



**City of Kingston  
Information Report to Planning Committee  
Report Number PC-18-064**

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**To:** Chair and Members of Planning Committee  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** September 20, 2018  
**Subject:** Additional Opportunities for Public Participation in the Planning Approvals Process

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**Executive Summary:**

To address a motion passed by Council on March 1, 2016, staff undertook a review of the City's public consultation process to ensure that there were opportunities for the public to provide meaningful feedback on *Planning Act* applications that are presented at Planning Committee meetings ([Report Number PC-17-071](#)). Applications for amendments to the Official Plan, zoning by-law(s), the Community Improvement Plan and Draft Plans of Subdivision are considered by the Planning Committee (which holds Public Meetings required by the *Planning Act*), and ultimately, by Council. Consultation with other Ontario municipalities was also undertaken to better understand local approaches to public participation in the planning approvals process.

Based on the outcome of the review, a new process was rolled out on December 14, 2017 which introduced an additional opportunity for the public to provide oral comments on *Planning Act* applications at the time comprehensive reports were presented before the Planning Committee. Prior to this change, members of the public were provided an opportunity to provide oral comments at Public Meetings only. Only Committee members could ask questions of staff at the time comprehensive reports were presented.

In order to further enhance public participation in the planning approvals process and to better integrate it with the City's Public Engagement Framework, staff are considering adding an open house event to the public consultation process for complex *Planning Act* applications. The purpose of this report is to seek feedback from the Committee and the public on this approach.

**Recommendation:**

This report is for information purposes only.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required

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**Options/Discussion:**

On March 1, 2016, Council passed the following motion related to enhancing public participation in the planning approvals process:

**“Whereas** City Council has identified open government and transparency as council priorities; and

**Whereas** the *Planning Act* identifies that procedural fairness as a Fundamental concern (Section 61); and

**Whereas** the Coalition of Kingston Communities identifies a need for “procedures that ensure compliance with the *Planning Act*, manifest procedural fairness, and include enhanced engagement opportunities”; and

**Whereas** best practices in Ontario municipalities include an initial Public Meeting and a final, Statutory Public Meeting at the time of the Comprehensive Report and proposed draft by-law;

**Therefore Be It Resolved That** staff review the community consultation practice associated with development applications in order to achieve an approach that ensures the voice of the community is considered by Council in its planning decisions; and

**That** this review process include other municipal practices, start with a public consultation meeting, and also finish with a public meeting to enable citizen review of proposed policies or bylaws before Council adoption of recommendations.”

Staff hosted three focus group sessions in April 2017, followed by a Non-Statutory Public Meeting to present options with respect to improving public participation within the City’s planning approvals process ([Report Number PC-17-060](#)). Consultation with other Ontario municipalities was also undertaken to better-understand other local approaches to public participation in the planning approvals process. Based on the review of the options and the feedback received, staff developed a recommendation to introduce an opportunity for the public to provide oral comments on *Planning Act* applications at the time comprehensive reports were presented before the Planning Committee. The staff recommendation received Council approval on October 3, 2017. This recommendation took effect at the Planning Committee regular meeting held on December 14, 2017. Prior to this change, members of the public were provided an opportunity to provide oral comments at Public Meetings only. Only Committee members could ask questions of staff at the time comprehensive reports were presented. Allowing members of the public to speak when the comprehensive report is presented to the Planning Committee was intended to permit additional opportunities for public participation at the later stages of the planning approvals process, and to help better inform a planning decision.

In order to further enhance public participation in the planning approvals process, staff are considering adding an open house event for complex *Planning Act* applications. The purpose of

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this report is to present a draft approach and seek feedback from the Committee and the public on this approach.

### **Proposed Open House Approach**

The City's planning approvals process, following the legislated requirements of the *Planning Act* and associated Ontario regulations, generally involves two presentations of an application before the Planning Committee and the public. The first presentation is a Statutory Public Meeting, followed by a presentation associated with a comprehensive report. In both instances, members of the public can provide oral comments.

Adding an open house for complex *Planning Act* applications, such as those for large scale multi-unit residential, institutional, commercial or industrial developments, would provide the public with an additional opportunity to review application materials, ask questions and provide meaningful feedback. This will also allow additional time for the applicant to make any modifications to the application, as necessary, before a draft by-law is presented at a Public Meeting.

Any person may attend the open house to discuss their comments and concerns. The open house would be the first opportunity for public consultation on a complex *Planning Act* application, as opposed to the current approach where the Public Meeting is the first opportunity. Comments received as a result of the open house will be summarized in the Public Meeting report.

