



## POLICY

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**POLICY No.** 2023-104

**APPROVAL DATE:** FEBRUARY 06, 2023

**TITLE:** Development Officer – Powers

**AMENDED DATE:** N/A

**DEPARTMENT:** PLANNING AND DEVELOPMENT

**REVISION DATE:** N/A

**MAYOR:** 

**CAO:** 

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### Policy Statement:

The Town of Calmar provides this policy as an authorized framework for processing development permit applications in an efficient manner while ensuring that the planning policies and objectives are being met.

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### Purpose:

The purpose of this Policy is to establish a protocol that:

1. Provides Development Officers guidelines and procedures for dealing with variances.
2. Enables the expedition of applications that will have minimal to no impacts on the adjacent properties.

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### Definitions

- **Applicant** – means a person and/or entity that submits an application for a development permit.
- **Council** – means the Council of the Town of Calmar elected pursuant to the Local Authorities Election Act, RSA 2000 c L-21.
- **Development Authority** - means the Development Authority established pursuant to the Act through the municipality's Development Authority Bylaw.
- **Development Authority Officer (DO)** - means the Development Authority Officer established and appointed pursuant to the Act through the municipality's Development Authority Bylaw.
- **Land Use Bylaw (LUB)** – means the Land Use Bylaw adopted by Council under the Municipal Government Act.
- **Municipal Planning Commission (MPC)** – means the Commission established by Bylaw to exercise its duty as needed.
- **Town** – means the municipal corporation of The Town of Calmar in the Province of Alberta.
- **Town CAO** – means the Chief Administrative Officer of the Town of Calmar.



- **Variance** – means a deviation to one or more regulations from the Land Use Bylaw in order to enable a development. A variance shall not harm public interest and/or enable a development that would not align with the applicable planning policies and objectives. A variance does not allow for a use that is not permitted or discretionary within the district.

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## Scope

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This policy applies to all development permit applications submitted for consideration by the Development Authority.

This policy does not apply to:

- A situation where a redistricting is required to deal with the application.
- An application whereas the use is not permitted or discretionary within the current district.

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## Responsibilities

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The Development Authority Officers are responsible for implementing this policy and reporting to Council.

Council, in collaboration with the Development Authority, is responsible for reviewing the variance reports and evaluating the needs of amending the Land Use Bylaw and/or reviewing this policy.

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## Variances Power

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1. Development Authority Officer (DO) may issue a variance on any regulations but cannot grant a variance on a use that is not permitted or discretionary within the district.
2. A DO shall not grant a variance on an application contained within a Direct Control District (DC). These must be sent to Council who is the Development Authority Officer within DC districts.
3. Before deciding, the DO reviewing the application must determine in the need of a variance result from a unique condition of the property, an unnecessary hardship of the regulation(s), or the action of the current and/or past applicant. The DO must also evaluate the impact to adjacent properties should a variance be granted and the impacts on the applicant if a variance is refused.
4. The DO will track and report variance requests to Council to evaluate the need to amend the LUB and/or this policy.
5. A DO must refer to the MPC an application:
  - a. containing a non-conforming use and/or building as per section 643 of the MGA,



- b. for which the DO's cannot unanimously support,
- c. for which the DO would recommend refusal,
- d. requiring a variance greater than 40%, or
- e. for which the DO concludes that it would be in the best interest of all parties for the matter to be heard/decided by the MPC.

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## Decision making

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1. Development Authority must make an inform the applicant of its decision on all complete applications within the time limits imposed by the MGA, which may include obtaining a time extension agreement when necessary.
2. A DO must, at its sole discretion, refer to the MPC applications which in its opinion should be decided by the MPC.
3. The DO's will provide development permit application reports to provide an overview of activities on a monthly basis.

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## Related Documents

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Development Authority Bylaw, NO. 2022-14  
Land Use Bylaw, NO. 2017-07