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JOURNAL

A photograph of a person riding a bicycle on a paved trail. The person is wearing a dark green sleeveless shirt, shorts, and sunglasses. The trail is paved and has yellow lines. The background is a lush green forest with tall trees and grass. The person is riding towards the camera.

Trail-making

Celebrating 15 years
and 50 projects

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ONTARIO PROFESSIONAL PLANNERS INSTITUTE
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Canadian Institute of Planners

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ONTARIO PLANNERS:

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Trail-making not for the faint of heart

Kate Harries



Photo: Simon Wilson Photography

Residents of the Frontenac condominium on Kingston's waterfront weren't too pleased when they learned that the federal government was transferring a strip of land in front of their building to the city. Worse, the Lake Ontario Waterfront Trail would be coming through. They worried about aesthetics, trespassing, vandalism, noise and loss of privacy. "They really didn't want it," Kingston parks planner Kris Hebert recalls. Negotiations took several years and weren't easy.

The trail was completed last year. The result: good feelings all round. "We have not had any of the problems that some people anticipated," says condo corporation president Carolyn Holden. Instead, the trail has increased residents' use of the waterfront and enriched their enjoyment of the lake.

"To me it's just a delight," Holden says. The passing parade starts in the dark of the morning and includes joggers, cyclists, dog walkers, even a group of young mothers who exercise carrying their babies. "I'm just amazed at the number of people that walk every day. It delights me to see the ages and the sizes of the people that walk."

Another link in the chain, another group of converts to the idea of public access to the waterfront. This year, the Waterfront Regeneration Trust, established to start implementing the recommendations of David Crombie's Royal Commission on the Waterfront, will celebrate 15 years of trail-making.

50 projects soon to be completed

There's a lot to celebrate. By March of this year, 50 projects on the waterfront trail, part of an innovative partnership led by the Trust, will have been completed. They range from major bridge connections to waterfront park improvements to habitat restoration proj-

ects. This fall, progress will be reviewed at a major conference hosted by the Waterfront Regeneration Trust and the Canadian Urban Institute.

What started in 1988 as an examination of the sad state of Toronto's waterfront widened to encompass the surrounding ecosystem and now links 41 municipalities, spanning 650 kilometres along the Canadian shores of Lake Ontario, up the St. Lawrence River to the Quebec border.

Crombie made a trail the central element of his vision for the regeneration of the shores of Lake Ontario—a way of tying together the waterfront's disparate attractions and creating a sense of community stewardship. Buttressed by green corridors, the trail would provide habitat for wildlife and restore the spirits of urbanites divorced from nature.

"That idea was not just bike and hike, but to revitalize waterfronts both ecologically and economically," Crombie recalls. Former Toronto mayor, former federal cabinet minister, president and CEO of the Canadian Urban Institute and founding board member of the Waterfront Trust, Crombie remains enthused by the potential the trail has unleashed and ponders new areas to take people and the greening that follows.

Quick wins provided momentum

A great deal was accomplished early on. In just three years, from 1992 to 1995, the trail from Hamilton to Quinte West was opened. Since then, the project has stretched across Niagara and into Eastern Ontario. In many cases it has been able to bring its vision of a sustainable waterfront to areas where public access had already been secured. Cornwall, for instance, was able to capitalize on a transfer of federal lands in the 1970s, and chipped away over the next two decades as property became available. The last link to the

eastern boundary was completed recently. There were some objections from nearby property owners, planning manager Steven Alexander says. "It got a little touchy a few times, but the majority of the council hung tight with it as an objective." The city was able to persuade residents that "we're in the business of building a good-quality path, we're not in the business of ruining people's property," and now a multi-purpose trail runs along all 16 kilometres of Cornwall's waterfront.

Elsewhere, the obstacles have proved more of a challenge. Oakville is a case in point. Since the mid-1970s, the town has required dedication of a 15-metre strip along the water's edge as a condition of development. Once hailed as forward-looking, the policy has resulted in short discontinuous stretches, making the trail a disappointing experience as most of it follows Lakeshore Rd.

While Oakville has many beautiful parks, an excellent system of connecting trails through the river valleys and two vibrant harbour communities, people want more: trail users want continuity, and neighbourhoods want to retain the ecological function of the waterfront spaces that remain. That became clear in 2003, when Metrus Developments applied for permission to build 1,000 high-rise condo units on the Shell House lands property—now known as Palm Place—an 8-acre site at the Burlington border.

Residents of the surrounding Bronte neighbourhood rose up in outrage to try to save the lands as wildlife habitat—it is a significant migratory bird stopover—and public open space. In 1991, Crombie had ranked the site as the highest priority of eight green nodes along the trail. The official plan designation was for waterfront urban, with potential for 27 homes on the west half of the site; the east side was designated private open space.

The Crombie vision was frequently invoked during a seven-week hearing before the Ontario Municipal Board, which made the final decision, choosing an option that had been negotiated earlier as a compromise by planning services director Peter Cheatley and rejected by council. It provided for three buildings up to eight storeys with a total of 300 units. In exchange, the town got the eastern half of the site as well as the waterfront trail.

Cheatley views the outcome as the best that could be achieved, a significant acquisition of a waterfront park for no cash outlay by the town against a background of earlier deals with the developer

to save parkland in an adjoining subdivision. Others consider high-rises on the waterfront a tragic loss. "I'm very bitter," says Laurie McGinn of the Bronte Village Residents Association. "It just shows me who is in charge of development in Ontario. You can't fight them. Money talks." Among those who paid a price: Ann Mulvale, Oakville's mayor for 18 years. She opposed Palm Place, but public dissatisfaction over that and other development issues is generally held to have been a factor in her November election defeat.

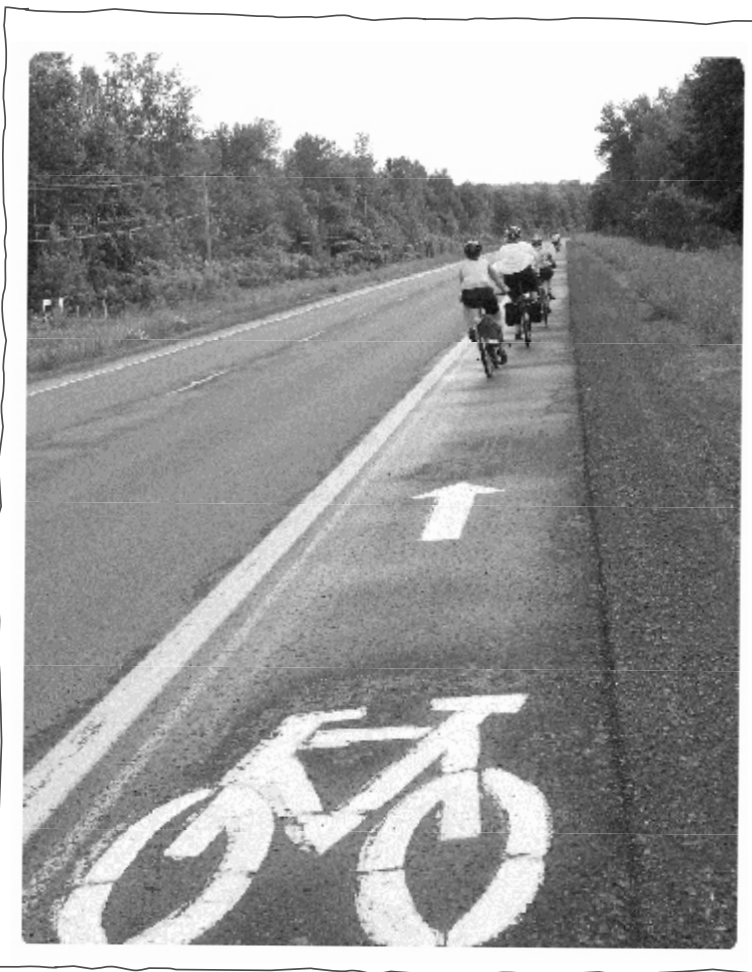
Meanwhile, Cheatley warns that the municipality's 15-metre walkway policy is facing a challenge from the town's eastern waterfront. This is where the rich live (one 48,000-square-foot mansion is said to be the largest house in Canada) and where the owners of an 18-acre estate that's being split into smaller parcels are appealing the trail dedication to the OMB. "They don't like the condition," Cheatley says. "The people who own waterfront lots want waterfront. They don't want the public walking around through there. It's been a struggle all along to implement the policy . . . and it's not changing. In the Palm Place situation, we got it because it was part of a bigger package that was going on."

Policy-making put to the test

Most municipalities with Lake Ontario frontage now have development-triggered trail policies, viewed by many developers as an unwarranted infringement on their power to maximize the return on lakeshore frontage. But a new generation of developers sees the creation of a community resource as a way of increasing

the value of a larger number of properties.

Cycling across the town of Lincoln is testimony to the old ways. The lake is distant and invisible as most of the waterfront trail runs by the QEW along the North Service Road, an uncomfortable ride in fast-moving traffic that has been mitigated by the installation of paved shoulders by Niagara Region. Prudhommes is an urban development in which the first phase, completed a few years ago, provided no access. A second phase, however, will give Lincoln its first lakefront walkway. The difference, says town planner Kathleen Dale, is that the first time, the developer had approval for an old plan of subdivision and refused any change. Now, "we've got policies." Gateway Centres of Toronto are the developers for the second phase. "They have a different way of looking at things. They see that's a marketing tool." Gateway's John Coome agrees. "We're



Photos: Simon Wilson Photography

The Trust's goal is to eliminate gaps in the trail

trying to keep it as natural as we can,” he says of plans for the Prudhomme waterfront.

The desire for exclusivity or financial gain may be among the more potent obstacles to the trail’s progress along the water’s edge, but it’s far from the only one. It took Mississauga 12 years to negotiate a 1.4-km stretch over a brownfield site owned by Imperial Oil. The issue was a remote possibility that underground contaminants could migrate to the area used by the public, and the level of risk the city and company were prepared to assume. Defining the risk and educating decision-makers took time. (Editor’s note: see the article on risk assessment on p. 39.)

“With all the studies we’ve done, our assumption is nothing will happen,” says Bruce Carr, director of strategic planning and business services. “But you can’t guarantee that.” The two sides agreed that if the problem did arise, they’d close the trail. But that still proved to be a hurdle for Imperial Oil, because they would be seen as not wanting people on their site. “Well, they didn’t have to have to open up the site in the first place,” Carr notes.

As the negotiations dragged on for a decade and more, Carr would on occasion wonder whether the effort was warranted—but local Councillor Carmen Corbasson would always insist that it was. “She wouldn’t have let me stop it,” he confesses. When all sides finally signed off in 2005, the trail got built in a record four weeks as city officials rushed to put it in place before any one reconsidered.

Another link in the chain

It’s that continuity that’s critical to the healthy functioning of the trail and greenway, says Marlane Koehler, project director for the waterfront trust. “When we survey, 90 percent of the people want a continuous trail, that’s how overwhelming it is.” A major complaint relates to the Scarborough gap, a 22-kilometre break where there’s no safe way to get from the Beach to the Rouge Valley. The gap negates Crombie’s vision of an ecosystem-wide transportation corridor and denying unmotorized access downtown and cross-city to a vast section of Torontonians.

The opening last fall of the first phase of the Port Union waterfront park took a 3.6-km bite out of the gap but for now the trail has no connections at either end. Taking the trail through Scarborough along the shoreline below the bluffs is going to be top priority for the Waterfront Trust, Koehler says.

Meanwhile, the trail builds on its own momentum. Great projects lie ahead. Between Port Hope and Cobourg, a citizens’ group is working on getting the trail off the highway and along the waterfront. Belleville is looking at ways of making trail connections to Quinte West and Napanee. Hamilton has plans for a pedestrian bridge over the QEW, linking the Red Hill trail to the waterfront trail.

“We’d like to make this connection a bit of a signature element,” something similar in terms of visual impact to the Humber River bridge in Toronto, says Rob Norman, the city’s manager of open space planning and park development. In Burlington, a 132-

metre pier will stretch out into the water so people can enjoy views of the lakefront from the lake, the crowning glory of that city’s ambitious waterfront renewal. “It’s been quite an endeavour,” says Ross Stephen, who started with the city in 1973 and is now contract manager for the downtown waterfront project. “It will continue to evolve and change—nothing ever stays the same for ever. But right now we have been able to achieve the foundations and the major highlights.”

Principles that work

Green, clean, connected, open, useable, accessible, affordable, diverse, attractive: these nine principles, gleaned from public hearings, adopted by the Royal Commission in 1991 are enshrined in the official plans of many waterfront municipalities. The bar has been set high, the scope of the project has doubled and the first 15 years have been marked by many successes and some disappointments.

“Years ago when we started the trail, it was clear to us that it would take a long time,” Crombie says. “We also knew that the important thing was to get the trail constantly moving, even if it was not the final destination. In time, if you kept your eye on the ball, long-term and a new generation was interested in doing it, opportunities would present themselves for the trail to get better and better.”

Constant attention to renewal and hope are crucial, he adds. “If you look at where we’ve come and look at the successes, the setbacks will be put in better perspective—and they’re not for ever.”

Kate Harries is a Toronto-based freelance writer. Look for details for the forthcoming conference celebrating 15 years of trail-building in the Billboard.

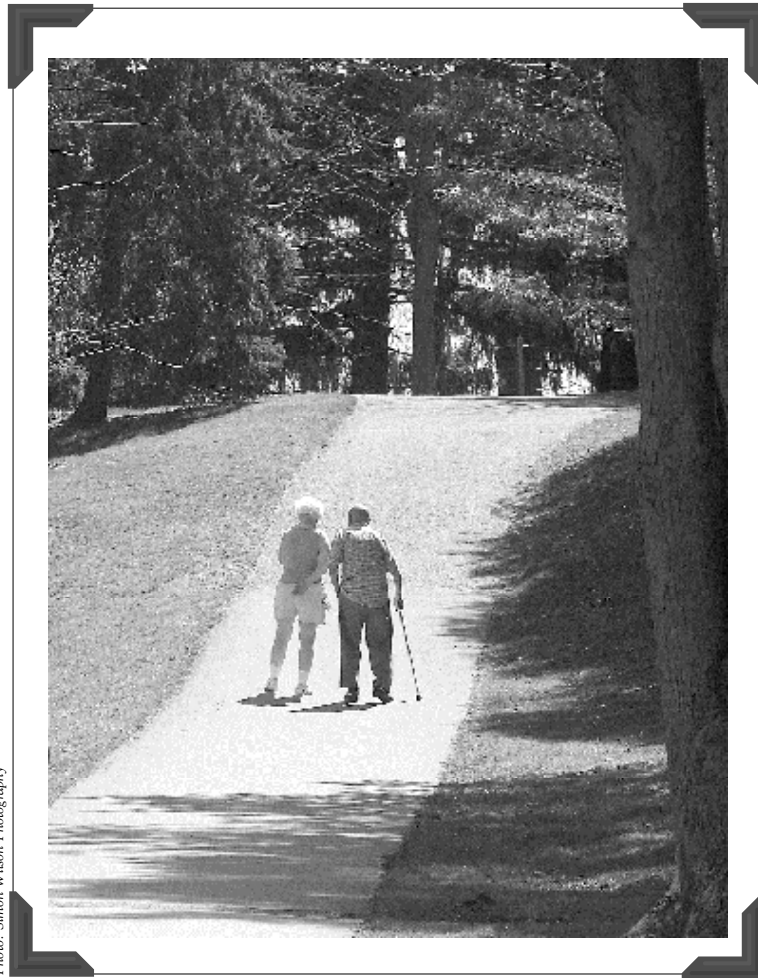


Photo: Simon Wilson Photography

Trails attract all ages

PIR Wins Big

Ontario recognized by APA

Brad Graham



Growth Plan places priority on transit infrastructure

I am pleased to share the news with you that the Growth Plan for the Greater Golden Horseshoe has received the American Planning Association's 2007 Daniel Burnham Award. The Growth Plan is the first plan from outside the United States to win this prestigious award, which is given to the plan that best illustrates progress, community benefit and contribution to the advancement of the planning profession.

This recognition provides a good opportunity to reflect on how we got here and to

look forward to the work that we need to do together to ensure that Ontario's communities continue to be vibrant and well-planned.

When Ontario began the development of a Growth Plan for the Greater Golden Horseshoe, we were fortunate to be starting from a place of strength—a sophisticated planning regime and a strong cadre of planners. The contribution of your time, expertise and guidance was invaluable to the development of this plan. We were also able to draw upon the best practices in growth planning and leadership of over 200 other jurisdictions around the world. Now, with the adoption in June 2006 of the Growth Plan for the Greater Golden Horseshoe, we are seeing these and other jurisdictions looking to Ontario as a model for managing growth.

For example, the Ontario Growth Secretariat has been called upon to present the Growth Plan to planning audiences in Alberta, British Columbia, Quebec, Chicago, New York State, and Portland, Oregon, to name just some.

We have also heard from national leaders on urban issues such as David Crombie, Mike Harcourt, and Glen Murray, as well as

international smart growth champions such as Parris Glendening, president of the Smart Growth Leadership Institute in Washington, D.C., and former Governor of Maryland, John Norquist from the Congress for the New Urbanism, and Bill Hudnut, a former Mayor of Indianapolis and Chair for Public Policy at the Urban Land Institute. All of these leaders have been extremely impressed by and supportive of Ontario's efforts.

So, what is it about Ontario's approach that is attracting so much attention? In my conversations with planners and leaders from across North America, I have noticed several common themes.

One of the things that really impresses people about the Growth Plan is that it is not just good policy, it also has legislative authority. There are a number of good plans out there, for example in Utah, New Jersey, Rhode Island and Georgia, that put forward great ideas, but they are only advisory. They rely largely on voluntary compliance in order to be implemented. In Ontario, we wanted to ensure that the Growth Plan did not just sit on the shelf. We wanted to ensure that the plan's vision and policies result in real change on the ground. That is why the Growth Plan is backed up by specific legislation, the *Places to Grow Act*, 2005. Over the coming months, the province will be working with municipalities to help them meet the requirements of the Act and bring their official plans into conformity with the Growth Plan.

Another feature that has been commented on favourably is the geographic scope of the plan. The Greater Golden Horseshoe covers 110 municipalities across 32,000 square kilometres. By focusing on such a large area it allows us to address broader regional issues, leapfrog development pressures, and so on, which have plagued growth planning efforts in other jurisdictions that focused solely on the urbanized cores of their regions.

The plan's use of specific, measurable planning targets has also garnered significant interest. This includes the plan's minimum density target for greenfield areas and urban growth centres, as well as the

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minimum intensification target. Many jurisdictions speak about the importance of density and intensification as important planning principles, but few establish specific targets. Fewer still have developed consistent methodologies for measuring and tracking intensification in the same way that Ontario has proposed in the built boundary technical paper that we released for comment in November.

Ontario has also been praised for successfully tying infrastructure investment to land use planning decisions. There are some good examples of jurisdictions, such as Minnesota, Washington State and New Jersey, that have good infrastructure investment programs to help revitalize communities and promote smart growth, but they don't have the comprehensive land use plans to complement these investments.

