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After careful consideration, the jury unanimously decided not to award a submission in this category.

On behalf of OPPI Council, we would like to thank those who served on the 2016 Excellence in Planning Awards Jury: Michael Roschlau, Rory Baksh, RPP, Kathryn Dewar, RPP, Lee Anne Doyle, RPP, Paul Ferris, Steven Heuchert, RPP, Ian Lord, Hon Lu, RPP, Ruth Marland, RPP, Markus Moos, RPP, Kevin Stolarick, Chris Tyrrell, RPP, Heather Watt, RPP, David Wood. We couldn't do it without you!

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SYMPOSIUM

HEALTHY COMMUNITIES & PLANNING FOR THE PUBLIC REALM

Transformative Community Dialogue

Engaging through Circle

By Jennifer Ball, RPP & Wayne Caldwell, RPP

The Circle is neither a panacea nor a magic wand that makes social problems suddenly disappear. It is more like a form of social technology that enables us to tap capacities for wisdom, collective support, and creativity that lie dormant within us.

~ Dr. Carolyn Boyes-Watson

Circle is a dialogue process unlike any other. It is powerful beyond our experience as a fundamentally different way of being and engaging. This article will give you a sense of what Circle looks like—its underlying principles and structural elements. But, unless you sit in a Circle and experience it, you will not be able to fully appreciate the power of this tool and its potential for transformation.

Circle is unlike other facilitation tools because it comes from a very different source. The Circle process is based on the indigenous practice of community members sitting together in a Circle to discuss important issues. It is based on a principle of inclusivity and, in this context, anyone with an interest in an issue is welcome to participate in the Circle.

So Circle is in essence a dialogue process in which everyone has opportunity to speak. Regulated by the use of a talking piece—a physical object passed consecutively from person to person—Circle is spacious form of conversation in which everyone is deemed equal, has voice and contributes to the collective wisdom. As such, Circle is a powerful form of direct democracy. It is a tool that creates the space to hear diverse voices, sustain relationships, and work together to build communities.

Circle is especially useful when we need to have important but often difficult conversations, be it to explore issues, hear different perspectives or resolve open conflict. Circle is currently being used in a wide range of settings. These include restorative justice contexts in some criminal justice systems—for sentencing, for victim/offender reconciliation, the reintegration of people from prison back

into community, as well as staff conflicts in the prison—and organizations working with street and gang involved youth. Schools and universities are using Circle in the classroom for teaching, as well as a restorative approach to discipline. Churches/religious communities, municipal planning departments and businesses are also using Circle for community engagement, conflict management and team building.

Circle is a robust, versatile and extremely effective process for engaging people, working through challenging issues, making decisions and developing plans by consensus for the way forward.

Underlying principles of Circle

Underlying the practice of Circle are certain fundamental principles. These inform the process and its application. For many of us, these principles are part of our ongoing learning, or rather unlearning, from the cultures—both personal and professional—in which we have been socialized.

Based on a recognition of the profound interconnectedness of all things, Circle requires that no issue or person be ignored, left behind or side-lined without having an impact on others. This has significant implications for planning approaches to community engagement.

The inherent value of relationships as the basis of community and any sustainable action is another principle. Relationships are the container that holds conflict. Thus a process like Circle, which first focuses on building relationships, is building the capacity of people to work together and to manage conflict.

Another principle of Circle is shared leadership and with it comes shared responsibility, both for the process and the outcome. While someone will inevitably provide leadership in initiating the Circle and introducing participants to the process, this person has a much less directive role than a conventional facilitator and is constantly aware of pushing power back to the group so that its members take ownership of the process and outcome.

Circle recognizes the importance of collective wisdom; there is something greater than the sum of the parts. Everyone, through his or her lived experience, has a contribution to make to the whole. No one person or small



Jennifer Ball



Wayne Caldwell

group of experts can see the bigger picture nor imagine all the possibilities. Diverse perspectives are needed. In Circle each person's input is valued and is considered to be an important contribution.

And finally, Circle is guided by a principle of balance¹. The four components of the Circle process are getting acquainted, building understanding and trust, addressing issues and visions and developing a plan of action. Each of these activities is of equal importance and needs to be given adequate time in the process. In essence this means that an equal amount of time must be given to building relationships as to working on the issues and possible solutions. For most professionals this is counter intuitive. Yet it has been demonstrated that solutions and plans that come out of such a process are often better and have greater buy-in than those that result from processes where minimal time is spent on introductions.

Structural elements of Circle

There are several key structural elements to consider in organizing and leading a Circle. The first is simple. The seating is in the shape of a circle, ideally with no desks or tables in the middle.

In the middle is a centrepiece that provides a focal point and has relevance or meaning to the group or the topic under discussion. Usually items are placed on some fabric on the floor in the centre. A bowl of water or some photos of the lake could hold meaning for a discussion on water quality. Toy ambulances, fire trucks, police cars and EMS personnel could provide focus for a conversation on emergency services. Other examples, depending on the discussion, might be an official plan, symbols of agriculture (e.g., soil, seed, fertilizer, toy tractor, a loonie), schoolbooks or pencil cases. Often items include a candle or vase of flowers.

A Circle is always opened and closed with a ceremony or ritual. This may be a short inspirational reading, some music, even a moment of silence. An opening ceremony officially opens the space and begins the process, while a closing ceremony lets people know the Circle is about to end. These are important markers allowing people to pause and shift either into or out of the space of Circle. Delegating the opening or closing ceremony can be one way to share leadership.

After opening the Circle, the facilitator or Circle Keeper introduces and uses a talking piece to begin involving others. The talking piece can be any physical object that people can hold and pass around the Circle. The object should have meaning for the group. Depending on the discussion, some examples might be a smooth stone, piece of driftwood, bottle of water, a historic emblem, school mascot.

The talking piece passes consecutively around the Circle. The person with the talking piece has the floor while everyone else listens without interrupting or asking questions. There is no obligation to speak when the talking piece comes to a person; she or he may speak or pass it on silently. In this way, conversations are slowed down, everyone has opportunity to participate, and people learn to listen deeply and to speak from their own stories or experiences. The talking piece also cultivates shared leadership as the facilitator participates as an equal participant and does not remain outside the discussion as in conventional facilitation.

After a round of introductions with the talking piece, the Circle Keeper leads a process of establishing a foundation of shared values. To create an energetic, emotional and physical space that is safe and strong enough to hold difficult

conversations, it is important to have an initial discussion about which values represent us when we are at our best in relationships. This can be done by asking each person for one such value, discussing the meaning of these values, and then consensually agreeing to them. Each person might write a value on paper plate and put it in the centre or the collection of agreed upon values can be written on notepaper and put in the centre so it is visible to all. These values represent our best selves and Circle is a space in which to practice coming from this best self and being in relation to each other in a good way.

Through a similar process, participants identify specific guidelines or behavioural commitments they need from others in the group to feel they can be fully present and participate openly and honestly. These too are discussed and decided upon consensually. These can be written on a flip chart or notepaper so they are visible to the group. Together with the shared values, these should be present each time the group meets. Once the values and guidelines are in place, the group is now equipped to more fully share responsibility for the quality of the space in the Circle; this is no longer the sole responsibility of the facilitator/keeper, unlike in most other engagement processes.

Discussion then ensues through rounds of the talking piece as people respond to a few well-chosen questions posed by the facilitator/keeper. These questions are designed to elicit people's experiences and perspectives. Such storytelling enables knowledge and information to come forward in a holistic way, expressed not simply in intellectual ways but from the hearts and minds of participants.

Where decisions need to be made in Circle, they are made by consensus, with everyone's input. Consensus is not easy and takes a lot of time but is possible. It is about everyone being able to support the decision, even if they are not enthusiastic about it. As a society, we have much to learn about truly working in consensus.

More detailed explanations about Circle can be found in other resources² and training is advised. While simple in structure, Circle in its full potential is not easy and takes ongoing practice. Through Circle there is the possibility of connections, community building, healing and potentially collective action.

Types of Circles

Circles are being used in many different contexts including court systems, prisons, schools, universities, churches, planning departments, businesses, non-profit organizations, community groups and families. Thus this process is both flexible and robust.

Some Circles are less intense and complex and therefore can be undertaken by anyone with confidence, equipped with the knowledge of Circle structure and process. Examples of such Circles that might be relevant in a municipal setting include celebration/honouring Circle, talking/dialogue Circle, community/team building Circle.

There are other Circles that are more intense and complex. In these cases, we recommend some Circle training before trying to organize or keep/facilitate them. However, these Circles have much potential in a municipal context. They include conflict Circle and group decision-making Circle. In deciding whether to use a Circle process or not, there are some key things to consider such as the available time and number of participants, complexity of an issue, potential for conflict and whether one Circle or several sessions is needed.

There are numerous examples of how Circles are being used in communities. In Meaford, Ontario, the Transition Town group has experimented with using Circles to discuss issues and practice consensus decision-making. A planner in British Columbia has used Circles to convene multi-stakeholder conversations about gravel pits. A rural Immigration Steering Committee successfully used Circle to get at the stories underlying each person's experience and motivation in being involved with the committee. Another rural planner used Circle to engage youth in discussions about employment/unemployment and observed how empowering the process was to the young people, some of whom had never before felt their voice was welcomed or heard by adults. One municipality used Circle to convene a conversation with landowners adjacent to a large residential development and explored key issues that had been raised by the group. And an agricultural consultant is beginning to use Circle to enable farmers to discuss and share innovative practices.

A Final Comment

Circle is a powerful tool that offers an alternative way of leading and being in relationship with a group. It has rich untapped potential. At the same time, its simplicity should not be mistaken for ease or simplicity. Being in Circle takes practice.

The rewards of discussions held in Circle are often surprising and unimagined. For a facilitator, Circle provides a technique that creates the space for story and builds relationships with minimal amounts of facilitation skill. Perhaps one of the most exciting yet unnerving parts of keeping a Circle is being able to let go of control and be

comfortable with not knowing where the process will lead and what will emerge in the outcome. It requires trust in the process and the collective wisdom of the group. This is a potentially transformative process.

The article is an edited version of Chapter 6 from the Book: *Better Decisions, Together (A Facilitation Guide for Community Engagement)*. Authored by Wayne Caldwell, Jennifer Ball and Kate Procter. Published by Municipal World, 2015.

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Footnotes

- 1 K. Pranis, B. Stuart, and M. Wedge. (2003). *Peacemaking Circles: From Crime to Community*. St. Paul, MN: Living Justice Press, p. 142.
- 2 Useful Circle resource books include: Pranis, Kay. (2005). *The Little Book of Circle Processes: A New/Old Approach to Peacemaking*. Intercourse, PA: Good Books and Ball, J., W. Caldwell, and K. Pranis. (2010). *Doing Democracy with Circles: Engaging Communities in Public Planning*. St. Paul, MN: Living Justice Press.

