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NOVEMBER/DECEMBER 2011, VOL. 26, NO. 6 JOURNAL

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The Journal is published six times a year by the
 Ontario Professional Planners Institute.
 ISSN 0840-786X

Subscription and Advertising Rates:
 Please visit the OPPI website at
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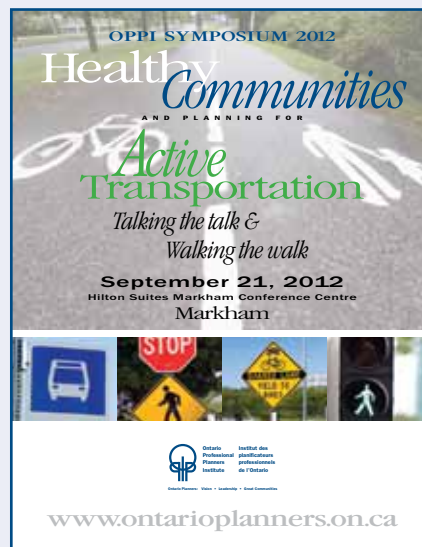
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Innovation in sustainability



By Randall Roth and Brenda Webster

Waterfront Toronto's Lower Don Lands Framework Plan and Keating Channel Precinct Plan, in the City of Toronto, represent an innovative and sustainable approach to community building, urban design and the natural environment and provide a model for sustainability.

The Lower Don Lands undertaking is unique among similar post-industrial urban revitalization efforts by virtue of its size, scope and complexity—existing flood risks, isolation from the rest of city, soil and groundwater contamination and deficiencies in municipal services and transportation.

The solution began with the river itself. The current mouth of the Don River is an artificial remnant of a past era in which filling the lake for an industrial port was considered the highest priority. Reflecting a vastly different set of values, the international design competition initiated in 2007 sought an integrated solution that would re-naturalize the river mouth, recreate aquatic and terrestrial habitats, remediate contaminated sites, provide flood control for a large area of downtown Toronto, and forge a compelling identity for new mixed-use neighbourhoods.

The entire Lower Don Lands is envisioned as an urban estuary—sustainable neighbourhood where city, lake and river interact in a dynamic and balanced relationship. The plan heralds a relationship between the urban and the natural in a design that introduces urban development, native ecologies and public infrastructure to 125 hectares (310 acres) of Toronto's post-industrial waterfront. It is anticipated the Lower Don Lands will ultimately accommodate a community with about 12,000 housing units and 27,000-square metres of employment space, developed in phases over the next 25 years.

The Lower Don Lands Framework Plan integrates a number of planning exercises to define a comprehensive and innovative vision for development of the Lower Don Lands, facilitating a holistic approach to community, stakeholder and agency consultation, which informed the plan development in an iterative fashion.

The Keating Channel Precinct is the area of the Lower Don Lands north of Villiers Street, and is the first phase of the Lower Don Lands to be implemented. Structured around the historic Keating Channel, the precinct will be a 21st century

neighbourhood that reflects Toronto's evolving character and is welcoming and memorable to its inhabitants, neighbours and visitors. It will provide strategic development opportunities along with significant open space amenities. With a diversity of building types, land uses and programming—underwritten by a significant investment in public transportation and infrastructure—a vibrant new neighbourhood will organically flourish.

Innovation in sustainability

Waterfront Toronto is employing global best practices in sustainability while developing made-in-Toronto solutions that will set the Lower Don Lands apart as a model of sustainability. This initiative was selected as one of 16 founding projects for the international Climate Positive Development Program—partnership between the C40 Cities Climate Leadership Group, the Clinton Climate Initiative (CCI) and the U.S. Green Building Council—to demonstrate sustainable urban growth models that support large urban developments in achieving zero carbon emissions.

Environmental Sustainability—Naturalization of the Don River and the provision of flood protection to the Port Lands was a top priority for all three levels of government. The realigned mouth of the Don River creates a floodplain in which the river has a flexible, dynamic and more natural flow, while protecting the city from flooding and restoring the soil, habitat and biodiversity that once existed. Given the industrial legacy of the Port Lands, soil and groundwater contamination issues were also addressed.

Community Sustainability—The Lower Don Lands will accommodate the sequential development of an integrated series of neighbourhoods with a range of block and building typologies. This development pattern will create exciting places to live, work, play and explore. The plan seeks relatively compact blocks that are organic and fluid to enhance pedestrian permeability and ease of access to the water's edge, community and recreational amenities, and transit facilities. The plan combines new neighbourhood development with an unprecedented level of landscape and naturalization. The Lower

Above: Keating Channel Precinct lining both sides of the historic Keating Channel, a 21st Century neighbourhood reflective of Toronto's evolving character and welcoming to its residents, neighbours and visitors. Source: Michael Van Valkenburgh Associates Inc.

Don Lands is the nexus of several major transportation connecting points in the city, requiring reconfiguration to open up the Port Lands and better integrate the community with the city's urban fabric.

Economic Sustainability—Revitalization and redevelopment of this derelict industrial area breathes new life into the Port Lands and promotes new economic development opportunities. Brownfield redevelopment improves the environmental condition of the lands and also facilitates new development opportunities, the creation of jobs and businesses that will improve land values, assessment and the city's tax base. The extensive parks and open space system will add significant value and amenity to the surrounding lands.

Implementation

In preparing the Lower Don Lands Framework Plan and Keating Channel Precinct Plan, it was recognized that the approach to sustainability must be realistic and economically feasible to ensure the plan is implementable. The framework plan identifies a phasing strategy so that initial development creates momentum and provides a catalyst for investment to assist in the significant



IMAGE SOURCE: MICHAEL VAN VALKENBURGH ASSOCIATES INC.

Promotory Park looking west towards downtown and continuation of public open space

costs associated with flood protection, remediation and the provision of public transit.

This project is an important milestone in solidifying partnerships among Waterfront Toronto, the Toronto and Region Conservation Authority and the City of Toronto, and provides a platform to secure funding to implement this exciting vision for the Lower Don Lands.

The consultant team is being led by Michael Van Valkenburgh Associates Inc.,

and includes MMM Group Limited, GHK International Consulting and Greenberg Consultants.

Randall Roth, MCIP, RPP, is a senior planner and associate with MMM Group Limited and part of the planning consulting team for the Lower Don Lands. Brenda Webster, M.Arch., PMP, has taught and practiced planning and architectural design in the Middle East, Europe and North America; she is currently with Waterfront Toronto overseeing the planning and design of the Lower Don Lands.

ERRATUM Waterfront Toronto was awarded an OPPI 2011 Planning Excellence award in urban/community design for its Lower Donlands Framework Plan & Keating Channel Precinct Plan. OPJ regrets the error in the September/October issue.

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The Partners of MacNaughton Hermsen Britton Clarkson Planning Limited ("MHBC") are pleased to announce that Bryan Tuckey will be joining their Woodbridge office as of October 3, 2011.



Bryan has extensive and diversified experience demonstrating dynamic leadership and a strong commitment to planning in Ontario with a sincere interest in the community. He has held senior positions at the Ministry of Municipal Affairs and Housing and the City of Toronto (North York). Over the past 11 years, Bryan was the Commissioner of Planning for the Region of York where he oversaw the planning and development functions of Canada's sixth largest municipal jurisdiction. In this role Bryan championed the development and adoption of an Economic Strategy; Transportation Master Plan; Water and Wastewater Master Plan; Vision 2026; Transit-Oriented Development Guidelines; and the approval of a new Regional Plan.

A positive and creative leader with recognized ability to manage in the rapidly changing environment, Bryan brings with him to MHBC demonstrated professionalism and integrity. Bryan will strengthen MHBC's strategic and public planning practice and will work out of our Woodbridge office. Bryan can be reached at btuckey@mhbcplan.com or by phone at 905-761-5588.



Shifting Perspectives

Plain Transit for Planners

By Nick Poulos

In Ontario's urban and rural communities, there is a shift towards a future less dependent on the automobile and a growing need and interest to accommodate public transit. This will have far reaching economic implications and directly impact the quality of life in communities—reducing energy consumption, environmental impacts and auto-dependence, and enhancing mobility in congested urban areas.

Rising gasoline prices are prompting more and more people to take public transit, according to a 2008 survey by the Federation of Canadian Municipalities. However, the lack of transit options and infrastructure in many communities remains a barrier. Furthermore, considering the increasing costs of owning and maintaining a single vehicle, only a small proportion of households are able to afford two or three vehicles. Therefore, it would seem an opportune time to be planning ahead for communities that are less dependent on the automobile.

The paper, *Plan Transit for Planners*, which can be found in its entirety at www.ontarioplanners.on.ca, is not intended as a service guideline. Rather it is meant to foster a dialogue around public transit 'made plain' for the everyday planner. The following is intended to begin the discourse.

The challenge

In most communities in Canada, the primary means of transport is the personal automobile, a fact that presents great challenges to transportation engineers and planners. These can include an automobile-centric built form, making it difficult for all but automobile owners to get around, increased pollution and toxins and traffic congestion on urban roads and highways, costing the economy billions of dollars annually in wasted fuels and time.

Much of the work of professional planners is concentrated on

counteracting the impacts of a nearly single-mode transportation system while carefully integrating other modes—transit, bicycling, walking—within existing networks.

The benefits

Public transit serves various functions, but its fundamental purpose is to provide mobility to those who cannot or choose not to travel by other means. It is used to induce new high-density development, reinvigorate declining neighbourhoods, change travel behaviours and support environmental objectives. Successful public transit has a positive impact on the economic, social and physical development of communities.

There is a general consensus among planners that land use planning and denser urban forms are essential in fostering and supporting sustainable transportation modes within our communities. The communities benefit from better use of land resources, improved environmental quality, sustainability, marketability, enhanced community image, provision of transportation options, and in many cases decreased capital and maintenance expenditures.

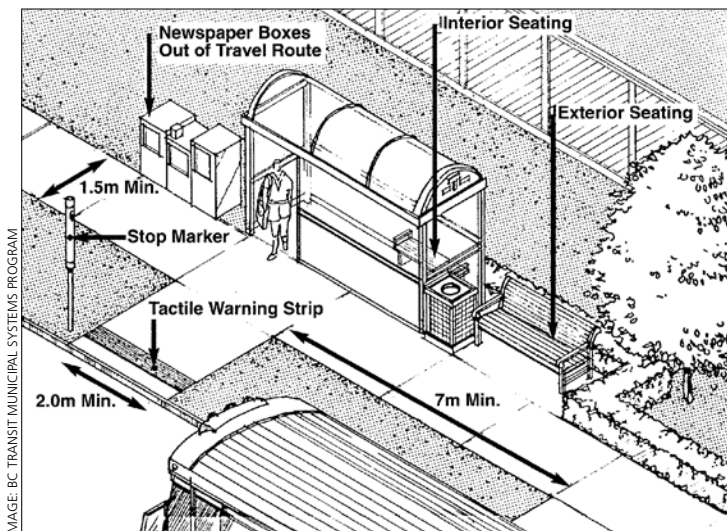
The planning process

Transit supportive land use design begins with the planning process. A number of tools such as the *Planning Act*, regional and municipal official plans, urban design guidelines and site plan guidelines offer passing references to accommodating public transit. But they often fail to effectively prescribe specific policy implementation or infrastructure elements within a given context. Zoning by-laws, site plan control, bonusing (i.e., increases to height and density in return for community amenities), plans of subdivision, community improvement plans and development permit systems provide physical attributes informing the design of public transit service.

