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# A new and changing legislative regime

By Steven Rowe, contributing editor

**I**N THIS ISSUE, we have assembled a series of articles and a book review with an “environmental” theme. We first did this in the March/April 2012 issue (without being very explicit about it). What is it about environmental planning that warrants special treatment? After all, most of us regularly work with policies relating to natural heritage and land use compatibility in provincial and municipal planning documents.

Environmental planning covers a wide range of aspects affecting land use planning, from sustainability and climate change considerations to more localized issues such as land use compatibility and brownfields. During my 20 years of preparing and soliciting articles for the *Journal*, environmental issues have taken on greater prominence, but they are increasingly addressed under new or changing legislation and processes that may not be front and centre for many planners in the same way as the *Planning Act*.

The *Environmental Assessment Act* has been around since 1976, but its requirements for different types of project have changed radically over time. The *Aggregate Resources Act* is an old stalwart, but the issues being raised by a new generation of quarry applications prompted a review of that legislation last year (currently on hold). In addition to the provincial government’s environmentally-based plans for areas such as the Oak Ridges Moraine and the Lake Simcoe watershed, we now have a range of new processes and requirements such as the new *Canadian Environmental Assessment Act*, the *Endangered Species Act*, source protection, renewable energy approvals, and the increasing use of “permit by rule” for many approvals under the *Environmental Protection Act* and other legislation. While most planners may not deal with all of these on a regular basis, they form important and rapidly changing parts of the planning landscape.

We need to be able to draw from the full environmental



IMAGE COURTESY OF THE AUTHOR

legislative and policy context in our day to day work, while being ready for the infrequent major projects that attract environment-related public opposition on a scale not often found with other development projects.

In this issue our contributors update readers on many of these topics, while taking a more contemplative look at changing attitudes and insights about how we relate to the environment around us.

Sincere thanks go to the authors who have shared their knowledge and experience, for this, previous and future issues of the *Journal*. There is no intention to confine environmental articles to themed issues, and we have several more in the pipeline that you will see over the coming months.

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# Rethinking the relationship

By Dave Hardy

Following the break-up of Ontario Hydro in the late '90s, provincial energy policy migrated to the Premier's office. This, tightly centralized decision-making is reminiscent of the circumstances almost a century earlier when Sir Adam Beck led protests at Queen's Park. Beck's cry for 'Power for the People' was a demand that an independent body take into account broad public interest when deciding provincial energy policy. Whether it is a wind, solar, nuclear, biomass or natural gas plant, energy facility plant developers and local communities compete for political decisions that will favour their interests.



Dave Hardy

Land-use and environmental planners play a significant role in the review and approval of electric power plants for most sources of generation. Their involvement can include completing environmental assessments as experts and reviewers, site selection, site plan approval, land use approvals and advising councils regarding the appropriateness of power plants as a land use. Over the last few years, policy, legislation and regulations pertaining to power plant siting have shifted.

## Challenge of current relationships

As a proposed land use, all forms of energy generation pose challenges. While municipal approval requirements have largely been removed for wind and solar projects under amendments to the *Green Energy Act*, public concerns have not abated for some proposed developments. Traditional fossil and nuclear plants require approval under a range of municipal, provincial and federal acts and regulations and many Ontario planners appear as expert witnesses at tribunals, ranging from the Canadian Nuclear Safety Commission to the Ontario Energy Board.

As a land-use and environmental planning issue, the gas plants opposed by communities in York Region, Mississauga and Oakville and a waste-to-energy plant in Durham Region have been particularly challenging. Local communities oppose the plants, based on concerns about emissions, noise, traffic, aesthetics, dust, health and social effects, and their envisioned degree of impact.

Yet, the reality of an operating energy facility can be much different and, in some instances, can result in very positive and beneficial effects for local communities.

Across Ontario, several operating power plants have provided a different example of how the interaction between a power plant and a local community can develop. One is located in the Town of Atikokan and the other along Toronto's waterfront.

In the 1980s in the northwestern Town of Atikokan, for example, the development of a coal-fired plant resulted in the

town receiving a wide range of socio-economic benefits. The town signed a Community Impact Agreement that resulted in a transfer of significant funds to the host community as well as additional support in terms of the power plant management funding consultant studies, providing infrastructure grants for a new road, new water treatment plant, and expanded library and social services facilities.

## Portlands Energy Centre

What is interesting to planners is that the Portlands Energy Centre, located in the City of Toronto's central waterfront, offers an alternative model of the relationship between power plants and their communities. While owned by TransCanada Energy and Ontario Power Generation centre functions as an independent entity.

Among the natural gas plants, the 550 MW Portlands Energy Centre was no exception as it faced community opposition during the environmental assessment and approval process. When the announcement was made that the centre would be located beside the old Hearn coal-fired generating station, extensive opposition focused on the proximity to Toronto's waterfront, which had just been designated for revitalization, environmental concerns (e.g., emissions/greenhouse gas, noise) and aesthetic issues. The Portlands Energy Centre received approval, was constructed and began producing energy in 2009. As part of its Certificate of Approval it was required to establish a Community Liaison Committee. What makes it different is, instead of just producing electricity and meeting or surpassing all environmental standards; the management saw a different future for the role of a power plant in a community.

According to the centre's general manager Curtis Mahoney, "We see a power plant as more than machines producing energy. As a local neighbour we see ourselves as having a strong role to play in having beneficial impact on local residents' quality of life and in the ecosystem in which we are situated."

Today the local East York and Riverdale communities, Toronto and Region Conservation Authority and waterfront lands and ecosystems are realizing benefits from their relationship with the power plant.

First, the centre staff developed an activist vision for how they wanted the relationship to evolve. Ecological sustainability became the highest priority involving continual community engagement. With the centre's flexibility and resources community initiatives and ecosystem programs can be funded and implemented directly. For most initiatives, the centre doesn't require government funding or approvals. Furthermore, the centre PEC can help to open doors on behalf of grassroots social and ecosystem initiatives.

Second, the centre realized that if staff and the community

were to understand and enhance its ecological footprint, it needed specialized expertise beyond the support of its environmental consulting firms. As a result, the Portlands Energy Centre created an Ecological Sustainability Committee. In addition to the participation of community members, ecological researchers, academics from five colleges and universities (U of T, York, Guelph, Ryerson and Seneca, King Campus), TRCA members and centre staff are members of the committee.

Third, the Ecological Sustainability Committee developed the following five pronged ecosystem strategy that focuses on four environments: aquatic, atmospheric, terrestrial and avian.



Portlands Energy Centre and bee hives

IMAGE COURTESY OF THE AUTHOR

### 1. Undertake site-related demonstration projects on ecological sustainability

It was suggested that the centre sponsor a demonstration project to profile the potential of pit and mound restoration as the first step toward bringing back the original Carolinian forest on the 21 hectares of land around the site and serve as an example of how to rehabilitate other gravel-based and brownfield sites.

The centre is located beside Tommy Thompson Park and Lake Ontario Park. The former is undergoing considerable development as a new natural area and pollinators (bees) are required to support the ecosystem restoration. The security fencing around the centre offered protection for six large bee hives and the bees in turn pollinate flora in the new park areas. The honey is harvested by a centre-sponsored bee keeper and is sold as a locally grown product at the St. Lawrence farmers' market.

The centre is required to monitor water quality and have an E. Coli mitigation program. With the City of Toronto and

Ministry of Environment, the centre has implemented a program to reduce E. Coli and thus reduce potential beach closures.

### 2. Make constant environmental performance improvement in plant operations

The centre regularly monitors air emissions, which are consistently better than Ministry of Environment requirements. In addition to replacing coal-fired generation the plant contributes to 0.75 per cent of all the Greenhouse Gas across Ontario, while supplying 25 per cent of Toronto's electricity.

### 3. Highlight the centre's current ecological sustainability activities

Centre staff and associates participate in community meetings where their successes and failures at ecological sustainability can be shared. They publish a quarterly newsletter to keep the community informed of ongoing activities at both on site and in the wider community.

The centre has sponsored a capstone project with University of Guelph students to develop a framework for a Greenhouse Gas inventory to begin to quantify the centre's carbon footprint.

### 4. Share information on ecosystem sustainability and learn from others

The Portlands Energy Centre supports community-based environmental initiatives, such as Toronto's Atmospheric Fund and the South Riverdale Air Quality Study.

In November 2012, with Ryerson's Centre for Urban Energy as a co-sponsor, the centre brought together academics, researchers, North American utility representatives from Bonneville Power Administration and Southern California Edison and members of the South Riverdale community through a colloquium to address the question: What would North America's Greenest Power Plant look like?

### 5. Lead community dialogue on ecological sustainability

Quarterly meetings of the combined Community Liaison and Ecological Sustainability committees are held either in the Riverdale community or on site. The meetings function as a cross-disciplinary, cross-academic and community report-in on ecological issues and research.

## Conclusion

Controversies about power plants as community land uses are not expected to subside soon. However, there are a few examples where the relationship has been re-thought and a mutually beneficial relationship with local communities has developed. When this occurs, the power plant, local community and wider ecosystem all benefit.

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Quarry application withdrawn

# Settlement and implications

By Steven Rowe, contributing editor

**O**n March 8<sup>th</sup> 2013, the Province of Ontario and St. Marys Cement released news of a settlement involving St. Marys' withdrawal of applications for a proposed dolostone quarry in the former Flamborough Township, City of Hamilton. As part of the settlement, the province will pay \$15-million to compensate for part of the costs sunk into the applications, claimed by St. Marys to amount to \$22-million. The site is to be subject to a conservation easement that will prevent further aggregate applications in perpetuity.

The settlement followed several turbulent years of municipal and community opposition, provincial efforts to stop the applications, and a claim by St. Marys under *Chapter 11* of the *North American Free Trade Agreement*. This article provides background to the applications and the settlement, and briefly discusses some of the broader implications.

The 156-hectare site is located in a rural area of the Greenbelt (identified as "Protected Rural Area" and "Natural System") near the Niagara Escarpment, and adjacent to Hamilton's boundary with the Town of Milton. The surrounding area includes estate residential subdivisions and other rural uses. Much of the site itself comprises wetlands and woodlands that would not have formed part of the quarry. The proposed extraction area occupied primarily agricultural land, and comprised around 66 ha.

## Applications and the review process

Initial *Planning Act* applications for the proposed quarry were submitted by a previous landowner in August 2004. The City of Hamilton formed a Combined Aggregate Review Team comprising affected municipalities and the conservation authority, and retained a peer review team, funded by the proponent.

The local community rallied behind Friends of Rural Communities and the Environment (FORCE), which was established to oppose the quarry.

The proponent, city and FORCE were all assisted by professional planners as well as other technical experts.

