

LUB Review: Philosophy & Framework

Reducing Red Tape

The City of Red Deer will reduce “red tape” in the LUB and the related processes. Are there non-essential procedures, forms, licenses, and relations that add to the time or cost when dealing with The City of Red Deer. The Land Use Bylaw should be less restrictive and should provide more flexibility for new development and redevelopment.

Proposed Improvements:

- Reduce Red Tape – What regulations, procedures, or other obstacles add time or cost in seeking approval? How can they be improved?
Note: See Appendix A – Should we regulate it?
- Streamline – What regulations in the LUB can be removed or reduced?
- Increase Flexibility – Where in the LUB can flexibility be increased and options provided?
- Increase Adaptability – Facilitate adaptability opportunities in the LUB so that landowners can more quickly respond to market trends and changes, as well as public desires and demands.
- Simplify the Process – Clarify and simplify what is required when applying for a development permit. Review the criteria and corporate philosophy for when studies and other information is required.
- Common Evaluation Criteria – Improve the common interpretation of the LUB regulations for all implementers and users.

| Emphasis on Flexibility in LUB | Emphasis on Certainty in LUB |
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| Fewer land use districts | More land use districts |
| More permitted and discretionary uses in each district | Few permitted uses and few or no discretionary uses in each district |
| Broad language to describe land use categories | Tight definitions of land use categories |
| Broad discretion to vary standards | Limited or no authority to vary standards |
| <p>There is a correlation between flexibility and certainty in a land use bylaw. An emphasis on flexibility allows for a quick response to situations that don't quite fit the provisions of the bylaw. The exercise of discretion however can be a cause for concern with residents leading to more appeals to the subdivision and development appeal board. Bylaws that place more emphasis on certainty will provide more confidence about what kinds of development will be approved. This can result, however, in more requests to amend the land use bylaw.</p> | |

Ease of Use

The current land use bylaw format and organization will be improved for legibility. Some regulations are scattered and hard to find, they should be consolidated for ease of use. The language the Land Use Bylaw uses a conventional legal format, which can be difficult for the majority of users to understand due to an unfamiliarity with this format. The simplification of this language allows users to interpret the document themselves and free up staff time to assist applicants in other ways.

Proposed Improvements:

- Plain Language – Preference for plain language over planning/legal terms where possible. Language should be simple, direct, and easy to understand by the majority of end-users. Remove language that can confuse the end-user. Consider using illustrations to simplify complicated special information.
- Improve Document Format and User Navigability – A conventional legal format can be difficult to understand for most users. Improve the document structure and layout to improve document readability. Consolidate scattered information and minimize cross-references between the sections.
- Clarity and Objective Standards – Simplify overly complicated regulations and increase the objectivity of subjective standards. Objectivity and flexibility may conflict. In these cases, Appendix A may help with decision making to increase flexibility.
- Consistency – Remove document inconsistencies and document repetition.
- Alignment with Corporate and provincial documents/policy – Ensure the land use bylaw is consistent with corporate and provincial documents.

Improving Customer Service

Applicants have expressed frustration with the application process for Development Permits and Land Use Bylaw amendments. They have difficulty interpreting the regulations, application requirements, as well as finding the information on the City's Website. The Land Use Bylaw can be difficult to navigate due to structure and also because of how it is broken up into multiple PDFs on the website. The overall intent is to simplify the process for the applicant, free up staff time, and reduce the processing time of applications. Improvements are focused on the process.