Not only do planners have a role in bringing various disciplines together in a holistic approach, land use planners are required to interpret planning policies and regulations regarding height, setback and density, as well as form and function. This should also include transportation and related infrastructure. The positive relationship between building density and transit ridership is quite well documented and focusing development on transit corridors is mutually advantageous.

Include public transit from the start

For growing communities, it is crucial to develop new neighbourhoods with public transit at the forefront. This may require enhancing the existing planning process. For example, transit operators could be provided the opportunity to review applications and their input be given priority or the permitting and approval process could be simplified for



Example of urban bus stop treatments

developers building transit-oriented developments. Transportation planners should include transit routes within their traffic impact studies and the role of public transit in transportation master plans. Levels of ridership, both existing and potential, need to be considered when planning new developments.

Design the service and the environment together

Two inter-related elements make transit successful in a community: the service that is provided and the environment the service operates in. Key transit service considerations include frequency of service, customer service, affordability and safety. Designing a successful service means addressing desired travel patterns, in particular of those who do not use personal automobiles and/or cannot travel by other means, and facilitating more direct connections for those who use the service on a regular basis.

The environment incorporates street design, transit access points, neighbourhood design and safety. If the environment is not supportive of transit, the success of the service will be limited.

Engage the private sector

To foster private sector involvement in creating transit-oriented developments and contributing to transit-related infrastructure improvements, serious consideration of incentives and other mechanisms is needed at all levels of government. The benefits

of increased and more convenient access to a major development by the general public and employees are significant. It can enhance the overall property values and positively impact the bottom lines of retail and other businesses.

Address community needs

There is a great need for better public transit in every Canadian community. Each has a different economic, political, social and physical context that affects the planning and implementation of an effective transit system. However, the power of public transit is its capacity to be customized to meet each community's needs. By creating more effective public transit systems, planning and engineering professionals will help to create more desirable communities in which to live.

Nick Poulos, P.Eng., MCIP, RPP is OPPI's transportation working group chair. He co-authored the paper with Trevor Anderson, MCIP, RPP, Nicholas Chu, Paul Croft, MCIP, RPP, Andre Darmanin, MCIP, RPP (APPI, invited contributor), Sean Nix, MCIP, RPP, Joel Swagerman (OPPI provisional member) and Darryl Young, MCIP, RPP.

For further information on the Healthy Communities Initiative, copies of the Plain Transit for Planners document or recent Calls to Action please go to www.ontarioplanners.on.ca/content/Publications/innovativepolicypapers.aspx.

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Emerging transit-oriented neighbourhood

By Alex Taranu, contributing editor



Live-work units front onto the transit hub



PHOTOS: ALEX TARANU

A major public amenity/cultural centre anchors the most prominent site, dominating the square

A new kind of development is being built on the outskirts of Brampton, in the Greater Toronto Area. Focused around transit, a compact and walkable built form and a distinctive character, Mount Pleasant Village—1,000 ha/2,200 acres—represents the new face of greenfield development in Ontario. Approved in the Fall of 2010, it demonstrates Brampton's quest for smarter growth and more sustainable and liveable development.

The village acts as a de-facto mobility hub connecting inter-regional GO Transit rail and bus service with local Brampton local transit. It is located around the new Mount Pleasant GO Transit commuter train station along the inter-city, heavy rail line connecting Toronto with Georgetown, with future service planned to Guelph, Kitchener and beyond. The local transit system will be upgraded with the upcoming bus rapid service along Bovaird—future phase of the recently launched Züm transit system—as well as the new bus service within the new Mount Pleasant community to the north.

Mount Pleasant Village is an urban transit village, a new neighbourhood developed around and based on transit and active transportation. Its plan has a strong and clear structure—laid out around a new square being built just north of the GO station and two main spines. One spine, along the main bus transit route, connects the new community to the northwest and a second green spine connects the city-wide park and the integrated natural areas to the north. The radial pattern of development allocates higher density forms along the main streets and around the square and distributes smaller open space parkettes within the neighbourhood to serve the residents.

With a mix of urban forms including live-work units, a variety of townhouses, semis and single-family homes, Mount Pleasant is fully walkable with all the residents living within five minutes of the transit station. The village also has significant features in support of other active transportation forms such as cycling.

The square is the main feature of the village—both as an amenity and key contributor to the character of the area. The square offers ample opportunities for public enjoyment—pond/skating rink, playground, major public art features, spaces to sit and interact—all with a contemporary design and high-quality street furniture and landscaping.

Towards the rail line and the GO Transit station the square features extensive transit structures with canopies of glass, steel and brick accommodating buses serving the community and connecting to the surrounding area. To the north, the square is bordered by a landmark public amenity complex—a cultural and education centre located within a reconstructed former CPR station, with library and two-storey elementary school sharing library and community centre facilities. To the east the square is framed by a three-storey row of live-work units that will accommodate commercial and service uses. The west side will be framed by future compact, dense development.

The square is not only extensive and highly detailed but is the key character area of the neighbourhood. It is very urban, inspired by the best rail/streetcar suburbs of the golden age of urbanism at the beginning of the 20th century when transit and walkability were paramount. Its identity is underlined by elements such as the landmark tower, consistent architecture and high-quality streetscape, wayfinding and signage, creating a place for all ages and interests. The design theme is drawn from railroads and trains, which are visible in the materials, styles, streetscapes, and public art.

The character extends into the neighbourhood with an urban but small-scale atmosphere. The townhouses, semis and single-storey houses front onto the street with designs inspired by the craftsman style.

This is not a conventional suburban development and it is expected to favour and attract a very urban lifestyle, focused on transit and active transportation. It has a lot of innovation including the live-work forms, amenities within walking distance, very strong public realm, the unique, compact cultural-educational complex on a very small site and extensive use of alternative development standards. The result is narrow streets with reduced setbacks favouring pedestrians, laneways and small, accessible parkettes.

Planned in a joint effort between the City of Brampton and Mattamy Homes, which led the team, this project has used innovative planning tools and delivery methods such as a

design-based block (tertiary) plan, complete with detailed community design guidelines, strong architectural control and new development standards and fast tracking. It also benefited from funding from the developer and the city, as well as senior levels of government including the Infrastructure Stimulus Fund.

Developed and built by Mattamy Homes (residential, subdivision work) in partnership with the City of Brampton (square, transit station, cultural amenity), Brampton Library Board (library), and

Peel District School Board (school), the Mount Pleasant Village project demonstrates a new type of more intensive, urban development of greenfields in the GTA.

Alex Taranu, FCIP, RPP, OAA is an urbanist and designer with over 30 years experience. He is currently urban design manager for the City of Brampton. Founder and past chair of the OPPI urban design working group, Alex is also a founding member and director of the Council for Canadian Urbanism (CanU) .

Transforming transportation and land use planning

The Big Move

By Amanda Leonard

The Greater Toronto and Hamilton area, one of Canada's largest and fastest growing urban regions, will grow from 6-million to 9-million residents over the next 25 years. In 2006, Metrolinx, the provincial transportation agency for that region, embarked on a regional planning initiative to develop a transportation system to support this growth. The result is the region's first regional transportation plan called, The Big Move: Transforming Transportation in the GTHA, which was unanimously approved by the Metrolinx Board of Directors on November 28, 2008.

The Big Move sets the plan and polices for implementing the transportation directions of two provincial regional land-use plans: *The Growth Plan for the Greater Golden Horseshoe, 2006* and the *Greenbelt Plan, 2005*. Without a supporting transportation plan, the growth management goals set out in these landmark plans could not be attained.

While transportation plans typically focus on specific municipalities, the Big Move considers the interests of the region as a whole. It covers a geographic area of approximately 8,200 km², which includes 10 local transit agencies and 30 municipalities with varying degrees of urbanization, distinct economic and social structures and unique political interests. As such, extensive public and stakeholder consultation was key to identifying regional priorities and ensuring the best projects were brought forward.

Overall, the Big Move proposes over 100 transportation initiatives and supporting land use policies, and \$50-billion in new transit projects—so over 80 per cent of residents in the region will live within two kilometres of rapid transit by 2031. The Big Move has changed the landscape of transportation planning and delivery within

the GTHA, as Metrolinx is currently working with its partners as a proponent of the Eglinton-Scarborough Crosstown, York VIVA Rapidways Project, Air Rail Link and various GO Transit service improvements.

Realizing the Big Move requires successful integration of land-use and transportation planning. The development of mobility hubs encourages this relationship at areas of strategic importance throughout the GTHA. Mobility hubs consist of major transit stations and their surrounding area, serving a critical function in the regional transportation system as the origin, destination, or transfer point for a significant proportion of trips. Additionally, hubs offer seamless integration of various modes of transportation and opportunities for live, work and play.

To date mobility hub planning has been led by Metrolinx and local municipalities. A collaborative approach has produced mobility hub plans that meet the objectives of Metrolinx, local municipalities and other stakeholders. The recently approved *Mobility Hub Guidelines* is a resource for the development of mobility hub plans and a tool to incorporate mobility hub objectives into other planning activities. This integrated approach between the region's mobility and settlement patterns will be the new model for planning in the GTHA.

Amanda Leonard is a recent graduate of Queen's School of Urban and Regional Planning and an OPPI student member. She is currently interning within the Strategic Policy and Systems Planning Division of Metrolinx.



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Moving Hamilton Forward

By Christine Lee-Morrison and Trevor Horzelenberg



IMAGES: CITY OF HAMILTON

Investment in LRT is a community building initiative

Soon after municipal amalgamation (2001), the City of Hamilton approved a nodes and corridors system as a foundation for long-term growth. Over the past few years, the city has also been engaged in planning for a rapid transit network, including development of a long-term rapid transit system that comprises five future lines to service the city.

