

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Scott Mathers, MPA, P. Eng.,
Deputy City Manager, Planning and Economic
Development

Subject: Upper Thames River Conservation Authority Service
Level Review

Date: April 30, 2024

Recommendation

That, on the recommendation of the Director, Planning and Development, the following actions be taken with respect to the Upper Thames River Conservation Authority Service Level Review:

- (a) the Service Level Review Consultant and UTRCA Senior Staff **BE REQUESTED** to provide status updates to Civic Administration on a quarterly basis, with the first quarterly update provided three months following the consultant appointment;
- (b) the Service Level Review Consultant and UTRCA Senior Staff **BE REQUESTED** to provide a presentation to Planning and Environment Committee once the project is finalized, and;
- (c) the report **BE RECEIVED** for information.

Executive Summary

The summary of this report to Committee and Council is to request quarterly updates on the progress of the Service Level Review with Upper Thames River Conservation Authority (UTRCA) and a final presentation following the end of this continuous improvement project.

UTRCA has agreed to complete this Service Level Review within the Environmental Planning and Regulations Department which reviews building permits, development applications and section 28 permits. The intent of the review is to complete an analysis of the efficiency and applicability of comments during these processes and come forward with recommendations on how to streamline these reviews to enable more timely development approvals while protecting the natural environment.

Linkage to the Corporate Strategic Plan

This recommendation will contribute to the advancement of Municipal Council's 2023-2027 Strategic Plan in the following ways:

Housing and Homelessness by advancing projects that support a well-planned and growing community; faster/streamlined approvals; and increasing the supply of housing with a focus on achieving intensification targets.

Climate Action and Sustainable Growth by being bold and forward thinking as we maintain the balance between the natural and built environment; and making sure London's infrastructure is designed, operated and maintained to support our Community and residents long term needs.

Well Run City by advancing initiatives that ensure Londoners experience good stewardship, exceptional and valued service.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Planning and Environment Committee, June 21, 2021, Agenda Item 2.2, Memorandum of Understanding for Development and/or *Planning Act* Application Review Between the City of London and UTRCA

Planning and Environment Committee, October 23, 2023. Agenda Item 2.3, Conservation Authority Cost Apportioning Agreements

1.2 Background and Purpose

The City and Upper Thames River Conservation Authority (UTRCA) first entered into a Memorandum of Understanding (MOU) in 1997. The objective of this MOU was for UTRCA to provide subject specific advisory services that the City of London required in the following areas; significant wetlands, fish habitat, locally significant wetlands, groundwater recharge/discharge areas, aquifers and headwaters, stormwater management facilities in flood plains, 100-year erosion limit, slope and hazard areas, fill regulations and erosion prone areas in the regulatory floodplain. This arrangement was advantageous to both the City and UTRCA, as it allowed for effective collaboration. Since this time, the City has increased staff capacity and expertise within the areas of stormwater engineering, hydrogeology, and ecology. This has allowed the City to be able to provide development review services within these areas which allows for comprehensive comments across all City service areas.

On June 21, 2021, Staff brought forward a Planning and Environment Committee report that described the history of the 1997 MOU and how the City and UTRCA were working towards a revised Development Memorandum of Understanding (DMOU). The DMOU would contain service level scope and timelines for both the City and UTRCA. This would create clear expectations for commenting staff to minimize duplication of reviews, with an objective of creating a more efficient review process. Since this June 21, 2021 Committee report, the Provincial Government has passed legislative changes to the *Planning Act*, specifically Bill 109 and Bill 23. Bill 109 mainly resulted in timeline changes for municipalities to make decisions on *Planning Act* applications and Bill 23 refined the scope of review for Conservation Authorities to comment on natural hazards within their regulated areas. Further to these legislative changes, there were recent *Conservation Authority Act* changes under O.Reg. 41/24, which changed the definition of a watercourse and required Conservation Authorities to produce publicly available maps depicting areas where a permit is required, which is effective April 1, 2024. The City recently received this legislative mapping update for where a permit is required; however, the up-to-date floodplain mapping that reflects the impacts of climate change for the Upper Thames River watershed is not publicly available. In several cases UTRCA has relied on draft floodplain mapping when providing comments. This mapping is not publicly available or endorsed by their board.

