



TOWN POLICY

POLICY NUMBER: 6101

REFERENCE:
Council 120.03.96

ADOPTED BY:
Town Council
16 September 1987

PREPARED BY: Planning & Development

DATE: 16 September 1987

TITLE: Public Hearing & Subdivision & Development Appeal Board Policy

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Policy Statement

The Town of Strathmore will ensure that correct and orderly proceeding are undertaken for Public Hearings held under the authority of the Municipal Government Act.

1. Definitions

- 1.1. Act means the Municipal Government Act being Chapter M-26.1, 1994 and amendments thereto.
- 1.2. Board means the Town of Strathmore Subdivision and Development Appeal Board, as appointed by Council, acting as the Subdivision and Development Appeal Board at duly assemble meetings thereof.
- 1.3. Council means the Council of the Town of Strathmore, in the Province of Alberta.
- 1.4. Public Hearing means a public hearing held under the requirements of Part 17 of the Act.

2. Responsibilities

- 2.1. Town Council;
 - 2.1.1. To hold a public hearing with regards to;

- 2.1.1.1. a proposed Land Use By-law,
- 2.1.1.2. a proposed by-law adopting an Area Structure Plan,
- 2.1.1.3. a proposed by-law adopting an Area Redevelopment Plan,
- 2.1.1.4. a proposed by-law adopting a Municipal Development Plan,
- 2.1.1.5. a proposed by-law amending a by-law referred to in Sections 2.1.1.1 to 2.1.1.4,
- 2.1.1.6. a proposed by-law repealing a by-law referred to in Sections 2.1.1.1 to 2.1.1.4,
- 2.1.1.7. a proposal to dispose of Municipal Reserve or Municipal and School Reserve, or
- 2.1.1.8. a proposal to change the Use of or affect the boundaries of Environmental Reserve in accordance with Section 676 of the **Act**.

2.1.2. schedule the date, place and time of the public hearing with respect to the proposed by-law.

2.1.3. state that procedures contained in this policy shall apply to the public hearing.

2.2 Director of Administrative Services;

2.2.1 To be the Recording Secretary for the Board.

2.2.2 To notify the applicant(s), appellant(s), members, advisors of the Board, and anyone required under the Act, of the arrangements for the holding of each meeting of the Board;

2.2.3 To notify the applicant and the appellant of the decisions of the Board and the reasons therefore;

2.2.4 To keep and maintain on file, for the inspection by the public during regular office hours, the following official records:

2.2.4.1 Written minutes of all meetings and business transacted by the Board.

2.2.5 To make available for public inspection all relevant documents and materials respecting the appeal, including the application, the decision or the order, and the letter of appeal.

2.3. Development Officer:

2.3.1. To undertake all actions stated under the requirements for public hearings contained in the Act.

2.3.2. To receive all written submissions and provide for the recording of their receipt.

2.3.3. To receive all requests to be heard at the Public Hearing and provide for the recording of these requests.

2.3.4. To provide a written report to clarify, where necessary, the purpose and effect of the by-law being considered, and to provide the views of management staff whose areas of responsibility will be affected. This report is to be approved by the Town Manager prior to submission to Council.

2.4. The Board;

2.4.1. To hold a Public Hearing with regard to:

2.4.1.1. decisions of a Subdivision Authority which are to be heard pursuant to Section 678(2) of the Act;

2.4.1.2. orders, decision or development permits made or issued by a Development Authority as contemplated by Section 685 of the Act.

3. Submission Procedures

3.1. Any person wishing to make a written submission to the Public Hearing shall present their submission to the Development Officer prior to 12 noon of the day scheduled for the Public Hearing. Where submissions are forwarded by mail or courier they will only be accepted if received prior to 12 noon of the day scheduled for the Public Hearing.

3.2. Any person wishing to be heard at the Public Hearing shall submit their name to the Development Officer prior to 12 noon of the day scheduled for the Public Hearing.

4. Inspection of Documents

- 4.1. The Director of Administrative Services shall provide for a copy of the proposed by-law, Development Application, Subdivision Application, or the Site Plan showing the changes to the Municipal Reserve, Municipal and School Reserve or Environmental Reserve, and any related documents to be available for inspection by any interested person. This copy shall be available for inspection at the Municipal Office and at any other location that may be directed by Council.
- 4.2. The Director of Administrative Services shall furnish copies of any of these documents or parts thereof as may be requested at rates set by the Town of Strathmore, or at rates that may be directed by Council.

