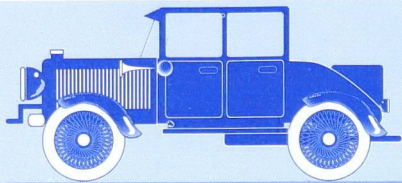


# ONTARIO PLANNING JOURNAL

NOVEMBER/DECEMBER 1991 VOLUME 6 NUMBER 5



## WHAT EVER HAPPENED TO COUNTRY DRIVING!

Page 3

Only Ontario's remotest regions  
can claim a countryside like the  
Cormac area of Renfrew County.

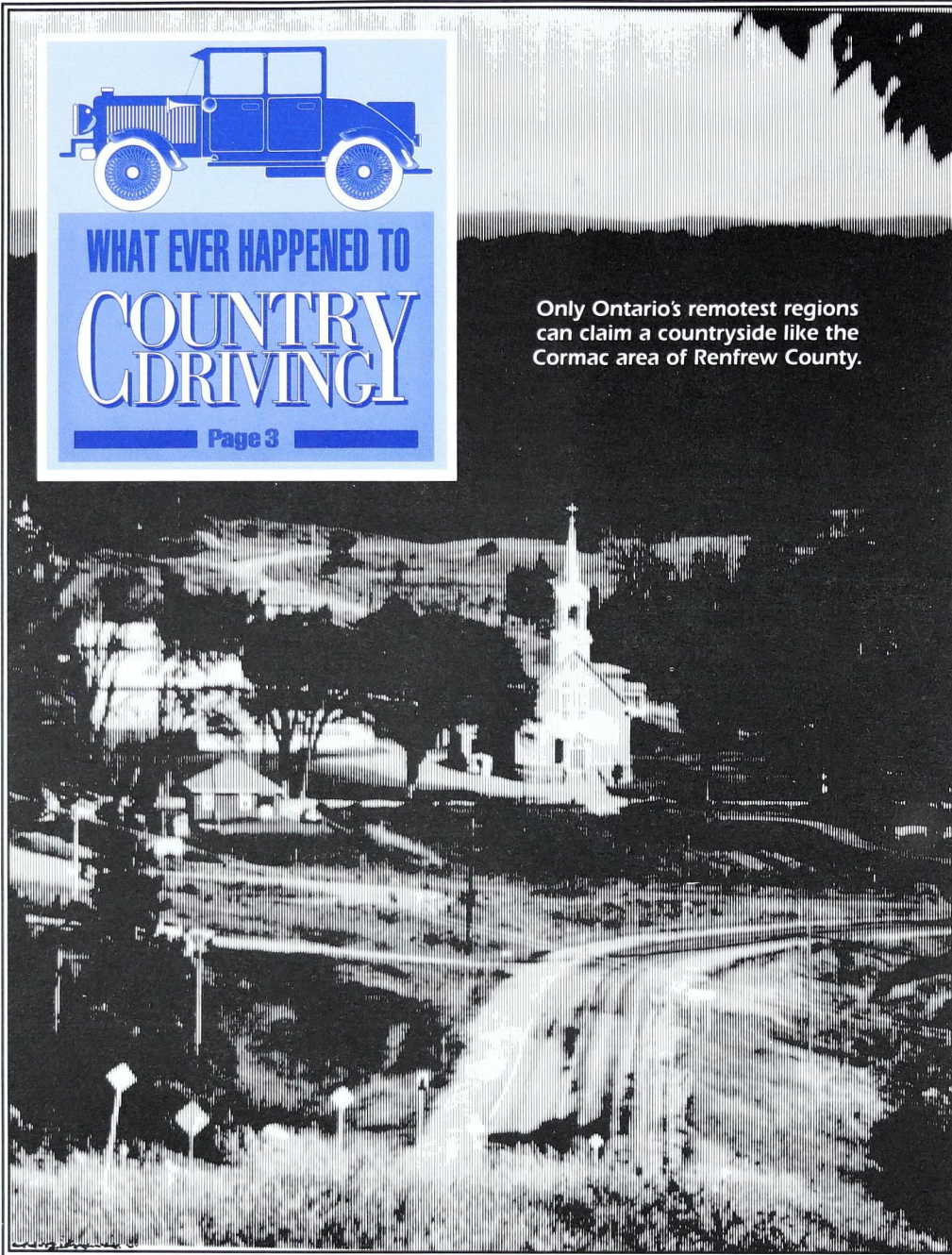


PHOTO: RON BROWN

How you can  
contribute to a  
business plan for  
the Journal ..... P. 6

The true depth of  
Development  
Charges  
- how veteran  
campaigners view  
the minefield  
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**R**emember those long ago summers when Mom would wrap up sandwiches in wax paper and Dad would order everybody into the light blue Chevy for a drive in the country?

After a few minutes the last of the brick bungalows gave way to blowing corn fields. We would scout the roadside for a picnic table or for a meadow beside a clear bubbling brook where we could spread the blanket and argue over who got the ham sandwich and who got the egg.

Later in the afternoon we would interrupt our homeward drive to pile into a country store, with its sweet rich smells, for an ice cream cone.

Such were the country drives of our youth.

People who keep such statistics tell us that as recently as 25 years ago pleasure driving was the most popular form of recreation in North America. Today it is video watching.

What ever happened to country driving?

For starters, you can't get there anymore, or at least not as easily. If, as half of all Ontarians do, you live in the sprawling Golden Horseshoe that stretches drearily from Oshawa to Grimsby, you will have to endure endless stoplights (usually red) and nerve rattling expressways and spend up to two hours just to get to that first real field. Chances are that field is owned by land speculators.

Second reason, there isn't much country left. Developers, large and small, foreign and local, see those waving corn fields not as a thing of beauty or as a producer of food, but as an underutilized resource, money waiting to be made. The municipal councils that approve the developers' plans are much the same. Pastures bring only a fraction of the taxes that monster homes or industrial parks can bring. To them covering the corn fields is progress.

Farmers are guilty, too. Gone is the stewardship of the family farm; gone are the sons who will take over the land. For today's farmer that land is retirement income, once the

## COVER STORY

# WHAT EVER HAPPENED TO COUNTRY DRIVING?

LAND USE PLANNING AND TRAVEL, AN OPINION FROM A TRAVEL WRITER

by Ron Brown MCIP

right price comes along, and sooner or later it does.

Not surprisingly those roads that we loved those 20 years ago are now lined with endless rows of look alike houses, sprawling industrial parks, or fast food signs that stretch to the horizon. The evocatively named "Orange Blossom Trail" in Florida is now nothing more than 50 miles of malls. Perhaps it shows us the Ontario of the future. Due to this lack of foresight, Ontario is losing its countryside once calculated at the rate of 26 acres every hour.

We could be designating or preserving "scenic" roads, but highway engineers hate them. To them the best kind of road is one that runs straight, free of those troublesome trees. Despite Ontario's wealth of wonderful scenery not a single highway has been officially designated or constructed as a scenic road. When a few years ago the highway engineers proposed straightening and widening the Forks of the Credit Road, a winding wooded way pinched by towering canyon walls, only the howls of protest from its wealthy (and

influential) residents preserved its scenic curves and overhanging trees from the engineers' tripods and chain saws.

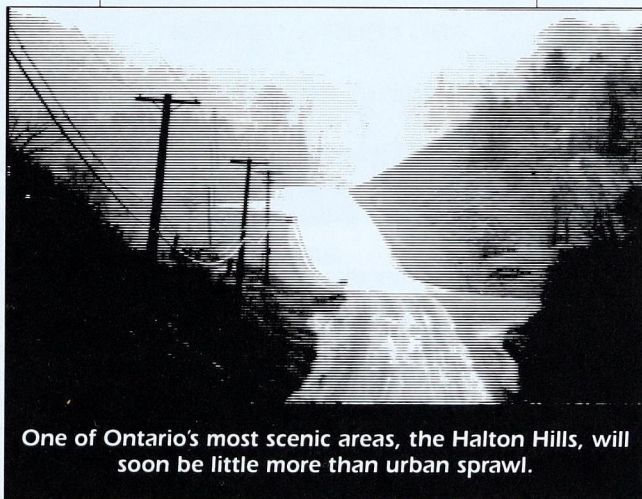
In the mid-70s the Ontario Ministry of Natural Resources held the mandate for Ontario's historic sites, a mandate that ministry mandarins neither wanted nor understood. One of their heritage planners proposed a heritage park for the Opeongo Road, a relic pioneer road, deep in the heart of Renfrew county,

lined with log pioneer farms, and rife with mountain top vistas. The proposal would have preserved log cabins, snake rail fences, twists and turns and viewpoints, all in a linear park that would be the only one of its kind in Ontario. To no one's surprise the Ministry ignored the report and today the Opeongo has lost many of its pioneer features.

Another noble effort to develop a network of scenic roads was proposed for the Niagara Escarpment area. Part of an effort to preserve this 400 kilometre ridge of cliffs, caves, waterfalls and spectacular vistas, the scenic roads idea struck a raw nerve with the escarpments' local municipalities. They wanted no part of preserving roads and landscapes just for "those people from Toronto." Rather than designate and preserve them, the municipalities have lined the roads with "No Parking" signs and threaten anyone who wants to stop and enjoy Ontario's natural heritage with a \$28 fine.

This is particularly evident in the Caledon area around the village of Cataract. Despite the magnificent scenery there is no roadside parking, not even a parking lot. The nearest parking is in something called the Forks of the Credit Provincial Park, an overgrown field more than a kilometre from the rim of the Credit River Canyon and of little use to the elderly the handicapped or for that matter, anyone with small kids.

