

#### Ontario Professional Planners Institute Institut des planificateurs professionnels de l'Ontario

Ontario Planners: Vision • Leadership • Great Communities

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#### Sprawl, Green Sprawl and Viable Urban Systems

## Wither growth plan Implementation?

By John Genest



o you remember those pictures of the Earth taken from the Apollo space missions to the moon? They are commonly credited with crystallizing the realization that the planet and its global ecosystem is a finite resource, and we'd better take better care of it. I've come to view the passing of the Greenbelt Act and Places to Grow Act (growth plan) in 2005 as driving the same realization in the Greater Toronto Area and Hamilton, at least insofar as land markets are concerned. These acts and their related plans crystallized the apprehension of scarcity. They have shaped perceptions and an emerging reality of a shortage of readily available land for development, and a steady rise in land values. With escalating development charge and other municipal exactions, many now question the extent to which housing will remain affordable to average income earners and wonder where it will be located.

The *Greenbelt Plan* makes it clear that urban expansion in the GTAH is bounded, and that developable land between its edges and Lake Ontario is distinctly finite. The growth plan, in concert with the amended *Provincial Policy Statement (PPS)*, requires that we now plan to accommodate significant growth in a manner that will achieve targets and objectives intended to reduce sprawl (i.e., reduce our reliance on greenfield land) while protecting valued natural and cultural resources. These protection requirements themselves set aside otherwise potentially developable land. They have stakeholders questioning the extent to which such "take-outs" further extend the urban footprint (aka "green sprawl").

Curiosity about the extent to which "sprawl" and "green sprawl" are occurring, or might occur with implementation of the growth plan<sup>1</sup>, led to efforts to quantify the related pieces of the total land supply puzzle. This article presents some of the products of that analysis to answer three core questions:

To what extent can growth in the urban footprint to 2031 be characterized as sprawl?

How much of this outcome is driven by the housing mix understood to be required to house population growth while meeting the growth plan's intensification and density targets?

Is the share of the total urban footprint dedicated to greenbelt and major open space or regional natural heritage systems contributing to even larger urban footprints?

These questions are explored in the next three sections of this article, before some conclusions are drawn, and further questions raised for consideration in the now underway fiveyear reviews of the *PPS* and growth plan documents.

#### Sprawl

Sprawl is a term with many meanings to many people, and no consistent definition. I have been struck by the simple elegance of the definition used by the Neptis Foundation in its Growing Cities report<sup>2</sup>—in essence, sprawl occurs when growth of the urban footprint exceeds growth in population. While criticized for not capturing the nature of development itself<sup>3</sup>, the measure does connect outward expansion to growth—the realities the growth plan aspires to manage.

The completion of the GTAH upper-tier municipal official plans, intended to define urban land budgets to the 2031 horizon in conformity with the growth plan, provides a statistical base for comparing urban footprints at 2006 to those expected at 2031, given fulfillment of growth plan targets. Expressing percentage growth of the footprint as a ratio to percentage growth in population gives a sprawl index. Results less than 1.0 indicate sprawl will not have occurred if outcomes accord with the intentions expressed in these respective official plans. An

#### In this issue

On October 12–14 professional planners from across Ontario will join together in Ottawa to celebrate OPPI's 25<sup>th</sup> anniversary— Celebrating 25 Years & Counting: Tackling the Biggest Challenges to Planning and the Profession. As such it is a good time to look back at pivotal moments in the practice of planning and for the planning profession and to muse about future challenges and opportunities.

On October 6, a new government will be elected in the Province of Ontario. Again, this marks an ideal time to look back and reflect on the recent term of government and what it has meant for planning in Ontario.

This issue of OPJ offers pivotal moments and personal reflections on planning over the past 25 years, considers some of the implications on planning in Ontario of provincial plans and acts in that period of time and celebrates the 2011 winners of OPPI Awards of Excellence. index greater than 1.0 indicates sprawl will have been the result. Measuring designated greenfield and proposed urban expansion areas relative to the land areas within the 2006 Built Boundary<sup>4</sup>, and comparing these to population growth from 2006 to 2031 enables calculation of the index for each upper-tier municipality. GIS mapping of the respective land areas is shown in Figure 1<sup>5</sup>, the results of the comparison are summarized in Figure 2.

The results show the planned growth in the GTAH will result in an urban footprint generally far removed from one that can be deemed to be sprawl as here defined. While Hamilton exceeds the sprawl threshold, 44 per cent of its designated greenfields plus proposed expansion supply is to provide employment lands. Overall the sprawl index for the GTAH is 0.63. This suggests that if sprawl by this measure was the only criterion, the 14,335 ha proposed for new urban expansion could be increased significantly without breeching a GTAH-wide sprawl threshold.

Reference to Figure 1 informs other observations. It shows the whitebelt—lands between the greenbelt and designated urban boundaries—to be a very finite and unequally distributed resource across the GTAH. Forecasts in at least York and Durham regions contemplate its build-out by 2051. The orange and yellow areas in the figure show the planned destination for 60 per cent of GTAH growth to 2031. Their geography highlights the importance of building transportation networks that complement radial links to downtown Toronto with strong east-west and north-south connections between centres and residential and employment areas in the 905 regions.

#### Growth plan's forced shift in the housing mix

Extensive tracts of low-density ground-related housing have come to be regarded as one of the primary characteristics of sprawl. There is no question that the form consumes more land, requires more travel and is less transit supportive than higher density forms, yet it remains the aspirational choice for most families who can afford its purchase. The growth plan seeks to accommodate significant population and employment growth in a more compact form, making more efficient use of land and infrastructure. Its core tools are its intensification and greenfield density targets.

Completion of the GTAH upper-tier municipal official plans and their supporting land budget studies enables the distillation of statistics describing the housing mix considered necessary to meet the targets. This mix is summarized in Figure 3, and compared to the pre-growth plan current trends housing mix forecast prepared for the Greater Golden Horseshoe Forecast Committee<sup>6</sup>. The figure highlights the magnitude of the required shift out of low-density forms and into medium- and high-density forms—from a current trends 75 per cent share in low density to a 46 per cent share to

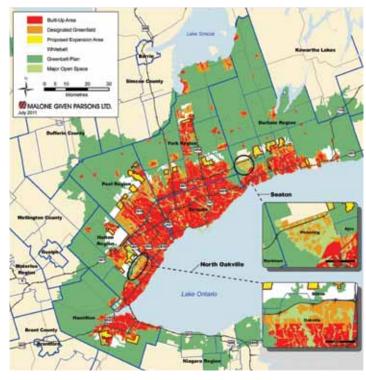


Figure 1: Land types in the GTAH

implement the growth plan. This 29 per cent shift in share represents an almost 40 per cent reduction in the number of lowdensity units to be accommodated. It equates to effectively telling up to 220,000 households that their desired form of accommodation will not be available to them.

Regarding land budgets, and assuming for purposes of illustration that low density is delivered at an average gross density of 15 units per hectare (upha) and medium and high density is delivered at an average 25 units per hectare, the 220,000 unit shift delivers a 5,870 ha reduction in the developable footprint required to accommodate the GTAH's growth forecast<sup>7</sup>. Achieving this shift is fundamental to the realization of land budget forecasts and growth plan objectives.

Success will require overcoming a number of barriers to intensification<sup>8</sup>, delivery of attractive and affordable product (with requisite infrastructure including transit) and market buy-in. This prospect is, in my view, one of the two biggest uncertainties affecting the realization of growth plan objectives.

The growth plan policies imply that the supply of greenfield lands should be held from the market pending realization of intensification targets. If this occurs, a smaller or delayed shift has



the potential to send greenfield land values spiralling even higher and brings our ability to fulfill the growth plan's Schedule 3 forecasts into question. Realized land budgets, the extent to which the GTAH sprawls or not, housing affordability, constructionrelated GDP and our ability to remain attractive to the migrant talent pool upon which our economic future depends, all hang in the balance. Ongoing delays in implementing planning for urban expansion lands only heighten the risks to these outcomes.

#### **Green Sprawl**

"Green Sprawl" can be defined as the extent to which the urban footprint is pushed further outward by the inclusion of more "green" takings for natural heritage protection or enhancement. There is a sense in the development community that public land takings generally, and green takings particularly, continue to increase and to reduce the overall efficiency of urban form and its infrastructure systems. Ecologists question the functional utility of preserving lower-quality natural heritage features and creating enhanced linkages connecting them when both end up being fragmented by four, five or six-lane arterials. The bigger return to investment and system questions are whether both the urban system and the regional ecosystem would be better off if we let urban areas be more urban, and concentrate our enhancement efforts in the greenbelt.

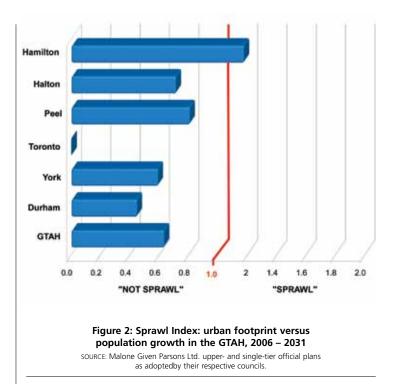
The new upper-tier official plan adoptions again provide a basis for measuring whether there is a growing "green" component in expansion area versus designated greenfield versus built-up area lands.

Figure 4 compares the "green" component within each land supply type for each upper- or single-tier municipality in the GTAH<sup>9</sup>. The land base remaining available for development is represented in blue, but it must be remembered that that area is still a gross figure, with the net area available for residential development, for example, reduced to the range of 50 per cent by takings for roads, parks, schools, stormwater management ponds and other infrastructure. A 20 per cent dedication to green space therefore results in roughly 40 per cent of the total land base being available for net residential development.

The red bars in Figure 4 describe the range of variation for the greenlands component in each region's lower-tier municipalities, with the highs in the Durham and Halton greenfields reflecting outcomes in Seaton and North Oakville respectively (see Figure 1). On the whole, the greenlands component of the land base rises from 17 per cent in built-up areas to 22 per cent in designated greenfields for a 5 per cent increase in share but a 29 per cent increase in footprint<sup>10</sup>. The magnitude of the increase appears to be moderated in the proposed urban expansion areas (at a 19 per cent share), but this must be qualified by two major caveats.

First, the natural heritage systems defined in regional official plans are not final. In addition to whatever outcomes the regional appeals might generate, there is still the local municipal level of planning to be completed. This has the potential to add features and enhancements deemed to be locally significant or desirable, again subject to potential appeals. The increase in the "green" component in designated greenfields versus built-up areas reflects the historic completion of that second level of planning, and could be the better indicator of the green footprint to be expected from the next planning round in urban expansion areas.

The second caveat, and the bigger uncertainty, is a potential growth plan show-stopper. It is driven by provincial efforts to implement the Endangered Species Act as it would regulate the protection of habitat for Redside Dace (a minnow) and such bird species as Bobolink, Barn Swallow and Meadowlark. As understood

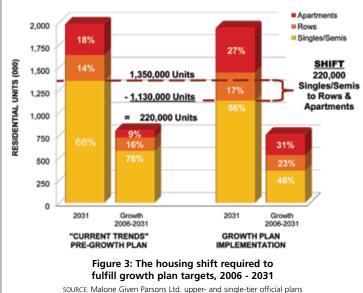


in July 2011, these have the potential to set aside very substantial tableland areas in the whitebelt from development. This has not been considered in the land budgeting exercises completed to date. It fundamentally conflicts with the assumptions underlying those exercises, and the whole premise that the whitebelt is going to supply the land base for accommodating continued population, employment and urban footprint growth up to and beyond 2031.