Staff have developed the following preliminary approach related to open houses:

- The open house process would only apply to complex *Planning Act* applications, to be determined by staff on a case-by-case basis at the time of pre-application. An open house will not occur for every *Planning Act* application.
- The open house would be hosted by the applicant with support from City staff.
- The purpose of the open house would be to improve public understanding of the application, hear comments and concerns, and provide technical clarification on the application.
- The format of the open house would be an informal drop-in setting and could feature display boards on the various aspects of the proposed development, for example urban design, traffic, etc., provided by the applicant. There would be no formal presentation. Comment forms could be provided to obtain feedback.
- An open house, where planned, would typically be held on the first and third Thursdays of each month (same night as the Planning Committee), prior to the Planning Committee meetings. The open house would be held in Memorial Hall, City Hall.
- A Public Meeting on the same application would be held on a separate night than the open house.
- A courtesy notice of an open house could be provided by mail or email and posted on the City's website.

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**Relationship to Other Provincial and Municipal Initiatives**

On March 5, 2015, the Province introduced Bill 73, the *Smart Growth for Our Communities Act, 2015*, to amend the *Planning Act* and the *Development Charges Act*. Bill 73 received Royal Assent on December 3, 2015. Some amendments to the *Planning Act* came into force on the date when Bill 73 received Royal Assent, and the remainder came into effect on July 1, 2016. A number of the amendments to the *Planning Act* and the associated regulations were intended to support enhanced public engagement and to ensure that public engagement in planning matters was better recognized as part of the statutory decision making process.

Some changes introduced by the Province included a requirement for municipalities to include public consultation policies in their Official Plans, and a requirement for applicants to submit a public consultation strategy as part of a complete application for amendments to the Official Plan, zoning by-law and plans of subdivision. The purpose of these changes to the *Planning Act* was to highlight the importance of public participation, to provide the public with greater certainty regarding how they will be engaged in the planning approvals process, and to provide municipalities with the opportunity to create locally-tailored public consultation policies. In line with the changes, amendments were made to the City's Official Plan through the five-year review to incorporate new policies related to public consultation in Section 9.12.4. Accordingly, a public consultation strategy is now required to be submitted for the application types noted above. The public consultation strategy is required to satisfy the minimum requirements of the *Planning Act*. Any additional public consultation proposed beyond what is required by the *Planning Act* is required to be included as part of the application submission. The Official Plan policies also state that the City may require additional public consultation measures in order to deem an application complete, determined on a case-by-case basis. The policies encourage proponents to hold accessible community meetings in addition to the Statutory Public Meetings in order to explain the details of the development proposal to the public. Adding an open house event for complex *Planning Act* applications aligns with these changes.

In 2017, the City developed a [Public Engagement Framework](#) to identify opportunities to support a clear, fair and collaborative public engagement process. The Public Engagement Framework was endorsed by Council on October 3, 2017. The framework outlines: realistic expectations for engagement; key principles to guide public engagement; roles and responsibilities for employees, residents, stakeholders and Council; an approach to planning public engagements; and tools and techniques. The framework is intended to provide a structure that establishes consistency and an open process for public involvement and more informed decision making.

While the Public Engagement Framework applies to the Planning Division, the planning approvals process has specific rules and regulations that must be complied with to meet Provincial requirements established in the *Planning Act* and associated regulations. However, staff recognizes that public participation through the *Planning Act* approvals process is only one method for the public to provide input on planning matters. Adding an open house for complex *Planning Act* applications will complement and enhance the level of public participation in the planning approvals process and also help to better integrate the planning approvals process with the City's Public Engagement Framework. This approach also reinforces the City's

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commitment to transparency and citizen engagement as an initiative under its Open Government priority.

**Next Steps**

Public participation is an important part of the planning approvals process. Staff are committed to enhancing this process by providing the public with meaningful opportunities to offer input on *Planning Act* applications. Adding an open house for complex *Planning Act* applications would allow the public to provide feedback at key intervals during the planning approvals process. Staff will consider and review any feedback received at this meeting and a recommendation report will be prepared and presented to the Planning Committee at a subsequent meeting.

**Existing Policy/By-Law:**

*Planning Act*, R.S.O. 1990, c. P.13

City of Kingston Official Plan

**Notice Provisions:**

Not applicable

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

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**Other City of Kingston Staff Consulted:**

Not applicable

**Exhibits Attached:**

Not applicable