Hamilton, in conjunction with the province, is now moving forward on two initiatives that have been identified in the MoveOntario 2020 plan, the \$11.5-billion provincial plan for rapid transit in the Greater Toronto and Hamilton area. These are the B-line corridor (Main Street, King Street and Queenston Road, between Eastgate Square and McMaster University) and the A-line corridor (James/Upper James Corridor between the Waterfront and the Hamilton International Airport). The B-line corridor has been identified as a top-15 priority project in the Metrolinx Regional Transportation Plan.

In March 2010, the city, under agreement with Metrolinx, retained consultants to further the planning, engineering and design work on the B-line and complete a feasibility study for the A-line. The engineering design and environmental assessment process for the B-line will bring the project to a maximum state of implementation readiness.

LRT as a community building initiative

For the City of Hamilton, rapid transit is not just about moving people, it is a long-term investment in community building. The city is taking a comprehensive approach to planning that will contribute to the success of its growth strategy, enhance economic vitality and improve quality of life in the city.

Public investment in LRT can act as a 'foundational project' that can promote private-sector investment, which is essential to the revitalization of the city's urban corridors. There are a

number of North American examples, Dallas, Texas, Minneapolis, Minnesota and Portland, Oregon to name a few. Research by CUI in 2010 suggests the following are some of the key factors that affect 'value uplift' and return on public investment.

Type of transit system—LRT is known to attract greater uplift because it is seen as a permanent investment in the community and because consumers place greater value on rail systems over traditional transit.

Local economic conditions—While stable healthy local economies might attract more development opportunities than those that are struggling, corridors with vacant properties have more to gain with potential for substantial increases in taxable assessment.

Visionary governance—Although LRT can be the investment that sets revitalization in motion, it alone cannot achieve results. Other promotional measures must also be in place. As well, comprehensive planning is needed such as policies and zoning that encourage a mix of uses and support transit investment, appropriate parking management and design guidelines.

Integration of transportation and a mix of uses—The most successful examples of transit-related development have occurred where transit design, land use and urban design are integrated.

Hamilton's planning framework

Much of the post-amalgamation planning work done by the City of Hamilton is well aligned with the key factors for a foundational project. The following is a summary of the planning framework in place or underway.

Growth Management (2006)—The city undertook a comprehensive growth management study called the Growth Related Integrated Development Strategy GRIDS (2006).

City of Hamilton Transportation Master Plan (2007)—GRIDS and the city's transportation master plan jointly set out the nodes and corridors urban structure as the basis for change and growth, including higher-order transit and intensification of development along both the B-line (Main-King-Queenston) and A-line (James, Upper James) corridors.

Urban Official Plan (adopted 2009, approved 2011, under appeal)—Establishes policy framework for corridors as a significant opportunity for creating vibrant pedestrian and transit-oriented places through investment in infrastructure, residential intensification, infill and redevelopment, as well as careful attention to urban design.

Economic Development Strategy 2010–2015 (2010)—Structural changes in the economy affecting Hamilton's two largest steel mills and the education and life sciences sectors, among the top-five employers in the city, has necessitated a new economic development strategy.

B-Line Opportunities and Challenges Study (July, 2010)—This background study informs both the planning, design and engineering work for the B-line and the B-line Nodes and Corridors Land Use Planning Study.

B-Line Nodes and Corridors Land Use Planning Study (2010 to 2011)—This study will develop a long-term land use and urban design strategy to guide growth and change along the B-line corridor and has been coordinated with rapid transit planning.

Transit Oriented Development (TOD) Guidelines (2010)—The guidelines will foster development that reflects the important relationship between land use and transportation planning. The result is intended to be compact, mixed-use development near transit facilities with high-quality walking environments.

New Comprehensive Zoning By-law (Draft 2010)—To implement the city's new official plan and nodes and corridors urban structure, a comprehensive zoning by-law is being prepared. The proposed commercial and mixed-use zoning, which would be applied to the B-line, has been developed to enhance the design and increase the flexibility for development along the city's major corridors and nodes. Where possible, the zones create opportunity for development to be designed with a strong pedestrian orientation by measures such as pulling the buildings up to the street line and allowing increased height, while establishing a stepped-back façade. In addition, to promote the opportunity for development to benefit from proximity to a rapid transit route, reduced parking requirements are being investigated.

Conclusion

The City of Hamilton has a supportive policy framework in place and is undertaking a comprehensive initiative which includes both engineering and land use planning to further a rapid transit network in the city. According to the city's vision statement, rapid transit is more than just moving people from place to place. It is about providing a catalyst for the development of high quality, safe, environmentally sustainable and affordable transportation options for city residents, connecting key destination points, stimulating economic development and revitalizing Hamilton.

While final provincial and city decisions on rapid transit in Hamilton are yet to be made, in October of this year the city's General Issues Committee confirmed its commitment to an integrated approach to conventional, rapid and inter-regional transit and land use planning. This includes projects such as the B-line Nodes and Corridors Land Use Study, the B-line Planning Design and Engineering Study and planned GO Transit service extension, including two new stations in Hamilton.

Christine Lee-Morrison, MCIP, RPP, is nodes and corridors planning manager in the strategic services and special projects unit of Hamilton's Planning and Economic Development Department. She can be reached at 905.546.2424 ext. 6390 or christine.lee-morrison@hamilton.ca. Trevor Horzelenberg, MCIP, RPP, CET, is senior project manager (rapid transit) in the strategic and environmental planning division of Hamilton's Public Works Department. He can be reached at 905.546.2424 ext. 2343 or Trevor.Horzelenberg@hamilton.ca.

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The power of consultations

By Paul General, George McKibbon and Leigh Whyte

Hamilton McKibbon, my great, great, grandfather, emigrated from Ireland to Canada around 1830. He settled in Seneca Township in Haldimand County where he purchased land from the Crown, cleared a farm, built a cabin and raised a family. Tales from these days were passed along to his descendants. One involves an Iroquois harvester who visited the farm often and shared meals with my ancestor whenever possible. I have often wondered what they talked about.

The Crown has a duty to consult where development may affect First Nation and Métis communities. This paper offers advice on how planners may consult First Nation and Métis communities in land use and environmental decisions.

Judge Linden's Ipperwash Report is an important starting point. The many background research papers, report and recommendations are informative and provide insight into the history and challenges First Nation and Métis peoples experience when addressing land use and environmental issues.

Judge Linden observes we are all beneficiaries of treaties and, as subjects of the Crown, are bound to respect their provisions. Treaties are living documents needing to be interpreted under the circumstances that exist today. First Nation and Métis peoples are not stakeholders in the same way that the Federations of Naturalists or Anglers and Hunters are stakeholders. Our obligation to consult First Nation and Métis communities is embedded in the constitution.

Co-ordination

The *Provincial Policy Statement, 2005* (policy 1.2.1) mandates co-ordination among municipalities. Good neighbours develop procedures and agreements to coordinate their interests where they share concerns. We aspire to be good neighbours; policy 1.2.1 should set the standard for discussions with First Nation and Métis communities.

The *Indian Act* mandates procedures for land management on reserves. Often this involves using certificates of possession issued by Band Council resolution. Many reserves are experimenting with the new federal *Land Management Act* to find new ways of addressing land management on reserves and address the need to provide capital for new business, institutional and community development.

The recently approved *Northern Growth Plan* addresses First Nation and Métis communities together with organized municipalities where the implementation of its goals, objectives and policies are concerned. The precedent has been set.

Other planning and management procedures, such as those

established by the Forest Stewardship Council for the management of the boreal forest, have established rigorous standards for First Nation and Métis community involvement in the management and harvesting of forest resources. These standards include free and informed consent to forestry plans, protection of important harvesting and sacred sites and compensation where traditional knowledge is shared.

These standards help implement international consultation standards included in the *International Labour Organization Convention on Indigenous and Tribal Peoples*. Although Canada isn't a signatory to the convention, it guides consultation practice internationally.

Organizing a consultation approach

First Nation peoples understand the treaties as agreements to share lands and resources. While lands have been settled and used for a variety of uses, treaty and Aboriginal interests remain and consultation is needed to address these interests appropriately. Two topics are especially important: graves and sacred places and traditional harvesting.

Southern Ontario was settled prior to European settlement and former Aboriginal settlements and their remains are still important to First Nation peoples. Graveyards especially require protection. Archaeological master plans are important tools in determining where these settlements occurred and in making arrangements for site preservation. Archaeology involves the study of these sites but the spiritual significance is a matter for First Nation and Métis communities to determine and that can only be accomplished through consultation.

Unfortunately, the residential schools legacy remains and there exists a reticence among individuals and communities to share information concerning sites of special meaning and spiritual significance. Exceptions do exist and planners need to take sufficient time to listen carefully and respectfully to community members.

Harvesting for country food and medicinal plants continues to this date. First Nation and Métis harvesters may use settled



George McKibbon, Paul General and Leigh Whyte

lands, but many have found areas in parks and in and along waterways. Often these practices are held in strictest confidence among the harvesting clans involved. However, examples exist where harvesters have agreements with organizations such as Parks Canada (Navy Island in the Niagara River) and conservation areas in managing wildlife resources.

The environmental quality of the land and waters within traditional territories is paramount. First Nation and Métis peoples are most interested in the environmental protection measures contained in municipal policies and plans, especially where land uses may severely impact environmental quality.

The word “traditional,” when applied to harvesting and ecological knowledge, unfortunately suggests that these activities happened in the past but don’t happen now or that this knowledge is quaint and out of date when compared to current science. Harvesting country food is an essential activity in defining First Nation and Métis community’s identity.

Ecological knowledge, gathered over centuries of practice, will be an important ingredient in responding to climate change and in the preparation of the Grand River watershed plan under the *Clean Water Act*. The Six Nations of the Grand River is using this collected wisdom in a variety of ways on reserve and to manage ecosystems throughout its traditional territories. For example, the elected council through the Eco-centre helped form the award winning Grand River Fisheries Management Plan responsible for helping restore a healthy fishery in the Grand River. Other parties to this effort include the Federal Department of Fisheries and Oceans, the Grand River Conservation Authority, the Ontario Ministry of the Environment and the Ontario Federation of Anglers and Hunters.

The Red Sky Métis Independent Nation recently consulted with a renewable energy proponent on a project in its traditional territory. Community members raised concerns about potential impacts on medicinal plants that had not been sufficiently inventoried. The proponent arranged for the community’s traditional healer to accompany its biologists in a supplemental survey. This effort illustrated that, by agreement, measures could be introduced to protect these plants for future community use.

I will never know what my ancestor and his friend spoke about in the 1830s. But Leigh, Paul and I agree as planners we must continue the conversation with the goal of creating an atmosphere of peace, respect and friendship.

