

Bylaw 3732/2025

Being a bylaw of The City of Red Deer, in the Province of Alberta, to establish an Intermunicipal Subdivision and Development Appeal Board for The City of Red Deer and Red Deer County.

WHEREAS, on July 7, 2025, The City of Red Deer enacted Bylaw No. 3733/2025 and on, July 8, 2025, Red Deer County enacted Bylaw No. 1008/2025, which adopted an Intermunicipal Development Plan pursuant to section 631 of the *Municipal Government Act*, R.S.A. 200, c-M-26 as amm,; and

WHEREAS section 627 of the Municipal Government Act, R.S.A. 2000, c-M-26 as amm.: requires the establishment of an Intermunicipal Subdivision and Development Appeal Board Bylaw; and

WHEREAS the City of Red Deer and Red Deer County have agreed in the Intermunicipal Development Plan to establish an Intermunicipal Subdivision and Development Appeal Board;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Short Title

- I This bylaw may be referred to as the “ISDAB Bylaw”.

Purpose

- 2 The purpose of the Board is to hear appeals from subdivision and development permit decisions made under the provisions of the IDP.
- 3 The following appeals lie with the Board:
 - (a) Subdivision appeals, if the subject land is within the IDP boundary with exceptions in accordance with the MGA.
 - (b) Development appeals, if the subject land is within the IDP boundary with exceptions in accordance with the MGA.
 - (c) Stop Order appeals, if the subject land is within the IDP boundary.

Definitions

- 3 In this Bylaw, the following definitions shall apply:
 - (a) “Board” means the Intermunicipal Subdivision and Development Appeal Board.
 - (b) “Councils” means the Red Deer County Council and The City of Red Deer Council.

- (c) “Intermunicipal Development Plan” or “IDP” means the Intermunicipal Development Plan adopted by the City of Red Deer Bylaw 3733/2025 and Red Deer County Bylaw No. 1008/2025
- (d) “members at large” does not include members of either Council, City or County staff members, or any other person prohibited from serving by the MGA.
- (e) “MGA” means the Municipal Government Act, R.S.A. 2000, c. M-26 as amm.
- (f) “Presiding Officer” means the person who presides over a hearing of the Board.
- (g) “procedural matters” include, but are not limited to, matters relating to the efficiency of the hearing including scheduling and postponement requests; but do not include any matter related to the merits of the appeal.

Membership and Term

- 4** The Board shall consist of up to eleven (11) members appointed as follows:
 - (a) One (1) Chairperson;
 - (b) Five (5) members at large appointed by Council of the City of Red Deer;
 - and
 - (c) Five (5) members at large appointed by Council of Red Deer County
- 5** The Chairperson will be agreed upon by both Councils by way of resolution and the resolution shall include the length of the appointment.
- 6** If both Councils cannot agree on a Chairperson, the matter will be referred to the “Joint Council Mediation” process as outlined in the IDP.
- 7** The term of the appointments to the Board for all other members shall not exceed three (3) years.
- 8** Members shall serve on hearings for appeals filed during their term.
- 9** No member shall serve more than two (2) consecutive terms unless authorized by both Councils.
- 10** Each municipality is responsible to ensure their appointed members receive and hold training pursuant to the MGA. The County will be responsible to ensure the Chairperson receives and holds training.
- 11** The Councils may appoint replacement member(s), and the Chairperson as needed.

Meeting in Hearings

- 12** The Board shall hold appeal hearings as necessary to fulfill its responsibilities.
- 13** The Board is authorized to hold hearings in person, via teleconference, and via video conference. Those participating in a meeting held by electronic means are deemed to be present at the meeting.
- 14** When hearing appeals, the Board may sit in panels of 2, 3, 4, or 5 members.
- 15** Notwithstanding the above, any member appointed under s. 4.1 may sit as a single member panel to hear and decide procedural matters, but in doing so will not, at any time, hear arguments relative to the merits of the hearing.
- 16** Hearings of the Board must have equal representation from the municipalities.
- 17** In the absence of the Chairperson, the Board must select a Presiding Officer from among themselves for the hearing.
 - (a) In these instances, the total number of members hearing the appeal shall be an even number, with equal representation from both municipalities.
- 18** The Board may create rules related to the conduct of its hearings so long as they are consistent with the rules of administrative fairness and principles of natural justice, this bylaw, and the MGA.

Roles and Responsibilities

- 19** Pursuant to the provisions of the MGA, Council establishes the Board and Delegates it the responsibility to hear appeals in accordance with the MGA, the IDP and this Bylaw.
- 20** The Presiding Officer is authorized to sign decisions on behalf of the Board. The Presiding Officer may also delegate authority to sign decisions on behalf of the Board to the Clerk.
- 21** The Presiding Officer may sign decisions using electronic means so long as a record can be made of the signature.
- 22** The Chief Administrative Officer of the County of Red Deer shall appoint a Clerk to support the Board.
- 23** The Clerk shall
 - (a) Carry out all duties of the Clerk pursuant to the applicable provisions of the MGA;
 - (b) Determine the date and time for hearings, and issue notice for same;
 - (c) Issue the Notice of Hearing and Notice of Decision as required by the MGA and IDP; and provide same to the City of Red Deer;

- (d) Assign panels of members to hearings;
- (e) Prepare hearing materials for each hearing of the Board; and
- (f) Keep a record for each hearing which includes;
 - i. The appeal form;
 - ii. All documentary evidence filed in the matter;
 - iii. A transcript or recording of the hearing, or, in the absence of a transcript or recording, a summary of all testimonial evidence given at the hearing; and
 - iv. The decision of the Board.

Commencement of Appeal

An appeal is commenced by:

- (a) The appellant mailing or delivering to the Clerk of the Board at Red Deer County offices a Notice of Appeal in the form established by the Board from time to time; and
- (b) By paying the fee of Four Hundred Dollars (\$400), which will be retained by the County. The appeal fee is refunded if the appeal is successful.

24 Payment to the Board

25 Each member of the Board shall be paid an honorarium by the municipality they represent.

26 The Chairperson shall be paid an honorarium by the County and the cost will be shared equally by both.

Meeting in Committee

27 The Board may meet as a committee to address administrative matters such as hearing procedures.

28 Agendas and Minutes are prepared when the Board meets as a Committee.

- (a) Agendas and Minutes are public documents.
- (b) Minutes are approved and signed by the Chairperson.

Transitional

29 Members of the Board appointed under Bylaw No. 3408/2008 shall continue to be appointed under this bylaw and serve the remainder of their term.

30 Appeals filed will be managed in accordance with the ISDAB bylaw that was in place on the date the permit was approved or denied.

Repeal

31 Bylaw No. 3408/2008 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 20th day of May, 2025.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of July, 2025.

READ A THIRD TIME IN OPEN COUNCIL this 21st day of July, 2025.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of July, 2025.

“Mayor Ken Johnston”
MAYOR

“Jessica Robinson”
CITY CLERK