

ADMINISTRATIVE REPORT

Title: Public Engagement Regarding Land Development Applications

Critical Path: Standing Policy Committee on Property and Development, Heritage, and Downtown Development

AUTHORIZATION

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EXECUTIVE SUMMARY

The Land Development Application Notification Review (the “Review”) looked at ways to improve public notification of land development applications to ensure the process is as open and transparent as possible. The review investigated national practices with respect to land development application advertising, signage, and content, and collected input through public engagement. Land development applications include applications for variances, conditional uses, rezoning, and subdivision of land. The public is currently notified of land development applications through newspaper advertisements and/or on-site postings, depending on the type of application.

Members of Council, the public, and the Public Service recognize the importance of updating the public notification processes to reflect changes in residents' expectations and communications technology. Recommendations include updating existing notification methods and adding new notification methods to ensure more members of the public are informed about land development applications and the opportunities to participate in the process. The proposed updated notification methods reflect and recognize the different ways to reach the public to ensure residents are aware of the opportunities to provide input in land development applications that shape the future of their communities.

The proposed advertising toolkit and process improvements account for the results of the cross-jurisdictional analysis, the input gathered from stakeholders and the public, and internal feasibility meetings to discuss the needs and implementation of the Public Service in considering new and improved tools for notifying the public of land development applications.

A new Development Procedures By-law is being written and will be brought to Council for consideration under a separate report. The new Development Procedures By-law will improve clarity for all concerned parties surrounding the development application process, including communication restrictions and requirements in respect of public hearings.

The Public Service will look to operationalize the proposed advertising toolkit in accordance with the planned timeline and in coordination with the Development Procedures By-law Review.

RECOMMENDATION

1. That this report be received as information.

REASON FOR THE REPORT

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development approved the following motion:

That the Winnipeg Public Service be directed to provide a verbal update on the matter at its meeting on May 7, 2018, and that an extension of time be granted to its meeting on September 10, 2018, to report back on the following:

1. A cross jurisdictional analysis in the view of finding best practices for the public posting and advertisement of development applications, specifically with a view to improving the quality, attractiveness & accessibility of on-site signage, media advertising, including but not limited to such features as visual representations of the proposed development, plain language description, and appropriate City of Winnipeg and Corporate branding.
2. How the Planning, Property and Development Department, in collaboration with the Office of Public Engagement, can expand their required advertising toolkit to include social media, improve website advertisement of development applications and consider mandatory notification of development applications.
3. A review of the public hearing process with respect to all communication once a public hearing has concluded, by all stakeholders, including what role the Integrity Commissioner will have on these matters.
4. If and how any information with respect to public hearings can be made public prior to the 96 hour agenda publication requirement.
5. A way to communicate with Council and the public when a development application has been submitted to the City.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommended notification changes for a centralized land development webpage, improved applications map and online listing, and email notification of applications may require the reallocation of staff resources to coordinate updating of processes using existing programs and software.

Recommended notification changes for implementing postcard notification and improved on site signage, if implemented, will have an associated cost that will need to be included in the cost of those development applications requiring postcard and on site signage notification.

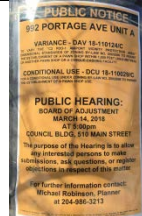

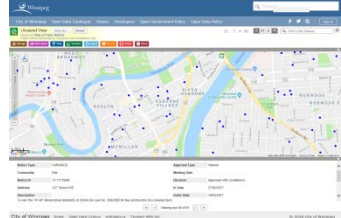
A new Development Procedures By-law to implement the intent of portions of the foregoing will be brought forward for Council consideration under a separate report.

The Public Service will look to operationalize the proposed advertising toolkit in accordance with the planned timeline and in coordination with the Development Procedures By-law Review.

HISTORY/DISCUSSION

Background

Land development applications discussed in this report refer to applications for: variances, conditional uses, rezonings, and subdivisions of land. Depending on the type of land development application, the public is currently notified by way of newspaper advertisements and on-site postings. The City of Winnipeg also hosts a development application website on the Open Data Portal for minor development applications (i.e. variances and rezonings). The table below provides details on current notification methods.

Notification Method	Type of applications	Required by:	Image
On site postings	Minor/major development applications (variances, conditional uses, rezonings and subdivisions)	The City of Winnipeg Charter	
Newspaper advertising	Major development applications (rezonings and subdivisions)	The City of Winnipeg Charter	
Website map	Minor development applications (variances and conditional uses)	Not applicable	

In recent years, several Canadian municipalities have updated their public notification processes for land development applications. These reforms have included the use of social media, enhanced web presence (e.g. interactive application maps and online access to application content), enhanced communications and greater clarity of communication through the use of plain language. The goal of these updates are to increase awareness of development applications and to better inform the public about the public hearing process and how they can engage in a process that helps shape the future of their communities.

