

FORMAT FOR APPEAL HEARING

The format for an appeal hearing is established in the Board's rules of procedure at Article V(D):

(D) **Administrative Appeals.** A public hearing on an administrative appeal should generally adhere to the following format:

(1) ***Standing to Appeal & Requests for Postponement.***

- The chair should begin by stating: "*Before we open the public hearing, are there any requests for postponement or issues of standing that anyone would like to raise?*"
- If objections to standing or requests for postponement are raised, the chair should resolve them before proceeding to the public hearing. The chair should limit testimony to only those issues, not the merits of the case. If no objections are raised, the chair should open the public hearing and follow the format below.

(2) ***Format for Appeal Hearing.***

- (a) Report from City staff regarding the basis for the decision (suggest limiting to 10 minutes);
- (b) Presentation by the appealing party or their lead representative (suggest limiting to 10 minutes with no donation of time allowed);
- (c) If the appeal challenges approval of a permit or other project-specific administrative decision, a presentation by the permit-holder or project applicant, or their representative (suggest limiting to 10 minutes with no donation of time allowed);
- (d) Comments by citizens in support of or in opposition to the appeal (3 minutes each, with donation of time allowed), subject to reasonable limits imposed by chair to save time and avoid redundant or irrelevant testimony; and
- (e) Rebuttal by the appealing party (3 minutes).

MOTIONS TO REVERSE STAFF'S DECISION

- Reversing staff on an appeal requires a super-majority vote, which is calculated based on all authorized positions minus vacancies and legally disqualified members.
- The Board's Rules of Procedure provide that:

"In order to grant an appeal reversing or modifying an administrative decision, the Board must:

- 1) find that City staff's determination is erroneous and provide a statement of grounds in support of the finding; and
- 2) state what the Board determines to be the correct interpretation of the site development or use regulation(s) at issue in the appeal."