

Accelerating Growth and Development in Greater Sudbury – Call to Action Implementation Plan

Presented To:	Future-Ready Development Services Ad-Hoc Committee
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Recommended by:	General Manager of Growth and Infrastructure

Report Summary

This report and presentation provides a recommendation regarding Council’s direction for staff to address each of the 54 calls for action included in the May 1, 2024 report of the Future-Ready Development Services Ad-Hoc Committee in its report entitled, “Accelerating Growth and Development in Greater Sudbury; 2024 Report of the Future-Ready Development Services Ad-Hoc Committee”.

Resolution

THAT the City of Greater Sudbury approves the Accelerating Growth and Development in Greater Sudbury – Call to Action Implementation Plan as outlined in the report entitled “Accelerating Growth and Development in Greater Sudbury – Call to Action Implementation Plan” from the General Manager of Growth and Infrastructure presented at the Future-Ready Development Services Ad-Hoc Committee on November 27, 2024.

AND THAT staff be directed to provide progress updates on the Call to Action Implementation plan on a bi-annual basis.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report supports Council's Strategic Plan by ensuring that our development services demonstrate best-in class policies and processes to support the anticipated growth in residential and non-residential development over the next 10 to 15 years. Specifically, the report relates to Council’s Strategic Plan objectives to “Reinforce Infrastructure for New Development” (1.4), “Demonstrate Innovation and Cost-Effective Service Delivery” (1.5) and “Strengthen Business and Development Processes and Services to Support Business Growth” (2.3).

Financial Implications

There are no financial implications associated with this report. Where a particular call for action requires a Council-approved a service level change, a business case will be presented in a future budget or budget update for Council’s consideration.

Background

As established at the May 29, 2023 City Council meeting, the mandate of the Future-Ready Development Services Ad-Hoc Committee is to “assess the potential for the City of Greater Sudbury’s development services to reflect leading practices that ensure support for growth is timely and efficient and the municipality has the capacity, best-in-class policies and processes to support anticipated growth in residential and nonresidential development over the next 10-15 years.” In line with the approaches approved at its July 11, 2023 meeting, a project team supporting the Committee conducted stakeholder engagement sessions and additional research between August and November 2023. Following additional direction provided at the Committee’s December 7, 2023 meeting, the project team completed a final report outlining findings and recommendations.

The final report provided a thorough summary and analysis of many development approval process related comments and ideas from a multitude stakeholders over many platforms, including oral presentations, written comments, stakeholder interviews and staff workshops. City staff were engaged throughout the process, during which valuable insights were gained into the stakeholder (and staff) experience with the City’s development approval process.

A final report was presented to the Committee on May 1, 2024 and included a detailed synopsis of the work and findings, including a summary of the 54 Calls to Action and the 24 by 24 submission. Following the presentation of the report, the Committee passed the following resolution:

THAT the City of Greater Sudbury directs staff to provide a report by September 30, 2024 responding to the report entitled “Accelerating Growth and Development in Greater Sudbury: 2024 Report of the Future-Ready Development Services Ad-Hoc Committee” presented by the Chief Administrative Officer at the FutureReady Development Services Ad-Hoc Committee meeting of May 1, 2024 which, among other details:

- A) Comments on the feasibility and legislative ability of the municipality to adopt the 54 Calls for Action,*
- B) Provides an Implementation Plan and estimate of resource requirements, and*
- C) Includes a schedule for addressing each element of the Implementation Plan.*

Based on the insights gained through working in development approval roles, participating in the Committee process and information included in the Final Report, staff have reviewed the Calls to Action and produced the required analysis, which are presented as appendices to this report.

ANALYSIS

To assist in reviewing the 54 Calls to Action and the 24x24 submission, staff developed a matrix that is also intended to serve as the proposed implementation plan. The matrix provides the following:

- Description of the Calls to Action
- The staff person(s) responsible for implementation, where recommended
- The area of responsibility (e.g. Planning Services, Building Services, etc.)
- Type of action (e.g. policy change, communication change, etc.)
- Staff’s position on the feasibility/ability to implement the Action
- Whether or not the Action is anticipated to represent a service level change necessitating a business case for Council’s consideration at a future budget process.
- Current status of the Action Items
- Anticipated timing for completion of the Action item, where applicable
- Additional Staff comments.

Given the number of Action Items, the detailed review and analysis for each has been included in the

appendices. The following analysis presents a high-level summary and commentary on the above points. For the purposes of this analysis, the 54 Calls to Action and the 24x24 submission are combined into 78 items and referred to as “Calls to Action”.