The Growth Plan for the Greater Golden Horseshoe has both the policies for land use and the support of \$8.3 billion in strategic infrastructure investments.

As the many OPPI members who have

participated in the development of the Growth Plan know, consultation, stakeholder engagement and consensus-building has been an extremely important part of the plan's success. This is another hallmark of Ontario's approach that has caught the attention of other jurisdictions. The consensus that has been developed across all sectors

was something that astonished planners at the 2006 Alberta Association of the Canadian Institute of Planners conference. The Ontario Growth Secretariat made a group presentation on the Growth Plan with representatives from GTHBA-UDI and the Region of Waterloo. Several attendees at this session commented on how refreshing it was to see the province, the development industry and municipal planners working together from a shared vision to address the

many challenges of growth.

When we speak with leaders from other jurisdictions, they are also amazed at the ambitious set of initiatives undertaken by the Ontario Government that complement



Brad Graham

the Growth Plan. We realized from the beginning that if the Growth Plan was to succeed, we needed to ensure internal coordination across the various Ministries that deal with land use and infrastructure issues. The Growth Plan is part of a broad package of related government initiatives that includes a new Greater Toronto Transportation Authority, reforms to the *Planning Act* and Ontario Municipal Board, tax increment financing, and, of course, the Greenbelt.

International recognition is good, but what is really important is the work we will be doing to implement the Growth Plan. This year will be an exciting time to be a planner in Ontario. The world is now looking to us as a leader for our collective efforts to effectively manage and benefit from growth. Getting to this stage was a group effort and it will be important to move forward together to ensure Ontario remains a world leader in planning.

Brad Graham is the Assistant Deputy Minister of the Ontario Growth Secretariat, part of the Ontario Ministry of Public Infrastructure Renewal. The PIR team will receive the award in Philadelphia in April.

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Conservation in a different world

Wayne Caldwell, D. Choyang, A. Clodd, D. Crinklaw, M. Kralt, C. Latimer, J. Nielson, A. Prindle, A. Zietsma

Seven graduate students and a professor from the University of Guelph's Rural Planning Program recently participated in a study tour to investigate and compare rural planning issues and approaches between Ohio and Ontario. This is the second of two articles.

In Ontario, the projected population growth over the next 25 years is approximately 3.7 million people.

Over 70% of these people are expected to settle in the Greater Golden Horseshoe region. With these projections, the Ontario government has recognized that action needs to be taken in order to preserve prime agricultural land, watersheds and natural resources. During a visit to Ohio, planning students from the University of Guelph studied different approaches to farmland preservation.

With 14.9 million acres of farmland and 8 million acres of forest, the state clearly has extensive resources. Of Ohio's total land base, 14% is developed. Of that percentage, only two-thirds of the developed land is urbanized. In comparison to other states, Ohio is losing agricultural land at an alarming rate according to the American Farmland Trust (www.farmland.org/default.asp).

There are three dominant methods of farmland preservation in Ohio. The first is Agricultural Zoning, which regulates uses and establishes zoning provisions. However, landowners routinely apply for zoning changes to create non-farm lots. The second method is the Agricultural Easement Purchase Program (AEPP), which has so far enabled the preservation of 10,308 acres of farmland and is supported by a \$25 million budget as part of the Clean Ohio Fund. AEPP relies on a voluntary deed prohibiting development in order to encourage agricultural land preservation. Voluntary donations of agricultural easements to a land trust or to

the Ohio Department of Agriculture are also allowed. These donations are motivated by both tax deductions and personal desire.

The third method—the subject of this article—is through conservation subdivisions. The premise is to select a rural parcel of land and to build houses on it, creating as little impact on the natural surroundings as possible. Generally, conservation subdivi-

which allow them to develop as they desire. Relative to traditional urban communities this type of development is at a relatively low density, thus consuming more farmland. Conversely, some would argue that conservation subdivisions significantly reduce sprawl by clustering homes on much smaller lots, thus protecting significant acreage for private open space or farmland (although the use of this land for commercial agriculture is unlikely).

The Ohio Legislature may be considering a proposal for a "Transfer of Development Rights" authority for townships and counties. This proposed legislation is supported by the farmland preservation community and county commissioners association.

The concept of "home rule" as it applies to local government and property rights in Ohio makes it difficult for the state to take a strong leadership role in the preservation of farmland. While conservation subdivisions are advocated in Ohio as a means to reduce sprawl, protect open space and farmland, the feasibility of this approach in Ontario is questionable for the following key reasons.

I. Land Area and Density

Bearing in mind the Greenbelt Plan, there is insufficient available green space within the current city limits of the Greater Golden Horseshoe region to allow for the goal of 50% to 70% open space found in conservation subdivisions. Figure 1, a typical example of the conservation subdivision model applied in Ohio, illustrates that Ohio's subdivision densities are much lower than those presently found or contemplated in the Greater Golden Horseshoe area. Moreover, key provincial documents such as Places to Grow and the Provincial Policy

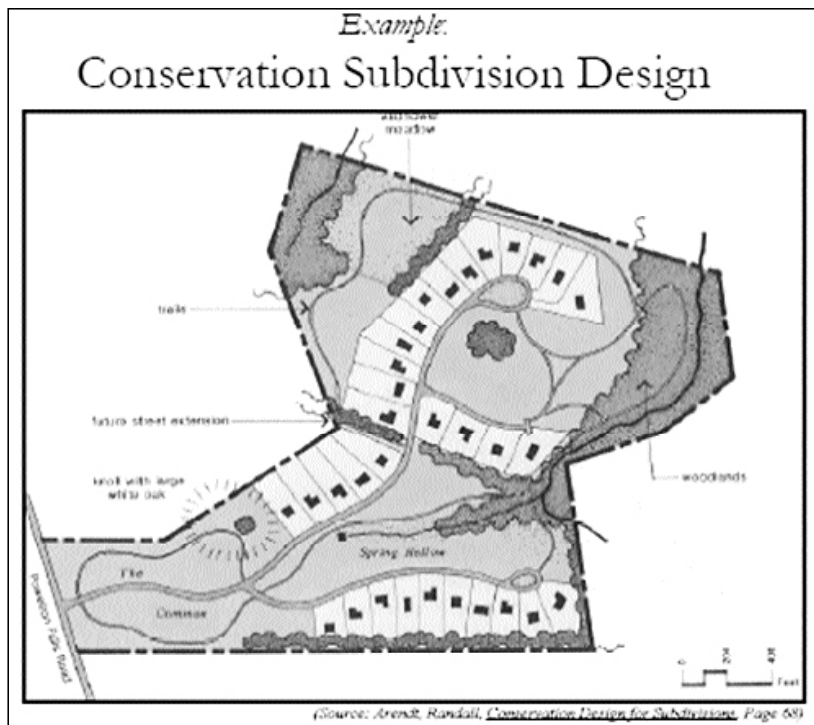


Figure 1: Conservation subdivisions—minimal impact?

sions consist of 50% to 70% open space with the remainder of land being developed into smaller lots. All natural areas on the property such as trees, streams and wetlands are considered to increase its market value, ensuring their preservation. In conservation subdivisions, the lot sizes are commonly less than an acre, but frequently sell for 15% more than a regular one-acre lot. The smaller lot sizes create a more compact suburban form with more open space.

Randall Arendt (who presented at the 2005 CIP conference in Calgary), promotes the concept of conservation subdivisions based on the premise that landowners in the United States have certain property rights

Statement mandate significant intensification and increased urban density.

2. Low-Income Housing

Although conservation subdivisions advocate greater efficiency in land use and are aesthetically appealing, they remain unaffordable for lower-income households. In this sense, one could claim that conservation subdivisions cater exclusively to middle- and upper-income families.

3. Mixed Use

The absence of mixed use in conservation subdivisions requires their residents to leave their community to travel to work, school, and other key services. As the subdivisions are rarely within walking distance of these services, residents depend on motorized transportation.

4. Urban Vision

Based on the Ohio model, conservation subdivision reflects an urban vision as opposed

to a rural one. The subdivisions, despite their low density, commonly remain part of an expanding urban community encroaching upon surrounding rural land.

5. Provincial Policy

Important policy documents such as Ontario's Provincial Policy Statement, Greenbelt Plan, and Places to Grow, encourage growth reflecting increased density, access to full services, and transit friendly development. Conservation subdivisions, as observed in Ohio, would fail to demonstrate development patterns with these attributes.

Conclusion

Ohio's conservation subdivisions, while aesthetically appealing, appear incompatible with the notion of farmland preservation as espoused in Ontario. A key argument challenging the adoption of this approach in Ontario would be that, despite its low density nature, many may still consider it a

form of urban encroachment upon rural land under the guise of "farmland preservation."

This article is based on observations made during a field trip to Ohio led by Professor Wayne Caldwell, MCIP, RPP, summer, 2005. All authors, other than Caldwell and Prindle (who is a Professor of Economics at Otterbein College, Westerville, Ohio) are enrolled in the Masters Rural Planning Program at the University of Guelph School of Environmental Design and Rural Development. The group would like to acknowledge the hospitality shown by so many people during their stay in Ohio.

The attributions in the first article (Volume 21 No.6) did not make it clear that Prindle teaches in Ohio and that the all of the students also contributed to the articles. Readers can take a virtual tour of a conservation subdivision at www.dcrpc.org/files/2005ConsSubPart1.pdf.

Kitchener E-lectrifies Civic Engagement

Cory Bluhm and Jeff Willmer

(First of two articles)

It's not often that a 19-year-old high school student refers to an urban design questionnaire as "the coolest survey ever," but Kitchener made it happen.

Typically, design consultation takes the form of either a town hall meeting or a design charrette. Yet in an era where citizens would rather spend their spare time watching bonus features on a new DVD than participate in a charrette, planners are challenged to find new ways of engaging the public.

So, when developing new design policies for Downtown Kitchener, instead of bringing citizens into the world of urban design, urban design was rocketed into cyberspace, displayed on computer screens, and slipped into DVD players across the city.

Graphics Bridge the Gap

For the average citizen, urban design is either uninteresting, unfamiliar or perhaps a subject too complex to understand. Terms like "streetscape" and "building articulation" are often foreign and intimidating. Asking someone if they prefer a contemporary streetscape design versus a traditional streetscape design is guaranteed to generate more blank stares than informed responses.

But every person, regardless of their

knowledge of design jargon, knows what they like when they see it. Show someone a series of images, and ask them to pick the image they like best, and they can instantly offer a valid opinion.

Central to Kitchener's "Help Design Downtown" public consultation was the use of photographs and 3D renderings to bridge the gap for those with little design experience. In this case, questions covered design elements such as building height and form, street and sidewalk function, streetscape design, storefront design, etc. Several images were shown for every question, each of which represented a distinct set of values.

For instance, when asked a question on sidewalk function, one 3D rendering emphasized street activity (patios, outdoor retailing), a second rendering emphasized aesthetic improvements (planting beds, street trees, etc.) and a third rendering emphasized convenient, curb-side parking. From this, results indicate whether downtown customers value vitality, beauty or accessibility.

Bringing Urban Design into Offices and Living Rooms

The Help Design Downtown process aspired to pioneer new ways of engaging citizens, in modes never thought possible. Here's a sum-

mary of the media used and an assessment of their success:

1. Online Surveys (highly successful)

The majority of surveys (558 out of 784) were filled out online, accessed through the City's website. Benefits of the online format include:

- unlike paper surveys, websites have an almost unlimited capacity for space. You can ask as many questions as necessary, and colour images can be expanded to any desired size;
- surveys are filed instantly, with no need for mailing or postage hassles;
- survey responses are electronically compiled in a database;
- links to the website can be circulated through email blasts or forwarded emails;
- e-mail recipients can instantly access the survey on their PC.

While the web gives planners access to a large pool of potential respondents, this does not necessarily translate into completed surveys. As citizens may be overwhelmed with spam and junk mail, surveys must appear interesting, engaging and effortless. Not surprisingly, a 3-minute survey (9 questions)

generated 359 responses, while an in-depth survey (23 questions) generated only 199 responses.

2. Traditional Paper Surveys (moderately successful)

To ensure equal access to all, paper surveys were also circulated throughout Downtown Kitchener, with 127 completed.

Representing 16% of responses, this format still proves useful, although labour-intensive—as the database has to be input manually.

While expecting an over representation of seniors and those unlikely to have web access, paper survey respondents were actually distributed evenly across all age categories.

3. DVD Surveys (moderately successful)

Hoping to bring urban design into people's living rooms, a DVD was developed and mailed out to 900 citizens, attached to a glossy copy of the survey.

The DVD first introduced viewers to urban design issues and overall guiding principles, in as captivating a manner as possible (5 minutes in duration). It then led viewers, question by question, through the survey, providing a visual and narrated explanation (10 minutes in duration).

While innovative and groundbreaking, it was difficult to gauge the success of this approach. Only 59 surveys were returned, but viewers were advised they could fill out a similar survey online. It is unknown how many were motivated by the DVD to go online.

4. Online Web Forum (moderately successful)

Web forums, chat rooms, and blogs (web logs) are growing tools that allow citizens to openly voice their opinions on world and civic issues, and to read and understand viewpoints of other community members.

Trying to appeal to a large network of bloggers across the community, a web forum was set up to allow ongoing dialogue between citizens. 44 comments were submitted, ranging from 2 sentences to 10 paragraphs. Many of the comments built on previously submitted comments, and included ideas, opportunities and criticisms.

The only concern with City-initiated web forums is the need for moderation and minor censorship (to prevent racist remarks, slander, defamation, etc.). While all submitted comments were suitable for publication, freedom of speech advocates were concerned that the City would publish only the comments that supported political objectives.

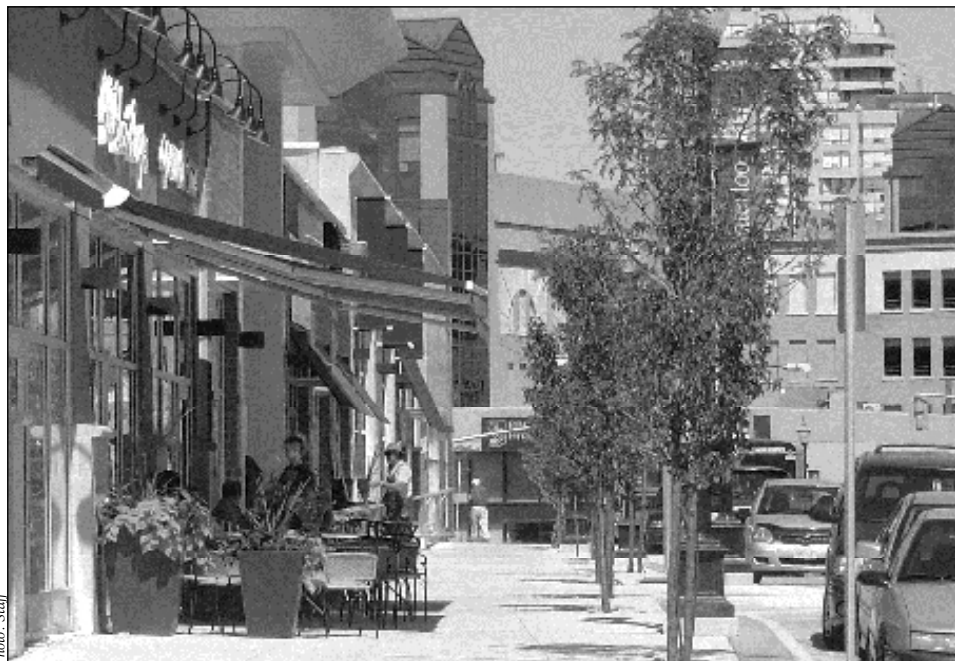


Photo: Staff

Internet cafes, e-commerce, and e-planning the new way

5. Online Photo Forum (low success)

Citizens were invited to submit photos of other cities and urban spaces that they feel Kitchener could use as models. Eighteen photos were submitted, but from only 3 respondents. While digital cameras and camera phones now commonplace, the effort needed to upload and e-mail images made this forum time consuming, and used by avid enthusiasts only.

Media and Publicity Still Needed to Create Interest

Aligning civic engagement with today's e-culture does not necessarily lead to increased participation. In an era of mass media and advertising overload, planners still must compete for people's interest and time.

In this case, survey response frequencies directly related to media publicity. For instance, a front-page story in the daily newspaper, *The Record*, immediately generated 69 survey responses. Other publicity measures included CTV local news coverage, appearances on Rogers local television, radio talk shows, articles in municipal news publications, presentations to stakeholders and open houses at the new Kitchener Market. All were aimed at generating community interest and excitement in urban design.

Reflections

The Help Design Downtown process began with the challenge of engaging one of Downtown Kitchener's target audiences—the young, business professional. While

efforts were made to engage all stakeholders (such as seniors, youth, socially disadvantaged, etc.), the computer-based approach lead to slightly skewed, rather than balanced, results.

Some 44% of respondents were between the ages of 19 and 35 which, while successfully representative of the downtown community, does not reflect the demographic distribution of the entire city. Efforts to utilize technology in civic engagement should be done with the understanding that it may not reach all facets of a community, particularly the computer-illiterate and socially disadvantaged.

But, if a 19 year old described the process as “the coolest survey ever,” perhaps planning and urban design can be exciting topics for everyone. That is, if done in a manner that is understandable, provocative and e-exciting.

A second article will explore the design-based land use policies that have now been established for Downtown Kitchener, turning this public input into official plan policy.

Cory Bluhm MCIP, RPP, is a Planner and Urban Investment Advisor for the City of Kitchener. Jeff Willmer MCIP, RPP, is the

Director of Planning for the City of Kitchener. They presented some of these ideas at last year's Canadian Brownfields 2006 conference in Toronto. For more information on the Help Design Downtown Kitchener program, visit www.kitchener.ca/urbandesign.html

Planning a new prescription for health

Symposium sparks response

Amanda Cliff

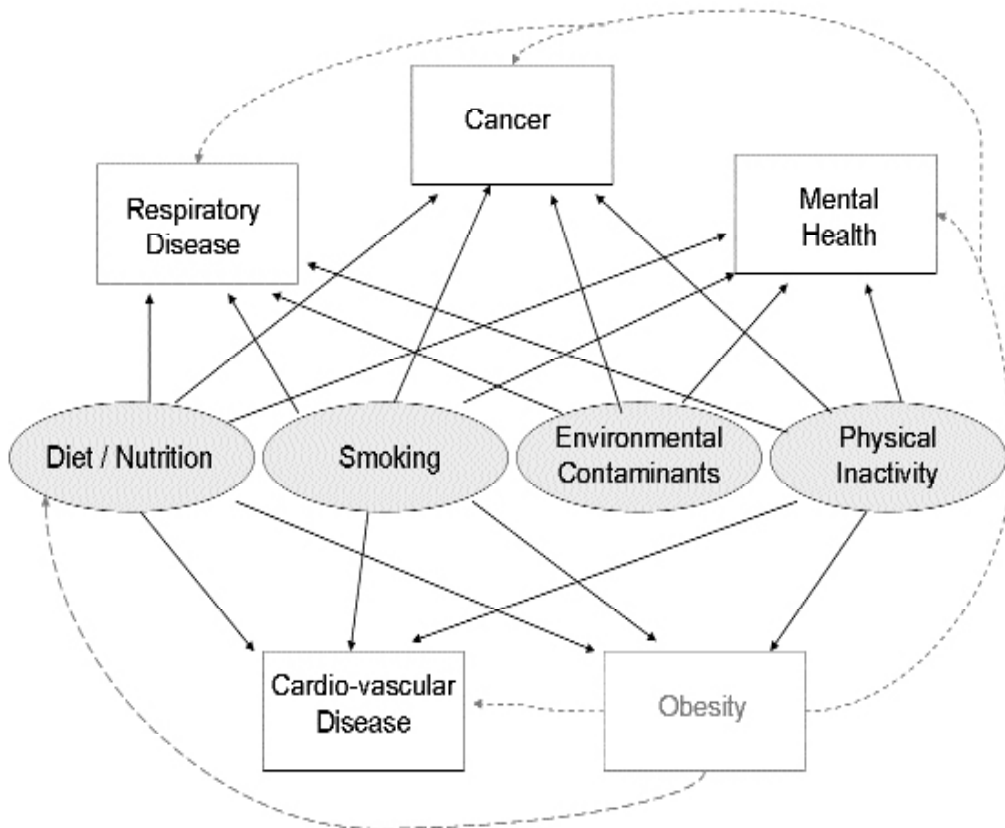
Consider this: we know that preventing disease is more effective than curing diseases, yet our health care model is almost exclusively focused on detecting and curing disease. The task of creating conditions that promote health and prevent disease falls outside the health sector. The considerable public interest and political leverage in Canada's health care is not brought to bear on issues that influence our health. The few preventative efforts we have are critically underfunded.

