

TOWN OF ROCKY MOUNTAIN HOUSE
BYLAW NO. 2026/08

A bylaw of the Town of Rocky Mountain House, in the Province of Alberta, to establish a Subdivision and Development Appeal Board.

WHEREAS pursuant to section 627 of the *Municipal Government Act, RSA 2000, c. M-26*, as amended, a municipality must by bylaw establish a subdivision and development appeal board;

NOW THEREFORE the Council of the Town of Rocky Mountain House, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Title

- 1.1 This Bylaw may be cited as the “Subdivision and Development Appeal Board Bylaw”.

2. Definitions

- 2.1 In this Bylaw:

- (a) **“Act”** means the *Municipal Government Act, RSA 2000, c. M-26*, as amended;
- (b) **“Applicant”** means a person who applies for subdivision approval or development permit;
- (c) **“Appellant”** means a person who appeals to the Subdivision and Development Appeal Board in accordance with the Act and the Land Use Bylaw;
- (d) **“Board”** means the Subdivision and Development Appeal Board as established under this Bylaw;
- (e) **“CAO”** means the Chief Administrative Officer of the Town of Rocky Mountain House;
- (f) **“Chair”** means the person appointed by the Board to perform the functions of Chair established in this Bylaw;
- (g) **“Clerk”** means the individual(s) appointed as the Clerk of the Board in accordance with the Act, this Bylaw and any applicable Regulations;
- (h) **“Council”** means the Mayor and Councillors of the Town of Rocky Mountain House;

- (i) **“Councillor”** means a member of Council including the Mayor;
- (j) **“Development Authority”** means the person or persons appointed pursuant to the Act that have been authorized to exercise development powers on behalf of the Town, as established pursuant to the Subdivision and Development Authority Bylaw 2024/24 as amended or replaced from time to time;
- (k) **“Hearing”** means a quasi-judicial proceeding for deciding on an appeal for subdivision or development matters as prescribed in the Act;
- (l) **“Land Use Bylaw”** means the Town of Rocky Mountain House Land Use Bylaw 2020/19, as amended or replaced from time to time;
- (m) **“Meeting”** means an assembly of the Board members for general Board matters or training, and excludes an appeal hearing;
- (n) **“Member”** means an annually appointed Member of Council, duly elected and continuing to hold office, or a Member of the Board duly appointed by Council;
- (o) **“Municipality”** means the municipal corporation of the Town of Rocky Mountain House;
- (p) **“Organizational Meeting”** means the annual Organizational Meeting of Council held pursuant to the Act;
- (q) **“Panel”** means Members of the Subdivision and Development Appeal Board convened to hear an appeal;
- (r) **“Public at Large Member”** means a Board Member who is not a member of Council.
- (s) **“SDAB”** means the Subdivision and development Appeal Board established in this Bylaw;
- (t) **“Subdivision Authority”** means the person or persons appointed pursuant to the Act that have been authorized to exercise subdivision powers on behalf of the Town, as established pursuant to the Subdivision and Development Authority Bylaw 2024/24 as amended or replaced from time to time; and
- (u) **“Vice-Chair”** means the person appointed by the Board to perform the functions of Vice-Chair established in this Bylaw;

3. Establishment

- 3.1 The Town of Rocky Mountain House Subdivision and Development Appeals Board is hereby established.
- 3.2 Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of:
 - (a) decisions of the Subdivision Authority which are to be heard by the Board pursuant to section 678(2) of the Act;
 - (b) orders, decisions or development permits made or issued by a Development Authority pursuant to section 685 of the Act; and
 - (c) such other matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the Town.
- 3.3 The Board, when hearing an appeal respecting a subdivision application or order relating to a subdivision matter, must act in accordance with section 680 of the Act.
- 3.4 The Board, when hearing an appeal respecting a development permit or order related to a development matter, must act in accordance with Section 687 of the Act.

4. Membership and Term

- 4.1 The Board shall consist of a maximum of seven Members who shall be appointed by resolution of Council and be composed of seven Public-at-Large Members;
- 4.2 Public-at-Large Members may be residents or non-residents of the Town of Rocky Mountain House but must be at least eighteen years of age.
- 4.3 An employee of the municipality or a person who carries out subdivision and development powers, duties, and functions on behalf of the Municipality, may not be appointed to the SDAB.
- 4.4 Members shall be appointed by Council for a term up to three-years.
- 4.5 A Member may serve more than one term but in no event shall a Member serve more than two consecutive terms unless otherwise designated by Council.
- 4.6 Members must abide by the conduct requirements in Council Procedural Bylaw 2026/05, as amended or replaced from time to time.

- 4.7 All membership vacancies shall be advertised to request formal submission of applications.
- 4.8 Appointments of members will be made from those applicants responding on a timely basis to the advertised need.
- 4.9 A Member is not eligible for continuing a term on the Board and/or for reapplying for the next subsequent term on the Board if the Member:
 - (a) fails to attend three consecutive meetings of the Board, unless that absence is caused by illness or is authorized in advance by the chair with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chair in his or her sole discretion); or
 - (b) ceases to meet the eligibility requirements set out in this bylaw.

5. Resignations And Removals

- 5.1 Any Member may resign from the Board at any time by sending written notice to the Clerk who shall inform Council and the Board Chair.
- 5.2 Council may remove a Member at any time.
- 5.3 If a vacancy occurs before Council's annual organizational meeting, Council may appoint a replacement for the remainder of the term.

6. Remuneration & Training

- 6.1 Members shall successfully complete training as prescribed by the Minister prior to participating in a Hearing.
- 6.2 Members shall be compensated for any costs incurred for training required under the Act. The Town shall pay any required course fees.
- 6.3 Members shall be compensated for attendance at and participation in hearings in accordance with any policy or program established by Council for public members.

