

**Building Cycling Infrastructure: A Case Study of Provincial Impact on Municipal
Transportation and Land-Use Policies in Hamilton, Ontario**

By

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ABSTRACT

This research examines the emergence of cycling-supportive land-use and transportation policies in Ontario and Hamilton, Ontario between 1990 and 2016. The focus of this thesis is on two questions that have been unexplored in previous research: (1) what cycling-supportive policies emerged in Provincial and Municipal government during this time?; and (2) what role, if any, did the Provincial position on cycling play in the development of Hamilton, Ontario cycling policies? A primary and secondary document review was undertaken to identify patterns between historical Provincial and Municipal policies.

Three types of results are presented: (1) an examination of amendments to the Ontario *Planning Act*, emphasizing its effect on the role of policy in Ontario, the structure of the Ontario planning system, and on Municipal conformity; (2) a detailed review of emergent cycling-supportive policies and trends in Ontario and Hamilton, Ontario between 1990 and 2016; and (3) an analysis of evidence showing the influence of Provincial cycling-supportive policies on Hamilton plan policies.

This research concludes that (1) novel cycling-supportive policies have emerged at both the Municipal and Provincial levels during the research period, and (2) evidence exists that Provincial land-use and transportation policies have influenced Hamilton's cycling policy over the research period.

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List of Acronyms

AMCTO – Association of Municipal Managers, Clerks and Treasurers of Ontario
AMO – Association of Municipalities of Ontario
AT – Active Transportation
BCA – Business Case Analysis
BRT – Bus Rapid Transit
CBD – Central Business District
CIP – Community Improvement Plan
CIPREC – Canadian Institute of Public Real Estate Companies
DPS – Development Permit system
EA – Environmental Assessment (as defined by the *Environmental Assessment Act*)
EBR – Environmental Bill of Rights
ESA – Environmentally Significant Area
ESAIEG – Environmentally Significant Area Impact Evaluation Group
GGH – Greater Golden Horseshoe
GHG – Greenhouse Gas
GTHA – Greater Toronto and Hamilton Area
GTТА – Greater Toronto Transportation Authority
HTA – *Highway Traffic Act*
HWCCS – Hamilton-Wentworth Community Cycling Survey
HWRCC – Hamilton-Wentworth Regional Cycling Committee
RBAC – Regional Bicycle Advisory Committee (Hamilton-Wentworth)
LRT – Light-Rail Transit
MMAH – Ministry of Municipal Affairs and Housing
MPAC – Municipal Property Assessment Corporation
MTO – Ontario Ministry of Transportation
OMB- Ontario Municipal Board
OP – Official Plan
OPPI – Ontario Professional Planners Institute
PAC- Planning Advisory Committee
PPS – Provincial Policy Statement
RMHW – Regional Municipality of Hamilton-Wentworth
RTP – Regional Transportation Plan
TCR – Toronto Centered Concept
TDM – Transportation Demand Management
TSR – *Towards a Sustainable Region* (Hamilton-Wentworth Official Plan)
TTS – Transportation Tomorrow Survey
UDI – Urban Development Institute

1. Introduction

1.1. Introduction and Context

The research aims to inquire into, report on, and analyze emergent cycling-supportive policies within the Province of Ontario and the Municipality of Hamilton between the years 1990 and 2016. The research focuses on policies that facilitate the development of cycling-supportive urban environments, emphasizing the relationship between land-use and transportation policies, while providing insight into the legislative mechanisms that coordinate and ensure compliance with Provincial and Municipal planning. Three aspects of the policy framework were examined. First, where possible, the researcher provided an account of the development of the policy document. Second, emergent policies that facilitate cycling-supportive environments were collected. Third, relationships were identified between these policy documents, including key legislative documents affecting planning policy in Ontario.

Many policy documents recognize that active transportation can play a role in how cities in the Greater Toronto and Hamilton Area (GTHA) are designed and experienced. With climate change, air quality and pollution, and urban accessibility emerging as relevant political issues, so does the opportunity for well-supported investments in active transportation infrastructure. Current research in the GTHA emphasizes the role of the “first and last mile” problem. The “first and last mile” problem is the challenge of transitioning to a mass transit urban environment with adequate walkable and cyclable urban design, land use planning, and infrastructure. Several researchers have suggested that opportunities for improvements to Active Transportation (AT) infrastructure still exist in the GTHA (Craig, 2013, 10).

Active transportation policy statements have surfaced in regional and Provincial planning documents since at least the early 1990s, to capitalize on the health and economic benefits that

AT offers (Pucher, 1999). Planners and engineers are beginning to recognize the benefits that active transportation can offer residents, from increased physical activity, reductions in air pollution, congestion reduction, and improved mobility (Litman, 2003b).

The downtown core in a city like Hamilton, built with narrow streets, exhibiting a range of industrial, commercial and residential uses, has been identified in regional plans as a priority area for cycling investment. Its densities support resurfacing, street painting, and bicycle share programming, but also permit local riders to access an increased range of services. The uniform suburban developments of the past five years stand out from those built in the early 1990s, when consciousness around sprawl and environmental degradation were beginning to reenter the politic discourse around planning. In these areas cyclists ride on shared roadways, along stretches of single dwelling residences. The urban landscape is shaped by a rich history of policies, definitions, and planning practices. Each contributes to the experience of cycling in these places. These policy changes are determined in part by the emergent political discourse on planning.

Limited research addresses the influence of Provincial policy on Municipal AT policy in Ontario. Sztabinski (2007) examined the Provincial role in aiding Municipal planners developing their AT infrastructure. His recommendations for Provincial level policies, as well as local objectives, provide a foundation for a finer grain case study of the evolution of cycling policy. Pucher's work in the American context, and to a lesser extent his research into Canadian policy, provided insight into the relationship between Federal, Provincial and Municipal strategies (Pucher, 1999). Historical policy review and analysis exist within planning literature, although within a European context. Pflieger et al. (2009), examined changing transportation policies in several European countries. Using historical analysis, Langstraat (2014) explored the

effectiveness of visioning documents and strategies, comparing the Amsterdam and Ontario AT outcomes. Both precedents have shaped the approach of this research in comparing historical policies on AT.

This thesis identifies, reports upon, and analyzes the policies emerging in Ontario during 1990-2016, offering the first historical analysis of cycling policy trend of its kind. It is also a reflection upon enduring questions on planning policy, including historical debates around the roles of Provincial and Municipal policy, the balance between Municipal autonomy and Provincial oversight, the importance of semantics and interpretation in policy, and debates around the status and significance of the official plan.

1.2. Problem Statement and Key Questions

The researcher believes that a historical understanding of the role of Provincial directives and the processes that determine Municipal policy can reveal a more lucid understanding of the present initiatives and directives guiding cycling. No such comprehensive examination exists, as far as the researcher is aware. Provinces, Agencies, and Municipalities invest into policy research, in part to identify more efficient means of using the available natural and financial resources and meeting public policy objectives. Cycling, recognized as a tool which can address a range of public issues, has been applied within the GTHA to such public problems as climate change, air and water pollution, increasing per capita energy use, public health, poverty, consumption of productive lands, and burdensome infrastructure costs. By undertaking a historic analysis of policies, those identified by contemporary research as facilitating cycling-supportive environments, this research can exhibit a fuller range of policy actions that affect cycling outcomes in this Province.

Three broad research questions guided this research:

1. What Ontario Provincial cycling policy directions emerged from 1990 – 2016?
2. What Hamilton, Ontario Municipal cycling policy directions emerged from 1990 – 2016?
3. What role, if any, did the Provincial position on cycling play in the development of Hamilton, Ontario cycling policies?

Questions one and two were addressed through the policy review, found in sections four and five. Question three was expanded to address two sub-questions:

- 1) What effect did legislation have on Municipal cycling policies during this time?
- 2) What mechanisms serve to standardize the relationship between Provincial and Municipal policies?

This line of questioning required delving into parliamentary debates, Standing Committee transcriptions, and secondary sources to understand the history of the *Planning Act*, legislation supporting Provincial plans emerging in the 2000s, and the effect of changes to the *Highway Traffic Act* in 1989.

1.3. Assumptions and Limitations

The research began with several assumptions that proved to be problematic. One key assumption was how Official Plans were reviewed, amended, and updated. The researcher anticipated that Municipal official plans would align with regulations set by the Province, however, several irregularities were identified. Hamilton's official plans were gathered hastily at the outset of the research, with the researcher interested in the identification of the relative accessibility of key documents. Because of this rushed step, the researcher failed to uncover that Hamilton's 1993 official plan received no substantive update for almost fifteen years. This challenge was accommodated by accounting for the numerous Official Plan amendments during

the mid-1990s and by including a reflection on the status of Official Plans and the challenges associated with the practice of ‘planning by amendment.’

Although most Provincial documents were found archived in university and public libraries, some supporting documents were ‘lost’ to the filing practices of Province and Ministry Archives. Requests for several supporting documents were submitted to Provincial Archive staff, however, often the search was abandoned after the filing reports indicated the document was lost within unlabeled boxed stacks, qualified by the Ministry in *metres* of paper. Details of Ministry reports, minutes, and policy papers could expand this research, however, these steps would add years to the research process. Municipal archival practices had their sets of challenges. The researcher encountered challenges gathering key documents from the City of Hamilton, although several city staff were supportive of the research and provided assistance gathering documents. Unlike some Municipalities in the GTHA, which are now embracing the concept of open data, few resources were identified through online city databases. These databases were found congested with mixed council reports, a problem affirmed by several Municipal contacts. Municipal public libraries were a primary source of documentation used in this research, both from the Hamilton Public Library and Toronto Public Library.