Cross-jurisdictional Scan

The cross-jurisdictional scan focused on Canadian cities to determine practices that have been implemented to improve public notification of land development applications. Examples of effective communication in other jurisdictions include an easy to navigate and understand

website, the use of plain language descriptions and access to application information in advance of public hearings. Notification materials available in other jurisdictions also included clear specifications and guidelines for developers and residents. Full details of the cross-jurisdictional scan are available in Appendix A.

Engagement Process

Upon completion of the cross-jurisdictional scan, the Public Service sought to engage those who are most familiar with the topic to gather detailed feedback. Those consulted include community groups, land developers, builders, internal stakeholders and members of Council.

The overall purpose of that consultation was to determine what communication tools would most improve the land development application notification process. The Public Service also issued a public survey to gather input from all members of the public who may be interested in improved land development notification.

Through a key stakeholder workshop and the online survey, the Public Service gathered input on:

- current issues with notification;
- what matters most when developing plans to improve land development application notification; and
- where to target energy and effort towards improvements.

Participants indicated their highest priorities were:

- improved online materials;
- plain language text for notifications and communication materials; and
- more time for notifying the public ahead of a public hearing.

Most members of Council were engaged as part of this process to discuss their perspectives and priorities. Plain language text for onsite postings and mandatory notification for certain types of development applications were the highest priorities identified. Another key issue identified was the need for councillors to have more convenient/current information on live development applications.

Full details are available in the public engagement summary in Appendix B.

Engagement Activities		
Date(s)	Technique	Description
April 2018	Councillor Engagement Sessions	Engaged Councillors on their experiences with the current public notification process and comments on potential communication initiatives based upon the cross-jurisdictional scan
May 29, 2018	Webpage Launch	The website featured a timeline of the review, background, a frequently asked questions section, and detailed how the public can get involved in the review.
May 24, 2018	Stakeholder workshop	Held at Notre Dame Community Centre from 6 p.m. to 8 p.m. 13 stakeholders attended, representing residents groups, developers, non-profits, and architects participated in discussion. Phone calls were made to several stakeholders who could not attend the workshop but requested an opportunity to provide feedback.
May 29 to June 18, 2018	Online survey	318 surveys were completed by the public.

Proposed Advertising Toolkit

The proposed advertising toolkit is based upon the results of the cross-jurisdictional scan, the input gathered from internal stakeholders, external key stakeholders and the general public feedback. The table below provides brief description of the potential changes to the existing process.

Method	Recommended changes	Steps to completion	Timeline
Website	Centralize and reorganization of existing and new land development information. Easily accessible information, depending on service needs (resident or applicant).	Coordination and web development	2019
Plain language	Plain language on all notifications with reference to full legal information contained on the website. A plain language reference guide will be developed to ensure consistency and clarity.	Develop plain language guidance in consultation with Legal Services. Implement plain language on all notification documents (on site signage, postcard, online, emails).	2019
On site signage	Easy-to-understand language and details. Improved visuals (a sketch and site map). Information on how residents you can give input online or in person. Please see draft signage for discussion and further input in Appendix C.	Develop an implementation plan for improved on site signage, including policy for when, why, what size, and how on site signage will be used. (Amendment to the Development Procedures By-law)	2020
Mandatory postcard notification	Implement mandatory postcard notification for certain types of development applications. Postcards will be designed in consistency with on site signage.	Develop an implementation plan for postcards, including policy for when, why, and how postcard notification will be used. (Amendment to the Development Procedures By-law)	2020
Online map	Enhance the existing online map to include major applications and other filter functions to help refine searches.	Complete testing of major applications in AMANDA software.	2019
Online listing	Create online development application list. The listing provides a mechanism to communicate with Council and the public when a development application has been submitted to the City. Once the application is finalized, files are uploaded to the listing so the public can access application information.	Complete testing of major applications in AMANDA software. Develop listing using open data. Link list to online map.	2019
Email notification	Implement email notification “sign-up” for land development applications based on type and geographic location.	Complete testing of major applications in AMANDA software. Develop email sign up mechanism. Test email notification. Promote sign up.	2019
Social media	Posting notices of major applications to the City’s social media feeds.	Develop policy for when, why, and how social media will be used.	2019

Application Process

Improving transparency cannot be done through improved notification alone. The Public Service has identified possible amendments to the application process which would allow for early input from the Planning, Property and Development Department (“PP&D”) and guidance on required consultation for major applications, at the discretion of the Director of PP&D.

