

# Addressing Public Objection: Lessons for Meaningful Engagement from Lac du Bonnet

**Callan Cooper**

*University of Manitoba*  
MCP Candidate

**Jennifer Lim**

*Threshold Planning Studio*  
MCP, RPP

## ABSTRACT

Public engagement is critical within the practice of city planning to; 1) Properly address public objection and 2) Allow for all voices in a community to be heard. This Case-in-Point explores a project at 287 Wendigo Road in Lac du Bonnet, Manitoba. The project proposal was for a “travel trailer park and tourist camp” to which the developer neglected to partake in any form of community engagement. This neglect in engagement initiatives fueled community opposition. An appeal was made by the objecting party which resulted in the planning board ultimately rejecting the rezoning application and the residents winning the appeal.

This case presents lessons such as: acting in good faith, focusing on clarity and clear language, and providing different means of engagement. These lessons can be followed within planning projects, in any city, to help improve relationships and allow for meaningful participation in community planning and the greater decision-making process.

# INTRODUCTION

Meaningful engagement is imperative for a successful planning practice. Engaging residents provides opportunities for people to actively participate in the formation of the physical land around them. Public consultation allows for voices to be heard, rather than being dismissed.



FIGURE 1 | Community Consultation Meeting

Public objection is a prominent aspect within community planning as residents needs vary from individual to individual. These oppositions must be recognized and genuinely respected. Early and continuous public engagement helps ensure that decisions reflect the public needs (Nabatchi and Amsler, 2014). Engagement initiatives are often by-passed due to time constraints or as an attempt to increase efficiency, however commencing too quickly, without sufficient involvement from the affected groups and interests, often leads to a less efficient planning process (Lieske, Mullen and Hamerlinck, 2009).

**“There is typically no meaningful analysis of public objection. No meaningful analysis of public objective places the objecting public in stereotypical roles vastly diminishing their reasonable concerns; thereby reducing the potential that their concerns will be heard, and that the development will be stopped. There is also a lack of easily accessible resources and free representation”**

— Jennifer Lim, 2021



FIGURE 2 | Your Voice Matters

## Understanding Public Objection

It is important to first understand where public objection stems from. Before expelling a steady stream of newsletters, fact sheets, and brochures, and before setting up meetings with any neighbour, ask yourself, “Why are citizens opposed to this project?” (Stein, 2008). Public objection is common as many people are naturally reluctant to change in their neighbourhood, often due to a lack of information and understanding between the parties involved. Opposition based on misinformation can be relatively easy to overcome through meaningful outreach such as providing adequate information on the project proposal.

Nonetheless, it is important to understand that providing an abundance of public information is not always the correct way to appeal to, and engage community residents. It is important to actively involve them in the process rather than solely projecting information. Residents want to be involved and want their voices to not only be heard, but listened to. Meeting the emotional needs of community members is a critical part of community engagement. Opponents often rely on emotional persuasion, whereas developers often use logical persuasion to convince citizens that a project will not harm their interests (Stein, 2008). The best outreach initiatives are those that effectively, and simultaneously, use both logical and emotional persuasion.



# THE CASE

This case-in-point focuses on a project with Threshold Planning Studio in Winnipeg, Manitoba. A proposal for a development at 287 Wendigo Road in Lac du Bonnet (Figure 3). The current zoning for this site was SR (Seasonal Recreation Zone) and the developers were wanting to rezone the site to SRG (General Recreation Zone) in order to permit a "Travel Trailer Park and Tourist Camp." The Travel Trailer Park and Tourist Camp was to allow 8-10 campsites and 1 rental cabin. Initially the proposal was for a wedding venue; at the Appeal Hearing the Proponent altered the proposal, removing the event venue use and restricting the scope to yearly rentals for travel trailers. The developer noted that up to 37-trailers could be placed on-site; the amended proposal was for 10 trailers and the cabin would become a full-time caretaker's suite.