A major limitation to this research was time. Originally, a set of interviews with key Municipal staff were planned to verify the insights from the review of documents, but these were abandoned to finish the thesis in a reasonable timeframe. The researcher has shared messages with several key contacts discovered in the course of the research, out of personal interest, but no formal interviews were conducted.

1.4. Ethics

Given the predominance of secondary sources and archival research, the study involved minimal ethical risk. Most documents were publicly available, limiting the need for special permissions. Article 2.2 of the Tri-Council Policy states that where “(a) the information is legally accessible to the public and protected by law; or (b) the information is publicly available and there is no reasonable expectation of privacy” ethics approval will not be required (TCPS, 2010, 17). The researcher has interpreted this to include public submissions to Standing Committees, submissions to Environmental Registry, and anonymized consultation data associated with some plans.

1.5. Overview of Thesis Structure

This thesis is organized into eight sections. Section one has provided an introduction to the research topic, defined the scope of the research, described some of the limitations associated with the research, and is now providing a summary of research structure. Section two features a literature review on cycling policy, discusses major research on policies at the Municipal and Provincial/state level, and examines of some research conducted on cycling within the GTHA. Section three introduces the theoretical and methodological underpinning to this research, and describes the research methodology chosen. Sections four through six provides an overview of the research findings, with an expanded primary and secondary policy document review at the end of the thesis in Appendix A,B, and C. Section four describes major changes to the *Planning Act*, affecting the structure of the Provincial planning system, the role of policy in Ontario, and Municipal policy implementation. Sections five and six provide an overview of emergent policies supporting cycling at the Provincial and Municipal level, focusing on major plans, studies, and policy documents. Section seven formally addresses the research questions. Section

eight contains the research conclusions, including a reflection on academic policy research, major contributions, and policy gaps identified.

2. Literature Review

2.1. Infrastructure and Cycling in GTHA and Abroad

Research on trends within Regional and Provincial active transportation planning in Ontario is just emerging, with work by organizations like Toronto Centre for Active Transportation (Craig, 2013; Behan and Smith Lea, 2010). Measuring and analyzing cycling trends provides policymakers and planners with the data and analysis to inform and discuss planning issues. While it is not the purpose of the proposed research to gather or analyze empirical data on cycling trends, identifying them has assisted the researcher in understanding the determinants and outcomes of specific policies. Having a knowledge of cycling trends has been helpful for both the appraisal of cycling programming and infrastructure, and for the understanding the environmental impacts of the rates of cycling in the study area.

Behan and Smith Lea (2010) use 39 markers to measure the outcomes of active transportation initiatives in cities across Canada. Included markers address infrastructure, user safety, travel behaviors, demographics, geography and climate. This national-scale research revealed several trends, including the impact of commuting distance, climate impacts, local gas taxation, and the impact of perceptions of safety.

Craig (2013) appraises current cycling trends, and examines the current capital and operating costs of cycling modes, and other modes of transportation. Like the analysis of use trends, cost estimates represent one aspect of understanding the variables impacting planning outcomes. This work will not focus on the specific costs of provision and maintenance of cycling infrastructure, but an understanding of capital costs, maintenance, and other costs allowed for a stronger understanding of barriers to cycling policy.

The appraisal of cycling trends in the United States has a longer history than in Canada and possesses larger datasets. In “Bicycle Renaissance in North America? An update and re-appraisal of cycling trends and policies” researchers Pucher, Buehler, and Seinen (2011) review and analyze dominant cycling policies and user trends. The article re-evaluates an earlier appraisal, building on past research and focusing on the years 1990 through 2009. Their work focuses on National statistics that differentiate between recreational and utilitarian cycling, socioeconomic characteristics of cyclists, trends in fatalities and injuries, and funding trends at the state and federal levels. Due to their specificity on policy matters, large datasets, and comparison with Canadian cities, research on American cycling trends was crucial in gathering a preliminary understanding of what policy approaches were being used to support cycling. Policy matters included increasing cycling safety, providing bicycle infrastructure, monitoring and evaluation, training and promotional programming, and integration within other transportation systems. Their work was responsible for instigating a focus on land-use planning policy within this current research.

2.2. Research on Comparative Policy Review

Bergeron and Levesque (2012) analyze policy issues affecting physical activity and health and identify where better collaboration is possible “between government sectors to enhance the design of active communities” (Bergeron and Levesque, 2012, 32). Bergeron and Levesque undertake a policy review and interview staff engaged in policy-making within five government ministries. They found that a major challenge to achieving multi-governmental collaboration and coordination include interruptions caused by elections, insufficient funding, inadequate measurements to substantiate designs for active communities, and limitations in the built form (Bergeron and Levesque, 2012, 46). Bergeron and Levesque conclude, in part, that a

strategic approach to multi-governmental collaboration and coordination could be effective in moving forward the physical activity and active community agenda, a finding that correlates with the increasing collaboration on cycling initiatives in Ontario within the research period.

2.3. Canadian Policy Research

The analysis conducted in a Canadian context above the city level is limited to recent research on the intersection of active transportation and regional planning policy or the role of AT infrastructure (Hatzopoulou and Miller, 2008; Langstraat, 2014). Older research found addressing the role of governance in regional transportation planning was also documented (Meligrana, 1999). This work was valuable to the current research because existing analysis on AT policies in Canadian cities and regions assisted guiding this current research methodologies and for establishing an acceptable discourses for analyzing policy at this level.

Sztabinski (2007) argues that a Provincial active transportation strategy, Route Green Verte in the Province of Quebec, could assist in steering Ontario Municipalities towards sustainable transportation alternatives, provide needed funding sources, and aid in regional promotion and program support. His analysis focuses on the main barriers in Ontario that have resulted in a lack of Provincial investment for AT by comparing other North American contexts, addressing bureaucratic obstacles, political climates, budget restraints, limitations in policy and supporting research, and limitations caused by built form in the GTHA (Sztabinski, 2007, 11). In analyzing North American regional AT programming, Sztabinski identifies funding arrangements, program objectives and policies, and evaluative criteria (Sztabinski, 2007, pg. 17). He then shifts the focus to current Municipal programming and their funding arrangements. Although Sztabinski does not address Hamilton policies, his work provides this research with a local case study of current Municipal funding and programming for AT. Last, Sztabinski

proposes some recommendations for Ontario based on his analysis and previous research addressing opportunities to improve local, regional, and Provincial AT policy and programming. Sztabinski suggests the Province establish a set of cycling policies, create a program for supporting cycling infrastructure investment, emphasize health benefits, and creating inter-governmental staff positions to address cycling challenges in Regions across Ontario (Sztabinski, 2007, pg. 23). Since Sztabinski's work has completed, the cycling advocacy environment has changed. With CycleON unveiled in 2014, Ontario's new cycling strategy, and an updated \$25 million dollar Action Plan to support the strategy, funding and advocacy for cycling infrastructure and programming mobilized in recent years.

Hatzopololou and Miller (2008) explore the role of policy integration among government planning institutions in cities across Canada. They demonstrate - through a survey of planning practitioners and policy makers - the efficacy of their decision-making models, evaluation and assessment of programs and built outcomes, and the degree that agencies integrate their decision-making processes (Hatzopoulou and Miller, 2008, pg. 151). Focusing on staff perception on integration between government agencies, the research compared information on operating time frames for transportation plans/policies, the roles of stakeholders in the planning process, the views of practitioners on vertical and horizontal integration between agencies, and the role of agency mandates in achieving that integration. Findings in the GTHA suggest there may be a disconnect between regional mandates and the level of participation afforded stakeholders in lower Municipalities and upper Regional Municipalities (Hatzopoulou and Miller, 2008, pg. 157). This work does not focus on active transportation policy formation, but provides a broad set of practitioner feedback on a range of transportation planning activities.

Paul Hess and Smith Lea (2014) examine the barriers to AT policy implementation during planning, development, engineering, and construction processes. They conduct two focus group sessions with engineering and planning professionals, and document transportation projects demonstrating these barriers. Their research concludes that although high-level policies for encouraging AT exist, barriers to the implementation of well-intentioned policies exist at both the policy and implementation stages. This research was helpful for understanding the current inclusion of AT policies in a range of high-level transportation and development plans in the GTHA, its findings on inter-agency coordination, and with its recommendations for future AT policy and funding arrangements.

A recent thesis at the University of Amsterdam by Florian Langstraat (2014), a different approach is taken for examining the integration and effectiveness of multiple planning agencies. Unlike Hatzopoulou and Miller (2008), who focus on examining practitioner experiences, “the underlying aim [of Langstraat’s thesis] is to identify factors that either foster or hinder the impact of future visions,” (Langstraat, 2014, pg. 5). Langstraat refers to future visions as the product of any long-term planning exercises that could influence strategic planning outcomes. Langstraat’s work parallels this current thesis for its main research question, reading: “what factors explain the impact of future visions of urban mobility?” (Langstraat, 2014, pg. 11). It also aligns in its examination of the influence of historical policies and its focus on short-, medium-, and long-term effects of visioning documents.