Despite all efforts to ignore them or to get rid of them, a few scenic back roads, laden with unusual things to see, yet exist. Examples are—the road



One of Ontario's most scenic areas, the Halton Hills, will soon be little more than urban sprawl.

photo: Ron Brown

that hugs the shoreline of Georgian Bay and leads to the tranquility of Cabot Head on the tip of the Bruce Peninsula; Lake Erie's shoreline road that probes fishing villages such as Port Dover, Port Burwell, and Port Stanley; or Parry Sound's Nipissing "road of broken dreams" an ill-fated colonization road, full of promise, that leads only to hardship and starvation. Today it is lined with graveyards and ghost towns.

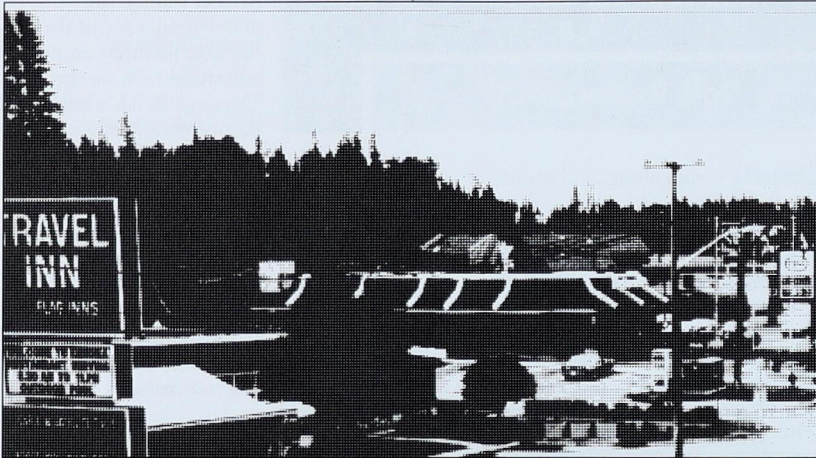
Some roads are worth following for the scenery alone; the Forks of the Credit Road, the Trans Canada highway between Marathon and Nipigon, or Airport Road north of Highway 9, a roller coaster ride of valleys and cuestas. Then there is the pioneer Opeongo Road which grinds up the Black Donald Mountains, the highest peaks in southern Ontario.

But chances are good they won't

remain that way for long. Ontario's countryside continues to vanish at an alarming rate. Planners and politicians must realize that land is a resource that is as valuable as the water and the air. While farmland is essential to produce the food we eat, the countryside provides that important psychological break from the grinding tedium of urban sprawl. Its disappearance is even more critical for unlike air or water, once it has been paved over the land cannot be recovered; it is gone for good.

Without a new philosophy toward the land, Ontario's country roads will continue to become more miles of monotonous malls, and the drive in the country will, like clean air and clear water, become just another memory of the past.

*Ron Brown is a planner and travel writer living in Toronto and is author of Backroads of Ontario (Hurtig publishers), 50 Unusual Things to See in Ontario (Boston Mills Press), and Ghost Towns of Ontario, the Field Guide (Cannonbooks).*



Ontario's country roads are rapidly turning into tedious commercial strips.

TRANSPORTATION

## TRAVEL DEMAND MANAGEMENT: CAN WE HANG OUR HAT ON IT?

by David Kriger



What does the rapid growth in bicycle commuting mean in terms of additional development

intensities in the CBD?... We could widen our suburban arterials to the max, and still have congestion... Suburban office workers get free parking; how can we get them to leave their cars at home?

To many planners, the most promising answer is travel demand management (TDM). The idea of TDM is to modify and control traveller behaviour, as opposed to building new roads. TDM has been around for a long time,

**The idea of TDM is to modify and control traveller behaviour, as opposed to building new roads.**

but is enjoying a resurgence in popularity, due to tight limits in both

space for new roads and in funding. The measures tend to be low cost. TDM is often directed at commuters and—by law or voluntarily—at their place of employment.

Originally, TDM's objective was to squeeze the ultimate available capacity from the transportation system, to put off capital-intensive construction of new or widened roads. Recent OP updates (Ottawa and Toronto, among others) have also stressed TDM and related measures as a means of controlling pollutant emissions or preserving established residential neighbourhoods.

Planners are familiar with long established TDM measures, such as commuter ridesharing programmes and high occupancy vehicle (HOV) lanes. More recently, transportation congestion management plans are becoming the norm, as part of a development agreement or implemented voluntarily. In addition to the usual physical design requirements (such as ensuring transit and pedestrian friendly environments), a developer can be required to implement ridesharing programmes or to provide transit passes to employees. Success is measured by the achievement of targets—such as percent commuting by transit. These plans may soon be required by federal law in the United States, as an extension of the overall transportation planning process. Some jurisdictions (especially in California) already mandate them, with spectacular success stories of high transit mode splits being well known in the planning community.

So, can we hang our planning hats on TDM? I say yes, but:

**1** TDM complements system expansion—it does not replace new roads. Or parking lots. Or turning lanes. In particular, more research is needed on how increased

bicycle and pedestrian commuting frees up “transportation capacity” for development potential. The jury is still out on that one.

**2** There is considerable discussion in the transportation literature about what works, and what doesn't. In particular, Orski (1) notes that there

are needed to clarify what you get for the TDM buck.

**3** Mandated TDM requirements are one way of addressing the question, but even these can only go so far. Ultimately, the success of a TDM plan is dependent upon grass-roots commuters; therefore, a cooperative effort may be the best way to go. The cooperative “action plan” team might include: local, regional and provincial officials; transit officials; neighbouring employers (as in an office park); employee representatives; and community groups.

**4** Demonstration projects might be one vehicle for clarifying TDM impacts. For instance, planning departments are well-suited to initiate a test TDM programme, which might consist of employer-subsidized transit passes or telecommuting.

#### Reference

(1) C. Kenneth Orski, “Evaluating the Effectiveness of Travel Demand Management”, ITE Journal, Volume 61 Number 8 (August 1991).



**Cars, bikes, trucks: Can we control traveller behaviour?**

photo: Anne Hansen

are no consistent means of evaluating the effectiveness of travel demand management programmes—in other words, more research and case studies

David Kriger, P.Eng., MCIP, is Senior Transportation Engineer /Planner with Delcan Corporation in Ottawa.

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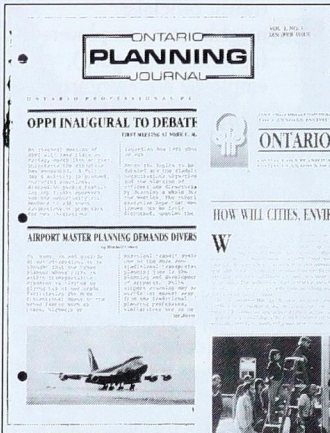


# HOW TO AVOID A SEVEN YEAR ITCH.

Society has many strange and wonderful ways of measuring the passage of time. For dynasties, the markers are centuries long. Family-run businesses count their longevity in generations. Students of politics often select periods of 1,000 days as significant

each for the past few years, the Journal has grown from a hand-made newsletter to a professionally-crafted magazine read by planners throughout Ontario. The forerunner of the Journal (the venerable COC Record), cost more to mail than it did to produce. The first OPPI Council took a risk and opted to allocate scarce funds to producing the kind of publication they thought the membership was entitled to - something that stimulated the interest of people not only to read it but to contribute articles.

A crucial part of a business plan is a mission statement that aptly describes the role and function of the magazine. This is something that shouldn't be taken for granted and we would value your suggestions in this area. We will examine our resources (both financial and human), the competition, (the new Plan Canada will be trying to be more like the



The first Journal measure performance of party leaders.

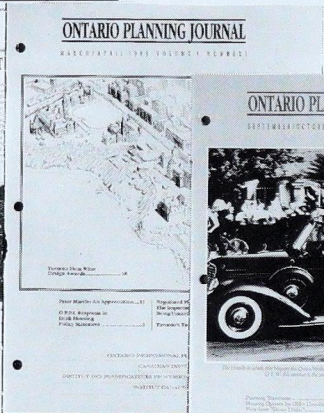
In 1992, the Journal begins its seventh year of publication.

This may not mean much to dead emperors or failed politicians, but to the people devoted to putting the Journal on your doorstep six times a year, seven years is a long haul. So we think it is high time we took a moment to look ahead to consider how the Journal might evolve in the 90's. With the support of OPPI council, our editorial board is embarking on the preparation of the first formal business plan for the Journal - and we would like to hear from you!

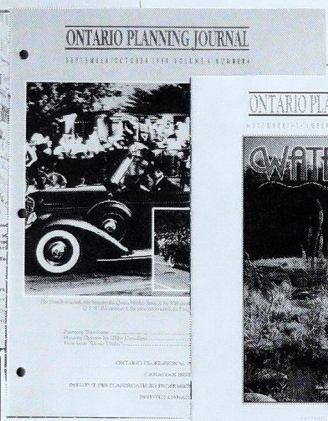
In the course of over 40 issues, averaging about 15,000 words



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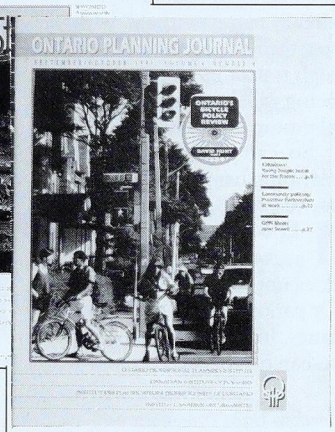
'Magazine' cover



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The current format

Journal) and our options for improvements in content, presentation, circulation and advertising.