**FIGURE 3** | The Site Boundary Lines at 287 Wendigo Road

## Representing the Residents

Threshold planning studio represented the residents in the appeal. Sufficient objection to a public hearing held on November 25, 2020 triggered an Appeal process. Prior to the public hearing in November, there had been no attempts made by the developers to engage the area residents in consultation. This lack of engagement caused residents to question whether the developers pattern of conduct would be any different if the rezoning was confirmed. Threshold Planning Studio presented to the Municipal Board asking how this proposal "serves the residents of the adjacent area"? and how will it "not create a nuisance or hazard to nearby residential neighbourhoods"?

Threshold Planning Studio had also sent a detailed letter with questions for the developers based on the concerns of the opposing residents, but received no response.

## Legal Appeal Process

If Council is challenged by the public, they have no course for appeal to the Municipal Board. They must challenge the decision to the Court, in which case a judge will review the decision. A person may make an application to the court for a declaration that a by-law or resolution is invalid on the ground that:

- (1) *the council acted in excess of its jurisdiction;*
- (2) *the council acted in bad faith;*
- (3) *the by-law is discriminatory; or*
- (4) *the council failed to comply with a requirement of this or any other Act or the municipality's procedures by-law.*

The planner must ensure that they are thorough for the appeal process to make sense. It must be broken down into its fundamentals for the judge to review. These concerns for the proposal at 287 Wendigo Road were broken down and presented to the Municipal Board.

## CASE RESULTS

Threshold planning studio was informed on March 19, 2021 that the Planning Board rejected the rezoning application for 287 Wendigo Road, meaning that the area residents won their appeal. This outcome was unexpected according to Threshold's principal planner, Jennifer Lim, but was positive news for Threshold Studio as their client, and the neighbours, won the appeal.

This case study shows that due to the lack of initial engagement with the surrounding community from the developers wishing to rezone and continue with their proposal, it ended up not going through.



**FIGURE 4** | Aerial View of the Site at 287 Wendigo Road

# LESSONS LEARNED

The application for 287 Wendigo Road provides learning opportunities for other planning firms in relation to public consultation, engagement initiatives and representing the land rights of opposing citizens. Some of these lessons include:

## Acting in Good Faith

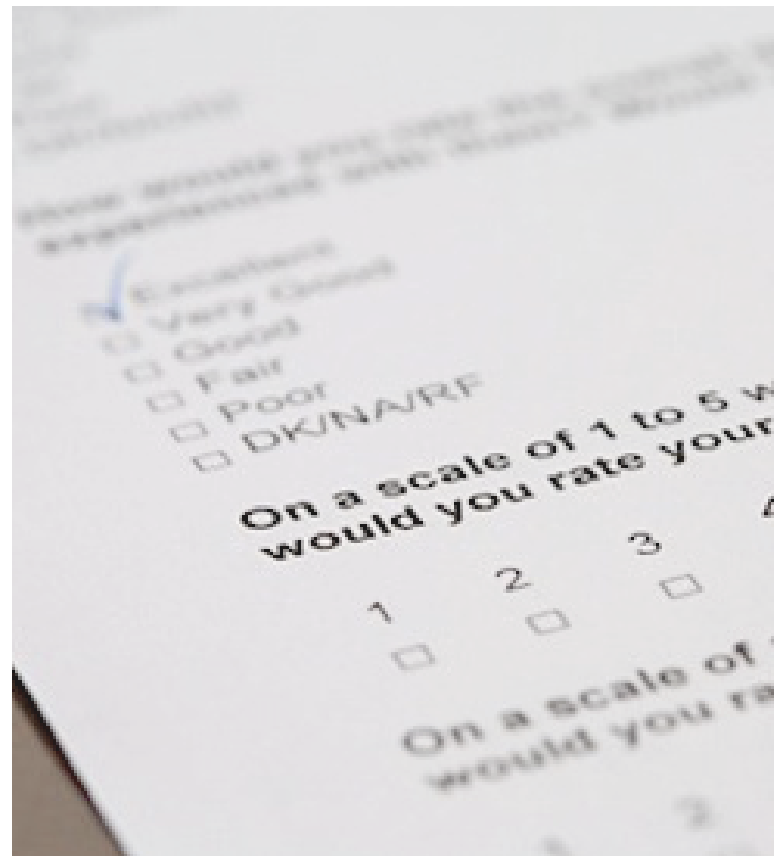
This case study shows that opposition would likely have been present regardless of meaningful consultation. Effective consultation could have mitigated the opposition, and, even if it did not, it would show that the developer had acted in good faith. Acting in good faith refers to the concept of being sincere in one's business dealings and without a desire to defraud, deceive, take advantage of, or in any way act maliciously towards others (upcounsel, n.d.). This same principle must be executed by planners as they engage in the planning process. Threshold Planning Studio acted in good faith as they represented the rights of the opposing residents while also providing opportunities with an adequate time period for the proponent to provide their defense.