For Langstraat, a visioning document or planning document is successful if it achieves the full functionality of a vision. Such a vision provides guidance, binds together and aligns interests and resources, as well as generates new knowledge through the planning process (Langstraat, 2014, pg. 26). The explanatory variables affecting the ability of a visioning

document to reach its fullest impact occur both inside and outside the planning processes that generated the document. Langstraat identifies stakeholder involvement, the presence of a champion for the vision, the presence of focused and prioritized goals, and quantity of visions as internal factors influencing the ability of a vision to achieve its purpose. External factors include power imbalances among regional actors, funding availability, and coordination of multiple regional visions (Langstraat, 2014, pg. 29).

2.4. American Policy Research

Research in the United States by Pucher and Buehler (2005, 2006, and 2011) and Pucher, Komanoff, and Schimek (1999) provides an overview of policy trends affecting cycling in both the US, Europe, and Canada. Their approach has been to examine, portray, and compare trends in cycling levels, funding, and safety as far back as 1975; and to portray and compare policy approaches in major North American and European cities. Their work offers two contributions. First, they outline factors that contribute to levels of cycling and cycling safety. This data is useful because it provides a list of systematically studied criteria for conducting an analysis into policy statements impacting cycling. Second, they provide policy trends and analysis on a range of Municipalities over a period of great change. While this research will not enter into a comparison between Municipalities, the range of analysis by this group of researchers provides a framework to analyze existing policies. Pucher and Buehler (2005) describe the limitations that ‘carrot’ policies have on cycling levels, those encouraging cycling levels through provision of resources and infrastructure, compared to ‘stick’ policies, those punishing the use of traditional transportation modes like automobile and for low-density development (Pucher and Buehler, 2006, 278). While these documents contain comparative reviews of policies among Federal,

Provincial, and Municipal agencies, as well as between nations, the analysis focuses on the impacts on cycling levels rather than on the processes of policy formation.

Pflieger et. al. (2009) assert that questions about the efficacy of urban transportation policies to transform urban space can be answered through a “comparison of the long-term trajectories of [city’s] transport and urban planning policies” (pg. 1422). By accounting for the ways policies are materialized and consolidated over a period, including institutional frameworks, regulatory standards, infrastructure built, and limitations and opportunities of local built form, correlations between policies of the past and present can be identified. For Pflieger et al., this approach to policy analysis provides an opportunity to examine the underlying factors that policies change or remain unchanged. This approach emphasizes the impacts of a range of factors, but prioritizes the role of institutional and public actors. Pflieger et al. (2009) use a set of concepts to describe the processes that create change, they are:

- ‘reproduction,’ describing the reinforcement or failure of new policies to change a policy trajectory;
- ‘contingency,’ describing the incidental impacts of changing variables affecting decision-making and institutional processes, as opposed to planned changes in variables; and
- ‘innovation,’ referring to a conscious reaction to previous unstable conditions, and results in a return to equilibrium.

The approach of Pflieger et al. is useful to this thesis in that it “helps us to understand the conditions under which stability emerges and vanishes—i.e. all processes in which urban artefacts are transformed,” be they built infrastructure or guiding policies and strategies (Pflieger et al., 2009, pg. 1425).

2.5. Policies Identified as Supporting Cycling

It is helpful to begin a review of policies with a set of criteria that allow the researcher to separate *relevant* policy statements from those *irrelevant* to the research problem. This is more true where policy documents reviewed are wide-ranging on the topic, like in Ontario's new cycling strategy, or if they include a broad set of policy actions, for example as one might find in a regional plan. In building criteria for conducting a policy review, literature on Municipal and Provincial active transportation policy in the Canadian and American context were reviewed. The most recent are from a 2014 study of barriers to AT policies in the GTHA (Hess and Smith Lea, 2014), a 2008 research paper on interdependent Federal, Provincial, and Municipal policies in the Canadian context (Hatzopoulou and Miller, 2008), and research conducted by Pucher and Buehler (2005, 2006, 2011, 2012) on American and Canadian policy contexts. The policies that encourage cycling, identified by the preceding researchers, include:

- Safer cycling conditions
- Higher density development
- Fine-grain mixed use development
- Larger and more 'complete' cycling networks
- Integration with public transport networks
- Systematic cycle counts and program evaluation
- Bike parking
- Bike sharing programs
- Cycling training and promotion programs
- Cycling tourism
- Corresponding policies that reduce barriers to implementation
- Drivers assuming greater costs for automobile use (parking costs, gas taxation, reducing Municipal subsidy)
- The health value of cycling

These policies were used through the current research as a guide to allow the researcher to identify relevant policies impacting cycling levels and built infrastructure.

3. Research Methodology

3.1. Research Methods

The study had three stages. First, a public policy and literature review was undertaken to build a resource of summarized documents. Documents included historical Provincial, regional, and Municipal policy and strategy documents, legislation, Standing Committee and Parliamentary debates, and secondary sources addressing the research topic. Each was reviewed and summarized to create a documentation database of information about authorship, date, connections to other documents, and relevant AT policies extracted.

Second, the review also revealed preliminary themes that formed the basis of the historic analysis of policy changes. The researcher drew upon the existing research on policies that support cycling to identify and qualify changes among these policy documents. This processes took the form of another document, comprised of large tables of main policies grouped into the categories of land-use planning, transportation infrastructure, administration, and monitoring. An example of these tables can be found in Appendix D. It was through these grouped policies that the trajectory of present and historical texts could be isolated to show the changes occurring over time. During this stage, the policy database was reexamined to reflect ongoing analysis, and insights into the existing categories were identified.

Third, the research questions were addressed through a stage of analysis and reflection. Drawing upon themes identified through the review process, the researcher presented conclusions on the research, returned to the research problem, and addressed limitations.

Any research project must account for issues of validity, reliability, and generalizability. Validity, a measure of conformity to fact, can be addressed by some methods. Within the limits identified in accessing archival documents, the researcher attempted to use triangulation, where

possible, to confirm preliminary hypothesis identified in the research. The literature review confirmed a range of policy matters impact cycling. The researcher considers the use of primary document analysis a method of validity and reliability, because the data collected is from a primary source, not colored by other interpretations and biases. Data saturation (stopping the research process after new data ceases to surface) was another method used to ensure the conclusions reflect available sources. These methods of study design allow the researcher to ensure that data is as valid as possible.

Reliability, a measure of external validity, represents the ability of a research design and methods applied to ensure replication. Within a qualitative study, reliability can be verified if all methods and procedures are accounted for in documentation (Yin 2003).

Generalizability is a measure of whether the methods and conclusions of a study can be applied to similar contexts. It has been asserted that qualitative single case studies lack predictive value, compared to generalizable studies with large populations, experimental conditions, and quantitative datasets. Flyvberg argues that low formal generalizability in case studies can result in underestimating the value of phenomenological, descriptive, and exploratory studies (Flyvberg, 2006, 8). The researcher agrees with the limits to generalizability in this research, but the lends itself to insights on systems of planning used in Ontario. The emphasis on providing as much insight and detail into the effects of legislative changes, the value of public input, the status of official plans, and the balance of interests during policy formation can support conclusions that are more substantiated.

The research involves qualitative data collection and review. Literature review, archival research, qualitative coding, and policy analysis are the tools that reflect an exploratory and

interpretive mode of inquiry, using a grounded theoretical approach. The following sections discuss these methods.

3.2. Case Study

The case study is “a strategy of inquiry in which the researcher explores in-depth a program, event, activity, process [...]” where data is collected over a given set of time (Creswell, 2009, pg. 13). In the context of this research, the case study operates on a period and a single, although complex, relationship between institutions. This case study explores the impacts of Provincial active transportation policy on a Municipality in the GTHA, while accounting for changes in the processes determining those policies, constituting a single case study. Yin (2003) states that a single case is justifiable where the case “serves a revelatory or longitudinal purpose” (Yin, 2003). It is the aim of this research to provide both a longitudinal perspective on cycling policy in this Province, while also offering insights into the research’s guiding questions.

Yin (2003), Lundberg (1993), and Bhattacharjee (2012) outline steps in the formation and execution of this case study. The three theorists adopt different approaches to case study preparation, each perspective adding value to the proposed research: Lundberg for a clear and approachable methodology and his emphasis on action-oriented research and both Yin and Bhattacharjee for their detailed approach to case study preparation. All emphasize, with slight differences in language, the following four steps – expanded here to include more detail (Bhattacharjee, 2012):

1. Careful case study design:
 - a. choose units of analysis
 - b. define case design
 - c. define scope
 - d. choose data collection methods and tools

2. Data collection:
 - a. review primary source document
 - b. review secondary source document
3. Data analysis:
 - a. within-case data analysis
 - i. employ grounded theory approach
 - ii. gather emerging themes
 - iii. code
 - iv. develop preliminary themes
 - b. cross-case analysis
 - i. identify analogous concepts and patterns
 - ii. examine and identifying differences
 - iii. identify hypothetical causal relationships
4. Building Hypotheses
 - a. construct emerging hypotheses
 - b. return iteratively to raw data
 - c. generate a case for internal validity and generalizability

With few exceptions, the above case study method has informed the data collection and analysis procedures.

Yin (2003), Lundberg (1993), Flyvberg (2006), Bhattacharjee (2012), and Creswell (2009) support a nuanced understanding of the strengths and challenges of case study research. These documents contribute to a thoughtful and logical case study plan. Each author provides a specific approach to the case study, from the simple and approachable method of Lundberg, to the meticulous approach advocated by Flyvberg. Lundberg and Flyvberg offer a contrast to Yin, Creswell, and Bhattacharjee, for their more detailed process-oriented approach to case study methodology. The latter have influenced the structure of this study.