#### **Conclusions and questions**

The analysis presented here supports the following conclusions:

1. As measured by the sprawl index, urban growth within the footprints proposed for the 2031 planning horizon will not



and background studies as adopted by their respective councils.

constitute sprawl and there is arguably scope for greater urban expansion before a sprawl threshold is exceeded.

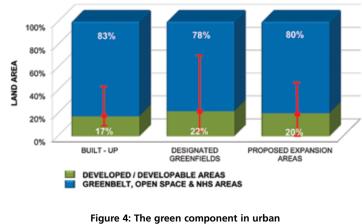
- 2. Realizing the growth plan intensification and density targets and related land budgets requires a significant shift in housing choices, enabling that shift will require overcoming significant barriers, take substantial effort and investment, and will shape our economic future for better or worse.
- 3. The impacts of "Green Sprawl" are real and currently appear to present show-stopping potential for growth in the GTAH.

Overall, successful realization of the growth plan will depend on solutions to the barriers to intensification, and resolution of the habitat versus urban form question.

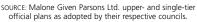
These conclusions and the preceding observations lead to several questions warranting deeper consideration and debate as we complete reviews of the growth plan and *PPS*, and determine how to take better care of our part of the global ecosystem:

- 1. How do we recognize the whitebelt's finiteness and protect its function as the land base for urban expansion to accommodate growth to and past 2031?
- 2. Given that the clock doesn't stop in 2031, and that build-out of the whitebelt in at least the central/east GTAH is clearly anticipated before 2051, wouldn't we be prudent to define its urban structure—its natural heritage system, corridors and nodes, employment and community or living areas—now, and stop frittering away our long-term employment land base? With that, can we move away from numbers and horizon-driven planning and focus on ensuring we can achieve optimal form, function and phasing?
- 3. How do we step beyond a transit system focussed on downtown Toronto to one that better considers where population and employment growth is occurring?
- 4. What is our Plan B if habitat protection trumps urbanization in the whitebelt? If we can't accommodate forecast growth between the greenbelt and Lake Ontario, what should the structure of the outer ring municipalities look like?
- 5. How do we respond to the barriers to intensification and constrained greenfields land supply? Is there merit in relaxing the 40 per cent intensification by 2015 target to give our abilities to supply and service it time to mature, recognizing that we may have scope to do so without breeching a sprawl threshold?
- 6. Have we pushed the green pendulum too far? How do we find our way to a comprehensively sustainable balance between environment, economy and society in urban areas, one that applies an urban lens, gives some explicit priority to the maintenance of viable urban systems, and considers natural heritage systems from a whole systems context in an urbanurban/rural-rural setting?

John P. Genest, MCIP, RPP, PLE, a principal at Malone Given Parsons Ltd., has a long-standing interest in quantitative and structural aspects of urban and regional planning. He is currently engaged in appeals of the York Region and Durham Region official plans, and acknowledges his history of discussions with clients and other firms in shaping the views expressed in this article. He takes full responsibility for any logical gaps and looks forward to the various debates ahead.



igure 4: The green component in urban land types in the GTAH, 2006 - 2031



#### References

- <sup>1</sup> As contemplated in the current round of upper-tier official plan conformity amendments
- <sup>2</sup> Burchfield, Marcy, & Taylor, Zack, 2010. *Growing Cities*. The Neptis Foundation, Toronto ,ON. pg. 15.
- <sup>3</sup> Blais, Pamela, 2010. *Perverse Cities: Hidden Subsidies, Wonky Policy and Urban Sprawl.* UBC Press. Vancouver B.C.
- 4 All land areas are net of major infrastructure and designated open space or regional natural heritage systems. They reflect upper tier official plans as adopted by respective councils as of July 2011, noting that all are subject of appeals to the Ontario Municipal Board. Peel Region's 3,006 ha of "Study Area" lands in Caledon are treated as proposed expansion areas. Peel's sprawl index would be reduced accordingly if that number shrinks.
- 5 Figure 1 source: Malone Given Parsons Ltd. upper- and single-tier official plans as adopted by their respective councils. Base mapping and land use designations: base mapping provided by Desktop Mapping Technologies Inc., 2009, Statistics Canada, 2009. Information illustrated is a generalized composite of land use designations in official plans. For accurate land use designations and planned road alignment, reference should be made to the relevant regional and local official plans or the Province of Ontario. Niagara Escarpment Conservation Plan: Reproduced by Malone Given Parsons Ltd. under License with the Niagara Escarpment Commission. The Niagara Escarpment Plan is, from time to time, subject to change through boundary interpretations and amendment under the Niagara Escarpment, 2005. Oak Ridges Moraine Conservation plan: Boundary is reproduced by Malone Given Parsons Ltd. under license with the Ontario Ministry of Natural Resources © Queens Printer Ontario, 2000. Greenbelt Plan: Greenbelt boundary was obtained from the Ministry of Municipal Affairs and Housing, 2005. Parkway Belt West Plan: Ministry of Municipal Affairs and Housing, 2008. Built-up areas: Built boundary for the Greater Golden Horseshoe, Ministry of Energy and Infrastructure, 2008.
- <sup>6</sup> Hemson Consulting, 2005. Growth Outlook for the Greater Golden Horseshoe. Prepared for the Greater Golden Horseshoe Forecast Committee, Toronto, ON.
- 7 220,000/15=14,667 ha; 220,000/25=8,800 for a difference of 5,867 ha. This difference gets bigger if a higher average density is assumed for medium and high density development.
- <sup>8</sup> See Ontario Home Builders, 2005. Achieving Intensification: Tools to Support the Industry.
- <sup>9</sup> Net of major infrastructure.
- <sup>10</sup> 22 per cent/17 per cent = a 29.4 per cent increase.

### Planning and the Environment Sea change in policy

By Leslie McEachern

s OPPI celebrates its 25<sup>th</sup> Anniversary I find myself reflecting on how much the planning profession has changed over the last 25 years and how the policies that shape our work have evolved. In my opinion, one of the most significant changes in philosophy and policy involves the planning approach to environmental protection.

For years, planners developed policy and zoning regulations that protected people from the natural hazards associated with the environment—watercourses, floodplains, unstable slopes, animal habitats, etc.—were viewed in terms of the negative impacts they may have on development activities. Lands that could pose a problem or safety hazard for people were referred to as hazard lands. Land owners and developers were cautioned when development was proposed in these areas, and restrictions were in place to protect buildings and the people inhabiting them from the damage the environment could cause. Watercourses and wetland areas were seen as inconvenient impediments to development. To save ourselves from the problems that water and poorly drained areas could cause, buildings were 'floodproofed' so that water couldn't get in. Wetlands were filled so they could support foundations and watercourses were rerouted, bridged or excavated to make way for buildings and structures.

In the mid '80s there was a marked change in philosophy that saw a shift in focus from protecting people from the environment to protecting the environment from people. Slowly we realized that human intervention was having a negative impact on the environmental systems that we ultimately need to survive. Policy changed to recognize the importance of protecting natural features from the negative impacts that people and development could have on them. The term hazard land fell out of favour and was replaced with the term environmental protection, which better reflects the concept that it is the environment that needs to be protected from the ill effects people can have on it.

We now have a much better appreciation of the important role the environment plays in our lives and we seek out opportunities to protect it from development. Now we restrict the location and construction of buildings not because they could be damaged in a flood event, but because they could impede the flow of flood waters. Polices are now in place to require mitigation, rehabilitation, and compensation—all notions that did not factor into planning regimes that existed years ago.

I've watched the planning profession transition to a systems approach that in policy and practice recognizes the interconnectedness of everything we do. The environment needs to be protected in a sustainable way so natural systems are maintained in balance. The policy and regulatory framework that exists today strives to achieve this balance and recognizes the planning profession has an important role to play in directing change and development in an environmentally sustainable Way.

Leslie McEachern, MCIP, RPP, is Planning Division manager for the City of Thunder Bay and a member of the Northern District Executive and OPPI's Policy Committee.

#### **Pivotal Moments in Planning**

## **Project X revisited**

By Tony Usher

n September 14, 1989, a document leaked from Queen's Park surfaced in the media. Under the headline "Ontario considers easing environmental assessment," the Globe & Mail reported that the province was considering "sweeping changes" to "speed approval of land development" and end what the document called "regulatory gridlock."

The document, "Reforming our Land Use and Development System," was prepared by a secret team—Project X—at the behest of then-treasurer Robert Nixon. The Project X report stated the planning system "reflects an outdated protectionist perspective rather than one built upon the principle of sustained development." All planning and environmental legislation would be replaced by a new Sustainable Development Act and the province's role would be minimized.

Project X was slammed by a broad environmental coalition, as well as politicians from all quarters. Project X quickly sank from view and was never heard from again, but not before *Globe & Mail* columnist Michael Valpy closed one critique with, "the traditional way of bringing new information into [Canadian] society has been through royal commissions. Tiny Prince Edward Island has one going now—on land use. Ontario needs nothing less." Valpy had no idea how prophetic he was.

All planning is ultimately political, and our planning history intertwines with our political history. The postwar Conservative governments laid the foundations of Ontario planning as we know it. They built well and often led boldly, but in their last decade, battered by economic headwinds, they faltered and gave planning only fitful attention. The Peterson Liberals turned out to hold planning in utter disdain—"concerned as they [were] with other priorities such as the development of the human potential of Ontarians through enhanced shopping," as I wrote in these pages in 1988.

The Project X debacle was the turning point for planning in this province. A year later the NDP was in power. It set up the Sewell Commission; from the commission came the *Provincial Policy Statement* and policy-led planning. From the Harris-Eves Conservatives, despite their libertarian rhetoric, came Ontario's Living Legacy and the Oak Ridges Moraine Plan (both building on NDP foundations), and the beginnings of Places to Grow. I need not enumerate the McGuinty Liberals' many additions and renovations to our now-complex planning edifice.

In Ontario we now have what is probably North America's most centrally-directed and policy-driven planning system. Whether our unique system leads to better or worse outcomes, I will leave for others to consider—but the turning point that led us here was Project X.

As for OPPI—it was at the AGM two months after the Project X experience that our membership voted to pursue what became the *Ontario Professional Planners Institute Act* and protection of title. Tony Usher, MCIP, RPP, is a Toronto planning consultant and a past president of OPPI. He has been contributing to the Ontario Planning Journal off and on since Vol. 1, no. 3. Tony can be reached at auplan@bellnet.ca.

**ERRATUM** "Simon Fraser University" should have been referenced as the fourth university in David Douglas' collaborative research at Guelph University.

LETTERS TO THE EDITOR Send letters about content in the Journal to the editor (editor@ontarioplanners.on.ca). Direct comments or questions about Institute activities to executivedirector@ontarioplanners.on.ca



#### Renewable Energy Debate

## Changes to approve process pending

By William Pol

his article identifies the opportunities and challenges for planners preparing for the next round of changes to the renewable energy approval process in Ontario. Planners have an important contribution to make to the successful energy transition from a carbon-based centralized electrical supply to a balanced distributed mix of renewable electrical energy production. These opportunities build on the role planners fulfill in communities across the province, helping councillors, residents and proponents evaluate, approve and build renewable energy projects. The controversy surrounding provincial investments in renewable energy and the public protest against large-scaled renewable energy projects has been a lightning rod for debate in advance of the upcoming provincial election.

