Script Guide (MRSC)**

Separate attachment

## **Tenino Municipal Code**

### **100.40.110. - Process IV, quasi-judicial.**

A. Process IV is quasi-judicial in nature that requires a public hearing before the planning commission. Based on the record of that hearing, the planning commission shall provide a recommendation to the city council for consideration in the application decision.

#### **B. 2. Project actions.**

A project action is a decision on a specific project, such as a construction or management activity located in a defined geographic area:

- a. The proposal does not meet the requirements of subsection B.1 of this section.
- b. The proposal is based on a specific project (i.e., preliminary plat or, an amendment, alteration or extension thereof, or project related comprehensive plan map or text amendment, or rezone).

#### **G. Staff report.**

1. The designee shall prepare a staff report containing the following information:
  - a. All pertinent application materials.
  - b. All comments regarding the matter received by the community development department prior to distribution of the staff report.
  - c. An analysis of the application under the relevant provisions of this chapter and the comprehensive plan.
  - d. A statement of the facts and the conclusions drawn from those facts.
  - e. A recommendation on the matter.
2. The staff report shall be distributed at least seven calendar days before the hearing to:
  - a. The city council.
  - b. The applicant.
  - c. Each person who has specifically requested it.

H. The planning commission shall hold an open record hearing on each application.

1. The commission hearing is open to the public.

2. The commission serves as the hearing body for the city on process IV applications except as noted in table 100.40.070; application processing procedures process IV.

I. The planning commission shall make a complete audio recording of each public hearing.

J. The applicant has the responsibility of convincing the city that under the provision of this section, the applicant is entitled to the requested decision.

K. Any person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the city or by providing written or oral comments, either personally or through a representative, directly to the planning commission (or city council as appropriate) at the hearing.

2. The planning commission may reasonably limit the extent of oral comments to facilitate the orderly and timely conduct of the hearing.

L. The planning commission may continue the hearing if, for any reason, they are unable to hear all of the public comments on the matter or if the planning commission determines that they need more information on the matter. If, during the hearing, the planning commission announces the time and place of the next hearing on the matter and a notice thereof is posted on the door of the hearing room, no further notice of that hearing need be given.

M. Recommendation by the planning commission.

1. After considering all of the information and comments submitted on the matter, the planning commission shall issue a written recommendation.

2. Unless a longer period is agreed to by the applicant, the planning commission must issue the recommendation within ten working days after the close of the public hearing.

3. The planning commission shall use the following criteria for quasi-judicial matters:

b. The city may approve an application for a quasi-judicial project action related proposal only if:

1)The criteria in subsection 3.a of this section are met;

2)The proposed project complies with this chapter in all respects;

3)The site plan of the proposed project is designed to minimize all adverse impacts on the developed properties in the immediate vicinity of the subject property; and

4)The site plan is designed to minimize impacts upon the public services and utilities.

c. The planning commission shall include in the written recommendation any conditions and restrictions determined reasonable and necessary to eliminate or minimize any adverse effects of granting the requested rezone.

4. The planning commission shall include the following statements in the written recommendation to the city council:

a. Facts presented to the planning commission that supports their recommendation, including any recommended conditions and restrictions. b. The commission's conclusions based on those facts.

c. The criteria used by the commission in making the recommendation.

d. The date of issuance of the recommendation.