Current research shows strong links between our environment and our health. In 2001, the Senate Standing Committee on Social Affairs, Science and Technology reported that while the health care system accounts for 25% of health outcomes, and 10% is due to people's biological make-up, the majority (60%) is accounted for by our physical, social and economic environment.

This means that we are pumping resources into a system that may not be able to turn out the results we are looking for.

Our health care system accounts for about 10% of our GDP in terms of government spending. Some experts argue that the cost is close to 20%, when other consumer-based spending is taken into account. More important though, an unhealthy society is socially expensive. Marc Lalonde, in *A New Perspective on the Health of Canadians* (1981), wrote: "Good health is the bedrock on which social progress is built. A nation of healthy people can do those things that make life worthwhile, and as the level of health increases so does the potential for happiness."

The idea that planning influences our health and well-being is not new. In the 1970s Thomas McKeown, a professor of social medicine in Britain, performed a sta-



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tistical analysis in which he revealed that most of the decline in infectious disease mortality pre-dated effective therapeutic intervention (*The Role of Medicine—Dream, Mirage or Nemesis*, 1976). He concluded that the increased health of the English population at the time was the result of factors such as improvements in nutrition and the availability of clean water supplies, not of medical advances.

Today we have an expensive health care system that can successfully treat some diseases, but does little to prevent significant disease-causing agents in our society. The five most likely things to kill a person in our society are heart disease, cancer, respiratory disease, motor vehicle accidents, and diabetes. Two major risk factors for heart disease are exercise and diet. Two major risk factors for cancer are contaminants in the

environment and diet. Two major risk factors for respiratory disease are contaminants in the environment (air pollution) and lifestyle choices (particularly smoking). Two major risk factors for motor vehicle accidents are road conditions and alcohol (a lifestyle factor). Two major risk factors for diabetes are diet and lack of exercise.

We can see that pollution, diet, exercise, social behaviours (smoking and alcohol consumption), and the design of our traffic systems are all significant causal factors for the top five killers in our society.

This analysis demonstrates the need for a multi-sectored approach to health. Nothing less than a comprehensive strategy that recognizes the connections between our health and our environment will be effective as a health promotion strategy. Urban planners should be designing cities to promote active

lifestyles through recreation and regional transportation systems that minimize air pollution and stress on commuters. Environmental policy makers should set guidelines for the emission of toxins into the environment and penalties for those generating air pollution. Schools and other institutions should set high standards for nutrition in their cafeterias and promote physical education. The government should support sustainable food systems so that people have access to high-quality, nutritious food. Our social services need to help those who are struggling with addictions and young people whose high-risk behaviours harm themselves and others; studies show that providing support to our young people reduces crime and dependence on social welfare in the future.


What about the doctors, nurses and other hardworking members of the medical system? We will still need their services to patch us up and fix things that are broken, but as a society we should make it a goal to need them less. Rather than a constant push to increase health care services, let's push to increase our health.

How should we go about it? I suggest the federal government introduce a National Health Promotion Strategy requiring all federal ministries and departments to comply with the basic principles of health promotion. A condition of the federal health transfer to the provinces, the provinces could then declare health promotion a "matter of provincial interest" and require all provincial ministries to review their policies and procedures and bring them into compliance with the new standards. The net effect would be a comprehensive shift to promoting our health and well-being from every angle.

How can we expect people to live healthy lives and if they are living in an unhealthy environment? What sense does it make to pour resources into developing more effective asthma treatments, for example, when we know the real treatment is clean air? The benefits of a comprehensive health approach would be huge. As Lalonde said, it would add "not only years to our lives, but also life to our years."

Amanda Cliff is a student in the Masters program in planning at the University of Waterloo. She can be reached at amandacliff@sympatico.ca. She was inspired to write this after attending the recent OPPI symposium.

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People

Recognition and Transitions

In December, **Diana Santo** received the President's Award from the prestigious land economics organization, Lambda Alpha International in recognition of her contribution to profession. Before joining Marshall Macklin Monaghan, Diana worked at PriceWaterhouseCoopers, and was a member of the Ontario Municipal Board for many years. Before her appointment to the OMB, Diana worked with the Ministry of Municipal Affairs.

David McLeary has retired from the Region of Halton, having served the region for 32 years. Most recently, Dave



Diana Santo

worked in the office of the CAO, but previously worked on the multidisciplinary project that established the planning and servicing regime now guiding growth in the region. Dave has opted for a change of pace and has taken on the role of policy advisor to the Toronto Board of Trade. His colleague, **Ho**



Dave McLeary

Wong, director of planning, has also announced his retirement from Halton after 30 years of service. **Mary Lou Tanner** recently joined the region, and a search is under way for a new director.

Marni Cappe has returned to Ottawa after four years in the UK and has set up her own con-



Marni Cappe

sulting firm in local governance and urban policy. She recently completed a report for FCM on P3s, and contributed two chapters to Vol 3 ("Successful Canadian Cities") of the Conference Board of Canada's multi-year Canada Project: "Mission Possible: Sustainable Prosperity for Canada."



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**GEOGRAPHICAL AREAS OF OPPI DISTRICTS
PROVINCE OF ONTARIO (2006)**

MINISTER OF ENVIRONMENTAL AND CLIMATE CHANGE

The Districts of the OPPI consist of geographic areas as defined by regulation under the Territorial Division Act, 2002 and such municipal jurisdictions as are defined by law

LEGEND

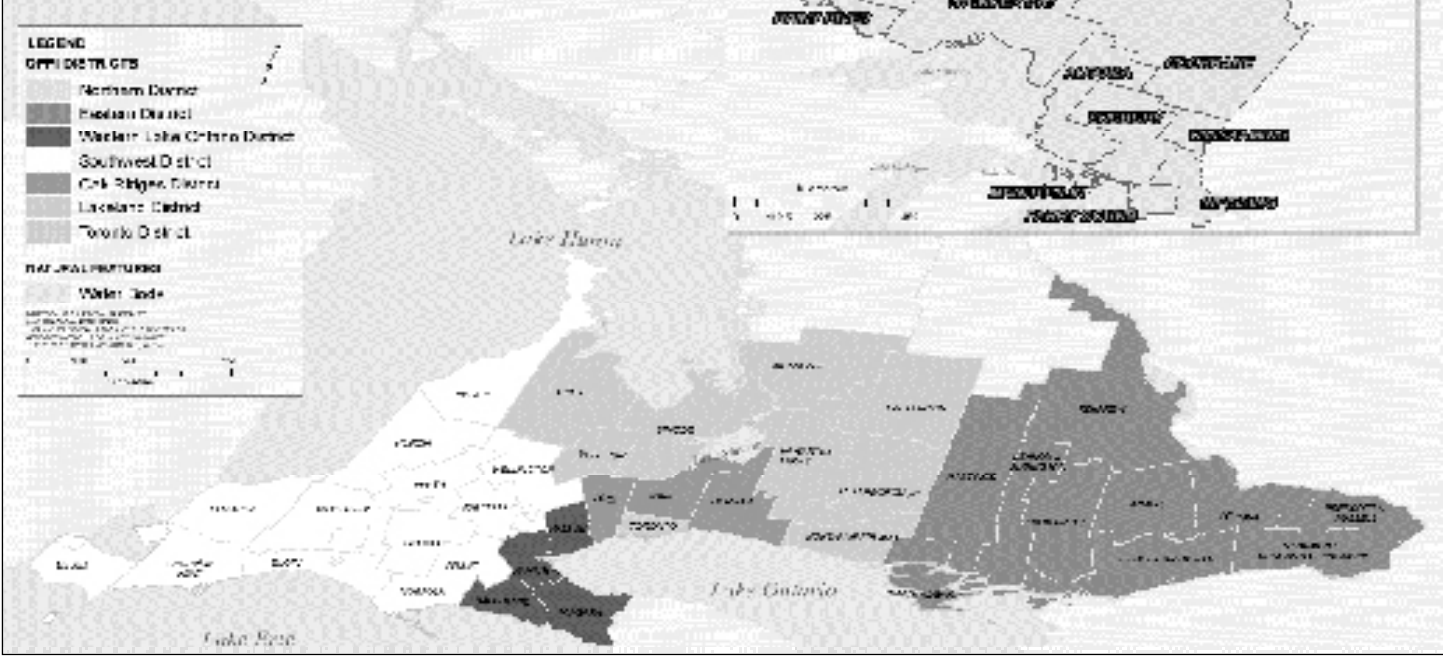
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- Western District
- Western Lake Ontario District
- Southwest District
- Oak Ridge District
- Lakeshore District
- Toronto District


MUNICIPAL JURISDICTIONS

Water Body

MAP OF ONTARIO DISTRICTS AND MUNICIPAL JURISDICTIONS AS OF SEPTEMBER 28, 2006. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT REPRESENT THE OFFICIAL OPPI DISTRICTS. FOR MORE INFORMATION, VISIT www.oppi.on.ca.



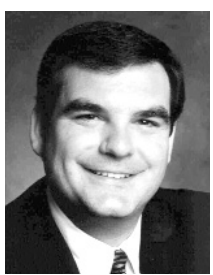
Schedule A: Geographical Areas of OPPI Districts (2006 09 28)



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Mirror, Mirror on the Wall, Who's the Greenest Pol of All?

Glenn Miller

In the run up to the release of the fourth report from the International Panel on Climate Change, our national media is abuzz with the greening of our political leaders. With the promise of a federal election in the spring, and the certainty of a provincial election in Ontario on October 4, political rhetoric and media analysis has ramped up to an unprecedented degree. What's going on? Is this a case of 'conversions on the road to Damascus' or a true reflection of the public's mood? A flurry of polls suggests that Canadians currently identify "the environment" as the number one issue of concern. The last time the environment topped the polls was 15 years ago, when then Prime Minister Brian Mulroney's Green Plan was earning headlines. Observers like Nicola Ross, editor of *Alternatives Journal*, wonder if interest in the environment will survive beyond the current election cycles. If this is a possibility, what can planners and other professional groups with a vested interest in sustaining a balanced policy agenda do to help?

The current competition among the leaders both of federal and provincial parties to claim they are "greener" than their confreres is nothing if not unseemly. The Canadian experience is starkly different from a number of European countries. As explained by the newly elected Minister of Environment from Sweden on a recent visit here, progress on the environmental file made in that country over the past 30 years

owes its success to three key factors. The first was a realization in 1973 that Sweden had to wean itself off its dependence on oil. The second – far harder to put into effect and sustain – is what amounts to a tacit "non-compete" agreement among political parties, acknowledging that the environment is far too important to be subject to the vagaries of short-term thinking dictated by election cycles. The third is continued strong public support, evidenced by a willingness to pay higher taxes and change behaviour in areas affecting the environment. Which of these factors precedes the other is impossible to say.

The result has been a steady decline in per capita oil consumption over three decades while demand for energy-dependent activities continued to grow. Although any of the individual initiatives are noteworthy, the truly remarkable achievement is how energy solutions, soil clean up, waste disposal, transportation, urban form have been integrated into urban regeneration. Although political fortunes wax and wane, nobody messes with the commitment to environment.

Canadian politicians and policy makers could do worse than borrow some ideas from the European experience.

Glenn R. Miller, FCIP, RPP, is editor of the Ontario Planning Journal and director of education and research with the Canadian Urban Institute. He can be reached at editor@ontarioplanning.com.

Letters

Energy, recognition and mobility

I am very happy that the work of Charles Simon is being appreciated. He is a true pioneer. I have always admired his amazing ability to sell great ideas to well-to-do clients at a time when energy conservation was associated only with hippies.

The third article on aging and mobility (the "Demographic Tsunami – Glenn Miller, Gordon Harris and Ian Ferguson"), was also most interesting. I wish to congratulate you on the well-formulated thoughts of this timely and very important topic. Also, it all fits perfectly into a framework of a larger, global set of concerns. For example, we are all aware that our purchases at the gas pump lead to our increased dependency on far away resources, to the destruction of our environment, to the pollution of air and water, and many other impacts. Yet planners know very well that the answer is not a hybrid engine, or alternative fuels. Our challenge is to design a compact, livable urban form.

The design of a compact livable city is based on walking. Not on cars or on public transportation. The only mass transit should be an escalator and elevator. Perhaps, in some cases, it would be justifiable to add a streetcar,

trolley or bus. But it must be one of the easy "hop-on" and "hop-off" kind that is neighbourhood and pedestrian friendly. Any "efficient mass mover" must go underground (and not on a "right of way" strip).

If in the compact livable city everybody is walking, then pedestrians must have a "universal" right of way in all public spaces. We have to bring back this long lost right.

As the article correctly pointed out, a pedestrian must have a reason to walk. So, there have to be destinations. Obviously, an unbundled mix of all kind of uses is a prerequisite.

Vladimir Matus, Toronto

Retired members (reprise)

A year ago at this time I expressed concern that the membership renewal package, which we all receive, contained two additional requirements for "Retired Membership" without these requirements having been incorporated into the OPPI Bylaw. (These are the stipulations that a Retired Member must be at least 55 years old and that he or she must have been a Full Member for at least the last ten consecutive years before retiring). I felt that both of these were reasonable requirements. but that they could not be presented as a fait accompli without a Bylaw amendment.

Having brought this to the attention to the

powers that be in a separate letter, I fully expected that before the 2007 membership renewal time rolled around, these requirements would either have been incorporated through a Bylaw amendment or would have been removed from the membership renewal package. Neither has happened.

I realize that these requirements affect only a small number of the OPPI total membership, but my concern is based on process. I am an examiner for OPPI and, as such, in conducting the oral examination ask questions on professionalism and ethics. It gives me discomfort knowing that the professional association that these young people are joining has to date not followed the proper course when it comes to dealing with changes to Retired Membership requirements.

Nigel Brereton MCIP, RPP (Ret.)

LETTERS TO THE EDITOR

Send letters to editor@ontarioplanning.com

Formatting do's and don'ts:

Do name your files ("OPPI article" doesn't help) and *do* include biographical information. *Don't* send us PDFs. *Don't* embed graphics with text, or text in text boxes.

The Rewards of Re

Todd Latham

The English language is wonderfully complex. Some words that sound the same have different meanings and similar sounds have different spellings. A single syllable—a prefix—can take a word from negative to positive. One such syllable has been gaining in popularity. It starts many words, signals a fresh beginning and is, in my view, destined for greatness and even more widespread use. That syllable is RE.

Every day we get to choose our words—some of us choose more carefully than others. So, whenever possible, consider using “re.” Start your words with a sound that connotes re-inventing, re-viewing and re-newing—all positive things.

One formal definition of “re” is: Ra: (sometimes spelled Re) ancient Egyptian sun god with the head of a hawk; a universal creator.

According to legend, Ra—or Re—merged

with the god Amen, so that Amen-Ra became king of the gods. As a prefix, “re” merges with other words to create some of our most powerful terms. Maybe that’s why it’s turning up in more and more places. A well-known classical radio station claims to “relax, refresh and recharge,” fashion and music trends are increasingly retrospective and replays are sometimes the best part of a sports game. (Re is also a good little Scrabble word when pressed for a hook.)

In the 1980s, the Reduce, Reuse and Recycle concept was a positive influence in selling the concept of waste management to the public. The three R’s brought us the blue box and high waste diversion rates. The resurgence of “re” continues. It has even been adopted by Habitat for Humanity. The charity organization manages the “ReStore”—a place where people can bring their discarded house parts—door frames, sinks and other house fixtures—for reuse in renovations and low-cost housing.

Politics is also getting into the revolution. The Ontario government announced ReNew Ontario—it’s \$5 billion infrastructure renewal program—in May 2005, a day before ReNew Canada magazine was launched. It’s

not just coincidence; “re” is on everyone’s mind. Stéphane Dion became the new leader of the Liberal Party based on a platform of party “renewal” and a campaign strong on environment and renewable energy.

Restoration and revitalization are powerful themes of our time.

While it doesn’t necessarily make it on CNN, industry and government are rapidly shifting into restoration, renewal and re-election modes. Storm Cunningham, author of *The Restoration Economy*, and executive

director of Washington-based Revitalization Institute, calls the establishment of a restoration economy “the strangely silent revolution.”

“More than a trillion dollars worth of restorative development takes place around the world every year,” says Cunningham. According to him, this is a conservative estimate. In fact, Cunningham says that infrastructure restoration accounts for at least that much, if not more.

Infrastructure is one of eight restoration industries Cunningham identifies—eight industries that the public is largely unaware of.

This new economics has government spending money to retrain people, making efforts to rebuild crumbling infrastructure and reconsider conventional approaches to planning and economic development. Official plans, CIPs, zoning bylaws—all elements of the planning process—need to be re-evaluated, re-explained and re-interpreted to the public. These processes are generally not well understood by lay people. Until they are, Canadians will not be able to truly take part in community building and help planners and municipal officials rethink, rebuild and renew Canada’s infrastructure.

Next time you are searching for the right word—or prefix—at a meeting or public forum, think positively about growth and support the revolution with a nod to “re.”

Todd Latham is Founder and Publisher of ReNew Canada—Canada’s infrastructure renewal magazine. He is also an avid Scrabble player. Contact him at todd@renewcanada.net.




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President's Message

Community Creativity

Gary Davidson

Planners continually mull over the future. Sometimes ideas come early in the morning and in strange combinations. Recently, the Canadian Urban Institute hosted one of their famous breakfast meetings and invited Ted Tyndorf, Toronto's chief planner, to discuss the City's new approaches to community and neighbourhood secondary planning.