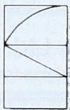
These will then be measured against the risks involved, both for the OPPI and in terms of protecting the integrity of the publication.

Your editorial board will report on the progress of the business plan in subsequent issues. Readers are encouraged to comment and provide input.

This is the first such opportunity. Also, we plan to hold a "round table" discussion to explore options being considered. Watch for a mail-out with details on this important subject.

Fax or write your comments today!

Glenn Miller,  
Editor



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## FURTHER TO RAY SIMPSON

Ray Simpson's article "Planning in Other Places—Some Thoughts for Mr. Sewell", The Journal, Volume 6, Number 3, raises interesting issues which should not be left dangling in the discussion surrounding the Sewell Commission.

It is noteworthy that the first avowed task of the Sewell Commission is to define land use planning goals for Ontario. The Commission may turn its collective mind with some helpful results to the question, "The Planning Act is an implementation tool for ... what?"

The need to reform any complex, multi-disciplinary regulatory framework should be assessed in relation to the basis and purpose for the existing system. Any comprehensive review of the framework should first address underlying objectives in order to establish an appropriate policy direction for restructuring.

It will be remembered that many provisions of both the Planning Act and the Building Code Act are intended to address concerns regarding public health and safety, and to correct imperfections and anomalies in market activities which may result in the transfer of financial liabilities to public agencies.

To these historic concerns we may wish to add more contemporary concerns regarding quality of life in the broader sense, the relationship between development activities and the environment, and public access to the planning process. Preliminary review of each of these concerns points in the direction of particular reforms of the planning system. The manner in which these various directions might be linked and reconciled in a comprehensive reform package remains to be considered.

It follows that consideration of any program for regulatory reform should also address the characteristics and relevance of current practice, and incumbent practitioners, in relation to existing and proposed goals and objectives for the system. Clear identification of the status quo permits appropriate assessment of its relevance to a re-directed system.

Once the larger question of the planning goals and purpose has been resolved, the nuts and bolts of the implementation process, and the role of planners within the process, will begin to fall into place.

*Alan Gummo*

## USHER – SUPPORT WHERE IT COUNTS

Dear Glenn.

I'm delighted that you published the Conservation Council of Ontario's letter to Prime Minister Mulroney about James Bay II in the July-August Journal. However, the Council mistakenly credited me as a coauthor. All I did was support sending the letter, as OPPI's delegate to the Council.

*Anthony Usher, MCIP, OPPI*

## DEERHURST CONFERENCE COMMENDED

The Deerhurst Conference was excellent. A thought-provoking experience by some exceptional speakers and participants. Perhaps the element missing from the conference theme was **COMPETING INTERESTS**. The myriad of processes, policy initiatives and environmental issues demonstrates the range of interests that compete for the same space in determining the choices to be made for future generations.

I am concerned, and this concern appears to have been shared by other delegates, about three issues discussed at the AGM.

### 1. MEMBERSHIP

This is a real competing choice with many competing interests. It would appear that the process is seriously jeopardizing and, indeed discouraging the induction of experienced and quality members. The reports presented at the AGM

and the Examination "B" workshop projected all is well in the membership realm.

However, listening to other delegates, members and non-members, it is clear that something is wrong. In fact, a motion was passed by a majority of the members present to strike a committee to review the process towards membership. It is noteworthy to learn that individuals at all levels of government and in prominent areas of industry do not have memberships in CIP let alone OPPI. It is even more interesting to discover that many planners are opting out of their memberships.

We will never succeed in projecting a more prominent role in society for our members collectively if such prominent planners are being discouraged or, more simply, are not interested. I will admit some form of screening or review process is necessary to maintain the quality of our membership ranks. However, when I hear that promising and potentially prominent people are failing the process to membership, I am extremely concerned. We hope the review committee will come to some consensus and identify alternatives to improve the situation.

### 2. REGISTRATION

I am really not aware of the significance of this course of action. I am concerned about what it will mean for those non-member Directors, Managers, Senior Planners or what have you. Will these individuals not be able to advise their respective councils or

*Miller O'Dell*

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## BURLINGTON TRIES TO DEMAND AFFORDABLE HOUSING THROUGH SITE PLAN CONTROL

by Pierre Beeckmans

**T**he City of Burlington's attempt to implement its affordable housing policy in negotiating a site plan agreement was resisted by an applicant, Reemark Holdings, who referred the terms and conditions of the site plan to the municipal board.

Reemark wanted to build four elegantly designed 3-storey apartment buildings on a 2.5 hectare parcel. It proposed a mixture of 236 one, two and three bedroom units. The property was already zoned for the proposed use but the City attempted to include as a site plan condition a requirement that 25% of the units should be affordable.

The Board agreed with the appellant.

The subject matter of Section 40(4) does not include the sale price or rent to be set for housing units.

"Site plan agreements cannot control the use of land; this is left for Section 34 by-laws. Moreover, explicit language in Section 40(6) prevents the use of site plan agreements from controlling height or density. Finally, Section 40 does not allow Burlington to control the interior layout of residential buildings, which greatly hampers its ability to scrutinize or enforce a range of housing units."

The Board referred to the hierarchy of planning tools in the Planning Act: broad land use matters are controlled by the official plan, more detailed regulation is achieved through zoning and the most

detailed physical layout is achieved by site plan control. Affordability goes hand in hand with density and must be established at the start. The contentious condition was struck from the agreement.

The appellant's request for costs was rejected. The City's conduct in attempting to seek 25% affordable housing was not deemed unreasonable. At least three other landowners had voluntarily agreed to comply.

*The decision is dated January 15, 1991.*

*Source: Decision of the Ontario Municipal Board  
Reemark Holdings No. 12 Inc. OMB file M  
900064*

54

*Pierre Beeckmans is a senior planner with the  
Ministry of Municipal Affairs*

### TECHNOLOGY

## A GNOME BRAND GEO-INFORMATION FABLE

by Philip D. Huntley

**O**nce upon a time there was a group of dwarves who loved mining, smelting and forging swords and jewelled crowns.

But they hated paperwork. They argued about it incessantly. Business was suffering.

One day they decided they had had enough. They bought a computer and hired a gnome to automate the lot. She was an "autgnomation" expert.

The gnome found such a mess she simply started with the first pile she found, the accounts. She wrote an "automated accounting algorithm" <AAA > and started putting in data on costs and receipts. Soon the accounts were starting to balance again.

This only made it obvious that the billing and orders were in bad shape. To track them she bought a used "purchase order tracking and billing algorithm" <POTBA> from a leprechaun selling used computers. (Leprechauns are full of blarney, but remember this one because he's important.) She input the order and receipts and the bills and accounts were updated by the computer. Now new orders

and overdue bills were not lost. The dwarves were pleased since more money was coming in.

The gnome however, never knew if there were enough emeralds or battle axes to fill an order because the dwarves never wrote down what went in and out of the storerooms. So she wrote a "resource and inventory control algorithm" <RICA>. This worked with the order and accounting algorithms and all she had to do was enter the new products made and ore mined. The computer then kept track of it all and said when anything was in short supply.

But the dwarves were unhappy when told to get diamonds, or whatever, to fill orders because they often didn't know where they had been put. The gnome then demanded that they say where things were put and to help wrote a "locational data cross-reference algorithm" <LDCRA>. Now the system automatically kept track of where storerooms, gold veins (and everything that was something) happened to be. It could now tell the dwarves where to go.

However, the dwarves' centuries old tunnels stretched out almost forever. The

gnome had to invent long names and numbers to keep track of them and the dwarves didn't want to learn of all the names. What they wanted was a picture. From the salesman the gnome got a drawing algorithm (sold as a "computer aided design and drafting system") for the computer, drew plans and wrote a "graphical interface algorithm" <GIA>. This showed rather than told the dwarves where to go and let them point out on a computer display map where all the things they had, like gems, tools, and gold veins, were. They thought this was a fine game.

The used computer salesman saw the pictures, the "GIA" and the "LDCRA" and said to himself "I can sell this for big bucks." So when the gnome's back was turned the leprechaun was gone with the goods. "Now what I need is to put on some bells and whistles and find a short, spiffy, flamboyant name", he said. He added a data indexing algorithm and a drawing algorithm and called the whole thing a "GIS" or Geographic Information System. With a few fancy demos he soon got buyers.

The gnome however knew exactly what



would happen when she turned her back on the used computer salesman. She opened a consulting business and quietly followed that leprechaun. In no time she had made her first million connecting LDCRAs to automated information systems when buyers finally realized they didn't really know what a "GIS" was.

The moral of the story then is "you can only understand the gnome of an automated system if you first know what it does."

The dwarves? With their automation complete they no longer spent half their time arguing about paperwork. Now they spent a third of their time arguing who

would update the computer, but at least it sent out bills and showed them what they had and where it was, so things had improved.

*Philip D. Huntley is Senior Policy Planner,  
City of Gloucester*

## ENVIRONMENT

### MACLAREN TAKES THE PULSE OF SUSTAINABLE URBAN DEVELOPMENT INITIATIVES

*by Dave Hardy, MCIP*

**F**or most of us on the Intergovernmental Committee on Urban and Regional Research (ICURR's mailing list, it's hard not to notice ICURR's top notch research on urban environmental issues. Lead by Gilbert Heroux, ICURR decided to focus its 1991 research agenda on major changes taking place in planning practice.

None of the ICURR-sponsored research is more important than the first Canada-wide study of sustainable urban development (SUD) polices by Virginia MacLaren of the University of Toronto's Programme in Planning.