Pal (1992) informs the approach to conducting policy review and comparative analysis. Its focus on the Canadian policy context was helpful in defining the “nature of policies, their characteristics, and profiles” (Pal, 1992, pg. 22). Pal’s approach supports the goal to “not... change policies but simply to explain and understand them” (Pal, 1992, pg. 23). Climate change policy research, like that of active transportation policies, are often formulated around both interpretive and evaluative policy comparison procedures (Stevens and Senbel, 2012; Neptis, 2003; Aslam, 2013).

Discourse analysis tools also supported the policy research process. Maarten Hajer’s (1995) book on environmental discourse, *Politics of Environmental Discourse: Ecological Modernization and the Policy Process*, demonstrates a strong methodological approach to discourse analysis. In *Deliberative Policy Analysis: Understanding Governance in the Network Society* (2003), Hajer and Wagenaar edit a selection of articles on collaborative policy making, intergovernmental cooperation, and relationship-based analysis of institutions, from the discipline of discourse analysis. These documents prepared the researcher for examining the role of language, power, and action in policy formation.

A historical/linear policy review is an aspect of research analysis requiring grounding in proven methodology. Pflieger et al. (2009) use a historic policy analysis, mirroring the researcher’s intentions for the proposed research. Differences between this study include scale (targeting larger European cities) and longitude (targeting some case cities versus a one-city case study). Bhattacharjee (2012) and Charmaz (2006) align with the current research in their treatment of qualitative and grounded theory. Influenced by Glaser and Strauss’s methodology in *The Discovery of Grounded Theory, Strategies for Qualitative Research* (1967), Bhattacharjee expands upon the concepts of grounded theory, coding processes, and content analysis. Charmaz

(2006) provides finer detail about the logic of initial and focused coding practices. Returning to Charmaz’s meticulous methodology for coding during the analytical sections of the study plan were essential for success in the research.

3.3. Policy Analysis

Policy analysis represents an area of research and study addressing some of the most abstract and contested elements of politics, in that it deals with concepts of “fairness, justice, rightness, and goodness” (Pal, 1992, pg. 17). This research has drawn from the analytic theories in *Public Policy Analysis: An Introduction* by Pal (1992) and to a lesser degree, *Deliberative Policy Analysis: Understanding Governance in the Network Society* by Hajer and Wagenaar (2003).

This research conforms to what Pal calls ‘academic policy analysis,’ examining the relationship between the ‘determinants of policy’ and the ‘policy content’ itself, rather than identifying the best means to change policy (Pal, 1992, pg. 22). This approach emphasizes “explanations of public policy that are generally valid across time and space, and hence comparative [...] to explain specific instances in terms of general forces, which themselves are identified through general theories” (Pal, 1992, pg. 22). Pal presents a concise table describing the qualities of academic policy analysis as they compare with ‘applied policy analysis,’ a method aiming to identify problems and provide solutions to specific problems. This table is provided below to clarify the differences (Pal, 1992, pg. 24):

	ACADEMIC POLICY ANALYSIS	APPLIED POLICY ANALYSIS
FOCUS	Theory; “big questions”	Specific policy; specific problems
MODE OF ANALYSIS	Explanation	Evaluation
GOAL	Understand policies	Change policies
RESEARCH AGENDA	Independent	Client determined
DURATION OF ANALYSIS	Lengthy	Short

VALUE ORIENTATION	Strive for “objectivity”; neutrality	Accept client values; advocate “improvements”
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The theoretical standpoint for this research, is the concept of “structural determinacy,” a theory suggesting that patterns can be identified in behaviors when “structural or systemic conditions [are identified as acting through] individuals behavior” (Pal, 1992, pg. 28). This applies in section five, where the scope and quality of Provincial policy is discussed in the context of Municipal plans. In the current research the power takes a range of forms: there are shifts in delegated authority, the elevation of ‘Provincial interests’ as a means of safeguarding the natural and social resources, and legislation upholding planning principles. In examining the qualities of a complex system, Pal suggests that there must be “careful analysis of the way in which these forces operate” (Pal, 1992, pg. 30).

The core weakness of this current research, is the identification of potential cause and effect relationships. Pal asserts that the weakness of the approach is the “difficulty with variations from the predicted patterns” often resulting from unknown or veiled variables (Pal, 1992, pg. 30). The researcher recognizes the limitations inherent in identifying ‘cause and effect’ in such large, social systems. One method for addressing such a weakness is meticulous examination of the phenomena.

The rejection of ‘rational actor’ and ‘meaning systems’ approaches, as discussed by Pal, is partial. One major bias which the research was forced to contend with was the assumption that Provincial planners, enjoying greater resources, were better-capable of ensuring that planning interests were accounted for at the local level, through sets of policies and Provincial plans. Both Municipal and Provincial policy documents ranged in the quality and scope of considerations on matters affecting planning decisions. For example, the 1990 Hamilton-Wentworth Official Plan contains fewer and less binding policies on the protection of agricultural lands, a factor the

researcher suggests influences growth patterns and correlates with wasteful land-use patterns in settlement areas. At the Provincial level the dramatic shift in policy between the years 1993 and 1996 is remarkable, during which a Provincially led policy system was introduced. By assuming each actor in the planning process is rational, it is possible to consider how policies can be interpreted in contradictory ways or how motivations can vary. Part of this research involves the identification of varying definitions of the policy problem.

The definition of a public policy problem, as Pal explains the concept, requires identifying a stimulus that “changes a situation from the ‘normal’ into something that impedes or affronts us,” and what is more, constitutes a problem so broadly recognized that it justifies a public response (Pal, 1992, pg. 134). It is for this reason that some issues discussed in this research could be considered challenges to a system of meanings, a threat to principles like “equality, equity, and fair[ness]” (Pal, 1992, pg. 135). The researcher has found that discourse on planning for cycling is diverse, resulting in a range of interpretations of what public problem it can be applied. As Ontario’s most recent cycling strategy illustrates, cycling policy has been posited as a means of addressing climate change, supporting urban greening goals, contributing to beneficial public health outcomes, and reducing automobile dependence. The problem this research focuses upon, is that land-use planning considerations for cycling have historically been absent or underdeveloped, and often conflict with other stated rationales.

Innis and Booher (2003) argue that the collaborative planning model is effective in institutions where groups and roles are contested, and relationships are on the “edge of chaos,” describing conflicts in Parliament around contentious issues (pg. 36). Although this thesis does not demonstrate the effects of a collaborative planning model, the underlying framework of the collaborative model can be used interpret power and the role of compromise inherent in the

Standing Committee process. One public submission, frustrated with the unwillingness of MPPs to consider compromise, said (Standing Committee on Resources Development [SCRD], Feb 27, 1995):

[...] it's politics, and we have to find the best solutions, we have to make the compromises. If these solutions don't really pay respect to all the different interests, these solutions will not stick; they will come undone sometime in the future, and we can't afford that.

In the debates and submissions to Standing Committee, there are a range of players, each with differing power. During these submissions, and for those sitting on Committee to vote on changes to these bills, there is a “tension between competition and cooperation” (Innis and Booher, 2003, pg. 37). Innis and Booher suggest that for an effective decision to be made in this situation, there are four prerequisites (Innis and Booher, 2003, pg. 37-38):

- Investment into the process
- Sincerity in represented positions and interests
- Comprehensibility to all participants
- Accuracy of fact

The debates in Parliament constitute what Innis and Booher call the ‘Technical Bureaucratic Model’, the mode where, due to the political context, parties are the least free to explore diverse interests. Here, the analysts are interested in finding the one best solution within the existing power of balance.

Aspects of the ‘Political Influence Model’ are also evident, due to the British model of Parliament used in Canada, founded on “adversarial debate, fractious and bitter fights, and a political style of disrespect, since the government anticipates that every one of its proposals will be attacked, whatever their merit, and the opposition feels obligated to render that attack” (Pal, 1992, pg.105).

Innis and Booher describe the “Political Influence Model” as one in which a leader allocates divisible benefits to powerful players. Because there is a diversity of interests, but little incentive for dialogue, there is little collaboration. The focus is "not about outcomes or substantive results," it is about building a political group up, where they can claim responsibility for projects and build political legitimacy (Innis and Booher, 2003, pg. 53).

Last, perhaps in part to counter the fractious adversarial tone of Parliament, Standing Committees provide an opportunity for direct public input. Aspects of this practice align with what Innis and Booher the ‘Social Movement Model’ in which interests previously excluded from a power structure, are amassed through grassroots work to influence decisions through protest. It could be argued that the Standing Committee public consultation process is a means of voicing protest. Power remains within those seated at the committee to reject or accept the pleas of various interest groups, despite these groups often containing a broader and representative breadths of political interests, diversity of viewpoints, and scope of analysis.

Pal suggests that the work of policy analysis is a mix of tacit knowledge and clear data (Pal, 1992, pg. 232),

[...] a curious alchemy of smoke and substance. The substance is a mastery of rational techniques and logical discourse, the smoke, without which the substance is usually wasted, is a political astuteness – a grasp of the interests and values and the ways they channel the policy process.