It's always difficult to go out on a limb, especially when ratepayer association representatives are liberally scattered throughout your audience. But there was Ted laying out some bold new directions focused on the enduring importance of communities in plan making and how these communities are central to the unique essence of Toronto. The challenge is how to engage communities in secondary planning and what methods are best. Old stuff; old questions!

It took a recent graduate from the University of Toronto to pose a new approach to the old problem of getting communities involved—"wikiplanning." It didn't come out in those exact words, that is my take on the essence. Rather, it was a reference to Wikipedia, that upstart, open source encyclopedia that has overtaken Britannica, which made the connection.

The student's question and musings hit it – an innovative way to encourage wide spread involvement on a new plane in neighbourhood planning. I'm sorry I didn't get his name; they always pass by

so quickly. He deserves credit here.

The thought, or better still, the practice of using the wiki principles of openness, peering, sharing and mass collaboration as the essence of secondary planning opens several doors into community engagement. It maybe the next step in public involvement and plan making. Let the community participate in writing the plan in a peer-to-peer mode. Talk about empowerment and trust. One of the central lessons from the firms that use wiki approaches is that they build trust.


Could "wiki-ing" help OPPI? Is it a new verb that planners need to learn? My spell check sure red lined it. Last fall OPPI ran a wicked symposium focusing on the connections between community health and community planning. Can our members create a platform for participation, share ideas and develop policy responses for OPPI? Got any ideas? Talk it up with your colleagues and neighbours. Then send your thoughts or blogs to me at davidson@scsinternet.com. Welcome to the wiki-workplace, possibly a new frontier for planners,

and, many thanks to Ted and Michael Fox (who has launched his career with a Toronto-based consulting firm) for pointing the way.

Dr. Gary Davidson, FCIP, RPP, is President of OPPI and the principal of his own consulting firm. He can be reached at davidson@scsinternet.com.



Gary Davidson



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William S. Hollo, MCIP, RPP

Advancing Our Professional Culture

Ron Keeble

In September, members voted to adopt a new Code of Practice as part of a package of amendments to the General By-law of the Institute. The new Code and revised Standards of Practice are presented as an insert to this issue of the Ontario Planning Journal. Council requests that all members carefully review the contents of the insert and set it aside for future reference and guidance.

The Code of Practice sets out norms of conduct specific to our profession. They are meant to be pragmatic guides for the benefit of OPPI members and to remind everyone of our professional obligations as Registered Professional Planners.

The revisions to the Code were proposed by Council as a result of the heightened public awareness of the realm of practice of the planning profession. With the increased public

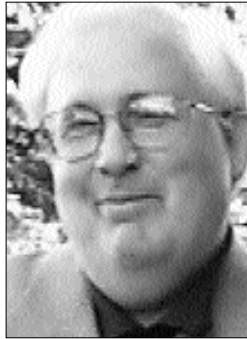
profile of the profession in Ontario and a growing recognition of the roles that planners play, has resulted in increased scrutiny of our work. Council therefore wishes to remind

members that the Institute is concerned about practitioner ethics and the need to be proactive in establishing higher standards of practice. This goes beyond a simple reminder to members of the need to be ethical in their professional interactions with the public, colleagues, clients and employers.

The new Code of Practice offers assistance to members in advancing the ethical standard of their work in an era where questionable ethical member conduct has become a source of public

skepticism and a significant concern of professional bodies generally.

In order to further distinguish the profession of planning, the Institute must demonstrate that our members are:



Ron Keeble

- sensitive to the values that underlie the practice of planning;
- aware of the legitimate expectations of others with respect to the calibre of their professional practice;
- knowledgeable of the provisions of their Code of Practice;
- capable of assessing ethical issues critically and rigorously;
- committed to advancing their personal standard of professional practice and the integrity of the planning profession generally.

A thoughtful review of the new Code of Practice and revised Practice Standards by all members is an important step in advancing our professional culture.

In support of the new Code, the Institute continues to offer a workplace professional development course. Further information on this offering is available from the OPPI office at (416) 483-1873 or 1-800-668-1448 or by e-mail at info@ontarioplanners.on.ca.

Ron Keeble, MCIP, RPP, serves as the Registrar of OPPI. He is also a professor at Ryerson University's School of Urban and Regional Planning.



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Professional Code of Practice

1. PREAMBLE

Members of the Institute must practice in an ethical and responsible manner. The Professional Code of Practice forms the basis of planning practice by members; it is enforceable through the disciplinary provisions of the OPPI By-law 1-86, as amended. In Ontario, all complaints regarding the conduct of the members will be addressed by the OPPI Discipline Committee which shall have sole authority over the matter.

Further, the Institute refers Members to the CIP Statement of Values, which follows as a source of inspiration and guidance for professional planners in Canada, and, as well, to the Standards of Practice contained in *Schedule B*, Practice Standards, of the OPPI By-law. These should be read in conjunction with this Professional Code of Practice. In the event of conflict, the Professional Code of Practice shall prevail.

CIP Statement of Values:

To respect and integrate the needs of future generations.

CIP members recognize that their work has cumulative and long-term implications. When addressing short-term needs, CIP members acknowledge the future needs of people, other species and their environments, and are to avoid committing resources that are irretrievable or irreplaceable.

To overcome or compensate for jurisdictional limitations.

CIP members understand that their work has a potential impact on many jurisdictions and interests. They must therefore practice in a holistic manner, recognizing the need to overcome the limitations of administrative boundaries.

To value the natural and cultural environment.

CIP members believe that both natural and cultural environments must be valued. They assume roles as stewards of these environments, balancing preservation with sustainable development.

To recognize and react positively to uncertainty.

CIP members believe that the long-term future is unpredictable and that adaptable and flexible responses to deal positively with this uncertainty must be developed.

To respect diversity.

CIP members respect and protect diversity in values, cultures, economics, ecosystems, built environments and distinct places.

To balance the needs of communities and individuals.

CIP members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest.

To foster public participation.

CIP members believe in meaningful public participation by all individuals and groups and seek to articulate the needs of those whose interests have not been represented.

To articulate and communicate values.

CIP members believe in applying these values explicitly to their work and communicating their importance to clients, employers, colleagues and the public.

2. PROFESSIONAL CODE OF PRACTICE

1.0 The Planner's Responsibility to the Public Interest

Members have a primary responsibility to define and serve the interests of the public. This requires the use of theories and techniques

of planning that inform and structure debate, facilitate communication, and foster understanding. Accordingly, a member shall:

- 1.1 practice in a manner that respects the diversity, needs, values and aspirations of the public and encourages discussion on these matters;
- 1.2 provide full, clear and accurate information on planning matters to decision makers and members of the public, while recognizing both the client's right to confidentiality and the importance of timely recommendations;
- 1.3 acknowledge the inter-related nature of planning decisions and their consequences for individuals, the natural and built environment, and the broader public interest; and
- 1.4 identify and promote opportunities for meaningful participation in the planning process to all interested parties.

2.0 The Planner's Responsibility to Clients and Employers

Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest. Accordingly, a member shall:

- 2.1 impart independent professional opinion to clients, employers, the public, and tribunals;
- 2.2 work with integrity and professionalism;
- 2.3 not perform work outside of his/her professional competence;
- 2.4 not neglect planning services which he/she has agreed to perform, nor render services without adequate preparation;
- 2.5 acknowledge the values held by the client or employer in work performed, unless such values conflict with other aspects of this Code;

- 2.6 respect the client or employer right to confidentiality of information gathered through a professional relationship;
- 2.7 inform the client or employer in the event of a conflict between the values or actions of the client or employer and those of this Code, in a timely manner;
- 2.8 ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner;
- 2.9 inform all relevant parties and provide the member's professional recommendation in situations that may adversely affect the public interest;
- 2.10 reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;
- 2.11 not as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;
- 2.12 not, as a consultant to a public planning agency during the period of contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;
- 2.13 not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency; however, the Member may present the application;
- 2.14 not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency; and
- 2.15 not, in order to obtain professional work, present himself/herself out or permit himself/herself to be presented as prepared to provide planning services where the quality of work is less than reasonable and appropriate in the circumstances.

3.0 The Planner's Responsibility to the Profession and Other Members

The vitality and credibility of the planning profession and of the Institute are reflective of the quality of the membership. To further the profession, members will be expected to attain and maintain a high standard of professional competence and conduct, which extends to their relationship with other members. Accordingly, members shall:

- 3.1 take all reasonable steps to maintain their professional competence throughout their working lives and shall respect OPPI's continuing professional learning requirements as amended from time to time;
- 3.2 encourage healthy and constructive criticism about theory and practice of planning among colleagues and share the results of experience and research that contribute to the evolving body of planning knowledge;
- 3.3 maintain an appropriate awareness of contemporary planning philosophy, theory, and practice by seeking and receiving professional education throughout a planning career;
- 3.4 contribute to the professional education, mentoring, and development of planning students, Members, and other colleagues;
- 3.5 not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession;
- 3.6 ensure that advertising or promotional activities fairly and accurately communicate the expertise and skills offered;
- 3.7 advertise professional planning services in a manner that enhances the credibility of the profession;
- 3.8 accurately represent his or her professional qualifications and affiliations, education and experience, and those of colleagues;
- 3.9 act toward other Members and other colleagues in a spirit of fairness and consideration and not falsely or maliciously injure the professional reputation, prospects or practice of another Member and other colleagues;
- 3.10 respect the Member's colleagues in their professional capacity, and when evaluating the work of another Member, show objectivity and fairness

- and avoid ill-considered or uninformed criticism of the competence, conduct or advice of the Member;
- 3.11 not attempt to supplant another Member once the Planner has knowledge that definite steps have been taken toward the other's employment;
- 3.12 not sign or seal a final drawing, specification, plan, report or other document not actually prepared or checked by the Member;
- 3.13 not directly or indirectly discriminate against any person because of said person's race, national or ethnic origin, colour, religion, sex, age or mental or physical disability in any aspect of job recruitment, hiring, conditions of employment, training, advancement or termination of employment;
- 3.14 report to the Institute the behaviour of any Member believed to be in breach of this Code;
- 3.15 not make public statements on behalf of the Institute's Members unless authorized to do so;
- 3.16 comply with any reasonable request of the Institute for information or for the co-operation of the Member in pursuit of any Institute objective; and
- 3.17 implement and give full effect to the disposition of any discipline proceeding affecting the Member.

Overview

On the recommendation of the Discipline Process Review Committee, OPPI's Professional Practice and Development Committee has initiated a program to improve ethics and practice, in part through the development of Standards of Practice. These Standards of Practice are intended to promote higher professional standards and a better understanding of OPPI's Professional Code of Practice.

The following Standards of Practice have been approved by Council:

- Independent Professional Judgment – September 2002
- Disclosure and the Public Interest – September 2003
- Trespass – September 2003
- Conflicts of Interest – April 2005

Adopted Standards of Practice should be read collectively and should be considered a guide only. They are not intended to provide legal advice. Matters referred to the Discipline Committee will remain specific to OPPI's Professional Code of Practice.

Independent Professional Judgement Standard of Practice

1. Discussion

Under our Professional Code of Practice, Members must provide diligent, creative, independent, and competent performance of work in pursuit of the client's or employer's interest and are required to: "impart independent professional opinion to clients, employers, the public, and tribunals." (Section 2.1). Professional Planners are subject to subtle pressures in the workplace. An employer or client may suggest that "in the past we have been working well together but lately we seem to be at odds and we cannot promote or continue to retain your services if we are not working together". The comment may be expressed innocently as an expectation that the planner should advocate the position of the client or employer.

Independent professional judgment or opinion must be derived free of pressure, however subtle, or one cannot maintain the independence necessary to serve both the client and the public. Professional Planners need to distinguish an opinion from an administrative responsibility to implement directions by clients or designated authorities such as Councils.

One of the main misunderstandings of the public concerns a professional planner processing an approval earlier recommended against. Another misunderstanding is how a planner may have an opinion that is different to that of the public or council opinion. We have to constantly remind the public and employers that an independent professional opinion is an objective evaluation based on all the relevant information available and the planner's professional judgment.

A professional planner cannot provide an independent professional opinion in any direct or indirect circumstance where there is a personal or financial interest including receiving consideration based on an outcome. The professional planner should consider the following before rendering an independent professional opinion:

- Do I have sufficient information and resources?
- Do I have sufficient training and experience?
- Am I professionally objective?

The goal of the profession is to promote a standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. The most important distinguishing character of all Registered Professional Planners in Ontario

must be our commitment to the Professional Code of Practice in the pursuit of planning excellence. The Ontario Professional Planners Institute has the responsibility, through education and discipline, to maintain the highest standards of practice and ethics. We should promote and distinguish the value of an independent professional planning opinion certified to by the use of the professional stamps. The stamp and signature represents the collective reputation of all Members of the Ontario Professional Planners Institute of Ontario.

2. Standard of Practice for Independent Professional Judgment

The Professional Planner in applying independent professional judgment cannot be an advocate of any position other than his or her professional opinion. The role of an advocate is to "plead the cause of another". The role of the planner is to provide independent professional judgment or opinion. It is therefore important to distinguish an opinion independently from the position of the employer or client even though they may be the same.

An opinion must be balanced and fair. Most issues have benefits and disadvantages or consequences. By stating both the benefits and impacts, a planner should present an opinion in a manner which allows the reviewer to understand the basis and reasoning for the opinion. Conditions are often identified to qualify the opinion where more work is necessary to support any assumptions or to manage identified impacts.

Independent professional judgment should be the end product of an evaluation process, openly and freely entered into with the application of research techniques and professional evaluation. The professional planner must measure the gravity and necessity of the circumstances, the resources available upon which to draw and be thoughtful of the rights and privileges of others within the overall public interest.

While not exhaustive, the following principles are intended to provide a greater understanding of the meaning of the term — *independent professional judgment*:

Independent

- A planner shall not perform work if there is an actual, apparent or foreseeable conflict of interest, direct or indirect, or an

appearance of impropriety, without full written disclosure including related work for current or past clients and subsequent written consent by the current client or employer.

- Zealously guard against conflict of interest or its appearance.
- While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer.
- Remain free of associations and activities that may compromise integrity and damage credibility.
- Disclose unavoidable conflicts.
- Deny favoured treatment to special interest groups (private and public).
- Resist collateral or irrelevant pressure to influence your planning opinion.
- Reject bribery in all forms. Do not accept commissions or allowances, directly or indirectly, from clients or other clients or employers in connection with planning work for which you are responsible.

Professional

- A planner must strive to provide full, clear and accurate information on planning issues to clients, citizens and governmental decision makers.
- A planner must systematically and critically analyse ethical issues in the practice of planning.
- A planner must act in accordance with the highest standards of professional integrity.
- Maintain a high quality of service and a reputation for honesty and fairness.
- Carry out tasks with honesty, provide accurate captions and never intentionally distort the truth.
- Express an opinion only when it is based on practical experience, education, judgment and honest conviction.
- Perform services only in areas of competence obtained through experience and/or formal education.
- Critically examine and keep current with emerging knowledge and fully use evaluation and research evidence in professional practice.
- Conduct yourself honourably, responsibly, ethically, and lawfully so as to enhance the honour, reputation and usefulness of the planning profession.

- Advise clients or employers when you believe a project does not meet basic planning principles or guidelines.
- All professional planners must promote professional excellence within the profession.

In summary, all professional planners must be aware of their professional responsibilities. The Professional Code of Practice is intended to require a standard of excellence and practice to maintain the privilege of Members being exclusively referred to as a Registered Professional Planner in Ontario.

Disclosure and the Public Interest Standard of Practice

1. Discussion

The Preamble to OPPI's Professional Code of Practice, referring back to the Canadian Institute of Planners Statement of Values states:

"CIP Members seek to balance the interests of communities with the interests of individuals, and recognize that communities include both geographic communities and communities of interest."

Professional Code of Practice Sections 2.7 and 2.9 collectively require that the Member ensure full disclosure to a client or employer of a conflict between the values or actions of a client or employer and those of the Code and that the Member must provide their professional recommendation in situations that may adversely affect the public interest.

In addition, the first Standard of Practice regarding Independent Professional Judgment established that:

"While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer."

Section 1.0 of OPPI's Professional Code of Practice states that:

"Members have a primary responsibility to define and serve the interests of the public."

Section 1.3 further provides that:

"[Members shall] acknowledge the interrelated nature of planning decisions and their consequences for individuals, the nature and built environment, and the broader public interest."

Professional Code of Practice Section 2.6 requires that the Member respect the client or employer right to confidentiality of information gathered through a professional relationship.

There is no universally accepted definition of what constitutes the public interest. The ethical principles that define it come from two sources

— the general values of society and the planner's responsibility to serve the public interest. An individual Member's morals, ethics and values reflect those of their community and professional training. The Member must also be cognizant of and respect the competing interests of individuals, corporations, municipalities and provincial ministries and agencies. Conflicts arise among competing obligations, which "prima facie" may all appear to be valid. At issue here is the dilemma between the Code's direction of disclosing and balancing public interest issues with the contractual duty to observe confidential client information.

The purpose of this Standard of Practice is to further OPPI's commitment to ensuring that the highest standards of conduct and ethics are maintained, by increasing the awareness of Members' obligation under the Code to maintain professional integrity and promote and enhance the public interest. This Standard of Practice is intended to assist Members by providing an outline of the steps that should be taken in the evaluation of cases when disclosure of confidential information may be necessary in order to protect the public interest.

Guidance as to what matters are of a dimension to affect the public interest is embedded in statutes such as the *Planning Act*. For example, Section 2 of the *Planning Act* establishes that a lengthy list of public authorities, in carrying out their responsibilities under the Act, shall have regard to identified matters of provincial interest, including:

" . . . (b) the orderly development of safe and healthy communities; and . . . (o) the protection of public health and safety; . . ."

The "public interest" concept is continued throughout the *Planning Act*. It permeates all of the component sections (Official Plans, zoning by-laws, minor variance, site plans and subdivision/severance). It is the duty of a Member to identify any adverse impacts on the

public interest and evaluate mitigative efforts that are appropriate. In some circumstances, this investigation may reveal information that is confidential or privileged. Before revealing or disclosing such information, the Member is advised to comply with the following directions.

2. Standard of Practice regarding Disclosure and the Public Interest

As set out in the Standard of Practice regarding Independent Professional Judgment, the professional planner should consider the following matters before rendering an independent professional opinion:

- Whether the Member has sufficient information and resources;
- Whether the Member has sufficient training and experience; and
- Whether the Member is professionally objective.

Assuming that the three conditions noted above have been met, the following section outlines the steps that a Member should pursue respecting the disclosure of information received that would normally or specifically be considered proprietary or confidential.

In providing independent professional judgement, the Member must be free to disclose confidential information that is contrary to the public interest in order to evaluate the issues and provide a professional recommendation. If a contractual commitment would be broken by such disclosure, generally such disclosure must be required by law or provided with the consent of the client. However, a Member is not entitled to hide behind a contract or refuse or neglect to reveal information that is relevant to the protection of the public interest. Disclosure guidelines are particularly relevant in the areas of the public interest related to public health or safety and respect for the rule of law. In those circumstances, the failure to disclose could negate the Member's duty to promote the primacy of the public interest and thereby

constitute the basis of an offence under the Professional Code of Practice.