7. Quorum

- 7.1 A quorum for a Board meeting shall be a majority of the appointed Members.
- 7.2 A minimum of three Members shall form the Panel for a Hearing as selected by the Chair with the assistance of the Clerk. The Chair shall be one of the Panel members.

8. Chair and Vice-Chair

- 8.11 The Members of the Board shall elect from its membership on an annual basis a Chair and Vice-Chair by a majority vote during the SDAB annual organizational meeting.
- 8.2 In the event of absence or inability of the Chair to preside at a Hearing, the Vice-Chair shall preside.
- 8.3 In the absence or inability of both the Chair and Vice-Chair to preside at a meeting, the Members present, in constituting a quorum, shall elect one of its Members to preside as Chair for that Hearing.

9. Panel

- 9.1 Members must disclose any conflict of interest to the Chair in the same manner as required of an elected official under the Act. If a conflict is declared, that Member must not sit on a Panel.
- 9.2 If for any reason a Member or Members of the Panel cannot continue to participate in a Hearing, the Hearing may proceed without that Member or Members but only if enough of the selected Members for the Panel are present to still achieve quorum. If not, the Hearing will be adjourned and may be re-heard by a new Panel.

10. Virtual Participation in Hearings

- 10.1 SDAB Hearings occur in Council Chambers and are open to the public. An alternate location may be selected by the Board.
- 10.2 The public, Applicant, Appellant, Respondent and Board members may attend virtually by electronic means.
- 10.3 The public, Applicant, Appellant, Respondent and Board members may only attend virtually if at minimum, the virtual attendees can be heard in Council Chambers, or alternate location, and by other virtual attendees and the attendees in Council Chambers, or alternate location, can be heard by the virtual attendees.
- 10.4 During deliberations, a Board member attending virtually shall confirm no one else is present in their location who is able to hear the deliberations discussion.

11. Clerk

- 11.1 The CAO shall appoint a Clerk(s) to the Subdivision and Development Appeal Board.
- 11.2 The Clerk(s) must successfully complete training, as prescribed by the Minister in accordance with the Act, prior to assuming the duties and responsibilities of the Clerk.
- 11.3 The duties and responsibilities of the Clerk include the following:
- (a) Receive all appeals;
 - (b) Establish the date and times of a hearing in accordance with the Act along with the required notices;
 - (c) Assist the Chair in assigning the Members to an appeal Panel;
 - (d) Keep and maintain a register of all appeals to the Board and the decisions thereon;
 - (e) Keep and maintain a record of the Board proceedings which may be in the form of a summary of the evidence presented at the hearing;
 - (f) Keep copies of all decisions rendered by the Board;
 - (g) Upon request, assist the Chair in preparing written decisions; and
 - (h) Provide the written decisions of an appeal to the affected parties.
- 11.4 The CAO may delegate to the Clerk the authority to sign on its behalf an order, decision, approval notice or other thing made or given by the Board.
- 11.5 The Clerk shall carry out their duties and responsibilities as outlined in the Act.

12. Appeal Fees

- 12.1 Appellants must pay the required fee as established in the Fees and Rates Bylaw for a development appeal, a stop order appeal or a subdivision appeal.
- 12.2 The Clerk may refund appeal fees if the appeal is withdrawn prior to the start of the hearing.

13. Withdrawing an Appeal

- 13.1 A notice made by the appellant to withdraw an appeal must be made in writing (letter or email) and submitted to the SDAB Clerk:

(a) before the hearing begins, or

(b) after the close of the hearing but before the Board issues its decision.

13.2 A notice made by the appellant to withdraw an appeal may be made verbally if the notice is made during the hearing.

14. Functions and Duties

14.1 The Board holds hearings as necessary to consider and decide appeals with a Panel, in accordance with the Act.

14.2 The Board and Panel shall comply with Council Procedural Bylaw 2026/05, the Act and any applicable Regulations.

14.3 The granting and duration of an adjournment is at the discretion of the Panel.

14.4 Where, in the opinion of the Panel, an adjournment is warranted, the Panel may request technical information, legal opinions or other assistance, and may adjourn the hearing for this purpose.

14.5 After hearing the appeal, the Panel shall deliberate and reach its decision in closed session. In arriving at its decision, the majority vote of those Members present shall constitute the decision of the Board.

14.6 A Member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Panel's deliberations or decision on that appeal.

14.7 In the event of a tie vote of the Panel, an appeal shall be deemed to be denied.

14.8 In arriving at its decision and formulating its reasons, the Panel may obtain independent legal advice and assistance from other technical agencies.

14.9 A decision of the Board is not final until notification of the decision is given in writing.

15. Severability

15.1 Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

16. Transition and Effective Date

16.1 The Subdivision and Development Appeal Board Clerk bylaw 2018/24V and the Regional SDAB Bylaw 2018/34V are hereby repealed.

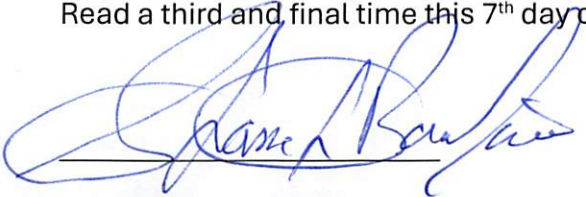
16.2 This Bylaw shall come into full force and effect upon the date of third and final reading.

Read a first time this 7th day of April, 2026.

Read a second time this 7th day of April, 2026.

Unanimous Consent this 7th day of April, 2026.

Read a third and final time this 7th day of April, 2026.



Mayor Shane Boniface



Dean Krause Chief Administrative Officer