Paul General is a member of the Six Nations who serves with Six Nations Eco-centre (pgeneral@sixnations.ca), George McKibbon, MCIP, RPP, AICP, is an environmental planner with McKibbon Wakefield Inc. (GeorgeH@mckibbonwakefield.com) and Leigh Whyte, MCIP, RPP, is a member of the Red Sky Métis Independent Nation and president of PLW Planning and Environmental Consulting specializing in renewable energy projects and aboriginal consultation (www.plwconsulting.com).

In the winter semester, George was “planner in residence” at the University of Guelph’s School of Environmental Design and Rural Development where he taught a course on First Nation and Métis consultation. Paul and Leigh also lectured in this course and students, Hamad Alhamad, Erica Ferguson, Feinan Long and Alberto Salguero helped draft and edit this paper.

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Real time access

By Bruno Romano

Regional and local area municipalities today are grappling with the pressures of rapid growth and its impact on services and finances. But, Niagara Region is meeting these challenges head on thanks to a sophisticated, fully-integrated set of tools called Integrated Development Application Recording and Tracking System—iDARTS.

Based on Munirom Technologies' AppTrack system, iDARTS gives planning and engineering professionals real time access to all facets of the development application process. It lets staff view an original application along with all the associated documents (commenting letters, reports, studies, legal agreements, etc.), redline an application, circulate it for others to review, and easily meet deadlines for responding to applications. It offers an integrated set of tools, such as data management, document management, communications, reporting and monitoring and GIS.

"This cutting-edge technology improves efficiencies, streamlines processes and saves time," stated Niagara Development services director Peter Colosimo. "iDARTS supports our continuous improvement initiatives because it is an integrated communications and analytical tool. Instead of just looking at applications on an individual basis, iDARTS gives planners trending information that lets them see the bigger picture—such as the impact on infrastructure."

Development Initiatives manager Don Campbell asserted "now we can slice and dice information in a variety of different ways to see where and when development is occurring and manage growth more effectively."

With one central authoritative repository for all applications, gone is the need for individual departments to keep separate spreadsheets and paper files. Everything is integrated. Communication is considerably faster because it's all electronic—there's no need to wait for the mail or go hunting for plans and documents.

Niagara Region's IT, GIS, Development Services and Integrated Community Planning departments all worked collaboratively with Munirom Technologies to expand the depth of the original software functionality.

"Development tracking and the ability to connect growth,

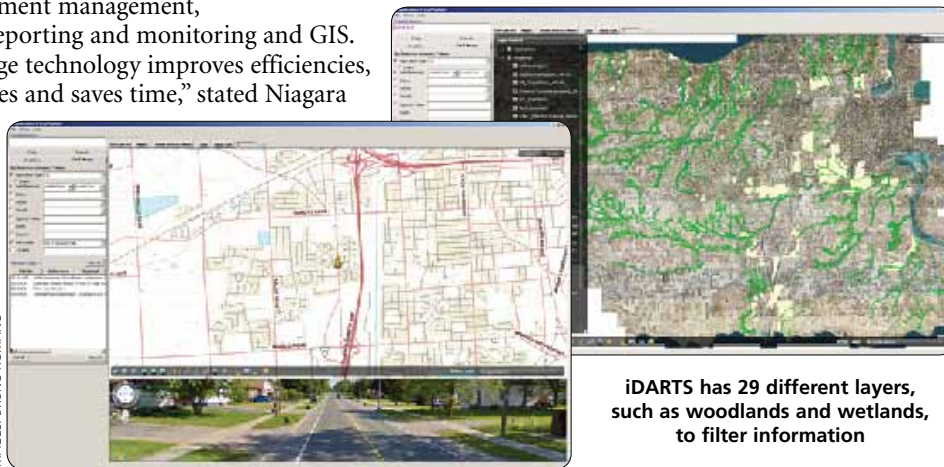
development, servicing and financing is now vital to successful implementation of growth management. The staff team that worked on this, together with Munirom, really stepped up. We went from RFP to live use in eight months, including the custom modules," stated regional policy planning associate director Mary Lou Tanner.

Niagara Region is currently loading all 2011 development applications into iDARTS and plans to add historical data going back to 2006. Analysts can then leverage the considerable statistical reporting capabilities of iDARTS for deep analysis of the impact of council's decisions. This information is expected to be a major advantage to council in future decision making.

"It offers an opportunity to look back...to look forward... to examine the outcomes of decisions and identify the

lessons learned for future application," explained Tanner.

The initial rollout is to 80 users within Niagara Region and the conservation authority. The next steps will be to offer access to all 12 local area municipalities



iDARTS has 29 different layers, such as woodlands and wetlands, to filter information

and then to other external agencies—leading towards greater collaboration in policy development.

iDARTS is deployed using state-of-the-art virtual technologies that enables web-based delivery of the application. iDARTS is fully compliant with ESRI's ArcGIS Server for ease in creating, managing and distributing GIS services throughout the organization while at the same time providing centralized management of spatial data.

For more information about the iDARTS implementation in Niagara Region contact Peter Colosimo, MCIP, RPP, (peter.colosimo@niagararegion.ca). For further information—contact Adam Fox at ESRI (adam.fox@esri.ca) about how GIS products can help your organization and Laszlo Sugar (lsugar@munirom.com) about how Munirom Technologies can customize its AppTrack system for your municipality. Bruno Romano, MCIP, RPP, is president of Munirom Technologies Inc.

iDARTS development charges module

Municipalities apply development charges against land development projects for the capital costs associated with growth related infrastructure and servicing. Yet calculating, applying and tracking the collection of these development charges versus the actual capital spending can often be laborious and fragmented resulting in lost opportunities for revenue and much-needed improvements to support growth.

Munirom Technologies worked with Niagara Region to build a module in iDARTS to address and automate these issues.

“This tool will save months of analysis work in preparation for council’s strategic directives and decision making,” stated Mary Lou Tanner. All relevant information is spatially correlated and can easily be accessed for reporting to council.

The advanced Development Charges module is now offered as an add-on to Munirom’s standard AppTrack system.



IMAGE: BRUNO ROIMANO

iDarts Portal

The future begins now

Resounding vote for new standards

By Mary Lou Tanner and Charles Lanktree

Yes. The votes are counted and professional planners in Ontario have agreed to embrace a new membership and certification process. This follows on the resounding affirmative vote held by the Canadian Institute of Planners earlier this year.

OPPI and its partner affiliates have been working for several years on a new national standards initiative for professional planners—Planning for the Future. The institute celebrated its 25th anniversary this year and what better way to move forward into the future than equipped with renewed ethical, educational and membership standards.

Implementation will not take effect immediately. According to section 4.16 of the new by-law, the changes will not take effect until council has set an “effective date” and given the membership 15 days notice of that date. This will be given by email and on the OPPI website.

Meanwhile new applicants for Provisional Membership will be accepted under the existing rules. Further, anyone who is a Provisional Member on the effective date will continue on towards Full Membership under the existing rules, as set out in section 4.13 of the new by-law.

Several steps need to be taken before council sets an effective date to begin implementation. Affiliates across Canada need to finalize and sign agreement(s) regarding governance and financing of the Professional Standards Board, which will administer the new standards. The board needs to be formally incorporated and have the operational capacity to administer the new standards in an effective and efficient manner. Inter-affiliate task forces have been drafting materials and processes for the Professional Standards Board to consider, revise and adopt quickly once it comes into existence—but this may take some time.

OPPI Council also needs to delete, amend and add certain schedules to its by-laws—for instance a new Schedule AA will govern the non-corporate classes of membership. One of those non-corporate classes will be a Pre-Candidate status for individuals who are interested in pursuing Full Membership, but do not have recognized planning degrees. These individuals will be working on completing five years of planning experience to become Candidates through the new Prior Learning Assessment and Recognition process. Changes to by-law schedules can be made by council without membership approval, so there won’t be further votes on these matters.

Thousands of hours of volunteer leadership and commitment have led us to this significant achievement. So while there remains much work yet to be done, this is a good opportunity to thank the many people who contributed to this important advance. Thank you to OPPI members and staff, who participated in this process in a myriad of ways and who ultimately voted in favour of Planning for the Future

Mary Lou Tanner, MCIP, RPP, is OPPI President and Charles Lanktree, MCIP, RPP, is Membership Services Director.

Also in the future . . .

This was probably the last ‘mail ballot’ ever conducted by OPPI. One of the amendments approved by the membership was authorization to make future by-law amendment decisions by secure online voting. It is anticipated that this change will increase member participation and decrease costs.

Message to Members



Susan Cumming, MCIP, RPP
President 2009-2011

I was first elected to OPPI Council in 2004 and this fall will see the end of my term as OPPI's 13th President. Over the last seven years, I have had the enormous privilege to work alongside many of you to advance the planning profession in this wonderful Province. Together we have raised our public profile through recognition of our efforts to create Healthy Communities, we have both advocated for and responded to policy at the Provincial Level that is reshaping our communities and addressing global issues – in rural, small towns and cities and in larger urban areas.

OPPI Council and Staff over these years has been steadfast in its commitment to renewing our infrastructure – updating our communication vehicles, membership process, professional learning opportunities, student and university research and outreach links, to cite a few. The transition to seven districts has created more opportunities for the profession to take a part in learning and networking closer to home and through their workplace.

The commitment of the planning profession in Ontario to raising standards is extraordinary. As a profession, we are more credible with the public, adjudicators, decision-makers, professional colleagues in other disciplines, and within our own profession when we choose to set higher standards and hold ourselves to those higher standards.

Planning has evolved as a rigorous and respected professional discipline that interacts with other self-regulated professions. The impact of recommendations and decisions made by planning practitioners has far-reaching implications for the health and well-being of citizens that can be felt for decades. Professional planners are recognized experts on certain matters within a defined scope of work.

OPPI today consists of 3500 professional planners. Each member holds credentials worthy of recognition and respect. As we look to the future, it is time in my view to take our place among other regulated professions – Engineers, Architects, Foresters – by seeking stronger legislation to ensure that the significant role played by the planning profession in society protects the public interest. We are ready! We have a well-defined code of practice, discipline process, and new national standards, all of which demonstrate the Profession's conviction that the public interest is paramount and that universal standards of accountability are important.

In this my last message to you as the President of OPPI, I would like to share with you what I believe are the fundamental elements necessary for our continued advancement as Ontario's voice of Professional Planners.

First and foremost we must continue to hold true to the values and beliefs of our profession;

We need to continue to advocate for public policy that will create healthy communities;

We need to build bridges within our communities, with the public, stakeholders, and with decision-makers;

We need to continue to advance our high standards, our learning and mentoring of new members;

We need to forge partnerships, new and old, with other like-minded professions to create the Ontario that will serve our children and grandchildren well.