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Transforming the Public Realm through Charettes

Step by step approach

By Eldon Theodore, RPP

When considering a charrette about designing the public realm, you are looking for a method to achieve fresh ideas, innovation and enhanced public engagement. Changes to the public realm can be undertaken through a traditional environmental assessment or public consultation process, or Community Improvement Plan exercises which, depending on how it is conducted, can leave participants feeling powerless or walking away with the view that their input will not matter. Charettes allow early input into the design process in a very open and transparent way. They capture this input in a very short period of time and in an intense and collaborative fashion, and they invite stakeholders to take ownership of the initiative, allowing them to affect change in a very tangible way.



The following offers a step by step approach to consider when conducting a Charrette.

Pre-charrette preparation

Identify the core team and stakeholders—Stakeholders are the people who will guide the outcome of the charrette from beginning to end. They should include a representative from applicable municipal departments and the lead members of your consulting team (if you are using an outside consultant). This team should be identified early, as members will help to provide input on the planning of the charrette. Stakeholders have a vested interest in the outcome of the public realm, and at the same time can contribute their unique perspectives that will benefit the proposed change. They can include local politicians, agencies, BIA representatives and community leaders from interest groups. Have stakeholders participate in the full charrette process, and if possible, help to facilitate at public open houses.

Establish a communications strategy early—This is not just about advertising the charrette, it is about framing the message around the transformation of the public realm. The strategy must be multi-faceted and frequent through all stages of the charrette, and should consider the audiences you want to engage. Think about what social media outlets should be set up, and the frequency of social media blasts (i.e., Facebook, twitter, Instagram, websites, etc.) you want to make. Determine what other communication materials should be produced such as mail-outs, posters, flyers at key locations, etc., and when to use digital advertising. Activate and utilize the councillor's office for outreach (councillors should

engaged early so they can use their resources to reach out to constituents and offer advice on stakeholders). During a charrette, the core team should be thinking about how to maximize social media sharing (i.e., live tweeting, periscope video feed, etc.) and documenting the process through photographs for future use in final documents. Assigning a social media champion is a great way to coordinate all these aspects from beginning to end.

Determine the length of the charrette—Establishing the length of your charrette is important to the success of the process. While your budget will define the ultimate length, the most effective charrettes are undertaken over a five-day period. The point of the charrette process is to bring people together for continuous, intense collaboration, so that a rhythm is achieved and the flow of ideas is uninterrupted. Any break in the flow can dull the energy and require you to rebuild that momentum. If a charrette is being conducted over an evening, it is not a charrette. That is not enough time to capture meaningful input from stakeholders and other participants.

Charrette

Protocols—Always set the tone of the charrette before it gets started. Encourage people to participate and to share open ideas, but at the same time, remind participants that there will always be different ideas, and we must be respectful of fellow participants. Anyone who is not respectful of the process or participants will be asked to leave. Be clear about why you are conducting the charrette, what you intend to achieve and how this will help to guide the enhancement or transformation of the public realm. As participants engage in the charrette exercises, it is important to be striving to achieve a goal, both to maintain interest and reinforce the meaningfulness of the process.

Site visit and inventory—Incorporating a site visit helps participants get a full perspective of the public realm, which they hope to change. You can undertake a number of activities to help participants engage in the space, such as conducting an expert guided tour, undertaking crowd-sourcing directly with the community, or conducting fly on the wall observations of the space.

Role of the facilitator—The success of a charrette is determined by the facilitator's ability to guide the process. The facilitator's main roles are to ensure the charrette is running on time, encourage involvement of all participants, ensure that all contributions are respected and acknowledged, balance the personalities among the groups, inject excitement, be positive, and empower your team to do the same. The facilitator should also be prepared to address conflict and provide an avenue for resolution that does not impact the flow of

the charrette. One of the ways to balance conflict or a difficult participant is with an ideas parking lot. Any thoughts, comments or suggestions that can't be addressed during the allotted time are written down or "parked" on a clip board. This gives the charrette team some time to think about the issue, and come back with an appropriate response either at the end of the session, during a scheduled break, or before the next session begins.

Post-charrette activities

Report on the process—It is important to produce a report that outlines the entire Charrette process from beginning to end. The report should have a high graphical component, including figures prepared for and by participants, as well as photos from the charrette. Leverage the outlets in your communication strategy to ensure that the process report is publicly circulated. This report will serve as the community's documented evidence of change that results from their direct input.

Implement the recommendations—Make a commitment to implement the recommendations and put a timeframe behind it. Too many charrettes produce great ideas that are never acted upon. If there are financial issues with a recommendation, try a tactical urbanism approach where the installation or change in the public realm is provided on a trial basis prior to firm investments. Use crowdsourcing as a fundraising

tool within the community or prepare a business plan that demonstrates spin-off added value to the investment to help sell the initiative to the client or local council.

The public realm tends to be an afterthought in community building. But it is the element that shapes our spaces and places, defines our relationships to those spaces and places, and in doing so, establishes our community identity, local character and a sense of place. Investing in the quality of the public realm is vital to creating harmonious and socially inclusive communities. Reimagining the public realm through a charrette process can produce an outcome that stakeholders can rally around, making it easier to achieve political support for approval and funding to implement that change. I encourage members to consider using the charrette process in their daily practice as a tool to affect change in the public realm in a positive and transparent way.

This article is based on a session given by Eldon Theodore and fellow Congress for the New Urbanism's Ontario Chapter board member Ute Maya-Giambattista at the 2016 OPPI Symposium in Hamilton.

Eldon Theodore, MUDS, MCIP, RPP, LEED AP is a partner with MHBC specializing in urban design and Sustainability. Eldon is a member of OPPI's Planning Issues Strategy Group as chair of the Community Design Working Group. Eldon is also on the board of directors for the Congress for the New Urbanism's Ontario Chapter.

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Mode-oriented Street Design

By George Liu

Streets do not need to be designed for cars in order to accommodate cars.

Mode-oriented street design is the focus of a new Traffic in the City study released by the Royal Dutch Touring Club ANWB, an association for automobile and bicycle users that serves as an important stakeholder in Dutch transport system. Mobycon is a Dutch-Canadian transportation consulting firm that was retained by ANWB to author this report.

“This report replaces the old view with a new perspective, in which cars are not automatically the dominant user group,” said Mobycon senior consultant Dick van Veen in an interview. “The main reason why this study is interesting in the Canadian context is because engineers have become complacent to the idea that infrastructure for cyclists and pedestrians must be on the ‘edges’ of the roadway. Even in places where they are the dominant mode and outnumber cars, still they are still visually on the brink.”

In Ontario traffic engineering, cars are assumed to be the main users of road space. Everywhere, this is the implicit statement made by our design of streets, even where speed limits are low. Street design at an incorrect scale has the effect of dwarfing pedestrians and cyclists while subconsciously promoting automobiles as the dominant design element.

“If people need a speed limit sign to guide their behaviour,

then this is a failure in design,” said van Veen.

The report gives examples of traffic environments that are immediately recognizable to the users of public space. Drivers are more likely to behave appropriately if urban design elements along a roadway clearly signify the speed and type of traffic that is expected within a particular environment. Just as expressway signs and light masts would be monstrously proportioned if used in city traffic, the signs and design elements in low-speed environments should be tailored to the human scale.

“The general focus in the Netherlands is to mix traffic, and stay away from separation. Only when speeds are higher than 30 km/h is it mandatory to separate bicycle traffic from automobile traffic,” said van Veen. For example, a 50 km/h street is not considered safe for the mixing of modes, so a 50 km/h street must have a separated bicycle and pedestrian pathways. This way, the safety of vulnerable road users is always prioritized.

Planners must carefully consider the trade-off between the quality of public space versus provisions for the automobile.

“There are always two worlds in a street environment. The world of flow, and the world of place. Speed limits alone are not enough. If you don’t redesign the environment, then you don’t change spatial quality and you don’t change people’s behaviour.” Hence, van Veen argues that quality public spaces that are inviting to people who walk and bike should also contain measures to calm automobile traffic by giving drivers an intuitive awareness that they are guests within that environment.



Figure 1: Recognizable traffic environments in the Netherlands that are matched with their corresponding speed limits



Top left: primary users are people walking; top right: primary users are people on bicycles; bottom left: primary users are people driving light motor vehicles; bottom right: primary users are people driving automobiles. IMAGES COURTESY OF THE AUTHOR

A common concern for retailers is the need for goods delivery to their businesses. A potential solution is to allow larger vehicles as guests in spaces designed for lighter modes of transport, so each traffic environment is not exclusionary to heavier modes of transport. For example, a garbage truck may need to access a street designed for people walking as its primary user, but the garbage truck must be driven at walking speed in a manner that respects the safety and comfort of the other users of the public space.

Traffic safety is improved by grouping modalities of similar mass into traffic families. Mass is a constant, while speed is a design variable. Hence, consideration of both the speed and mass of vehicles in relation to their environment forms the basis of categorization. Figure 2 illustrates the optional and mandatory physical separation of traffic families in a 30 km/h zone. In this environment, light motor vehicles, such as scooters and mopeds, are the design vehicle. Cars are only allowed as guests.

But vehicle categorization is not always clear. For example, motorcycles are capable of tremendous speeds but have low mass and offer no protection for the rider. Cars are at least 10 times the mass of motorcycles so even small differences in speed results in disastrous consequences for the motorcycle rider. Should motorcycles share the road with fast cars or slow down to match the speed of similarly-sized scooters? Should racing cyclists, with high travel speeds share the cycle path with typical cyclists? And what is the place on the road for often forgotten modes like skateboards, e-bikes, or segways?

Often, the structural classification of a street may conflict with the design of the environment. For example, a structural conflict may be the desire to move large amounts of automobile traffic through a pedestrian-oriented main street. This is the case with many rural cities that started as a few storefronts on a highway. As the growth of a city invites more

people to walk in its urban centre, the street should change its form, transforming towards a place where pedestrians and cyclists are more dominant.

For cars on a main street, this would mean a downgrade in comfort and an increase in travel time, which has to be accepted in a pedestrian-oriented environment. If car flow is still important, a detour route may be considered for through traffic.

“This rebalance is more than just a traffic engineering question; by enabling pedestrians and cyclists to come back into the street, opportunities for placemaking and good public space become apparent, raising the overall economic vitality and liveability of the street,” argues van Veen.