At a packed session at the June CIP Conference in Quebec, many of us heard for the first time some of the profound changes taking place.

Ten major municipalities have adopted statements or policies promoting sustainable development in their Draft or Approved Official Plans. "And," states MacLaren, "new policies and programs are evolving very rapidly in every municipal department."

Burnaby and Toronto have established new positions in environmental planning and St. John's has appointed an Environmental Advisory Committee to assist in the review of development applications. Regina and Calgary, for instance, now have procedures requiring all city departments to include an assessment of the environmental impacts of all reports going to council. Administrative procedures for adding environmental comments to all site plan, area plan and rezoning applications have been initiated in Vancouver and Ottawa.

According to MacLaren, "...public pressure to implement sustainable development initiatives is strong in almost all of the municipalities surveyed."

Environmental Assessment review requirements are either in place or under consideration for: all new developments in Halifax and St. John's; for development involving hazardous substances in Regina; for developments in environmentally sensitive areas in Kitchener; in river valleys and suburban growth areas in Edmonton and on contaminated lands in Vancouver.

Other changes to municipal policies include: ecosystem inventories, designs for sustainable subdivisions, state of the environment reports, industrial lands preservation policies, energy efficient urban designs and water resources protection policies.

"Some of the key barriers were found to be the lack of a legislative mandate, environmental expertise or budgetary constraints," says MacLaren. However, when these barriers are overcome, we're seeing that, "the municipal response to sustainable development is not simply a matter of fine-tuning existing programs. Of the 400 initiatives, most are entirely new in concept and have been developing only in within the last two or three years.."

Thanks to the ICURR-sponsored work of Dr. MacLaren, planners now have an extensive list of municipal environmental initiatives. Can major changes to the way we view traditional planning practice be far behind?

*Dave Hardy is a Principal with Hardy  
Stevenson and Associates.*



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# GIS: IS YOUR PLANNING DEPARTMENT INVOLVED?

by Sandra Crutcher and Thomas A. Galley

The secret to the successful development and implementation of a municipal Geographic Information System is not hardware, software or the availability of quality mapping. The secret is participation. Technology has reached the point today where a municipal GIS can successfully run on a variety of different computer platforms ranging from microcomputers for smaller municipalities through to the largest available mainframes. Data can be moved from one software environment to another without loss of integrity or consistency. The cost of highly accurate mapping is now well within the budget of most municipalities.

Like many other things, the answer is not technology; rather, it is people. A successful GIS implementation is totally dependent on a high level of participation by all concerned. GIS technicians can do wonderful things with today's hardware and software, but they must have user participation at all aspects of the development and implementation to assure that the eventual system will respond to the needs of the municipality and will have a positive impact on the delivery of its services. The article asks "Is your Planning Department involved?" Without its involvement, and, for that matter, the involvement of Public Works, Information Systems, Recreation, Parks, Health, Fire, Property and almost every other department the GIS development and implementation will not meet expectations.

To ensure that the Geographic Information System program achieved its objectives, the City of Scarborough implemented a plan which, hopefully, avoided some of the pitfalls identified in earlier implementations. The City embarked upon an information planning exercise for each department. An Information Resource Plan (IRP) identified the business functions of the individual units within the organization. The IRP also recorded the information required to support those functions. At this early stage, there was a high level of user participation. The departmental IRP was developed jointly by business analysts from

Information Systems and departmental members. As a result, there was acceptance that the plan truly represented the needs of the department.

The individual Information Resource Plans were then brought together to develop a corporate functional plan and a data model. The data needs of the departments were accumulated and grouped. The data model, therefore, represented the corporate need for information, and individual departments could clearly identify their component of that model. The data was viewed as a corporate resource and was combined so that any one grouping could serve the needs of a multiplicity of departments.

The data model identified some thirteen different logical groupings of information. Four of these contained the land related data.

- **Topographic**
- **Cadastral**
- **Structures**
- **Engineering**

The **Topographic Database** is a record of the spatial and attribute information which describes the geography upon which the City is built.

The **Cadastral Database** consists of all the information the municipality needs to have about individual parcels of property. It consists of both graphic representations of those parcels and attribute information identifying ownership, residency, easements, setbacks, zoning and a myriad of other data.

The **Structures Database**, like the Cadastral record, consists of both mapping and attribute information, but this time

recording the individual man-made structures that are resident on the cadastral parcels.

The **Engineering Database** includes all features within the road allowance. It



"...Start discussion early with all departments affected..."

includes both underground and aboveground features and again consists of an ability to display both a graphic component and an attribute file.

The GIS project consists of modeling, building and populating these four databases. It further consists of the development of computer based applications to both use the information and maintain the files. Studies have indicated that 75-80 percent of the information needs of a municipality can be serviced through land related information. Expressed in other words, three quarters of the information needs can be provided from the Topographic, Cadastral, Structures and/or Engineering Databases.

To model and build these structures, requires a high level of user participation. The team clearly has to define all of the data required to support its business functions and to identify the relationships of that data. Identifying the information required regarding the geography, the individual parcels of property, the buildings

and the municipal infrastructure is a time consuming task. The only way to ensure that all entities and their associated attributes are identified and that the data is sufficient to meet today's needs as well as tomorrow's business functions, is to demand a high level of user involvement. The GIS technical team should not interpret the data needs of the municipality rather, it should establish a framework, or an environment, to encourage the user to identify those data and their associated relationships.

In Scarborough's case there is a conviction that if the system were going to meet the users' needs, the user had to be involved at all stages of the program. There is commitment to this philosophy. For example, the modeling of the Cadastral Database, a record of the individual parcels of property that make up the municipality, was accomplished by a Business Analyst representing Information Systems, a GIS Analyst, a Systems Analyst and user-department representatives. Departments, such as Planning, Buildings, Economic Development, Fire and Public Works assigned key individuals for one half day, five days per week, for a five to six week period. Obviously, this is a considerable allocation of resources, but none-the-less, clearly demonstrates the commitment of the municipality. The point is, the user needs to be more than a passive participant. When the system is eventually built and installed, the developers will go about some new task but the user will live with the results.

The development and implementation of Geographic Information Systems has experienced many growing pains during the last ten to fifteen years. In the early stages of its evolution the concern was technology. The hardware and software could not meet the expectations and was very expensive. Today hardware and software is no longer a technical problem and is no longer the significant cost component for the development of a municipal GIS. Technically, it can be done. Whether GIS is effectively implemented will depend on people and their level of participation. Planners, like any other professional in the municipality, should not leave the development of this set of sophisticated systems to others. If the ultimate system is to meet the needs of the Planning Department, their active participation is mandatory.

*Sandra Crutcher is the Information Systems Co-ordinator in the City of Scarborough's Planning and Buildings Department.  
Thomas A. Galley is the Director of Administration in Scarborough's Public Works*

*Department and is currently on special assignment co-ordinating Scarborough's \$16 million GIS development program. He is the author of three text books and numerous articles.*



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## NEW PLANNING FOR ONTARIO

The Commission on Planning and Development Reform, headed by John Sewell, Toby Vigod and George Penfold, wants your views on draft planning goals published in the November December 1991 issue of the newsletter NEW PLANNING NEWS. All OPPI members are on the Commission's mailing list. Public forums are scheduled for January 1992 and will be held from 1 - 4 pm & 7 - 9 pm in the following locations:

### JANUARY

- 14th Burlington (City Hall)
- 15th Thorold (Regional Offices)
- 16th London (Middlesex County Bldg.)
- 21st Ottawa (R.A. Centre)
- 22nd Kingston (Donald Gordon Centre)
- 23rd Cobourg (Victoria Hall)
- 27th Thunder Bay (MGS Bldg.)
- 28th Sault Ste. Marie (City Hall)
- 30th Owen Sound (Bayshore Comm. Cntr.)

Additional public forums will be held across the province in May/June 1992, October November 1992, and early 1993.

Written submissions are always welcome.

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# THE BEAUTY OF MUSKOKA ... ANOTHER SUCCESSFUL OPPI CONFERENCE

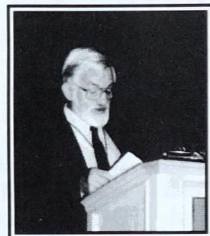
The incredible plethora of colours and clean crispness of the air welcomed some 330 Ontario planners to this year's OPPI conference at the Deerhurst Resort in Huntsville in early October—



Peter Neice, Conference Chairperson, and Bob Lehman, Program Coordinator

Chair of the Royal Commission on the Future of the Toronto Waterfront. His comments established the tone for the conference theme of "Competing Spaces—Competing Choices." The session on "New Planning for Ontario"

was well attended as many planners were anxious to hear John Sewell and George Penfold discuss their ideas about how the Commission intends to



Max Bacon, Proctor & Redfern

the height of the fall season. The program of events was well received and offered conference attendees an interesting cross section of in-house and mobile workshops, special plenary sessions and an opportunity to become better acquainted with both old and new colleagues and friends.

A highlight of the conference was an engaging viewpoint of "Ecosystem Planning" presented by David Crombie,

proceed.

The Tuesday morning plenary session brought together five respected planners with unique perspectives on the history of planning in Ontario over the past five decades. Diana Santo, a planner and presently a Member of the Ontario Municipal Board wrapped up the session



Diana Jardine, Ministry of Municipal Affairs

with a challenge to those present to redefine and reassert their role as professional planners in the 1990s.