Finally, I share with you that I believe that it is time for this Profession to take its place among other regulated professions in Ontario Society.

It has been an honour to serve as OPPI President. I will forever be grateful for the guidance, commitment and grace of Council, Staff and Volunteers.

www.ontarioplanners.on.ca

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Susan Cumming MCIP, RPP
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Mary Lou Tanner MCIP, RPP
President-Elect and CIP Representative

Drew Semple MCIP, RPP
Director, Policy Development

Diana Rusnov MCIP, RPP
Director, Recognition

Charles Lanktree MCIP, RPP
Director, Membership Services

Marilyn Radman MCIP, RPP
Director, Professional Practice & Development

Pamela Whyte MCIP, RPP
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Maria Go
Administrative Coordinator

Vicki Alton
Executive Assistant

Beyond 2010

Focus and Outcomes for the Planning

2011 Key Strategies Underway

As the voice of the Planning Profession, OPPI has a number of key strategies now underway in 2011:

Leads and supports members to plan healthy communities

Extending the scope and reach of the Healthy Communities Initiative, OPPI released two Calls to Action – “Planning for Food Systems in Ontario” and “Healthy Communities and Planning for a Sustainable Greater Toronto Area.”

Supporting planning excellence through government policy, OPPI commented on key government documents – proposed changes to the Municipal Class Environmental Assessment Environmental Bill of Rights; proposed Amendment 1 Growth Plan for the Greater Golden Horseshoe; draft update of Ontario’s Transit-Supportive Guidelines; and the proposed updated Environmental Noise Guideline. Providing leadership on behalf of the profession, OPPI collaborated with the province on the Review of the Provincial Policy Statement.

OPPI extends networks and furthers knowledge exchange among planning and other related professionals by participating in multi-stakeholder groups. Two recent examples: working with the Ontario Public Health Association to further understanding and build strategic alliances between planners and health care professionals; partnering with diverse stakeholders to raise awareness of new *Planning Act* tools.

Increasing awareness of the impact of planning on fostering healthy communities, OPPI has conveyed key messages to government and stakeholder organizations – Ministry of Health Promotion, Ontario Municipal Board, Ontario Public Health Association, Association of Local Public Health agencies and Heart and Stroke Foundation of Ontario.

Acts as a planning resource and centre of excellence

Fostering best planning practices with a focus on healthy communities, OPPI hosts District events, builds networks and engages a broad range of stakeholders across the province. As part of its 25th anniversary, OPPI hosted a celebratory conference in Ottawa with speakers and delegates challenged to tackle the biggest issues to planning and the profession.

Continuously improving its service to members and other key stakeholders, OPPI undertook a comprehensive review and audit of its communication practices and products to guide and enhance future methods and tactics.

Promoting the research and work by students and faculty at Ontario’s six planning schools, OPPI profiled the schools in the July/August issue of the *Ontario Planning Journal*.

Develops and maintains professional standards in the interest of the Ontario public

OPPI continues to develop and implement new professional standards through the Planning for the Future initiative; culminating in a membership vote – both nationally and by affiliate – enabling OPPI to implement the new membership standards, criteria and process. As part of the new membership process, OPPI has prepared a written professional practice exam for implementation in 2012.

Furthering OPPI’s Continuous Professional Learning Program, OPPI will seek members’ approval to implement a mandatory CPL requirement, and undertake a comprehensive review of the program and its courses. In tandem with the association’s other initiatives OPPI has developed content for a new online Ethics and Professionalism Course.

Exploring the feasibility of regulating the planning profession through provincial legislation, OPPI will continue the dialogue with members, stakeholders and government. Meanwhile, OPPI will continue to monitor regulations, policies and procedures that impact the ethical and professional practice of planners.

Profession in Ontario

VISION

Beyond 2010 . . . OPPI has a VISION of its role in the advancement of communities and the profession.

The Ontario Professional Planners Institute:

Planning healthy communities through vision and leadership.

MISSION

Beyond 2010 . . . OPPI has a MISSION of the image that it seeks to project with members and key stakeholders.

The Ontario Professional Planners Institute is the voice of the planning profession:

- Leads and supports members to plan healthy communities.
- Acts as a resource and centre of excellence for planning.
- Develops and maintains professional standards in the interest of the public of Ontario.

GOALS

Beyond 2010 . . . OPPI has established GOALS to realize its willed future.

To achieve its vision and mission OPPI will:

1. Engage and recognize members and stakeholders.
2. Be the voice of planners to shape planning policy and achieve healthy communities.
3. Use standards, tools, and legislation to strengthen the planning profession.
4. Grow the planning profession by continuing to attract the brightest and the best.
5. Promote scientific interest and research in planning.
6. Provide strong governance and management leadership.

ONTARIO PROFESSIONAL PLANNERS INSTITUTE

Audited Financial Statements

FOR THE YEAR ENDED DECEMBER 31, 2010

Our auditors (Kriens~LaRose, LLP Chartered Accountants) have conducted our annual audit in accordance with Canadian generally accepted auditing standards. An audited consolidated financial statement and two graphic representations of revenues and expenses follow. OPPI Council approved the Audited Financial Statements ending December 31, 2010 at its March 2011 Council meeting. A complete copy is available by contacting the OPPI office.

The 2010 Business Plan was prepared and approved by OPPI Council. The year ending December 31, 2010 reflects an excess of revenues over expenses in the amount of \$84,391.

Operations \$96,342
Scholarship Fund \$393

Capital Fund \$10,000
Strategic Fund (\$22,344)

ONTARIO PROFESSIONAL PLANNERS INSTITUTE

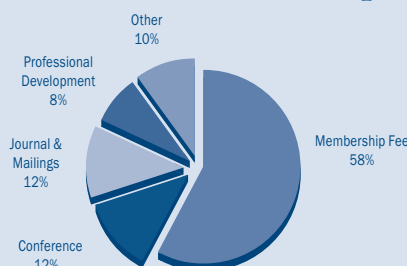
SUMMARIZED FINANCIAL INFORMATION

FOR THE YEAR ENDED DECEMBER 31, 2010

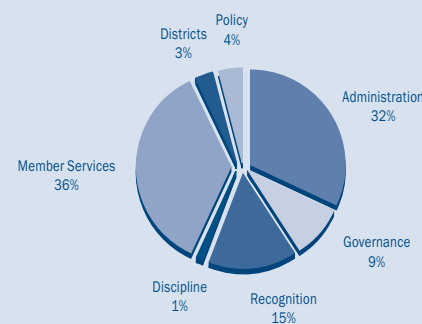
	2010 \$	2009 \$
CURRENT ASSETS	1,037,075	814,664
EQUIPMENT	379,725	327,750
	<u>1,416,800</u>	<u>1,142,414</u>
CURRENT LIABILITIES	958,028	768,033
SCHOLARSHIP FUNDS	75,416	75,023
UNRESTRICTED NET ASSETS	(139,918)	(184,285)
INVESTED IN EQUIPMENT	379,725	327,750
CAPITAL RESERVE FUND	84,979	74,979
STRATEGIC FUND	58,570	80,914
	<u>1,416,800</u>	<u>1,142,414</u>
REVENUES		
Membership Fees	895,749	830,600
Conference	—	388,686
Journal and Mailings	191,542	172,168
Professional Development	125,633	150,098
Other	158,361	137,947
Symposium	185,659	—
	<u>1,556,944</u>	<u>1,679,499</u>
EXPENSES		
Council and Committees	576,648	551,148
Conference	—	302,400
Office	304,533	311,196
General Administration	168,995	170,066
Communications	103,331	112,073
Professional Development	85,006	98,252
Other	91,835	108,001
Symposium	142,205	—
	<u>1,472,553</u>	<u>1,653,136</u>
EXCESS OF REVENUES OVER EXPENSES FOR THE YEAR	<u>84,391</u>	<u>23,363</u>

A copy of the Financial Statement can be obtained by contacting the OPPI office.

2010 Revenues & Expenses



Membership Fee	\$	895,749
Conference/Symposium	\$	185,659
Journal & Mailings	\$	191,542
Professional Development	\$	125,633
Other	\$	158,361
Total Revenues	\$	1,556,944



Membership Services	\$	528,240
Administration	\$	473,528
Recognition	\$	213,011
Governance	\$	134,959
Policy	\$	59,169
Districts	\$	47,565
Discipline	\$	16,081
Total Expenses	\$	1,472,553

Thank You to OPPI's 2011 Volunteers

MEMBERSHIP

Charles Lanktree
David McKay
Marc Magierowicz
Mark Kluge
Randy Pickering
Stephen Evans

CAROLINIAN CANADA LIAISON

Scott Peck

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Brian Treble
Daniele Cudizio
Darryl Lyons
David McKay
Lorraine Huinink
Mark Kluge
Michael Larkin

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Amr Elleithy
Anthony Sroka
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Northern District

Dale Ashbee
Glenn Tunnock
Randy Pickering

Southwest District

Brian Hillman
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Larry Silani
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George McKibbin
Jeff Port

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Nancy Pasato
Ron Clarke

OPPI Scrutineers

Emma West
Thomas Rees

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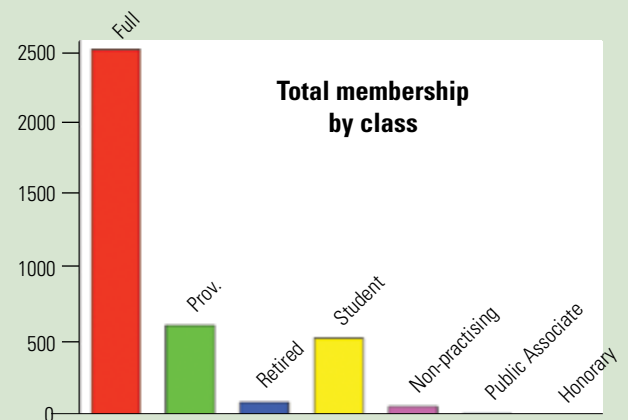
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Rossalyn Workman
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Facts and Figures on OPPI

OPPI MEMBERSHIP BY DISTRICT, AS OF SEPTEMBER 30, 2011

TABLE 1

District	Full	Prov.	Retired Student	Non-Practising	Public Assoc.	Hon.	TOTAL
Northern District	67	17	1	6	3	1	95
Southwest District	398	92	9	105	11	1	616
Eastern District	318	81	14	67	8	2	491
Lakeland	214	41	11	12	6	2	286
Toronto	660	193	39	208	22	4	1,127
Oak Ridges	555	137	12	105	12	4	825
Western L. Ont.	310	67	9	37	6	3	432
Out of Province	10	0	1	0	0	0	11
TOTAL	2,532	628	96	540	68	17	3,883
Total (2010)	2,399	644	95	581	84	12	3,817
Total (2009)	2,280	734	85	607	62	10	3,780