To ground the collection of policies that support cycling, the researcher decided that a set of criteria would be effective that would allow the separation of policy statements from those irrelevant to the research problem. This was particularly necessary where policy documents include a broad set of policy actions (for example, as one might find in a regional plan). In building criteria for conducting a policy review, literature on Municipal and Provincial active

transportation policy in the Canadian and American context have been studied. The most recent and useful for formation for criteria are from a 2014 study of barriers to AT policies in the GTHA (Hess and Smith Lea, 2014), a 2008 research paper on interdependent Federal, Provincial, and Municipal policies in the Canadian context (Hatzopoulou and Miller, 2008), and research conducted by Pucher and Buehler (2005, 2006, 2011, 2012) on American and Canadian policy contexts. As the intent of this current research is to identify those policies that encourage cycling levels and infrastructure, this review of policy directions will orient the researcher to common policy directions taken in other Municipalities. This has assisted in identifying policies that could impact cycling outcomes although may not refer to cycling, such as higher density development, fine-grained mixed-use development, and policies deterring other modes of transportation. The criteria identified by the researcher included:

- Safer cycling conditions
- Higher density development
- Fine-grain mixed use development
- Larger and more ‘complete’ cycling networks
- Integration with public transport networks
- Systematic cycle counts and program evaluation
- Bike parking
- Bike sharing programs
- Cycling training and promotion programs
- Cycling tourism
- Corresponding policies that reduce barriers to implementation like coordinating policies and rules around compliance
- Drivers assuming greater costs for automobile use (parking costs, gas taxation, reducing Municipal subsidy)
- The health value of cycling

These criteria have allowed the researcher to quickly identify policies impacting cycling levels and built infrastructure. To aid in the discussion of each of these policy areas, the researcher grouped these areas into four main categories:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

Using these groups permitted the researcher to discuss and compare policy documents, from the growth plans, to natural resources protection plans, to technical bicycle infrastructure investment studies.

4. Overview of Key Legislative Changes

This section addresses several major amendments to the Ontario Planning Act that have occurred during the last twenty years. This account will help explain the effect of legislative changes on policy in Ontario. The amendments contained in this section include:

- Bill 163: Planning and Municipal Statute Law Amendment Act (1994)
- Bill 20: Land Use Planning and Protection Act (1995)
- Bill 26: Strong Communities Act (2004)
- Bill 51: Planning and Conservation Land Statute Law Amendment Act (2006)
- Bill 73: Strong Growth for Our Communities Act (2015).

The researcher has opted to include the Final Report by the Commission on Planning and Development Reform in Ontario (CPDRO), whose recommendations established the framework for a policy-led planning system in Ontario.

4.1. Commission on Planning and Development Reform in Ontario (CPDRO)

Before CPDRO the planning system was criticized for failing to protect Provincial interests. During this period, environmental concerns were emerging in the public discourse. Provincial Ministries bore responsibility for publishing guidelines and policies, as well as reviewing and approving each development application within the province.

CPDRO identified the inability of a single Ministry to review each application capably. As a result, ministry policies were found to be inconsistently applied across the province. The lack of oversight amounted to an acceptance of ad hoc decision-making. Some practitioners referred to the policy guidelines as ‘dead papers.’

CPDRO recommended that the Province restructure the planning system so it could provide an authoritative policy voice and authorize large, well-funded planning regions to

oversee approvals. These authoritative policies would become the Provincial Policy Statements, a comprehensive document to guide land-use decisions and protect Provincial interests.

CPDRO recognized that planning decisions needed to reflect Provincial interests uniformly. It recommended amending the *Planning Act* to require that “all planning decisions [...] shall be consistent with” the Provincial policies (CPDRO, 1993, pg. 15). This clause prioritized the consistent application of Provincial interests over Municipal flexibility and obligated planners and decision makers to consider a larger set of planning matters. The CPDRO also recommended that under the new ‘policy-led’ planning system, Municipal official plans would become vital in ensuring that Provincial policies were communicated across local contexts.

The Commission recommendations had several effects on the role of policy in the Province:

- The legislation gave policies more teeth and greater imperative, due to far-reaching influence of consistency clause.
- Planning policies were comprehensively organized, ensuring that decision-makers had access to the Provincial position.
- Provincial interests were prioritized over local planning objectives.
- Status of the local and regional plans was enhanced by making the OP the primary tool for ensuring policy conformity.
- Policy conflicts were primarily resolved within policy documents, rather than between Municipalities and developers.

Although many recommendations would ultimately go unimplemented, the CPDRO Final Report was pivotal in the history of Ontario’s planning legislation. Its recommendations shaped the discourse on planning policy, influencing future debates on the relative balance of Provincial oversight and Municipal autonomy.

4.2. Harris Conservatives

The Provincial NDP adopted many CPDRO recommendations in Bill 163, creating the first iteration of the PPS. The amendments and the PPS would only stand for just over one year due to the Conservative victory in 1995.

Loosely adopting the CPDRO model, the Conservatives aimed to find a favorable balance between private and public interests, opting to relax some Provincial oversights. The *Planning Act* was amended with Bill 20, returning the previous clause requiring that planning decisions have regard to Provincial policies. Arguments for repealing the clause include:

- Municipalities needed flexibility within the planning process to meet local objectives.
- Courts had already defined ‘have regard to,’ and most practitioners knew what to expect when implementing policies.
- The proliferation of Provincial policies was incompatible with the previous consistency test, due to internal contradictions and a lack of mechanisms to determine those that take priority.

Under the guise of streamlining the planning process and eliminating barriers to economic growth, policies in the statement were substantially thinned. The changes would narrow what Municipalities were obligated to consider in planning decisions, including the removal of many transportation and environmental directives.

Despite Conservative rhetoric around Municipal empowerment, several amendments served to limit Municipal oversight and weaken the status of official plans. Bill 20 eliminated any mandatory requirements for prescribed plan content and removed the definition of OP from the Act altogether. Timelines for stakeholder involvement were shortened. These repealed clauses obscured a relevant Municipal planning tool, demonstrated a disengagement in

leadership on planning in the Province, and distanced Municipal planning from regional and Provincial interests.

The Harris era changes had three main effects on the role of policy in the Province:

- Amendments permitted decision-makers to return to an ad hoc planning system, allowing policy to be acknowledged but not necessarily implemented.
- Streamlining rhetoric was used to discourage Municipalities from investing in long-term planning and OP review.
- Complementing these changes, policy matters in the PPS were significantly reduced.

4.3. Liberals Return to Power

The Liberals regained power in 2003, during a time when the Conservatives were beginning to introduce several Smart Growth directives. Both parties believed the effects of sprawl, auto-centrism, and environmental degradation could be mitigated while also accommodating growth, by applying Smart Growth principles. The first Liberal *Planning Act* amendment, Bill 26, rescinded several changes made by the Conservatives:

- The consistency test was reverted, realigning the planning system with early CPDRO recommendations.
- The PPS was rewritten to ensure that the new standard would not apply to the existing diminutive PPS.
- Streamlining amendments were withdrawn, permitting longer durations for public and Municipal staff oversight.
- The Bill enhanced the status of the OP, eliminating rights of appeal on applications containing urban boundary changes. Such amendments complemented emergent Provincial plans, influenced by Smart Growth principles.

Bill 51 was passed in 2006 and continued alignments with CPDRO principles. The ‘consistency test’ was altered to require that planning decisions “conform with the Provincial plans that are in effect” (*Planning Act*, 2005). This amendment complemented the emergent Smart Growth Provincial plans that continued to be published during this time. The ‘conform with’ language, considered a more rigorous standard, applied to cycling-supportive policies contained within these plans.

A relevant Provincial interest was also added to the *Planning Act*. The new interest refers to “the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians” (Planning Act, 2006). The inclusion of such a policy within the Act gave credence to cycling supportive policies and legislation. Stakeholder response to the change was mixed, with some unsure what constituted ‘sustainable’ development.

Bill 51 also included new planning tools. Amendments permitted Municipalities to use building area, density, and height regulations. These changes complemented the smart growth oriented Provincial plans that were created during this period, facilitating Municipalities to meet their density and intensification goals. One key tool was the expansion of subdivision plan controls to include sustainable design elements. While no definition of sustainability is included in the Act, the clause states that such elements include bicycle parking facilities, pedestrian pathways, and bicycle pathways.

Bill 26 and 51 had several effects on policy matters:

- The return of the consistency test re-established the paramountcy of Provincial policy in Ontario, strengthening the status of cycling policy uniformly across the province.
- Amendments were supportive of Smart Growth principles, planning principles underlying emergent Provincial plans. Smart Growth philosophy aligns with cycling supportive land-use principles identified in the literature review.
- The inclusion of AT supportive development as a Provincial interest further directs Municipalities in accommodating cycling. Effect of normalizing AT and cycling matters and substantiating existing policies.
- Amendments expand Municipal planning tools, facilitating cycling supportive density and intensification goals.

4.4. Liberals Retain Leadership

The Wynne Liberals amended the *Planning Act* in 2015, continuing the Smart Growth supportive legislation. Bill 73 expanded the Provincial interests to include “the promotion of built form that [] is well designed [and] encourages a sense of place [...]”(Planning Act, 2016).

The researcher suggests that the change convoluted the Provincial interests with undefined matters, weakening the authority of the Act. Amendments also extended the review cycle for OP, requiring ten years to align with PPS. The ten-year timeline, although only occurring once before returning to a five-year schedule, aligns Municipal reviews with Provincial plan reviews. The continued failure to define ‘comprehensive review’ or ‘new official plan,’ limits the effect of aligning Municipal plans with Provincial directives.

Bill 73 has two relevant effects on policy. First, new ‘Provincial interest’ complements existing AT policies, however, this was largely due to permissive wording within the interest. Second, amendments encouraged Municipalities to conduct ‘comprehensive review’ of OP and to align with Provincial plans. The change contributes to meeting growth management objectives that align with land-uses identified as cycling-supportive within the literature review.