Peter Neice, Director of Development Services for the Town of Bracebridge and the 1991 Conference Chairperson, was



John Sewell and George Penfold

pleased with the enormous support provided by local planners in organizing the conference. "It's difficult to appreciate the amount of time and energy required in organizing such an important event ... it is particularly gratifying when it is a success—a reflection of the incredible dedication



Judi Brouse (left) at the registration desk with Jim Dymont

and work of the Conference Planning Committee members." Joe Sniezek, OPPI President recognized the hard work of the volunteers associated

with the Conference and presented Peter Neice with a token of appreciation on behalf of the membership at the gala dinner. OPPI members extend their thanks to the 1991 Conference Organizing Committee, whose members included

Peter Neice (Chairperson), Town of Bracebridge

Judi Brouse (Treasurer), District of Muskoka

Wes Crown, Township of Tay

Jim Green, District of Muskoka

Bruce Hall, Lehman & Associates

Rich Hunter, Ross Raymond & Associates

Mark Jepp, Rose Corporation

Bob Lehman, Lehman & Associates

Dave Parks, Township of Georgian Bay

Terry Sararas, Town of Huntsville

Wayne Simpson, Evanco Development Co.

Jeff Celentano (OPPI Liaison), City of North Bay

Patrick McNeill (OPPI Office Liaison)

Special recognition is also extended to June Gammel, Town of Huntsville and Debbie Crowder, District of Muskoka who assisted the Committee in conference registration and accounting.

This year's conference was strongly supported by various planning consulting firms and other corporate bodies, such as Canada Post. Each provided financial sponsorship for the conference sessions and other activities. Special thanks is extended to the Ministry of Municipal Affairs who sponsored Monday evening's gala dinner. Assistant Deputy Minister Brian Riddell was present and brought best wishes on behalf of the Minister of

Municipal Affairs and the Province.

In addition to the conference sessions and workshops, the conference registrants enjoyed a vast array of activities including a golf tournament, tennis and squash challenges, and numerous other recreational opportunities. Whether it was taking a



Diana Santo—a vision for the 90s

pleasant walk throughout the magnificent properties of the Deerhurst Resort, participating in the "Colour Tour" or cruising Lake Muskoka on the "Segwun", everyone enjoyed their visit to Muskoka! See you next year in London.

A panoramic view of the OPPI Conference luncheon held on Monday, October 7, 1991



## HIGHLIGHTS OF THE 1991 ANNUAL GENERAL MEETING

OPPI held its 1991 Annual General Meeting on October 9 in Huntsville. Several resolutions were adopted:

- i. A resolution to take a proactive approach in preparing a response and position paper(s) to the "Commission on Planning and Development Reform in Ontario," and that a special committee be established to take on



MNR's display on Lake Ecosystems

this initiative. Since the AGM, OPPI Council established a committee to take a strong and proactive approach to the Commission. Tony Usher has been appointed the Committee's Chairperson. The first step will involve organizing forums across the province to provide maximum input from the membership.

- ii. In response to the "Discussion Paper—CIP and OPPI Relationship," there was a resolution to reaffirm the relationship between the two Institutes and that CIP "should be whole-heartedly supported as representing the interests of

Waiting for one of the Mobile Workshops



Professional Planners in Canada." The resolution also included a provision directing Council to inform the entire membership within three months of the AGM of the views expressed from the floor, the issues raised by OPPI with the CIP National Council and the response of the CIP Council, and, if necessary, call a Special General Meeting to discuss the issues.

- iii. The President reported on the status of the draft Private Member's Bill (Professional Designation) and noted that OPPI was now in a position to proceed with the formalities of presenting the Bill to the Legislative Committee for consideration. A resolution was adopted that the membership support the preferred designation of "Professional Planner" or as an alternative, "Registered Professional Planner" for the purposes of proceeding with the Private Member's Bill.
- iv. Other resolutions adopted at the Annual General Meeting included the formation of a Committee to review the "Membership Process"; a resolution directing Council to investigate, in cooperation with CIP, the implications of the proposal to amend the Canadian Charter of Rights to guarantee property rights; and a resolution to review the OPPI Code of Conduct in relationship to the CIP Code to ensure that both codes are similar in content.

All in attendance at the AGM agreed that the discussions were thought provoking and constructive. Prior to adjourning a resolution confirming the membership's confidence in OPPI Council. OPPI's desire to continue to evolve as an effective and strong operation leading to a better Institute was strongly supported. For further information regarding the proceedings of the 1991 Annual General Meeting, please contact the OPPI office.

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### TONY USHER NEW OPPI PRESIDENT-ELECT

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Tony Usher is OPPI's President-Elect. He holds the position until next year's Annual General

Meeting, when he will assume the role of President for a two-year term. Tony operates his own planning consultant firm, Anthony Usher, Planning Consultant of Toronto. OPPI Council also welcomes the new members of Council: Bruce Curtis, Southwest District Representative (employed by the City of London); Andrew Hope, Eastern District Representative (employed by the Regional Municipality of Ottawa-



Session on "How to Prepare for Exam 'B'"

Carleton); and Les Fincham (employed by the Ministry of Municipal Affairs) and Caroline McInnis (employed by the Township of East Gwillimbury), both Central District Representatives.

The OPPI Council for the 1991-92 term is as follows

*Joe Sniezek, President*

*Tony Usher, President-Elect*

*Gerald Carrothers, Vice President*

*(Membership)*

*Ruth Ferguson, Secretary*

*Robert Maddocks, Treasurer*

*Barbara Dembek, National Representative*

*Jeff Celentano, Northern District*

*Representative*

*Bruce Curtis, Southwest District*

*Representative*

*Les Fincham, Central District*

*Representative*

*Caroline McInnis, Central District*

*Representative*

*Andrew Hope, Eastern District*

*Representative*

*Todd Stocks, Student Representative*

Watch for the next edition of the Journal which will include a profile of the OPPI Council.

# OPPI PRESENTS THE 1991 COMMUNICATIONS AWARDS

A great deal of excitement was in the air at the award presentation ceremony held at this year's OPPI Conference in Huntsville on October 7, 1991. Presenting the awards was Joe Sniezek, OPPI President and Victor Cote, Chairperson of the Awards Jury.

The awards program was established to recognize the efforts of planners in terms of community planning, ideas and concepts to the public. The judges evaluated the entries based on visual appeal, clarity of issues and presentation, soundness of planning concepts, strength



Joe Sniezek (center), OPPI President presented the Undergraduate Scholarship to Tracey Deeks and the Graduate Scholarship to Hugh Simpson, both of the University of Waterloo.

of conclusions and analysis, creativity and legibility.

In the "Written Report" category there



1991 OPPI Communication Award Recipients Accepting Communication Awards presented at the OPPI Conference were (left to right) John Genest, Malone Given Parsons; Lindy Goodman, Berridge Lewinberg Greenburg Ltd.; Gary Goodman, City of Burlington; Mary Tasi Wood, Tasi Wood & Associates and Jim Miller, Township of Pittsburgh.

was a tie. The winners were The Oshawa Harbour Study (Malone Given Parsons Ltd., Hotson-Bakker Architects, Gartner Lee Ltd., LeisurePlan International Ltd., and Sabourin Kimble & Associates Ltd.) The study demonstrates an ability to translate complex issues into thought provoking recommendations, all in a user friendly manner; and the Rideau Community Plan—Township of Pittsburgh (Tasi Wood & Associates and the Township of Pittsburgh)—the jury was impressed with the study's creativity and strength in demonstrating planning concepts, analysis and conclusions.

In the "Open House/Public Participation" category the award was presented to "The City of Burlington Housing Intensification Study: Public Participation Program" (A.J. Diamond, Donald Schmidt and Company, Architects, Cablenet Productions and the City of Burlington)—the study presented an excellent and comprehensive approach to involving the public in a political "hot potato."

The "Journalism Award" was presented for the first time to Joe Berridge for his article Urban jam in a rich confection which was published in the Globe and Mail. The article questions the wisdom of urban sprawl and its enviable conclusion—traffic congestion. The author proposes that traffic capacity be a secondary goal of planning and that we begin an open dialogue on metropolitan growth and congestion.

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## PLAN NOW TO ATTEND ... 1992

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Mark your calendar for June 21–24, 1992 when the OPPI will combine its effort with the Canadian Institute of Planners to host the National Conference in London, Ontario. The 1992 conference theme "The Challenges Ahead—Future Trends and Issues" is forward looking and intended to



Ross Raymond

provoke thought on how to approach our current and upcoming planning problems. The Conference will provide delegates with worthwhile and practical solutions to address the problems and issues of the day.

The keynote plenary speaker for the conference will be Dr. Peter Hall, noted author and Director of the Institute of Urban and Regional

Development, University of Berkeley. Dr. Hall has extensive international experience, has written and taught about the history of planning, and is interested in its future directions for the

practitioner and theorist.

Within the general theme are several specific streams. These include Housing Tomorrow's Population; Effective Planning and Management Strategies; The Ever changing Face of Commercial Land Use; Rural and Small Town Planning—Coping with Change; Protecting the Environment

for Tomorrow; and Planning for the Unwanted (People and Land Uses). Selected speakers with different backgrounds will bring alternative points of view on these issues.

The conference location is the beautiful Forest City of London. With a past steeped in tradition, London is a vibrant city which offers much to its visitors. On the social agenda, the conference planning committee have already lined up Dave Broadfoot's Comedy Crusade. Many other activities are being planned.

