

# GRAYS HARBOR COUNTY PLANNING AND BUILDING DIVISION DEVELOPMENT ASSISTANCE BULLETIN



## GUIDE TO PUBLIC HEARINGS

### **Introduction**

This bulletin provides a brief description of the hearing process. It is not a formal statement of rules of procedure.

Hearings are governed by the Grays Harbor County Code pertaining to the matter at issue. Copies of relevant codes are available from the Planning and Building Division or may be viewed and printed from the Grays Harbor County web site at: [http://www.co.grays-harbor.wa.us/info/pub\\_svcs/GHCCode/Index.html](http://www.co.grays-harbor.wa.us/info/pub_svcs/GHCCode/Index.html).

### **Role of the Planning Commission (PC) or Board of Adjustment (BOA)**

Public hearings are conducted to ascertain facts and hear arguments as to how existing laws, ordinances, and administrative regulations apply to the application, alleged violation, or other matter being considered. The applicant, appellant, county staff, and all interested persons should use the hearing to provide any relevant information and argument. Such information and argument may be submitted in writing or orally.

Testimony and argument are most useful if they show how a specific statute, ordinance, or county policy applies to the proposal or situation. Although the current views of community residents are considered, the PC/BOA's decision must be consistent with pertinent law and ordinances.

Depending upon the type of application being considered, the PC/BOA's determination will be either a recommendation to the Grays Harbor County Board of Commissioners or a final decision subject only to administrative or judicial appeal.

### **Staff Reports and Files**

A preliminary staff report to the PC/BOA is ordinarily available ten days prior to the hearing date from the Planning and Building Division office. The report contains a general summary of the facts and applicable

law with staff's recommendation for action to the PC/BOA.

A separate file is maintained for every application or appeal. This file is available to the PC/BOA and the public. The file normally includes, as pertinent to the particular matter:

- Application and Plans
- Environmental Checklist
- Records of Public Notice
- Correspondence received concerning the matter

With few exceptions, these files are public records. Persons interested in a matter are encouraged to review the file in advance of the hearing. Persons may request copies of records in advance of a hearing by submitting a Public Records Request to a Planning and Building Division Permit Coordinator. Records requests not submitted at least five days prior to a scheduled hearing may not be processed in time for the hearing.

### **Notice of Public Hearings**

Notice of hearings is provided according to applicable codes. Generally, notice of the initial hearing on a land development proposal is given by publishing a notice in the newspaper and/or mailing a notice to property owners within a 100-foot to 300-foot radius of the subject property.

### **Agendas, Hearing Room**

An agenda listing all items to be heard on a particular day is available in the hearing room. Contact the Planning and Building Division office for meeting location.

### **The Hearing**

To maintain a complete hearing record, a microphone must be used for all statements or questions. The person testifying needs to state their name each time they speak, and when first speaking, spell their last name and give their mailing address (including zip code).

Testimony at hearings conducted by the PC/BOA is not as formal as in a judicial proceeding. Testimony should simply state, directly and succinctly, such relevant information or argument the person testifying wishes to present, avoiding repetition to the extent possible. Questions should be directed to the PC/BOA. Persons testifying may use notes, prepared written statements, visual aids, etc. If concurring with or supporting testimony or argument previously presented, a simple statement to that effect is preferred to a restatement.

If there are questions concerning the procedures, ask the Chairperson. Feel free to move about the hearing room to see or hear adequately. Be as comfortable in participating as possible.

Discussions in the hearing room other than formal testimony are extremely distracting to all participants. Conversations which are not part of the formal proceedings should be conducted when there is a break in the proceedings or outside the hearing room.

If you need special accommodations to participate in a hearing, please contact Rose Elway, ADA Coordinator, at (360) 249-4144 not later than 10:00 a.m., at least three business days prior to the hearing. Persons with hearing impairment may call the TDD line at (360) 249-6575. You may wish to coordinate with Rose Elway on this issue so she is aware when a public hearing is scheduled and can arrange for any appropriate ADA assistance that is requested.