## Clear Language and Clarity

Planners, developers, and anyone else involved must ensure that clear language is used so people understand what the current situation is, and what changes might occur. Participatory planning outcomes largely reflect a shortfall in communication in the planning process (Cook et al, 2012). This case study shows a shortfall in communication in general, however it would have been imperative for the developer to use clear language to appeal to the opposing residents. Clear language is also important when presenting to Council.

## Provide Meaningful Methods

Though the developers proposing the rezoning at 287 Wendigo Road did not provide any means of engagement whatsoever. If they were to have engaged the community in some way, it would have been beneficial to have included various methods to appeal to a wide variety of residents. For example Figure 5 shows an image of a public survey which may appeal to various people, some who perhaps may feel more comfortable writing down their thoughts in confidence, rather than through public speaking. Public meetings, door-to-door canvassing, site visits, are a few other examples of how consultation could be developed. By providing these types of outreach, it allows for



**FIGURE 5** | Image of a Survey Used for Public Consultation

people to become more involved. When residents are simply handed a newsletter explaining a development proposal that is currently moving forward, is when opposition generally worsens.

## Establishing Provincial Guidelines for Public Engagement

Much has been written on the concept of NIMBYism, but that term has been largely employed to discount residents' objections whenever they object. It is important to understand that the Planning Act in Manitoba has no guidelines for the public to understand their role. Equally, under the Act, there is no requirement for Public Engagement. This is likely why the developers of 287 Wendigo Road did not engage in consultation. We can compare this against the Planning Act of other provinces such as Ontario, which seeks high levels of community consultation (Lim, 2021). There are guidelines in other provinces that assist that process. No such process is acknowledged in Manitoba.

This is perhaps the most important take-away from this case study as the best thing for opposing residents in Manitoba is to have that appeal process that residents in Lac du Bonnet had. If there is no public hearing and council signs off on it, then there is essentially nothing for residents to do to stop land uses.

# CONCLUSION

Public objection is present in almost all planning processes. Planners must acknowledge any opposition and ensure that all voices are heard, and property rights are protected. Meaningful engagement is critical to addressing those concerns of a community. The best practice is first understanding where any opposition is coming from, and then to engage area residents to determine what concerns residents might have in advance of formal application, and, if any measures could be taken to address any potential land use conflicts.

This case study at 287 Wendigo Road in Lac du Bonnet provides significant lessons for planners, developers, and governments to follow during development proposals or changes in land use. Public engagement should be conducted early in the planning process and should be clear to stimulate public thinking and address any objection. It is critical that various methods of engagement are used to hear the voice of each individual who may have concerns. We know that because the Province of Manitoba does not require public engagement under the Planning Act, community opposition is often disregarded in the province. The appeal in this case study was the best thing for this community and shows the importance of good faith and respect for opposing parties. Other communities, planners, and developers can learn from this case for addressing public objection and future community engagement.

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## Image Resources

**Cover image:** Retrieved from <https://www.completecommunitiesde.org/planning/inclusive-and-active/intro-pe/>

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