Public disclosure must take place so as to preserve the standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. OPPI supports and recognizes that a professional planner has a responsibility to disclose matters that may have an adverse effect on the public interest, or where there is or is likely to be a violation of the law, without fear of professional disciplinary sanction. Further, if a Member is vested with, receives, or comes across information, whether received in confidence or not, the Member may have a legal or ethical responsibility to disclose this information if it could have an adverse effect on the public interest.

Major considerations to be carefully weighed must include – but are not necessarily limited to – the following:

- What is the level of risk to the public — is there an existing or imminent threat to **public health or safety**?
- Has there been, or is there likely to be **a violation of the law**?

If the answer to either one of the above is affirmative and the public interest is therefore potentially compromised in an adverse manner, then the Member must consider the following three questions:

- a) Is there a positive duty in law requiring timely disclosure, e.g. an environmental spill of contaminant?
- b) What are the disclosure terms of the employment contract? Do they include a mechanism for public disclosure, as part of an assessment, mitigation, conditions or a general due diligence requirement?
- c) Are timely internal appeal procedures in place that allow for a speedy resolution of the matter?

In the case of the first, a Member is expected at all times to observe the law. In the other circumstances, where disclosure is not obligatory at law and there is no release by the employer, the Member is advised to pursue the following:

Step 1

If, following consultation with the employer, public disclosure is prohibited, the professional should consult with a trusted senior colleague of their choice who holds current, full OPPI membership in strict confidence. The independent Member consulted should have, or be provided with, significant knowledge of the subject matter at hand to render an independent perspective, but not be linked to any of the parties involved.

Step 2

Should the independent OPPI Member concur with the involved planning professional's assessment of the gravity and urgency of the situation, the next step would be to contact OPPI's Executive Director to obtain further counsel and assistance on proceeding with disclosure.

The communication with OPPI, whether oral or in writing, must be generic in nature and follow the standardized format below, outlining the situation without divulging any privileged information. Contents should include:

1. A concise explanation of how and why the professional has concluded that there is an imminent threat to public health or safety or a violation of the law, including the name and contact information of the Member who concurred with this professional opinion;
2. An affirmation that the employer in question has not provided a disclosure release and has neither a mechanism for public disclosure nor a timely internal appeal procedures in place to deal with the situation so as to avoid imminent danger to the public;
3. Confirmation that the Member has notified the employer/client first and provided a reasonable period for a local resolution, satisfactory to the Member; and,
4. Any other information that could assist with avoiding or minimizing a potentially adverse public reaction against the Member or the planning profession in the event of public disclosure.

Step 3

Receive and act upon the counsel and assistance provided by OPPI in conjunction with other civil or criminal independent legal advice, if any, that the Member in his/her sole discretion considers appropriate in the circumstances.

The procedure outlined above **should be followed in all cases** so as to ensure a consistent approach in handling situations respecting disclosure of matters affecting the public interest going to issues of public health or safety or a violation of the law. Following this process will maintain the integrity and competence of the planning profession, and is proffered as due diligence on the part of the Member.

3. Caveats

- a) In the case of a statutory obligation to disclose or protect information, the Member is expected to obey the law.
- b) Where disclosed information received is germane to public health or safety or in violation of the law, the Member should notify the employer/client and then follow the above three step procedure if there is no action to effectively remedy the concern.
- c) A departure from the approach suggested above is not recommended, it could be considered unprofessional and could be grounds for disciplinary action.
- d) This Standard of Practice only covers the most serious cases of violations of the public interest — other means of redress should be sought for cases not involving imminent threats to public health or safety or a violation of the law.
- e) Disclosure in order to protect the public interest should be strictly on a need-to-know basis and public information may be limited to the essentials required to recommend mitigation measures to prevent threats to public health or safety.
- f) Independent legal advice should be considered before proceeding with disclosure in all circumstances where confidential information is shared which is or may be the subject of privilege.
- g) A Member's contract for services or retainer letter should address that in the event that the Member's professional obligations conflict with the requirements of the owner, the Member's professional responsibility shall govern.
- h) This Standard of Practice is not intended to substitute for a Member's obligation in law to do or refrain from doing any act or omission that he or she is required to perform by law. Where information is protected by laws of copyright, privilege, trespass, libel, slander, privity of contract or access to freedom of information, the Member must examine the confidentiality of information received in light of this Standard of Practice.

Trespass Standard of Practice

1. Discussion

OPPI's Professional Code of Practice states:

"Members have a primary responsibility to define and serve the interests of the public."

The purpose of this Standard of Practice is to provide advice to planners regarding the existence of restrictions on access to property. While it might appear to some Members that entering onto lands for investigatory purposes is in the public interest, it is not the case in most instances. For example, before entering into a woodlot to conduct a survey of native plant species that might be affected by an adjacent development that the Member is involved with, it is mandatory that planners respect the legal restrictions on access to property. While municipalities may pass by-laws allowing construction access from neighbouring lands and certain other professions such as surveyors have limited access rights to property, planners have no statutory rights to enter upon premises, including lands and buildings, in the conduct of undertaking their work. Members must therefore obtain the consent of the owner and or occupant before entering upon or into such premises.

OPPI's Professional Code of Practice is silent on the specific issue of trespass. However, in consideration of the requirement for Members to recognize that resources are the property of individuals or private or public entities, planners must educate themselves as to the applicable restrictions on access to property. It is important that planners familiarize themselves with the provisions of the provincial *Trespass to Property Act*, R.S.O., 1990, Chapter T.21, as amended (the "Act") and the liability/risk assumption consequences under the *Occupier's Liability Act*, R.S.O. 1990, c.0.2 (collectively, the "Acts"). Note that extracts from these two Acts cited below are from the Acts (September, 2006), which may be amended from time to time. Members should therefore consult the Acts directly when trespass issues arise. Both Acts are available on the Internet by name search.

The *Trespass to Property Act* provisions defining when an act of trespass has occurred are as follows:

"Trespass an offence

2. (1) Every person who is not acting under a right or authority conferred by law and who,
 - (a) without the express permission of the occupier, the proof of which rests on the defendant,
 - (i) enters on premises when entry is prohibited under this Act, or

- (ii) engages in an activity on premises when the activity is prohibited under this Act; or
 - (b) does not leave the premises immediately after he/she is directed to do so by the occupier of the premises or a person authorized by the occupier,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

R.S.O. 1990, c. T.21, s. 2 (1)."

Prohibition of entry is defined in the Act as follows:

3. (1) *Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,*
 - (a) *that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or*
 - (b) *that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.*
R.S.O. 1990, c. T.21, s. 3 (1)."

Premises is broadly defined as follows in the Act:

- 1.(1) *'premises' means lands and structures, or either of them, and includes,*
 - (a) *water,*
 - (b) *ships and vessels,*
 - (c) *trailers and portable structures designed or used for residence, business or shelter,*
 - (d) *trains, railway cars, vehicles and aircraft, except while in operation.*
("lieux")
R.S.O. 1990, c. T.21, s. 1 (1)."

Occupier is also defined in the Act as follows:

1. (1) *In this Act, 'occupier' includes,*
 - (a) *a person who is in physical possession of premises, or*
 - (b) *a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises ..."*

As a general rule, Members should always seek consent from the occupier before entering on premises, whether owned by the client, or other interest.

In addition to the offence of trespass, punishable by fine and damage awards under the Act, other consequences can follow.

Under the provisions of the *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, in instances where the entry is prohibited under the *Trespass to Property Act* or the occupier has posted no consent notice with respect to entry and has not otherwise expressly permitted entry, a person who enters the premises is deemed to have willingly assumed all risks.

In the event that posted or written consent is not obtained, Members should in all cases consider alternatives to the act of committing trespass. For instance, raising the concern with interested parties such as the local planning department in order to facilitate agreement for access is one alternative.

This Standard of Practice should be read in conjunction with the Standard of Practice regarding Disclosure and the Public Interest to ensure that privileged information is not inadvertently disclosed.

In all cases, a written agreement for access to protected premises should be sought to protect the Member against possible prosecution for trespass and complaints of unprofessional conduct.

Public sector planners are encouraged to amend development application forms to provide that the property owner in submitting the application thereby provides consent to municipal and relevant external agency review staff to enter upon the premises during regular business hours over the time that the application is under consideration by the municipality. Specific legal advice should be obtained for the conditions of entry.

Private sector planners are encouraged to include in retainer letters an acknowledgement of the right to enter the client's premises during reasonable times over the term of the project.

All Members must seek the permission of owners and occupiers of premises not otherwise accessible to the public.

2. Standard of Practice for Trespass

In all cases, OPPI Members must not violate the prohibition against trespass nor assume the risks or potential liability for such action. In instances where a planner is uncertain about the legal restrictions, specific legal advice should be sought.

In addition to inviting the possibility of a complaint or legal action against themselves, Members must always be mindful that their conduct is a reflection on the profession as a whole and must ensure that their behaviour is perceived to be ethical, in accordance with Section 2.2 of OPPI's Professional Code of Practice which requires that:

"[A Member shall] work with integrity and professionalism."

Section 3.5 requires that:

"[A Member shall] not in professional practice, extra-professional activities or private life, engage in dishonourable or questionable conduct that may cast doubt on the Member's professional competence or integrity or that may reflect adversely on the integrity of the profession."

3. Caveat

- a) A departure from the approach suggested above is not recommended. It could be considered unprofessional and could be grounds for disciplinary action.

Conflicts of Interest Standard of Practice

1. Discussion

Section 1.0 of OPPI's Professional Code of Practice states:

"Members have a primary responsibility to define and serve the interests of the public."

Planners need to be aware that in carrying out their duties, they may become involved in situations where their duty to serve the public interest is compromised or perceived to be compromised by competing priorities and interests. A planner must always be aware of his/ her responsibilities as set out in the Standard of Practice respecting Independent Professional Judgement:

"While the primary responsibility is to provide a service to a client or employer, there is also a responsibility to the larger society (public interest) that may at times supersede a planner's responsibility to a client or employer."

- A planner shall not perform work if there is an actual, apparent or foreseeable conflict of interest, direct or indirect, or an appearance of impropriety, without full written disclosure including related work for current or past clients and subsequent written consent by the current client or employer.
- Zealously guard against conflict of interest or its appearance.

There is no universally accepted definition of what constitutes a conflict of interest. The ethical principle underlying it flows from the planner's responsibility to perform his/her responsibilities freely without influence and to the best of the individual's ability commensurate with the resources available to perform the task. When a planner becomes involved in a situation where there is a conflict of interest, which has not been disclosed, the planner effectively violates his/her obligation to the larger society and may violate a number of the provisions of the Professional Code of Practice.

The purpose of this Standard of Practice is to further OPPI's commitment to ensuring that the highest standards of practice and ethics are maintained, by increasing the awareness of Members' obligation under the Code to maintain professional integrity. This Standard of Practice is intended to assist Members by providing an outline of the considerations that Members must evaluate to confirm that in undertaking certain responsibilities, no conflict of interest of a personal nature would occur that would have the effect of adversely impacting on the Members' duties.

This Standard of Practice is to be applied in all situations in which a planner may find him or herself in an actual or perceived conflict of interest. It is not intended to supplant an employer's internal policies or procedures regarding an actual or perceived conflict of interest. Planners must familiarize themselves with and work within these additional policies within their place of employment.

The Standard of Practice regarding Independent Professional Judgement sets out a number of matters that the professional planner should consider before rendering an independent professional opinion, including consideration of whether the Member is professionally objective with respect to his/her opinion.

Specific instances where a personal conflict of interest would be involved include the following scenarios:

- when the Member, a spouse/partner or family Member is in a position to potentially benefit directly or indirectly from a certain outcome of a planning process; and

- when the Member is in a situation where personal relationships may place improper influence on the outcome of a planning process.

A conflict arises when the perception or potential for the ability of the planner to exercise the required independent professional judgement is undermined. Simply recognizing a conflict does not eliminate it, and declaring it may not resolve the conflict.

Planners often assume different roles in the performance of their duties and as they function as professionals in society. In some instances, professional opinions are required to be given in oral or written form, while in instances of processing matters, they may not be required to be given. In exercising independent professional judgement, whether or not opinions are required, conflicts can arise. Planners must determine what role they are taking on in any given circumstance and assess potential conflicts accordingly. Regardless of the role, this Standard of Practice applies.

Specific Professional Code of Practice requirements, which would be violated in the above circumstances, are as follows:

Section 2.8

"[The Member shall] ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner;"

Sections 2.10 – 2.14

"[The Member shall] reject and not offer any financial or other inducements, including prospective employment, that could influence or affect professional opportunities or planning advice;

[The Member shall] not, as an employee of a public planning agency, give professional planning advice for compensation to a private client or employer within the jurisdiction of the public agency without written consent and disclosure to the agency;

[The Member shall] not, as a consultant to a public planning agency during the period of the contract with the agency, give professional planning advice for compensation to others within the jurisdiction of the agency without written consent and disclosure to the agency in situations where there is the possibility of a conflict of interest arising;

[The Member shall] not, as a salaried employee of or consultant to any public planning agency, directly or indirectly advise the agency on the granting or refusal of an application which the Member has submitted or has an interest in to the agency;

however, the Member may appear to present the application;

[The Member shall] not accept anything of value, or the promise of anything of value, including prospective employment, from any person when it could appear that the offer is made for the purpose of influencing the Member's actions as an advisor to a public planning agency."

2. General Practice

Planners have an obligation to disclose matters in which they directly or indirectly have a personal interest. Personal interest for the purpose of this Standard of Practice is defined as:

"Any personal advantage, real or perceived, that constitutes a personal or pecuniary benefit, gain or profit that is neither nominal nor in kind and which accrues to a Member or person directly or indirectly related to the Member as a result of involvement in a work, commission, planning process or decision, excluding reasonable and related contract for service amounts with the employer to whom the services are rendered."

Appropriate and timely disclosure must take place so as to preserve the standard of excellence that distinguishes Registered Professional Planners in Ontario and warrants the respect of the public. The nature of disclosure will be different in each circumstance. Verbal declarations are required in a public forum such as a Committee, Council, or tribunal charged with making a recommendation or decision on a matter related to the Members opinion; the declaration could be in the form of written correspondence to affected parties and/or participants in a planning process if sufficient opportunity exists to communicate effective knowledge of the personal interest. The nature of the conflict will guide the type and extent of disclosure required. It should be clear that disclosure of the specific nature of the conflict is not required if it would result in the disclosure of confidential information to which the Member is privy.

Reference should be made to the Caveats respecting disclosure set out in this Standard of Practice.

Instances where a Member becomes aware that a fellow Member may have an undisclosed conflict of interest of a personal nature means it is incumbent for the Member to bring the matter to the attention of OPPI's Discipline Committee.

Immediately upon disclosure to the offending Member that there may be a real or perceived conflict of interest, the Member shall not hold himself or herself out as providing an independent professional opinion in respect of the particular matter.

The failure to disclose to all affected parties a personal interest is the basis for a complaint under the Professional Code of Practice.

OPPI is aware that despite best efforts, Members may inadvertently acquire personal interests that may interfere with their exercise of independent professional judgement. Examples of such conflicts might include property inheritance or personal relationships of or with a person in a position of decision-making authority.

Special measures may be required and available to ensure no conflict arises through devices to limit access to information, securing of documents or other isolation measures in larger organizations.

Should an inadvertent conflict arise, the Member should immediately and carefully consider the following questions:

- what is the level of risk that the affected decision-making process has or could be influenced by non-disclosure of the Members' conflict of interest — could the process be so unduly influenced that there could be an adverse effect on the public?
- Has there been, or is there likely to be a violation of Code of Professional Practice, contract or applicable law?

Additionally, a Member must also consider the potential impact of non-disclosure on the profession as a whole, given the profession's unique position of trust held by the public at large and in respect of the intended fairness of the planning process.

Step 1

Forthwith upon learning of a personal interest in the course of the Member's work, services or employment, the Member should consult with a trusted senior colleague of their choice who holds current, full OPPI membership in strict confidence. The independent Member consulted should have, or be provided with, significant knowledge of the subject matter at hand to render an independent perspective, but not be linked to any of the parties involved. This procedure is appropriate when the Member has any doubt as to whether or not he or she is in a conflict of interest circumstance.

Step 2

Should the independent OPPI Member conclude the existence of a potential conflict of interest, the next step would be to contact OPPI's Executive Director to obtain further counsel and assistance on proceeding with disclosure. The communication with OPPI, whether oral or in writing, must be generic in nature and follow the standardized format below, outlining the situation without divulging any privileged information.

Contents should include:

1. A concise explanation of how and why the professional has concluded that there is a potential conflict of interest, including the name and contact information of the Member who concurred with this professional opinion;
2. An explanation as to why disclosure to affected parties has not occurred.

Step 3

Receive and act upon the counsel and assistance provided by OPPI, which may involve consultation with an Ethics counsellor, in conjunction with other civil or criminal independent legal advice, if any, that the Member in his/her sole discretion considers appropriate in the circumstances.

The procedure outlined above should be followed in all cases so as to ensure a consistent approach in handling situations respecting disclosure of personal interests that have or may affect or be influenced by a Member's actions, presence or work.

Following this process will maintain the integrity and competence of the planning profession, and is proffered as due diligence on the part of the Member.

3. Caveats

- a) A departure from the approach suggested above is not recommended, it could be considered unprofessional and could be grounds for disciplinary action.
- b) Nothing herein shall diminish the requirement of compliance with the Professional Code of Practice of the Institute.
- c) Disclosure in order to protect the public interest should be strictly on a need-to-know basis and public information may be limited to the essentials required to recommend mitigation measures and ensure awareness in persons who may wish to take remedial action.
- d) A Member's contract for services or retainer letter should address that in the event that the Member's professional obligations conflict with the requirements of the client, the Member's professional responsibility shall govern.