St. Marys took ownership of the project in June 2006. It proceeded with studies, and circulated applications and supporting technical reports under the *Aggregate Resources Act* in April 2009. The quarry excavation was proposed to be between 27m and 40m deep—below the level of the groundwater table. Issues included protection of water resources and a proposal to recirculate groundwater to maintain the water table in the vicinity of the quarry,

potential effects on provincially significant wetlands, the need to establish an acceptable haul route to the site, and arrangements for rehabilitation and long-term mitigation. The proponent met with the review team and other agencies, provided additional technical information and analysis, and proposed additional hydrogeological testing in an attempt to address these issues.

## Minister's zoning order

The *Planning Act* and *Aggregate Resources Act* applications had still not been resolved when in April 2010 the Minister of Municipal Affairs and Housing imposed a Minister's zoning order on the site, thereby freezing the existing zoning, and preventing any planning approvals that might permit a quarry. At the time, the province cited resolutions opposing the quarry by both Halton Region and the City of Hamilton.

There followed a complex fight whereby St. Marys attempted to have the zoning order revoked. It was appealed to the OMB, and the Minister of Municipal Affairs and Housing declared a provincial interest in the matter, which would have enabled the provincial government to overturn an OMB Decision. The proponent sought judicial review of both the zoning order and the declaration of provincial interest, and the OMB hearing was adjourned. The proponent also pressed

for agencies to continue to review the applications and to allow for further water testing pending resolution of the zoning order.

As noted above, St. Marys attempted to make a case that the minister's zoning order was in breach of NAFTA. The

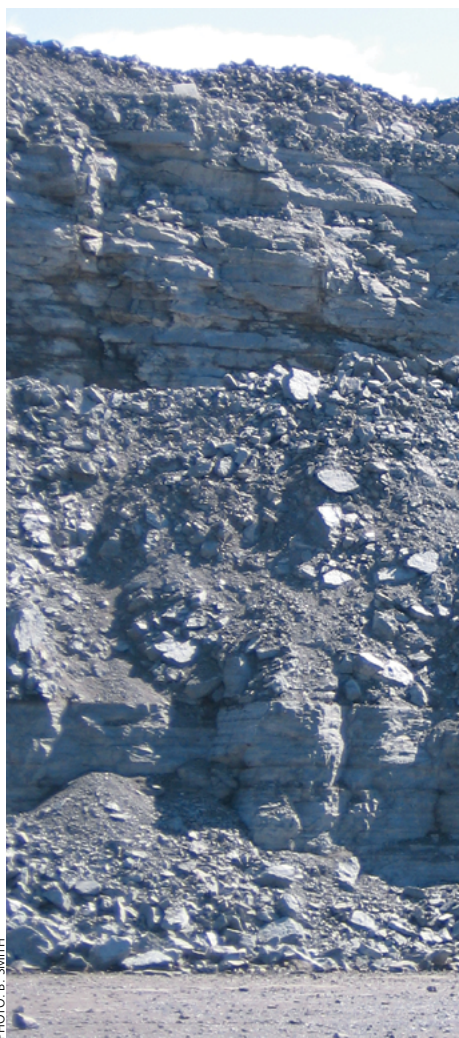


PHOTO: B. SMITH

Aggregate in the raw

claim alleged unfairness and abuse of the land use planning and licencing approval process. The March 8, 2013 information releases on the settlement include one from the federal government, accepting the settlement proposal and stating that St. Marys had withdrawn its NAFTA claim and acknowledged that it lacks and has always lacked standing to bring this claim.

### Provincial interventions in other cases

There have been a number of other contentious projects in recent years that have caused the provincial government to step outside the usual approval processes to secure desired outcomes. The mechanisms differ.

The Oakville and Mississauga power plant proposals were terminated by withdrawal of electricity supply contracts, and the Highland Companies' megaquarry proposal in Melancthon Township was designated under the *Environmental Assessment Act* and subsequently withdrawn. In 2010, a regulation under a hitherto unused section of the *Planning Act* was used to overcome an outstanding appeal regarding *Greenbelt Plan* conformity, and to allow the York Energy Centre gas - fired electricity plant to proceed in King Township. Proposals for off-shore wind farms were subjected to a moratorium in February 2011, and this has yet to be resolved.

While these actions are sometimes attributed to political expediency, it is worth examining whether approval processes could be improved to prevent the need for these interventions, which often happen late in the process when considerable effort

and resources have been expended by all the parties involved.

### Possible improvements to the ARA

In the case of approvals for aggregate facilities, the provincial government consulted widely and received a good deal of input at legislative committee hearings held in mid-2012 as part of a review of the *Aggregate Resources Act*. OPPI's [submissions](#) to the committee can be found online. Unfortunately, that process ceased with the prorogation of the legislature last October. Perhaps the new government will revive the review so that improvements to legislation and related policies and guidelines in that area at least can be properly considered and brought into effect.



Steven Rowe

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# Enhancing the planner's role

By Janet Amos

**C**reating, expanding and renewing infrastructure capacity is an essential component of the development process and planners can provide critical input as to how community planning decisions and official plans are implemented on the ground.

Master Servicing Plans are regularly undertaken by public works officials to plan and assess infrastructure investments. Knowledge about Master Servicing Plans can open the door to vital partnerships and productive coordination between planning and public works professionals.

The Master Servicing Plan process can be nimble and flexible. Familiarity with planning processes is a skill that planners can bring to the table.

## What is a Master Servicing Plan?

The *Municipal Class EA* sets out a proponent-driven, self-assessing environmental planning process to meet the requirements of the *Environmental Assessment Act*. The *Municipal Class EA*, section 4.1 states that “Master Plans are long range plans which integrate infrastructure requirements for existing and future land use with environmental assessment planning principles. These plans examine an infrastructure system(s) or groups of related projects in order to outline a framework for planning for subsequent projects and/or developments. At a minimum, Master Plans address Phases 1 and 2 of the *Municipal Class EA* process...”

A good Master Plan provides the municipality with a broad framework that documents the assessment of the need for, and alternatives to, specific projects. Such a Master Plan can satisfy the environmental assessment process. There are real benefits to undertaking a comprehensive Master Plan for a group of related infrastructure projects. It is up to the Class EA proponent to determine how to group the projects based on such elements as proximity or function and to select the best method for carrying out Master Plans.

## What projects are subject to the *Municipal Class EA*?

The Class EA sets out the following four categories of projects—each with a different level of environmental planning required to satisfy the Class EA process:

Schedule A and A+ projects—normal or emergency operational and maintenance activities are considered pre-approved and no Class EA study is required. Schedule A projects include local roads within plans of subdivision.

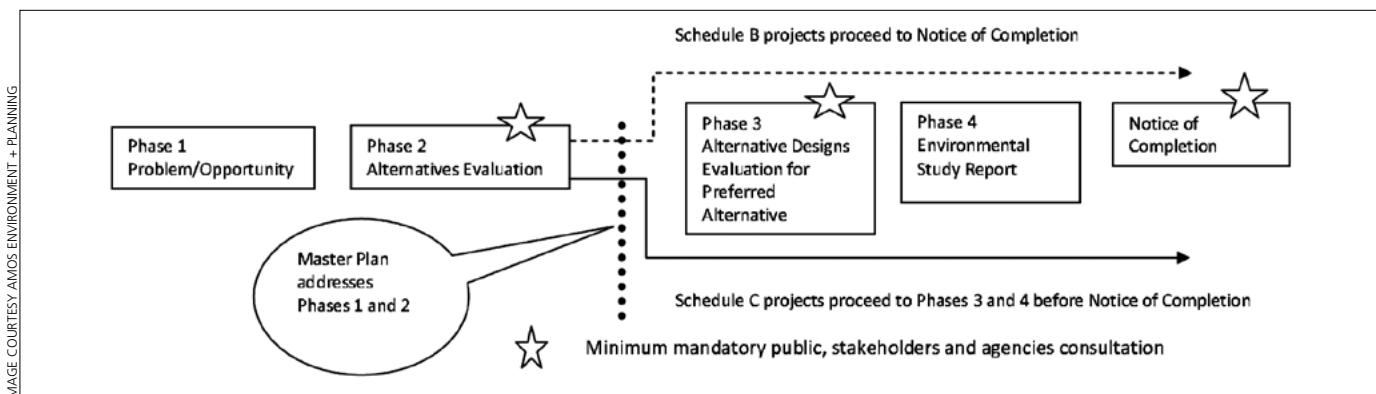
Schedule B projects—improvements and minor expansions to existing facilities with some potential for adverse environmental impacts. Projects are required to proceed through a screening process including two mandatory consultation points with the public and those who may be affected. For example, a new collector road which costs less than \$2.3-million requires a Schedule B study.

Schedule C projects—construction of new facilities and major expansions to existing facilities with potential for significant adverse environmental impacts. Projects are required to proceed through the full Class EA environmental planning process including three mandatory consultation points with the public and those who may be affected. For example, a new collector road where costs exceed \$2.3-million requires a Schedule C study.

## Approaches to Master Servicing Plans

Once any group of water, wastewater and/or transportation projects are identified as requiring Class EA studies, it is the proponent's choice to conduct one overall study for a group of projects known as a Master Servicing Plan. (The proponent's alternative is to conduct a number of stand-alone Class EA studies.) Groups of projects which share a common geographic area, a certain type of infrastructure or address a specific problem can all be subject to one Master Servicing Plan<sup>1</sup>.

To meet the *Municipal Class EA* requirements for groups



Schematic Municipal Class EA Master Plan Approach (March 13, 2013)



of projects using a Master Servicing Plan, there are four main approaches:

1. Schedule B or C projects with indeterminate timelines—This is a two-step process. Master Plan addresses Phases 1-2 of the *Municipal Class EA* and no Notice of Study Completion is issued for any of the projects. The Master Plan remains incomplete (like a background study) for Schedule B projects until a Notice of Study Completion is issued and for Schedule C projects unless Phases 3-4 is undertaken, documented and a Notice of Study Completion is issued.
2. Schedule B and C projects with known timeline for Schedule B projects only—This is a two-step process. Master Plan addresses Phases 1-2 of the *Municipal Class EA* and a Notice of Study Completion is issued for Schedule B projects. The Master Plan remains incomplete for Schedule C projects until and unless Phases 3-4 study is done, documented and a Notice of Study Completion is issued.
3. Schedule B and C projects with known timeline for Schedule B and C projects—This is a one-step process. Master Plan addresses Phases 1-4 of the *Municipal Class EA* and a Notice of Study Completion is issued for Schedule B and C projects.
4. Schedule B and C Projects to be coordinated with Planning Act applications—Using any of the preceding approaches, the environmental planning process resulting in a Master Servicing Plan may be coordinated with the Planning Act approvals process for an official plan, official plan amendment (e.g., secondary plans), community improvement plans, subdivisions or condominiums. Section

IMAGE COURTESY OF THE AUTHOR



**Relocation of utilities in anticipation of 2011 construction season on the North LRT, Edmonton**

A.2.9 of the *Municipal Class EA* must be followed and procedures in the *Planning Act* must also be met; there are no shortcuts. As with the other approaches, a project has not satisfied the *Municipal Class EA* until the environmental planning steps have been completed, documented and a Notice of Study Completion is issued for Schedule B and C projects based on the results of the study.