So, don't forget to mark your calendar. For further information, to reserve exhibit display space or to arrange for corporate sponsorship, please contact the City of London Planning Division at (519) 661-4980. The National Conference Planning Committee consists of the following: Bruce Curtis, Chairperson; Rob Panzer, Social Co-ordinator; Victor Cote, Financial Co-ordinator; and William Pol and Jerry Tikalsky, Logistics Co-ordinators and Displays. The Conference Planning Committee welcomes your inquiries.

Photo credit:  
Randy French, Regional Planner, Ministry of Natural Resources, Huntsville, Ontario

## THE CLUSTERING OF AMERICA

Michael J. Weiss, Harper and Row, 1991, 416 pp.  
review by Jim Helik

**D**id you ever wonder how usage of packaged cold cuts, meat tenderizers and domestic champagne can be of interest to planners? The Clustering of America (subtitled: A vivid portrait of the nation's 40 neighbourhood types—their values, lifestyles and eccentricities) uses these and other factors to analyze society to a level of detail that more traditional analysis of demographics and socioeconomic factors cannot always match.

Data analyzed in the book comes from the PRIZM system (Potential Rating Index for Zip Markets), the earliest system which matched postal codes with census data and consumer surveys, and which has spawned similar market segmentation systems in both Canada and the United States. Many of the 40 neighbourhood types which were distilled from this analysis are familiar, including:

Money and Brains: Posh big-city enclaves of townhouses, condominiums and apartments

Levittown, U.S.A.: Aging post-World War II tract subdivisions

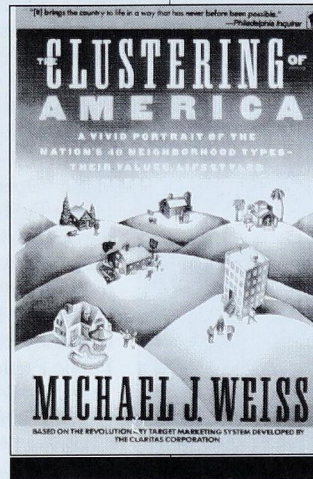
Rank and file: Older, blue-collar industrial suburbs

Golden Ponds: Rustic cottage communities located near the coasts, in the mountains, or alongside lakes

Beyond the quotable names for these clusters lies a wealth of information, from demographics of the people who live in those areas to magazines/newspapers read and television shows watched. In addition, Weiss supplements this extensive data with visits to over 75 representative communities and interviews with the people living and working in these clusters. As he says:

"I wanted to know if Young Influentials really do sip Perrier while watching 'St. Elsewhere' after a tough workout at the club. And do Back Country Folks actually chew tobacco and keep chain saws in their garages? I wanted to know why these lifestyles developed and why they endure."

Not just a mere narrative, the book draws out emerging trends and common elements in each of the clusters. One such trend is upward mobility, or "cluster climbing". While a progression up the economic and social ladders is well understood, Weiss also focuses on a less visible cluster: the "Single City Blues". These "anti-Yuppies" share the same demographic criterion (typically 30-year-old baby boomers who are college-educated) yet are otherwise very different from their status-conscious colleagues. With predominantly lower incomes and standards of living, "neighbourhood status is measured not in take-home pay, but in intellectual awareness expressed by high subscription rate to magazines like Harper's, (and) Atlantic Monthly. . . A greater than



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average number of residents also belong to environmental groups and publish magazine articles". Compared to yuppies, they are twice as likely to travel by bus, but only one-third as likely to own an imported car. Here is at least one instance where non-census data is of great use in understanding neighbourhood characteristics that might otherwise be overlooked.

Another trend examined are changing patterns of work. Of interest to planners is an examination of the alterations to social clusters in Spring Hill, Tennessee, when General Motors chose the town as the site for a "\$3.5 billion Saturn car factory, and nearby Smyrna, Tennessee with its Nissan Motor's truck assembly plant. While there were obvious changes (including a new shopping centre, a tanning spa and swimming pool dealership), the basic way of life traits remained remarkably consistent. As the local mayor stated, "Nissan hasn't changed our lifestyle, only upgraded our income."

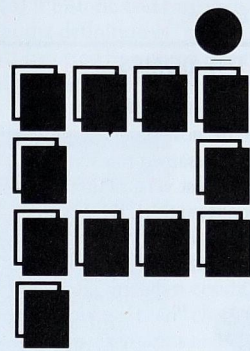
One of the most fascinating sections of the book is the last 150 pages, where the 40 clusters are examined at a level of detail sufficient to "replace vague stereotypes with detailed images". Suburban neighbourhoods, for example, can fall into the older, upper middle class, empty-nester "Pools and Patios" category; the well-educated, upper middle class suburbs of the "Two More Rungs"; the first-time home-buying baby boomers in

the "Young Suburbs" and the blue collar, middle class "Blue Chip Blues". Each of these is described by demographics, lifestyle indices (appliances, cars driven) and other indices including food (whole wheat bread usage vs. frozen pizza), complete with typical existing neighbourhoods.

Michael Weiss has produced a book

that is a readable mix of raw data and descriptive journalism. Both the level of detail used to describe these clusters and the types of non-traditional data employed make this book worthwhile.

*Jim Helik is a consultant with Hemson Consulting Ltd.*



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# ATTACKING DEVELOPMENT CHARGES: BOMBS, BULLETS AND SCUDS

by Stanley B. Stein

Implementation of the Development Charges Act is now under way across the province. Many municipalities have enacted their new by-laws, and several are pending at the Ontario Municipal Board, awaiting hearings.

The new development charges are intended to replace the lot levies historically imposed by municipalities, usually at the time of subdivision approval, to fund capital works. Lot levies became a significant source of financing, but were unsupported by any clear legislation; they found tentative legal support under the Minister's usual condition of draft plan approval that owners enter into an agreement with the municipality on, regarding financial matters.

The new legislation and the by-laws, now flowing from it, institutionalize the collection of development charges in Ontario and provide a procedural framework for the preparation of supporting studies, the enactment of the by-laws, and front-ending agreements. Although the present Premier spoke against development charges when he was in opposition, the indications are that the legislation will remain in place. Development charge by-laws are therefore emerging in most municipalities as an accepted method of financing new infrastructure.

As the new development charge by-laws march forward for challenge at the Ontario Municipal Board, we can expect two general areas for attack. The airborne assault will be looking for the knock-out blows that undermine the philosophical approach of the study and the resultant by-

laws. The ground fire will be sniping at the details of the methodology, the population growth and other assumptions, and the nuts and bolts of the calculations, seeking to whittle away the numbers. A brief guide to the munitions follows:

## THE BOMBS

**1 Average vs. Marginal Cost** - The biggest issue in most Board hearings will be variations on the same philosophical contest of average cost versus marginal cost that was fought at length in *Re Wimpey and Regional Municipality of Durham* (1983) 15 OMBR 75

respecting Regional "hard" services. The statutory basis for new development charges is subsection 3(1) of the Act and the focus will

be on the underlined phrase below:

"3(1) The council of a municipality may pass by-laws for the imposition of development charges against land if the development of the land would increase the need for services and the development requires,..."

The question is, will development of lands covered by the by-law(s) increase the need for services, and if so:

(a) should the charges be imposed on a uniform, municipal-wide average cost basis, or on a service area basis with separate by-laws that address the separate costs of servicing smaller, identifiable, future growth areas?

(b) should there be some mix of by-laws that responds to both

approaches; e.g., an average cost by-law for soft services (e.g., libraries) because they are intended to be equally accessible to all residents, with separate area-specific by-laws for hard services (e.g., trunk sewers)?

## 2 Constitutional Issues

The issue currently being raised by the Ontario Home Builders Association focuses on whether a development charge is a direct tax within provincial jurisdiction, or an indirect tax

that is ultra vires. There are difficult legal issues involved in interpreting the new Act and development charges bylaws against the Constitution Act, 1867, including the fundamental question of whether development charges are indeed a tax. In the Ontario Municipal Board decision on procedural issues regarding the Region of Hamilton-Wentworth development charge by-law, it was argued that the notice requirements should be construed in favour of the payor, because it was a taxing statute. The Board held (at page 6) that "the Development Charges Act is not a taxing statute but a specific revenue generating statute confined to certain classes of development". As a result, the cases cited were not relevant. (OMB decision dated May 2, 1991, Files S900047 and S900029.)

It is obvious that the constitutional issue will also raise evidentiary problems. The extent to which development charges are absorbed by developers, or passed on to new home buyers or industrial/commercial tenants in higher rents is speculative, and many economists believe that it will vary with market conditions. If the issue is tested at a hearing, there will undoubtedly be competing "expert"

opinions  
Education  
development  
charges  
under

Part III of the Act are expected to face more complex attacks related to the historic separation of public and separate school boards and rights of property owners to select the system they wish to support.

## THE BULLETS

The bullets will snipe away at the details underpinning the development charge by-law, hoping to bring down a few numbers, and with luck, bring the whole process into such disrepute that it self-destructs in a forced repeal. The bullets will be homing in on these questions.

**J. ROSS RAYMOND, P. ENG., M.C.I.P.**  
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## 1. DEMAND SIDE

(a) How fragile is the population forecast crystal ball? Does it fall within the range of projections of other public or private agencies? Low forecasts generate fewer service needs and lower development charges. On the other hand, financing for some services may have economies of scale such that larger population growth can take place at a lower per capita cost. This requires careful analysis in each case.

(b) How is that population dispersed? Is there room for more low-cost infill in existing serviced areas? How much Class 1 agricultural land can really be justified for consumption under the Foodland Guidelines?