The government has recently adopted *Ontario's Long Term Energy Plan* to 2030. The plan "will ensure Ontario continues to be a North American leader for clean energy jobs and technology and becomes coal-free by 2014... Ontario's target for clean, renewable energy from wind, solar and bio-energy is 10,700 MW by 2018" (page 10). For planners this commitment to renewable energy is an opportunity and a challenge. There is an accepted public interest to improve our environment and reduce our carbon emissions. Replacing coal-fired plants with renewable energy production facilities as soon as possible will provide the most benefit of reduced carbon emissions. Our challenge is guiding our communities along the process that balances local community interest as well as the broader provincial interest in safe, reliable clean energy.

The Ontario model of electrical production is evolving from large-scaled centralized production of nuclear, coal and hydro electric production to a strategy of "distributed generation." In the past the government initiated, centralized production of nuclear and coal plants to provide a reliable and stable price for electricity in the province. A small number of municipal governments and planners provided input into a few large-scale projects. We must now reframe our participation to address many small-scale distributed power generation facilities and the accompanying distributed land use planning impacts. Many land use planners are now engaged in the community debate between green power and the land use impacts.

Prior to the *Green Energy Act 2009* the province had a two-stream approval process. Through the *Planning Act* municipal government approved official plan policies, zoning by-law regulations and site plan agreements for wind, solar and bioenergy projects. This provided significant local political decision-making power and a challenge for planners to learn about the impacts of various forms of renewable energy. The planning profession rose to the challenge developing the land use planning framework that incorporated the range of local interests, as well as the need to develop renewable energy. Through a concurrent process the proponent was required to complete an Environmental Screening Report through the *Environmental Protection Act*, where the proponent undertook environmental impact studies to determine the need to initiate a full environmental assessment. The Ministry of the Environment made a decision on the

need to initiate a full assessment. Many of the screening study background reports informed the land use planning research, helping council's and community's understand of the relationship between the project and the surrounding land uses.

While many projects were approved, some were delayed through the Ontario Municipal Board process. As a result, there were complaints from the development community the process was costly and lengthy. At the same time community members were dissatisfied that the land use standards were not the same across communities and the environmental screen process did not hold the developers to a sufficiently high standard of environmental assessment.

#### Approval

The province initiated a review of the process and heard from many groups including a brief submitted by the OPPI Policy Committee. The government enacted the *Green Energy Act* (*GEA*) in 2009 for the purpose of strengthening the approval process for the community and creating greater certainty for the developers.

The *Green Energy Act* had the effect of removing renewable energy approval from local municipal council decision making and delegating approval to the Ministry of the Environment (MOE). All renewable energy approvals are exempt from the *Planning Act*, official plan policies and zoning by-law regulations. The associated GEA regulations established setbacks from property lines, dwelling units and procedures for public consultation. The GEA followed the *Planning Act* principle of submitting a complete application to the MOE and a time commitment for review and approval of the application.



Kincardine, Huron Wind Farm project 2003

Municipal councils and planning staff took on the role of commenting agency on the various forms of renewable wind, solar and biomass energy, instead of decision makers.

Energy developers are now required to obtain sign-off letters from the Ministry of Natural Resources and the Ministry of Tourism and Culture as part of a complete application to the MOE. The process allows for an appeal to the Environmental Review Tribunal when the appellant believes there is "(a) serious harm to human health; or (b) serious and irreversible harm to plant life and animal live or the natural environment" (GEA 2009, Schedule G Environmental Protection Act Section 9).

The first project to be approved under the GEA (Kent Breeze, Chatham-Kent) was appealed to the Environmental Review Tribunal with a decision expected in July 2011. This approval process has created both supporters and detractors, while the details of the process evolve through MOE regulations to match expectations of various parties.

The opposition to large-scale renewable energy projects has grown in the last number of years and will be a divisive topic at many provincial election campaign debates. A regular feature in newspapers and newscasts across rural parts of Ontario, the opposition debates negative health impacts, visual intrusion and poor economic returns on renewable investments.

As planners we are in the midst of the debate with councils and the public seeking our opinion and recommendations on the issue. This controversy between green energy and the local land use impact is a classic Not-In-My-Back-Yard (NIMBY) debate. Renewable "green" power is produced locally and then transmitted to large urban areas. The rural host energy locations complain they receive

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little public compensation to power the lights far away. As planners we have the skills and experience to advance the discussion and arrive at new solutions that can address this perceived imbalance.

It is widely expected that following the provincial election, there will be changes to the Green Energy Act and the renewable energy approval process. Planners will again be called upon to reposition their councils' approaches in light of these new directions. Some possible responses follow.

Inform and educate council and the public about the benefits and impacts of renewable energy. Planners can articulate the environmental interest of reducing our carbon output and the land use impacts of industrial-scale wind turbines, solar and bioenergy projects. With sound information, council and the public will be able to make informed choices on where and how renewable energy projects are built locally.

Synthesize the land use planning alternatives and actions available to the local municipalities. Renewable energy development in Ontario is in its infancy. There are many unexplored options used in other parts of the world concerning how renewable energy is built and approved. Furthermore, we can draw on our experience gained in from other controversial land uses such as intensive livestock operations to establish a new renewable energy regulatory framework.

Participation in the approval process is the most important role planners can offer. Planners are skilled facilitators who can position council and the public, in supporting projects that recognize the unique community values for producing renewable energy. We must rise to the NIMBY challenge and support development of renewable energy projects based on sound land use planning that contributes to the well being of our communities and the environment.

Planners across Ontario are encouraged to prepare for the changes in the renewable energy approval process. We are living a major transition from centralized to distributed power generation with profound changes to the rural and urban landscape for the many forms of renewable electrical energy projects. Planners are invited to rise to the challenge along with councillors, interest groups and the public to ensure every project fulfills our commitment to renewable energy vision, leadership and great communities.

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Kincardine wind project 2008

## Adding value through diversification

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By Patrick Robson, Drew Semple, Mary Lou Tanner and Margaret Walton

iagara Region is blessed with tender fruit and grape lands, a leading wine industry and prime agricultural land. It may be a surprise to learn that there were significant concerns about the long-term economic viability of Niagara's agricultural industry and its farms over the past decade.

Almost 10 years ago, through the leadership of the regional chair's Agricultural Task Force, the issue of farm economic viability and the future for agriculture in the region was front and centre. The task force's report identified several strategies to enhance farm economic viability. The implementation of one of these strategies—on-farm economic diversification land use policies—was the basis for the agricultural value-added farm policy amendment to the regional plan.

Research in other jurisdictions, including the United States and England, showed that the issue of value-added land use activities on farms was not new. However careful analysis in the regional context was needed to understand the range and scale of uses that were appropriate, to ensure the primary use remained agriculture, to deal with impacts such as traffic, servicing and noise and to ensure on-farm uses did not undermine commercial areas within the region's urban communities and hamlets.

Guided by Niagara's vision of sustainable agriculture, the policy amendment seeks to protect the land base while enhancing the economy of the region. Its goal is to enable farmers to become more competitive, sustainable and environmentally friendly. Its objectives support the changing nature of the agricultural economy and the need to be responsive to those changes, while protecting valuable agricultural land and minimizing any incompatibility of valueadded uses with agricultural activity on surrounding farms.

The amendment incorporates a revised definition of agricultural land use to include value-retention uses consistent with the Ontario Federation of Agriculture's definition and a revised definition of secondary uses to include home occupations and home industries, as well as other uses that produce value from agricultural products including those from neighbouring farms.

The new policies provide greater flexibility for farmers to provide value-added activities as part of their farming operation. Value-added and marketing-related uses—those that support production and conversion of raw product to market ready products—are now permitted. Lot creation for value-added uses is prohibited.

The policies broaden the range of permitted land uses to support economic diversification while maintaining agricultural production (crop, livestock, or both) as the primary land use. This includes production activities such as bottling of wine and retail activities like sale of farm produce and products, as well as uses such as restaurants, bed and breakfast inns, festivals, banquet facilities, cooking schools, crop production facilities, shipping and receiving, and more. The intent was to provide a more certain economic future and return, as well as buffer against variations in the market and production outputs (for example, poor crop yields due to weather).

At the same time the policy amendment was being created, Niagara Region and its 12 local municipalities signed a "Memorandum of Understanding on Planning Services" in the region. The intent of the MOU was to establish a collaborative relationship between Niagara Region and the local municipalities with a focus on continuous improvement. The value-added project was the first initiative under the new MOU.

Niagara Region and the local municipalities worked to define how the regional plan amendment would be crafted to recognize that the regional role was to enable and the role of the local municipalities was to regulate through their official plans and zoning by-law amendments. An outcome of this collaboration was a policy amendment that supports the responsibility of local municipalities to identify the size, scale, location and range of appropriate uses through their local planning documents, as well as the requisite planning approvals.

This policy amendment is the product of an integrated planning review process that has involved representatives of the Niagara farming community, agricultural industry, local municipal planners, the public and staff from the Ontario Ministry of Agriculture, Food, and Rural Affairs and Ministry of Municipal Affairs and Housing. This broad-based input fostered consensus and enabled Niagara Region's amendment to be adopted with support from all stakeholders.

Patrick Robson, MCIP, RPP, is the first commissioner of Niagara Region's Integrated Community Planning Department and was the project lead. Drew Semple, MCIP, RPP, prior to his retirement in 2010 headed the region's policy development group in the Integrated Community Planning Department and served as project manager for this initiative. Mary Lou Tanner, MCIP, RPP, is the regional policy planning associate director in the Integrated Community Planning Department. A partner at Planscape, Margaret Walton, MCIP, RPP, focuses on planning for rural and recreational areas and was the lead consultant on the initiative.

> Above: Vineyard Parkway (Source: Regional Municipality of Niagara)

#### Village Growth Management

## **Testing provincial policies**

By Nadia De Santi and January Cohen



**Manotick Study Area** 

he Minto-Manotick decisions, from Ottawa council's initial refusal right up to the Ontario Divisional Court's decision in favour of Minto Communities Inc., have been landmark decisions. They have provided direction to the City of Ottawa in determining how growth can occur sensitively in its villages. The Province of Ontario has gained insights in interpreting the meaning of a settlement area under the Provincial Policy Statement. Municipalities across the province can glean advice in the legislative interpretation of a new provision in s.2.1 of the Planning Act, "have regard to."

Located along the Rideau River and Rideau Canal, the Village of Manotick, whose origins date back 200 years, is one of 26 villages forming part of the City of Ottawa. It lies about 30 km south of downtown Ottawa.

In 2006, Minto Communities Inc. and a team of consultants began the land use planning process for the next wave of village development. This comprised two-and-one-half years of community engagement during the preparation of a development concept plan as required by the Village of Manotick Secondary Plan and a subsequent official plan amendment (OPA). While the City of Ottawa planning staff report supported the proposed development, the city's Agricultural Rural Affairs Committee recommended council not approve the development concept plan. Council subsequently refused the plan and Minto appealed the decision to the Ontario Municipal Board. A six-week hearing ensued, resulting in a favourable decision for Minto. The city then appealed the OMB decision to Divisional Court, which, in a 2-1 split decision, also found in favour of Minto.

Council challenged the interpretation of two fairly new provisions, one policy and one legislative. First, it brought into the question the planning soundness of the OPA-the definition of settlement area in the Provincial Policy Statement. Second, it questioned the legitimacy of the OMB decision to allow the OPA through the new subsection

2.1 of the Planning Act R.S.O. 1990, requiring the OMB and other approval authorities to "have regard" to decisions of council.

The following highlights the proposal and key junctures in the approval process.

#### The proposal: Mahogany Community

The proposal to develop Mahogany Community comprises a new mixed housing community of about 1,400 housing units, completed in five phases. Each phase would be tied to the availability of infrastructure.

The development area is designated "village" in the City of Ottawa Official Plan with the intent of permitting a variety of land uses to provide for the daily needs of the rural community and to ensure the area remains rural in character and scale.

