

# *Clearwater County*

## **DEVELOPMENT APPEAL BOARD HEARING PROCESS**

**EFFECTIVE DATE:** July 1992

**SECTION:** Assessment and Development

**POLICY STATEMENT:**

To set out guidelines for conducting a Hearing by the Development Appeal Board.

**PROCEDURE:**

1. Secretary announces case. Each member of the Board will be given the opportunity to disqualify themselves from hearing the case, if they believe there is a conflict of interest of pecuniary interest. The appellants will each be asked if they have any objection of the membership on the Board hearing their case (after being introduced to them) and reasons. Any affected Board members will then decide if they will choose to hear the matter.
2. Letters of appeal will then be read in the order that they were received by the County officer. The advertisement procedure will be reviewed.
3. The Chairman will outline the procedure to be followed including:
  - a. Recognition by the Chair;
  - b. Identification of presenter, their organization (if any), and their legal location;
  - c. If a presenter becomes repetitive, they may be limited by the Chair;
  - d. Questions by the members of the Development Appeal Board to anyone;
  - e. Cross-examination will be provided at the discretion of the Chair;
  - f. No questions will be permitted from the floor;
  - g. No taping of the Hearing will be permitted; and
  - h. Breaks within the Hearing.
4. Registration of person wishing to submit a presentation may be required if it appears there may be several presenters.
5. The Development Officer will explain the background of the appeal.
6. Appellants will each be called upon to explain why they have appealed the decision. The order of presentations will be based on the order the appeals were received by the County Office. The Board members will be allowed to ask questions of any or all of the appellants or to direct any other person to answer the question. The opposing side may also be allowed to cross-examine each of the appellants at the discretion of the Chair.
7. Any written presentations that have been received by the County Office before the advertised deadline that are in favour of the appeal will be read by the Secretary.
8. Any additional speakers that wish to speak in favour of the appeal will then be given the opportunity to present their case. Following any speakers the Board members are given an opportunity to ask questions or to direct any other person to answer the question. The opposing side may also be given the opportunity to cross-examine each speaker at the discretion of the Chair

9. The Chairman will call upon the opposing side (against the appeal) to present their case. As before, the Board members will be allowed to question. The appellants may also be given the opportunity to cross-examine at the discretion of the Chair.
10. The Chairman will then ask for any written presentations that have been received by the County Office before the advertised deadline that are against the appeal.
11. Any speakers that wish to speak against the appeal will then be given the opportunity to present their case. Following any speakers the Board members are given an opportunity to ask questions. Each of the appellants may be allowed to cross-examine each of the speakers at the discretion of the Chair.
12. Any comments received from agencies (Red Deer Regional Planning Commission, Sustainable Resources Development, Transportation, Health, Town, etc.) will be reviewed.
13. Each speaker from the opposing side will be given the opportunity to summarize their case.
14. Each of the appellants will be given the opportunity to summarize their case.
15. The Chairman will then ask each appellant if they feel they had their opportunity to state their case. The Chairman would then sum up the Public Hearing explaining that a written decision will be made within 15 days.
16. The Chairman declares the Hearing closed. No further submission will be entertained.
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