Upon receipt of a pre-application for major applications, the Public Service will have the opportunity to discuss the application and expectations around public consultation. After discussions with the applicant, the Public Service’s recommended changes to the pre-application and potential public consultation will be carried out by the applicant and an application will be submitted. Upon submission of the application, the application will be included in the online listing so the public and councilors may be aware that an application has been made. Once the application is finalized, the related documents will be posted online along with the listing. Following finalization of the application, a public hearing will be scheduled and notification using on-site postings, newspaper, postcards (if required), emails, and social media could be used to let the public know about their opportunity to get involved.

Public Hearing Process/Communication

A new Development Procedures By-law is being written and will be brought to Council for consideration under a separate report. The new Development Procedures By-law will improve clarity for all concerned parties surrounding the development application process, including communication restrictions and requirements in respect of public hearings.

Under the City’s Development Procedures By-law No. 160/2011, a hearing body cannot receive submissions after the conclusion of the hearing. All persons who submitted communication with respect to the application or who filled out a public representation form are notified of the hearing body’s decision or recommendation, in accordance with *The City of Winnipeg Charter*.

The role of the Integrity Commissioner is to assist Members of Council in understanding their ethical obligations under The Municipal Council Conflict of Interest Act, the Code of Conduct and any other by-laws, policies or Acts governing the behaviour of Council, to identify areas of possible conflict and to provide Members with advice on preventing conflicts and breaches of ethical conduct from occurring. The Integrity Commissioner is also responsible for investigating complaints made about Members of Council which relate to alleged violations of the Code of Conduct.

The Integrity Commissioner serves in an advisory/investigative role and does not have any formal involvement in the public hearing process before, during, or after a hearing has concluded.

Public Hearing Materials

All material with respect to a public hearing is available to the public as soon as an application is scheduled for a hearing. All public hearing files are available for viewing, in person, in the City Clerk’s Department. Included in these files are:

- Application and any supplementary supporting documentation provided by the applicant, which may include a letter of intent;

- Notification of Public Hearing;
- Manitoba Status of Title and letters of authorization (if applicable);
- Surveyor's plan; and
- Map of subject property/development plans.

In accordance with section 10(3) of the Procedure By-law No. 50/2007, all agenda material is provided to Council Members at least four business days preceding the committee meeting. As such, all agendas, including public hearing items, are published a minimum of four business days prior to a regularly scheduled meeting. The materials specifically pertaining to a public hearing that are published online on the Decision Making Information System (DMIS) include:

- Description of the premises affected;
- Winnipeg Public Service report;
- Complete listing of the exhibits that are included in the public hearing file; and
- Copies of the development plans

Options to address the question of whether information with respect to public hearings can be made prior to the current agenda publication requirements include:

1. Creating an online development application list, to be maintained by the Land Development Branch. This option would ensure that a listing is created once a public hearing has been scheduled and that each listing would include pertinent documents from the public hearing file in a more accessible format.
2. Changing the agenda publication period for public hearing items. This option would entail an amendment to the Procedure By-law No. 50/2007 by requiring the public hearing portion of an agenda be published prior to the regular portion of an agenda. This would condense the preparation period for the Winnipeg Public Service by requiring extra time for posting. The main impact for Council and members of the public would be the additional days to review the report and application information.

If no changes are made to the current process, all information with respect to public hearings will still be available to view in person as soon as a hearing is scheduled.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 3, 2018

Project Name:

Public Engagement Regarding Land Development Applications

COMMENTS:

There are no financial implications associated with this report.

"Original Signed By"

Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with: City Clerk's, Legal Services (as to legal issues), and Customer Service and Communications

OURWINNIPEG POLICY ALIGNMENT

Implementation of OurWinnipeg and the Complete Communities Direction Strategy (CCDS) is critical to reaching the vision of these documents. CCDS calls to implement OurWinnipeg, through a set of enabling tools. These tools will be responsive, address needs in an effective, timely and collaborative manner and will ensure that planning is accountable, transparent, and directed towards priorities set by city council.

The Complete Communities Direction Strategy represents a shift in direction that reflects the important partnerships and positive relationships the City of Winnipeg has with the stakeholders who will ultimately be building our communities.

These recommendations further meet a key policy direction within our Implementation section of CCDS that encourages the Public Service to assist in "*Better informing and engaging the community by providing additional, timely details on proposed development projects*".

SUBMITTED BY

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Division: Real Estate and Land Development
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Clerks

Date: August 3, 2018

File No: O:\REPORTS DIRECTIVE\LAND DEVELOPMENT, GEOMATICS AND LAND INFORMATION SERVICES\LAND DEVELOPMENT\2018-08-02 - LAND DEV APP ADMIN REPORT - FINAL.DOCX

Attachments:

Appendix A: Cross-jurisdictional analysis
Appendix B: Public Engagement Summary
Appendix C: Draft revised on site signage



Land Development
Application Admin Rep



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