The Village of Manotick Secondary Plan, which forms part of the Ottawa Official Plan, designates the site as "serviced development area," which includes a number of underlying designations, although primarily residential uses. The secondary plan requires creation of a comprehensive development concept plan for the entire area. Its intent is to facilitate the logical phasing of development—integration of transportation links, parks and open space, schools, pedestrian links and stormwaterand to form the basis for various, subsequent plans of subdivision. The primary objective of the secondary plan "is to preserve and maintain the quality and character of life enjoyed by the people who live or work in Manotick."

To implement its development proposal, Minto applied to the City of Ottawa for an OPA to the Village of Manotick Secondary Plan and approval of its development concept plan.

#### Official plan amendment

The predominantly vacant lands that are subject to the OPA comprise about 480 acres (194 ha), 420 acres of which are owned by Minto. The 1992 former Township of Rideau Official Plan had expanded the village boundary to include these lands and the boundary had been approved by the Regional Municipality of Ottawa-Carleton in 1995. Development within the village boundary was deferred, however, pending completion of a servicing options study and a secondary plan, which were subsequently completed in the late 1990s and early 2000s.

The OPA was designed to amend the secondary plan policies with respect to village growth, including the pace of growth and phasing policies, and to create housing densities and protect natural environment areas.

The development concept plan contains land use concept and demonstration plans illustrating implementation of the community design guidelines, prepared specifically for the Mahogany Community. It also contains an implementation and phasing strategy to guide future development approvals. A

background report and numerous technical studies, support the OPA and concept plan.

Although recommended for approval by the city planning staff, the OPA was refused by Ottawa council and subsequently appealed by Minto to the OMB. Both Ottawa Council and the West Manotick Community Association—a community association that re-established itself for this planning process and proposed development—were opposed to the OPA and the proposed development. The city and community concerns were focused primarily on the amount and pace of development, and the protection of Manotick's rural character.

#### Six week OMB hearing

Minto's journey in preparing for the six-week OMB hearing involved legal counsel from Soloway Wright, LLP in Ottawa and Aird & Berlis LLP in Toronto, and planning advice from FoTenn Consultants Inc. and several other consulting firms. Twelve books of documents and over 40 visual exhibits were prepared by Minto's team of consultants.

The issues before the OMB were categorized under the following four headings: conformity with the planning policies and instruments; impacts on village character; infrastructure capacity; protection of environmental features.

At the crux of the conformity issue of was whether the subject lands lay within a settlement area and whether the OPA was consistent with the 2005 *Provincial Policy Statement*.

At the hearing, the city took the position the subject lands could no longer be considered part of a settlement area pursuant to the *Provincial Policy Statement (PPS)*, despite their inclusion in the village boundary since at least the early 1990s, because the definition of settlement area had changed in the 2005 PPS. The city argued that any land in Ontario for which an OPA was required or even considered, would now be taken out of a settlement area.

The city argued that only the lands within the core and other built up areas of the village, which excluded the subject lands, were "designated and available" lands, and therefore the only lands within the settlement area. Because the subject lands were not in a settlement area, the city argued approval of the OPA would be tantamount to expansion of the settlement area.

The board preferred the evidence of Minto's witnesses, both FoTenn's planning consultant and the city planning witness under summons. Minto argued the subject lands form part of the settlement area. According to the definition in the *Provincial Policy Statement*, settlement areas include rural settlement areas within municipalities, and rural settlement areas include villages. Settlement areas are lands that have been designated in an official plan for development over the long-term planning horizon; they are to be the focus of growth. As such, the board found the proposed OPA and development concept plan were consistent with the *Provincial Policy Statement*. It also was deemed to conform to the Ottawa Official Plan and the Manotick Secondary Plan. In its decision issued on April 8, 2009 (PL080373) the board allowed the appeal and approved the OPA with slight technical edits and included the conceptual designs as the basis for the development.

#### Leave to appeal

In making its decision the board was required to have regard to council's decision by virtue of s. 2.1 of the *Planning Act*. The city sought leave to appeal the decision of the OMB to the Divisional Court on the basis that the precise meaning of s.2.1 had not yet been canvassed by the courts.

In its argument, the city advanced the position the proper interpretation of s.2.1 was a point of law of sufficient importance to merit the attention of the Divisional Court and had it been properly interpreted and applied, the outcome at the OMB hearing might have been different.

Minto argued that s.2.1 had already been canvassed by the courts and the board did not have to interpret that section. Minto asserted there were no legal errors of sufficient importance to merit the attention of the courts and there was no reason to doubt the correctness of the board's decision.

The Ontario Superior Court, however, agreed with the city that there was a need to clarify the precise meaning of the words "have regard to" in the context of the powers of municipalities and the deference the OMB should have to earlier decisions of a councils. The court granted leave to appeal and the matter was scheduled to be heard by a full, three-judge panel of the Divisional Court.

#### **Divisional Court**

The city argued the meaning of s.2.1 requires the OMB to show considerable deference to a municipal council decision and only where it can be shown that council's decision was inconsistent with the *Provincial Policy Statement* or did not conform to city policy could the OMB reverse council's decision. It asserted the new test was indicative of the true meaning of an appeal under the *Planning Act* and there is a very heavy onus on the appellant to show an error in council's decision.

Minto argued the meaning of s.2.1 does not require the OMB to show any deference whatsoever to council decisions. The meaning of "have regard to" requires the board to carefully consider council decisions in arriving at its own, independent conclusion.

The court, in a 2-1 split decision, found in favour of Minto. The decision states: "The board has an obligation to at least scrutinize and carefully consider the council decision, as well as the information and material that was before council. However, the board does not have to find that the council decision is demonstrably unreasonable to arrive at an opposite conclusion" (*Minto Communities Inc. v. Ottawa (City)* [2009] 63 OMBR 389, para. 33).

In applying this test to the case at hand, the court found the board had in fact carefully considered council's decision and had made findings that supported a different conclusion from that of council.

#### **Current project status**

Minto has filed rezoning and plan of subdivision applications with the City of Ottawa for Phase 1, which would include about 200 units. At the initiative of Minto and the ward councillor, a Manotick Village Liaison Committee was established to facilitate on-going dialogue. Bi-monthly meetings with community members, the BIA, city and Minto staff have welded new ideas.

*Keep your eyes open for OPPI's 25<sup>th</sup> Conference Program that includes a mobile workshop to visit Manotick and learn more about this exciting development.* 

Nadia De Santi, MCIP, RPP, is a senior planner with FoTenn Consultants Inc. in Ottawa and can be reached at desanti@fotenn.com. January Cohen is a municipal lawyer with Soloway Wright LLP in Ottawa and can be reached at cohenj@solowaywright.com. For more information visit www.fotenn.com and click on Projects, Community Planning or visit minto.com and click on New Homes, Ottawa or contact Jennifer Murray, P. Eng, MBA, Project Manager, Minto Communities Inc. at JMurray@minto.com.

#### **OPPI Ottawa Conference Calls**

## The power and passion of planning

By Dennis Jacobs and Rory Baksh

or OPPI's 25<sup>th</sup> anniversary year, what better place could there be than Ottawa, our nation's capital, to join fellow planners in a milestone opportunity for learning, professional development, networking and celebration. The power and passion of planning is calling you to our annual conference from October 12 to 14, 2011. We've been working hard behind the scenes to pull it all together but now we are ready to turn down the lights, pull back the curtain and let the show begin.

We found the place. Ottawa is incredibly diverse—it's a place for big city types and farmers, sports fans and foodies, arts aficionados and marathoners, history buffs and shopaholics, and everyone else in between. As Canada's capital, it represents an amazing cross-section of everything we plan, from bountiful farms and lively stables right downtown, to heritage main streets, walkable neighbourhoods, sparkling modern design, supportive infrastructure, efficient transportation, vibrant commerce and lush open spaces. Why not come early or stay a few extra days with your co-workers, partner, or family and really experience a place built to honour every Canadian.

We found the space. Only the newly minted Ottawa Convention Centre would be good enough for our 25<sup>th</sup> anniversary conference, so we got it. Every key note address, workshop and presentation will be connected into a state-ofthe-art audio/visual system that is sure to amaze. Local food, expertly crafted into delicious meals by the centre's talented executive chef, will tempt your taste buds. The building is a marvel of sustainable design inside and out, including reclaimed wood, recycled concrete and the etched metal doors of the Canada Hall. Most spectacular of all is the breathtaking four-storey curved glass curtain façade designed as a tulip and fabricated from individual panels of which no two are alike. At the gala dinner, dine with your colleagues, OPPI Excellence In Planning Award winners, and a few famous guests looking on-the National Arts Centre, Chateau Laurier and Parliament Buildings to name just a few.

We've set the pace. Over three days, we've designed the conference program with something for everyone. This year's keynote speakers have been hand-picked to help celebrate, inform, inspire, and imagine. Jowi Taylor will bring us together as a community of like-minded practitioners. Greg Lindsay will reveal why we'll have to plan every village, town and city to be globally interconnected. Mario Lefebvre will examine the economy of our communities and what makes them tick or not. Wendy Mesley will entertain us during our gala and Richard Worzel will help us to envision and prepare ourselves for the next 25 years. Interwoven among these headliners are panels and intensive training covering every topic imaginable, as well as mobile workshops, which are sure to bring out the Canadian explorer in you. Finally, special 25<sup>th</sup> anniversary opening and closing plenary panels will give us all an opportunity to collectively reflect and vision.

Now, pack your suitcase. Are you at the beginning of your first 25 years in your career? Come learn from veteran professional planners whose life lessons will put you on the fast track to your own success. Have you clocked 25 years and are looking for a recharge? Reload your planning toolkit with new, innovative approaches from tomorrow's leaders. Or are you mid-stride in your 25 years? Bring your sensibilities about today's challenges and tomorrow's trends, and learn from both generations in a 360 degree approach to planning. Regardless of who you are, join your peers for a special OPPI toast of vision, leadership, and great communities.

Another conference of this importance and magnitude likely won't come around for another 25 years. Are you prepared to tackle the biggest changes to planning and the profession? Register now through the OPPI website and join the conversation at our first ever quarter century-themed conference in Ottawa from October 12 to 14, 2011.

Dennis Jacobs, MCIP, RPP, is conference chair and a principal of Momentum Strategic & Creative; he can be reached at d.jacobs@momentumservices.org. Rory Baksh, MCIP, RPP, is Eastern District Representative on OPPI Council and an associate at Dillon Consulting Limited; he can be reached at rbaksh@dillon.ca.



**OPPI conference venue—Ottawa Convention Centre** 

### Ontario Food Systems Greater role for planners urged

By Drew Semple and Wayne Caldwell

here is an increasing need for coordinated solutions to food system issues. These have long been linked to planning and are a key consideration for complete and healthy communities. A greater understanding is emerging on the importance of planners being more involved in planning for food systems and the result it can have in terms of healthier outcomes for Ontarians.

The Ontario Professional Planners Institute has prepared this Call to Action to raise awareness and to highlight key issues so that Ontario's planners and communities can address the challenges associated with planning for food systems. Planners are in a unique position to identify issues within the food system and to lead and foster the development of solutions.

Food systems, comprising food-related activities—agriculture, processing, distribution, consumption and waste management—are

complex and operate simultaneously and at multiple scales. They present many challenges related to community planning, are particularly influenced by human impacts on the environment and intersect with many aspects of regional and local economic development, as well as the education and research sectors. Given their breadth and scope, to be effective in addressing food system challenges planning policies must seek to connect stakeholders in multiple geographic regions to break down institutional barriers.