As a result of these legislative changes, Staff have been revisiting the DMOU approach and instead are collaborating with UTRCA to complete a Service Level Review within their Environmental Planning and Regulations Department. With the scope of comments and timelines regulated because of new legislation, a Service Level Review will provide the City and UTRCA the ability to recognize service level improvements more efficiently than formalizing a DMOU between two parties. The City's Planning and Development Department completed a comparable service level review starting in 2017 through to 2023. This review has enabled the City to improve many *Planning Act* processes, while establishing a culture of continuous improvement. With this Service Level Review, the City expects this to be one of the objectives for UTRCA.

2.0 Discussion

As part of this collaborative effort for a Service Level Review within UTRCA's Environmental Planning and Regulations Department, City Staff recognize the benefit of having UTRCA complete this review and the impact this can have on expediting housing approvals. As such, during the Multi-Year Budget process Staff and UTRCA requested \$240,000 within UTRCA's budget to be used towards a Service Level Review to streamline UTRCA's Environmental Planning and Regulations Department. This Service Level Review is a great step forward in streamlining approval processes as we work towards the City's housing target of 47,000 units by 2031. Concerns regarding agency comment response times are one of the highest priority issues flagged by industry partners attending the Customer Service and Process Improvement Reference Group.

2.1 Service Review Priority Items

The Service Level Review will assess the efficiency of current review processes by evaluating numbers of applications, staffing resources, applicability of comments for development, building permits, and section 28 processes within UTRCA both for development and City initiated projects. The review will also include a value-for-money review of UTRCA's regulatory floodplain mapping services.

The Service Level Review RFP is anticipated to include analysis and recommendations on the following priority areas:

2.1.1 Identification of Redundant Services

This review will inventory existing staff and staff time dedicated to building permits, development applications, and section 28 reviews. One of the objectives will be to identify areas of overlap in services that UTRCA is providing, recognizing the City of London has staff resourcing within the stormwater engineering, hydrogeology, and ecology service areas. This review will allow the City and UTRCA to further understand existing levels of service and areas where there are redundant comments. Redundant comments from both groups as a result of the review could be leading to delays within the approval process.

2.1.2 Floodplain Modelling and Mapping Value for Money Audit

Floodplain mapping is essential to maintaining public safety and providing orderly development. UTRCA has been undertaking floodplain mapping work primarily relying on in-house staff to complete the modelling and mapping. The most critical modelling relates to the Central Thames watershed that includes the north, south, and main branches of the Thames River. The Conservation Authority's 2016 Environmental Targets Strategic Plan highlighted the need for this mapping update and included the following strategic plan target:

“Reduce flood and erosion risk by updating flood models and hazard mapping for all UTRCA subwatersheds by 2020, then integrating climate change scenarios into the updated model and developing climate change adaptation strategies by 2030.”

This target has been highlighted in various documents since 2016 including most recently in the 2022 Upper Thames River Watershed Report Card document. A review has been completed to determine the funding to date related to mapping and modelling by UTRCA. The Conservation Authority budget provides a line item as described below:

- Analysis and identification of areas susceptible to riverine flooding to create mapping products to delineate flood-prone and erosion-prone areas. Data collection, analysis, reporting and mapping of data sets related to the understanding and mitigation of natural hazards. Development and use of systems to collect, store and provide spatial geographical representations of data

and other mapping products. Studies and projects to inform natural hazards management programs including: floodplain management, watershed hydrology, regulated areas mapping update, flood forecasting system assessment, floodplain policy

The following data has been pulled from the Conservation Authority’s annual budgets under the mapping line item described above under the service category of “Water Management”:

Table 1: Conservation Authority Mapping Funding 2017-2024

Year	UTRCA Annual Budget
2016	Unknown
2017	\$746,500 (5-year average) (1)
2018	\$746,500 (5-year average) (1)
2019	\$746,500 (5-year average) (1)
2020	\$746,500 (5-year average) (1)
2021	\$746,500 (5-year average) (1)
2022	\$776,981 (2)
2023	\$1,078,612 (3)
2024	\$1,393,389 (4)
Total	\$6,981,482

Sources:

- (1) Provided in the 2022 UTRCA Approved Annual Budget Average Annual Costs as the 5-Year Average (Operating) amount for Flood Plain Mapping & Natural Hazards Technical Studies and Information Management.
- (2) 2022 UTRCA Annual Budget: 2022 Operating costs for Flood Plain Mapping & Natural Hazards Technical Studies and Information Management.
- (3) 2023 UTRCA Annual Budget Average Annual Costs: 2023 Operating costs for Flood Plain Mapping & Natural Hazards Technical Studies and Information Management.
- (4) 2024 UTRCA Annual Budget Average Annual Costs: 2024 program costs for Mapping, Studies, and Information Management.