Congratulations

To the following members who received their Registered Professional Planner (RPP) designation in 2006

James Abbs (SD)	Claire Dodds (SD)	Karen Landman (SD)	Rob Russell (WLOD)
Rudayna Abdo (TD)	Kelly Dynes (ORD)	Leilani Lee-Yates (TD)	Becky Schlenvogt (SD)
Bashar Al-Hussaini (ORD)	Jonathan Famme (ORD)	Carol Leeming (SD)	Deanna Schlosser (ORD)
Sarah Anderson (TD)	Andrew Ferancik (TD)	Al (John) Leggett (ORD)	Harold Schnider (SD)
(Transferred from API)	David Few (LD)	David Lettner (LD)	(Transferred from AACIP)
Trevor Anderson (ORD)	Barbara Flight (ED)	Kartika-Sari Liem (ORD)	Amy Shepherd (TD)
David Atkinson (ED)	Kregg Fordyce (TD)	Christine Lyons (TD)	Leila Shidfar (ORD)
Jodi Ball (WLOD)	Stephen Fraser (WLOD)	Willie Macrae (TD)	Colin Simpson (ED)
Marc Bancroft (SD)	Luisa Galli (TD)	(Transferred from PIBC)	Mark Sterling (TD)
Martin Barakengera (ED)	Stephen Gardiner (TD)	Kristin Marinacci (ED)	Paula Strachan (LD)
Kristen Barisdale (SD)	Amjad Gauhar (ORD)	Catherine Marsden (ORD)	Steven Strong (ORD)
Michael Barton (ORD)	Philip Gerrard (ED)	Jayson McGuffin (SD)	Jocelyn Strutt (WLOD)
Cynthia Beach (ED)	Angela Gibson (ORD)	James McKenzie (ORD)	Stefan Szczerbak (LD)
Denis Beaulieu (ORD)	Lesley Gill Woods (WLOD)	Carlissa McLaren (LD)	Bill Tam (ORD)
Stephen Belan (ED)	Tricia Givens (SD)	R.R. McLellan (WLOD)	Celeste Terry (ORD)
Gregory Bender (SD)	Catarina Gomes (TD)	John McMullen (LD)	Eldon Theodore (ORD)
Curtis Benson (WLOD)	Odete Gomes (SD)	Delia McPhail (WLOD)	Christina Thomas (TD)
Deepak Bhatt (TD)	Anthony Goodban (WLOD)	Cheryl McWilliams (ED)	(Transferred from PIBC)
Louis Bitonti (WLOD)	Christopher Gosselin (SD)	Jason Mercer (TD)	Nadine Tischhauser (SD)
Kevin Blozowski (WLOD)	Nikolaos Gougoulas (ORD)	Michael Michaud (ED)	Miguel Tremblay (ED)
Cory Bluhm (SD)	Teresa Gray (WLOD)	Deanne Mighton (TD)	Timothy Uyl (ORD)
Sonya Bolton (ED)	Ryan Guetter (TD)	Learie Miller (ORD)	Savas Varadas (LD)
Michael Boucher (ED)	David Gurin ... (TD) (Reinstated)	Agnes Mochama (ORD)	C. Andres Velez-Guerra (ED)
(Transferred from CIP Int'l)	Beverly Hall (ND)	Larry Mottram (SD)	Karl Walsh (ORD)
Jennifer Bozzo (ORD)	Sabine Hammel (SD)	Iain Mudd (LD)	Dena Warman (ORD)
Laurie Bruce (TD)	Kevin A. Harper (ED)	Barbara Mugabe (WLOD)	Heather Watt (ORD)
Helen Bulat (TD)	Sean Harvey . (TD) (Reinstated)	Giuseppe Muraca (TD)	Cindy Welsh (LD)
Krista Burgess (ED)	Selma Hassan (ED)	Shoma Murshid (ED)	(Transferred from MPPI)
Steven Burke (WLOD)	Trevor Hawkins (LD)	Karen Nasmith (TD)	Kristen West (WLOD)
Joseph Calenda (LD)	Victor Helfand (TD)	Jody Nelson (TD)	Kevin Wherry (ED)
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Mark Chlon (TD)	(Reinstated)	(Transferred from MPPI)	Joyce Wilson (SD)
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Pamela Cooper-Hood (ORD)	Michael Hynes (TD)	Renee Pettigrew (TD)	Christine Woods (ED)
Joel Cotter (SD)	Michelle Innocente (SD)	Loren Polonsky (ORD)	Nathan Wukasch (LD)
Pamela Coulter (TD)	Douglas James (ED)	Paul Richardson (TD)	Lily Xu (ED)
James Cox (TD)	Isa James (ORD)	Lori Riviere (ORD)	Peter Zimmerman (TD)
Shirley Crockett (TD)	Chad John-Baptiste (TD)	Jamie Robinson (LD)	
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Lisa Dalla Rosa (ED)	Todd Kerr (TD)	Susan Rosales (WLOD)	
Mark De Souza (TD)	Kyle Knoeck (TD)	Marc Rose (TD)	
Simon Deiacco (WLOD)	Sarah Knoll (SD)	Anthony Rossi (ORD)	
Marion Denney (ORD)	Melanie Laforet (SD)	Susan Ruddick (TD)	
Dorothy Di Berto (TD)		(Reinstated)	

For questions regarding membership,
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1-800-668-1448, Ext. 222, or
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Student Liaison Committee On a Roll

Rachelle Ricotta

Should this article be about life as a planning student, or the challenges of the planning profession? Maybe it should talk about the changes that are happening in Ontario, or where I think the future will take us? These are some of the questions that I pondered while preparing to write this article. I decided that I wasn't going to write about any of these things. I want to talk specifically about what the Student Liaison Committee has done so far this year, because I am proud of our accomplishments.

To begin, I would like to thank my fellow student representatives who came together to form an active OPPI Student Liaison Committee. We achieved a lot and everyone played their part.

I began my term as Student Delegate knowing that I wanted to make some structural changes to the Student Liaison Committee. After completing the Student Handbook, I saw an opportunity to suggest changes to the student representative election process and to develop stronger bonds between the schools and OPPI. In early October, the committee met at the University of Waterloo. After a full day work session we succeeded in creating a new election structure, annual goals, and articulated ideas about how to use the student survey results.

Since the meeting, the committee has met regularly and we have been working towards our goals. Each school participated in or

organized events around World Town Planning Day. Student representatives from the U of T, Ryerson, and York have also set up "Triangulation," a monthly event for planning students to meet and discuss planning issues. The committee is also planning events that will inform planning students about how to enter the planning profession. Besides these things, there are many other projects and discussions under way. I should also

mention that in February, many students from Ontario will attend the Canadian Association of Planning Students Conference in Winnipeg. It will be a time to tell the country what Ontario planning students are doing.

The success of the Student Liaison Committee rests in its organization, structure, and membership. Its accomplishments will help to ensure a productive and sustainable future. I hope each of you are as proud of what the committee has done as I am.

Even though my term is not quite over, I would like to take this opportunity to say that I sincerely appreciate having the opportunity to serve as Student Delegate and to work with so many amazing people, from students to OPPI Staff and Council members. Thank you all!

Rachelle Ricotta can be reached at rricotta@gmail.com. She is completing her second year in the Masters in Planning program at the University of Toronto.



Rachelle Ricotta

OPPI Student Liaison Committee

University of Guelph	Erik Acs (2nd year Masters) Siobhan O'Leary (1st year Masters)
Ryerson University	Andrew Liguori (Undergrad)
York University	Tessa Forrest (1st year Masters) Elsa Fancello (2nd year Masters) Eric Berard (2nd year Masters)
University of Waterloo	Drew Adams (Undergrad) Fazeel Elahi (Graduate)
University of Toronto	Vincent Luk (1st year Masters) Amy Cervenak (2nd year Masters)
Queen's University	Amy Cann (1st year Masters) Michelle Taggart (2nd year Masters)

Planning Futures

\$100-billion question: Time to mortgage GTA's future?

Paul Bedford

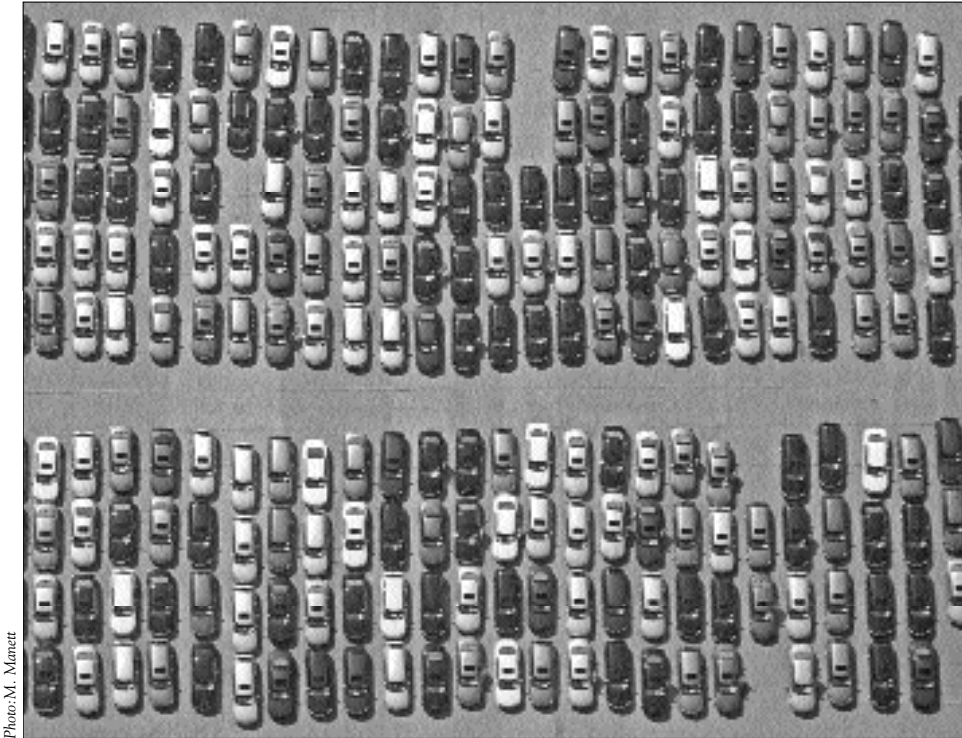


Photo: M. Manett

Can GTA overcome auto habit?

This year will not only see a provincial election, but will also see the Greater Toronto Transportation Authority (GTTA) come to life. Anne Golden, Chair of the Conference Board of Canada, once said "vision without execution is hallucination." In my view, the GTTA is the key to realizing the Places to Grow regional vision adopted in June 2006 by the province but only if we think and act like a region. Transportation is the common glue that holds the region together, but that glue is falling apart.

What are the starting points? What are the priorities? What are the opportunities?

Facts of life

It is no surprise that our region is experiencing a transportation crisis. Basically, we haven't built very much of anything in the past 20+ years, while transit ridership has taken off, traffic gridlock has become the norm and substantial population growth has

occurred. The TTC now carries 1.5 million riders per day, which is more than the population of Calgary. TTC riders on buses and streetcars make up 60% of the total. The King, Queen and Spadina streetcars together carry about 160,000 riders every day, which equals the total daily ridership on the entire GO transit system. We built the Sheppard subway at a cost of \$1 billion, which now carries about 40,000 daily riders. This compares to the 60,000 daily bus riders on Eglinton Avenue. Road congestion in parts of 905 is often much worse than that experienced in the downtown. People are reaching the tipping point over transportation and are looking for solutions. The GTTA must quickly come to grips with the enormous scale of transit and road investment needed to serve a future city region of 10-11 million people by 2031.

A bold transportation plan

The GTTA has a huge task ahead. As Rob

MacIsaac, the newly appointed chair, and his Board of Directors from GTA municipalities and Hamilton (GTAH) get down to business, their first major task is to develop a regional transportation plan. Obtaining the necessary funding authority and translating the plan into reality must follow.

What is clear is that nothing short of building an aggressive regional transit network will be sufficient. All parts of 905 and 416 must benefit with new money and new subways, streetcar lines, bus rapid transit, buses and all day north-south and east-west GO Transit service on existing and expanded routes. This is a time to be bold if we are serious about reducing car dependence, improving the environment and giving people real choice.

Permanent and dependable funding is essential to expanding the transit system so it is capable of moving people in a rapidly growing city-region.

Notwithstanding the massive investment needed in transit, filling in missing road links and the completion of highway 407 will need to be addressed, along with construction of the mid-Niagara transportation corridor concept to the border. If this is built, it should be a toll road for trucks with extremely limited access so as to prevent extending a typical pattern of suburban sprawl into the Niagara peninsula.

What will all this cost?

Realistically, we need to commit to a minimum of \$100 billion, and possibly a lot more. However, this enormous number would be spread over 25+ years. As such, it should be thought of like a mortgage and as a necessary investment in our collective future. Despite the big number, it is indeed something that we can actually afford when spread over a future regional population of 10+ million people.

Regional revenue menu

A full revenue menu of funding sources will be needed to pay for a regional transportation network of this magnitude. I believe it will be essential to toll the entire 400 series

of highways, including the Don Valley Parkway and the Gardiner, so the whole expressway network serving the GTAH is treated as one integrated system. This move alone would generate \$1-1.5 billion per year on a continuous long-term basis depending on the level of tolling. Think of the toll price as the equivalent of a transit fare.

Other extensive revenue sources should be explored. These could include a larger share of the gas tax, a share of the income tax, a share of the federal or provincial sales tax, a carbon tax on large vehicles at the point of manufacture, a graduated inspection fee for older vehicles, a new/used sales tax surcharge, a billboard advertising tax, a parking lot tax, a regional transit development surcharge and, of course, transit fares. Alternative financing and procurement should also be explored as a way to get needed transit lines built within short timeframes with the transportation infrastructure remaining in public hands.

This type of revenue menu is neither unique nor radical. It is how major urban transit systems are built, funded and sustained in major city-regions around the world. Road pricing is probably the most controversial idea, but there is increasing public support in the GTAH for this concept. A recent Decima research poll con-

ducted in November 2006 indicated 45% of respondents were in favour of paying a road toll if the funds were dedicated to solving transportation gridlock. After London's successful experiment with the congestion charge, road pricing is, I am told, now being extended to virtually all expressways, roads and local streets throughout England. All roads in the entire country will become subject to road pricing with the funds dedicated to transportation. Tolling of the 400 series of highways, Don Valley Parkway and Gardiner network pales by comparison!

The key to changing public attitudes and reducing car dependence lies in the GTTA borrowing against the revenue stream generated by the revenue menu to put in place a massive increase in bus, streetcar and GO transit service on the first day of road pricing so the public can see and experience an immediate increase in the level of transit service and how the road toll can benefit the quality of transportation. A full complement of High Occupancy Vehicle (HOV) lanes on all expressways should also be part of the strategy. The introduction of road pricing would also acknowledge the reality that property taxes and gas taxes paid by Toronto region residents and businesses simply do not

begin to cover the true costs of maintaining and building our transportation system.

Regional choices and regional consequences

The GTTA represents a unique opportunity to make up for the lost years of transit building. We have lived off transportation infrastructure that was developed in the 1950s 1960s and 1970s that allowed a great city to flourish. We were transit leaders during this period and there is no reason why we can't do it again for the Toronto region. It will take money, political will, legislative authority and a willingness to take risks if we want to have a robust regional transportation system to meet the needs of 10+ million people. I firmly believe people are ready and expect strong leadership. An all-out effort is needed to change past attitudes through positive actions.

Paul Bedford, FCIP, RPP, is contributing editor for Planning Futures. He is an urban mentor, providing advice on planning issues. Paul is a frequent speaker, and teaches at the University of Toronto. He also serves on the National Capital Commission Planning Advisory Committee and Toronto's Waterfront Design Review Panel.

Checklist for Managers

John Farrow

Managers have two jobs: dealing with today's issues and planning for tomorrow. This checklist is designed to help you think about the year ahead. I wrote a similar article two decades ago in Volume 1, No. 1 of the Ontario Planning Journal, but much of what I wrote about back then we now do without thinking. Today, organizations have different needs and managers face new challenges, so here is my checklist updated to 2007.

1. Are the clients satisfied? If not, why not and what are you doing about it? Reductions in government revenues have focused managers' attention on what government clients value most. Consumer attitudes learned through exposure to private companies have migrated to the public sector, so that citizens now demand more from government. This is an issue managers must work particularly hard to

address, as they are not usually on the front line in dealing with the public and so get less exposure to the nuances of customer dissatisfaction.

Three suggestions to address this are:

- Resolve to sit down with front counter staff on a regular basis and ask them about what annoys visitors the most.
- Monitor telephone calls to the planning department to determine how callers are being served and what their complaints are. If this approach ("this call may be monitored for quality control and training purposes") important for the phone company, it must be even more important for your department to have this information.
- Add a planning department complaints line to anonymously record grievances.

2. Are you leading through learning? Professionals prefer to be led rather than

managed. What you choose to learn on your own sends a powerful message about what others should learn. Check the new knowledge you believe those you are responsible for should acquire this coming year, then check your own to-do list, in terms of reading and training. Develop a plan to share what you learn with your colleagues.

3. Create meaning through the mission. Most of us entered planning with a desire to achieve change, but the day-to-day complexities of corporate or government activities can be major distractions. Revive this sense of mission to give the work your group does more meaning. Does your group or department have a clearly stated mission? If not, prepare one together. It will make decision-making easier and be a great motivator. It will also make those "What do you do at the office?" questions from the family much easier to answer.
4. Become a 21st Century motivator. The presenter of a survey on the expectations of new graduates cunningly asked a group of managers how often they provided their staff with feedback. The group

proudly answered that they provide feedback on average every six months. Unfortunately, the survey revealed that new graduates wanted feedback every two weeks. The lesson is that we need to examine how we motivate a new generation of professionals who know the world is changing fast and want to keep up. An important step in this regard is to acknowledge that new hires are unlikely to stay for 35 years, so promise that while they are with you, they will be allowed to grow to their full potential. They will then have more employment choices when they decide to move on. You can help them by providing frequent feedback, learning opportunities, and challenging jobs; arranging job rotations; offering them a mentor; helping them develop a personal development plan; and listening to their ideas to improve the organization.

5. Do you have a 21st Century organizational culture? Most employees are not retiring at 65, many working women are taking time off after they have children, while other workers are seeking a better balance between work and personal time. Most offices now have four distinct cohorts: Veterans, Baby Boomers, Generation X and Generation Y. These generations don't necessarily mix easily. To create a team and to be effective in retaining staff in an increasingly competitive marketplace, an organization's culture must work for all groups. Is it time to do a survey of the staff to determine what they feel about the organization, so that you can work on making it better? You are sure to be surprised by the results.
6. Have you checked compensation packages recently? As the competition for skills intensifies, it is important to know what the competition is paying and how they are paying. The cost of a formal compensation survey that compares job categories pays for itself in less than a year if turnover is reduced by a small amount. Do the survey, get the compensation right, and share the results and reasoning with staff. The result will be a happier, more stable and better motivated work group.
7. Have you met with your (work) partners recently? A major development in organizational thinking has been the blurring of the boundaries between organizations. Suppliers are no longer organizations to be fought with but organizations to partner with to achieve mutual benefit. The regulators and the regulated now work together toward achieving shared goals. Planning is a good example of this need for partnering. Planning departments

can't guide the creation of a great city without good developers. However, developers won't invest if the city is unsympathetic to their needs and those of building users. Building partnerships has thus become one of the necessary skills all planning departments must have. Review the quality of the relationships that you have with key partners and meet with them soon to revitalize the relationship.

8. Review your organization's job descriptions and see if the jobs fit the skills and the talent of the people doing them. I visit a lot of organizations and have observed that, although planners are better educated and more experienced than a decade ago, their jobs haven't changed a great deal. Review the situation in your group to make sure that you are not underutilizing any of the available talent. If you are, redesign the structure of the group and the jobs to give more responsibility to those qualified to handle it. In this way, you will be able to hire more junior staff and achieve greater job satisfaction for those whose talents have been underutilized. This is a win-win initiative for the organization and the individual professional.



John Farrow

9. Challenge the team with international benchmarks. The OECD publishes the length of time it takes to get a business started in different countries. When you attempt to hire staff directly from university, you are often competing with overseas employers; when you seek to attract developers to the community, you are

often competing on an international playing field. Embrace the inevitable and seek to be the best in class by looking for international benchmarks to measure your department against. A good place to start might be assessing how you compare to other municipalities in responding to global warming. Next, if you have not already done so, read *The World is Flat*, by Thomas Friedman and then share it with your colleagues.