Planners can help to connect the needs of urban and rural communities and promote efficient, complementary land use systems, as well as incorporate food

systems into policy frameworks such as Places to Grow, the greenbelt and the *Provincial Policy Statement*. Growth management is a key planning policy initiative with a direct impact on food systems. This policy supports the preservation of farmland, ensures food production and food security, maintains agriculture in the economy, allows for stewardship of the countryside, and protects a vital resource for future generations.

Consideration for food systems can be incorporated in integrated community sustainability plans, official plans, secondary plans, zoning by-laws and public health reports. Managing water demands across sectors, especially in response to shifting global climates and precipitation patterns will affect food production, as will supporting best management practices in agriculture related to soil quality, pest control and nutrient management. Integrating diverse and productive agricultural landscapes with natural corridors can help build adaptive capacity for climate impacts. Urban and scattered non-farm development should be prevented in productive agricultural areas to ensure long-term food security.

Opportunities to foster the interface between food system sustainability and local and regional economic development benefits should be explored. These might include increasing regional spending impacts by connecting urban and rural markets for goods and services within a cluster of food processing, distribution and retail establishments. Other initiatives might include initiatives such as fostering food entrepreneurs, agricultural diversification and value-added products to improve competitiveness in both local and international commodity markets. Planning for on-farm renewable energy facilities can provide new revenue streams, energy sources and improved viability. Regional food marketing strategies can promote agri-tourism, direct and cooperative farm sales and small-scale food processing. Municipal tax and real estate incentives and alternative land arrangements for agricultural development can be supported while minimizing land speculation and fragmentation.

Food systems are complex and multi-faceted and not the purview of any one discipline or community of interest. This reality poses a challenge for educators and researchers to develop

> a better understand of the complexity, inter-relationships and processes involved. Planning schools should pursue further research in this area and encourage and enable planning students to explore this field of study.

Planners have a critical leadership role to play in addressing food system challenges. They can identify where elements of the food system fit into rural and urban communities and the types of information and knowledge that are required to support decision making. They can review local documents with a food systems lens and consider which planning tools may be appropriate, and whether current policy and regulatory

frameworks foster or stifle initiative and innovation. They can find ways to engage new voices in debates within your community.

The actions of all levels of government fundamentally influence food systems and, in thus the health and sustainability of communities. They are encouraged to work cooperatively to address the basic human need for safe, nutritious food. The provincial government is encouraged to maintain its leadership role as evidenced by the *Provincial Policy Statement* and greenbelt and growth management legislation. It is encouraged to develop a mandate related to food systems planning. Municipal governments need to maintain a focus on sustainable planning for food.

This article has been edited from its original form. The full Call to Action can be found at: http://www.ontarioplanners.on.ca/content/Publications/innovativepolicypapers.aspx.

Drew Semple, MCIP, RPP is OPPI Policy Development Committee chair and Wayne Caldwell, MCIP, RPP is a past-OPPI president and chair of the 2010 Symposium. Other contributors include Scott Tousaw, MCIP, RPP, John Turvey, MCIP, RPP, Karen Landman, MCIP, RPP, Steve Jefferson, MCIP, RPP, Arthur Churchyard and Loretta Ryan, MCIP, RPP.

The growing demand for local food is testament to the desire of many to become more connected to their sources of food. Agriculture, food processing, retailing and service industries contribute billions of dollars to the provincial economy. At the same time, food systems have a fundamental connection to the environment through the use of renewable and nonrenewable natural resources, as well as linkages to climate change mitigation.

## 2011 Planning Excellence Award Winners

COMMUNITY PLANNING AND DEVELOPMENT STUDIES/REPORTS

### Avenues and Mid-rise Buildings

#### City Planning and Brook McIlroy Planning / Urban Design /Architecture / Landscape Architecture

The Avenues & Mid-Rise Building Study translates the policies for Toronto's "Avenues" into a vision of vibrant, tree lined streets, wide sun-lit sidewalks, framed by well designed, contextually sensitive mid-rise buildings that support an active street life. It guides future growth on the Avenues through a set of performance standards, which provide the foundation for new zoning regulations and urban design guidelines for mid-rise buildings. The complete study can be viewed online at http://www.toronto.ca/ planning/midrisestudy.htm.





### URBAN/COMMUNITY DESIGN Lower Donlands Framework Plan & Keating Channel Precinct Plan City of Toronto

The Lower Don Lands Framework Plan and Keating Channel Precinct Plan represent an innovative and sustainable approach to community building, urban design and the natural environment. By comprehensively restructuring the course of the river and the surrounding urban infrastructure, the plan greatly expands the district's public realm, opening up the Toronto waterfront for public use. The Keating Channel Precinct is the first phase of the Lower Don Lands Plan to be implemented. The plans can be found at www.waterfrontoronto.ca/lowerdonlands..

### RESEARCH/NEW DIRECTIONS Farm Sustainability in Niagara Niagara Region

Niagara Region's value-added agricultural policies support and expand the ability of Niagara's farmers to create a diversified, profitable and sustainable agricultural industry in the region. This policy amendment to the regional plan enables Niagara Region to provide more flexibility for farmers to undertake value-added activities as part of their farming operation, support and enhance the agricultural industry, and provide local municipalities with the autonomy to implement agricultural land use policies specific to their farming communities. The document can be found online at http://www.niagararegion.ca/living/icp/ policy-plan.aspx.





### MUNICIPAL / STATUTORY PLANNING STUDIES Lawrence-Allen Revitalization Plan

#### **City of Toronto**

The Lawrence-Allen Revitalization Plan is intended to guide and manage growth and change in this area of Toronto's inner suburbs over the coming 20 years. At the centre of the area is the Lawrence Heights neighbourhood, a community with 1,208 rent-geared-to-income social housing units, developed in the 1950s and today in need of revitalization and renewal.

The revitalization plan articulates a vision and planning framework for a new mixed-use and mixed-income neighbourhood in Lawrence Heights, structured around a vibrant public realm and fitting into the surrounding context of stable, low-scale residential neighbourhoods. The Lawrence-Allen Revitalization Plan is available at www.toronto.ca/ planning/lawrence\_allen.htm.

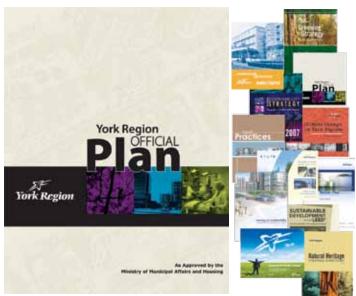
### MUNICIPAL / STATUTORY PLANNING STUDIES AWARD & HEALTHY COMMUNITIES AWARD

The Healthy Communities Award, established jointly by OPPI and the Ontario Heart & Stroke Foundation has been created to recognize excellence in creating healthy communities. The York Region Official Plan, 2010 is this year's recipient, as it stresses the importance of active lifestyles in planning healthy communities.

### York Region Official Plan, 2010 York Region

In the next 25 years, York Region will face significant growth. It is anticipated the region will grow by 570,000 people to reach a population of 1.5 million, and add 320,000 jobs to bring our employment to 780,000 jobs by 2031. The York Region Official Plan, 2010, will guide and shape that growth.

Sustainability continues to be the lens through which the region formulates, enhances and implements policy. While the form and character of growth will vary across the region, all development will be held to higher standards than current practices. Each community will have a unique sense of place and an integrated and linked natural heritage system, and each will promote active lifestyles through pedestrian-oriented environments. The plan is available at www.york.ca/ Departments/Planning+and+Development/Growth+Management/ 2010+Reports+and+Background+Papers.htm#8.



#### COMMUNICATIONS/PUBLIC EDUCATION

### Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005 Second Edition

#### **Ontario Ministry of Natural Resources**

The Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement represents the province's recommended technical criteria and approaches for ensuring consistency with the *Provincial Policy Statement, 2005*. The online format provides direct access to additional tools such as provincially available information sources for identifying and evaluating natural heritage.

The manual is intended to foster community involvement and improve understanding of land use planning's role in promoting sustainable communities and addressing complex societal issues such as climate change and biodiversity loss. It is available online at www.mnr.gov.on.ca/en/ Business/LUEPS/Publication/249081. html.



## **2011 Planning Excellence Award Winners**

#### LEN GERTLER AWARD OF DISTINCTION

This special award has been named in honour of the late Leonard Gertler, FCIP. With over 40 years experience his contributions were many, including work leading to the development of the Niagara Escarpment Plan.

### Niagara Escarpment Plan

The *Niagara Escarpment Plan* is Canada's first, large-scale environmental land use plan. It is intended to balance protection, conservation and sustainable development to ensure the Niagara Escarpment will remain substantially a natural environment for future generations.

The Niagara Escarpment is recognized as one of the world's unique natural wonders and, at 725 km in length, it is the most prominent topographical feature of southern Ontario. It traverses the most heavily developed and densely populated region of Canada. Recreational activities related to the Niagara Escarpment contribute more than \$100-million to Ontario's economy annually.

In 1990, the United Nations Educational, Scientific and Cultural Organization named Ontario's Niagara Escarpment a World Biosphere Reserve. This designation recognizes the natural features and ecological importance of the escarpment and endorses the *Niagara Escarpment Plan*, 1985.



#### HONOURARY MEMBER

This year, for the third time only, OPPI is designating an honorary member, given in recognition of the work of non-planners who advance the importance of planning to the future of Ontario's communities.

### James Bernard Harkin (1875–1955)

Given posthumously, OPPI's new member is James Bernard Harkin (1875–1955). Known to many as "the Father of National Parks," Harkin was the first National Parks of Canada commissioner (1911-1936).

OPPI is not the only organization celebrating an important milestone this year. Parks Canada is also marking its 100th anniversary. It is appropriate, given the role played by parks, historic sites and open spaces in community planning and their contribution to the health and sustainability of Ontario to recognize the person credited with being the founder of what we now know as Parks Canada.

James Harkin developed the idea of conservation in Canada, established standards for preservation, created a centralized agency to administer the parks and helped draft the *National Parks Act*, 1930. His model of what a national park should be was world-class, attracting emissaries from abroad to study his methods.

Due to his visionary activities, James Harkin laid the foundations for Ontario to be home to some of Parks Canada's most unique and well-loved parks, conservation areas and historic sites. Today, these touch almost every corner of this province.





James Bernard Harkin



Stewart Chisholm







Brandi Clement



Dilys Huang

#### MEMBER SERVICE AWARDS

#### Tim Chadder, MCIP, RPP

An enthusiastic advocate and committed volunteer, Tim Chadder has actively supported the Ontario Professional Planners Institute for many years, serving in a variety of capacities.

A member of the Eastern District Executive Committee for six years, Tim was the district's OPPI policy development representative. He worked on such key OPPI initiatives as Healthy Communities and the review of the *Provincial Policy Statement* and *Planning Act* amendments. Tim has also served as an Exam A examiner and as a member of both the OPPI Membership Committee and the Planning for the Future Task Force.

Tim began his professional career serving as a municipal planner—Township of West Carleton, City of Kanata, Municipality of Clarington and City of Ottawa. In 2001 he joined J.L. Richards and Associates Limited in Ottawa and continues with the firm today as an associate, senior planner.

#### Stewart Chisholm, MCIP, RPP

Stewart Chisholm is recognized for his outstanding service to the Ontario Professional Planners Institute, his unique contributions to the healthy communities' initiative, and his capacity to contextualize local, provincial and national perspectives. Stewart's career and personal passion have focused on the connection between cities and nature.

For the past 12 years Stewart has served at Evergreen, a national non-profit organization that promotes urban sustainability by strengthening connections among nature, culture and community. He has developed a variety of tools and resources for both planning professionals and grass roots organizations to support their collective efforts to protect, enhance and steward public green spaces.

