



TOWN OF ROCKY MOUNTAIN HOUSE

P O BOX 1509 5116 50 AVENUE ROCKY MOUNTAIN HOUSE AB T4T 1B2

NOTICE OF DECISION – 2026-01

Date June 8, 2026

RE: Appeal of Development Permit Application DP 26/50 – for Rooming House, Warming Shelter, Mat Program, Community Transportation Services and other Community Services within Lot 11, Block 42, Plan 8621588, 4407 45A Avenue in the Town of Rocky Mountain House

SUMMARY OF APPEAL

This is an appeal of a development permit approved for a Rooming House, Warming Shelter, Mat Program, Community Transportation Services and other Community Services.

The Appellant, Conner Frizzley, appealed the approval in their Notice of Appeal which can be summarized as follows:

- a. The Appellant feels that the operation of a rooming house, warming shelter and mat program goes against the general intent of the General Industrial District.
- b. The Appellant feels that the Development Authority has made an error in issuing the development permit as well as errors in applying conditions.
- c. The Appellant states that given the significant impact of this development, the development authority has not applied sections from its own Land Use Bylaw which should be required as a matter of public safety.
- d. The Appellant believes that the development permit directly contradicts portions of the Town Councils Strategic Plan, the economic prosperity in particular.
- e. The Appellant argues that the Applicant has inappropriately applied for the use of Community Support Services, particularly as a rooming house is more related to Social Care Housing, which is not a permitted or discretionary use in the General Industrial District.
- f. And that the location of the permit is not a suitable location.

Notice of Appeal was provided to all affected parties and a hearing was held on June 1, 2026.

SDAB Members: Joe Henderson, Chair
Earl Graham
Mary Jane Harper

SDAB Clerk: Tracy Breese
Kalyn Scott



BACKGROUND OF THE APPLICATION

On May 1, 2026, The Development Authority approved a Rooming House, Warming Shelter, Mat Program, Community Transportation Services and other Community Services on May 1, 2026 on Lot 11, Block 42, Plan 8621588. The subject property is designated General Industrial District (I) within the Land Use Bylaw (LUB).

The Development Authority approved the development subject to the following conditions:

1. That the **Community Support Services - Rocky Ridge Safe Haven, which includes Rooming House, Warming Shelter, Mat Program, Community Transportation Services and other Community Services**, be located as per the submitted site plan.
2. That unless otherwise expressly stated, the applicant must comply with all provisions of the Town of Rocky Mountain House Land Use Bylaw 2020/19.
3. **That any separate Community Service tenants may require permits prior to occupancy. Please check with the Town's Planning Department at Planningdept@trmh.ca.**
4. That the facility and occupancy must meet all Federal and Provincial Standards and Regulations.
5. **For any shared access or parking with adjacent landowners, there must be a joint-parking agreement and/or joint-access agreement registered on title, as per Section 4.3.1(3) and 4.3.1(4) of the Town of Rocky Mountain House Land Use Bylaw, 2020/19.**
6. That all outdoor storage areas shall be located to the rear or sides of the principal building and screened from view from adjacent parcels and public roads.
7. **That waste removal shall be the responsibility of the applicant, including all expenses for same. Any receptacles installed for solid waste collection must be secured from tampering and the effects of high winds to the satisfaction of the Development Authority. Any Waste receptacle must also be screened, to the satisfaction of the Development Authority.**
8. That a sign constructed of canvas, plastic, or vinyl shall only be allowed for a period of up to ninety (90) days, unless otherwise approved by the Development Authority.
9. **That the water and sewer infrastructure must be upgraded to accommodate the increase in use, in compliance with the Town's Design Guidelines. Please contact Engineering & Operations Department at operations@trmh.ca for specifications.**
10. **That a security of Five Thousand Dollars (\$5,000) is required for curb cuts and street hardware in relation to the proposed development. Payment of the security must be completed prior to the issuance of a building permit. Please email the Development Officer at Planningdept@trmh.ca when the work has been completed to arrange for an inspection. The security shall be returned upon satisfactory inspection by Engineering & Operations.**