Future transportation options evolve over time in step with technology. In Ontario, bicycles are starting to gain space in our cities, but e-bikes remain a contentious topic. This ANWB report recognizes that emergent technology has the potential to improve transport options within the city. History may prove cars in the city to be a temporary phenomenon, and new modes are constantly emerging. An advantage of mode-oriented street design is the flexible classification of vehicles to include transportation options such as e-bikes, scooters, and even microcars. Mobility options of the future may not fit easily into pedestrian, cycling, and automobile distinctions, so we should design environments that guide the appropriate behaviour that is expected of all road users, regardless of the type of vehicle they are using.

George Liu is a PhD candidate studying bicycle infrastructure and urban design at Eindhoven University of Technology in the Netherlands. Dick van Veen is a senior consultant at Mobycon, a Dutch-Canadian transportation consulting firm headquartered in Delft with a Canadian office in Ottawa. An English translation of the report “Traffic in the City” is available by contacting Mobycon. Figures in this report are used with permission from Mobycon.

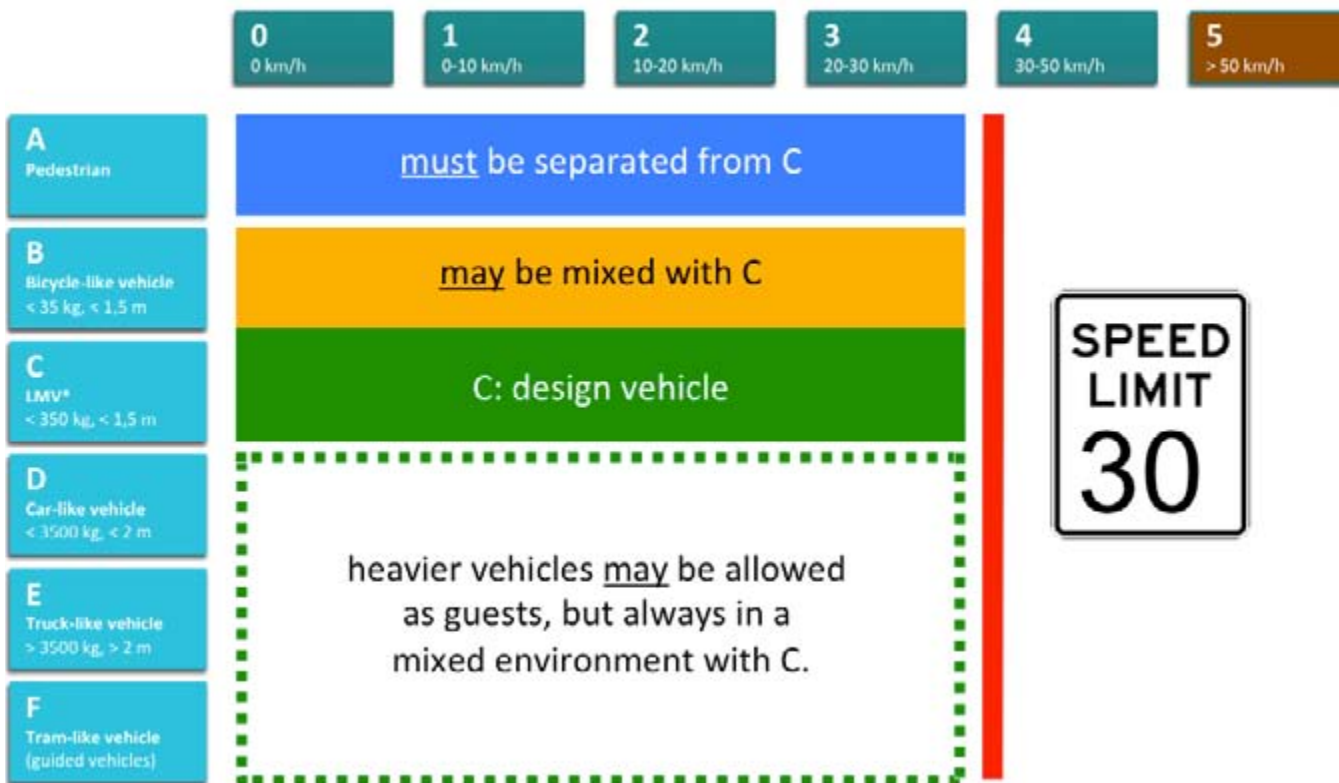


Figure 2: In the ANWB study, traffic safety is improved by grouping modes same amount of mass (traffic families). Mass is a constant, while speed is a design variable. These together form the basis of the categorization. IMAGE COURTESY OF THE AUTHOR

Water management tool

By Jennifer Best, RPP

Incorporating source protection into land use planning is an effective tool for municipalities to ensure safe and sustainable drinking water supply for current and future

residents. York Region is in the process of incorporating source protection policies into its official plan as part of its five-year review, which is anticipated to be completed in 2017. One of the key objectives is to ensure that local and regional municipal source protection policies are aligned with approved Source Protection Plans and consistent with one another.



The Source Protection Plans affecting York Region prohibit new threats from being established in specific vulnerable areas and required existing threats to be managed.

The technical process behind the creation of Source Protection Plans by mandated Source Protection Committees led to the classification of threats to drinking water based on activities (e.g., fuel storage) rather than land uses (retail gas station). The planner's role is to convert drinking water threats into land use planning policy, a challenge since planning policies regulate land uses and not the activities. For example, a zoning by-law may permit a dry cleaning establishment as a commercial land use, but is silent on the type of chemicals used in the dry cleaning process, which is the activity identified as the threat.

York Region in collaboration with its local municipalities, conservation authority source protection staff, and more recently environment and climate change ministry staff, developed official plan policy and zoning templates. Using these regional staff analyzed the significant drinking water threats and distilled them into four "significant threat areas," each area with a list of prohibited activities. Subsequently, the activities were converted into prohibited land uses. As an example, the storage and handling of more than 5,000 tonnes of road salt is prohibited in a wellhead protection area with a vulnerability score of 10. In other words road salt storage facilities where the quantity is more than 5,000 tonnes are prohibited within significant threat areas #1 and #2.

With respect to the Source Protection Plan requirements around settlement area expansions, York Region modelled to assess the potential impacts of growth on municipal wells up to 2041. The results indicated that any future urban expansion into the

whitebelt would not affect the region's ability to supply drinking water, even under drought conditions, due to the depth of the regional wells and the location of the potential growth.

However, recharge policies will be incorporated into the official plan to ensure the region's ample groundwater supplies will not become depleted. Source Protection Plan policies within the wellhead protection quantity area, which covers about 70 per cent of York Region, require recharge to be maintained after development so that there is no net reduction in water supplied to the groundwater system. Should a development not be able to meet the infiltration targets, off-site compensation is permitted to enhance recharge on another site within the wellhead protection area to facilitate growth while protecting the resource. Downspout disconnections in historical neighbourhoods, use of low-impact development techniques and stormwater management pond retrofits are examples of projects that could enhance recharge and compensate for losses associated with development.

To implement recharge policies, York Region has partnered with two conservation authorities to review and approve water balance studies associated with development applications. Both agencies were already reviewing water balance studies for the majority of applications related to natural heritage feature protection. Adapting an existing process will reduce delays in the approvals process and minimize implementation cost.

Jennifer Best, RPP is a member of OPPI and a York Region senior planner in long-range planning. She assists in the implementation of the source protection plans in the region.



Neighbourhood in transition

By Andrew Evraire & Miranda Spessot

The limited road allowances of Ottawa's traditional main streets present a considerable challenge when contemplating the addition of cycling facilities. Located just east of downtown, Beechwood Avenue is a traditional main street situated in the heart of one of Ottawa's fastest changing neighbourhoods where the majority of properties are expected to redevelop in the coming years, with two major developments currently under construction.

The Beechwood Avenue Complete Street Functional Design Study is one of the first times in Ottawa where a functional design was completed prior to specific plans to rebuild in the near future. The study intended to address two key themes: How can the city leverage the upcoming wave of re-development? How could the plan be designed for implementation on a lot by lot basis?



June 2015 Design Charrette
IMAGE COURTESY OF OFFICE OF COUNCILLOR TOBI NUSSBAUM

Context

The 2013 Ottawa Cycling Plan lays the groundwork for the way many of Ottawa's streets should transform in the future in order to accommodate people travelling by bicycles. A core component of the plan calls for an integrated network of cross-town bikeways, which are meant to provide continuous connectivity over long distances and provide a high level of comfort for their entire length¹, sometimes referred to as a minimum grid.

Beechwood Avenue is the last remaining section of the 12km East-West Cross-Town Bikeway to accommodate cyclists. Given the constrained road allowance, the addition of cycling facilities without major roadway modifications along this route seemed unlikely, especially considering the existing supply of on-street parking, narrow lane widths and frequent transit service.



Andrew Evraire



Miranda Spessot

Early stage functional planning

The traditional approach to long-term planning has been to designate a corridor as a future cycling route and only begin planning at a detailed level when an opportunity for intervention arises, such as a complete road re-build. When there are no pre-approved studies or plans on how a road should function in the future, there are often lost opportunities. Completing a functional design study at an early stage can set expectations and inform various stakeholders on how a corridor will look and function in the long-term.



22 Beechwood Avenue before and after redevelopment²
IMAGES COURTESY OF GOOGLE STREETVIEW (LEFT) AND JOHN-PAUL SPESSOT (RIGHT)

A public consultation in the form of a design charrette was held and participants were asked to envision how the Beechwood corridor could function in the long-term. The process helped residents to understand the trade-offs in the corridor and negotiate priorities with other participants. Many identified a preference for a two-lane configuration with cycling facilities, wider sidewalks and allocation for on-street parking.

Using input from the public consultation, a reference functional design plan was prepared to inform the site plan process for future developments when the city's full right-of-way will be utilized. One of the main features of the reference functional design plan includes separated cycle tracks alongside wider sidewalks.

Concurrently, in order to implement cycling facilities in the short term within the existing road allowance, a transition functional plan was developed, comprising primarily pavement markings and signage. Scheduled to be implemented in 2016, this will transform the majority of Beechwood into a two-lane cross section with continuous bike lanes and alternating parking lanes.

A full build-out of reference conditions is contingent upon individual re-developments, and is not expected to be complete for several years. During the long-term changeover from transition to reference conditions, the transition bike lanes are designed to tie into cycle tracks, and eventually the majority of the corridor will feature a continuous, low-stress cycling facility as envisioned by the community.

Lessons Learned

Planning at a functional design level without a scheduled roadway rebuild has proven successful in the case of Beechwood Avenue. By soliciting early community input, Beechwood neighbourhood residents defined expectations for how their corridor would look and feel in the future, while the transition plan improves conditions in the short term using pavement markings.

City planners reviewing site plan applications also have clear guidance on how the expanded right-of-way should be utilized and reinstated as properties re-develop. Rather than simply designating a corridor as a future cycling route, it is possible to develop a complete plan in order to secure future opportunities within a changing corridor. To view the transition and reference functional designs, visit Ottawa.ca/BeechwoodAvenue.