#### Brandi Clement, MCIP, RPP

Brandi Clement has contributed significantly to raising the profile of the Ontario Professional Planners Institute and planning within the Simcoe, Grey and Muskoka area. Committed to the planning profession, she has served in a variety of roles giving generously of her time and expertise.

A dedicated member and most recently chair of the Central Lakelands District programming committee, Brandi excels at combining social networking with educational opportunities. Extending her networks and knowledge beyond provincial and national borders, Brandi is a longstanding member of APA/AICP.

Brandi is a partner with the Jones Consulting Group Ltd. in Barrie, Ontario.

#### 2011 SCHOLARSHIP RECIPIENTS GRADUATE SCHOLARSHIP Brad Bradford

Brad Bradford made a personal commitment when he began his Master of Planning degree, to completely submerge himself in the planning community, giving priority to professional involvement and civic engagement. He has come to learn the practice of planning isn't just about the demarcation of land or allocation of resources, but is focussed around communities and the people that make them unique.

Brad is a Masters of Planning Candidate at the University of Waterloo and is the Chief Administrative Officer with the Canadian Association of Planning Students. While achieving academic excellence, he also served as Waterloo's Association of Graduate Planners co-president and its OPPI graduate representative.

#### UNDERGRADUATE SCHOLARSHIP

### **Dilys Huang**

Whenever Dilys Huang travels to different places, she notices the contrasts between different cities—from the densely populated cities of Hong Kong and Shanghai with their lack of green space to the sparser North American cities. She is keenly interested in environmental sustainability and social planning, and in learning how planning policy and transportation can work to maintain or alter the form of cities—improving quality of life and maintaining the integrity of the natural landscape.

Dilys completed her second year in the University of Waterloo Honours Planning Co-op Program with distinction, not only academically but through her involvement in various activities and associations.

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Juries: OPPI would like to thank all those who served on the juries of the 2011 Excellence in Planning Awards—Sandeep Agrawal, MCIP, RPP, Ryerson University; Ruth Coursey, MCIP, RPP, Town of Lakeshore; Wes Crown, MCIP, RPP, Town of Midland; Angela Dietrich, MCIP, RPP, City of Mississauga; Claire Dodds, MCIP, RPP, County of Huron; Paul Ferris, P. Ferris & Associates; Brenda Khes, MCIP, RPP, City of Hamilton; Adrian Litavski, MCIP, RPP, Johnston Litavski Ltd.; John McHugh, APR; Kevin Stolarick, PhD, Martin Prosperity Institute, Joseph L. Rotman School of Management; Amber Stuart, LLB, Davies Howe Partners; William Wierzbicki, MCIP, RPP, Planning Advisory Services.

#### **OAK RIDGES DISTRICT**

## Summer solstice event

By Lorelei Jones

The Oak Ridges District held its first summer solstice event on June 21 (naturally) at the Skyloft Resort in Uxbridge, which is at the highest point on the Oak Ridges Moraine and has a panoramic view of the countryside and Lake Ontario to the south. It was a lovely setting to enjoy a beautiful day, network with fellow planners and attend a variety of interesting and educational sessions.

The focus of the day was on the history of planning in honour of OPPI's 25<sup>th</sup> anniversary. It started with a bike ride to the historic community of Glen Major followed by a talk given by a local resident on the evolution of the area from logging



Volunteers

to farming and now its current return to a forested state. Next came an informative presentation by Kim Gavin and Fred Johnson on the findings of a report commissioned by the Oak Ridges Moraine Foundation on measuring success on the Moraine. A session was convened with district members on the work being undertaken by the executive, offering an opportunity to ask questions and provide feedback on current issues. This was followed by John Van Nostrand, who provided an insightful review of the history of planning in Ontario and the various stages of development patterns that have occurred since the province was settled.

The Durham Astronomical Society brought telescopes and displays to allow everyone a chance to view the sky and the stars. A tasty BBQ dinner was served and the evening was capped off with entertainment by singer and guitarist Nathan Rogers.

The Executive Committee thanks all the speakers, volunteers and participants for making the day a success and acknowledges the many public and private sector sponsors who supported this first annual event. Next year's summer solstice get together will be held in Peel Region on June 21.

Lorelei Jones, MCIP, RPP, is a principal with Macaulay Shiomi Howson Ltd in Toronto and is the membership outreach representative for the Oak Ridges District.

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#### TORONTO DISTRICT

## Showcasing great spaces

By Kendra FitzRandolph

June 27 marked the 7<sup>th</sup> annual York University Planning Alumni social. The choice of venue continued York's Planning Alumni Association's (MYPAC) tradition of highlighting Toronto's great spaces to showcase renewal and development across the city. The Royal Conservatory of Music, located in downtown Toronto adjacent to the ROM and Philosophers Walk, was a perfect spot for this year's event as it seamlessly blends the old and new in an incredibly inviting way. The night was filled with familiar faces, good cheer and lively debate.

MYPAC announced the winner of the 1<sup>st</sup> annual MYPAC Planning Student Award to Sean Stewart, a 2<sup>nd</sup> year MES Planning student. Congratulations Sean!

Please visit www.yorku.ca/mypac for news and updates.

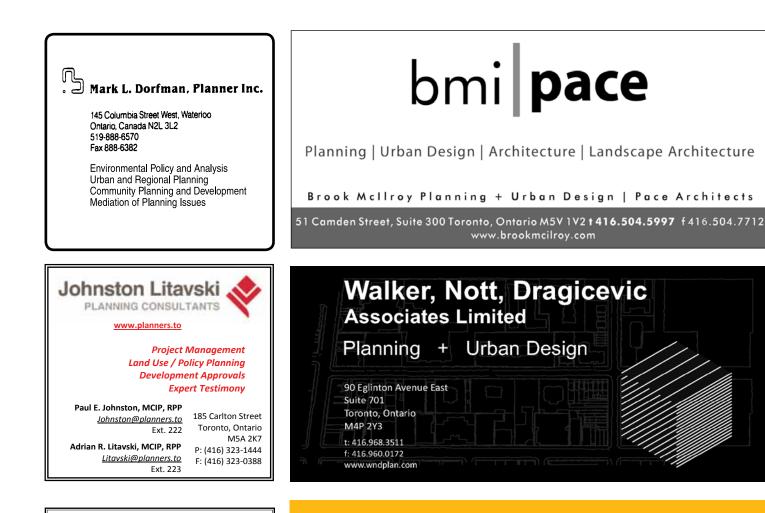
Kendra FitzRandolph is a member of MYPAC and OPPI Toronto District executive committee.

#### WATERLOO PLANNING ALUMNI OF TORONTO

### Introducing Kennedy Lawson Smith

#### By Eldon Theodore

The University of Waterloo Planning Alumni of Toronto is pleased to announce that Kennedy Lawson Smith is the keynote speaker for its 21<sup>st</sup> annual dinner. Kennedy is one of the nation's foremost experts on commercial district revitalization and main street economics and is a prominent spokesperson for economically and environmentally sustainable community development. Join us November 10 to hear Kennedy speak about "The Future City:



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Economic Development Strategies for Changing Societies."

Kennedy has been a leader in downtown economic development for 25 years. After serving as director of Charlottesville, Virginia's downtown revitalization organization in the early 1980s, she joined the staff of the National Trust for Historic Preservation's National Main Street Center in 1985 and became its director in 1991, a position she held for 13 years. During her tenure the Main Street program was recognized as one of the most successful economic development programs in the U.S., generating \$18-billion in new investment, stimulating development of 226,000 new jobs and 56,000 new businesses. It has expanded into a nationwide network of almost 2,000 towns and cities, with additional programs in Australia, New Zealand, Singapore, Taiwan, the U.K., and here at home in Canada.

In 2004, Kennedy and several colleagues launched the Community Land Use and Economics Group (The CLUE Group), a private consulting firm that assists local and state governments, developers and nonprofit groups to design innovative downtown economic development strategies, cultivate independent businesses, recycle historic buildings, attract young talent, strengthen downtown management programs, and craft planning and land use tools that mitigate sprawl and stimulate town centre development. The CLUE Group focuses on practical

implementation plans that translate economic development strategies into achievable action steps.

In March 2002, Fast Company magazine named her to its first list of "Fast 50 Champions of Innovation," recognizing "creative thinkers whose sense of style and power of persuasion change what our world looks like and how our products perform."

In May 2004, the National Trust for Historic Preservation recognized her achievements with its President's Award, for her "leadership and vision . . . in creating one of the most admired and successful preservation programs in the country."

In 2009, Planetizen.com included her on its first list of "100 Top Urban Thinkers."

On November 10, 2011, Kennedy will be speaking to nearly 1,000 members of Ontario's planning and development community about the Future City. Join us at the Fairmont Royal York Hotel to socialize, network, meet other professionals and learn from Kennedy's experiences.

Eldon Theodore, MCIP, RPP, is an associate and urban designer with MHBC in its Woodbridge office, and is the media and communications co-ordinator for the University of Waterloo Planning Alumni of Toronto. For additional information and to purchase your tickets on-line, or, to download an order form to purchase your tickets, please visit the UWPAT website at www.uwplanningalumni.com.

#### PEOPLE

ngela Sciberras, MCIP, RPP, A joined Macaulay Shiomi Howson Ltd as a principal of the firm at the beginning of July and that the firm now has offices in Toronto and Newmarket.

Jay Claggett, MCIP, RPP, a director of IBI Group in Toronto, has been appointed Commander of the 2,400 parttime soldiers of the Army Reserve in the GTA. A fully qualified Colonel, Jav's military career in the Reserve has advanced in tandem with his career in urban planning. Delcan

manager



Jay Claggett



**Stephanie Rice** 

Stephanie Rice, PMP, MCIP, RPP, received an employee recognition award for outstanding performance from the Toronto Transit Commission for her work on the Transit Expansion (formerly Transit City) Program. Rice led the team that completed the environmental assessment of a 33-kilometre light rail line under a very aggressive schedule.

## Expanded Cultural Heritage Planning Services

Heritage planner David Cuming, MCIP, MRTPI, RPP has joined our Cultural Heritage Group providing a full complement of related services including:

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#### **Commentary**

### 25 years and counting **OPPI** is us

By Don May

s we celebrate our 25<sup>th</sup> Anniversary at the conference in Ottawa, we need to take a moment to reflect on our collective journey over the past 25 years. Whether by simply paying your dues, volunteering or working diligently to maintain the standards of practice, everyone has contributed to our success as a profession. Over the years OPPI has been blessed with a talented and dedicated staff and excellent professional advisors.

I am not going to name names because our collective engagement has made OPPI our common name and voice. Respect and recognition are earned by our individual actions a day at a time.

In our goal to be visionary, influential and effective, we have a strategy to concentrate on membership services, professional practice, policy and recognition. By staying focused, we are achieving our goal.

The future of planning is in the students who are studying planning in our accredited planning schools and provisional members who are being mentored in the workplace. It is also important at this time to reflect on members past who showed us the way and set the standards of respect, leadership and hard work.

OPPI is our institute and we all have a duty to contribute in whatever way we can. In addition to volunteering, our daily actions

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Don May

contribute to the value and reputation of the institute. We are privileged to have an organization that represents the profession. Our exclusive name designation—Registered Professional Planner—requires us to maintain public trust. I believe that professional practice standards, insurance and public accountability will lead to planning becoming a regulated profession in Ontario.

As we begin to tackle the biggest challenges to planning and the profession over the next 25 years, we will do well to maintain the fundamentals established by our past and embrace change to achieve healthier communities.