There are many opportunities for flexibility in the design of a Master Servicing Plan to suit proponents' needs and



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timeframes. A proponent may defer the issuance of the notice for some projects where the implementation is far into the future. Phases 1-2 may be planned by a municipal proponent and Phases 3-4 may be carried out by a private sector proponent. A proponent should select an approach which is appropriate and obtains the desired results.

Following completion of a Master Servicing Plan, each project for which Class EA approval is sought is listed and described in a Notice of Study Completion. This notice signals a 30-day public review period in order to satisfy the Class EA process. During this review period any objector may ask the Minister of the Environment to elevate one or more of the projects to an increased level of environmental assessment (called a request for a Part II Order).

Caution is advised whenever dealing with a Master Servicing Plan. A Master Plan may follow the Class EA process and yet not satisfy the notice or other requirements of the *Municipal Class EA*. For example, some municipalities use the first approach, calling their study a Master Plan and then at a later stage start again with a separate Class EA Study for each project and conclude by issuing a Notice of Study Completion.

Additionally, many municipalities carry out studies called Master Plans for a variety of purposes that are not related to requirements under the *Municipal Class EA*. Some examples could include emergency, heritage or policy planning studies.

### Who is carrying out Master Servicing Plans?

Recently, I did an informal survey of Master Servicing Plans available on municipal websites. All the GTA regions and many other municipalities are using Master Servicing Plans. Examples of Master Servicing Plans include municipality-wide transportation plans, water and wastewater plans, plans for projects in geographic areas like waterfront plans and to address specific problems (i.e., bridge reconstructions). The benefits include a more comprehensive perspective to consider servicing issues.

Surprisingly, I found that most regional municipalities are preparing Master Plans using the first approach, resulting in a background study and stopping short of achieving compliance with the *Municipal Class EA*. This means that separate studies and notices prepared closer to the time of implementation must be done to comply with *Municipal Class EA* requirements. (See table below.)

Increasing use of Master Servicing Plans means that there appears to be an increase in transportation Master Plans which address active transportation and transit alternatives as well as road improvements. Similarly, water conservation is now a staple in water and wastewater Master Plans as municipalities strive to demonstrate full consideration of environmentally-friendly alternatives.

### Opportunities for planners

There are numerous opportunities for planners to improve their input into the development of a Master Servicing Plan. Three are highlighted below.

.....

**“In many cases it is beneficial to begin the planning process by developing a Master Plan because such a planning approach allows the individual needs of a system to be defined in the broader context. For example, a water distribution system may require a treatment plant expansion at one location, a reservoir expansion at another location, and the construction of a water main at yet another location. A Master Plan will develop an overall strategy for implementing all of these requirements, which will likely entail a number of individual (yet related) projects.”**

—Region of Durham, Works Department website, March 2013

.....

A Master Servicing Plan is only as good as its problem/opportunity statement which is the starting point for the *Municipal Class EA* process. The Class EA process requires the proponent to demonstrate how a problem was solved. Problem/opportunity statements are familiar ground for planners. An example of a statement might be “how to provide services to a new development community?” In most, if not all cases, proponents rely on population and employment projections and provincial and official plan policies to delineate a problem. Similarly, information originally developed for *Planning Act* processes is required to complete the inventory of the environmental conditions required by the

*Municipal Class EA*. Most often consulting planners are retained by public works officials to speak to municipal planners about the background needs of the *Municipal Class EA* process. Early involvement by municipal planners in the development of the

problem/opportunity statement—preferably during the preparation of a terms of reference—will lead to a more robust approach and cost savings for the municipality.

How the projects to be subject to Master Plans are selected has a direct bearing on the range of potential alternatives. In turn, the

**Informal survey of municipal websites**

Municipality	Transportation	Water and Wastewater
Durham	2005, Approach #1	Master plan underway, unknown approach
Halton	2011, Approach #1	2011, Approach #3
Hamilton	2007, Approach #2	2006, Approach #2
Niagara	2002, updating now	2011, Approach #1
Peel	2012, Approach #1	2007, updating now, Approach #2
Waterloo	No Master Plan	Various Master Plans and approaches
York	2009, Approach #1	2009, Approach #1, updating now

SOURCE: AMOS ENVIRONMENT + PLANNING, MARCH 2013

evaluation of projects and their alternatives may greatly influence the outcome. For example, if the project is 'new roads' the outcome will be different than if the project is 'transportation service improvements.' Planners can and should have a role to play in identifying the group of projects to be addressed early in the Master Servicing Plan process.

Consideration of the 'do nothing' alternative is a fundamental feature of the *Municipal Class EA* planning process. Planners' input is invaluable in the scenario-building required to complete the 'do nothing' alternative. For example, planners can answer the questions, "What would happen if the proposed infrastructure projects were not built? What would be the legal, technical, environmental and social impacts if the new infrastructure was not built? Can those impacts be mitigated to some extent? Would the 'do nothing' impacts be greater or lesser than the impacts of building the infrastructure projects?"

### Summary

Servicing decisions ensure that community plans come to life. Planners and their constituents can benefit by understanding the infrastructure planning process. With an increased knowledge of the *Municipal Class EA* process planners can become effectively involved in the preparation of Master Servicing Plans.

*Janet Amos, MCIP, RPP, principal, Amos Environment + Planning is an environmental assessment practitioner with 30 years of experience. Amos was directly involved in the*



IMAGE COURTESY OF THE AUTHOR

**Construction of major infrastructure is a messy business**

*preparation of the master plan approaches set out in the Municipal Class EA. She recently worked with Halton Region to prepare and train staff on a made-in-Halton Region approach to master servicing plans. Amos can be reached at [Amos@primus.ca](mailto:Amos@primus.ca).*

### Endnotes

- 1 Master Plan procedures and approaches are outlined in Section A.2.7 and Appendix 4 of the *Municipal Class Environmental Assessment, 2007, as amended 2011* (Municipal Engineers Association). Copies may be purchased [online](#).



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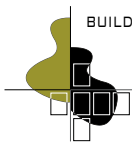
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# Understanding our affinity to nature

By George McKibbon, Donald Spady, Kelly Graham and Kelly Dixon

“**B**iophilia” is: “an innate and genetically determined affinity of human beings to biological phenomena.”<sup>1</sup> Eric Fromm originated the term while E. O. Wilson expanded its application. In the current *Provincial Policy Statement* review, green infrastructure is recommended to augment physical infrastructure and for “associated ecological... benefits.”<sup>2</sup> Understanding our affinity to nature may help the planning profession implement this policy.

“Earth is a live planet that regulates its surface and atmosphere in the interests of its biosphere.”<sup>3</sup> Within the biosphere, creatures, including humanity, living locally interact to the mutual benefit of both. Appreciation of these interactions enlarges our sense of place and community. We are losing this “direct experience with the land that would foster the kind of intense consciousness of land.”<sup>4</sup> An awakening that enables us “to see, know, understand, respect and love the land”<sup>5</sup> is needed.

Recently performed research published in the February 2013 issue of the *American Journal of Preventive Medicine* gives this consciousness new meaning.<sup>6</sup> The Emerald Ash Borer is an insect native to East Asia that was first documented in North America in the Detroit/Windsor area in 2002. It has spread further into Ontario, with infestations as far north as Sault Ste. Marie and east to Ottawa and the Prescott-Russell and Leeds-Grenville counties in eastern Ontario. The New York State Department of Environmental Conservation detected it the Cattaraugus, Erie and Niagara counties.

The borer infects and usually kills all North American ash species. This species is a significant component of the forest canopy, with average coverage ranging from 1.5 per cent in Virginia to 7.9 per cent in New York. Researchers examined the movement of the emerald ash borer’s movement across several states and quantified the human health impacts associated with ash tree demise.

While a substantial body of work exists showing the beneficial effects of natural vegetation on healing and health, less evidence exists demonstrating the converse relationship. This study examined the relationship between this environmental deterioration and the incidence of cardiovascular and lower respiratory tract illness. It is a significant contribution to our understanding of how environmental deterioration may impact public health.

Researchers obtained mortality data for cardiovascular and lower respiratory tract diseases from the National Centre for Health Statistics. Using a longitudinal regression model

designed for analysis of the relationship between mortality and ash tree demise, researchers found that “tree loss from the spread of the emerald ash borer is associated with increased mortality related to the cardiovascular and lower respiratory systems. The relationship is particularly strong in counties with above-average household income.”<sup>7</sup>

The authors speculate on several possible mechanisms of action to account for the observations. Some mechanisms were physically based, such as improved air quality, temperature modulation and promotion of increased physical activity associated with shade trees on streets and natural areas in close proximity to residential neighbourhoods.

Other mechanisms were of a more qualitative nature, such as stress reduction and buffering stressful life events, associated with walking and cycling opportunities in landscaped parks and forested environments. Regardless, these data provide a good illustration of the benefits of a natural environment and is a significant contribution to our understanding of how environmental deterioration may impact public health.

We “may question the inclusion of the environment as infrastructure, given that it is inherently natural in origin and apart” from built environments. “However, “ecosystems act in an integrated manner within nature to provide critical provisioning, regulating, supporting, and

cultural services.”<sup>8</sup> This provisioning, regulating, supporting and servicing is integral to understanding the benefits of and rationale for green infrastructure as well as designing and maintaining green infrastructure.

*George McKibbon MCIP, RPP, AICP, CEP, Donald Spady MD, Kelly Graham and Kelly Dixon AICP wrote this paper while Steven Rowe MCIP, RPP provided a helpful review. George is an environmental planner with McKibbon Wakefield Inc. and an adjunct professor in the School of Environmental Design and Rural Development in the Ontario Agricultural College, University of Guelph. Donald Spady is an Adjunct Professor of Pediatrics and Public Health at the University of Alberta while Kelly Graham is a public health research assistant at McMaster University and Kelly Dixon is a transportation planner at the Metropolitan Planning Organization for Erie and Niagara Counties in New York State.*

## Endnotes

<sup>1</sup> Oxford Dictionary of English, Second Edition, Revised, 2005



IMAGE COURTESY OF THE AUTHORS

Ash borer damage

IMAGE COURTESY OF STEVEN ROWE



Tundra Swans feeding and flying near Long Point

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# Watercourse mapping pilot project

By Katelyn Vaughan and Geoffrey Verkade

**T**he complexity and quantity of regulations and policies related to water that are embedded in land use planning often times make it challenging to identify and grasp the full picture of requirements and objectives. As a result, planners are looking towards GIS technologies to better identify problems and opportunities, respond to them efficiently and share the results with the public and other interested stakeholders. The planning and management of water resources in Ontario is an example of the complex interplay between various legal requirements, policies and land uses.