4.5. Overview of Changes

Planning Act amendments over the research period have had several effects on the role of cycling-related policy in Ontario. The most relevant change that occurred are the changes to the ‘consistent with’/‘regard to’ standards affecting all planning decisions. The changes were contentious because they addressed a long-standing debate within Ontario: how should planning authority be effectively distributed to serve local and Provincial interests? The changes that occurred are relevant to this research because they alter the relationship between Provincial direction and Municipal decision-makers. When cycling policies exist at the Provincial level, but no legislation to ensure that they are included within a Municipal OP, the relationship between Municipal and Provincial policy has been affected.

5. Overview of Key Provincial Policies and Plans

5.1 Provincial Policies

Before the recommendations by CPDRO, and the first *Planning Act* amendments shortly after, there was no ‘comprehensive set of Provincial policies’ guiding land use planning decisions. Policies were set by individual ministries and published as guidelines for Ministerial approvals and Municipal decision-making. Nor were there any Provincial or regional plans affecting areas larger than a single Municipality.

With the adoption of CPDRO recommendations, the PPS became the comprehensive source of Provincial guidance on policy matters. The authority of the Provincial Policy Statement is granted under section 3 of the Planning Act, giving powers to the minister to issue policy statements, establish a level of compliance on planning matters, and to review and revise the policies at regular intervals. CPDRO recommendations also created a framework for regional planning oversight, a precursor to the Provincial plans that would come into effect in the mid-2000s.

The following section will examine some key Provincial policies as they directly or indirectly affect active transportation.

5.1.1. CPDRO Recommendations/1994 PPS

The policies contained within the CPDRO recommendations and the 1994 PPS have been compiled due to significant overlap. The Commission formulated a conceptual planning framework under which the *Provincial Policy Statements* could “outline Provincial interests in a clear, straightforward manner” (CPDRO, pg. 10). CPDRO emphasized the prioritization of Provincial interests over local planning interests. It asserted that policy conflicts could be accounted at the Provincial level with the use of carefully worded, consistent, and outcome

oriented policy objectives. Under the more imperative ‘consistent with’ compliance clause, these policies were thought to more uniformly protect environmental and long-term financial interests of Municipalities and the province.

The most relevant policy change emerging from the CPDRO recommendations, and the 1994 PPS, was the integration of AT principles within policies on efficient land-use. The Implementation Guidelines, a policy handbook designed to support Municipalities in implementing the new comprehensive policies, stated that “planning to promote energy efficient modes of transportation such as walking, cycling, and transit, rely on some of the same basic land use patterns for their effective and efficient use“ (MMAH, 1995). The researcher asserts that transit supportive patterns, another major initiative from CPDRO, also compliment several cycling supportive policies.

Some of these relevant land-use patterns include:

- Extensions to settlement areas “will have a compact form, a mix of uses, and densities that efficiently use land, infrastructure, and public service facilities;” serving to prioritize and support active transportation initiatives (PPS, 1994, B8).
- “Transportation systems in urban areas will be designed to *give priority* to energy-efficient low polluting travel, including priority to walking, bicycling, and public transit, where appropriate” (CPDRO, Pg. 141)
- Settlement extensions will be a logical extension of the existing built area, a contiguous built form that allows unencumbered trips for cyclists (PPS, 1994, B8).
- Public streets “should be planned to meet the needs of pedestrians,” pedestrians defined within the Implementation Guidelines as modes that match an “equivalent at walking speed,” including bicycles (PPS, 1994, B2)(MMAH, 1995, B2-2).
- Implementation guidelines further describe the principles of compact, mixed use growth that permits “short walking distances (based on [...] the concept of the “five minute walk”) (MMAH, 1995, B2-2)

Policies in the 1994 PPS identified a connection between transit supportive land-use patterns and the ‘efficient’ use of land. The researcher argues that densities, mixes of uses, and

compactly built form accommodating public transit services are densities that, compared to sprawling single-use patterns, are more supportive for cyclists. Where densities supporting higher order transit, zoning, and other planning tools can also enable “the provision of a variety of commercial, retail, residential, industrial, institutional and cultural uses in a given area,” resulting in “a greater number of uses in defined areas ... allow[ing] people to accomplish several things in one trip” (MMAH, 1995, pg. B5-2). This outcome serves the interests of AT users, including those who use transit with their bicycles, promoting more local trips by bicycle.

One prominent growth analyst, reflecting upon the past fifty years of Provincial leadership in planning, expressed that “[e]veryone in planning know[s] the importance of integrating land use and transportation, but in this region, since 1970, achieving such integration has not been easy” (White, 2007, pg. 47). The development of a comprehensive Provincial policy that addressed the transportation and land-use policy gap was an accomplishment for CPDRO and NDP leadership. Unfortunately, due to the political changes which would occur a year later, the use of AT supportive policies to define a Provincial standard for efficient land-use was almost entirely removed for another decade.

5.1.2. 1996 PPS

Changes to the 1996 PPS reflected the Provincial Conservative’s policy for prioritizing economic development, streamlining development procedures, and deemphasizing the policy-led approach advocated by the Commission. Besides the virtual elimination of all transportation policies within the PPS, the most relevant policy change affected the standard of efficient land-use.

Unlike CPDRO formulations, the policies in the 1996 PPS less rigorously connect principles of increased density, a mix of uses, and compact development to the standard of land-

use efficiency. While language can be identified that call for a range of uses in new developments, opportunities provided for intensification, and minimization of land consumption, policies on efficient land-use are often oriented around the principle of “cost-effectiveness [in] development and land use patterns” (PPS, 1996, pg. 1). Rather than using policies that describe desired outcomes, like creating walkable communities or alleviating automobile dependence, directives concerning efficient use of land often imply that the best outcomes are those that provide the most cost-effective provision of infrastructure.

Policy 1.1.2 contains the most explicit attempt at defining what constitutes efficient land-use. Never defining a standard of efficient land use, the document states “land use patterns will be based on” (PPS, 1996, 1.1.2):

- “Densities which [...] efficiently use land [...]” (PPS, 1996, 1.1.2.b)
- “Densities which [...] support the use of public transit [...] where it exists or is to be developed” (PPS, 1996, 1.1.2.b)
- “The provision of a range of uses in areas which have existing or planned infrastructure to develop them” (PPS, 1996, 1.1.2.c)

By providing a barebones interpretation of efficient use, and neglecting to provide any supporting description of intended outcomes, the 1996 PPS fails to develop a robust land-use definition that accounts for AT. Further, the use of the term ‘based on’ to qualify desired efficient land-use principles implies that planning outcomes may or may not ultimately align with policy.

The elimination of many cycling specific policies in the 1996 PPS deemphasizes the role of AT across Ontario. Changes reinstated the historical gap between land-use and transportation policies and dispelled expectations of Provincial oversight. Where policies that have historically referred to efficient land-use remain, changes to the PPS introduce ambiguity and create opportunities for broad interpretation.

5.1.3. 2005 PPS

The Provincial Liberals finished an unfinished PPS review in 2005, instigated by the Provincial Conservatives in 2001. Stakeholder critiques were wide-ranging, calling for a broader vision reflecting more public ‘interests,’ better management of conflicting policy interests, and more clarification on priority issues. (MMAH, 2002). Specific criticisms targeted weak policies guiding transportation planning, agricultural protections, monitoring, and insufficient technical definitions (MMAH, 2002). Changes to the 2005 PPS align with Smart Growth principles, including supporting intensification, a finer grain mix of uses, and stronger environmental protections. The document began to align with emergent Provincial plans like the Growth Plan for the Greater Golden Horseshoe (Growth Plan), Greenbelt Plan, and Big Move, documents under development at the time of review. Together, these documents provide an enhanced growth management scheme for the Golden Horseshoe.

In addition to reinstating a range of transportation directives removed by the 1996 PPS, one key trend identified in the 2005 PPS was the integration of cycling and AT specific language within policies. Three examples include:

- Returning to the approach of the CPDRO recommendations, cycling once again informed the Provincial standard for efficient use of land. Policy 1.1.3.2a3 directed that patterns of land use will “impact [...] air quality and climate change, and promote energy efficiency,” a directive that referred to the GHG emissions of automobile use (PPS, 2005, 1.1.3.2a3). This directive is reiterated in 1.6.5.4, which stated that a “land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus” (PPS, 2005, 1.6.5.4).
- Cycling references were introduced in settlement area expansion directives. Policies introduced in 1.4.3 clarify criteria on the expansion of urban settlement boundaries, directing that “densities for new housing” would “support[] the use of alternative transportation modes and public transit in areas where it exists or is to be developed”

- (PPS, 2005, 1.4.3d). This change clarifies that an efficient use of land is one that permits alternative transportation modes, but also explicitly directs that greenfield developments should meet this Provincial standard.
- The 2005 PPS includes policies expanding efficient land-use policies to include employment lands, directing for a “mix of employment and housing uses to shorten commute journeys and decrease travel congestion” (PPS, 2005, 1.8.1 d). This policy complements existing directives on mixed use and density, however, clarifies the relationship between employment and residential areas. The policy implies that the historical separation of employment lands should be discouraged to allow for a greater mode share of non-automobile commuter trips.

Emergent policies in the 2005 PPS had several effects on the cycling policy in Ontario. With the return of the consistency test, the inclusion of AT and cycling directives reasserted alternative transportation as a policy matter relevant to all Municipalities across the Ontario. The prevalence of AT and cycling directives help raise the profile of land-use effects on cycling. Although cycling policies were more prevalent in the 2005 PPS, many of the policies did not fundamentally change the intent of existing policies. Instead, the addition of these policies clarified the policy outcomes and emphasized the role of land-use planning in addressing congestion, pollution, and climate change challenges.