As OPPI turns 25 we should all be proud of our accomplishments.

Don May, MCIP, RPP, was OPPI president 2003 to 2005 and was the Ontario representative on CIP Council in 2002. He is a proud member of the first class of Urban and Regional Planning from Ryerson University in 1973. After 34 years of consulting in the Hamilton - Niagara area, Don is beginning to spend more of his time in Collingwood contemplating his next career as a bowl maker. He can be reached at donmay@almostthere.ca.



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#### Strengthening Legislation for Planning Profession

### **Developing consensus** for self-regulation

By OPPI Practice Advisory Group

PPI Council has endorsed the recommendation of the Professional Practice Advisory Group to pursue stronger legislation—self-regulation for the planning profession—ensuring that anyone who calls herself/himself a planner has met certain standards and is guided by a code of practice and ethics. This goal is rooted in the larger protection of the public interest to which all OPPI members subscribe, and in maintaining a high standard of professionalism across the profession. OPPI is looking for support from the membership. With a solid backing from the profession, OPPI can then move forward in the process of becoming a self-regulated profession.

First, OPPI must substantiate the compelling public interest argument in favour of self-regulation, and define the professional planner's scope of practice, as well as any restricted activities that should be protected by legislation. Then it must request the provincial government for support. This is imperative, as the final decision with respect to selfregulation of the planning profession ultimately lies with the Ontario Legislature.

Planning in Ontario is not a self-regulated profession like engineering, architecture, forestry or law. OPPI is a professional, but voluntary, association whose purpose is to support planners and promote the planning profession as a whole. The government does not require planners to belong to a regulatory body, and there are voluntary and limited legal mechanisms to ensure the competence and ethics of some planning practitioners, thereby protecting the health and safety of the public. Nor has the government ever defined any "restricted acts"—activities that can only be undertaken by a Registered Professional Planner. Currently everything a RPP does can also legally be done by a non-member, or indeed by any individual, with or without adequate or relevant training and/or qualifications. This is a concern that many of our members and municipalities regularly voice with council.

While the issue of stronger legislation for the planning profession has been on the radar for a number of years, the current strategic plan (2007) brought self-regulation to the forefront by formalizing a commitment to "[i]nvestigate the feasibility of regulating the planning profession through provincial legislation" as a means to "[u]se standards, tools and legislation to strengthen the planning profession." This has sparked the current dialogue concerning the direction in which the planning profession is heading.

Over the last 25 years, OPPI has sought to protect the

public interest by instituting stringent membership requirements, offering continuing education, collaborating with CIP in reviewing and accrediting university planning programs, and establishing and administering a complaints and discipline process, which enforces a professional code of practice with high standards. Many of these functions are the same as those a self-regulated profession would be expected to perform. Extending these benefits to the public in respect of all planners, through the mechanism of selfregulation would be a natural next step. As the profession has matured so has the diversity of work and areas of practice in which our membership is involved. Our aim now is to protect and serve the public interest by regulating and supporting planners across the breadth and scope of the profession.

#### Self-regulation in brief

#### A self-regulated profession

has a regulator established by the provincial government for the benefit of the public. While the government is not itself the regulator, every regulator is accountable to the government, through a particular ministry. For planners, the Ministry of Municipal Affairs and Housing appears to be a logical starting point for discussion about reporting arrangements with the government. The province must remain satisfied the regulator is complying with the legislation that grants it the powers of selfregulation, and is doing so in the public interest.

Members of a self-regulated profession may be granted certain rights—to use certain titles, to perform certain restricted acts—that non-members do not enjoy.

Members can have certain duties imposed on them by the regulator. For instance, the regulator must carefully control membership and entry to practice, so that only competent, ethical individuals enjoy the right to practice. This is current practice at OPPI. OPPI outreach to members concerning self-regulation has taken several forms, a structured survey and focus group meetings among them. What emerged were strong views, some not easily reconciled or compromised. Of course it is all in the details; support for self-regulation rises or falls substantially depending on the specifics of what is being proposed.

While four out of five OPPI members are well aware of the legal difference between the planning profession and related self-regulated professions and almost three out of four members agree or strongly agree that planning in Ontario should be fully self-regulated, it is clear that OPPI members hold a wide range of assumptions, opinions and strongly held beliefs about self-regulation.

OPPI Council established the Professional Practice Advisory Group (PPAG) in 2008 to tackle this and related initiatives. Since then, PPAG has met regularly and worked steadily on reviewing the feasibility of pursuing selfregulation. It is time to broaden the discussion to include all members of OPPI.

To capture the thoughts and opinions of as many planners as possible, a session on self-regulation for the planning profession will follow the OPPI Annual General Meeting at the OPPI Conference in October. Other forums will be available through the OPPI website and through discussion at district events. If you have any questions or suggestions, please contact the Professional Practice Advisory Group c/o Brian Brophey, OPPI's Registrar & Director of Professional Standards, at standards@ontarioplanners.on.ca.



City Manager Clayton Harris is pleased to announce the appointment of John MacKenzie, M.Sc.(PI), MCIP, RPP, as the City's new Commissioner of Planning.

A registered professional planner, John has experience in both the public and private sectors. He has held senior positions with the Ontario Realty Corporation, Infrastructure Ontario, the Ontario Ministry of Municipal Affairs and Housing, and the Ministry of the Environment. He has served on the Advisory Committee of the Ontario Greenbelt Foundation, and is highly respected in the fields of urban and environmental planning.

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## Moving toward a self-regulated profession

- 1986 OPPI was created.
- 1994 OPPI was successful in having a private member's bill passed by the Ontario Legislature that gave members "title protection" for the RPP designation—non-members can practice as planners, but they cannot legally call themselves "Registered Professional Planners."

Late OPPI engaged in many discussions about proceeding to explore self regulation of the planning profession.

- 2007 OPPI adopted its current strategic plan, which includes a goal to "Use standards, tools and legislation to strengthen the planning profession" and a strategy to "Investigate the feasibility of regulating the planning profession through provincial legislation."
- 2007 OPPI became aware that under the Access to Justice Act, the Law Society of Upper Canada had been charged with the regulation of paralegals, and that some activities of planners were potentially captured by this regulation.
- 2008 OPPI Council established a Professional Practice Advisory Group to tackle self regulation and related initiatives, and to deal with the paralegal licensing issue. The advisory group and OPPI's legal counsel began discussions with the Law Society about the nature of the planning profession, its proper scope of practice, and the extent of the profession's authority to regulate itself. Those discussions were concluded satisfactorily in September 2010.
- 2010 OPPI surveyed members regarding a number of matters including self regulation.
- 2010 OPPI appeared before a Standing Committee of the Ontario Legislature which was considering a change to the legal definition of the "practice of professional engineering." The proposed (and subsequently accepted) definition includes the word "planning," and the Standing Committee accepted OPPI's contention that the new definition of engineering should be construed so as not to impinge on the scope of practice of professional planners.
- 2010 PPAG members held meetings with regulators, professional associations and industry groups representing a number of important stakeholders—including lawyers, engineers, landscape architects, municipal clerks and managers, appraisers and homebuilders—to gauge reactions to self regulation of the planning profession.
- 2011 OPPI recently met with the Minister of Municipal Affairs and Housing and members of his staff, as it regularly does. A number of topics were covered, including OPPI's investigation of the possibility of self-regulation for the planning profession. The minister gladly invited OPPI back for further discussions at the appropriate time.
- 2011 OPPI Conference to increasingly engage members in dialogue about self-regulation and develop recommendations for moving forward.
- 2011 Upcoming meetings with government ministries, especially MMAH; meetings with other regulators, seeking support; draft legislation.
- 2012 Anticipated plebiscite to confirm membership support; formal request to Attorney General for self-regulation legislation; coordinate passage of provincial legislation and amendment of OPPI by-laws as necessary.

#### **Provincial Planning**

# Four years in review

By Jason Thorne, contributing editor

n October 6, 2011, a new government will be elected in the Province of Ontario, and the second term of the McGuinty government will end. This marks an ideal time to look back and reflect on the most recent term of government and what it has meant for land use planning in Ontario.

The first term of the McGuinty government was, without doubt, one of the most transformational periods in recent memory for land use planning. The period between October 2003 and October

2007 saw the introduction of the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, and a new Provincial Policy Statement, just to name a few. It also saw reforms to the Planning Act that broadened the scope of planning tools such as Community Improvement Plans and Site Plan Control, and gave new weight to the PPS.



Jason Thorne

During this four-year period, the provincial land use planning framework was essentially re-written, particularly for the

Greater Golden Horseshoe. It would be a stretch to have expected this level of policy activism to have continued into the McGuinty government's second term. Indeed, when one looks at the period from October 2007 to the present, it is difficult to find the same sort of transformational new policy initiatives that were undertaken in the first term. But that is not to say that this period was uneventful for land use planners.

This article is based on a survey the author sent in June to a sample of planners working for municipal governments across the province. Each planner was asked to respond to three questions:

1. What planning-related action by the provincial government in its second term do you think will have the most positive impact on communities?

- 2. What planning-related action, or lack of action, by the provincial government in its second term do you think will have the most negative impact on communities?
- 3. What, in your view, should be the top planning-related priority for the next provincial government?

The survey was not intended to be a scientific study or statistically accurate representation of the views of the planning profession. Rather, its intent was to gauge top-of-mind thoughts from a cross-section of municipal planners as the basis for reflecting on what the past four years has meant for planning in Ontario. In all, 21 planners from across the province responded to the survey. Each responded from his or her own perspective as a professional planner working for a municipality. Responses are not intended to reflect those of their municipal employers.

One of the most interesting observations from the survey results was the diversity of responses to each question. There was no single provincial initiative that was consistently identified as being either the most positive or the most negative, likely reflecting the fact that there was not a "signature" policy initiative in the second term in the same way there was in the first. More than a dozen different provincial actions were cited as having the most positive impact on communities, and a similar number was cited as having the most negative impact. That said, there were a few common themes.

The provincial initiative most often cited was the *Green Energy Act* (*GEA*). Passed in May 2009, the *GEA* is intended, among other objectives, to boost the production of energy from renewable sources. Interestingly, the *GEA* was the most commonly cited example as a provincial initiative that will have the most positive impact on communities, and the number one example given of an initiative that will have a negative impact.

Among the provisions of the *GEA* are the creation of a feed-in tariff that guarantees specific rates for energy generated from renewable sources, and the establishment of the right to connect to the electricity grid for renewable energy projects. But it is what the province refers to as the elimination of "a patchwork of local approval requirements" that has caught the attention of municipal planners.

Subsection 5(2) of the *GEA* permits designated renewable energy projects "despite any restriction imposed at law that would otherwise prevent or restrict the activity, including a



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restriction established by a municipal by-law, a condominium by-law, an encumbrance on real property or an agreement." An exception is made for by-laws that prevent injury to or destruction of trees, protect groundwater, or protect cultural heritage properties (subsection 5(4)). Ontario *Regulation 15/10* under the *GEA* specifically identifies roof- or wall-mounted solar photovoltaics, roof- or wall-mounted solar thermal systems, and ground-source heat pumps as being covered by the subsection 5(2) provision.

This exemption from municipal planning controls continues to be controversial among planners. Some respondents applauded the province's move to insulate renewable energy projects from "NIMBYism" and promote "a better energy mix." Others identified numerous implementation challenges, including renewable energy installations locating in inappropriate locations in their communities, such as residential neighbourhoods or potential intensification areas, and the community backlash these provisions have garnered.

"In rural Ontario much of the significant push back against wind turbines and solar farms has to do with the sense these uses are being imposed without the ability to have input into the process," noted a survey respondent from Southern Ontario.