Andrew Evraire has been a student with the City of Ottawa Transportation Planning Branch since 2012. He is entering his final year of the Urban and Regional Planning program at Ryerson University. Miranda Spessot graduated from Queen's University in 2015 with a Master of Planning from the School of Urban and Regional Planning. She is currently working in the office of Rideau-Rockcliffe councillor Tobi Nussbaum in the City of Ottawa.

Endnotes

- 1 2013 Ottawa Cycling Plan
- 2 Beechwood Complete Street Functional Design Study



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Building strong local food systems

By Dr. John Devlin, RPP & Meredith Davis

A study out of the University of Guelph's Rural Planning and Development program reveals Community Supported Agriculture is a promising marketing strategy for building strong local food systems, but one in need of support and better understanding from customers, policy makers, economic development practitioners and planners.

Food systems planning in Ontario

In Ontario, we celebrate our provincial planning efforts to keep farmland in farming through growth management policies such as those in the *Greenbelt Plan* and the *Growth Plan*. However, farmland can only continue to be productive if the food being produced is able to sustain the livelihood of the farmers producing it.

In 2011, a symposium in Guelph discussed food system planning and a follow-up survey conducted with OPPI members demonstrated that planners are very involved in strengthening local food systems and want to become more involved in this important planning area. OPPI subsequently published a Call to Action around planning for food and healthy communities: "OPPI calls upon planners, citizens and all stakeholders to make healthy community planning, and in particular, planning for healthy food a priority." In 2013, the Ontario government passed the *Local Food Act*, which cemented its commitment to increasing awareness of and access to local food in Ontario and building a stronger and more resilient local food sector.

Community Supported Agriculture

Community Supported Agriculture is a local food marketing strategy that brings farmers and customers together in a committed relationship. Members invest in the farm at the beginning of the season, agreeing to share both the rewards and risks of farming, and in return receive a regular weekly selection of fresh, local food during the growing season. This model is meant to ensure that farmers have access to working capital and receive sufficient income to cover the true costs of farming. In return, customers bring home high-quality local food, develop a relationship with the people who produce it and play a part in supporting a stronger local food system.

This spring, we surveyed Canadian Community Supported Agriculture operators about their experiences and asked what additional supports would be helpful. A total of 100 operators responded to the survey—58 from Ontario. Here is some of what we [learned](#).

Advantages and challenges

A variety of advantages were associated with running a Community Supported Agriculture program. The benefits most frequently mentioned were having a predictable and guaranteed income source and early up-front capital; building strong and supportive relationships with customers; and knowing exactly how much food needs to be produced in advance, which results in less waste. In addition this program, most farmers used other marketing strategies. The most popular were farmers' markets, farm-gate sales and direct sales to restaurants. About half of the respondents indicated that the Community Supported Agriculture program was the best way to market.



John Devlin

One of the program challenges farmers face is ensuring a sufficient volume of produce each week and enough variety to keep people interested and meet diverse tastes. Another was the administration associated with running the program and balancing this with time spent out in the field. Other challenges included member retention and recruitment; distribution of the harvest; and the time that it takes to educate members about eating in season, the realities of food production and variability of yields, and about the Community Supported Agriculture model overall.



Meredith Davis

Despite the intention to have program members share in the ups and downs of farming, there is often an expectation by some members that they will receive a predictable value of produce each week. When that is not possible because of poor weather or other complications, some farmers end up supplementing the share by purchasing from other farms, which can cause financial strain. This adds to the difficulty of earning a decent living from on-farm income alone in the face of intense global competition.

One farmer wrote: "North America has a cheap food policy and it is very hard to get paid what the vegetables we grow are worth. Stores use food as a loss leader and we can't compete with that."

Program support

Farmers suggested that it would help to make it easier for them to run the program if more consumers knew

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that the option is available and how it works. Farmers need help informing the public about this model and local operators in their area. As one farmer suggested: "A public service ad campaign run by the government to explain on TV to regular folks what a CSA is, why knowing your farmer is a good idea, and how everyone benefits from local agriculture."

Community Supported Agriculture farmers also need support to network and share information with one another, such as production details about what others are growing and business information around margins, capital and customer retention. Other suggestions included a mentorship program for young farmers to spend time with experienced operators and access to smaller scale agricultural tools and supplies through a tool-sharing library.

Other helpful support would be to ensure that there are spaces for program operators to distribute their shares every week. This could include making public space such as a local food hub or a community centre available for program use.

Call to action

The Community Supported Agriculture model holds great potential for developing the local and regional economy by bringing farmers and consumers together. Policymakers, planners and economic development officers can help by promoting the importance of buying local, by producing educational materials on this model, by helping to build the local network, and by working across service sectors to develop community food plans and local food organizations which engage with program operators. Developing the rural-urban interface through this program will be an important contributor to building strong local food systems.

Dr. John Devlin, RPP is an associate professor in the Rural Planning and Development Department at the University of Guelph. Meredith Davis is a rural planning and development graduate and a community-based researcher and evaluator with a focus on food security. The summary results of the CSA survey can be access at: <http://www.uoguelph.ca/~jdevlin/CSA-in-Canada-2016-Report.pdf>.

EASTERN DISTRICT

Expand your knowledge

By Eric Bays

This year's annual urban workshop was held in Kingston and was well attended by both Queen's University planning students and professionals. Workshop topics included infrastructure funding and solid waste management. Students Jessica d'Aoust, Joe Lefavre and Nicolas Church charted a radically different path for the future of Confederation Heights, a major post-war federal government employment node in the nation's capital. Their classmates Amy Shanks, Jim Avram and Andre Carr provided an insightful review of official plan documents through the lens of climate change adaptation. Thanks to Kingston's John Henderson for organizing the event.

Make connections

The Eastern District Leadership Team continues to establish relationships with partner professions, organizations, and grassroots organizations across the district. We have a long-standing relationship with Urban Forum, an Ottawa-based free public lecture series on contemporary urban issues and thinking. The series will celebrate its 20th year in 2017 and we continue to support its efforts to attract new speakers and facilitate discussion of urban issues among professionals, elected officials and the public.

Looking ahead to 2017, the team is working to build connections with other organizations with the aim of providing a wider variety of

programming, being cost-effective, building awareness of the planning profession and educating the public on planning matters. We're excited to forge new relationships with National Capital Jane's Walk and the National Capital Commission's Urbanism Lab.

Get involved

Are you interested in volunteering to organize events, champion initiatives, present a workshop or share ideas? Contact district chair Colleen Sauriol for more information on how to get involved.

Eric Bays, BES(PI) is a candidate member of OPPI and an urban designer with over six years of public and private sector experience. He currently works in Ottawa and is a member of the Eastern District Leadership Team.

Rural Planning Workshop

By Stephen Alexander, RPP (Ret.)

The Eastern Ontario District Leadership Team held its annual spring rural planning workshop in June in the Town of Renfrew. Mayor Don Eady and town staff, notably Ivan Burton, were most gracious hosts. The event was well attended.

The agenda included a variety of topics, with the morning sessions focussing on natural systems.

McKinley Environmental Solutions principal Dr. Andrew McKinley gave an overview of the Ontario *Endangered Species Act*. Highlights included the evolution of the act and its current status, the species most likely to be of concern in the Renfrew area, protocols on permitting, and mitigation measures. Ottawa senior planner Dr. Nicholas Stow offered insights into natural systems planning in the City of Ottawa. He identified many unique and interesting features in the area, and explained how the city approaches planning and protection of these systems.



Calabogie Peaks Resort owner Paul Murphy spoke about the challenges of servicing infrastructure, market influences, and other elements, as his team moves to increase the tourism draw of the facility and make it a multi season destination. Bobby Gauthier, a senior planner with MMM/WSP, talked about creating successful CIPs for smaller communities and rural areas.

Thanks to Stantec, Fotenn and Dillon who contributed some event sponsorship.

Stephen Alexander, a retired member of OPPI, spent most of his career with the City of Cornwall until his retirement in 2015. He remains active on the Eastern District Leadership Team.

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Embracing interconnections

By Kelly Weste, RPP

With its breathtaking natural features, preservation of greenspace in a way that protects what sustains us while still providing for a healthy prosperous life is a big challenge for Lakeland District planners. A large portion of Lakeland

District is governed by the four provincial plans that are currently under review

by the province—*Growth Plan for the Greater Golden Horseshoe*, the *Greenbelt Plan*, the *Oak Ridges Moraine Conservation Plan* and the *Niagara Escarpment Plan*.

Originally the Growth Plan was intended to direct where growth should occur but now the proposed policies are shifting to include natural heritage protection policies—those that mimic the *Greenbelt Plan*, as well as protections for sensitive water features/systems too. Since we are so very use to looking at discreet individual features from a policy perspective, I wonder how long the shift will take to embrace looking at how features and processes (both natural and human influenced) connect, interact and function together. These expanded protections will impact the growth potential of Lakeland but perhaps we can sustain the green that is so very important for the health and happiness of our citizens (both residents and visitors) as well as enable the best economic potential for our district.

Tourism and recreation is a major industry in the district and the huge seasonal influx of visitors, seasonal residents and tourists from the GTA into Lakeland is another challenge felt across many sectors of the economy and governance structure. Much of Lakeland District is often



referred to as cottage country, which is often socially, culturally, economically and politically distinct from other rural areas. Some cottage properties line the shorelines of lakes and waterways while others are set within a rural/farm landscape.

Cottage conversion activity has been on an upward swing for more than a decade and is helping extend the cottage season with the spinoff of increasing the influx of seasonal populations and sometimes leading to the permanent move of retirees to their cottage property. While this many add benefits to the economy it also places greater demands on the provision of municipal services. Evidence is showing that younger families are shifting the housing market due to the high home prices in Toronto. Young professionals are looking for home ownership with a tranquil setting in Lakeland. Retirees that are unable to live on their own are now selling their cottages and moving into urban centres within close proximity to their cottage property due to familiarity of the area.¹ These changing demographics place greater demands on municipal infrastructure—such as health, water and sewer, and recreation—in smaller urban centres that traditionally didn't have high demand for these services and facilities.

Long-standing demographic projections show that many communities in Lakeland District, like much of Ontario, comprise an aging population. It is a consideration in many municipal growth management strategies. Planners have to look at age-friendly community design from ensuring accessible municipal facilities to appropriate housing types to end-of-life arrangements (e.g., cemetery capacity). Having a high seniors population lowers the participation rate in the work force and creates a gap in the income levels between seniors and non-seniors. This gap may affect the spending patterns within our district with implications for business activity, employment opportunity, property tax base growth, and municipal expenditures on infrastructure and community facilities and services.