The budget documents highlight that the source of this funding is a combination of Provincial transfer payments, municipal levy, and self-generated revenue.

Many large Conservation Authorities (e.g., Toronto and Region Conservation Authority, Credit Valley Conservation Authority, Grand River Conservation Authority, Conservation Hamilton) have engaged external consultants to expedite floodplain modelling and mapping. This approach may improve UTRCAs ability to complete this critical mapping.

Given the funding provided to date and the number of years it has taken to finalize modelling and mapping work, it is recommended that a value-for-money audit be undertaken. This review will allow the City and UTRCA to understand if the current approach, relying primarily on in-house staff, can be improved. It is essential that this floodplain mapping and modelling be completed as soon as possible to ensure public safety, orderly development, and an efficient approvals process.

2.1.3 Approval Process Framework Best Practices

The third priority service review item is another in-depth review which also includes a comparable Conservation Authority analysis. This review will include the following items:

- Review of UTRCA’s Environmental Planning and Regulations Department framework, existing timelines and analysing how they can achieve legislative and City of London timelines
- Review of comparable Conservation Authorities which includes:

- Review of UTRCA's typical level of detail in comments specific for building permits, development applications and section 28 permits
- Review of other Conservation Authorities policies and interpretations as it relates to City infrastructure, building permits and development applications and when input is required
- Analysis of new O.Reg. 41/24 and how it impacts UTRCA's services
- Review any agreements between other Conservation Authorities and municipalities to conduct technical review of stormwater management features or hydrogeology as it relates to natural hazards, in cases where municipalities have qualified staff
- Review to see how other departments within UTRCA could benefit if the consultant determines there are redundant comments to the City or comments outside of the natural hazard scope
- Analysis and recommendations of how UTRCA will be able to meet legislative and City timelines, which includes next steps for UTRCA in short and medium term

This review will be valuable to the approval process, as it will create and establish clear expectations for residents and applicants. Further to this, this analysis and priority item will assist to establish the continuous improvement culture within UTRCA.

2.2 Service Level Review Timing

This Service Level Review within UTRCA's Environmental Planning and Regulations Department is one of City Staff's top priorities to streamline the approval process. As part of this review, Staff anticipate the project being completed by Q3 2025 with implementation of the recommended actions over a six to 18 month period. As part of this Service Level Review there could be quick initiatives that can be implemented as part of this analysis to improve the approvals process.

This project will be tracked closely by the City and will require quarterly project updates to Planning and Environment Committee as well as a final presentation on project findings and next steps.

2.3 Input from Building and Development Industry

The City has heard from the building and development industry that streamlining the approval process for building and planning services is critical to being able to deliver on Council's housing pledge of 47,000 units by 2031. This input has been received at both the Housing Supply Reference Group and the Customer Service and Process Improvement Reference Group. Specifically, industry partners have mentioned that UTRCA has not been able to consistently deliver comments within the required City process timelines which result in delays to getting approved units. The industry has mentioned that creating clear expectations when approvals from UTRCA are required will result in staff and consultant time savings.

In response to the Strategic Priorities and Policy Committee direction provided on April 16th, UTRCA staff have been invited to the May meeting of the Customer Service and Process Improvement Reference Group to present on their Client Service Standards, and their 2023 performance. It should be noted that the UTRCA issued an annual report in February on Section 28 permit timelines. The report highlighted that the timelines were met 98% of the time based on 2010 Provincial standards and 94% of the time based on 2019 standards developed by Conservation Ontario in 2023.

3.0 Financial Impact/Considerations

Both UTRCA and the City have budget available to fund this Service Level Review. Funding a portion of this Service Level Review, will allow the City to collaborate with UTRCA on the deliverables of this project.

Conclusion

Streamlining housing and development approvals within the City is a strategic priority in order to achieve Council's housing pledge of 47,000 units by 2031. City staff and UTRCA are collaborating on a Service Level Review within UTRCA's Environmental Planning and Regulations Department that will review the efficiency and applicability of comments during the housing and development approval process. One of the objectives of this review is to establish a culture of continuous improvement within UTRCA. As part of this project, regular quarterly updates and a final presentation to the Planning and Environment Committee are included as deliverables.

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