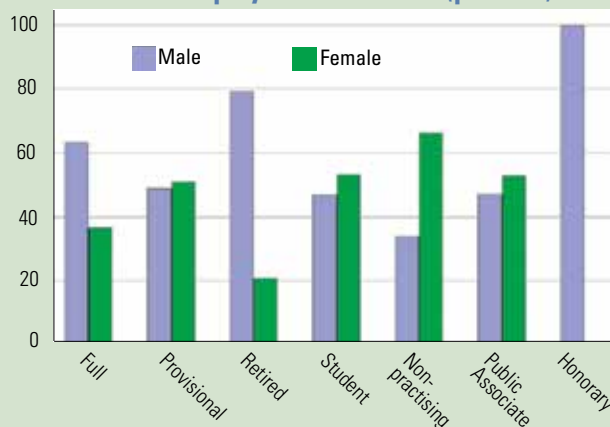


MEMBERSHIP BY CLASS AND SEX

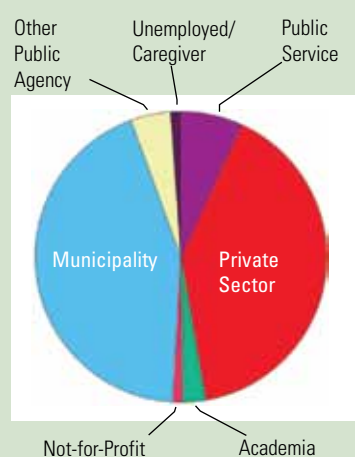
TABLE 2

	Male		Female		TOTAL
	No.	%	No.	%	
Full	1,605	63.4	927	36.6	2,532
Provisional	308	49.0	320	51.0	628
Retired	76	79.2	20	20.8	96
Student	253	46.9	287	53.1	540
Non-Practising	23	33.8	45	66.2	68
Public Assoc.	8	47.1	9	52.9	17
Honorary	2	100.0	0	0	2
TOTAL	2,275	58.6	1,608	41.4	3,883
Total (2010)	2,246	58.8	1,571	41.2	3,817
Total (2009)	2,252	59.6	1,528	40.4	3,780

Membership by Class and Sex (percent)

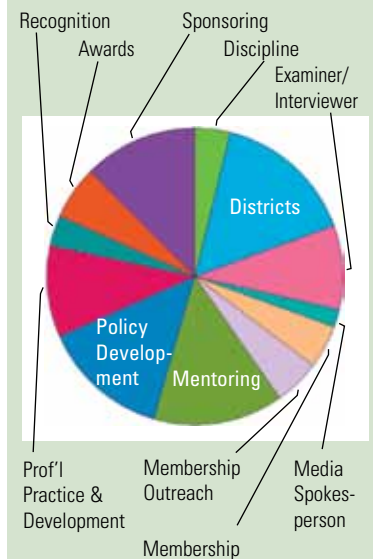


EMPLOYMENT CATEGORY



	Members
Ont./Can. Public Service	222
Private Sector	1,283
Academia	71
Not-for-Profit	43
Municipality	1,379
Other Public Agency	141
Unemployed/Caregiver	39
TOTAL	3,178

VOLUNTEER INTERESTS



	Members
Discipline	122
Districts	494
Examiner/Interviewer	295
Media Spokesperson	63
Membership	150
Membership Outreach	154
Mentoring	451
Policy Development	438
Professional Practice and Development	320
Recognition	105
Excellence in Planning Awards	187
Sponsoring a Provisional Member	397
TOTAL	3,176

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Hewitt Richard
Dale-Harris John
Douglas John
Kennedy Barry
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Pressman
Ranjit Dhar Hans
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Recognizing 25-year Full members at OPPI's 2011 conference

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AS WE CELEBRATE THE ACCOMPLISHMENTS AND ACHIEVEMENTS OF THE LAST 25 YEARS, IT IS IMPORTANT TO ACKNOWLEDGE AND THANK THE 461 PLANNERS WHO HAVE BEEN FULL MEMBERS OF OPPI SINCE ITS INCEPTION.

THE EFFORTS OF OUR LONGSTANDING MEMBERS HAVE TRULY MADE A DIFFERENCE IN TRANSFORMING OPPI AND THE PLANNING PROFESSION TO WHAT IT IS TODAY.



ONTARIO PROFESSIONAL PLANNERS INSTITUTE

Power of shared waters

By Ken Forgeron

Rarely in one's municipal planning career is there an opportunity to participate on a major planning project from its inception to its near completion spanning a 25-year period. In this case it involved one of the largest engineering feats Niagara has witnessed in the last half century, one built on the traditions, specialized expertise and considerable work already undertaken to put in place the massive Sir Adam Beck hydroelectric generating complex on the brow of the Niagara Escarpment in Niagara Falls, Ontario.

For a young planner, this was a rare and exciting opportunity to participate on a multi-disciplinary team with expertise in engineering, land use planning, finance, tourism, recreation, natural heritage, natural resource management, waste management, housing, social services and the economy. The key message I want to convey through this article is that land use planners can play an important role in helping to shape great large scale projects like this from economic, environmental and social standpoints.

While it is difficult to boil down 25 years of planning involvement into a brief article like this, the following are some of the key events, issues and actions where land use planning has made a significant contribution.

Project development, review and approval

In the late 1980s, Ontario Hydro, now Ontario Power Generation (OPG), began work under the *Environmental Assessment Act* to establish a new hydroelectric generating station on the lower Niagara River. The project involved a new powerhouse, headworks structure, penstocks and tailrace facilities near Queenston, Ontario; two additional water diversion tunnels under the City of Niagara Falls; a new intake structure above the falls; and an upgraded transmission line system across Niagara to feed power back into the provincial electricity grid. The project would make use of additional water supplies available to Canada under a 1950 water sharing treaty with the U.S.

Over a two year period, Niagara Region Planning staff participated on a multidisciplinary team to review nearly two dozen technical studies to identify a wide range of issues, opportunities and constraints, and to evaluate alternatives, all leading to a recommended preferred alternative. The broad public interest was always a guiding principle. Some of the more unique issues involved visual impacts on the Niagara River corridor, water flows over Niagara Falls for tourism purposes, irrigation water for farmers and reuse of excavated materials from tunnel boring.

Regional staff assisted in shaping the terms and conditions of approval by the province. Also, planning staff played a significant role in negotiating a community impact agreement among Hydro, the region and affected local municipalities so the taxpayers of



PHOTO: KEN FORGERON

The day of official launch. A site to behold.

Niagara would not be financially burdened as a result of the project. Regional council gave its support to the project in recognition of its safe, proven technology that uses renewable energy sources and, which provides long term benefits both to Niagara and the citizens of Ontario. The environment minister approved the EA in late 1989.

Decision to build

In 2004, OPG announced it intended to proceed with the design and construction of a new water diversion tunnel as the first phase of the project. Unlike earlier tunnels, the project would be built using a state of the art tunnel boring machine—Big Becky—which is the largest hard rock boring machine in the world (see photo). Big Becky is nearly a football field long with a massive cutter head 14.5 metres in diameter (four storeys high) which would chew through various layers of sedimentary rock over a distance of 10.2 km. It will bring enough water to the Sir Adam Beck complex to produce 1.6-billion kilowatt hours of clean, green electricity annually, enough to power 160,000 homes, a city twice the size of Niagara Falls. Amazingly, computerized tracking technology has allowed the contractor to keep the boring machine (150 metres underground) on course within a few centimetres of its intended path. Regional planning staff participated on a community liaison committee throughout the construction to monitor and deal with unexpected issues.

After nearly five years of round-the-clock work, the tunnel boring machine finally broke through to its intended destination in the upper Niagara River. May 13, 2011 was a particularly proud and gratifying moment (and I imagine for the Premier of Ontario who

was in attendance) to watch the tunnelling crew climb out of the giant mouth of the cutter head prominently displaying the Canadian flag. Concrete lining of the tunnel will occur over the next two years with an in-service date expected in 2013. A portion of the cutter head will be prominently displayed somewhere along the Niagara Parkway as a monument to the project.

Development and conservation

Celebrating the break through of a successful, high-profile project like this has been one of the high points of my professional planning career. Another source of satisfaction though was influencing the conservation and reuse of as much as possible of the 1.7-million m³ excavated rock for new construction purposes.

In particular, Regional and Niagara Escarpment Commission planning staff worked hard to ensure that Queenston Shale, a provincially significant aggregate resource found in limited locations in southern Ontario, would be made available to the brick industry free of charge. Two operators are making use of this resource today.

In conclusion, it is not certain if or when future phases of this ambitious EA project will proceed. The process so far has allowed the planning profession to have a meaningful voice at the table and to continue to contribute to good public policy decision making. Planners do make a difference.

Ken Forgeron, MCIP, RPP, is policy alignment manager in the Niagara Region Integrated Community Planning Department.

Plan Development and Implementation Tool

The value of logic models

By Douglas Obright

Many participants in the planning process experience frustration and disappointment as they watch the planning documents they develop and shepherd through the approval process fail to accomplish their stated objectives. Logic models offer a straight forward tool to help address this problem.

What is a logic model?

A logic model is a picture of how a program is intended to work. It illustrates the relationships among the resources available to operate the program, the planned activities, the changes or results to be achieved and the indicators identified to monitor performance. The basic horizontal logic model takes the form of an “if...then...” chain and is read from left to right.

Resources/Inputs > Activities > Outputs > Outcomes > Impact

If certain resources are committed to a program you can accomplish certain activities. If these activities are accomplished you can produce certain intended products or services. If these products or services are generated then participants will receive certain benefits. If these benefits are received then certain changes are likely to occur in the affected organization, community or system.

Why use a logic model?

Logic models are particularly useful in program design, implementation, evaluation and reporting. They help program participants clearly identify what outcomes are expected from the program; develop a road map of the program's key elements and how they are to work together to achieve expected outcomes; and deal systematically with complexity. They also help to identify areas of strength and weakness through the testing of different scenarios; communicate with diverse

audiences and foster capacity building; and maintain a balance between the program's big picture and its component parts. Logic models are useful for considering and prioritizing the program aspects most critical for tracking and reporting; systematically gathering information which can be used to strengthen the program during its life cycle; and presenting program information and progress in ways that inform and speak to the usefulness of particular program elements.

How does a logic model work?

A logic model can help program participants understand and pursue the key steps needed to accomplish a particular plan objective. It sets out the hypothetical resources to be utilized, the activities to be pursued, the products to be generated, the short and medium term outcomes expected and the impact the effort is likely to have on the community. It also presents potential performance indicators to monitor progress in the implementation of various components of the model.