As we move towards a new year, I look forward to the sharing of ideas and solutions to many of the challenges facing planners within Lakeland and beyond.

Kelly Weste, RPP, MCIP, the Lakeland District chair and a municipal planning advisor with the Ministry of Natural Resources and Forestry.

Endnote

- <http://cottagelife.com/realestate/8-factors-influencing-the-cottage-real-estate-market-in-2015>

Participatory Planning

By Tessa Nasca

Beyond the *Planning Act* requirements to consult, involving citizens in the planning process promotes fair, transparent and inclusive decision-making (Arnstein, 1969; Innes, 1996; Laurian & Shaw, 2008). Citizen involvement in land use planning can create improved outcomes, which are more responsive to local needs and are better supported by the community (Blanchet-Cohen, 2015; Booher, 2008; Rowe & Frewer, 2000). However, engaging citizens in planning decisions can be challenging.

Using a Peterborough initiative, this article considers participatory planning as way to overcome these challenges, and to create inclusive planning processes. In 2014, a neighbourhood-based participatory planning project was initiated in Peterborough, called the Stewart Street Active Neighbourhoods Canada project. Lakeland District planners were engaged in the project, and gained first-hand experience of the benefits of participatory planning.

Participatory planning refers to a bottom-up planning approach which is driven by community-identified needs, employs non-traditional



engagement techniques, combines citizen and professional knowledge, promotes open dialogue and involves community members in all phases of the process. In fact, citizens and community groups help shape the ways in which they participate in the planning process. This differs from traditional consultation processes, where citizens are requested to provide feedback during discrete phases of the planning process, or are invited to give comments at a single public meeting.

Stewart Street ANC project

The Stewart Street Active Neighbourhoods project is part of the Active Neighbourhoods Canada national partnership of organizations bringing participatory planning to 12 communities in Alberta, Ontario and Quebec (Martin et al., 2015). The partnership is particularly interested in engaging marginalized community members who are more likely to be excluded from traditional planning processes and in enhancing active transportation infrastructure and public realm design. The Stewart Street neighbourhood is among the lowest income neighbourhoods in Peterborough, and is home to many youth and seniors.

Throughout the process, over 450 neighbourhood residents were engaged in providing input into public realm design. Research conducted during the project found that while citizens want to engage in the planning process, their willingness to participate is tied to their perception of the meaningfulness of the engagement opportunities available to them. Residents indicated that to be effective an engagement process needs to be community-driven, inclusive of diverse populations, enjoyable, accessible, offer diverse and consistent opportunities to be involved, and have adequate space and resources. Residents want to see tangible impacts of engagement activities, meaning that they demonstrated results, increased understanding and trust, created a sense of satisfaction, achieved defined goals, and built consensus in the community.

District workshop

OPPI members from the Lakeland District were invited to attend a professional development workshop, which introduced members to the Peterborough project, and included a facilitated discussion about the benefits, barriers and enablers of participatory planning approaches.

Participants said that participatory approaches contribute to transparency, and allow for an inclusive, sensitive and co-designed process. This can help to overcome citizen skepticism and distrust of traditional engagement processes, and can contribute to higher levels of satisfaction with planning outcomes.

Participants also noted that participatory processes are proactive, and can help anticipate needs in advance of development applications. When citizen knowledge is solicited early and often throughout the process, citizens will be more likely to see their values reflected in the outcomes, and may be less resistant to change.

Participatory approaches to citizen engagement can help to create a joint discussion that could help minimize municipal silos and provide an integrative approach more reflective of a citizen's lived experience of the neighbourhood.

There are barriers, however, such as resource and time availability, policy limitations, citizen skepticism, internal municipal politics, and the inaccessibility of some planning concepts. Participants identified ways to minimize the barriers and build a more inclusive planning paradigm. By working in partnership, other professions, community organizations and citizens' groups can provide additional resources and capacity, offer an integrative view of the neighbourhood, and increase accessibility to planning processes. By being proactive participatory planning can be used to create shovel-ready visions for public space, which can inform development opportunities as they arise. And, organizations such as OPPI can play a critical role in delivering relevant professional development opportunities.

Participatory planning provides value for citizens and professional planners alike. It can build trust, satisfaction and consensus in a community, while contributing to improved planning outcomes.

Tessa Nasca is an M.A. candidate in the Sustainability Studies program at Trent University and is a member of OPPI. She has been researcher and evaluator in the Active Neighbourhoods Canada project since May 2014.

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Unique challenges

By Kira Dolch, RPP, Brenda Khes, RPP & Michael Sullivan, RPP

Whether you are a municipal planner employed in the public or private sector, planning in Ontario has become increasingly challenging—the Western Lake Ontario District (Niagara, Hamilton, Haldimand and Halton) is no exception.

The Western Lake Ontario District comprises a mix of large and small urban cities, rural hamlets and rural/agricultural communities. It contains many significant features such as Niagara Falls, the U.S./Canadian border, Welland Canal, Niagara Escarpment, Lake Ontario and Lake Erie shorelines, Cootes Paradise, countless wetlands, significant natural areas and expansive protected agricultural resources. While many other districts share some of these features, few contain them all.

Our members must balance the pressures of on-going growth and economic prosperity with those of preserving natural heritage features and prime agriculture areas in an ever more complex regulatory environment. District planners must also be aware of U.S.-based influences, such as border crossing facilities, free trade zones, and the importance of transportation routes like the QEW and rail corridor to efficiently facilitate trade.

Many of our municipalities rely

heavily on a variety of tourist-based agricultural industries for jobs. With the success of these industries (e.g., wineries, breweries, natural beauty products operations and other agritourist ventures) come other planning challenges such as the balancing of the sustainability/longevity of the agricultural industry with its protection.

While the Western Lake Ontario District is close to the GTA it does not have similar densities. Provincial policies however, require GTA-centric density targets, which tend to be out of context with the realities of many of our municipalities. Both municipalities and developers struggle with provincial density targets within the context of existing neighbourhoods and market demand.

Developers from more urbanized districts are moving to the District with expectations that in some instances do not reflect current realities in existing communities or address market demand. For example, the market demand for a small (50m²) one-bedroom condominium unit in downtown Niagara Falls or St. Catharines is very different than the demand in downtown Hamilton or Burlington.

Transportation options are an on-going challenge as the district comprises a mix of urban and rural communities without sufficient density to sustain a higher order transit system. Collaborative solutions at the regional level are needed and work has begun with the provincial government's commitment of up-to-\$1-billion for the capital costs of light rail transit

in Hamilton. The LRT will connect McMaster University in the west to the Queenston traffic circle in the east. It will include a spur line connecting to the new GO Transit station at James Street North and will ultimately connect to the waterfront.

In addition, the expansion of GO service to Niagara will begin in 2017, with service to Grimsby by 2021 and to Niagara Falls by 2023. This project will include new and upgraded train stations, a new train layover facility in Niagara Falls, more passenger trains and 30 kilometres of new track. This could be a significant factor for change in Niagara.

Historically, the district has relied heavily on manufacturing industries. Over the past two decades, many of district cities have lost some of their biggest industrial employers. Where factory workers rushing home at shift change once clogged the streets, today, the congested traffic is largely due to commuter traffic as residents travel outside of their municipal boundaries to jobs elsewhere. Municipalities are working hard to entice employment uses and economic prosperity in an effort to turn the tide of commuters and realize the adage to live, work and play within their respective municipalities.

Kira Dolch, RPP is manager of development approvals for the Town of Fort Erie. Brenda Khes, RPP is associate senior planner with GSP Group and Michael Sullivan, RPP, is principal of Sullivanplan.



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Duty to Consult

By George McKibbon, RPP
& Paul General

On April 21, 2016, Paul General and George McKibbon spoke to 25 participants in a workshop on the duty to consult and accommodate at Homegrown Hamilton. Paul is a wildlife officer and manager of the Six Nations Eco-centre while George is a planning consultant who provides planning services to Treaty organizations.

Paul provided a brief overview of Six Nations governance and the manner in which decisions were traditionally made by Haudenosaunee Chiefs and Clan Mothers. The Six Nations also has an elected council comprising 1 chief and 12 councillors. His presentation addressed the history of treaty making between the Six Nations and the British Crown including the Haldimand Proclamation and the creation of the Grand River Tract. Today, less than 5 per cent of the original Grand River Tract remains in the reserve.



George McKibbon



Paul General

To address fiduciary improprieties arising from the manner in which many of the lands in the original Grand River Tract were removed from the reserve, the Six Nations initiated 29 land claims with the federal government. But by 1995 only one claim had been settled, as a result legal action was initiated against the federal and provincial governments.

The Canadian Constitution recognizes Treaty and Aboriginal rights and the rights of Aboriginal peoples to carry on culturally integral activities. It is illegal to unjustifiably infringe upon these rights. Members of the Six Nations continue to hunt, fish, pick medicines and undertake other activities throughout the Grand River Tract. The Crown has a duty to consult meaningfully and accommodate these rights when developments are proposed.

George facilitated a discussion of the Musselwhite General Agreement, an early example of an impact benefit agreement. Negotiated in the early 1990s, the agreement was signed by four First Nation communities, Two Treaty organizations, the federal and provincial governments, and a Joint Venture Partnership formed to develop the Musselwhite Mine in northwestern Ontario.

George McKibbon, RPP, is an environmental planning consultant and an adjunct professor in the School of Environmental Design and Rural Development in the Ontario Agricultural College at the University

of Guelph. He is a member of OPPI and the America Institute of Certified Planners. Paul General is the wildlife officer and manager of the Six Nations Eco-centre.

School and Municipal Design Workshop

By Kirsten McCauley, RPP

The City of Hamilton, through funding from the Ministry of Health and Long Term Care's [Healthy Kids Strategy](#), recently hosted a School and Municipal Design Workshop to advance [Active and Sustainable School Transportation in Hamilton](#).



The interactive workshop included professionals from multi-disciplinary areas of planning, public health, public works and transportation, representing school boards, universities, consulting firms, not-for-profit organizations and community associations. The workshop objective was to spark innovative design approaches that will encourage active and sustainable school transportation through all facets of community planning, development and building.

The workshop provided several hands-on activities that had participants thinking outside the box and considering different scenarios for the highest mode share for school transportation. Some of the innovative ideas included: having a block party to create a healthy, happy and fun school zone, creating a car exclusion zone around schools and integrating school board planning with municipal/regional planning. Stay tuned for the workshop summary report.

Kirsten McCauley, RPP is a member of OPPI and CIP. She has been working with the City of Hamilton as a planner in various roles for the last 9 years.