### **Usual Order of Proceedings**

1. Formal announcement of the matter to be heard.
2. Brief synopsis by staff, describing the nature of the application or appeal.
3. Staff introduction of exhibits.
4. Staff summary of issues and recommendation.
5. Presentation by applicant or appellant (or representative).
6. Statements by other persons in support of the application or appeal.
7. Statements by persons who oppose the application or appeal, or who have questions or concerns.
8. Responses and questions by staff, applicant, or hearing attendees.
9. (Optional) At the discretion of the PC/BOA, the applicant, appellant, or other parties may be permitted to respond to the previous statements or questions.

### **Continuances**

A hearing may be continued by the PC/BOA to another date and time for completion of all testimony and rebuttal, or to allow for the introduction of evidence not available on the date the hearing is initially opened. Alternatively, a hearing may be continued for “administrative purposes,” which allows only specified additional written evidence or argument.

A continuance “on call” is an indefinite postponement, usually ordered when necessary information is not available, and it is not known when that information can be provided. Normally, if a hearing continued “on call” is not requested to be reopened within one year, the file will be closed.

### **Planning Commission/Board of Adjustment’s Report**

The PC/BOA’s recommendation or decision will be made in a written report, which will include findings of fact and conclusions drawn from those findings. The report will normally be mailed within 14 days after the close of the hearing to:

- Applicant or appellant
- All persons who individually requested that they be made a “party of record” by call or message to the PC/BOA (or to the secretary at the hearing)

### **Appeals from Decisions or Recommendations by the Planning Commission or Board of Adjustment**

The PC/BOA’s report may include information on the method of appeal available and the time limit within which an appeal must be filed. Failure to properly file an appeal within the applicable time precludes the appeal from being considered.

Normally additional (new) information cannot be presented in the course of an appeal; arguments presented on appeal should have been made initially at the public hearing held by the PC/BOA.

### **Prohibition upon Ex Parte Contacts, Appearance of Fairness**

Hearings by the PC/BOA are quasi-judicial proceedings. The PC/BOA recommendations and decisions are not typical administrative actions; all persons are prohibited from attempting to contact the PC/BOA members for the

purpose of influencing a decision in any manner, other than by the submission of written or oral evidence and argument through the public hearing. Staff from the Planning and Building Division are instructed to screen all correspondence and telephone calls to the PC/BOA in an effort to assure that prohibited contacts are not made. Similarly ex parte contact with a member of the PC/BOA for the purpose of influencing the outcome of the case can lead to that member disqualifying himself/herself, or could invalidate the proceeding.

The Washington State Supreme Court has ruled that not only must quasi-judicial proceedings be fair in fact, but they must appear to be fair. Accordingly, the PC/BOA members may not participate in hearings in which they have a financial interest, have prejudged the issues, or may appear to be biased by ties with a party to the action or to the property involved. Any party who has reasonable grounds to believe that a member might be influenced by any factor outside of the public record of the hearing should promptly bring that concern to the attention of the PC/BOA.

### **Orders which can be appealed to the Grays Harbor County Board of Commissioners**

After conducting a hearing on the following types of applications and appeals, the PC/BOA will issue an order which can be appealed to the Board of County Commissioners. The process for taking an appeal to the Board of County Commissioners is outlined in Grays Harbor County Code Title 16 and Title 17.

1. Application for reclassification (rezoning) of a specific parcel of real property
2. Application for preliminary plat approval
3. Application for planned unit development
4. Appeal from a decision regarding a residential condominium binding site plan application
5. Application for shoreline substantial development permit, when combined with another land use application heard by the Planning Commission. The decision on the shoreline substantial development permit can be appealed to the State Shorelines Hearing Board. The decision on the land use application can be appealed to the Grays Harbor County Board of Commissioners.

### **Orders which can be appealed to Superior Court**

After a final decision is issued by either the BOA or Board of County Commissioners, the decision may be appealed to superior court.

**Grays Harbor County  
Planning & Building Division**  
Public Services Department  
100 W Broadway Suite 31  
Montesano, WA 98563  
360-249-5579  
360-249-3203 (fax)



[pbd@co.grays-harbor.wa.us](mailto:pbd@co.grays-harbor.wa.us)  
[www.co.grays-harbor.wa.us](http://www.co.grays-harbor.wa.us)