Most of the Calls to Action are either underway, complete or are proposed within staff’s various work plans beginning in 2025. Only 11 Calls to Action are not implementable due to federal or provincial legislation or are not recommended for future action by staff as they would increase risk to the municipality and/or do not represent good land use planning.

City Workplan in General Alignment with Stakeholder Feedback

A positive revelation when analyzing the 78 Calls to Action is that there is general alignment with the City’s current workplan and the directions that stakeholders feel the City needs to take. This is particularly evident in the land use policy related recommendations, moving to e-permitting (Pronto), inter-departmental and external communication, and an overall desire to see the City grow and develop in a sustainable matter.

From a land use planning policy standpoint, it is anticipated that upcoming work on the City’s Housing Supply Strategy and Industrial/Commercial zoning by-law review will address 15 of the Calls to Action. These policy review processes will also allow for additional targeted stakeholder engagement over the next 18 months to ensure that the proposed changes produce the desired impact to foster a sustainable growth environment.

The City is also well underway in its move to an e-permitting system (PRONTO) with Building Services currently on board and Planning Services to come on line in Q1 2025. Future departments, including By-law, Fire and Conservation Sudbury will come online in 2026. The convenience of this system, when fully implemented, will allow proponents to apply, pay for and check the status of permits and development applications anywhere, anytime. This system will also provide proponents the transparency to review the status of their application and to determine if there is any outstanding information required, either internally or externally from the developer and/or consultant. PRONTO will also provide the City with additional metrics to benchmark the application review process and determine if there are any steps that require modification. At this point it is still early in the e-permitting implementation, however, there are opportunities to ensure continuous feedback and improvement of this system through regular stakeholder engagement with groups such as DLAC.

From a communication standpoint, the Calls to Action appear to indicate that while communication between the City and development stakeholders has improved over the past few years, there are areas for additional, targeted improvements. Key areas to focus on improving communication are with the SPART memorandum of understanding (MOU) and guidelines for required background studies and conveying good news stories, legislative changes, and general information to the development community. Staff have already begun to implement the Calls to Action related to SPART MOU and guidance documents with a target of Q1 2025. General communication improvements are also in the works with an eye to continuous improvement and targeted communication in certain situations.

Finding the Right Balance of Risk Mitigation and the City’s Role in the Development Process

The City, through Council’s Strategic Plan and the Official Plan desires and anticipates growth. Recently, through the Employment Land Strategy and Housing Supply Strategy, policies have been developed to facilitate and encourage housing and industrial growth to occur. The Province has also been very active in encouraging growth, particularly housing, through recent amendments to the Planning Act and by assigning municipal housing targets. The City and the Province heavily rely on private developers to realize this desired growth.

Land development routinely involves proponents taking on risk and expending private funds before (in many cases years before) a profit is realized, including the carrying costs associated with seeing construction projects through to completion. Some of these upfront costs are directly related to the development approval

process, including background studies related to the impacts and viability of a proposed development and the deposits that are required prior to and during construction. A number of the Calls to Action relate to the risk and costs that developers assume before and during a project and seek to explore ways that these could be reduced or shared. To assess these risk related Calls to Action it is important to understand the roles of the parties in the development approval process.

The City's role in the development process is to ensure that growth occurs in a sustainable manner, in line with Provincial policy and legislation and in accordance with Council's goals for the community which are outlined in the City's Official Plan. The City also has the role of representing the residents and taxpayers of the community – both current and future – when reviewing development applications to mitigate adverse outcomes from both a neighborhood impact and a long-term financial viability standpoint. Considering the City's enterprise risk management policy and low risk tolerance, calls to action that prompt the City to accept more risk in the development process to support individual developers require further consideration and in some cases are not recommended by staff for further action as they do not represent municipal best practices.

For example, several Calls to Action include recommendations that would involve the City reducing or eliminating background studies for complete submissions, reducing or eliminating deposits for site plan and subdivisions and finding ways to empower front line staff to make decisions that affect individual development outcomes. In reviewing these Calls to Action and the staff recommendations, it is important to understand the risks involved and the City's role in the development process.