(c) What are the household occupancy rates? If they are projected to go down, then the number of net newcomers may drop, but overall the number of new units may still shift upwards. Since residential servicing requirements are likely to be analyzed on a per capita basis (not per household) the lower net population should result in lower service needs. The occupancy rates will also be relevant when the per capita analysis is translated into charges for single family, semidetached and apartment units.

(d) Should industrial/commercial charges be imposed on a per hectare or gross floor area basis? Arguably, there are both fixed and variable cost components to servicing industrial/commercial lands and perhaps some combination of the charge format is warranted; for example, by imposing a surcharge on larger buildings that exceed a specified coverage.

## 2. SUPPLY SIDE

(a) Are all the services proposed really necessary? Is the municipality using the development charges study to create a "wish list" of services that is unrealistic in terms of need or financial capability?

(b) What standards of service are being

applied—are the standards current or historic, or has the goldplating crew snuck aboard with a last-minute "similar expression of the intention of council" (see subsections 3(1) and (2) of O.Reg. 725/89)?

(c) Are the service areas technically sensible? Do the gravity collector sewers belong in the same bylaw that defines a water pressure district? Should there be more by-laws layered on to reflect different service areas?

(d) If historic costs are included, do they meet the definition of "capital cost"; i.e., costs incurred by a municipality "directly or under an agreement"? There may be a nice

legal question as to whether municipal works installed by a developer under a servicing or subdivision agreement as a condition of charges study to create a "wish list" of services that is unrealistic in terms of need or financial capability?

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definition of "capital cost"; i.e., costs incurred by a municipality "directly or under an agreement"? There may be a nice legal question as to whether municipal works installed by a developer under a servicing or

subdivision agreement as a condition of development were installed "indirectly" by a municipality "under an agreement".

(e) Are the growth-related components really "reasonably attributable" to the new growth? Have the growth-related components been properly separated from service upgrades?

(f) Is the costing realistic? What are the assumptions? Have reserves been brought in? Does the arithmetic for total cost calculations work out?

(g) Has there been a fair split between the residential and the industrial/commercial components? Is the municipality using its assessment ratio across the board, or should different services be split on different bases; e.g., should higher ratios of use be attributed to the residential component of growth for parks or recreation facilities?

## THE SCUDS

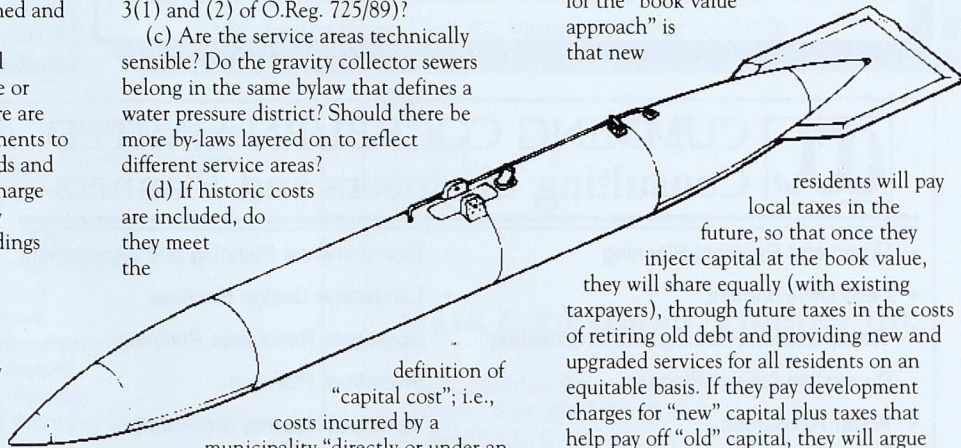
These are tricky shots, but arguable, with chances of success that, in this writer's opinion, are relatively modest.

**1** The "Country Club Theory" - An offshoot of the average/marginal cost argument may focus on the value of current versus new infrastructure. Are new residents being over-charged for new services? Should new residents only have to pay the current per capita value of the municipality's existing infrastructure; i.e., the existing per capita "book value" (like buying shares in a country club), or should they pay the true current (marginal) cost of providing services to enable "development of the land". The argument for the "book value approach" is that new

residents will pay local taxes in the future, so that once they inject capital at the book value, they will share equally (with existing taxpayers), through future taxes in the costs of retiring old debt and providing new and upgraded services for all residents on an equitable basis. If they pay development charges for "new" capital plus taxes that help pay off "old" capital, they will argue that they are being double-charged.

Proponents of the country club theory will likely encounter local Patriots who feel that their historic investment

**As the new development charge by-laws march forward for challenge at the Ontario Municipal Board, we can expect two general areas for attack. The airborne assault will be looking for the knock-out blows that undermine the philosophical approach of the study and the resultant by-laws. The ground fire will be sniping at the details of the methodology, the population growth and other assumptions, and the nuts and bolts of the calculations, seeking to whittle away the numbers.**



(through levies and taxes) in the current stock of infrastructure is theirs—and it is not for sale at historic costs. If a mid-course correction is needed, the Patriots will seal their airspace against newcomers seeking to infiltrate their town at bargain prices; they will argue that their future taxes are to retire debt for historic services or to upgrade those services—not to help

finance newcomers in the purchase of new, and therefore higher cost, services. After all, the Act does focus on “growth-related net capital cost” defined as being reasonably attributable to “the need for such net capital cost that results or will result from development in all or a defined part of the municipality”. This

sounds like newcomers have to pay their own way. In addition, some municipalities are adjusting their development charges downwards to offset the potential double-charge. The “country club” proponents may find themselves riding scuds as they approach this barrage of local Patriotic fire.

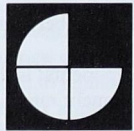
**2 Procedural Fairness** - Has there been adequate opportunity for public input and participation, including proper notice for public meetings with adequate information “to enable the public to understand generally the development charges proposal”? The first development charges case to come before the Ontario Municipal Board is testing these issues respecting the by-laws of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth. However, the contrary argument that won the Board hearing is that the Act “occupies the field of fairness” and provides a complete code of procedure. The Board’s view of this matter is presently under appeal to the Divisional Court.

The amount of information required by subsection 4(1)(c) of the Act to be provided to the public is qualified by “generally”. This implies that summaries will likely be adequate.

**3 Overall Perceived Fairness** - Basically, this argument is that the new development charge is unreasonably high, that it will discourage growth, prevent affordable housing, send industry scurrying (not shuffling) to Buffalo, and shoot office

rents to new celestial heights. Comparisons will be made to more reasonable charges in neighbouring municipalities.

Particularly in today’s economy, council must have been dreaming (to be kind) to think that anyone could pay the new charges and remain competitive. This argument and its variants can be made with gusto and other suitable emotions, but the cool, hard



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monotones of engineering analysis and costing will still have to be overcome. It will probably be left up to council, without Ontario Municipal Board interference, to decide the extent to which the new services will be financed by the old techniques of assessment, debentures, and dwindling grants.

**4 Transitional Fairness** - Here the issue is what to do about all those folks who thought they had a final deal when they paid their levies at the time of subdivision approval, but have not yet taken out building permits, thereby leaving them open to the new charges. The Act does provide for credits in Section 14, and subsection 14(5) even allows an agreement that conflicts with the provisions of a development charge bylaw to prevail. Unfortunately, few historic agreements are likely to include far-sighted clauses that can be interpreted as overriding a development charge by-law that is expressly authorized by the Act to apply at the building permit stage to allow those who have paid levies under agreements to be treated as exempt since the deal at the time it was struck reflected the municipality's needs for services generated by the new development.

Other municipalities may not be so kind. They must give the required credit under subsection 14(1) or (2) if a charge was paid or services were provided under a subdivision agreement, but credits for dollars paid or services provided under "servicing" or "development" agreements seem to be purely discretionary.

We can therefore expect a complete spectrum of transition arrangements, generally in Council resolutions outside the by-law itself. With no express authority in the Act for anything but the credits in Section 14, the Board is not likely to interfere and grant more relief; there is simply no jurisdiction to do so.

#### CONCLUSION

Unlike a zoning by-law, the effect of a development charge by-law is not suspended by appeals: it comes into force on the date it is passed, or the (later) date specified in the by-law. If the Ontario Municipal Board orders the repeal of the

by-law or a reduction in the charges, the municipality must provide an appropriate refund of amounts paid. The historic restraint of not being able to proceed with a project pending the appeal has been removed, and there is a financial incentive to bring appeals.

When the battles on the merits start, there will be great interest in the issues, the arguments, and like most good fights, the results.

*Stanley Stein is a Partner with Osler, Hoskin & Harcourt. He is a regular contributor to the Journal.*

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## EASTERN

by David Kriger

Who's that again? Yours truly has stepped in (volunteered?) to bring all that's new and fit to print from Eastern Ontario. Bill Perry and I are the new co-editors of Vibrations, the District's fabled quarterly newsletter. Bill is Research and Special Projects Planner with the Regional Municipality of Ottawa-Carleton (RMOC) and, should it be known, a master Corel artiste. Me, well, you know who I am. Hats off to Bob Pekarchuk who is hanging up his keyboard after ten years on the job as editor of Vibrations and this column.

Now down to business, EOD held a joint conference with the APA's Upstate New York chapter, 12-13 September in Alexandria Bay, New York—hopefully the first annual of many more. Speakers from both sides of the border addressed topics on the conference theme of "Community Planning in the 90s". Keynote speaker was Anton Nelleson, a Princeton, NJ consultant and academic. He spoke on the topic of the Visual Preference Survey, a tool which can be used to illustrate and compare different urban design perspectives. By all accounts, the conference was an overwhelming success. Kudos to the conference organizers.