Proposed Improvements:

- Process & Administrative Improvements – Are there operationalization items that can be moved out of the Land Use Bylaw and into department policies?
- Application Requirements – Review the application requirements and better define the review process for the public on the City's website. An applicant should know all of the requirements of an application before they submit, including special studies.
- Website Improvements – Make the LUB information easy to find and simple to understand. Improve and increase the information on the City's website. Information should be provided in plain and simple language and made accessible for people of all abilities.
- Access to the LUB on Website – Improve the method in which the LUB is provided on the City's Website. It should be searchable and be more navigable.
- Pre-development Meetings – Prioritize face-to-face meetings and expand the existing pre-development meetings for all types of applications/permits. Pre-development meetings should also focus on a holistic approach and cover all applications an applicant will have to submit throughout the entire development process.
- One Point of Contact – Applicants should have a single point of contact in the city. Once a file has been reviewed and assigned, the applicants should be able to only deal with one person from the City who functions as a concierge for the application and subsequent applications.
- Do More Online – Face-to-face services should remain available, but applicants should be able to interact more with the City online should they choose. The eApply/ePlans should be expanded to include LUB/Plan amendment applications and subdivision applications.

Respecting the Community

In addition to applicants, it's important to equally focus on residents, landowners, and business owners in Red Deer. We must equally address their interests and concerns. All individuals and groups that want to participate in the LUB review should have the opportunity.

Proposed Improvements:

- Consultation – The Land Use Bylaw is highly specialized and may not result in significant interest from the general public. Nonetheless, the LUB Review project should encourage and provide opportunities for all interested parties to be able to participate and provide feedback.
- Safety – Safety is a City of Red Deer Council strategic initiative and has been identified as one of the most important public concerns in Red Deer. The LUB review should consider safety.
- Equity Review and Removal of Discriminatory Zoning – It is important to remove regulations that persist and reinforce systemic divides of gender, race, and wealth.
* Added July 5, 2021.
- Housing as a Human Right - Adequate housing is a fundamental human right. It is essential to one's sense of dignity, safety, inclusion and ability to contribute to the fabric of our neighbourhoods and societies. Red Deer can improve its bylaw to facilitate access to adequate housing for our most vulnerable families and individuals and support a person's ability to live in the neighbourhood of their choosing. Without appropriate housing it is often not possible to get and keep employment, to recover from mental illness or other disabilities, to integrate into the community, to escape physical or emotional violence or to keep custody of children. These changes support Canada's ratification of the United Nations *International Covenant on Economic, Social and Cultural Rights* (ICESCR).
* Added July 5, 2021.

Appendix A – Should we regulate it?

| Should we regulate it? | If yes, then to what degree |
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| <ul style="list-style-type: none"> • Legal obligation: Do we have a legal requirement to regulate this topic? • Policy alignment: Does regulating this topic align with the MDP and other strategic policies and directions on land use and development? • Scope is clearly definable: Can the scope of the topic be clearly defined and understood? • Good planning practices/principles: Is it best practice to pursue regulating this topic with available data and literature? • Stakeholder and Public input: Do Red Deerians support regulating the topic? • Land use impact: Will not regulating this topic create land use impacts, either locally or citywide? • Measuring land use impact: Is it possible to objectively measure the impact of the topic or will subjective measures be relied upon? • Weighing up the risks involved: What are the risks and trade-offs of regulating/not regulating and how much risk should be taken on this topic? What does an analysis using the Integrated Risk Management Framework indicate? • Enforceability: Can compliance with the regulation be easily determined, and can it be enforced? • Alternative means of regulation: Is the Zoning Bylaw the only feasible way for this topic to be regulated, or are there alternative means such as other bylaws or standards | <ul style="list-style-type: none"> • Health & Safety: What level of regulation is required to protect the health and safety of Reddeerians and the environment? • Risks & Trade-offs: What are the risks & trade-offs associated with different degrees of regulation for the topic and what is acceptable? Us the Integrated Risk Management Framework. • Consequences: What is the most cost-effective way to regulate the topic to achieve the desired outcome - for the public, businesses, and government? • Consistency and timeliness of approval processes: Would the degree of regulation affect permitting and approval processes? • Predictability: Are the regulations and associated permitting requirements understandable and predictable? • Land use impact: The degree of regulation should be proportionate to the potential impact of not regulating. • City impact on local scale and city-wide scale: The degree and method of regulation must consider whether the impact of the topic applies locally or city-wide. • Monitoring: Can the regulation be monitored for effectiveness and continued relevance? |

* Copied and adapted form City of Edmonton Bylaw Renewal Initiative.