The City's Official Plan outlines the background study requirements for complete applications, which are the proponent's responsibility. These study requirements are applied on case-by-case basis and are outlined in the pre-consultation SPART MOU. Background studies identify the impacts of the proposed development on a neighbourhood and City-wide level including, planning justification, traffic, noise and vibration, species at risk, wetlands, soil conditions, servicing capacity, etc. Staff and Council rely on the information in these studies to determine if a development proposal represents good planning and can be supported. They are also necessary to determine if special conditions are required to ensure that any necessary mitigation measures are included when approving an application. In some instances, the background studies are needed to determine if a proposal conforms with Provincial legislation and the development may not proceed without them. Reducing or eliminating background study requirements would have the effect of placing the City in a position where staff and Council would not have all the necessary information to make an informed decision on the impact of the development on the surrounding neighbourhood, its adherence to Provincial and Municipal policy and legislation and whether it would result in the City taking on more long-term risk. In cases where there is an absence of critical information and the potential that a development may have a negative impact, staff would not be able to recommend approval. Staff have reviewed other municipal best practices and the City's complete application requirements are on par and in some cases less stringent than other comparatively sized cities such as Barrie and Kingston. As a result, Calls to Action that would see the City reducing or eliminating background studies are not supported by staff.

To streamline the development approval process and to reduce or eliminate the need for some background studies, the City is embarking on a number of policy and background study projects in its workplan. Projects such as the residential as of right zoning review and the industrial derisking work being undertaken by the City would see comprehensive policy changes that would facilitate development and remove the need for certain individual background studies. Staff also acknowledge that there are instances where the outcome of certain studies will not have a bearing on overall recommendations or where certain studies can be deferred until later in the process so proponents can have some certainty that the development can proceed before expending additional funds. In these cases, staff have been deferring these requirements to later in the development approval process with Holding Symbols or as conditions of approval. Staff will continue to explore opportunities to further reduce risk for the proponents in the development process, while protecting the interests of the City.

Some of the Calls to Action (Call to Action #1 and 24x24 #6) would see the City take on more risk by reducing or eliminating development deposits. Deposits are required for site plan and subdivision agreements to ensure that work is done to City specifications on infrastructure that will be assumed and

maintained by the City in perpetuity and also to ensure that work on private property is done to City development standards so that they achieve good urban design (e.g. landscaping, paving) and do not cause negative off site impacts (e.g. stormwater management).

For work that is completed on the City right of way, the deposits represent 100% of the anticipated cost of the work. This is to ensure that should the work commence, and the developer is unable to complete it, there are sufficient funds for the City to complete or repair the work. In the absence of deposits, incomplete work would have to be funded from the general levy. Deposits are reduced in phases as the work is completed, inspected and accepted by the City. Subdivision deposits are a performance guarantee of 15% of the value of the works within the future City road allowance prior to registration.

In the case of private sites, the City takes a deposit of 10% of the value of the onsite work and 100% of the landscaping work to an upset limit to ensure that it is completed in accordance with the approved site plan agreement. These deposits can be reduced if the cost to complete any uncompleted works or deficiencies is less than the deposit amount. Reducing or eliminating deposits prior to the work being completed and accepted transfers additional risk from the proponent to the City. In cases where off site work is not completed or not to standard, the lack of deposits would require the City to complete or repair the work and seek compensation from the developer or fund the work from the general levy. In the cases where on site work is not completed or is not to standard, it would require the City to enforce the site plan agreement through the legal system. To minimize financial risk to the City, staff do not recommend any Calls to Action to reduce deposits at this time. Staff will, however, continue to work with the development community to identify opportunities to streamline processes to return deposits where work has been completed in accordance with agreements.

Another theme in the Calls to Action (#27 and 24x24 #24) includes the empowerment of staff to make decisions on development applications. This is a broad Call to Action and encompasses several situations from officially delegating approval responsibilities, to staff to having staff make site specific determinations or judgement calls on standards in the field or over the phone.

In the context of delegated responsibility, this Call to Action would see Council delegate additional authority to staff for development approvals. In many cases, Council has already done this to the extent permissible under Provincial legislation to streamline the development approval process, most recently with the delegated authority for staff to approve by-laws for the removal of holding symbols and temporary uses. Staff will continue to review opportunities for further delegation and bring them to Council for consideration.

In the context of empowering staff to make decisions on development applications outside of delegated authority, this again raises the issue of shifting risk and liability from the developer to the City. In most cases, Provincial or Municipal legislation guides development approvals and requirements are clearly outlined. Complementing the legislation are a series of Council approved policies and guidelines that provide further clarity and certainty for the approval of development applications. There are instances where situations are not covered by legislation or policy and individuals at the City are required to decide on next steps. Depending on the nature of the issue this could require seeking direction from Council or it could require a modification to a by-law or policy. In minor instances it can be a judgement call on behalf of a person with the authority to do so, which typically rests at the manager or director level, where the individual has regard for the impact, precedent and risks associated with the decision.