11. **That a security of Ten Thousand Dollars (\$10,000.00) is required for road repair and/or utility connections. Payment of the security must be completed prior to the issuance of a building permit. Please email Operations@trmh.ca prior to construction completion, while the trench is open, to arrange for inspection at operations@trmh.ca. Failure to call for the required inspection may result in a requirement that the trench be re-exposed to allow for an inspection, at the cost of the owner. After the Engineering inspection and once the work has been completed, please contact the Development Officer to arrange for a final inspection at Planningdept@trmh.ca. The security shall be returned after one season and upon satisfactory final inspection by Engineering & Operations.**
12. **That if a street, sidewalk or public lands will be impacted by the development, the applicant must obtain an approved "temporary road closure" permit from the Engineering & Operations Department, prior to development. Please contact the Engineering & Operations Department at Operations@trmh.ca.**
13. That all roof drainage from a building shall be directed onto the parcel upon which the building is situated by means satisfactory to the Development Authority.
14. That any temporary fencing must be used only during open excavation or building construction with an approved development permit.
15. That any loading space be located to the side or rear of the building.
16. That all debris and mud tracked from the site onto Town of Rocky Mountain House roadways must be removed immediately, both during construction and after operation begins.
17. **That a valid building permit must be obtained prior to any building construction over \$5,000.00 or structural changes. Site specific drawings and engineering must be submitted as required by the Safety Codes Officer, for renovations to the proposed building, including any required documentation to the satisfaction of the Safety Codes Officer and Development Authority.**
18. **That a Fire Safety Plan must be submitted with the Building Permit.**
19. **That a Fire Inspection will be required prior to occupancy.**
20. That the owner/developer shall be responsible for ensuring that the construction site is kept in a clean manner, free of debris and that the site is provided with construction disposal bin for the safe removal of all construction waste materials as per the Town of Rocky Mountain House Land Use Bylaw 2020/19, and Sections 3.9 and 3.10 of the Community Standards Bylaw.
21. That it is the applicant's responsibility to ensure that any signage on the property complies with section 5 of the Land Use Bylaw. Please contact Planning & Community Development with any questions regarding signage at PlanningDept@trmh.ca.
22. **That prior to construction, complete plans must be submitted to Alberta Health Services (AHS) for approval at central.foodpermits@ahs.ca. A valid Food Handling Permit, if applicable, must be obtained from AHS and all Food facilities will**

require an inspection from a Public Health Inspector from AHS, prior to opening the facility. For more information, please contact AHS at 1-833-476-4743.

23. That no new development be located over any gas, water, or other utility service lines. (Call Alberta One Call 1-800-242-3447).
24. That the applicant informs the following agencies of the date of the new construction for the water and sewer upgrades: Epcor, Atco Gas, Telecommunications/Internet, Cable, Town of Rocky Mountain House - Utilities (utilities@rockymtnhouse.com), or any other applicable services.
25. That the approval be posted on the Town Bulletin Board, through electronic means on the Town's website, letters sent out to adjacent properties, as well as at the location of the proposed development, and be subject to a twenty-one (21) day appeal period.

An appeal was filed with the Town's SDAB Clerk on May 5, 2026. Affected parties were sent notification of the appeal and the appeal hearing on May 13, 2026, with Public notification being posted on the Town's website and Town's Bulletin Board on May 14, 2026 and in the Mountaineer (local newspaper) on May 20, 2026.

MERIT HEARING

Summary of the Development Authority's Submissions

The application involves a community support facility at 4407 45A Avenue, within a General Industrial District, offering multiple social programs and services, with review considerations based on land use bylaws, community impact, and statutory plans.

- The proposal is for a multi-program community hub including shelter, support, and transportation services.
- Located on Lot 11, Block 42, Plan 8621588, in Rocky Mountain House.
- The development was submitted by Clearwater Regional Housing Foundation on April 28, 2026.
- It is a change in occupancy, not a new construction, with existing site conditions.
- The facility includes rooms for unhoused populations, social services, a commercial kitchen, and transit programs.
- The site is zoned General Industrial District (I), which permits Community Support Services as a discretionary use.
- The application aligns with definitions of social, non-profit, and community services, including shelters.
- The review considered nuisance factors, design compatibility, hours of operation, patron capacity, site grading, servicing, statutory plans, and policies.

The project is evaluated under the Land Use Bylaw (LUB 2020/19), which regulates land use and development standards.

- The property is zoned General Industrial District (I), intended for industrial and supportive commercial uses.

- Community Support Services are discretionary within this district, requiring review of impacts and compatibility.
- The site's location near Highway 11 and adjacent properties influences planning considerations.
- The district allows for a wide range of industrial and supportive uses, including community services.
- The development aligns with the purpose of the district to support industrial and commercial growth.
- The site's existing conditions and proximity to other commercial zones are favorable for the proposed use.
- The development aligns with municipal plans and policies guiding land use.