To get the maximum benefit from logic models, they need to be specific and used continuously throughout a program's life cycle. All participants must be familiar with their contents and how they are being used.

Try a logic model in the development and implementation of your next program and you will find that it prompts a structured process that will significantly increase the likelihood of your program meeting its stated objectives.

Douglas Obright, MCIP, RPP, is a planning and program evaluation consultant based in Toronto. He is a former provincial policy and land use planner and has worked closely with Harry Cummings and Associates on numerous program evaluations and economic impact studies for both private and public sector clients. He can be reached at dobright@primus.ca or at 416-486-0936. For further reading suggestions and a hypothetical model go on line at www.ontarioplanners.on.ca.

New municipal forum launched

By David Marcucci and Geoff Smith

In September, 2010 the City of Mississauga hosted the inaugural Park Planning Forum. It was a gathering comprised of municipal park planners and landscape architects with the intention to establish stronger ties among municipal professionals who work to plan, design, construct, and maintain public parks. Representatives from Brampton, Milton, Oakville, Vaughan, Markham, Oshawa, and Burlington were present at this first forum.

The City of Mississauga began the meeting by presenting its recently completed Master Plan for Parks and Recreation as well as its Cycling Master Plan. Each municipality then presented completed or planned park projects to share best practices and learn from each others experiences. Discussions on other topics included parkland dedication and cash-in-lieu policies, parkland acquisition strategies, and the future for the forum.

Following the success of the initial forum, a second meeting was hosted by the Town of Markham in April, 2011. In addition to the municipalities that participated in the first forum, staff from Ajax, Hamilton and Pickering attended the meeting. The day began with presentations by Markham staff on topics such as the town's

Growth Strategy, Diversity Action Plan, Integrated Leisure Master Plan and an overview of park development initiatives. Much of the discussion was on common issues facing park planners and landscape architects, including managing the relationship between municipalities and school boards, community programming in parks, urban agriculture/community gardens, low impact and sustainable practices, public/private partnerships, asset management and trail master plans.

Feedback from forum participants has been positive. Everyone seems to be dealing with common issues and the forum was a great venue for sharing and exchanging ideas.

It is intended that the Park Planning Forum meetings be held semi-annually, with each municipality taking its turn to host the day-long event. The next forum will be hosted in the fall of 2011 by the City of Burlington.

Mississauga's David Marcucci, MCIP, RPP, manager of park planning and Geoff Smith MCIP, RPP, park assets team leader organize the Park Planning Forum. They can be reached at david.marcucci@mississauga.ca or geoff.smith@mississauga.ca.

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LAKELAND DISTRICT

Healthy communities

Continuing the dialogue

By David Stinson

The seminar and workshop “Working Together to Create Healthy Communities” was held June 23rd in Orillia. Inspired by the success of last year’s healthy communities conference” in Owen Sound, members of the Lakeland District executive and the Simcoe Muskoka District Health Unit organized this event. Aimed at newly elected officials the seminar provided participants with information and perspectives about healthy communities. The hope was to garner support, early in council mandates, and receptivity to fresh ideas regarding the built form of their communities.

A crowd of over 90 people was welcomed by Orillia mayor Angelo Osri. Simcoe Muskoka Medical Officer of Health Dr. Gardner and OPPI’s Lakeland District representative and Meaford’s planning director Rob Armstrong, provided an overview of the symptoms resulting from a poorly-built environment, the health and social benefits of good design, and the efforts needed to create a healthy community. Armstrong emphasized OPPI healthy community initiatives such as the “Planning by Design” manual and the recent Calls to Action. He also highlighted the work of the Grey-

Bruce Health Unit and its use of “Photovoice” with the youth of Saugeen First Nation and Chippewas of Nawash First Nation to record images and descriptions reflecting the wellbeing of their communities.

Collingwood senior planner Robert Voigt led a panel discussion on the challenges of implementing healthy community design with Barrie mayor Jeff Lehman, Muskoka policy director Samantha Hastings, Tay Township mayor Scott Warnock, Collingwood Shipyards redevelopment project sales director Tara Parsons and Midland planning director Wes Crown.



IMAGE: REILLY DOW

A visual depiction of the proceedings

The event was captured by the skilled hands of graphic recorder Reilly Dow. As she listened to the proceedings, she created a visual depiction on large panels such as that show here. To see the rest of these renderings and the presentations go to the SMDHU website at www.simcoemuskokahealth.org/JFY/OurCommunity/healthyplaces/HCworkshop.aspx.

David J. Stinson, MCIP, RPP, A.Ag. is the Lakeland District recognition committee representative.

SOUTHWEST DISTRICT

International Networking Event Sustainability by example

By Lee Anne Doyle and Don Wilson

The City of Windsor set a record hosting a sold out international networking event enjoyed by 60 guests at the newly opened Ojibway Nature Centre (LEED-gold candidate) in Windsor, September 15. The speakers, multidisciplinary professionals involved in working and living in sustainable projects in the U.S. and Canada, shared their stories of green projects, successes and failures. The program also included a guided nature walk with City of Windsor naturalists.

DIALOG principal Antonio Gómez-Palacio was the featured speaker sponsored by the Windsor Planning Department. He believes the next decade for Canada will be defined by what happens in cities with a population of 100,000 – 300,000 people. He argued that they face some of the greatest opportunities and challenges of sustainable urbanism. His presentation focused on eight key principles of sustainability emphasizing his key message that “cities are not the problem, they are the solutions.”

Gómez-Palacio facilitated a three member panel comprising Cornerstone Architecture Inc. principal Richard Hammond from Toronto, NORR Architects Engineers Planners project manager Laura Long from Detroit and Dr. David Suzuki School (LEED-platinum candidate) principal Judy Wherry from Windsor. They provided insight into their experiences implementing sustainable green initiatives within established neighbourhoods; best practices using green initiatives or LEED projects; best methods of public involvement and examples of green infrastructure projects.

Lee Anne Doyle, MCIP, RPP, is Windsor’s chief building official (ldoyle@city.windsor.on.ca) and Don Wilson, MCIP, RPP, is Windsor’s development applications manager (dwilson@city.windsor.on.ca).



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Looking back at Southwest District

A nostalgic journey

By Steve Jefferson



Steve Jefferson

Southwest District joins OPPI in the 25th anniversary celebrations of the institute with a look back at our district in the 1980s and a review of our current district activities. With the creation of OPPI in 1986, the members in the southwest carried on the tradition of holding the annual general meeting during a weekend event at one of the many waterfront communities around the Great Lakes. From Collingwood to Bayfield and Port Dover, the AGM was an opportunity for members and their spouses to get away for a weekend and spend some time learning about local issues.

The AGM traditionally would begin on a Friday evening, with the rounds of poker after everyone was settled in and had enjoyed the wine and cheese. Saturday morning would be the educational part of the weekend with themes ranging from waterfront tourism, district energy at the Bruce nuclear centre and a proposed Lake Erie ferry to Pelee Island, rural planning and group homes. A round of golf would be held on Saturday afternoon, and the formal AGM occurred on the Sunday morning before the weekend wrapped up.

For my own memories of 1986, I remember being in the residence at the University of Waterloo when word spread of the space shuttle Challenger explosion. Around the same time, UW opened the Macintosh computer labs with Apple computers. Apple has had its ups and downs in the years since, and so has NASA with human achievements and tragedies in near earth orbit. Now, 25 years later, we can view pictures of Southern Ontario, like the one shown here, taken from the International Space Station, and share the pictures using our smart phones and tablets. The movie 2010—The Year We Make Contact was released in 1984, with a story line about a joint American-Soviet space expedition that is sent to Jupiter to learn what happened to the Discovery. The cold war was front page news, the



PHOTO: RON GARAN, HTTP://TWITPIC.COM/572588

Lakes Ontario, Erie and Huron taken from space June 4, 2011 by astronaut Ron Garan from the International Space Station

Berlin Wall had not fallen, and international co-operation in space was a science fiction story for us. In 2011, I was able to witness the final landing of the space shuttle Discovery as the space station had been completed and the shuttle program ended. In our day to day work, we can benefit from the remote sensing satellites and GPS technology that was delivered to space by NASA and the fleet of shuttles.

This year, our program committee is still finding great waterfront locations to hold the Southwest District dinner meetings. On April 14 we met at the Erie Beach hotel in Port Dover and learned about new tourism development near Turkey Point. The evening discussion about the new Burning Kiln winery and Long Point Eco-Adventures demonstrated ways that local entrepreneurs have brought new activities to an area where tobacco used to lead the economy.

The June 15 meeting was held in Waterloo and the topic was

transportation planning. Timing is everything, as two of the speakers had to leave early and attend a Waterloo Region Council meeting where the decision was made to invest almost \$1-billion in a new LRT system for the region. We will return to the Windsor area in September for the Fall dinner meeting before the year-end social in London in December.

Steven Jefferson, MCIP, RPP, is the former OPPI Southwest District representative and the land use planning manager at K. Smart Associates Limited in Kitchener. He can be reached at steve@ksmart.ca.

PEOPLE

Wayne Caldwell, PhD, MCIP, RPP, an OPPI past president, has been appointed director of the University of Guelph's School of Environmental Design and Rural

ERRATUM Alan Gummo, MCIP, RPP, should have been referenced in the Farm Sustainability in Niagara: adding value through diversification article as the associate director of regional policy planning at Niagara Region while this initiative was in progress.

LETTERS TO THE EDITOR Members are encouraged to send letters about content in the *Ontario Planning Journal* to the editor (editor@ontarioplanners.on.ca). Please direct comments or questions about Institute activities to the OPPI president at the OPPI office or by email to executivedirector@ontarioplanners.on.ca.

Development for a five-year term, beginning August 8, 2011.

Confederation Park Master Plan Review and Update by environmental planner **George McKibbin**, MCIP, RPP, AICP, together with **Glenn O'Connor** and **Marianne Mokryke** of G. O'Connor Consultants Inc., has received a 2011 planning excellence award for innovation in sustaining places from the Western New York section and Upstate New York Chapter of the American Planning Association. The document was prepared for the Hamilton Conservation Authority and City of Hamilton.

OBITUARIES

Stanley S. Lee, MCIP, RPP, vice president of Genstar Development Company in Etobicoke, passed away on August 4 at age 62. Previously he had worked at Weston Consulting. Lee had been a full member of OPPI for the last 25 years and a long time member of CIP.

Born in Hungary in 1924, **Laszlo "Leslie" vitez Kristof**, MCIP, RPP (Ret.), passed away this summer. He served in positions with the Ontario Ministry of Housing, the private sector and as manager of land development for Canada Mortgage and Housing Corporation.