10. Look for an opportunity to innovate this year. Faced with a high volume of work and constant demands, it is difficult to be innovative. So select a group from among your colleagues to develop some ideas for immediate action. Other governments are innovating, so why not follow suit? Last year, a municipality in London, England, that had a serious staff shortages entered into a partnership with another municipality in a high unemployment area to provide back office support in the processing of applications—a good example of how an innovation that provides multiple benefits. With open minds, the opportunities to provide more value for our citizens are enormous.

Good managers add value not only by keeping things running smoothly, but also by making improvements that benefit customers, stakeholders, staff and partners. This is the time of year to think bigger. Take this management checklist and use it as the basis for developing your own for the coming year.

John Farrow, MCIP, RPP, has been the Ontario Planning Journal's contributing editor for Management since the first issue. He is chair and CEO of LEA Group Holdings Inc., and is on the board of the Canadian Urban Institute and the West Northampton Development Corporation in the U.K.

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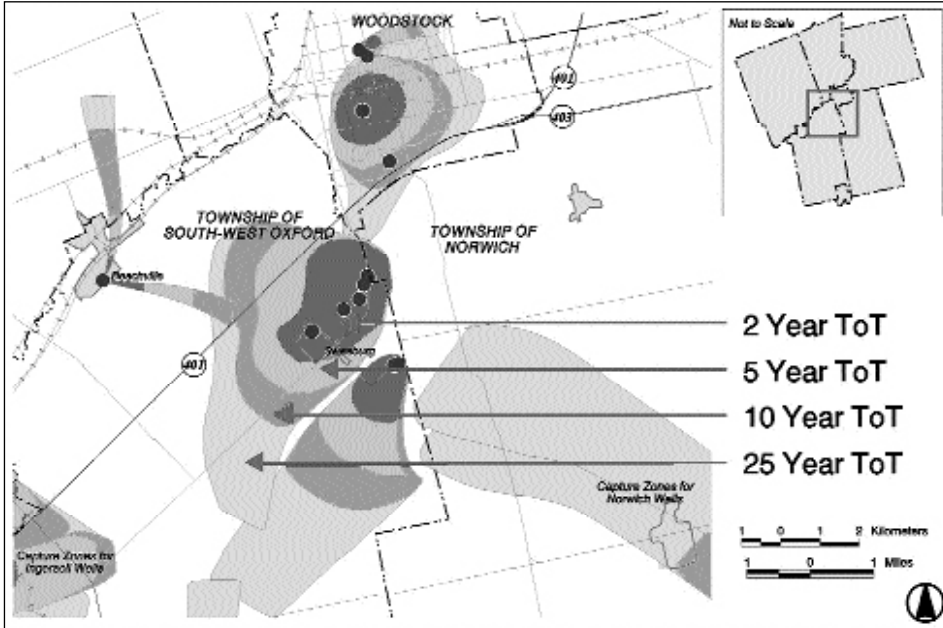
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What Planners Need to Know About Source Water Protection

Margaret Misk-Evans



The *Clean Water Act* received third reading on October 19, 2006. Regulations are anticipated soon, to address the composition of Source Protection Committees, the delineation of source protection areas, and the regions and terms of reference for technical assessment reports and source protection plans. A discussion document for the development of a regulation on source protection committees was posted on the Environmental Bill of Rights Registry on January 2 for a 30-day comment period. The province has already issued guidance on preparing technical assessment reports, available on its website. Technical assessments are under way across the province, and the Ministry will be releasing additional funding to assist municipalities and conservation authorities with this work.

What Is Happening Now

Every watershed in Ontario will require a Source Protection Plan (SPP), supported by a full suite of technical studies. This work should be completed within the next few years and builds on previously completed groundwater studies undertaken by Ontario municipalities and conservation authorities. In most cases, municipalities will undertake

technical studies for their municipal water supply areas, although they can have the appropriate conservation authority undertake this work on their behalf. Funding is available for this work from the MOE.

Within each of the wellhead protection areas and intake protection zones, drinking water threats must be identified and evaluated. The province has provided guidance on the types of land uses and activities that are considered to be drinking water threats of concern.

In addition to the technical studies, the lead conservation authority within each source protection region must create a Source Protection Committee (SPC) to oversee the preparation of the technical assessment as well as the source protection plans. Municipal councillors and staff may be asked to join the SPC for their region or participate in one of the working groups or sub-committees.

Pending release of the regulations, municipalities and conservation authorities also need to negotiate terms of reference for the technical assessments and source protection plans. The terms should recognize work completed to date, as well as outstanding work, and address the partnership arrangements

between the municipality and the conservation authority, recognizing the approval process of the *Clean Water Act* as well as the mandatory implementation requirements of the resulting plan.

What to Expect in the Medium-Term

The Source Protection Committee will compile a final assessment report and consult with all member municipalities in the affected area. Results of this consultation must be documented and sent with the final technical assessment report to the MOE for approval. Municipal staff may be required to participate in working groups, review the assessment report, and provide comments or revisions. Depending on the risk assessment component of the technical assessment, the MOE may identify activities or land uses that represent significant threats to drinking water. Municipalities may take interim actions to reduce risk related to these threats. Municipalities have enforcement authority for risk management plans within wellhead protection areas and intake protection zones.

Once the assessment report has been approved by the Ministry, municipalities or conservation authorities will develop a source protection plan (SPP). This is a policy document based on the most recently approved assessment report. The SPP will:

- identify significant threats to source water;
- identify prohibited, regulated or restricted land uses and activities within specified wellhead protection areas and intake protection zones;
- provide for risk management measures;
- contain policies for implementing the protection measures, and timelines for implementation;
- include measures for monitoring and evaluating the effectiveness of the plan;
- outline incentive, education, and outreach programs to reduce or manage risks to drinking water sources.

Once the SPP is compiled, it must be circulated to the municipalities within the source protection area and posted for public comment. The plan and the compiled comments and municipal resolutions are then forwarded to the Minister, who may consult with stakeholders or appoint a hearing officer to hold one or more hearings on the plan. If a hearing is held, conservation authority and municipal staff, as

well as any consultants involved, will prepare and give evidence before the hearing officer.

The hearing officer must report back to the Minister within 60 days of the hearing. The Minister will either approve the SPP or require amendments. The Minister is the ultimate approval authority for each SPP. Once approved and published, the SPP takes effect.

The Long View

The *Clean Water Act* requires mandatory compliance with the policies of the SPP relating to significant threats to water quality (municipalities are to have regard to all other SPP policies). Mandatory compliance means that:

- planning decisions by municipalities, boards, commissions, agencies, the Crown and the Ontario Municipal Board must conform to the plan;
- official plans and zoning by-laws must be revised to be consistent with the plan, but if there is a conflict in the meantime, the significant threat policies of the SPP prevail;
- if the Provincial Policy Statement (PPS) or provincial plans (Greenbelt, Places to Grow and others) conflict with significant

threat policies or designated Great Lakes policies, the provisions that provide the greatest protection to drinking water prevail;

- municipalities cannot undertake any public work or structural improvement or pass any by-law that conflicts with the mandatory parts of the SPP;
- decisions to issue or amend prescribed instruments must conform to the SPP.

Timelines will be established for amending municipal planning documents to align them with the policies on significant threats. Timelines for monitoring programs will also be established.

Conservation authorities must produce annual progress reports on implementation and monitoring, submit them to the Ministry, and make them available to the public. The MOE will include a summary of these progress reports in its annual report.


Implementation and enforcement of the mandatory components of the SPP will fall mostly to municipalities, since they can pass bylaws for water production, treatment, and storage. Municipalities must appoint a risk management official and as many risk management inspectors as necessary. Alternatively, they may transfer enforcement responsibilities

to a board of health, planning board, or source protection authority.

Municipalities should establish an enforcement program that includes:

- interim risk management plans;
- regulated activities requiring a risk management plan;
- restricted land uses that may be subject to a prohibition or risk management plan, or at least a notice indicating that neither of these apply;
- risk assessments where an application is made to exempt an activity from prohibition or regulation.

The risk management official must sign off on all risk management plans, notices, and assessments and may require reports on the implementation of risk management plans. Risk management inspectors may enter properties to check on a plan or an activity. Order powers are available to inspectors if they suspect that a prohibited or regulated activity is being contravened. Persons under order may request a hearing by tribunal. Tribunal decisions may confirm, alter or revoke the actions of the risk management official or inspector.



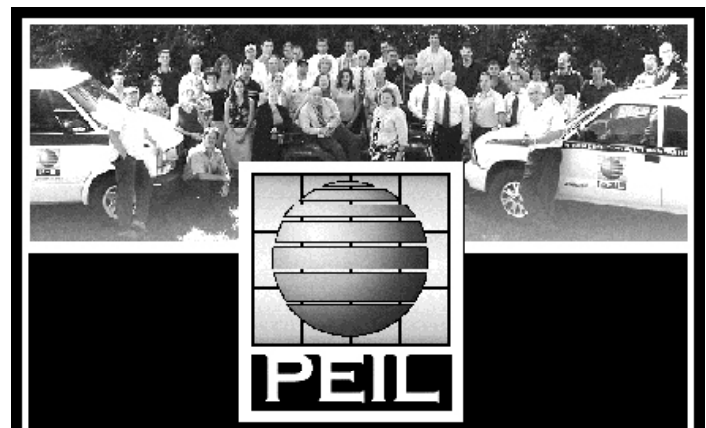
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The Planner's Role

Determining the magnitude of the threats in vulnerable areas and the risks to drinking water sources are key components of the technical assessment. Risk management action plans to reduce these risks must be prepared for current and future activities or land uses. Managing future threats associated with anticipated land uses requires an understanding of the physical threat, the links between activities and land uses, and land use designations or zoning.

Developing a strategy to manage threats in vulnerable areas will take input from a multidisciplinary team involving both planning and technical professionals.

A key task for municipal planners will be the amendment of planning documents to implement the mandatory components of the SPPs. In many planning jurisdictions, more than one SPP will apply, since watershed boundaries cut across municipal boundaries. In preparing these amendment, planners must consider:



Photo: M. Menzies

Source water protection now a priority

- other planning policies that apply, such as the Oak Ridges Moraine Conservation Plan, Green Belt, or Places to Grow, and how to integrate the new policy with them;
- how to strike a balance between protection and development;
- managing uncertainty in delineation of vulnerable areas, the boundaries of which may change over time (for example, if better data for modelling becomes available, wells are taken off-line, or new wells are added);

- implementing the powers and tools at hand for source water protection.

Planners need to be aware of locally driven SPP initiatives, which may be conducted by other departments within their own organizations or by Conservation Authorities. Early participation in this process will help shape the final planning products that are an important part of drinking water source protection.

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Clarington Motion to Dismiss Allowed

Peter Nikolakakos



Photo: M. Mamett

Protecting planned function of retail always a municipal priority

The Municipality of Clarington adopted OPA 43 and 44, and enacted By-law 2006-047 after a lengthy planning and commercial policy review process. The resulting policies and regulations provide the eventual permissions to develop the West Diamond Centre and the Hallows Centre in the West Town Centre of the Municipality of Clarington.

Both the new plan and the zoning by-law were appealed by the Bowmanville BIA and Zellers Inc., represented by the same counsel. The appeals of Zellers and the BIA alleged that the planning and commercial policy reviews undertaken by the municipality were flawed and the proposed developments would impact the planned function of the municipality.

Counsel for West Diamond Properties Inc., Players Business Park Limited and Hallows Holdings Limited brought forward a motion to dismiss the appeals. The basis of their motion was that the appeals were submitted for competitive reasons; the reasons set out in the letter of appeal did not warrant a hearing; the planning and commercial policy review was not flawed; and the allegation of impact of planned function lacked authenticity.

Zellers and the BIA argued that “the proposed change is so fundamental, the scale so massive and the effect so far-reaching that the Board ought to be cautious.” Zellers and the BIA cited Section 17(45) and Section 34(25)

(a) of the *Planning Act*, which set out the tests for a dismissal without a hearing. Zellers and the BIA denied that the grounds for their appeal were frivolous, vexatious and launched on bad faith. They argued that the motions to dismiss their appeals should not be granted.

The Board in considering the motion to dismiss and whether an appeal is worthy of adjudication relied on a series of cases that reviewed commercial competition and the question of worthiness of a hearing. In *Re Norfolk (County) Zoning By-law 26-Z2005* April 21, 2006 Decision No. 177, the decision said:

“In a line of cases involving commercial competition, the Board has also made it abundantly clear that it would not adjudicate on matters that are clearly made for the purpose of delay or to prevent a competitor from entry into the market place. In those cases, the Board has consistently acknowledged and affirmed our traditional roles and functions as charged by the Act: that we are not to intervene into the market share concerns unless there is a planned function at stake, that we would not confuse the mantras for planning impact with the genuine authentic planning reasons and that we would not hesitate to puncture the façade and the disguises where they are recognized. In short, the Board wants to render to Caesar what belongs to

Caesar by insisting that our hearings must not be hijacked for the purpose of business competition.”

The Board also cited *Zellers Ltd v. Royal Cobourg Centres Ltd.* (2001) O.J. No. 3792, a Divisional Court decision that addresses the legality of a motion to dismiss.

“The pivotal point in this, the central aspect of the debate, goes to the reason why the statute provides grounds upon which the OMB may dismiss an appeal before resources are invested in a full hearing. Through a motion to dismiss, members of the OMB, people who have the background and expertise in planning matters, are given the power to ensure that steps open to participants in the planning process are employed for legitimate purposes. Decisions to participate in this process and particularly to launch an appeal are serious and must be pursued diligently. The legislation and related jurisprudence make it clear that it is not sufficient that appellants raise land use issues in the Notice of Appeal. Such issues have to be worthy of adjudication and the responsibility falls on the shoulders of the appellants to demonstrate through their conduct in pursuing the appeal, including their gathering of evidence to make their case, that the issues raised in their Notice of Appeal justifies a hearing.”

Board protects basis for its jurisdiction

“Once again, whether a Notice of Appeal raises a planning issue that deserves a hearing goes to the root of the jurisdiction of the OMB and the Board’s decision on this point is entitled to considerable deference. In all of the circumstances there is no good reason to doubt the correctness of the OMB’s decision with respect to this issue.”

The Board in its decision, and upon consideration of the case law and evidence provided at the hearing, revisited the notice of appeal and separately reviewed each issue raised by Zellers and the BIA.

The Board disagreed with Zellers and the BIA’s argument that the planning and commercial policy review was flawed, citing evidence which demonstrated “that the process and results are objective, comprehensive and rational.” The Board also found the argument that the proposal would have an impact on planned functions “has not been substantiated in any way that inspire concerns.” Finally, the Board considered the market evidence provided on behalf of Zellers and the BIA “appear to rest on . . . personal judgements rather than substantial empirical or methodological differences that can be considered seriously. More importantly to the Board, there is the overarching unanswered question why these appre-



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hensions would relate to the planned functions and would constitute a land use planning question for the Board to consider.”

The Board granted the motions and dismissed the appeals of Zellers and the BIA.

Source: Ontario Municipal Board
 Decision/Order No. 2363,
 Issued August 22, 2006.

OMB Case No.: PL031180, PL040131,
 PL040041, PL060287

OMB File No.: Z030175 and O030411
 (PL031180), Z040023 and
 O04032 (PL040131),
 Z040005 (PL040041),
 O060059, O060060 and
 R060067 (PL060287).

OMB Members: S.W. Lee (Executive Vice
 Chair) and J. Chee-Hing.

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According to the provincial “Places to Grow” Growth Plan, the Greater Golden Horseshoe will experience population and employment growth of almost 50% by 2031. Demographic trends indicate that much of this growth will come from immigration, posing new challenges for planners to ensure the needs of immigrant communities are recognized and met.

One way of addressing this inevitable growth is to engage new immigrant professionals who understand the needs of new and diverse communities and their impact on community design. This is the objective of the Professional Access and Integration Enhancement (PAIE) Program, which was launched last August.

The PAIE Program is being supported with a \$402,300 investment from the Ontario Ministry of Citizenship and Immigration. It will provide 40 internationally trained professionals—20 planners and 20 geoscientists—with training and work experience in their respective fields. Three months of classroom training will be followed by nine months of full-time, hands-on work experience with a host organization.

OPPI and the Canadian Institute of Planners (CIP) are among the partners involved in the program, which also includes Toronto and Region Conservation (TRCA), Accessible Community Counselling and Employment Services (ACCES), the Association of Professional Geoscientists of Ontario (APGO), and the Faculty of

Environmental Studies at York University.

OPPI’s Director of Membership Services and Registrar, Ron Keeble, has noted that attaining actual on-the-job Canadian planning experience remains a key barrier for those who are internationally trained. The Institute has played a role in helping internationally trained planners make the transition to practice in Ontario. Its activities have included the review for equivalency of foreign credentials and work experience, the modification of membership procedures, and the holding of workshops in preparation for Institute exams.

TRCA, as one of the lead PAIE partners, has been active in a number of areas to help these professionals integrate into the Canadian work place. The program goals are consistent with TRCA’s vision for The Living City, which includes not only a commitment to creating healthy rivers and shorelines and regional biodiversity, but also to building sustainable communities, including social and employment equity opportunities.

Recognizing the unique perspective and invaluable skills that internationally trained planners and geoscientists bring to their fields, TRCA experts have previously mentored and provided on-the-job training to over 30 of these professionals. These experiences have been rewarding for staff on a personal and professional level and have resulted in several of the program participants landing contract or full-time jobs with the

conservation authority or municipal planning departments.

TRCA is responsible for administering the PAIE program, providing staff to deliver portions of the training, and being a host organization for the work experience portion of the program.

Applications to participate in the PAIE program have now closed and the selection process to choose the internationally-trained professionals is under way. Common eligibility requirements for these professionals include:

- At a minimum, a bachelor’s degree in their respective field from an institution outside Canada, equivalent to that granted by a Canadian university;
- Professional work experience in their respective field outside Canada;
- Eligibility for registration in either OPPI or APGO;
- Qualifications to legally work in Canada;
- Certified academic transcripts in English;
- Proficiency in English, in both written and verbal communication;
- Ability to commit the time required for the training and work practicum phases;

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- A completed application, which includes a covering letter and resume.

The training workshops begin in January and the work placements begin in April, lasting until December 2007. The prospective curriculum modules include learning about the local context of relevant legislation and Ontario-specific standards, safety issues and field skills, technical language comprehension and report writing, and strategies for continued professional success. During the work experience phase, host organizations will provide participants with a cost-of-living honorarium of \$1500 per month.

What's involved in becoming a host organization? Actually, it may even be more straightforward than normal hiring process. First, the organization must identify the need and gaps in meeting departmental work plans that an internationally trained professional could help fulfil. Then, it will have to complete an information form describing the position available and provide input during the matching phase to ensure effective placement. Finally, participating organizations will have to attend the "Meet and Greet" orientation and begin working with participants in April 2007.

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With the significant growth challenges projected for the Greater Golden Horseshoe in the coming years, can your organization afford *not* to tap into the expertise of an internationally trained planning or geoscience professional? With much of that growth coming from immigration, who better to understand and help plan to meet the needs of immigrants than an internationally trained professional? Call now to get involved.