In addition to the *GEA*, three other provincial initiatives were most frequently identified by survey respondents as having a positive impact on communities. These were the Metrolinx Regional Transportation Plan, 2008, the *Growth Plan for Northern Ontario*, 2011, and the consultation process that has occurred so far in support of the five-year review of the *Provincial Policy Statement*.

With respect to provincial initiatives that will have a negative impact on communities, apart from the *GEA*, most responses focussed on implementation issues associated with the policy initiatives from the government's first term. Many of these issues reflect the same concerns planners voiced when the policies were originally unveiled. Concerns included the need for infrastructure investment, and particularly transit investment, to support provincial policy objectives such as intensification, increased density and complete communities; reforms to the *Development Charges Act* to allow municipalities to recoup the full cost of infrastructure from new development and enable municipalities to enhance existing levels of service for transit; and structural reforms to the OMB that go beyond the process reforms introduced in the first term.

"The lack of action and follow through from the initiatives launched in the first term of office is significant to municipalities, the infrastructure funding gap continues to grow and the

provincial government has really done little to solve or assist in this challenge," stated a survey respondent from the Greater Toronto Area.

The Growth Plan for the Greater Golden Horseshoe was specifically cited as an example of a transformative policy initiative from the McGuinty government's first term that is being threatened by various implementation challenges. However, many of the planners who responded to the survey expressed concerns about the number of official plan appeals that continue to sit at the OMB, and the need for additional implementation tools for municipalities. "While moving forward with new OPs to implement the growth plan is very positive for communities in that it will begin to curb urban sprawl, provide for more compact communities, [and] live/work options...I fear the province lost sight of that greater public purpose and good in the numbers analysis," commented a survey respondent from the Greater Toronto Area.

Implementation issues also dominated responses to the third question in the survey, which asked for planners' thoughts on the top planning-related priority for the next provincial government. The common theme that emerged concerned the emphasis the next government should put on supporting implementation of the existing planning framework rather than developing new policies or making radical changes to existing policies.

"The next provincial government should stay the course with the recent planning legislation and policy direction established by the current government," wrote a survey respondent from Northern Ontario municipality.

A continued focus on new planning and fiscal tools and infrastructure investment, along with harmonizing provincial policies and improving coordination and responsiveness in provincial input and approvals, were seen to be critical to the long-term health of communities and to the continued success of the new provincial planning framework.

What the next four years will bring remains to be seen. The last three times the political stripe of the provincial government changed, the result was significant change in provincial planning policy and legislation. Whether the next election marks a return to four more years of the McGuinty Liberals, or the return of the Progressive Conservatives or New Democrats, planners in Ontario will be watching closely to see what changes lie ahead for planning in Ontario.

The author would like to thank the following individuals for responding to the survey: Dana Anderson, Greg Barrett, Manon Belle-Isle, Kevin Curtis, Kevin Edwards, Jason Ferrigan, Paul Freeman, Ron Glenn, Thom Hunt, Heather Konefat, Bruce Krushelnicki, Craig Manley, Donald McConnell, Jim Riddell, Val Shuttleworth, Scott Tousaw, Jason Unger. In addition, a number of individuals responded who wish to remain anonymous. Jason Thorne, MCIP, RPP, is a principal with planningAlliance, an urban planning and design consulting practice based in Toronto. Jason is the OPJ contributing editor on provincial matters.

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# Heritage resource protection A retrospective

By Michael Seaman, contributing editor

eritage conservation planning has long been considered a bit of a quirky luxury by the development and municipal planning community. "It's so subjective and insignificant compared with issues like the environmental and public safety," are common refrains. Yet, for those who see heritage in a different way, it's an essential part of community planning. The most interesting places are those where heritage conservation has been taken into account. Just imagine how diminished such great places as the By-ward Market in Ottawa, Niagara-on-the-Lake, or the Distillery District in Toronto would be if heritage had not left its mark. No,

heritage is not a matter of life and death for sure, but what quality of life would be left to us without it?

The Canadian consciousness about the importance of heritage conservation began just over a century ago. The Historic Sites and Monuments Board of Canada was created at that time in the wake of the tercentennial of the founding of Quebec and centennial of the War of 1812, and from that point on Canadians



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began to truly understand that history and heritage was all around them, not just something that occurred in the Old World. Heritage was largely the realm of the enthusiastic amateur for the next 80+ years, with many more coming aboard during the wave of nationalistic fervour in the Centennial Year of 1967. Out of that enthusiasm and growing constituency of heritage advocates came the most pivotal moment in heritage conservation in Ontario of all time—the enacting of the *Ontario Heritage Act* on March 5, 1975.



Historic 19<sup>th</sup> Century mansion preserved at the front of a new residential development in Grimsby

Heritage was now recognized, legislated and protected as an area of provincial Interest. Municipalities began including heritage conservation policies in their official plans and a more thoughtful consideration of the assets of the existing site—including heritage—took place when development proposals were considered.

Unfortunately, the *Ontario Heritage Act* only delayed eventual demolition of heritage resources, and even then few municipalities were bold enough to use it. Buildings were plaqued and celebrated, but there were still losses. Think of the beautiful 19<sup>th</sup> Century Hamilton Mansion, where the owner simply waited out the180 days and then demolished the home despite a heritage designation, or the many cases where municipalities were forced to rush through a designation for fear that an old house might be demolished at the crack of dawn.

By the early 1990s, there was serious lobbying from groups such the Architectural Conservancy of Ontario and Community Heritage Ontario for a new act. Finally, on May 1, 2005, the act was enhanced—designation under the *Ontario Heritage Act* now meant permanent protection for heritage resources. In addition, a short time later the act was updated again to include an official municipal register of "non-designated heritage properties," which allowed

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growth management | policy formulation | zoning by-laws land development & redevelopment | commercial planning | expert testimony municipalities to temporarily delay demolition of potential heritage resources and save themselves the drama of last minute designations.

May 1, 2005 was without a doubt the most pivotal moment in heritage conservation planning in the past 25 years. Although the limits of the legislation are still being tested, there have definitely been some positive benefits-the certainty of designation meaning permanency has been the most obvious. However, with demolitions now being appealable to the Ontario Municipal Board, heritage has gone far beyond the realm of the amateur enthusiast as lengthy and expensive hearings are now necessary to preserve heritage buildings when there is a conflict. It is a price that even the wealthiest of our municipal governments are not always willing to pay. The same old problems are also still there—it's still at the discretion of municipal councils as to whether heritage is taken seriously or not. Demolition by neglect also continues to be a significant issue.

Six years later it is clear that Ontario's heritage legislation is still not perfect. But it's certainly more perfect than what we had before. Thanks in part to the act of 2005 and those who made it happen, Heritage is being taken far more seriously across Ontario, communities are investing in their heritage more significantly than ever before, and our awareness of heritage conservation is stronger than ever.

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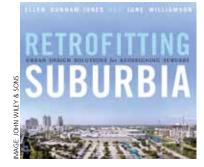
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## **Retrofitting Suburbia**

Review by George Pantazis

#### **Retrofitting Suburbia: Urban Design Solutions** for Redesigning Suburbs

Ellen Dunham-Jones and June Williamson John Wiley & Sons Inc. 2011 233 pages (not including notes) \$43.96 paperback edition



n their optimistic, vivid and practical book, Ellen Dunham-Jones and June Williamson take retrofitting suburbia to a whole new level. Their book differs from

other suburban criticism and retrofitting books such as Philip Langdon's A Better Place to Live and Andres Duany's, Elizabeth Plater-Zyberk's and Jeff Speck's Suburban Nation. Rather than focusing on what is wrong with suburbia, how it is built and what can be done, Retrofitting Suburbia, through dozens of successful case studies, illustrates what suburban retrofitting has been done, how it has been done and how it can be done in other office parks, dead malls and edge cities.

Dunham-Jones and Williamson state the questions they asked upfront: "How can [suburban areas] be adapted to participate in and support the varied needs of interdependent metropolitan regions? And how can architectural and urban design practice contribute to the transformation process?" (x). The answers to these questions are found in the case studies.

The book starts off with a call to arms, or, rather, a call to professionals.

"We intend this book to inform architects, urban designers, planners, developers, public officials and citizens interested in helping suburbs and metropolitan regions, both aging and booming, to grow in healthy ways" (viii).

The authors put forth a variety of arguments for the necessity of retrofitting suburbia-suburbia has no sense of place, long commutes, rising gas prices, health issues because residents do not walk, car dependency, cookie-cutter design, and the list goes on. However, these arguments are not new. What is new, and what I think will truly move governments and planners to retrofit suburbia, is the discussion of demographics and market. The authors point to the baby boomers, who are

getting older and would like to age in place, and to Generation Y, who are not yet at child rearing ages. They argue there is a growing market within suburbia for a more urban lifestyle, meaning compact development and multi-unit housing.

The bulk of the book consists of case studies intended to inspire professionals and residents to the "possibilities for positive change and regeneration of suburban areas and regions" (230). They show readers what has been done and provide the history of each site.

The case studies include maps, photographs, site plans, graphs and coloured photos, and the most interesting pictures can be found in the sections entitled "morphological analysis." These show how the site and its surrounding area looked in the past, how its looks now, and finally what it is projected to look like once it has been retrofitted.

In addition to the visuals, Retrofitting Suburbia offers helpful tips on how to run a successful charrette (146), techniques for mall retrofitting (139), designing walkable places (175) and others. Perhaps the most endearing part of this book is that its structure allows one to easily pick it up, search for what you need and find it with ease, whether it be on mall retrofits or making office parks more walkable to reduce vehicle miles/km travelled.

The book's major weakness is that it is focused solely on U.S. suburban retrofits. I think the authors would have benefited from having case studies from other jurisdictions such as Canada or Europe.

In conclusion, I would recommend Retrofitting Suburbia to planners, architects, city officials and developers. There is truly something exciting about retrofitting suburbia. As authors Ellen Dunham-Jones and June Williamson note, "At present, we can only imagine what future generations of retrofits will be like" (231).

George Pantazis is a Masters student at York University's Environmental Studies Planning Program and is currently interning with the City of Toronto Planning Department.



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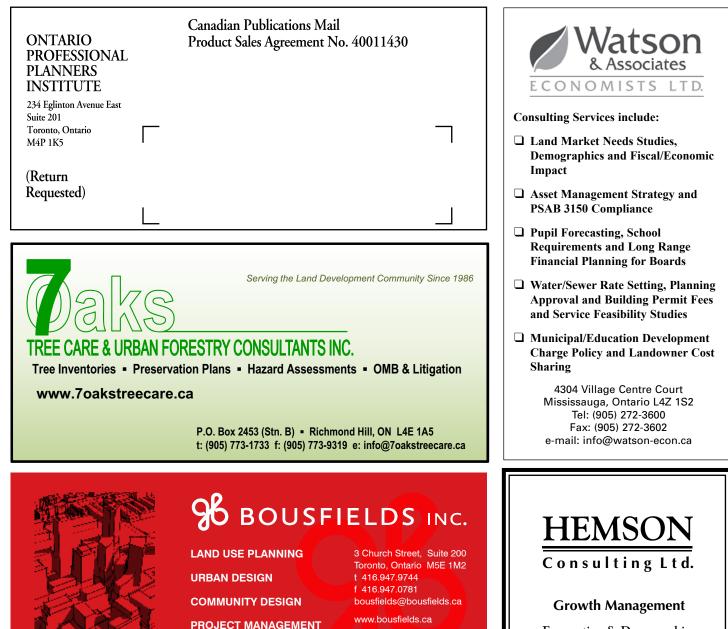
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