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Heritage

Misleading perceptions

By Christy Chrus

Insuring heritage homes has been an ongoing concern since the early 2000 when owners of heritage properties across Canada were finding it difficult to obtain property insurance. The issue needs to be addressed to alleviate the perception among property owners that heritage designation will reduce and potentially eliminate their chance to obtain property insurance.

In Ontario, two examples regarding de-designation of heritage properties related to insurance have surfaced in the last two years.

In the Town of Parry Sound, property owners requested to de-designate their home as they could not find an insurance company willing to insure it. In this particular case, Parry Sound council agreed to the de-designation and an objection to the Conservation Review Board—mandated to objectively weigh the evidence and make a recommendation to council—was made by a local citizen in 2010.

The objector provided documentation demonstrating the availability of insurance locally for ‘older’ homes. The Conservation Review Board concluded that the town chose not to make any case whatsoever and did not act within the spirit of the *Ontario Heritage Act*. The recommendation of the board was not to repeal the designation by-law protecting the property under *Section 29* of the *Ontario Heritage Act*. In the end, Council decided against the board’s recommendation and repealed the heritage designation by-law.

In the summer of 2010, the Town of Whitby received a request from designated property owners to de-designate their home due to a 25 per cent insurance premium increase that was allegedly a direct result of the home’s heritage designation according to their insurance broker. Although staff tried to work with the homeowner, the unfortunate outcome, in a decision by town council in January 2011, was to repeal the designation by-law citing economic hardship as the reason for the repeal. In this case the increase in premium was due to the home being underinsured, so repealing the designation would not have reduced the premium. Whether a home has a heritage designation or not it must be insured to value.

In both cases, there was a perception by the homeowners that designation of their properties created issues with obtaining property insurance. Whether or not this was the reality, the perception makes it challenging for municipalities to encourage property owners to designate heritage buildings.

At an Ontario Municipal Heritage Planners meeting in May 2011, this issue was discussed with representatives from the Insurance Bureau of Canada, Ministry of Tourism and Culture and Heritage Canada. At the meeting some key points were raised:

The misconception in the insurance industry is that heritage designation requires exact replacement when in fact a designation by-law does not oblige the owner to replicate any lost heritage attributes.

While the age of the dwelling could impact the insurance premium, the heritage designation should not have an impact. With older homes, whether heritage or not, the insurer may not offer guaranteed replacement cost coverage, hence the policy limit would be the maximum the insurer would pay in the event of loss.

As much information as possible needs to be relayed from the

property owner to the insurance broker/company during the renewal process for the insurance provider to understand all aspects of the heritage property including any designation by-law. Only with accurate up to date information on a home’s special features can the insurance broker or insurance company develop an accurate replacement cost calculation. In all likelihood the insurance company will want to have any older home inspected and appraised to determine whether the coverage limit is adequate. In some instances this may be required prior to any coverage being provided. In such cases the inspection and appraisal would be at the homeowner’s cost. At the same time, this gives the owners a report they can submit to several insurers to get competitive quotes based on a common dwelling value on each quote. It is crucial that a qualified representative from the insurance company do the inspection on a heritage home so that the property owner receives a fair assessment.

Insurance companies have geographical territory maps that assist with tracking the types of claims within an area in a community. Concerns were raised that these maps would be used to create blanket insurance premiums on properties within a Heritage Conservation District. The Insurance Bureau of Canada clarified that territory maps are related to tracking risks such as water damage as a result of aging infrastructure.

Generally, the discussion led to a few key conclusions and recommendations. The first conclusion concerned the language barrier between the insurance industry and heritage planners. Terms such as ‘designated versus listed properties,’ ‘heritage conservation easements,’ ‘actual cash value,’ and ‘guaranteed replacement costs’ are not widely understood by both professions.

One recommended solution may be to provide further education and training courses or material. The Registered Insurance Brokers of Ontario and the Insurance Institute of Ontario could provide credits for a course specifically designed to address designated heritage properties. One such course could incorporate training material related to heritage designation, heritage conservation districts, municipal heritage registers and general terminology for quick reference. Similarly, it would be beneficial for heritage planners and municipalities to be trained in the insurance industry standards and how this can have an impact on heritage properties. Furthermore, municipal planners could work with local insurance brokers and companies to offer advice or assistance with regard to heritage designation and what that means.

Hopefully by continuing the education and communication between insurance industry and heritage professionals, the process will strengthen relationships and resolve any confusion among the parties and the general public.

Christy Chrus, MCIP, RPP, is a senior planner at the Town of Ajax specializing in heritage matters. She can be reached at christy.chrus@townofajax.com, or 905-619-2529 ext. 3200.

Proper boundaries

Dear Dilemma,

I am a newly-minted RPP and I've recently bought my first home as well. In getting to know my neighbours, I am finding that a friendly over-the-fence chat can sometimes quickly turn to planning issues. While I am excited to share my knowledge to help these folks understand planning processes, I want to ensure I don't cross any professional boundaries.

For instance, if a neighbour approaches me about applying for a variance to a local by-law to permit an addition on their home and wants to know more about the Committee of Adjustment, what to expect and how to prepare for the committee hearing, can I feel comfortable giving that advice? As well, let's assume that my neighbour also wants to know how to address his other neighbour, who it is suspected is not in support of his application. What do I do then?

Thanks,

—New to the Neighbourhood

Dear New to the Neighbourhood,

It is only natural to want to be helpful when it comes to an area where we have particular specialized knowledge. For many members of the public, navigating the planning process can be daunting and there is nothing more comforting than knowing what to expect along the way. We should all be so lucky to have a planner in the neighbourhood!

While your desire to be helpful is commendable, your reluctance in giving advice off the cuff is wise. Before you weigh in on your neighbour's questions consider this; could there be a conflict of interest? If you work for the same municipality in which you live and your neighbour indicates at the Committee of Adjustment hearing that he has received advice from you it may be perceived as a conflict of interest.

Also, ask yourself: are you able to give an independent professional opinion? If you stray beyond the procedural questions of how the Committee of Adjustment works and your neighbour presses you for more technical advice ask yourself if you have the right information and objectivity to give an independent professional opinion. It may be best to suggest your neighbour hire a planner to assist with the application to ensure he or she gets the proper advice throughout the application process.

With regard to advice on speaking to your other neighbour, be mindful that you could be wading into a potentially divisive issue. The old public engagement adage of 'early, ongoing and often' is a good one to share, but steer clear of recommending specific strategies or negotiation approaches.

Over all, the safest bet is to keep your advice to procedural matters and suggest that your neighbour consult with the area

planner in the municipality to discuss more technical details of the proposal or hire a planning consultant. Limit yourself to a description of what the committee is like, how long to expect to get a date, what interacting with the municipality is like and the value of communication with all impacted parties. These comments are likely useful for your neighbour and shouldn't cause you any professional headaches.

Yours in the public interest,

—Dilemma

Dear Dilemma,

I am a public sector development planner and recently "walked" into a very uncomfortable situation during my evaluation of a proposed residential subdivision application. The application was submitted by an out-of-town developer,

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who had conditionally purchased the 20 acre property.

To help evaluate the application, I asked the developer's planner if we could walk the property to look at the significant natural features. We arranged a meeting time and the planner indicated that he and his client would be there.

I arrived at the property at the agreed time and waited. I noticed that there were "No Trespassing" signs on the fence line that fronted the main road. After 15 minutes, I called the planner, who told me that neither he nor his client would be able to make it to the property, but "I should be OK to look around on my own."

I opened the main gate and began my walk about, when I was met by a man, who identified himself as the son of the current property owner. He had no knowledge of the site visit. He told me that I was not allowed on the property, that I had to leave immediately, and that I was trespassing. I tried to explain the situation to the man, but he was firm. I then left and returned to my office.

Was I really trespassing on the property? My municipality doesn't require the owner to sign a consent form, by the way.

Sincerely,

—Just Trying to do my Job

Dear Trying,

Did you overlook that the fact that "the client" was a conditional purchaser and not the owner. Without a signed statement of consent by the current property owner allowing you to enter the property, you were opening yourself up to a potential trespass complaint. However, you did the right thing by immediately leaving the property upon request. Unless specified in the agreement, the rights and conditions associated with a conditional offer of purchase do not normally allow the potential purchaser to trespass as-a-right.

Trespassing is one of the four Standards of Practice, approved by OPPI Council in 2003. Every member of the institute should take the time to read this bulletin and familiarize themselves with its guidelines. Unlike land surveyors, peace officers, or employees of a public utility, planners do not have statutory powers to enter onto a property to conduct site inspections. Consent to enter a property from a property owner is therefore necessary for a planner to conduct a site inspection on private property.

Trespass issues in Ontario are governed by the *Trespass to Property Act*. Section 3 of the act notes,

Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

(a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or

(b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises.

There is a presumption that access for lawful purposes to the door of a building would be allowed for communication with the owner or occupier of a property. However, case law surrounding the act notes that upon removal of an invitation to remain on the property (verbally, signs, written notice) the individual must leave. If they don't, they are trespassing. As well, barriers to accessing private property are to be respected and obeyed. This means, fences aren't meant to be scaled, grass is meant to be kept off of, and signs are meant to be obeyed (especially the ones that say 'No Trespassing!').

OPPI's Standards of Practice on Trespassing notes that in all cases consent from an owner of a property is to be sought prior to entering a property to conduct an investigation or inspection. Most municipalities have incorporated language into their application forms in which the owner of a property authorizes an application to be filed and acknowledges that representatives of a municipality may wish to access the property as part of evaluating the application. Your last statement suggests your municipality does not use such a provision and we urge your municipality to consider incorporating this provision into its application form. However, please keep in mind that an applicant is not always the owner. Therefore, whoever signs the document must be legally able to sign for and bind the owner.

The Standards of Practice bulletin also urges caution to be exercised where trespass issues are unclear. Planners should remember that their actions in public are a reflection of not only their employer, but of the profession as a whole. Legal advice should be sought where access issues are not clear and must be considered prior to entering private property.

The owner's son didn't know of the site visit and was within his rights to ask you to leave. You did the right thing by not challenging his authority and defused a potentially litigious situation. You also did the right thing by immediately informing the applicant's planner, who also needs to be aware of the need for the owner's signed authorization.

Armed with this information, I'm sure you will be able to complete your site inspection and evaluation. Good luck and continued success to you!

Yours in the public interest,

—Dilemma

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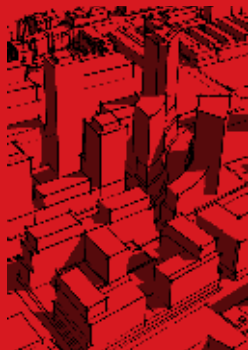
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