5. Public Hearing Opening

- 5.1. The Mayor shall preside at the Public Hearing to be conducted by Council. In his absence the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor a member of Council elected by the other members present shall preside.
- 5.2. In order for the Public Hearing to proceed, not less than a majority of the whole Council, or a quorum of the Board as the case may be, shall be present. Should a quorum not be available within 15 minutes of the scheduled time of the Public Hearing, the members present may declare the meeting postponed to a future date to be scheduled at a Council meeting.

6. Order of Business

- 6.1. The agenda of the Public Hearing shall be restricted to that business for which the Public Meeting was called.
- 6.2. The Development Officer shall present an agenda for the meeting which shall include the following sections;
 - 6.2.1. 1. Call to Order
 2. Purpose of the Public Hearing
 3. Confirmation of Notices
 4. Report from Development Officer
 5. Appellant (in the case of an Appeal)/Applicant (in the case of an amendment to a By-law)
 5. Written Submissions

6. Persons Wishing to be Heard
7. Final Questions from Members
8. Final Summary from the Appellant.

- 6.3. The Development Officer shall present a list of written submissions made, and shall present those submissions to the Public Hearing.
- 6.4. The Development Officer shall present a list of those persons who have submitted their name and wish to be heard at the Public Hearing.
- 6.5. In order that members of Council may be prepared for the Public Hearing and that the Public Hearing may proceed expeditiously, the Development Officer shall make all information to be presented to the Public Hearing under Sections 6.1 to 6.4, available to members of Council at 4:00 p.m. of the day scheduled for the Public Hearing.
- 6.6. The Board may request person or persons to attend its meetings in an advisory capacity but such person or persons shall not be members of the Board and shall not have a vote.
- 6.7. The Board may, in carrying out its duties and powers, accept any oral or written evidence during the hearing that it considers proper, whether admissible in a Court of Law or not, and is not bound by the laws of evidence applicable to judicial proceedings.

7. Confirmation of Notices

- 7.1. The Development Officer shall confirm to the Public Hearing following the call to order that matters on the agenda have been, by way of written notice and advertising, properly processed in accordance with the Act.

8. Public Hearing Procedures

- 8.1. The Chairman shall determine if any person present who is not on the agenda wishes to make a written submission or wishes to be heard. With the agreement of a majority of the other members present, the agenda may be amended to include those written submissions or names.
- 8.2. Following the approval of the agenda, any amendments may only be made with the approval of all members present.
- 8.3. The Chairman shall provide procedures, in addition to those contained in this policy, for the good and orderly conduct of the meeting in accordance with normal parliamentary procedures.

9. Written Submissions

- 9.1. The Chairman, or any member through the Chairman, may direct questions to any person present who has provided a written submission.
- 9.2. Persons answering questions shall limit themselves to a brief factual response to the question, and shall direct all comments to the Chairman.

10. Persons Wishing to be Heard

- 10.1. At the request of the Chairman each person listed on the agenda shall make a verbal presentation.
- 10.2. Each person addressing the Public Hearing should give the following Information;
 - 10.2.1. Their name and address.
 - 10.2.2. An indication as to whether they are speaking on their own behalf or on behalf of another named person or on behalf of a group of citizens or on behalf of an organization.
- 10.3. Should any person refuse to provide information required under Section 10.2 then Council or the Board, as the case may be, may note that the information presented may not be considered in their deliberations.
- 10.4. Each person addressing the public hearing shall complete their verbal presentation within 5 minutes.
- 10.5. The 5 minute time limit shall not include time for questions from the Chairman, or any member through the Chairman, and answers to those questions shall be directed to the Chairman and shall be brief and factual.

11. Public Hearing Closure

- 11.1. The Chairman upon the completion of the business of the Public Hearing shall declare the Public Hearing adjourned, or call for continuance and establish a date for reconvening, and recess the Public Hearing.

12. Voting and Decisions

- 12.1 Only those members of Council or the Board, as the case may be, present during the greatest majority of the length of the discussion pertaining to a matter being considered at a meeting of the Board shall have a vote on the matter.
- 12.2 The same Board shall make its decision based solely upon the evidence and information received at the hearing.
- 12.3 The Board shall give its decision within 15 days of the conclusion of the hearing.
- 12.4 The Board may make its decision at a meeting closed to the public.
- 12.5 Council shall make its decision at a public meeting.

13. End of Policy