5.1.4. 2014 PPS

The 2014 PPS is the latest revision to the PPS. Maintaining the policy-led approach, policy structure, and general thrust of some of the 2005 statements, the 2014 PPS predominantly contains small revisions clarifying or expand upon existing statements. In an introductory presentation to the 2014 PPS by the MMAH, the MMAH claimed that consultation revealed “a prevailing view that the PPS 2005 policies were providing sound Provincial land use direction” (MMAH, 2014a). The claim is audacious, considering the continued absence of monitoring policies for the PPS, and independent research evidence suggesting that land-use efficiency goals

established by the PPS and the Growth Plan have not been achieved (Ontario Greenbelt Alliance, 2009)(Allen and Philippa, 2013).

One major trend that emerged in the 2014 PPS was the interjection of climate change abatement rationales into several existing policies. Policy 1.1.1h promotes healthy communities through “promoting development and land use patterns that conserve biodiversity and consider the impacts of changing climate” (PPS, 2014, 1.1.1h). While stronger policies exist on per capita energy use, automobile use, and GHG emissions, 1.1.1h serves to connect the principles of ‘efficient use of land’ with the emergent challenges of climate change. The researcher assumes, given the similar language used throughout the PPS, that the policy refers to the effects of GHG emissions associated with sprawl and private automobile use. The inclusion of 1.1.1h strengthens the rationale for low GHG emission modes of transport, more densely built developments, and a more conducive mix of land-uses for local trips. Policy 1.8.1 reiterated the thrust of policy 1.1.1h, stating that “[p]lanning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns” (PPS, 2014, 1.8.1). Because these policies provide few new details regarding climate abatement, the researcher suggests that they can be considered synonymous with existing standards of efficient land-use, standards that already support cycling.

A second trend was the continued proliferation of AT and cycling policies within the PPS. As with the 2005 PPS, some directives piggybacked onto existing policies. For example, policy 1.6.7.4, which directs for land-use patterns that minimize the length and number of vehicle trips, was amended to explicitly accommodate growing rates of active transportation. It is unclear to the researcher why such a policy change was needed, given that the previous iteration used the term ‘alternative transportation modes’, a term that included the bicycle. A second

example, policy 1.1.3.2 was amended to require that land use patterns be based on “densities and mix of uses which [...] support active transportation” (PPS, 2015, 1.1.3.2a). The researcher suggests the inclusion of ‘active transportation’ within this policy may have provided stronger direction if it added new detail on what ‘active transportation’ supportive densities entail, and whether it implies a more rigorous standard in densification and mixed use compared to existing land use policies.

The effect of changes in the 2014 PPS on cycling policy is not yet clear. The emergent cycling, AT, and climate change references are primarily expanded rationales interjected into existing policies. The prevalence of these policies serves to raise the profile of cycling in the Province, and expand the use of cycling a rationale for climate change abatement. The researcher asserts that they do not add any detail or clarify what constitutes a cycling supportive land-use pattern.

5.2. Provincial Plans

Five Provincial plans were selected to be included in this overview to provide additional context for the role of the Province in guiding Municipal cycling policies. Included within this section is an overview of relevant policies within the MTO Revised Bicycle Policy (1992), Greenbelt Plan (2005), Growth Plan for the Greater Golden Horseshoe (2006), The Big Move (2008), and CycleON (2013).

5.2.1. MTO Revised Bicycle Policy (1992)

The 1992 Revised Bicycle Policy marked a shift for on-road, vehicular cycling in Ontario, and demonstrated the Ministry’s interest in supporting cycling infrastructure, conducting cycling related research, and expanding the existing policy framework. Under the previous policy, updated in 1981, the Ministry limited its commitment to:

- Promote bicycle safety
- Support cycling for recreational and health purposes
- Not authorizing roads or shoulders for bicycle use
- Permitting encroachment permits for bicycle facilities only under special circumstances

Preceding the revisions, the Ministry conducted a Province wide consultation. The consultation revealed that “over 99% of respondents indicated that the bicycle should be recognized as a legitimate mode of transportation,” running counter to the MTO official position (Ministry of Transportation, 1992a, pg. iii). A key change which emerged in the 1992 Revised Bicycle Policy was the recognition of the bicycle within the *Highway Traffic Act* definition of ‘vehicle.’ The inclusion of the bicycle as a vehicle in the Act implied that the Ministry would now be responsible for ensuring Municipalities develop infrastructure suitable for bicycle use. Accordingly, the Revised Policy prioritized the future development of a standardized set of bicycle facility guidelines.

Recognizing that the guidelines would be completed in the undisclosed future, the Ministry included some policies which could guide proposals and define expectations around facility design. One of the key policies set requirements for Ministry funding on bicycle infrastructure projects. New Ministry policy directed that funding would be provided after a study is completed that shows:

- A need for bicycle infrastructure
- The proposed infrastructure is interconnected with the existing transportation network
- Network selection that prioritizes specific routes
- Bicycle facilities are built on or adjacent to transit systems and roadways

These conditions signal a reversal from previous policy, which only supported off-road recreational trails. Instead, the policy directs for an on-road, vehicular approach to planning for the bicycle.

The MTO Revised Bicycle Policy altered cycling policy by creating a legitimate channel for receiving Provincial funding for bicycle infrastructure. Although the document did not contain comprehensive policies guiding bicycle facility and network design, by tying Ministry funding to study prerequisites, the document asserted an influence while formal facility guidelines are developed.

5.2.2. Greenbelt Plan (2005)

Part of the Liberal Government's smart growth land use planning reform package, the Greenbelt Plan (2005) is a growth management plan created to achieve several interrelated policy objectives: the designation and protection of natural resources and agricultural lands, and to enable intensification policies within GTHA. While the researcher recognizes that the Plan prioritizes several environmental objectives, the published plan refers to the function of providing "clarity and certainty about urban structure, where and how future growth should be accommodated, and what must be protected for current and future generations" (Greenbelt Plan, 2005, pg.3). Because Greenbelt Plan policies support Growth Plan and PPS intensification policies, the quality of its directives is relevant to this research.

The most relevant policies emerging from the Greenbelt Plan effecting cycling are those that complement the growth management measures of the Growth Plan. The underlying promise of Greenbelt Plan is that rapid urban expansion and sprawling trends can be slowed and ultimately prevented by prohibitive land-use policies in surrounding rural areas and strong intensification policies within designated urban areas. Unlike policies found within the PPS and the Growth Plan for the Greater Golden Horseshoe, the Greenbelt provide little direction on principles of efficient use of land; rather, the plan prioritizes direction on delimiting rural uses and natural heritage features for growth management. Policy 2.4.3.3 establishes a limit to urban

expansion and empowers intensification policies contained within the Growth Plan, stating “settlement areas outside the Greenbelt are not permitted to expand into the Greenbelt” (Greenbelt Plan, 2005, 2.4.3.3).

The effect of the Greenbelt Plan on cycling policy is indirect but relevant in the context of the Provinces overall growth management strategy for the GTHA. In conjunction with strict compliance clauses within the *Greenbelt Act* and the *Planning Act*, Municipalities within the plan area are obligated to designate limits to settlement area growth. The intended effect of such a policy is to give teeth to the density, intensification, mixed use targets included with the Growth Plan and the PPS, in addition to protecting the valuable agricultural and natural resources of these lands.

5.2.3. Growth Plan for the Greater Golden Horseshoe (2006)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2006) is a Provincial plan created to guide development and land-use planning in the region within and surrounding the Greater Toronto and Hamilton Area (GTHA). The Growth Plan for the Greater Golden Horseshoe is organized around some land use principles, including:

- Establishing boundaries for urban settlements
- Intensifying existing lands to enable economic and social benefits of proximity
- Creating a mix of land uses to maximize benefits of proximity
- Diversifying of transportation system, prioritizing public and active transportation

The Growth Plan contains many land-use policies that directly support cycling. However, some of these policies parallel the existing policies in the PPS. For example, directives that guide efficient land-use similarly reference compact development, patterns which “reduc[e] dependence on the automobile,” and “increase the modal share for transit, walking and cycling” (Growth Plan, 2013, 2.2.2.1). Other directives are totally novel. Policy 3.2.3.3, for example,

added specific details to guide the development cycling networks, ensuring that Municipalities “provide safe, comfortable travel for pedestrians and bicyclists within existing and new developments” and “provide linkages between intensification areas” (Growth Plan, 2013, 3.2.3.3). Many of these cycling–supportive directives contain clear, effectively worded policy. They use imperative policy language, refers to both new and existing areas, and direct for cycling within the boundaries of the roadway (rather than among other ‘pedestrian modes’). While additional policies make reference to cycling, within policies 2.2.2.1g (on general growth patterns), 2.2.3.7d (on intensification areas), and 2.2.7.1b (on greenfield development areas), these policies refer to efficient land-use patterns that ‘support cycling.’