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Grimsby receives 2015 Prince of Wales Prize

By Michael Seaman, RPP, contributing editor

A remarkable record of commitment to preserving and commemorating the past for future generations dating back over 100 years has earned the Town of Grimsby national honours as the 2015 recipient of the Prince of Wales Prize for Municipal Heritage Leadership. An independent jury of heritage experts was impressed with the comprehensive and progressive heritage conservation program that this municipality of just over 26,000 people located in the north-west corner of Niagara Region has developed.



The Prince of Wales Prize was established in 1999 by the Heritage Canada Foundation, now known as the National Trust for Canada, under the patronage of his Royal Highness the Prince of Wales, to encourage local governments to protect heritage resources and district. The award honours a municipal government for demonstrating exemplary commitment to the preservation of

“Situated at the base of the Niagara Escarpment on the shores of Lake Ontario, the small Town of Grimsby, Ontario (population 26,325) takes big pride in its heritage as evidenced in its well-preserved downtown, historic beachfront, and the palpable enthusiasm of its history-loving citizens.

Once known as “The Forty,” Grimsby was founded in 1790 by a group of Loyalist families who settled at 40 Mile Creek following the American Revolution. Here, they found fertile soils and waterfalls to power mills, and their community flourished.

In 1859, a Methodist campground billed as “Canada’s Chautauqua” was established at Grimsby Park. At its height, it drew as many as 50,000 summer vacationers from throughout the Golden Horseshoe who came to camp in the park and holiday in whimsical gingerbread house cottages. Grimsby remained a popular holiday destination through to the 1960s when its permanent population took off with the growth of the fruit industry.

Though faced with developmental pressures, Grimsby has recognized the importance of heritage conservation in improving quality of life and enhancing a sense of place and community. Thanks to this longstanding commitment, today more than 95 per cent of the town’s pre-1939 building stock still stands.

Beginning with the conversion of a former blacksmith shop (circa 1800) into the first Grimsby Museum in 1963, the Town has demonstrated a firm commitment to investing in its heritage assets. In 1986, the Heritage Inventory was created which today lists 142 properties. A Cultural Heritage Landscape Inventory established this year includes 26 sites to date.”

its built heritage. Grimsby is the 16th recipient of the award and the seventh from Ontario.

The National Trust issued a testimonial outlining the reasons why it named Grimsby the 2015 recipient of this prestigious prize. An excerpt is included above.

Truly an outstanding achievement for Grimsby.

Michael Seaman, RPP, MCIP, CAHP is director of planning for the Town of Grimsby. Michael is contributing heritage editor of OJ and has served four years as Ontario Governor on the board of the Nation Trust for Canada.



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SOUTHWEST DISTRICT

District sharing

By Kristen Barisdale, RPP

Southwest District is a unique area that includes a number of medium-sized cities as well as large rural and agricultural areas. The range of planning interests and focus is immensely broad, with topics such as agri-tourism, rural and urban economic development, and the implementation of light rail transit have strong currency.

Spanning a large geographical area, the Southwest District reaches as far east as the City of Guelph and as far west as the City of Windsor. To plan and host community-specific events that are easily accessible and well attended the program committee operates in three sub-districts—Waterloo Region, London and Windsor-Chatham.

The leadership team is very excited about the recent OPPI initiative to promote information sharing among all of the districts. While we believe the Southwest District has an array of organizational, programming and event experiences that may prove helpful to others, we look forward to drawing the experiences in other districts.

Kristen Barisdale, RPP, MCIP, is a member of OPPI and chair of the Southwest District Leadership Team. She is an associate senior planner with GSP Group.

Agri-Tourism in Norfolk County

By Kayla Rell, RPP

Norfolk County hosted an exciting OPPI Southwest District event this summer focused on agri-tourism. It gave participants an in-depth look into the growing



agri-tourism industry within Norfolk County and its impact on local planning.

Held at Burning Kiln, one of Norfolk County's local wineries, learned about the history of planning applications and the Lakeshore special policy area. In particular county staff and local business representatives talked about the unique agri-tourism planning applications in the area, including Lakeside Vista Events, Bonniheath Estate Winery and Lavender Farm and the South West Training Academy Fire School.

Kayla Rell, RPP, a member of OPPI and CIP, is a planner with the community planning division of Norfolk County.



NORTHERN DISTRICT

Connections

By Leslie McEachern, RPP
& Cindy Welsh, RPP

It was this time last year when the Northern Ontario: A Unique Perspective edition of the *Ontario Planning Journal* was released. It was an entire issue focussed on the north, and while it was intended to connect planners throughout the province with their northern colleagues, it also served to strengthen connections among planners in the north like never before.

Co-ordinating all of the submissions for that northern focussed edition was a collaborative effort and it created an opportunity for planners to work closely together notwithstanding the vast distances separating them. Partnerships were made, stories were shared, and connections that will continue to grow were developed. It's not often that a project unites like that one did, but it continues to remind us that there are always ways to work

together—we just have to be resourceful.

Considering Northern Ontario comprises 87 per cent of the total provincial land mass with only 6 per cent of the province's total population, planners working in the north have a lot of ground to cover and so being resourceful is essential. While distance impacts our ability to exchange information and ideas face-to-face, technological advancements continue to improve the way planners in the north communicate and participate in planning initiatives.

While teleconferencing is nothing new, over the last two years OPPI members from across the north and beyond have taken teleconferencing to a new level through Northern District's lunch & learn teleconference series. Through this initiative we have managed to bridge the vast geographic distances meeting regularly to share ideas and learn from each other's varied planning experiences. Participation rates are impressive and the series has connected planners from the far reaches of northwestern Ontario to the GTA and everywhere in between.

This spring, Ed Landry, senior planner with the City of Greater Sudbury, presented a session on how public art transforms communities. He briefly touched upon some of the strategies that communities have used to establish a public art program, and highlighted some of the opportunities and challenges of such a program. He shared information on Greater Sudbury's public art program and the proposed next steps for its advancement.

Just before summer lunch breaks had everyone outside enjoying the warm weather, Melanie Harding, the senior community planner at



Leslie McEachern



Cindy Welsh

Nishnawbe Aski Development Fund gave an engaging session describing how her work supports the remote First Nation communities in Northern Ontario with comprehensive community planning. She provided context, shared successes and lessons learned, and spoke about the role of Indigenous community planning.

Plans for the 2017 lunch & learn series are well underway and as a testament to the success of the program, additional planning topics and case studies have already been suggested for the 2018 series. To broaden the audience for these sessions and further connections, Northern District is exploring opportunities to record and post its lunch & learns so that all members will have access to the material presented and discussed.

Building on the success of Northern District's experience, a joint venture to engage all seven districts across the province in a collaborative webinar series is on the horizon at OPPI. This forum will provide a platform for districts to work together resulting in improved connections and information sharing throughout the organization.

Inspire OPPI Strategic Plan 2020 recognizes the importance of communications technology and the potential for digital volunteerism in facilitating the exchange of knowledge and expertise for the betterment of planning in Ontario. Northern planners embrace this strategic direction and goal, and will continue to support OPPI Council in its implementation of the new strategic plan. It is clear that the use of technology has strengthened connections among Northern planners. A commitment to exploring new technologies as they become available will continue to help the north overcome challenges resulting from limited opportunities for face-to-face communication.

Fortunately there are times when Northern planners do have the opportunity to share and exchange ideas face-to-face, and more importantly, to put a face to the voice only heard over the telephone or via webinar. Northern District takes advantage of the connections made available through the Ministry

of Municipal Affairs' annual planning workshops held in Sudbury and Thunder Bay and often partners on learning and social events during the workshops.

As Northern District looks to the future it is encouraging to see an increased interest in the planning profession among Northern Ontario high school students. Hopefully, those who pursue a post-secondary education in planning will return to the north to practice the profession. More than ever before, this new generation of planners will be well positioned to further the use of new technologies for the betterment of the planning profession.

Leslie McEachern, MCIP, RPP is the chair of the Northern District Leadership Team and director of Planning Services for the City of Thunder Bay. Cindy Welsh, MCIP, RPP is the vice-chair of the Northern District Leadership Team and manager of Planning for the City of Timmins.

TORONTO DISTRICT

A Year in Review

By Jane McFarlane, RPP

The sun has certainly been shining in the Toronto District this year and it has made perfect weather for many successful walking tours. The 2016 year began in January with a walking tour of the new pedestrian tunnel to Billy Bishop Airport. The tour was hosted by the executive vice president of Ports Toronto and provided an overview of this new infrastructure project that was the result of a successful P3 partnership. In July, a walking tour of Crothers Woods located in the Lower Don Valley was led by Scott Laver from the City of Toronto parks, forestry and recreation department. Scott led the group through a portion of the Don Valley, which lies to the northeast of the Brickworks while discussing the city's new ravine strategy currently being drafted as well as existing plans and policies regarding development and natural areas. In

August, we moved back to the urban environment with a Twilight Walking Tour of Toronto's tall buildings. This tour was led by James Parakh, City of Toronto manager of urban design. This walking tour, which was organized in partnership with the Council for Tall Buildings and Urban Habitat, led participants through a tour of the city's tall buildings while similar tours were being conducted in other major urban

areas across the world including New York, Chicago and Melbourne. In September, we headed up to



mid-town with a walking tour of the constantly evolving Yorkville area. This tour was led by Oren Tamir, a City of Toronto senior planner and explored current development projects and the Yorkville-Hazelton Heritage Conservation District.

Toronto District also hosted its annual networking event for student planners at the Gladstone Hotel in February. Continuing our yearly tradition, the event helped connect professional planners in various disciplines with students from the three universities in Toronto. A second return event this year was our Breakfast & Learn, which was held in April at the Arts and Letters Club. This year's topic was focused on the natural environmental and speakers discussed low-impact development measures and the TRCA's new policies regarding source water protection.

A new event included our first ever book club which began in May and concluded in September. This inaugural event had about 40 readers spending their summers exploring the book, *Happy City: Transforming our Lives Through Urban Design*.

As we wrap up the year, we look forward to two of our larger events including our high school outreach visits in honor of World Town Planning Day and the Winter Social. We look forward to seeing all of our District members there.

Jane McFarlane, RPP, MCIP, is a member of OPPI and chair of the

Toronto District Leadership Team. She is an associate with Weston Consulting in its Toronto Office.

SPOTLIGHT ON PLANNERS

Randy Pickering, RPP

“Good advice is almost certain to be ignored but that is no reason not to give it.”

Continuously inspired by this quote from Agatha Christie, Randy Pickering is ending a 30-year career in the Ontario Government—all of it in Northern Ontario—and retiring at the end of October.

Randy’s career as a professional planner began when he graduated with an MSc(Pl) from the University of Toronto in 1979 and was hired as an assistant professor by the Faculty of Forestry. After six years he headed north to Timmins.