Based on the above, staff do not generally support Calls to Action to broadly empower all staff to make development related decisions. However, staff will continue to work with development stakeholders to identify and find solutions to the situations that are driving these specific Calls to Action.

Communication

Many Calls to Action relate to improvements in communication between the City and the development community (Calls to Action #5, #6, #7, #8, #9, #11, #16, #17, #21, #25, #26, #30 and 24x24 #8, and #10). The improvements range from general communication of development activity, statistics, and good news stories to the more technical communication of changes in legislation and development application

requirements. Some of the Calls to Action include clarity from Council on their definition of success related to this Committee. These Calls to Action generally align with Staff's workplan and anticipated improvements to the Development Liaison Advisory Committee (DLAC) and regular development bulletins. Items outside of staff's work plan have been addressed in the matrix, with some of the work currently underway. Broadly speaking staff have been working to actively engage the development community on a project specific basis (e.g SPART), more generally through channels such as DLAC and via regular contact with stakeholders. This engagement has been beneficial to staff to gain an understanding on pain points within the development approval process and the general climate within the industry. In some cases, these discussions have already led to changes to policy or zoning regulations to address issues.

Good communication relies on both parties actively participating, and successful outcomes will depend on the City and development stakeholders being equally committed to improvements in communication. The City currently uses DLAC along with a variety of online platforms to engage the development community on changes to legislation and to gain feedback on development policy initiatives the City is working on. The City also regularly sends out a Building Bulletin via email to development stakeholders with updates. Some of the feedback on communication received during the Committee process revolved around development stakeholders not being aware of changes to Municipal or Provincial policy and legislation. Addressing this communication issue presents some challenges as it is not practical for the City to individually contact development stakeholders to advise them of policy or legislative changes, given how frequently they are occurring in the current environment. This is particularly true in the case of changes in provincial legislation (e.g. Building Code Act, Planning Act, etc.) where it is incumbent on private consultants to be aware of changes that are occurring to avoid any delays in the development approval process. The Implementation Plan contains several communication improvement initiatives that the City will be undertaking to tackle this issue and staff will continue to seek out formal and informal opportunities to improve the dialogue between the City and development stakeholders.

Service Level Changes Not Anticipated at This Time

One of the elements for evaluating the Calls to Action was to gauge whether they would require a change in service level, particularly additional staff or resources that would require Council approval as part of a future budget process. At this time, staff do not recommend any Calls to Action that will necessitate a change in service level. There are a few reasons for this, including;

- PRONTO is still in the early stages of use by Building Services and is in the process of being implemented for Planning Services. This e-permitting system will be transformational for development approvals in the City and the long-lasting impacts and improvements will not be fully realized until the system has been in use for a longer period. It is anticipated that some of the Calls to Action for additional staff positions may be addressed once development stakeholders and Staff are more familiar with the system. This can be monitored as part of reporting on the Action Plan and in regular meetings with stakeholders.
- Policy related Calls to Action are anticipated to be addressed through Staff's current workplan using existing resources.
- Some of the Calls to Action need to be further explored by Staff with the development community to identify the underlying issues. Upon further analysis business cases can be recommended later if necessary and the follow up work can be reported on as part of future reporting on the action plan.

Conclusion

The Future Ready Development Services Committee process resulted in a significant amount of engagement and feedback between industry stakeholders and City and other agency staff regarding the development approval process in Greater Sudbury. The input was synthesized into a comprehensive report that identified several Calls to Action for staff to review and develop recommendations and an implementation plan.

High level observations revealed through the analysis indicate that the City's current work plan is well aligned to address the issues identified in the Calls to Action, that there is more work to do to try and identify and mitigate risk in the development approval process and that improve communication will help to address

uncertainty and lead to better outcomes.

This report and appendices are intended to address Council's direction regarding the Calls to Action generated by the Future-Ready Development Services Ad-Hoc Committee. It is recommended that the report and matrix serve as the Council approved implementation plan. It is also recommended that Staff be directed to provide an update on the Calls to Action twice per year to the Future-Development Services Ad-Hoc Committee or Planning Committee, whose mandate covers most of the elements included in the action plan.

Resources Cited

Accelerating Growth and Development in Greater Sudbury: 2024 Report of the Future-Ready Development Services AdHoc Committee, presented at the May 1st Future-Ready Development Services AdHoc Committee: <https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=53242>