

# **APPEAL PROCEDURES & POTENTIAL MOTIONS**

## **Step 1**

**Determine whether to hold a full rehearing, or elect to make a decision only on the record as to evidence.\***

**\*SGC 21.10.100.B, Appeal Hearing:** A full rehearing shall occur, with all parties presenting whatever evidence is relevant with opportunity to make argument, unless the assembly elects to make its decision only on the record as to evidence, considering only the arguments of those opposing or supporting the appeal.

**A. I MOVE TO** hold a rehearing on case P 24-04.

**OR**

**B. I MOVE TO** hold an appeal hearing on case P 24-04 based only on the record of evidence as presented to the Planning Commission on February 19, 2025.

**Additional steps and possible motions are provided on the following pages specific to the decision made in Step 1.**

**Step 2A**  
**Hearing procedures per SGC 21.10.050**

**Hearing procedures for Option 1A:**

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff. (10 minutes)
- B. Appellant presentation, including submittal of any materials. Members of the hearing body may ask questions of the appellant. (10 minutes)
- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the appellant shall be posed by the chair at its discretion. (3 minutes per individual)
- D. Rebuttal, response or clarifying statements by the staff. (5 minutes)
- E. Rebuttal, response or clarifying statements by the appellant. (5 minutes)
- F. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

**Step 3A**

**POSSIBLE MOTIONS**

**I MOVE TO** grant the appeal; or

**I MOVE TO** deny the appeal; or

**I MOVE TO** remand for further proceedings.

See detailed motion sheet on last page.

## **Step 2B**

### **Hearing procedures guided by SGC 21.10.050**

#### **Hearing procedures for Option 1B:**

- A. Staff presentation, including review of any previously submitted administrative reports. Members of the hearing body may ask questions of the staff. (10 minutes)
- B. Appellant presentation, including review of previously submitted materials. Members of the hearing body may ask questions of the appellant. (10 minutes)
- C. Comments by the public germane to the matter. Questions directed to the staff or the appellant shall be posed by the chair at its discretion. (3 minutes per individual)
- D. Rebuttal, response or clarifying statements by the staff. (5 minutes)
- E. Rebuttal, response or clarifying statements by the appellant. (5 minutes)
- F. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

## **Step 3B**

### **POSSIBLE MOTIONS**

**I MOVE TO** grant the appeal; or

**I MOVE TO** deny the appeal; or

**I MOVE TO** remand for further proceedings.

**See detailed motion sheet on next page.**

Motions on the Appeal		
Motions to grant the appeal & approve preliminary plat for subdivision	Approve	I move to grant the appeal and approve the preliminary plat of a minor subdivision at 305 Islander Drive resulting in two lots in the SFLD single-family low density residential district subject to the attached conditions of approval as listed in the February 19, 2025, staff report. The property is also known as Lot 5, Harris Island Subdivision. The request is filed by Ryan Nichols. The owner of record is Randall G Nichols Revocable Trust.
	Approve with additional conditions	I move to grant the appeal and approve the preliminary plat of a minor subdivision at 305 Islander Drive resulting in two lots in the SFLD single-family low density residential district subject to the attached conditions of approval as listed in the February 19, 2025, staff report, and the additional condition(s) requiring _____. The property is also known as Lot 5, Harris Island Subdivision. The request is filed by Ryan Nichols. The owner of record is Randall G Nichols Revocable Trust.
Motion to deny the appeal & deny preliminary plat for subdivision	Deny	I move to deny the appeal of the Planning Commission's decision regarding a preliminary plat of a minor subdivision at 305 Islander Drive resulting in two lots in the SFLD single-family low density residential district. The property is also known as Lot 5, Harris Island Subdivision. The request is filed by Ryan Nichols. The owner of record is Randall G Nichols Revocable Trust.
Motions to remand for further proceedings	Remand to a future Assembly meeting	I move to remand this matter to the <u>(date)</u> regular Assembly meeting, and request that additional information regarding _____ be provided at that hearing.
	Remand back to the Planning Commission	I move to remand this matter to the Planning Commission with additional considerations made for _____.

Motions on Findings	
Adopt findings from the staff report	I move to adopt the findings as listed in the February 19, 2025, staff report.
Adopt findings of the Planning Commission	I move to adopt the findings as made by the Planning Commission on February 19, 2025.
Make new/amended findings	I move to make the following findings:
	a. The preliminary plat <b>meets/does not meet</b> its burden as to access, utilities, and dimensions as proposed by/because...
	b. The preliminary plat <b>complies/does not comply</b> with the Comprehensive Plan by/because...
	c. The preliminary plat <b>complies/does not comply</b> with the subdivision code; and by/because...
	d. The preliminary plat <b>is/is not</b> injurious to the public health, safety, and welfare by/because...