As senior planner for the Ministry of Natural Resources’ Northern Region, Randy advised

on land use planning, municipal plans and environmental assessments, including large-scale pipeline and transmission line projects. He moved on to lead the Boreal East Region component of the Lands for Life Crown land use planning initiative, which resulted in Ontario’s Living Legacy Land Use Strategy in 1999.

Randy then served for two years with the Ministry of Northern Development and Mines as a senior policy and program advisor and area manager.



His focus was on community economic development along the Highway 11 corridor in Northeastern Ontario and up to the coast of James Bay. During this time he completed a Certificate in Economic Development from the University of Waterloo.

Returning to MNRF in 2000,

Randy has served in a variety of positions including regional waterpower coordinator, area supervisor, regional operations manager, executive assistant to the ADM and regional planning manager. He also co-chaired the planning team for the development of the Mattagami River System Water Management Plan, one of the most complex plans of its type in Ontario. Since 2009 he has served as the district manager for Timmins District.

An avid volunteer and member of OPPI, Randy served as chair of the OPPI Northern District Membership sub-committee, and as the Northern District’s representative on OPPI’s Membership Committee. He continues to act as a mentor for candidates seeking membership in the Institute. Randy is also past president of the Timmins Symphony Orchestra, president of the Porcupine Music Festival and a long-standing member and vice-chair of the Timmins Committee of Adjustment.

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BOOK REVIEW

Meticulous, Definitive, Challenging...

Review by Glenn Miller, RPP

Planning Toronto: The Planners, the Plans, Their Legacies, 1940-1980
 Richard White
 UBC Press, 2016
 449 pp
 \$50 when ordered on line from UBC

For the current generation of young planners, whose commitment to the profession is likely focused on the quality and content of plans rather than questioning whether planning should exist as a formal municipal activity, Richard White's critical examination of planning (and planners) in Toronto for the period 1940-1980 will no doubt prove to be a wakeup call.



Could it really be true that political leadership in war-time Toronto actively campaigned against adopting the city's 1943 master plan because it was "too comprehensive"? That same prominent politician then arranged for the plan, which had

attracted 60,000 enthusiastic visitors to a display at Eaton's, to be shunted into oblivion. As White notes, "in the early 1940s planning did take root in Toronto... but barely. The soil was none too welcoming and the climate far from nurturing."

A partial explanation is that town planning was poorly understood at the time, and often confused with highly interventionist central planning as practiced by the federal government, which had almost single-handedly remade the

city's economy through the creation of war-related industrial development. Another reason is that the city's politicians were loathe to spend money. When pressured by the provincial government to establish a planning board, the city did so, but provided no funds to hire professional staff to carry out its mandate. The contrast with today's mature planning environment couldn't be starker, even if grasping the strategic value of capital investment remains a challenge for municipal councils.

In five beautifully written but dense chapters, White describes and evaluates the impact of not only the plans but the extraordinary efforts of the individuals who fought to have them acknowledged and put into effect. Dealing with plans created at vastly different scales—from city to metropolitan to region-



wide—White spends considerable time defining the context that shaped every evolution in planning thought. While he ultimately concludes that "[planning] mattered," his painstaking evaluation of planning initiatives and the planners who championed them—E. G. Faludi, Matthew Lawson—underscores a central

In a speech to planners coinciding with the first planning act of 1946, a provincial minister opined that "planning could be a nuisance and a burden but it was essential to protect the land for those who would use it in the future."

theme in the book, which is that support for planning changes over time. White also notes that *not* taking action—such as deterring development of established neighbourhoods—can be equally important.

White's motivation for writing this extraordinary book stems from a simple question he posed to himself while working as the director of research for the Neptis Foundation: How did the physical city that is Toronto today come to be? Applying his training as an historian to find some answers, White pointedly chooses to rely on the evidence of the plans themselves, council minutes and correspondence rather than providing a pre-determined assessment based on ideology.

For policy junkies, White's decision to stop at 1980 is frustrating. Would we trade less detail and Jesuit-style analysis for a longer time frame? Maybe. But the possibility of a second volume cannot be discounted!

Glenn Miller, RPP, FCIP is a senior associate with the Canadian Urban Institute. For a shorter, less detailed scan of roughly the same time period, see White's 2003 Neptis report, "Urban Infrastructure and Urban Growth in the Toronto Region 1950s to the 1990s."

Reflections on the Professional Code of Practice

By Charles Lanktree, RPP (Ret.)

As a recently retired RPP I have come to reflect on the Professional Code of Practice and the many instances during my career when it came into sharp relief, either for myself or other colleagues. It seems to me that the potential for a misstep is quite often based on the same principles that form the code.

Over the years I have found these to be the most salient principles to guide our daily practice:

Public interest

I think everyone will agree that working in the public interest is of paramount importance. It is central to our work that we identify the public interest for every issue that we encounter. It is for that reason that I would suggest that this is the first thing that we need to do, and then we need to be conscious of the public interest at every step in the planning process. That is not to say that it won't change along the way. It is likely that it will. The mere initiation of a project can be seen as being in the public interest but the final conclusion may be a long way from that. The recommendations included in your final report should define exactly how the public interest will be met. If we think of it this way we are less likely to stray into a problem where we commit to something that may take us down the wrong path.

Independence

Closely related to our obligation to the public interest is the principle that we must arrive at our professional opinion independent of outside influence. In the final analysis the quality of our service will be defined by how efficiently and effectively we can deliver our independent professional opinion. Again this will need to meet the test in a public forum. So we can't be seen to be advocating the opinion of another individual or group interest. We are first and foremost always professional planners. We cannot turn this on and off by at one moment promoting the interest of a group and then arguing on behalf of its individual members in a subsequent case. We need to have a clear and

compelling rationale that constitutes our independent professional opinion. Your professional reputation depends on it.

Conflict

Related to this is the principle of conflict that can arise if there is evidence that we are personally gaining beyond our salary or fee for service. This may apply to us or our relations directly as in the case of our property or financial gain. It could be the promise of personal gain if we are in position of influence that would benefit a client towards the potential of our securing future work. So we need to take care not to place ourselves in a position that would be seen to be in conflict with our obligation to the public interest. It is difficult to maintain even the perception of independent standing if you are involved in land development within the jurisdiction of your practice.

Respect for colleagues

Lastly I would say that we need to treat our fellow professionals with a great deal of respect. Those who have attended an OPPI conference or symposium will likely have the experience of hearing how others deal with ethical issues that arise. It is always heartening to know that we are not alone in confronting ethical issues. We should take every opportunity to share the knowledge that we have gained through research and direct experience. This is especially true in the mentoring of students and provisional members of the profession. But occasionally the most respectful thing that we can do is to inform someone when they may have run afoul of the Professional Code of Practice. This of course requires a good deal of discretion but you may be saving your friend from a worse fate after the fact.

The code is quite exhaustive in outlining the various aspects of these principles but you may find this distillation useful to help organize your thoughts.

Charles Lanktree, RPP (Ret.) has recently retired after a 40-year career as a planner and landscape architect, mostly in the municipal sector. He is the former Director of Membership for OPPI and chair of the Professional Standards Committee.



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PRESIDENT'S MESSAGE

The RPP brand

By Andrea Bourrie, RPP

The Inspire OPPI strategic plan and the soon to be introduced Registered Professional Planners Act, 2016 both serve to reinforce professional planners' commitment to the public interest and build public confidence in the planning profession.

RPP is a powerful designation. More than simply a name or a logo, it reflects who we are, what we do and why that matters. It represents the education, experience and continuous learning commitment, together with our adherence to the OPPI

Professional Code of Practice, which define a professional planner.

It connects us to those that seek technical excellence, credibility and accountability in the complex world of planning. It reflects not only intentions but perceptions. And, it serves as a shortcut in the decision-making

processes of stakeholders, clients and the broader public because it reflects the integrity and credibility of established professionals committed to acting in the public good.

Building RPP as the recognized brand of professional planners is one of four strategic directions in Inspire OPPI. As stakeholders and decision-makers become more aware of the education, skills and ethics of RPPs they will better understand and respect our role as integrator in the space between government planning policy, the public and other regulated professionals. In turn this will create greater opportunities for RPPs to manage change in the built, natural and social environments.

OPPI's broad strategic approach is about driving long-term goals that support protecting the public interest while also strengthening our identity and the Institute's capacity to deliver what members need to excel as professionals. To this end OPPI has established five brand-related goals:

- Work with CIP, PSB, PSC and other PTIAs to brand RPP across the country
- Promote the value of RPPs to employers
- Promote the value of RPP to decision-makers
- Promote the value of the planning profession
- Shape planning conversations to reflect that of a recognized authority in Ontario.

As turn we our minds and actions to implementation, how can we, individually and collectively, further build awareness and confidence in our brand? Share your ideas. Tell us what you think you can do and help direct what OPPI will do to ensure that RPP is the recognized brand of the planning profession.



Professional Code of Practice Summary

Registered Professional Planners...

Protect and further the public interest.

Offer reliable, objective professional advice—informed by knowledge and experience, and guided by ethics and integrity—to clients, employers, the public and tribunals.

Engage in continuous professional learning to maintain a high standard of competence and contribute to the evolving body of planning knowledge.

Collaborate with the diverse range of professionals involved in shaping the future of Ontario's communities, resources and environment.

Respect colleagues and their contributions to the profession.

Mentor and guide students and colleagues as they continue along their professional journey.

Advance the public's trust in the planning profession and the role of the Institute in overseeing the profession's accountability.

Protect and strengthen the health and sustainability of Ontario's communities and resources.

Meet and exceed the requirements of the OPPI Professional Code of Practice in pursuit of the public interest and the common good.

*Professional - Accountable - Future-driven -
Collaborative - Progressive*

Dear Dilemma,

I am a practicing planner in a municipality in Ontario and a Full Member of OPPI. I am also a member of a community group called Citizens Saving Trees. The mission of group is to save trees from developments as much as possible.

Recently I was assigned a residential subdivision project which involves cutting a large number of trees. Citizens Saving Trees expressed serious concerns over the proposal and suggested the developer preserve most of the trees. The developer rejected this suggestion because the trees in question are not endangered species nor of significant sizes, and saving the trees would double the construction costs. The developer has satisfied all applicable provincial and municipal policies regarding tree preservation and environmental conservation. Citizens Saving Trees later staged a major protest and its president publicly said the group was against the development.

As a member of Citizens Saving Trees and a professional planner, I fully support the community group's position and truly believe that there are still opportunities to preserve the trees, therefore the subdivision should not be approved as currently designed. I'm not afraid to tell people what I think since this is my independent, professional opinion, and I was prepared to make that recommendation.