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Summary of the Appellant's Submissions

- The uses authorized (rooming house, shelter, support services) conflict with the district's industrial purpose.
- The application misclassifies the use as Community Support Services, which may be inappropriate.
- Pedestrian access issues: lack of sidewalks and safe routes, risking safety and trespassing.
- The permit may violate sections of the Land Use Bylaw related to environmental impact, parking, and infrastructure.
- The permit contradicts the Town's strategic plan and economic goals.
- Location concerns: proximity to other support services and health facilities.
- Potential health risks due to environmental contamination and existing site conditions.
- Emphasize safety, land use intent, and community impact considerations.

Summary of Affected Person's submissions

- The district supports industrial uses, not community support services, which require a stable and accessible environment for its users.
- The proposed use conflicts with the district's purpose and impacts neighboring properties' enjoyment and value.
- Safety and operational stability are threatened by increased activity and unpredictability.
- Investment in adjacent properties was based on existing land use patterns; a change could harm business viability.
- The development could negatively influence community perception, tourism, and local business, especially along a primary entry corridor.
- The Land Use Bylaw emphasizes orderly, compatible development and evaluates impacts on surrounding uses.
- Discretionary approval depends on compatibility, which the objectors believe is not met.
- The letter requests reconsideration or denial of the application based on these concerns.

KEY FINDINGS OF FACT

The Board makes the following key findings:

1. The Lands are located at Lot 11, Block 43, Plan 8621588.
2. The Lands are designated as General Industrial District.
3. The Lands contain an existing building.
4. Community Support Services is a listed, discretionary use under the General Industrial District as outlined by the Town's Land Use Bylaw (LUB).

DECISION

The appeal is denied and the decision of the Development Authority is upheld with the following amendments and conditions:

The Development Authority to issue the development permit for the Warming Shelter, Mat Program, Community Transportation Services and other Community Services, removing the Rooming House.

Development Permit Condition #26

That other Community Services be limited to victim services, home care, social services, public health, mental health and any other emergent services being offered directly to clients utilizing the shelter.

REASONS

1. The Land Use Bylaw defines Community Support Services as "A development that provides social, non-profit, or community services. This use may include, but is not limited to, food banks, shelters or donation centre". Under the General Industrial District, the general intent is "To provide for a wide range of industrial businesses, supportive commercial uses, and related services to whose activities may be compatible in Commercial district".
2. The SDAB finds that the application submitted by Clearwater Regional Housing Foundation is not consistent with this definition, as there is no provision for "Rooming House" in this land use designation. As stated in the "Letter of Intent" from the Clearwater Regional Housing Foundation, item no. 6, "The upstairs office spaces that currently exist would be renovated to permit a Rooming House, or Boarding House type of setting."
3. The SDAB feels that a rooming house or boarding house type of setting constitutes a residential application which goes outside the general provisions for this designation in the LUB. In fact, there are two residences in the area that are classified currently as "non-conforming" suggesting that further residential development is not appropriate.

4. The SDAB does not feel the environmental concerns are a factor in this situation. The report that was presented does not make the distinction as to what use the lands would be safe for. It indicates that there is no significant risk to humans and does not apply to the subject lands.
5. The SDAB feels that the parking requirements have been met and that hard surfacing of the parking lot which is SP90 is consistent with the area and does not need to be a condition of the development permit;
6. Other documents from the Town of Rocky Mountain House such as The Town of Rocky Mountain House 2026-2030 Strategic Plan are not considered as statutory documents impacting on this application.
7. The concerns of potential increase in crime, no security on site and other safety concerns are outside the scope of the SDAB. Also there was no support given to statistics and other concerns by way of supporting studies and documents. While the concerns may be real there was nothing presented to quantify the concerns raised.

For the reasons set out above, the appeal is denied and the decision of the Development Authority is upheld with the modifications indicated in the decision.

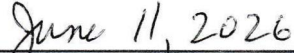
CLOSING

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in section 688 of the Municipal Government Act which requires an application for leave to appeal to be filed and served within 30 days of the date of this decision.

Dated at Ponoka County, in the Province of Alberta this 11th day of June, 2026 and signed by the Chair on behalf of all three panel members who agree that the content of this decision adequately reflects the hearing, deliberations and decision of the Board.



Joe Henderson, Chair



Date