A new Executive was elected at the EOD's

Annual General Meeting, held at the Conference. Andrew Hope (RMOC) takes over as Chair; Tony Sroka (City of Ottawa) is Vice-Chair; Derek Waltho (City of Ottawa) continues on as Treasurer; and Jim Kearns (City of Vanier) is Secretary. Director, Nominating is Patrick Déoux (HMD Consulting Group Ltd.) Ron Clarke (Brethour Research) continues on as Director, Program Events, and Nigel Brereton (RMOC) continues as Co-Chair, OPPI Membership. Yours truly is responsible for Publications. A tip of the EOD hat to retiring Executive members and directors for a job well done: George Vadeboncoeur (City of Gloucester); Beth Hemens (HMD Consulting Group Ltd.) and Bob Pekarchuk.

Also in the news: Greg Mignon has joined Novatec as Senior Planner. He was formerly with GM Wright and Associates ... Tim Chadder, formerly a planner with Kanata, is now Planner for Township of West Carleton ... Susan O'Brien moves from Tasi Wood and Associates to replace Tim at Kanata ... Karen Curry has become the Director of Planning for the Township of Cumberland. Formerly, Karen was with Cumming Cockburn Ltd. ... Daphne Hope, formerly Manager of Planning with Proctor and Redfern's Ottawa office, is now the City of Ottawa's Cycling Coordinator ... John Morand is the new CAO of the Town of Markham. He moves from his position as CAO of the

City of Gloucester.

*David Kriger is the Journal's new Eastern Region editor.*



## NORTHERN

The ninth annual Northwestern Ontario Planning Conference was held on June 20 and 21, 1991 at the Valhalla Inn in Thunder Bay with approximately 150 people attending from throughout Northwestern Ontario. The Conference was organized and sponsored by the Thunder Bay Regional Office of the Field Management Branch, Ministry of Municipal Affairs.

Presentations covered such planning issues as "Self-Help Techniques for Small Community Development", "Fisheries Protection in Official Plans", "Local Government Studies" and "Land Severance versus the Subdivision Process" (presented by Mr. Joe Sniezek, President, Ontario Professional Planning Institute).

Other topics of regional significance and importance included "Native Issues—Self Government", and "Recycling".

The keynote session on "Outshopping" was a presentation given by John Winter, President of John Winter Associates Ltd. and was sponsored by OPPI. John Winter, a well known management consultant, drew the basis for his presentation largely from

research his firm has undertaken in Niagara, Windsor-Essex, Toronto, Fort Frances and Thunder Bay.

His discussion outlined the nature of the issue and the recent trend toward Ontarians being willing to travel further and more frequently to shop in the United States. This had led to an exponential increase, within the last year, in sales leakage from Ontario. All Ontario cities have effectively become "border communities" according to Mr. Winter.

The presentation focused on the complex nature of the problem and the wide spectrum of factors contributing to the current situation. Aspects of the discussion most relevant to planners included the impacts of the planning and development process on cross-border shopping, an levels of municipal service and the impact of their associated costs.

With respect to the planning and development process, Mr. Winter pointed out that development in Canada is far more restrictive and controlled than in the United States. In Canada, the approach generally taken by planners (and generally supported by the OMB) is a reasonably cautious one geared at protecting existing planned shopping environments. By contrast, the more "laissez faire" approach taken to development across the border can lead to overbuilt retail environments. Oversupply of retail opportunities may have serious impacts on vacancy rates, but it also results in

significantly lower rents.

Municipal school and business taxes are considerably higher in Ontario. John Winter pointed to examples where Ontario retailers pay five times more tax than their American competitors. He suggested, however, that we receive more in return. It was argued that generally police and fire protection in Ontario is superior; we benefit from better water and sewer systems, superior road maintenance programs and a higher level of municipal service overall. A challenge we face lies in the fact that the value of higher levels of municipal service is not directly exportable and, as Mr. Winter said, when times get tough, Ontarians look for cheaper turkeys and tend to forget about their great drains.

The presentation provoked considerable food for thought for municipal officials, staff and town planners alike. In fact, the presentation had something to offer anyone regardless of their point of interest; if for no other reason than we all shop.

Once again, thank you Joe Sniezek and OPPI for your support in helping make the 1991 Northwestern Ontario Planning Conference a success!

*Prepared by Kevin DesRosiers and Mark Smith*



CENTRAL

In October, some 720 planning development professionals gathered for the University of Waterloo Planning School Alumni Dinner in Toronto. The dinner was held to raise the profile and funds for the University's planner-in-residence program. This year's planner-in-residence is John Sweeney, former Minister of Housing and Municipal Affairs.

It is hoped that the dinner will become an annual event and set the platform for establishing a Toronto Chapter of the University of Waterloo Planning School Alumni Association.

## THE ULTIMATE DOWNTOWN REVITALIZATION STRATEGY

*by Edward N. Starr*

This is one of these rare stories that undoubtedly happens once in the lifetime of every planner.

Those of you who have become involved in Downtown Revitalization, when asked the question, "What would you do with our Downtown if given the opportunity?" will no doubt have responded, or at least thought on more than one occasion, "burn it to the ground and start over again!"

Well, I am pleased to announce that The Starr Group, in association with Juris Berzins, have gone one further. We recently

experienced this very scenario unfolding beneath our eyes on a beautiful summer night in Ingersoll, Ontario.

The setting could not have been more appropriate. We had just started to prepare a comprehensive plan for the revitalization of the downtown. In order to receive the public's input to the plan, we had called a public information meeting at 7:30 p.m. in the new Community Centre on the outskirts of the Downtown. We arrived in time for a pleasant dinner with the Town Administrator and awaited the start of the meeting. The night was clear and the atmosphere relaxed and inviting.

Just as we were preparing to leave the restaurant and head for the meeting, an enormous explosion rocked the Downtown. Within minutes, thick black smoke enveloped the entire area. Firetrucks wheeled in from all directions. Merchants and interested residents heading toward our meeting did an immediate about-face and ran toward the Downtown. We watched in amazement as the very heart of the core disappeared before our eyes.

What to do? Press on with the meeting, of course. We had an agenda to get through.

Needless to say, the meeting was not particularly well attended. Practically every line on our maps and sketches changed as we spoke. People didn't know whether to laugh at the irony of it all, or cry at the loss (fortunately nobody was

physically injured).

By the end of the meeting, people had calmed down to the point where we realized we had just been handed the ultimate revitalization challenge. We rescheduled the meeting for two weeks later and had a wonderfully productive session. Suggestions continue to pour in daily.

Our plan is just nearing completion. Internally, we call it the Phoenix Plan—a downtown rising from the ashes. Everyone in Town has pitched in marvelously to help those who suffered losses in the fire and to work with us on solutions for the area. We are all optimistic that the experience has served to bring the community a little closer and to heighten the commitment to revitalization.

*Edward Starr is President of The Starr Group.*

The Town of Markham announced the hiring of urban planners Andres Duany and Elizabeth Plater-Zyberk, to prepare the Master Plan for the 9th Line Study Area. Mr. Duany and Ms. Plater-Zyberk are in partnership with Walker, Wright, Young Associates Ltd.

The 9th Line Study Area is an 800-acre area east of the 9th Line adjoining Highway 7 in Markham. It is being planned as an innovative community with an affordable housing component. Approximately 650 acres of the area presently belong to the Government of Ontario and 150 acres are privately owned.

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## FIRST CLASS

*continued from page 7*

client groups on planning matters, despite the fact they may have been "practicing" for 8, 10, 15 years? Perhaps we will require that all planning application forms (O.P., Zoning, Severances, Variances, Subdivisions) must be signed by an accredited or "registered" planner before being accepted and processed. What can possible be gained or served by such arrogant insistence? We seem to be dwelling on the process rather than evaluating the merits of the proposal or assessing the environmental parameters of a particular initiative.

If poor performance or poor representation by non-members is the problem, I fail to see how registration will resolve the situation. I cannot identify a definitive body of knowledge that only we as planners can contribute to or participate in. In my meagre experience I have witnessed architects, engineers and lawyers participate in the process and coordinate the input from others, even "planners", in advising councils and other client groups on an appropriate course of action. Oddly

enough, the Planning Act, 1983 is structured to ensure public, political and "professional" input. I wonder if we are attempting to secure a cure without a clear understanding of the symptoms.

### 3. OPPI/CIP RELATIONSHIP

There appears to be a perception that a real problem exists which must be rectified. I say if something is not broken why fix it, unless the goal is to weaken it. I have always considered it an honour and privilege to belong to the "Canadian Institute of Planners". As for the OPPI, well I work in Ontario so I belong to the Ontario chapter of that institute. Why are we destroying our own credibility by projecting disorganization to the public and political processes within which we all work?

### CONCLUSION

I believe we should and indeed must discuss such issues but I do hope that good, sound, quality common sense remains as the porthole to ensure whatever vision our "governing" body has remains at the

helm and that the "policing" and state-of-the-art process manipulation gives way to a discussion of the real challenges and issues facing society and the diverse capabilities of CIP.

*Kennedy L. Self, MCIP*

### TIMELY COMMENTS FROM DIANE SANTO

The organizers of the 1991 conference are to be commended for a well-organized and enjoyable event.

The highlight I believe was the presentation on Tuesday morning which traced the history of planning in Ontario for the last four decades.

However, it was Diana Santo speaking about our future in the 90's who provided a message which I believe should be made available to all members of OPPI. Her concerns about the role of the Ministry of Municipal Affairs, the use of jargon and the ethical conduct of some members of the profession are, in my view, very timely.

*Elizabeth Howson.*

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