However, after learning about my association with the

community group and my recommendation, the management team removed me from the project. I was quite upset and felt that my professional opinion was not respected. True, I am a member of Citizens Saving Trees, but the planning conclusion that I had reached is purely my own opinion. Doesn't a planner have a right to have an opinion on planning-related issues?

—Confused Member

Dear Confused Member,

This is a good question to ask: Doesn't everyone have a right to have an opinion?

To begin with, it is always sensitive when professional planners are associated with community groups, since dealing with community concerns is embedded into our daily work. How can you separate yourself from the community group you are associated with when working on projects affecting the community group's interest? Although you believe your opinion is an independent and professional opinion, it creates a perception that a group member is working on the project. It will compromise the trust between you and your employer, the applicant/developer and general public.

Being a member of Citizens Saving Trees and working on a project that the group has a strong opinion about creates a conflict of interest for you. The *Professional Code of Practice* states that a Member shall "ensure full disclosure to a client or employer of a possible conflict of interest arising from the Member's private or professional activities, in a timely manner."

In a situation like this, you should first notify your supervisor that you have a potential conflict of interest. S/he may want to remove you from the project. You should also speak to the developer disclosing your association with Citizens Saving Trees at an early stage and advise him or her that this relationship would not bias your professional opinion. You may also want to discuss the situation with the community group. You will want to consider removing yourself from the project totally so that your integrity as a planning professional is maintained.

To respond to your question: "Yes, a planner certainly has a right to have an opinion on planning-related issues." However, you want to be certain that you do not have a conflict of interest when expressing a professional opinion so that it can be viewed as truly independent.

Yours in the planning interest,

—Dilemma

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Standard of Review

By Ian Flett

One of the suggestions concerning reform of the Ontario Municipal Board includes modifying the standard of review it uses when hearing an appeal of a council decision. Currently, *Planning Act* decisions may be appealed within the allowable time and the board hears planning appeals *de novo*, which means it stands in the shoes of the first decision-maker.

Choosing the right standard of review is an important principle of law in all appeals. Very often an appellate body, whether judicial or administrative, will first ask itself to what standard it will review the decision being appealed.

Answering that question often begins with an analysis of the deference the appeal body owes to the earlier decision-makers. The higher the deference, the more the appeal body will take care not to upset the original decision.

The most deferential standard of review of administrative decisions in Canadian law is “reasonableness.” Under this standard, the first decision-maker doesn’t have to get the answer “right,” they just have to arrive at a reasonable conclusion. The Supreme Court of Canada describes reasonableness in one seminal case this way: “. . . reasonableness is concerned mostly with the existence of justification, transparency and intelligibility within the decision-making process. But it is also concerned with whether the decision falls within a range of possible, acceptable outcomes, which are defensible in respect of the facts and law.” An appeal body may disagree with a decision but also find it reasonable, thereby dismissing an appeal out of deference to the first decision-maker.

Many of the board’s decisions are given this deference on appeals to the Divisional Court. The court has chosen this approach because of the board’s specialized role and the fact it has the most experience and expertise interpreting “home statutes,” such as the *Planning Act*.

The board’s current *de novo* standard of review is the least deferential. The board must “have regard” for a council’s decision; but this requirement is met where the board has demonstrated a meaningful awareness of that decision. After that, the board is not bound in any way by the council’s decision. As a result, it may hear any evidence on appeal and arrive at its own conclusions on any evidence it admits, whether or not that evidence was before the council.

The next least deferential standard of review is correctness.



In this case, the appellate body will not consider “a range of reasonable outcomes,” but rather analyze the facts and law to arrive at the “correct” outcome. This standard is often reserved for decisions that deal with widely applied principles of law or issues concerning the *Charter of Rights and Freedoms*.

Legislators rarely articulate a specific standard of review for appeals, but they often define what sorts of questions may be raised on appeal and insert “indicia” that point to more or less deference. For example, deference is often given to the first decision-maker on its findings of fact. This is because the decision-maker who heard the evidence first hand had the opportunity to assess the credibility of the witnesses providing the evidence and transcripts often fail to capture the nuances of what makes us believe or disbelieve a witness. Also, there is an interest in finality. That is to say, discouraging wide-spread and lengthy appeals. Therefore, legislators will often restrict appeals to “questions of law.” In effect, the appeal body is being told to accept the facts as determined by the first decision-maker, and then check to be sure a correct or reasonable legal outcome was articulated.

The legislator might make appeals available “on any question,” whereby new evidence would not likely be allowed, but the appellate body might arrive at different conclusions on the evidence.

Procedural fairness is an important component in all Canadian administrative decision-making. Questions of procedural fairness are questions of law. People are entitled to have a chance to make their argument and for that argument to be heard. This is not a blanket concept, what is procedurally fair in one context may not be in another. But, what is important, is that a party may appeal a decision where it believes it didn’t get a fair opportunity to make its case. So, even on a highly deferential standard of review where the appeal body might find the decision falls within “a range of reasonable outcomes,” if the process was itself unfair, then it might allow the appeal. In those cases, the matter is remitted to the first decision-maker to reconsider or the appeal body may substitute its decision for that of the first decision-maker.

Articulating a different standard of review for appeals of council decisions to the Ontario Municipal Board will be an interesting challenge. This is because councils do not give reasons for their decisions, so the reasonableness standard would be difficult to apply where there is no way to determine how the decision was arrived at. But that doesn’t mean it’s impossible and planners, whose role it is to draft and review important planning applications, must play a front and centre role in reforms to the Ontario Municipal Board.

Ian Flett practices municipal and administrative law at Eric K. Gillespie Professional Corporation. Ian dedicates his pro bono hours to better cycling infrastructure in Toronto.

LETTERS TO THE EDITOR Members are encouraged to send letters about content in the *Ontario Planning Journal* to the editor. Please direct comments or questions about Institute activities to the OPPI president at the OPPI office or by email to the executive director. Keep letters under 150 words. Letters may be edited for length and clarity.

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Environmental planning

Removing barriers

By Robert Voigt, RPP, contributing editor

Environmental planning in Ontario benefits from a decision-making system that espouses openness and participation. In our contemporary culture that means technology and access to data play vital roles. Unfortunately, ineffective use of technological tools and limited government support for the very data that is needed to inform planning strategies is sometimes at odds with the principles of open government and an engaged public.

To illustrate this challenge, CPAWS Wildlands League policy and research director and former Ontario Ministry of the Environment senior policy analyst Trevor Hesselink offers the following brief overview of a specific project—[De Beers Victor diamond mine](#).

De Beers Victor diamond mine

Over an 18-month investigation of the environmental performance of the De Beers Victor diamond mine, it became evident that Ontario's environmental permitting system struggles with evolving technology and open-government mandates. This in turn reflects negatively on the participation of an informed public in environmental decision-making. To be able to form an opinion and contribute meaningfully, members of the public require reasonable access to the same information that government decision-makers are relying on to make a decision.

In this case accessing government-held documents presented technological and procedural barriers, despite the *Environmental Bill of Rights*, which enshrines the right to know the basis for a decision and to have one's input considered by decision-makers.

The data search began with the permit proposals. Researchers found posts on the Environmental Registry—a searchable online tool established under the EBR for government to post notices, materials and links—for the mine but could not access the applications and supporting documents. Instead the posting indicated that information was available at the local ministry office, located 500km from the mine and 700km from Toronto. With a 30-day timeframe for comments, chasing routine supporting documentation can have significant implications.

Researchers also found that issued permits were inconsistently available on the registry. For example, the 2007 decision notice for the primary dewatering discharge for the mine, failed to include the permit. While the notice was amended in 2008, it failed to include various attachments to the permit. It was only through a Freedom of Information request that these documents were obtained. Subsequently, the permit link was found archived, despite the fact the permit is a current authorization.

Researchers also found that monitoring reports were not readily available and could be obtained only through FOI requests. Once accessed it was discovered that their formatting rendered them unsearchable as digital images.

Technology as an enabler

Relying on technology can result in unforeseen consequences, particularly as public expectations continue to grow and



applications in other contexts evolve. Government needs to stay current and ensure that technology does not become a barrier over time. Even with limited resources, routine information should be publically accessible in a timely and searchable manner.

Robert Voigt, RPP is a professional planner, artist and writer. He is recognized as an innovator in community engagement and healthy community design. A member of OPPI, Robert is chair of the OPPI Planning Issues Strategy Group and publishes the CivicBlogger.

PROFESSIONAL STANDARDS

CPL audit

By Brian Brophrey

OPPI's Professional Standards & Registration Committee is pleased to announce that it has carried out its first spot audit of members' Continuous Professional Learning records (as contemplated in section 3.4 of the CPL Program Guide). Approximately 2 per cent of the members who were subject to and met the CPL requirement in 2015 were selected at random. The 2015 CPL records of those members (but not their names) were put before the Professional Standards & Registration Committee for review and consideration.

The committee was pleased to note that members are undertaking creative and substantive CPL activities, and generally claiming reasonable and appropriate Learning Units for those activities. The committee followed up with some members regarding various minor discrepancies or issues: confusing descriptions of the CPL activity in question, cases where it was unclear whether the CPL claimed would actually be ineligible since it might be part of normal job duties, claiming networking time as CPL, claiming more than the allowed Learning Units per volunteer committee per year (5.0), for preparing a presentation (4.0), or for reading a single book or text (3.0).

However, for this first audit no Learning Units were disallowed. The committee expects members to be increasingly familiar with the CPL Program Guide, and continually more rigorous in applying it to their CPL claims and records.

Brian Brophrey is OPPI Registrar & Director, Member Relations.



Fun with probabilities

If OPPI audits 2 per cent of its members each year regarding CPL compliance, then the longer someone remains a member, the higher the odds that s/he will be audited. For example, if someone is a member for 35 years—perhaps from the age of 25 to 60—there is a 51 per cent chance s/he will be audited at some time during his or her career. (The possibility of not being selected during 35 audits = $0.98 \times 0.98 \times 0.98 \dots$ to the exponent 35.)

2017 Membership Renewal

OPPI's 2017 MEMBERSHIP RENEWAL begins in November. Your notice will arrive by email, so log in to your profile at ontarioplanners.ca/member-login to verify that your email on file with OPPI is current. Once you receive your renewal notice, your profile page will display a red "Renew My Membership" button. Thank you for your continued support.

OPPI LEARNING PATH

LOOKING TO DEVELOP A NEW SKILL next year, or maybe even get a promotion? Map out your success using OPPI's [Learning Path](#). This simple, interactive tool helps you identify and define your professional learning goals. Save a copy and keep it on hand to refer back to throughout the year as part of your plan to succeed.

Employers in Ontario have even started to adopt the Learning Path as a tool to assist in the professional development of their employees. It's simple, yet so effective! And the best part? It's free.

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