## The need for large scale watercourse mapping

One of the biggest issues when it comes to water resource management and planning is the omission of a single inventory of surface water features on which stakeholders can collaborate and rely. To be useful, the inventory needs to be of sufficient detail (1:2000 scale or larger) to support hydrology characterization work at a level that accounts for the influences of significant watercourse features, such as tile drains, municipal drains, roads and culverts, which exert a controlling influence on overland and near sub-surface flows. Without this level of detail, distinctions between different types of features and inferences about how the feature contributes to the hydrologic system are not reliable.

Currently, traditional base mapping products available in Ontario, such as Ontario Base Maps, National Topographic System and even commercial based mapping, do not meet planning and water resource management needs, nor is there a standard or common methodology for developing watercourse mapping throughout Ontario. As a result, municipalities and conservation authorities have been developing disparate mapping databases to assist with meeting the Ontario government's wide range of priorities and provincial acts (e.g., *Clean Water Act*, *Conservation Authority Act*, *Nutrient Management Act*, *Drainage Act*, *Tile Drainage Act*, *Water Resources Act*, *Planning Act*).

## Watercourse mapping pilot project

In the Niagara Region, a pilot project has been initiated in partnership with the Niagara Region and the Niagara Peninsula Conservation Authority (NPCA) to develop a more up-to-date and comprehensive inventory of watercourse features at the 1:2000 scale. This mapping is intended to be used to support

and improve decision making related to the management of surface water features. Possible applications include:

- Identification of properties that may require environmental studies as a result of regulated fish habitat, hazard lands, wetlands and/or species at risk being in close proximity
- Scoping of watercourse features to determine characteristics, such as permanency, and the potential for waving regulatory requirements as a result
- Identification of municipal drains and their flow directions for stormwater management needs related to water quality improvement studies
- Identification of agricultural drainage areas and connections to determine whether or not there is a relationship to fish habitat.

The first phase is to update the spatial and temporal aspect of existing local large-scale watercourse mapping and classify

the surface water features by type. The methodology used to classify and define watercourse features is based on a guidance document published by the the Ontario Ministry of Environment's [Water Resources Information Program](#) (WRIP). Important changes were made to update these definitions and to address contextually significant features within Niagara Region. For example, features like ditches have been broken down into three types

(agricultural, roadside and other) in order to capture important differences between their functions and contributions to the broader hydrologic system.

The project will use surface water geometry from a photogrammetric Digital Terrain Model (DTM) compiled for pre-engineering survey and design applications, the production of municipal planimetric mapping and detailed topographic mapping at a minimum scale of 1:2000 with a contour interval of no less than one metre. The combination of orthoimagery and the DTM will be used to classify various water feature types because an interpreter will be able to assess the morphology of surface waters and use that in context with associated land use evident in the aerial photography. For example, the technician would be able to differentiate between a roadside ditch and an agricultural ditch based on the surrounding lands that are captured in the orthoimagery.

The second phase is to understand how these features function and provide value to the broader hydrologic system from an environmental or economic risk and management

*Bringing all of the information into a single map provides a comprehensive single source of information and greater efficiencies in the planning and management processes.*

perspective. An extensive review of over 20 existing mapping and data sources (e.g., Ministry of Natural Resources local fish habitat classification mapping and methodology report, Department of Fisheries and Oceans' Species at Risk mapping and the Ontario Ministry of Agriculture and Food's Tile Drainage Area and Connections mapping) were assessed for currency, scale, accuracy and relevance to determine whether or not they can/should be incorporated into the project.

For the pilot area of the project, Niagara-on-the-Lake, it was determined that the local irrigation system mapping and the Ministry of Natural Resources' fish habitat mapping were important to include to support planning needs related to a local by-law. In other municipalities these two data and mapping sources are less relevant or non-existent, however, other data and mapping sources may need to be incorporated to meet other local needs.

### Summary

Through the review it was determined that many of the mapping sources are out of date and/or lack the detail that is required to support planning and management needs without presenting significant implementation challenges. However by incorporating the data into the updated 1:2000 mapping, planners and water resource managers are able to better represent areas that may be affected by various regulations and policies. Bringing all of the information into a single map provides a comprehensive single source of information for geographically referencing water resources information, which allows for greater efficiencies in the planning and management processes. Additionally, large-scale mapping helps to generate more credible cartographic derivatives than traditional base mapping scales (less than 1:2000), which helps to strengthen confidence when using mapping products for public consultation and other decision-making processes.

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# Implications for planners—Part 2

By Heather Sadler

**F**or those who have been involved recently in the Renewal Energy Approval process in Ontario, there is “nothing so constant as change.” In this case, change seems to be a good thing.

You may recall an OPPI *Journal* article by Steven Rowe and me in Vol. 26, No 6 Issue (Fall 2012) concerning the “Zoning Opinion” required to accompany applications to the Ontario Power Authority for microFIT (less than 10 MW) and FIT2 contracts for ground-mounted solar photovoltaic projects. In order to be considered for one of these [Feed-In-Tariff](#) projects, the applicant was required to include a “Zoning Opinion” signed by a registered professional planner in the Province of Ontario.

Planners across the province expressed concern that the Zoning Opinion form did not provide for a professional planning opinion to be developed in the usual manner. Rather it required a simple “YES” or “NO.”

Add to this the fact that the form specifically excluded from eligibility all rural areas in the province where the local municipality’s zoning by-law permits residential uses in non-residential zones, including the rural zone. The requirement seemed to reflect a fundamental misunderstanding of the planning regimes in rural Ontario.

In the last *Journal* article, we concluded that few microFIT and FIT2 projects would receive the necessary Zoning Opinion from an RPP, based on the stated Ontario Power Authority criteria. As a result, many applications for ground-mounted solar installations would be declined by the authority and the government’s objectives of supporting green energy installations in rural parts of the province would not be realized. We went so far as to suggest that further discussion was needed to ensure that the microFIT and FIT2 programs better reflect the realities of rural land use in Ontario.

The 2012 OPJ article also referred to a proposal to prescribe many solar facilities under the Ministry of the Environment’s Environmental Activity and Sector Registry. Projects placed on the registry would no longer require Renewable Energy Approvals. The regulation to implement this proposal is now in place, and further details can be found on the Ministry’s [website](#).

## Amendments to the FIT2 programs (Small FIT)

On November 23, 2012, the Minister of Energy issued a directive to the CEO of the Ontario Power Authority, making several changes to the FIT2 program for ground-mounted solar photovoltaic generation projects between 10kW and 25mW in rural areas of Ontario. In his directive, Minister Bentley explained that a Land Use Working Group (comprising industry and municipal stakeholders, as well as the OPA and government representatives) had been working hard to provide advice to the minister related to ground-mounted solar PV projects on rural lands. In particular, the working group had been considering situations involving

rural properties with multiple primary uses and rural/agricultural lands with abutting residential uses. As a result of this review, several recommended changes were made to the program.

The main change brought about through the directive was to allow the OPA to consider Small FIT ground-mounted solar photovoltaic projects proposed within rural and rural/agricultural zones with multiple primary uses where residential is one such primary use. This change was in response to the reality that residential uses are one of many uses permitted in most rural areas, and further that there should be a distinction made between rural areas and prime agricultural areas. Rather than preclude virtually all rural areas from the program, the new rules introduced a setback combined with a visual buffer, thereby allowing ground-mounted solar PV projects to be located in

communities where there are rural residences. Note that the FIT program also includes wind, water and bioenergy projects. These projects were not affected by the minister’s directive.

Based on the directive, the supplier of a ground-mounted solar photovoltaic generation facility must commit to implement a 20-metre setback from all property lines for a facility that is greater than 10 kW and up to and including 10 MW. For a facility that is greater than 10 MW, the supplier must implement a 100-metre setback from all property lines. This setback may be reduced if the municipality(ies) in which the project is located provides a municipal council resolution agreeing to a reduction in the setback, but the



IMAGE COURTESY OF STEVEN ROWE

Ferndale, on the Bruce Peninsula



setback cannot be reduced to an amount less than 20 metres.

The supplier must also commit to visually screen the facility from bordering properties zoned to permit residential as a primary use and rights-of-way according to a defined standard. This visual screen must be maintained to the defined standard and for the term of the FIT contract following commercial operation of the facility.

Additional requirements were introduced for FIT contracts where the facility is proposed to be located on a property that is “rural” as defined in the 2005 *Provincial Policy Statement*, with multiple primary uses where residential use is one such primary use; and that borders a residential cluster.

A residential cluster is defined by the OPA as five or more contiguous properties zoned to permit residential use, where each property is two hectares or less in size, or a single property zoned to permit multi-residential development (i.e., a condominium or apartment building). In this case the supplier must commit to a greater setback from the nearest property line of the residential cluster (100 m.). In certain instances the setback may be reduced by a municipal council resolution, but the setback cannot be reduced to an amount less than 20 metres from the nearest property line of the residential cluster.

As well, the supplier must commit to visually screen the facility from the bordering residential cluster and to having in place an arrangement to maintain the visual screen to the defined standard and for the term of the FIT contract following commercial operation of the facility.

Finally, the directive was accompanied by changes to the OPA forms which now require a planner (an RPP who is in good standing of the Canadian Institute of Planners) to simply state that:

1. The planner has reviewed the applicable zoning by-laws of the municipality (or other relevant documents where the site is in an unorganized territory)
2. In the planners professional opinion the subject property (first property) is located on rural-residential lands<sup>1</sup> and does, or does not, abut a residential cluster and
3. The first property does, or does not, abut a residential property<sup>2</sup>.
4. If the non-rooftop solar facility is proposed for a property that is zoned to permit commercial or industrial uses, the solar installation cannot be the main, primary or only use on the property.
5. The planner is required to attach a copy of the zoning map showing the first property and abutting properties.

## MicroFIT projects

The MicroFIT Program includes renewable micro-generation electricity projects which have a nameplate capacity of 10kW or less. Projects with a nameplate capacity greater than 10kW are managed under the FIT Program.

