REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Subject: Bylaw No. 21/015 - Land Use Bylaw No. 99/059 Amendment - Change of Use Exemptions for Permitted Uses

APPROVALS:

Jamie Doyle

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Director   Chief Administrative Officer

Recommended Motion:

1.   THAT Bylaw No. 21/015, being a bylaw to amend the Land Use Bylaw No. 99/059 to exempt Permitted Uses in prescribed commercial districts, be read a second time.

2.   THAT Bylaw No. 21/015 be read a third and final time.

Summary:

The Regional Municipality of Wood Buffalo (Municipality) is committed to reducing red tape for residents and businesses in the Region. Currently, the Municipality is undertaking a process review to identify areas in a Planning and Development can reduce red tape. While the process review is still in its early stages, Administration has identified the Change of Use permitting process as one that can be improved immediately. The proposed Land Use Bylaw amendment will allow commercial spaces that are changing to most permitted uses to be exempted from obtaining a development permit. This is intended as an initial step in Administration's commitment to addressing concerns in the business community and will be followed by further enhancements following the process review.

Background:

In June 2019, the Government of Alberta passed the *Red Tape Reduction Act*, which directs Municipalities to reduce and eliminate processes that cause regulatory and administrative burdens for businesses. In response to this directive, the Municipality has embarked on a process review to identify areas in which red tape can be reduced. Prior to initiating this review however, Administration was aware of concerns with the Change of Use process and began researching ways to improve it.

A development permit for a First Use/Change of Use is required when an applicant seeks to establish a proposed use in a building or on land with a previously approved use. The purpose of the permit is to confirm that the Land Use Bylaw supports the

proposed land use and to identify and address potential negative impacts. Applications are also circulated to internal departments and external agencies for feedback.

Planning and Development implemented a streamlined version of the Change of Use process to assist flood-impacted businesses to temporarily relocate following the April 2020 flood. This streamlined process was successful in allowing businesses to relocate and remain operational without being delayed by application processing timelines, and positive feedback was received from the business community.

Recognizing the success of this new process, Administration explored how to make further enhancements. Best practice research was conducted to determine how other jurisdictions handled the same process. As illustrated in the table below, five (5) municipalities were reviewed, with Edmonton and Calgary having the simplest requirements, whereas the Municipality was found to have the most onerous requirements.

Application Requirements						
	Application Form	Site Plan	Floor Plan	Descriptive Letter/Use Questionnaire	Certificate of Title	Letter of Authorization
RMWB	X	X	X	X	X	X
Edmonton	No development permit required if a Permitted Use					
Calgary		X		X		
Grande Prairie	X	X	X		X	X
St. Albert		X	X	X		X
Airdrie	X	X	X	X	X	

Source: Community Development Planning staff research, January 28, 2020

Administration is proposing an approach similar to Edmonton, wherein most permitted

uses are exempt from requiring a development permit for a Change of Use regardless if the previous use was permitted or discretionary. The Land Use Bylaw categorizes land uses as either Permitted or Discretionary, where Permitted uses are those that are not anticipated to have an adverse effect on their surroundings. However, the range of land uses in the Municipality does not easily support exempting every permitted use from a development permit, but the vast majority are exempted. Attachment 2 outlines the commercial districts and the permitted uses in Land Use Bylaw No. 99/059 that would be exempt from a development permit under this amendment.

For developments that must still follow the Change of Use permitting process, Administration has identified and already begun implementing enhancements. These include:

·   reducing the permit circulation period from two weeks to one week;

·   removing certain stakeholders from the circulation list to ensure faster response times, and;

·   refining application forms to make it easier to apply and reduce the likelihood of incomplete applications.

Rationale for Recommendation:

Permitted uses are reasonable to exempt from Change of Use development permits because they are activities not likely to impact neighbouring properties and do not change the character of the neighbourhood. Discretionary uses, by comparison, are those which may create impacts and so must be carefully reviewed and publicly advertised. There are, however, some exceptions where a permitted use should be reviewed and circulated to other agencies for comment, such as hotels or gas bars, where parking or environmental considerations must be assessed. A small number of permitted uses have therefore been excluded from this exemption (those highlighted in yellow in Attachment 2) and will require a Change of Use permit to assess impacts. Nonetheless, the majority of permitted uses do not present a planning challenge nor concern, making it unnecessary to require a development permit. This exemption will reduce the number of permits a business requires to become operational in a new space.

The proposed amendment and revised process aligns with Administration's commitment to reduce red tape and ensures that a known area of concern is addressed as quickly as possible. As with the process review project, the Wood Buffalo Development Advisory Committee (WBDAC) has been an important partner in improving the Change of Use process and supports the proposed amendment.

Strategic Priorities:

Responsible Government
Regional Economic Development

Attachments:

1. Bylaw No. 21/015 - Land Use Bylaw No. 99/059 Amendment

2. Land Use Bylaw No. 99/059 - Permitted Uses and Exemptions