For more information, visit www.trca.on.ca or contact Khoa Ly at 416-661-6600, ext 5582 or email her at kly@trca.on.ca.

David Burnett, MCIP, RPP, is the Manager of Provincial & Regional Policy at TRCA. David personally mentored an internationally trained planning professional helping lead to her employment in the planning department of a GTA regional municipality.

RSCs: To ask, or not to ask?

Marcia Wallace and Doug Watters



Photo: M. Manett

Does the future of brownfields lie at Queen's Park?

The redevelopment of brownfields, and in particular the use of the Record of Site Condition in the remediation process, has sparked increased discussion and interest in the relationship between environmental regulation and land use planning. This is not really a new phenomenon—environmental standards and processes have long overlapped with land use planning requirements. Environmental concerns about ownership, planning and responsibility for sewage and water services; approval and planning for waste facilities; and the approval and control of water takings are but some of the areas where this has happened in the past.

The tool known as the Record of Site Condition (RSC) was added to the *Environmental Protection Act* in 2001. This built on existing environmental site assessment practice dating from the mid-1990s, as well as Ministry of the Environment (MOE) guidelines setting out suggested standards that municipalities could use when permitting more sensitive property uses.

Clarifying the definition of RSC

The RSC is a document prescribed by regulation that certifies the state of the environmental condition of a property at a specific time. It is filed on a public registry—the Brownfields Environmental Site Registry (BESR)—by a “qualified person,” such as an

environmental engineer, and must be based on environmental assessment(s) of the property concerned. The qualified person must certify that at a particular point in time the property meets applicable standards for a stated use (in some cases this can be an individual standard developed for the particular property with MOE concurrence, and is known as a risk assessment). If necessary, a site clean up will have been done prior to filing the RSC, and in some cases ongoing measures will be required to ensure the standards are maintained.

The filing of a RSC is mandatory whenever a property changes to a more environmentally sensitive use. Since categories of property “use” vary from municipality to municipality, use is not defined by municipal zoning. Instead, the environmental legislation defines seven types of property use. For practicality’s sake, property use definitions in O. Reg. 153/04 are aligned with occupancy types in the Building Code.

Because RSCs provide certification relating to, and knowledge about, the environmental condition of properties, there can be a useful tool for developers, property owners and municipalities seeking certainty, regardless of whether or not there is a change to more sensitive use as defined by the environmental legislation.

Over 700 Records of Site Condition

have been filed on the BESR since O. Reg. 153/04 came into force in October, 2004. It is clear that municipalities, developers and other interested parties have been defining and redefining planning practice in this emerging area, particularly as it relates to brownfield redevelopment.

The RSC as a Planning Tool

While filing a RSC is mandatory prior to a change to a more sensitive use under environmental law, the same is not true of decisions under the *Planning Act*. Despite the absence of explicit requirements in the *Planning Act* allowing municipalities to require the filing of a RSC, municipalities and others have been quick to use them in a planning context beyond those situations (changing to a more sensitive use) required by the *Environmental Protection Act*.

Some of these RSCs would have been filed voluntarily by property owners, perhaps because a RSC provides limited liability protection from environmental orders to the current and future property owners (making RSCs an integral part of the brownfield redevelopment process in Ontario for this reason alone).

RSCs have also been required as a condition of municipal planning approvals. For example, municipalities may decide to use RSCs to ensure environmental concerns are being addressed when they are asked to approve a land use planning application. The information underlying a RSC may assist a municipality in identifying whether or not major infrastructure changes are needed, provide assurance that a development project may be appropriate, or help lead to the conclusion a proposal is simply untenable.

So, when is it appropriate for municipalities to ask for a RSC? Part of this question can be answered by understanding when a RSC *cannot* be requested. A RSC cannot be a requirement for the issuance of a building permit where no change of use is contemplated. The *Environmental Protection Act* and O. Reg. 153/04 describe the types of uses, what uses would be considered “more sensitive,” and, therefore, what changes in use would trigger the requirement that a RSC be provided before the issuance of a building permit (deemed “applicable law” under the Building Code Act, 1992). For example, if the applicant wants to modify or expand an existing commercial facility, the need for a building permit does not trigger the need for a RSC.

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Similarly, a RSC cannot be required to be provided as a condition of site plan approval. Section 41 of the *Planning Act* identifies a number of conditions that a municipality may require, and a RSC is not one of them. So, for example, if a proponent is proposing an activity that fits within the existing official plan and zoning provisions and requires only site plan approval and a building permit to proceed, a RSC cannot be required unless a change to a more sensitive use (as defined by O.Reg. 153/04) is proposed.

Beyond these situations, municipalities do have the freedom to ask for RSCs as part of other planning approvals, provided there is a reasonable planning rationale for this type of documentation to be required. The Provincial Policy Statement states that contaminated sites *shall be remediated as necessary prior to any activity on the site* [emphasis added]. Therefore it is up to municipalities to determine where in the process this kind of assurance is necessary, and for what use or activity. For example, a municipality might require a RSC as part of the "additional information" for a planning approval. Or, if a municipality has an incentive program in place within a Community Improvement Plan, it may use a RSC as an eligibility criteria in order to tie

longer-term tax incentives to the successful remediation of land.

Requiring a RSC in Land Use Planning?

While the RSC process can provide on-site liability benefits to property owners, in some cases it can also represent a significant investment of both time and money.

Developers, land owners and financiers frequently acknowledge the value of a municipal host that is knowledgeable about the RSC process and its implications on the bottom line of a project as a critical element in their continued interest in a proposal. There is therefore a real need for every municipality to approach brownfield redevelopment and the requirements of the RSC with a balanced perspective.

As with many emerging issues in land use planning practice, perhaps the best approach to the question of whether or not a RSC should be required is identifying a strategy to deal with that question well before it comes up on a site-specific application. This is a debate that each municipality will inevitably need to resolve for itself. Although potentially contaminated lands can be brought back into productive use, this won't happen if RSCs are required in



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situations where most would see them as unnecessary or overly cumbersome requirements that outweigh the potential benefits of a project.

At the same time, municipalities are responsible for having regard for the health and safety of their communities, as directed by the Provincial Policy Statement and the *Planning Act*. In reviewing and approving planning proposals, there will be legitimate reasons and legislative authority where a RSC—with its formalization of environmental site assessments and required certifications by a qualified person—can provide important information to help the municipality decide whether the environmental condition of land is appropriately matched to a community's expectation for that area, even if that information may preclude certain types of economic (re)development altogether.

In determining whether a RSC is the appropriate and necessary planning tool in a given situation, first and foremost municipalities need to be clear about what they are asking for, and why. For example, the municipality may want to ask itself what the RSC will accomplish. Is the situation one in which there is a real possibility that environ-

mental conditions may affect the proposed use of the property? Or is this a situation, such as the installation of a new loading dock or the expansion to a building for an existing use, in which the changes proposed realistically have little or no prospect of environmental issues having an effect on the intended use?

While the environmental conditions of a site will often be a relevant factor to be considered in land use planning decisions, municipalities should be clear about what information the RSC is intended to provide that can aid those decisions, as well as what standards are expected. A RSC filed stating the site is suitable for industrial uses or commercial uses provides different information and involves a much different set of skills, resources and requirements on the part of proponents from one that states the site is suitable for a more sensitive use. Is the municipality seeking to use the RSC solely to certify that a property meets the provincial standard? Can the site meet a site-specific risk-assessed standard? For which proposed use is the proponent being asked to meet the standard, and for what rationale?

Finally, it is important for municipalities to be as clear as possible about when and why

the RSC will be required. At what stage of planning approval, for example, is it most appropriate that the RSC be used? Too early, and initiative and investment opportunities may disappear; too late, and environmental risks and challenges may be greater.

In the end, answering these questions, and developing clear internal protocols and transparent official plan policies as to when and where a municipality will be using the RSC as a planning requirement, can go a long way to providing the clarity and certainty necessary to all participants for successful and sustainable brownfield redevelopment.

Marcia Wallace, MCIP, RPP, is the province's Brownfields Coordinator, in the Planning and Development Division of the Ministry of Municipal Affairs and Housing. She is also the Ontario Planning Journal's contributing editor for Provincial News. Doug Watters is Counsel with the Ministry of the Environment's Legal Services Branch. (The opinions expressed in this article are the authors' alone and do not necessarily reflect or express government policy or views in any way.)

Urban Design

Design Charrette follows through from symposium

Moiz Behar and Michael Crechiolo

An urban design charrette sponsored by the City of Hamilton and McMaster University exploring options for revitalizing Hamilton's Main Street West corridor was held at the OPPI conference in September 2005. The session was organized by the Urban Design Working Group (UDWG) and facilitated by Moiz Behar, a founding member of UDWG. The charrette area was approximately 3.5 km long, from the Highway 403 intersection in the east to the Main Street West and Osler Drive intersection in the west. Last October, Moiz presented the findings at a community event organized by Councillor Brian McHattie and Ken Coit of the City of Hamilton Planning Department.

How the Charrette Worked

City architect Ken Coit summarized local planning policy and provided an urban design analysis of the built form along the corridor. MacMaster University planner

Linda Axford presented plans for McMaster and its hospital, including the installation of a prominent university entrance feature along Main Street West.

Councillor McHattie detailed issues facing the neighbourhood, which include conversion of housing to student accommodation and pressure for conversion of land along the corridor for commercial mixed use and medical uses.

The breakout groups were asked to develop a master plan for the whole area but focusing on a specific area and focus. Each breakout group presented their recommendations to the groups and shared in a general discussion.

What the Breakout Groups Found

There was general agreement that:

- There is a need to maintain the transportation capacity of the Main Street West corridor, which acts as a barrier between

the lands north and south of Main Street West. This makes it difficult to develop the area as a traditional main street mixed-use environment.

- More opportunities should be found to cross Main Street West from the mixed-use commercial and residential areas to the south to the university and health centre to the north.
- Traffic calming was suggested as a way to allow pedestrians, cyclists and transit users to feel comfortable sharing the corridor with other trucks and automobiles.

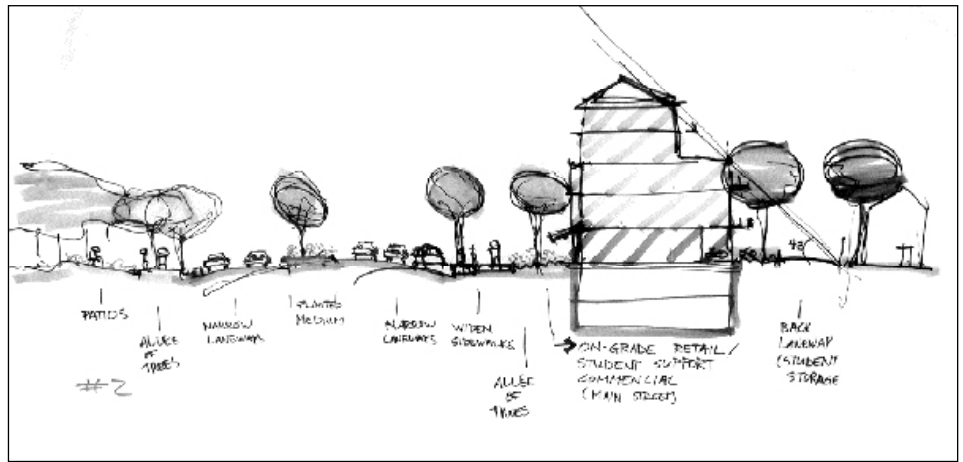
The participants recommended that a streetscape improvement strategy, including amenities such as wider sidewalks, street furniture, tree planting, parkettes, lighting and public art/gateway features.

Connecting the Main Street corridor with community trails and bike lanes would also help to make alternative modes of transportation more convenient. Dedicated bus or streetcar lanes with frequent stops were cited as a good way to reduce traffic volume in the short term. The long-term solution might require a by-pass to Dundas from Highway 403.

Participants recommended mixed-use intensification in the corridor, while at the

same time protecting adjacent low-rise residential area. They felt that this approach would create a more lively experience for people at ground level and that demand would be fed by the adjacent McMaster University and Health Centre. These institutions could act as a catalyst for redevelopment by relocating some of their operations here.

Redevelopment of the south side of Main Street West will likely be hindered by the lack of lot depth and fragmented land ownership, the participants suggested, and there may be conflicts between the secondary plan's direction for driveway access from the arterial road and the off-street parking requirements for each use within a mixed-use building. One way to overcome this is to create a lane system to allow vehicular parking to be located behind the main street buildings. Parking requirements should be reduced for mixed-use buildings recognizing the demand for affordable housing adjacent to the university and the ability to share these parking spaces between different uses at different times of the day. A block-by-



Plotting direction of charrette

block analysis could help determine the redevelopment potential while maintaining heritage structures and buffering stable neighbourhoods.

Everyone agreed that the next step should be to undertake a comprehensive urban design study to guide redevelopment of the corridor, but acknowledged that the head

start provided by the OPPI session in 2005 was extremely helpful in establishing a basis for municipal action.

Moiz Behar, OAA, MRAIC, MCIP, RPP, is the principal of Moiz Behar Consulting. Michael Crechiolo, MCIP, RPP, works with Moiz.

The organic main street makes its debut

Daniel Leeming

The Town of Markham recently presented an Urban Design Award of Merit to the newly completed live-work units on Bur Oak Avenue in Cornell. These units represent the third generation of this genre in

greenfield communities. Based on their successful acceptance with purchasers, the builder, Mattamy Homes, and the Town of Markham's awards jury panel, the project appears to have hit the mark in function and form.



Units are pre-zoned to allow commercial use

The Mattamy live-work units have evolved in the spirit of Cornell. This spirit has been to maintain the clear principles of a compact, mixed-use and pedestrian-supportive community while introducing innovative building forms that respond to emerging needs.

The live-work units are strategically located on the Bur Oak Avenue bus corridor that forms the central spine upon which several neighbourhoods meet. The two neighbourhoods located on either side of Bur Oak support approximately 2,500 residents each, which means that 5,000 people can easily walk to the shops, central park and transit without needing to use a car. These units provide not only higher densities to help support the bus system, but a diverse range of shops and services, including a pharmacy, convenience store, physiotherapist, and spa. The three-storey massing of buildings lines the Bur Oak activity corridor while separating the quieter, more passive neighbourhood uses on either side.

The architectural style and quality of the live-work buildings and the corresponding

Bur Oak cross section are reminiscent of the popular “main streets” that are found throughout Ontario. Mattamy’s live-work units have already become popular with area residents and are the highlight of Cornell Community tours. All of the units were sold in a relatively short period of time, with the majority of owners starting employment-type uses on the ground floor straight away. The fact that operators of modest retail and service enterprises can own rather than rent their own premises has contributed to their success.

These live-work units have contributed significantly to the Town of Markham’s design objectives by providing a mixed-use, compact, pedestrian-supportive environment that is privately built. Most important, the concept is supported by the market place. The fact that the units can be used initially as all residential and then transitioned through pre-approved flex zoning to ground-floor retail as market demand changes in the area, permits adaptability and change without imposing issues of parking or conflicts of suitability in built form and use.

The live-work units have provided a significant new built form to Cornell’s already diverse inventory and helped to ensure a healthier pedestrian environment, support for the transit corridor, and enhanced livability for its present and future residents.



Main Street “growing” day by day

This new form of development goes a long way towards realizing the emerging need for not only sustainability and compact form, but also high-quality urban design and livable community objectives. It took a creative blend of comprehensive design think-

ing by Quadra Design Studios, Viljeon Architects, NAK Design Group and The Planning Partnership in harmony with Mattamy Homes’ building expertise and commitment to try something new. A good idea was allowed to happen, rather than being smothered by indifferent red tape, through a combination of a collaborative approach to problem-solving and a practical implementation strategy worked out with the Town of Markham staff. The fact that these live-work units have been so successful is not only encouragement for more to be built, but adds an important new building block in achieving compact, diverse and complete community design.

Dan Leeming, MCIP, RPP, is a partner with The Planning Partnership. He is a frequent contributor to the Ontario Planning Journal.

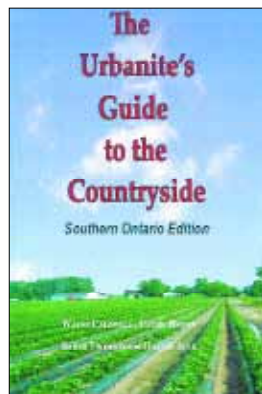
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Urbanite’s Guide to the Countryside

Wayne Caldwell, Cathie Brown, Sarah Thomson and Gillian Auld, School of Environmental Design and Rural Development, 2006, 114 pages

Review by Dave Aston

Did you know . . . pigs don’t sweat and they like to keep clean; all horses in the northern hemisphere celebrate their birthday on January 1st; the biggest apple in the world is located in Colborne, Ontario; and farm size has increased over time with the average farm size being 226 acres. Reading the



Urbanite’s Guide to the Countryside, by Wayne Caldwell, Cathie Brown, Sarah Thomson and Gillian Auld, introduced me to these fascinating facts and many other interesting aspects of rural Ontario.

The authors’ passion for the countryside and dedicated research on issues in rural Ontario led to the creation of a book that provides an “objective, factual portrayal of rural Ontario.” A book with the goal of raising rural awareness and increasing an understanding of Ontario’s countryside, is long overdue.

The beginning of the book presents two journal

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entries—one from June 1874 from a Loyalist farmer and the other from five generations later. The Loyalist farmer's journal entry shares the struggles endured in establishing a new farm in Ontario, how community developed in rural Ontario and the hope that farmers had in passing the farm down to future generations.

The entry from five generations later reads: "It's been a busy day. Too much work, too little time. The commute was a night-

mare. I can't wait until the weekend to get out into the country with my husband and children."

Many of us can relate to a busy lifestyle and enjoy the escape of the busy streets to the scenic roads and views of the countryside.

The book has three sections—Rural Culture and Landscape, Identification Pages, and Crops, Livestock and Equipment. The first section, Rural

Culture and Landscape, documents the history of agriculture, rural landscapes, traditional and modern farmscapes, and rural communities. The authors describe the evolution of the countryside, from the development of Ontario's first farms, the establishment of agricultural fairs and the role of agriculture in shaping the small towns and villages in Ontario today. Current issues and challenges, such as the introduction of commercial wind farms and poor crop yields due to climate change, are also discussed.

The next section, "I Spy with My Little Eye" or Identification Pages, provides the reader with a visual resource to rural Ontario. An inventory of pictures from the countryside corresponds to a section where the reader can learn more about the photo. An extensive field of study is covered, from apples to emus to windmills. Links to other resources are an added value and provide useful information for the reader to further explore areas of interest.

The format invites you to learn more about rural Ontario. Graphics and pictures are used very effectively to convey the book's message. The book is colourful and informative and captures just about everything one would encounter in the countryside.

The Urbanite's Guide to the Countryside comes as a breath of fresh country air for anyone wanting to enjoy and value rural Ontario.



David Aston, MCIP, RPP, is contributing editor for *In Print*. He is also a planner with MHBC Planning Limited in Kitchener. Readers interested in doing book reviews should contact David at daston@mhbcp.com.



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