It appears that no major change was made to the MicroFIT program for Wind Renewable Generating facilities with a nameplate capacity of 3kW or less, or non-rooftop solar facilities up to 10kW. These applications require a Zoning Opinion signed by an RPP who is in good standing of the Canadian Institute of Planners. The planner must confirm that “neither the site nor any property abutting the site ... in each case, is property on which a residential use is a lawfully

permitted use, provided that if the lawfully permitted use of the site is agricultural, any residential use of the site, or property abutting the site is ancillary to the agricultural use.”

Alternatively, the applicant may provide a Zoning Certificate completed and executed by a chief building official, municipal chief administrative officer, municipal clerk, or equivalent, who is not a registered professional planner in Ontario to certify that the site meets these criteria. The minister’s directive regarding rural areas, as defined in the *PPS* does not appear to extend to microFIT projects with the result that microFIT projects are still effectively excluded from rural areas.

## Council resolutions

Apart from issues faced directly by planners who were unable to sign the required Zoning Opinion, many municipal planners were also asked to provide reports to their councils regarding requests from applicants for council resolutions in support of FIT2 applications.

The OPA required applicants to include council resolutions stating municipal support for these projects, without the municipality having the benefit of any technical information on which to make such a statement. Without the resolution the applicants’ projects would not qualify under the program. The updated forms, now available through the OPA website, provide a qualifier which may allay municipal concerns. The new phrase states that “This resolution’s sole purpose is to enable the applicant to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the application or project or any other purpose.”

## Postscript

Having said all this, it is important to note that the Small FIT application window is now closed for ground-mounted solar photovoltaic installations of more than 10 kilowatts and up to 10mW kilowatts for Small FIT Projects as defined in the FIT Rules. The OPA will award up to 200 megawatts (MW) worth of contracts as a result of applications received during this Small FIT application window. The OPA continues to accept applications for MicroFIT projects. Timing for Large FIT projects has not been announced, as of the time of writing of this article.

*Heather Sadler B.A.M.A.MCIP RPP is principal and senior planner with EcoVue Consulting Services Inc., a rurally-based planning practice located in Lakefield, Ontario. She was the Lakelands District representative on the Policy Development Committee of OPPI from 2009 to 2012. Heather is a member of OPPI’s rural and agricultural working group. She can be reached at 705 652-8340 or at [hsadler@ecovueconsulting.com](mailto:hsadler@ecovueconsulting.com). Steven Rowe provided helpful insights in the writing of this article.*

## Endnotes

- <sup>1</sup> *Rural-Residential Lands* means a property or properties included in the definition of “rural area” in the 2005 Provincial Policy Statement.
- <sup>2</sup> *Residential Property* means a property on which residential uses are lawfully permitted uses.



# Online policy resource

By Dan Stone and Lija Skobe

**T**he Greater Toronto Chapter of the Canada Green Building Council (CaGBC) is a non-profit organization committed to promote the knowledge and advancement of green building technologies and sustainable community design.

The Greater Toronto Chapter recognizes that the most significant advancements in the area of promoting market transformation to a more sustainable built environment have occurred at the grassroots municipal level. In 2009, the chapter established the [Municipal Leaders Forum](#) and in 2012 it launched the [Ontario Green Policy Hub](#), a dynamic free online resource consisting of emerging and innovative Ontario municipal policies. It provides a user-friendly platform for municipalities to submit policy initiatives. It includes innovations and new technologies to address changes in the marketplace as well as some of the sustainable development advancements being lead by the development industry.

The Hub is designed to capture municipal policy within several key areas of sustainable development—community planning, transportation, green infrastructure, water conservation, energy, waste reduction and public buildings. In many cases, a municipal initiative may cut across several areas and address a multitude of municipal objectives. For example, the City of



IMAGE COURTESY OF THE AUTHORS

**Concept plan for walkable mix-used communities**

Toronto's Green Standard and the Town of East Gwillimbury's Thinking Green Development Standards both influence better performance in energy efficiency, stormwater management and active transportation, and offer financial incentives for exceeding minimum requirements. In addition, the Hub includes policy work focused on particular areas such as the City of Kitchener's stormwater management policy or the City of Ottawa's development charge by-law, which provides an incentive for development which promotes smart growth principles of redevelopment and intensification.

The Hub responds to a need identified by the Municipal Leaders Forum to address sustainable development issues in an Ontario context. While there is much available in terms of national and international best practices, pilot projects and case studies, the Hub is designed to offer practical examples of sustainable development policies created and implemented within the legislative and regulatory regime of Ontario.

The objective of the Hub is to provide opportunities for municipalities to learn and share from each other's experience in both policy development and implementation. Lynn Robichaud, City of Burlington senior sustainability coordinator, Corporate

Strategic Initiatives - Development & Infrastructure Division is already a fan, as well as contributor.

"When I drafted our corporate sustainable building policy, I researched several other municipal building policies online," she says. "I posted our policy on the [Hub] to help other municipal staff [members] who are undertaking their own research to develop their own policies. Our council is always interested to hear how other municipalities are dealing with similar issues when we are reporting and making recommendations on sustainability initiatives."

Given the early success of the Hub in Ontario, the Canada Green Building Council hopes a similar web-based resource will be developed in other provinces and regions across the country.

"We are very pleased to see this new tool being offered to municipalities in Ontario, as it reflects the Canada Green Building Council's ongoing support for adopting green building at the broader community scale," said council president and CEO Thomas Mueller. "By equipping municipalities with the ability to easily access up-to-date information, we hope to encourage the implementation of effective green building policies which fit the particular community context. This in turn will lead to healthier and more sustainable communities in Canada."

The Hub was made possible through the support of the chapter's founding sponsor, the Toronto and Region Conservation Authority, and financial support from the Ontario Power Authority's Conservation Fund. Go [online](#) to check out or to submit your community's innovative policies.

*Dan Stone, MCIP, RPP, is the economic development and sustainability manager for the Town of East Gwillimbury's Development Services Department. He served on the board of directors of the Greater Toronto Chapter of the CaGBC and led its Municipal Leaders Forum. He is also a peer reviewer for the Federation of Canadian Municipalities Green Municipal Fund. Lija Skobe is the program and communications manager for the Greater Toronto Chapter of the CaGBC.* ●



IMAGE COURTESY OF PHILIP LIU

**Majestic Court (York)—  
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IMAGE COURTESY OF THE AUTHORS

**Burlington Performing Arts Centre—  
LEED Gold Certified**

## WESTERN LAKE ONTARIO

### Planning for cultural heritage landscapes

By Sonya Kapusin

The Western Lake Ontario District held a breakfast seminar with over 70 planners on cultural heritage planning at the Water Street Cooker in Burlington on March 6. The session featured three guest speakers from MHBC Planning Urban Design and Landscape Architecture, who shared their knowledge and presented several case studies.

MHBC partner Dave Aston began the presentation by recognizing that municipalities deal with cultural heritage landscapes in different ways through policies, plans and resource management. He introduced four key questions to consider when planning for cultural heritage landscapes: What is significant? Why is it significant? What are the implications? How do we manage the resource?

Cultural heritage planning managing coordinator David Cuming explained the origins of cultural heritage landscapes and how they have been assessed. Examples ranged from Oakville's settlement plan in the early 1800s to the industrial landscape in Guelph in the late 1800s to farmscapes in Richmond Hill. The latter demonstrated the challenges of conserving rural landscapes in urban areas.

Cultural heritage managing director Wendy Shearer presented the challenges of managing cultural heritage landscapes using four case studies, each representing a different typology and demonstrating respect

for the original location and site materials. Planners heard about the Dundurn National Historic Site and kitchen garden in Hamilton, a designed cultural landscape, the David Dunlap Observatory in Richmond Hill, a relict-evolved cultural landscape, the Oil Heritage District in Oil Springs, a continuing-evolved cultural landscape, and Battlefield Park in Stoney Creek (Hamilton), an associative cultural landscape.

Aston closed the presentation by summarizing five key steps in planning for cultural heritage landscapes: (1) identify the significant area; (2) assess the values of the community through consultation; (3) determine appropriate conservation techniques; (4) establish guidelines; and (5) monitor the plan.

For more information on cultural heritage planning, or an abbreviated copy of the presentation contact MHBC at 519-576-3650.

*Sonya Kapusin, MCIP, RPP, is a project manager in environmental planning at CIMA Canada Inc. and a member of the Western Lake Ontario District executive.*

## LAKELAND DISTRICT

### Teach-Educate-Mentor

By Kelly Weste

On February 26<sup>th</sup> a rescheduled World Town Planning Day event took place at the Peterborough Lions Community Centre. The Rotary Club of Peterborough in partnership with Kevin M. Duguay Community Planning and Consulting Inc. and the Lakeland District of OPPI joined

forces to organize the 3<sup>rd</sup> annual event for selected students from grades 8, 9 and 12 and their teachers. This exciting event gets the students exposed, involved and understanding the work planners do. Several professional planners participated in this event as resources and sounding boards for the students. Each of the four groups was assigned a street in downtown Peterborough to envision what the street could look like in 10 years. The streets were Hunter Street East, Bethune Street, Charlotte Street and Crescent Street.

The following are the results from the day.

1. A typical urban street has both private and public spaces. The students did recommend some high-level generalized private uses on their study area streets, but it was the public spaces that got the most creative attention. The overall effect in all cases was creating safer and more interesting public open spaces—bringing more people outside to a space appeared to be the overarching goal.
2. The students didn't just plan for playgrounds and fun spaces, they looked at the context of their streets and the knowledge they may have had of the surrounding neighbourhood. Site visits were conducted by all groups and students were encouraged to take pictures and record observations while in the field. The students were interested in creating meaningful, useable and practical spaces which were accomplished through ideas about surface treatments, mixed-use buildings and facilities that can be actively used and of relevance to all ages. The students intuitively knew that a mix of land uses would make

their streets more liveable, more viable and safe.

3. Art and the display of art was a theme that came out in every group's vision for their streets/spaces, whether it was public art on walls, murals on the side of buildings, or moving Peterborough's Art Gallery to create an art district downtown. The students saw that art and the expression of creativity was important to public spaces, whether it was for beautification of a space or creating a sense of place/identity of a space.
4. The students in some groups were cognizant of the influence of the private automobile on the built form and considerations for street layout and parking provisions. It made me pause and wonder if we have been missing a critical starting point for altering behaviours and attitudes about active transportation.

It is exciting to see the broadening of a young person's understanding of planning and the role urban planning plays in how we live, work and play. We are all privileged to have been a part of this experience.

*Kelly Weste, MCIP, RPP, is the Lakeland District (Peterborough area) program chair and a Municipal Planning Advisor with the Natural Heritage, Lands and Protected Spaces Branch of the Ministry of Natural Resources. She can be reached at [Kelly.weste@ontario.ca](mailto:Kelly.weste@ontario.ca) or 705-755-1210.*

## PEOPLE

### Andrea Bourrie Joins MMM Group

**A**ndrea Bourrie, MCIP, RPP, has joined MMM Group's Planning and Environmental Design Team as senior planning

director. Andrea brings to MMM her extensive experience and strong political and stakeholder relationships.

Andrea is respected in the industry for her skills in municipal and provincial policy analysis; strategic advice to clients on regulatory risk management, policy, government and stakeholder issues; building consensus across diverse groups of stakeholders; resource planning (mining, aggregate, cement and concrete); endangered species agreements and public consultation.



Andrea Bourrie

## OBITUARIES

### Katherine Hope Dugmore 1962–2013

**F**ollowing a far too short, but very full life, Katherine Dugmore, MCIP, RPP, passed away on Sunday, March 24<sup>th</sup> following a very difficult and courageous battle against cancer. We have lost a most valued colleague, but our profession and our communities have gained the best she could give and she gave all that she had. She will be very sadly missed.



Katherine Dugmore

Katherine was born and raised in Northern Ontario and loved the outdoors feeling most at peace when surrounded by the natural beauty of rugged northern landscapes. Yet, she relished the beauty of the built

environment too, and was a passionate traveller who loved cities and exploring different cultures.

Katherine received her undergraduate degree in Landscape Architecture and her Master of Science Degree in Planning and Development from the University of Guelph. Her work as a planner and landscape architect in both the public and private sectors over the past 25 years helped shape many communities throughout Ontario but none more than Thunder Bay.

Katherine started working for the City of Thunder Bay in 2005 as manager in the planning division. Having played a central role in the development of a

vision for Prince Arthur's Landing, she was appointed to the position of waterfront project manager in the spring of 2007 and led one of the city's most challenging but also one of its most successful and transformational projects. As a planner, she channeled her diverse background and life experiences to shape this project in a way others never could have.

Always willing to share her knowledge and experiences Katherine held various Northern District executive positions with OPPI and was a guest speaker at conferences and events throughout the country and abroad. Katherine was recognized by OPPI through its [Spotlight on Planners](#) program. A wonderful mentor, she helped numerous colleagues to find their paths.

### Richard A. Hardie 1948–2012

**R**ichard Hardie, MCIP, RPP, passed away February 7, 2012 at the age of 63. Known for his professionalism and integrity, Richard offered planning services through his firm Richard A. Hardie Association based in Kitchener.

Richard had a long and steadfast relationship with the planning profession. He joined Southern Western Ontario Chapter (and CIP) as a provisional Member in 1974. Richard became a full Member of the Chapter in January 1979, and was among the founding members when OPPI was instituted in 1986.



Richard Hardie

The Evolving Face of Multiculturalism

# Planning in a majority-minority city

By Sandeep Agrawal

**T**he City of Markham holds a unique position as a majority-minority community in Canada—65 per cent of its population belongs to visible minority groups and 57 per cent of the population was born outside the country. Some of its wards, like Milliken Mills, have 90 per cent visible minority residents. Within this context, the meaning of multiculturalism changes.

Markham is one of only three Canadian municipalities (the other two are Brampton and Richmond, B.C.) in which a visible minority population is the numerical majority. Of course, the visible minority population is not one monolithic group. Many groups form the visible minority population, so there is no one dominant group. In some places, the mainstream consists of multiple minority groups along with non-immigrant whites.

Majority-minority cities present a unique opportunity for forging a new common ground and civic culture in a multicultural community. According to Mohammad Qadeer, common ground has two components: the laws and conventions defining rights and responsibilities of citizenship; and the norms and values that shape social behaviour in the public sphere.

Laws are relatively enduring, though they evolve over time. Norms and values arise from traditions, social interactions, media and public discussions, and economic and technological developments. In a majority-minority community, the common ground is constructed and reconstructed continuously, sometimes in incremental steps, sometimes much faster. Let me illustrate this with an interesting story that appeared in the *Toronto Star* a year or so ago.

An Anglo-Saxon couple, long-time residents of Markham, who planned to sell their house, found that their street address, which contained the number 4, means bad luck according to the Chinese belief system. Since so many potential buyers in Markham follow that belief system, the number could reduce the value of their house by as much as \$35,000. The couple asked the city to change their house number and appeared before Markham’s development services committee, which rejected their request on the grounds that it would be a serious departure from the planning protocol. Apparently, other homeowners have also asked to change their address from number 4, and many of these requests have been approved. Houses with the number 4 have been changed to the number 2 by the city’s development services after the city agreed that it will no longer permanently reserve number 2 for corner lots. This small example shows how a change in public policy responds to shifting societal values, beliefs and norms.

## Understanding majority-minority cities

The meaning of multiculturalism changes in a majority-minority context. Multiculturalism needs to be applied to all communities, including the indigenous and non-immigrant white population. Furthermore, the majority-minority situation requires that members of ethnic and immigrant communities take increasing responsibility and leadership, and that local institutions and systems be open to allow this to happen.

Majority-minority cities need more recognition, power and resources. Negotiations between the federal and the Ontario

Majority-minority cities present a unique opportunity for forging a new common ground and civic culture in a multicultural community.

governments about the *Canada-Ontario Immigration Agreement* should include a provision giving special status to majority-minority cities. The federal and provincial governments should also commit to helping communities with integration opportunities, policies and programs. This provision should entitle cities and towns like Markham to additional funding for language training and settlement services.

## Six municipal policy recommendations

The following policy recommendations are suggestions to assist majority-minority Canadian municipalities like Markham in developing truly multicultural communities.

1. *Ensure equity of outcomes in municipal programs rather than equality of programs*

Equality denotes that everyone is treated the same. It is about equal sharing and exact division, whereas equity refers to the qualities of justness, fairness, impartiality and even-handedness. For example, in cutting up an apple pie at a family dinner, equality would mean that everybody—parents and children—would get a piece the same size, while equity would mean that the pie would be divided according to the individual’s needs, with larger pieces for adults and smaller pieces for children.

As Qadeer explains further, equality is the entitlement to equal status in law and equal benefits of access and treatment,

without discrimination. Equality rights are enshrined in the *Canadian Charter of Rights and Freedoms*. Equity, on the other hand, considers the outcome of incorporating equality rights in an institution, policy or activity. Equity may require modifying “the consequences of a strict application of the law to avoid unfair or unconscionable outcomes.” (McLean and Mac Millan1, 2003, p 175) This may mean affirmative action or special accommodations. Equity in housing, land development or social services is assessed in terms of fairness of respective shares of different groups. Equity as a municipal goal requires that urban facilities and services fulfil the needs of different groups in ways that conform to their culturally defined expectations.

### 2. Deliver culturally and linguistically sensitive programs

Immigrants are a diverse group—culturally, ethnically, religiously, and in their length of time in Canada. Many have no extraordinary service needs. Over time, their needs are largely those of the mainstream in type and scope of services, although the delivery of services must be culturally sensitive.

Majority-minority cities like Markham are already taking steps in these directions and will lead the way in transforming themselves into Canada’s truly multi- and inter-cultural communities.

The impact of ethnicity on demand for services comes into play at the level of operational policies and program management, rather than in the types of services offered. Municipal service departments are well aware of the imperative of cultural sensitivity and linguistic accessibility in the delivery of services. Front-line staff generally has a fair understanding of immigrants’ needs and can make individual accommodations. These practices could be systematized by increasing diversity training for frontline staff and executives, and by reviewing program standards and planning norms to make them inclusive of immigrants and ethnic minorities. Some standards and norms may be determined by the authority of the provincial and federal governments. The municipal role in such cases may be that of an advocate for change.

### 3. Support the aging population

Many seniors are immigrants and may have language challenges. Municipalities should create occasions and events that motivate seniors to get together: for instance, arranging Tai-chi or yoga classes, ethnic food events and poetry recitals.

### 4. Expose immigrants to municipal activities

In some European cities, new immigrants must visit city hall as part of their orientation, to learn firsthand what the municipal government does or could do for them. This visit familiarizes them with how they can engage in municipal decision-making processes. They learn that they have the right to make deputations to the city council on any municipal issue.

This kind of civic orientation is relevant to the Canadian context. But given the less autonomous role of cities and towns

in the Canadian federal system, implementing this idea will require the cooperation of the federal as well as provincial governments.

### 5. Represent and include diverse groups in city development processes

One indicator of inclusiveness is the participation of socio-ethnic groups in decision-making processes. This inclusion can take two forms: the first is to invite and facilitate expressions of interest of various socio-ethnic groups in policy-making and implementation. The second is to empower members of minority communities to become staff, managers and elected/appointed public representatives.

The empowerment of minorities through representation on city councils, boards, or various departments is increasing, but not as quickly as the increase in the number of visible minority immigrants. For instance, visible minorities comprise 40 per cent of the population across the GTA; but account for only 7 per cent of all municipal council members in the GTA. Markham’s record is no better. Breaking into the power structure is, however, largely a political process as well as one of community organization and not a city development exercise.

### 6. Ensure land use planning is consistent with the Human Rights Code and the Charter

Municipalities must ensure that its zoning and other by-laws are consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. This requirement is more challenging in the case of a majority-minority city, which must balance human rights obligations and the needs of minority groups.

Municipalities must consider all planning provisions on three grounds: Is the current or the intended provision rationally connected to a planning purpose? Is the standard adopted in good faith? Is it possible to accommodate a particular group of people without imposing undue hardship on the rest of the municipality?

Majority-minority cities like Markham are already taking steps in these directions and will lead the way in transforming themselves into Canada’s truly multi- and inter-cultural communities.

*Sandeep Agrawal PhD, AICP, MCIP, RPP, is a professor and graduate director at Ryerson University and can be reached at [sagrawal@ryerson.ca](mailto:sagrawal@ryerson.ca). The article is an abridged version of the author’s speech at the Markham’s executive diversity training session in June 2012.*

#### Endnotes

<sup>1</sup> McLean, I. and MacMillan, A. (2003), *Oxford concise dictionary of politics*, Oxford: Oxford University Press.

#### Clarification

As noted in the online edition of the March/April issue of OPJ, Alison Luoma, MCIP, RPP, was the primary author of the article on Overlay Zoning article.

In print

# Open Spaces—Voices from the Northwest

Reviewed by Margaret Fazio

Open Spaces—Voices from the Northwest

Edited by Penny Harrison

Published by the University of Washington Press, 2011

**O**pen Spaces is a compilation of essays on environmental protection, planning policy and other related topics. Usually published in a magazine by the same name, the writing is clear and easy to understand. Written for non-specialists, some essays are authored by experts in their fields, such as law, planning and marine biology, while others bring truly insightful personal perspectives.

While the content is mostly drawn from the northwestern U.S.A., the issues described and ideas put forward are applicable to anywhere in North America. *Open Spaces* shows why Cascadia is thought to be one of the most desirable places on the continent to live. Home to some of the most successful entrepreneurs in the U.S.A. and a large number of successful artists, Cascadia contains the largest resource-based industries (e.g., forestry and fisheries) in the United States. These not only derive a great many economic rewards for the region but are some of the most fiercely protected resources in that country.

The essays in *Open Spaces* cover a wide variety of topics including the history of the *American Endangered Species Act*, reasoning behind the concept of marine reserves, current actions regarding removal of existing river dams and salmon fisheries ecosystems' recoveries. The book also includes a number of native and first settler stories, which convey the

behaviours, policy-making and thought processes of the people of the American Northwest towards environmental protection and management.

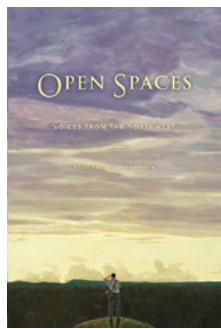
This reviewer was intrigued with the essay about the growing problem of light pollution. It draws on the latest scientific research related to the impact of artificial lights on human circadian rhythms and those of other species. It talks about how hard it has become to find a night sky unaffected by light pollution—only 1 per cent of American and European skies. This essay provides examples of what some U.S.A. jurisdictions are doing about this issue.

This reviewer would recommend *Open Spaces* as a must read for planners as well as anyone interested in furthering his or her knowledge on current environmental matters. In particular this collection of essays would appeal to readers who are looking for practical ways to implement good planning practice, spur citizen activism and influence political will. This review comes with a warning: *Open Spaces* really makes one think... outside the box!



Margaret Fazio

Margaret Fazio, B.Sc., EP, RPP, MCIP, is working as a project manager, environmental planning in the City of Hamilton's Transportation Division of the Public Works Department. She can be reached at [Margaret.Fazio@hamilton.ca](mailto:Margaret.Fazio@hamilton.ca) or 905-546-2424 ext. 2218.



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## Legislative News

# Green energy battles continue

By Ben Puzanov, contributing editor

Since the last instalment of *OPJ*'s legislative news update, Ontario's provincial government landscape has undergone a transformation. Kathleen Wynne was sworn in as Ontario's 25<sup>th</sup> Premier on February 11, 2013 along with a 27-member cabinet. In an effort to strengthen the Ontario Liberals' relationship with rural constituents, Wynne appointed herself as Minister of Agriculture and Food and Jeff Leal as the Minister of Rural Affairs. Wynne's decision to split the former Ministry of Agriculture, Food and Rural Affairs into two ministries creates an additional cabinet portfolio and serves as an opportunity for the government to continue to enhance its relationship with rural Ontario.

Despite the recent changes at Queen's Park, discussions regarding wind turbine development and its economic, environmental, social and health-related impacts have become more heated. Of particular note is a recent legal challenge that was launched by Suncor Energy against a municipal by-law passed by the Town of Plympton-Wyoming council, a community of approximately 7,500 residents in Lambton County, east of Sarnia. Suncor is an active wind energy developer in southwestern Ontario with numerous projects at various stages of the Renewable Energy Approval process.

Plympton-Wyoming's by-law, passed on June 13, 2012, evokes the authority afforded to municipalities by various sections of the *Municipal Act, 2001*. More specifically, the by-law relies on the broad powers provided to municipalities under *section 11* of the act to pass by-laws respecting the economic, social and environmental well-being of the municipality as well as those respecting the health, safety and well-being of people. The town's by-law also relies on *section*



Ben Puzanov

129 of the act, which allows municipalities to regulate noise, vibration and dust, among other items.

The primary focus of the court challenge is the town's requirement for a two-kilometre setback for wind turbines from any property, which is defined by the by-law as "property line, vacant land, dwelling or structure and their inhabitants of all species used for private or business or public purposes." Readers of the *Journal* will be familiar with the 550-metre setback that is currently required by the province for the same structures from the centre of a dwelling. It is important to note that the provincial setback increases with the number of wind turbines that are concentrated in a given area and also depends on the sound levels generated by these turbines.

The town's by-law restricts noise emitted by wind turbines to 32 decibels at the nearest property line, as opposed to the 40 decibel limit imposed by the Ministry of the Environment for noise received at the centre of a dwelling, and requires wind energy developers to fully compensate landowners for any losses in property value and reimburse area residents for any expenses they incur because of adverse health impacts. The by-law further stipulates that the aforementioned losses in property values and adverse health effects need only be indirectly linked to wind turbines to qualify for compensation.

As Suncor's legal challenge of Plympton-Wyoming's by-law continues to unfold, opponents of the Renewable Energy Approval process have launched a campaign, albeit in a different setting. Progressive Conservative MPP for Simcoe - Grey and Opposition House Leader Jim Wilson recently tabled a Private Member's Bill to reverse the amendments to the *Planning Act* made by Schedule K of the *Green Energy and Green Economy Act, 2009*. The proposed legislation's title is the *Restoring Planning Powers to Municipalities Act, 2013* and its effect would be to restore planning authority to



Wolfe Island wind farm



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municipalities for controlling the development of green energy projects within their borders. Wilson's bill received its first reading on February 20, 2013 and serves as a rallying cry for many Ontario municipalities that have passed resolutions calling for a moratorium on wind turbine development pending further investigations into its health effects.

As many *Journal* readers will recall, in 2012 this column examined Health Canada's recently launched study of the effects on human health from noise emitted by wind turbines. While the study's findings are anticipated to be released in 2014, Health Canada reported that more than 950

submissions comprising over 1,800 pages of feedback were received by the agency during the initial public consultation period. As a result of this feedback, Health Canada has announced that it will expand the parameters of the study to include, among other items, an analysis of infrasound and an exploration of non-noise-related effects through the study survey, such as shadow flicker, warning lights and perceived effects of wind turbines on property values. While on the face of it the latter item may not seem to be related to health, presumably the stress of people that may be induced by perceived reductions in property values is the factor that led the agency to include it in its investigation. The *Journal* will provide you with updates as the study continues to unfold.

*Ben Puzanov, M.P.L., MCIP, RPP, is a senior planner with the County of Middlesex and may be reached at [bpuzanov@middlesex.ca](mailto:bpuzanov@middlesex.ca).*



IMAGE COURTESY OF STEVEN ROWE

Solar panels and small wind turbine, Prince Edward County

#### LETTERS TO THE EDITOR

Members are encouraged to send letters about content in the *Ontario Planning Journal* to the editor ([editor@ontarioplanners.ca](mailto:editor@ontarioplanners.ca)). Please direct comments or questions about Institute activities to the OPPI president at the OPPI office or by email to [executivedirector@ontarioplanners.ca](mailto:executivedirector@ontarioplanners.ca).

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# Show me the retainer

## Dear Dilemma,

I was recently approached by the purchaser of a property where I had provided professional planning services to the previous property owner. The purchaser asked if I could put together a package of materials on the planning context of the property, a “where things stand now,” and what opportunities exist for future development. The purchaser also asked if I would prepare a professional planning opinion concerning the materials. I said that I would be more than happy to prepare the package of materials and provide an opinion once I received a retainer for the work. The purchaser responded stating he intends to present the materials and opinion to a group of investors and indicated that he would recommend the investors use my professional planning services. I replied by thanking him for the recommendation.

A couple of weeks later I received a phone call from the purchaser who asked where I was at with the package of materials and opinion. I replied by asking where he was with the retainer so that I could undertake the work. The purchaser stated that he didn't think he needed to provide me with a retainer because he was recommending my services to the investors group. I replied indicating that it would be unethical for me to provide the materials on the hope of getting work in the future. As a result, the purchaser did not provide me with retainer and I did not provide the purchaser with the package of materials and professional planning opinion.

Did I handle this situation ethically and professionally?

Sincerely,  
—Seeking confirmation of ethical stance

## Dear Seeking confirmation of ethical stance,

Yes, absolutely. Unfortunately, we have many colleagues in our profession who will prepare a professional planning opinion and give it away for free hoping they will get future work. In order to hold in high regard ethical conduct and respect for Members, it is imperative that professional planners be compensated for their work, period.

To work for possible future gain is essentially a conflict of interest. A planner's professional opinion must hold in high regard the public interest, not self interest nor business interest.

Most planners during their career are faced with these ethical dilemmas. When in doubt, contact a professional colleague, a mentor or the OPPI office. One of a professional planner's key responsibilities, outlined in the *OPPI Professional Code of Practice*, is respect for each other's professionalism—this can only be achieved when planners practice in the interests of the profession—upholding public interest rather than self interest.

Hold firm, a client will come along and appreciate that you need to be compensated for your professional opinion.

Professionally Yours,  
—Dilemma

*Through this regular feature—Dear Dilemma—the Professional Practice and Development Committee explores professional dilemmas with answers based on OPPI's Professional Code of Practice and Standards of Practice. In each feature a new professional quandary is explored—while letters to Dilemma are composed by the committee, the scenarios they describe are true to life. If you have any comments regarding the article or questions you would like answered in this manner in the future, please send them to [Info@ontarioplanners.ca](mailto:Info@ontarioplanners.ca).*

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# Creating your learning plan

By Bob Forhan

Since 2013 is the transitional year for CPL, planners have the opportunity to give some thought as to how to structure a learning plan and thus effectively meet CPL annual requirements for 18 hours of professional learning and growth—nine learning units for organized/structured activities and nine learning units for independent/self-directed activities.

There are many approaches to

creating a learning plan.

First, identify your current professional learning activities, for example: Every two months you receive the *Ontario Planning Journal* and you spend an hour reading it to keep current with planning trends and activities and to keep abreast of ethical situations and professionalism. Maybe there are other Planning Journals (*Plan Canada*, *APA*) you receive or your office receives and circulates or puts in the corporate library for reference. List them. Perhaps once a year you participate in a district event where you connect with your professional colleagues, network, discuss



Bob Forhan

planning issues, share challenges. Perhaps quarterly you organize or participate in a lunch and learn event. It's a great way to break from routine and discuss something professionally relevant. List them. Maybe you meet on a quarterly basis with a

candidate who wants to become a professional planner. You help the candidate prepare for examinations and cover the topics important to the profession. List them.

Second, break these activities into the two types of learning units, for example:

- Independent/self-directed—Ontario Planning Journal (6 hours/1 hour every 2 months), Mentoring (4 hours/1 hour every quarter)
- Organized/structured—District Event (4 hours annually), Lunch & Learn (4 hours annually)

Third, put these activities in your calendar. Whether you work independently or in an organization, share your plans and get support from your colleagues to meet your targets.

The key thing to remember about creating a learning plan is that this is about your commitment to your profession. Staying connected to others in your profession will help keep the planning profession strong and vibrant. If you have a learning plan that you would like to share with your colleagues, please send it along.

*Bob Forhan, MCIP, RPP, is the Director of Professional Practice and Development on OPPI Council. He is the sole proprietor of a professional planning practice and teaches a Land Use Planning Studio at the School for Urban and Regional Planning at Ryerson University. Bob can be contacted at [bob.forhan@rjforhanassociates.com](mailto:bob.forhan@rjforhanassociates.com).*

### Organized/structured activities

—courses, presentations, seminars, workshops and guided tours that are provided by OPPI, an OPPI District, other affiliates, CIP, or an external group

### Independent/self-directed activities

—deliberate, educational, planning-focused activities such as civic or professional committees, teaching, reading and self-designed learning experiences

### Bob Forhan's 2013 learning plan

#### Independent/self-directed

- Volunteer for OPPI Council
- Attend national CIP CPL committee
- Write articles for the Ontario Planning Journal
- Instruction at the Ryerson School for Urban and Regional Planning
- Read Planning Journals

#### Organized/structured

- Attend the Oak Ridges District Summer Solstice
- Attend the OPPI Planning Conference in London
- Make presentations on CPL requirements (from time-to-time) to interested organizations
- Attend Lunch & Learn events with my associates

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## Summary of Determination and Decision

In the matter of a hearing under the *Ontario Professional Planners Institute Act* and in the matter of a complaint regarding the conduct of a Member of the Ontario Professional Planners Institute and Holder of the Registered Professional Planner (RPP) designation.

*This matter was the subject of mediation discussions by the parties during a pre-hearing and settlement conference. The parties with the assistance of the designated hearing officer agreed to an appropriate resolution of the complaint. The agreed resolution required OPPI Council approval as the complaint was not being withdrawn.*

The complaint was submitted by an Ontario Corporation against a Member pursuant to section 2.1 of the *OPPI Professional Code of Practice* and section 2(1) of the *CIP Professional Code of Practice*. The Member was engaged by the complainant at the time as a registered professional planner providing consulting services for the purposes of reviewing potential property acquisitions for development. The complainant said that the Member purchased a property that had been considered by the complainant for acquisition without appropriate disclosure. The Member admitted that he should have made better disclosure of this action.

The complainant cited section 2.0 of the *OPPI Professional Code of Practice* with specific reference to sections 2.1, 2.2, 2.4, 2.6

and 2.8 during the interview conducted by a sub-committee of the Discipline Committee. After interviewing the parties, the sub-committee recommended a hearing be conducted.

The complainant had completed a civil action in the courts before filing the complaint with OPPI and the Institute was provided with the court's decision. There is little question that a full hearing of the Discipline Committee would have resulted in a finding of contravention of the *Professional Code of Practice*. Specifically the actions in question reflect a lack of independent professional judgement and failure to disclose adequately and properly.

The Member admitted his mistake and that it should have been handled differently. The Member advised that he has never engaged in providing consulting services for property where he had an interest and has never sought or received a contingency fee.

Under the *Professional Code of Practice* and relevant Standards of Practice, a planner must disclose any personal interest before proceeding with any action which results in a personal benefit. A registered professional planner must also maintain his or her independence to ensure the integrity and trust required by the client in a professional relationship.

To settle the matter, the complainant and the Member agreed to the following four principles and as the matter was not withdrawn, OPPI Council endorsed this resolution of the complaint. It should be noted that the designated hearing officer had regard to the interests of the Institute in the formation of these settlement principles.

The principles of settlement are as follows:

1. The complainant will receive an apology from the Member pursuant to the *Apology Act, 2009, S.O. 2009, Chapter 3* concerning the purchase of property while providing professional planning services to the complainant without appropriate disclosure to the complainant.
2. The Member will undertake an ethics refresher program prescribed and supervised by OPPI. This program will be established by the designated hearing officer who will mentor the Member and report to OPPI within 12 months whether he is satisfied the Member has completed the program successfully.

*Note:* Both parties have agreed to provide OPPI Council with their written agreement to these principles of settlement and the authority for OPPI Council to determine the Member's status should the Member fail to satisfy the designated mentor as to his understanding and agreement of the *OPPI Code of Professional Code of Practice* and *Standards of Practice*.

3. Both parties agree that OPPI has the right to publish a summary of the facts and findings of this complaint and the agreed settlement. The published report will not name the parties or the geographic specifics of the matter.
4. Both parties agree to maintain the confidentiality of these discussions leading to the settlement of this matter referred to OPPI.

# The voice in the crowd

By Robert Voigt, contributing editor

Crowdsourcing is one way that people are seeking to take greater control of their world and it can be an effective planning tool to transform communication and generate high quality ideas. However, planners need to be cautious in determining when and how to use this technique to leverage public engagement.

## From reader to creator

We can all recognize that a significant shift happened when online interactions changed from people being passive web surfers to becoming active creators of content. This began with bulletin boards, and then blogs, and has in turn given way to the predominance of social media. Each Facebook-like, blog comment or tweet is an act of creation and adds another point of view to the information online. Everyone is now a potential online author.

One of the first, and arguably most successful, web projects that used the potential of having access to these many different creators working together, was the user written and edited information resource, Wikipedia. It launched the era of crowdsourcing for the general public.

Crowdsourcing, as defined by Wikipedia is: “the practice of obtaining needed services, ideas or content by soliciting contributions from a large group of people, and especially from an online community... The general concept is to combine the efforts of crowds... where each one could contribute a small portion, which adds into a relatively large or significant result.”

Over the past couple of years crowdsourcing has entered the field of planning with both professionals and lay people embracing it. For example, a public park design contest for the Chicago Olympic bid used crowdsourcing a few years ago, and the visioning process for a redevelopment site in Bristol, Connecticut used this approach to gather urban design and site programming ideas and also inspired the creation of a [community association](#). Also, the City of Hilo’s (Hawaii) planning department shows how a municipality can use crowdsourcing in a more structured framework. It uses a crowdsourced placemaking [program](#) to facilitate the implementation of the community’s vision through suggested projects and a voting mechanism.

## DIY crowdsourcing in action

Community-focused DIY activism has recently become more commonplace and has been highlighted throughout planning-oriented and mainstream media alike. This movement often seeks ideas for community improvement and implementation



Robert Voigt

from crowdsourcing. For example the initial [parklets](#) that reclaimed parking spots and turned them into mini parks have spread throughout the world as “Parking Day,” and the guerrilla urbanism “chair bombing” that improves the built environment with citizen-installed street furniture. The [Build a Better Block](#) movement has been able to take this DIY urban improvement approach to another level of sophistication through the creative use of crowdsourcing that provides widespread support from like-minded citizens.

While each of these examples began as a temporary project, they have all resulted in permanent improvements. Also, each has been developed outside of what would be understood as the standard planning process. They are on-the-ground examples of grassroots community action facilitated to some degree by crowdsourcing, and arguably changing the relationship between citizens, their communities and planners.

## Planning through crowdsourcing

More traditional planning processes such as envisioning processes, design charrettes, information centres and open houses are also being adapted using crowdsourcing techniques. Typically these involve online focus groups with opportunities to comment/vote on options to indicate support. The parameters are generally set in advance and questions are posed to the “crowd” for further refinement.

The added benefits of crowdsourcing include increased accessibility, ease of data tracking, novel communication tools, and reducing power inequalities. However, before initiating any exciting new crowdsourced urban design exercises, or an official plan wiki to leverage citizen insights, planners need to examine them closely to understand their inherent properties and limitations.

## Planning as popularity contest

An interesting crowdsourcing tool is [Community PlanIt](#). This game-like platform was used during the development of the recently-released, groundbreaking plan, Detroit Future City. Once participants have completed a series of challenges they collect “coins” and can then support preferred proposals by cashing in their virtual money. The top three proposals are given real world funding.

At first the discovery/game process only has a few steps unlocked. But by defeating the “pesky Crats,” one is able to choose which real-world cause to support. The Crats are “tech-no-crats: an individual who makes decisions based solely on technical information not public opinion.” And that’s where it gets interesting. This particular tool is intended to be both engaging and entertaining; however, underlying the game is a portrayal of planners as the people frustrating the public will.

This cartooned simplification may just be entertainment, but it may also cloud judgment and restrict dialog. When community engagement techniques, such as crowdsourcing reduce complex decisions to games and measures of populism, the practice of planning is weakened, and so are the results. Deliberate action and caution is needed when exploring the use of crowdsourcing.

Artificially elevating the value of public opinion without contextual parameters and practical technical analysis/information can result in unrealistic expectations, attribution of adversarial positions, or oversimplified challenges resulting in poorly articulated solutions and actions.

### Pay to plan

As crowdsourcing moves into crowdfunding (where projects are funded by the crowd), the implications for planning become amplified. Crowdfunding is quickly becoming common and recognized for its power in other fields. This kind of support for a project was in fact responsible for one of this year's Academy Award winners (a Kickstarter crowdfunded movie won Best Documentary, Inocente).

The potential power of this should not be minimized. Projects like the "[Low Line](#)," an urban subterranean park, have already gathered some meaningful financial support through Kickstarter. This gives rise to several questions: How are issues of social equity addressed when people with more financial resources are voting or bidding for projects that most directly affect them? Are municipal planning resources reallocated to address these projects in an accelerated timeline? In efforts to reduce budgets, are these projects managed as opportunities that cannot be missed while others are postponed?

### Who is the crowd?

Whenever a group of participants is self-selecting, it is important to be aware of assumptions relating to their motivations and interests. This is as true of crowdsourcing approaches as it is of traditional participatory planning practices. One of the primary assumptions appears to be that people are motivated to participate due to community-mindedness, however, there is no proof that this will be the case for each project.

With the advantages of online tools also come some disadvantages, such as the loss of the ability to recognize the subtleties of vocal tones, facial expressions and body language evident in face-to-face communication. Online tools can improve accessibility and equalize power imbalances, but they can also amplify them by removing the communicator from his or her audience. Planners need to be aware of these limitations and the impacts of online anonymity. Questions about representation, access and the common good are as present with crowdsourcing as they are with more traditional communication and engagement methods.

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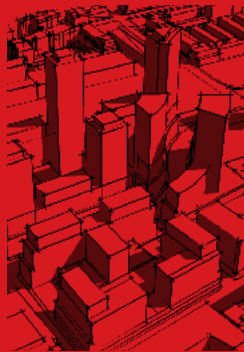
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