A noteworthy change was increased specificity among land-use efficiency policies. The Growth Plan introduced targets for some key principles, including:

- Directing growth to settlement areas; “directing a *significant portion* of new growth to the built-up areas” (Growth Plan, 2013, 2.2.2.1a). While not a precise target for municipalities, the policy ensures that municipal staff guide development to existing built up areas.
- Minimums for intensification; “a *minimum of 40 per cent* of all residential development occurring [...] will be within the built-up area” (Growth Plan, 2013, 2.2.3.1). This target clarifies the previous, defining the term significant portion.
- Mixed-use targets for central business districts; “urban growth centres will be planned to achieve [...] *200 resident and jobs combined per hectare*” (Growth Plan, 2013, 2.2.4.5b). The policies maintain growth emphasis in CBD, providing specific targets for each major municipality in the Province.
- Greenfield density and mixed-use minimums; “greenfield area of each upper- or single-tier Municipality will be planned to achieve a minimum density target that is not less than *50 residents and jobs combined per hectare*” (Growth Plan, 2013, 2.2.7.2). The policy ensures that transit-supportive densities, densities that can also support cycling, are built in all new greenfield lands. As of 2016, within the review of the Growth Plan, proposed changes suggest that this target may be raised to 80 residents and jobs combined per hectare (MMAH, 2016).

The provision of measurable targets to evaluate the efficient use of land removes some of the flexibility around land-use decision-making, but also clarifies expectations on the efficient use of land in the context of emergent Greenbelt policies. Despite implementation shortcomings identified since the Growth Plan was first published, the inclusion of quantified targets was a first among the documents examined for this research.

Several effects of Growth Plan policies on cycling are evident. The Growth Plan reiterates many of the land-use efficiency principles found in the PPS, emphasizing their importance in the context of the GTHA's growth projections. Novel policies also clarify the role of cycling in the GTHA, directing that infrastructure should serve both intensified areas and greenfield developments. Last, the inclusion of measurable targets establishes transparent expectations for growth management in the GTHA, a scheme that aligns with several cycling supportive land-use patterns.

5.2.4. The Big Move (2008)

The Big Move (2008) is a regional transportation plan (RTP) established by Metrolinx, an agency of the Province with a mandate to “develop and implement an integrated multi-modal transportation plan” for the Greater Toronto and Hamilton Area (Metrolinx, 2008, pg. vi). Since its creation, the role of Metrolinx has been expanded to include the management and development of commuter rail service under the ‘GO’ brand, broker transportation infrastructure investments across Southern Ontario, and manage some ancillary programs on management of transportation infrastructure provision. The plan identifies several relevant challenges to the existing transportation system in the GTHA, including:

- Increasing car dependence
- Increased congestion
- Lack of integration between systems

- Consumption of agricultural lands
- GHG emissions
- Threats of instability due to energy costs

Despite some challenges in implementation, the Big Move has established several cycling supportive programs. Although Metrolinx and its RTP hold little authority over land-use planning decisions, they remain relevant to Municipal policy across the GTHA for their advisory roles.

The Big Move contains directives effecting to cycling across the GTHA. As of 2016, some of the completed initiatives include introducing bicycle racks on all GO service vehicles, supporting bicycle sharing programs across the GTHA, and developing best practices for AT for GO station accessibility. The plan also contains some policies and priority actions that are beyond the scope of Metrolinx’s authority, like ensuring Municipal OP enable AT (2.10), ensuring sidewalks are built on all new roads (2.12), and undertaking active transportation master plans for each Municipality.

One major directive that remains to be implemented is Action 2.1. It describes a long term plan to introduce a network of cycling facilities across the GTHA. Action 2.1 states (Big Move, 2008, 4.2.1):

“Plan and implement complete, integrated walking and cycling networks for the GTHA, including Toronto’s PATH system, that address key barriers such as bridges over 400-series highways, rail corridors and major rivers, and missing sidewalks on major roads. The cycling networks will bring every GTHA urban resident to within a maximum of one kilometer of a dedicated bicycling facility. This will be supported by a Provincial funding commitment increased over time to at least \$20 million per year for Municipalities to complete the walking and cycling network.”

Action 2.1 reveals differences between land-use and transportation planning on higher order public transit projects and AT. The Big Move’s transit projects emphasize the density requirements for funding relatively expensive subway and light rail infrastructure. Cycling infrastructure, in contrast, is disconnected from those land use directives. Had Action 2.1 stated “80 percent of GTHA residents will be within one km of cycling infrastructure,” a directive that prioritizes cycling investments within high density districts or those with anticipated ridership growth, the policy would establish some form of priority for cycling infrastructure investment. Instead, the policy suggests a finer meshed network of infrastructure, affecting built in urban areas, commercial corridors, and greenfield developments equally. As a priority action dependent on existing land-uses, its effectiveness is diminished because it assumes the presence of suitable densities and mix of uses across the GTHA.

Some of The Big Move’s cycling policies have already been implemented. Despite some policies set beyond the scope of Metrolinx’s authority, the agency has successfully realized AT directives associated with its GO services, including AT accessible stations, bike rack programs, and investments into bike share programs. Other policies, like the goal of building a network of cycling facilities across the GTHA, seem impracticable within the current scope of Metrolinx’s powers and have had an indeterminate effect on Municipal policies.

6. Overview of Key Municipal Bicycle Plans and Policies

6.1. Municipal Plans

This section will address some key cycling-related policy changes which have emerged in Hamilton's Official Plans within the last twenty years. The documents included in this section are the 1990 Hamilton-Wentworth Official Plan office consolidation, the 1993 Hamilton-Wentworth Towards a Sustainable Region Official Plan, and the 2013 City of Hamilton Urban Official Plan.

6.1.1. Hamilton-Wentworth Official Plan Office Consolidation (1990)

In 1990, the Hamilton-Wentworth Official Plan was consolidated (hereon referred to as the Plan), integrating official plan amendments since 1982. The document contains policies related to matters of regional concern, encompassing growth management, regional development, economic revitalization, road and pipe infrastructure, public services, and management of natural historical resources. The plan contains few specific directives targeting cycling infrastructure, exhibiting major differences between pre- and post-CPDRO plans in Hamilton. This document has been included within this research to provide context for the dramatic changes in Hamilton-Wentworth's official plan in the early-1990s.

One key characteristic identified in plan policy was the absence of prohibitions on agricultural and rural lands adjacent to settlement areas. One reason these policies are absent is due to greater Municipal autonomy in setting growth management policies during this era. The accommodation of projected growth, both within and outside its urban and rural settlement boundaries, is stated within the plan's overall objective: to "continue to provide a choice of living environment (urban, suburban, rural) for the residents of the Region" (Hamilton-Wentworth, 1990, pg. 1). As a result, contradictory policies guiding efficient land-use were

identified throughout the plan. For example, despite defining and designating policies for areas within the Region (for example agricultural, commercial, and residential areas), the plan includes loopholes to transgress these boundaries. One contradictory policy states that the “development of a residential, commercial and institutional nature may be permitted on lands immediately adjacent to the urban policy area without amendment to this Plan [...] provided such a development is not of a significant scale and represents a minor extension to the Urban Policy Area” (Hamilton-Wentworth, 1990, 15.1.7). The result of policy 15.1.7 and other permissive directives is (1) policy area directives can be interpreted as suggestion, (2) despite language around desired agricultural uses, Area Municipalities are free to define their policies, and (3) several regional policies are dedicated to permitting transgressions to boundaries and undermine the status of Official Plans. Contradictory policies like 15.1.7 give context to some of the challenges described by CPDRO, who rejected arguments for increased Municipal flexibility in recognition of the pressures Municipalities face to permit developments that do not serve Provincial interests.

Relaxed growth boundaries contribute to land-use policies that are not cycling-supportive. Although the plan includes directives “support and encourage Area Municipalities to adopt residential densities and designs in the urban areas,” the researcher asserts that where transgressions to urban boundaries are sanctioned, the Municipality cannot effectively incentivize efficient land-use patterns within built up areas (Hamilton-Wentworth, 1990, 8.9).

6.1.2. Hamilton-Wentworth Official Plan (1995)

Towards a Sustainable Region (TSR) was Hamilton-Wentworth’s response to Provincial planning initiatives like CPDRO, and local strategic planning initiatives. The plan introduced

new policy directions reflecting a rising environmental consciousness, new planning tools, and enhanced Provincial policy guidance, under a modern sustainable development framework.

In addition to updating some of the plan's permissive settlement boundary, land-use efficiency, and transportation policies to align with CPDRO recommendations, the plan adopted several policies which directly support cycling. The keystone of the TSR's bicycle policies was C.4.3.3.1, which "ensure[d] implementation of a Regional Bicycle Commuting Network Plan [Network Study]," the region's first comprehensive bicycle infrastructure plan (Hamilton-Wentworth, 2010, C.4.3.3). The adoption of the regional cycling plan was a major policy development because the TSR had greater authority over the seven area Municipalities within the Hamilton-Wentworth Region than the discretionary cycling Network Study. Other emergent policies which directly support cycling include (Hamilton-Wentworth, 2010):

- Request that area Municipalities make provisions in neighborhood plans that accommodate safe and efficient cycling (C.4.3.3.2)
- Investigate incorporating bicycle racks onto public transit vehicles (C.4.3.3.3)
- Provide bicycle parking for Municipal buildings and transit stations (C.4.3.3.5)
- Require area Municipalities to include bicycle parking minimums in zoning bylaws (4.3.3.6)

The TSR plan altered the Municipal policy environment in Hamilton, aligning its land-use and transportation directives with emergent CPDRO principles. The inclusion of a bicycling section within the Region's infrastructure policies reflected many of the insights that emerged from the 1992 Network Study.

6.1.3. Urban and Rural Hamilton Official Plan (2013)

The TSR plan continued to be in effect until after the 2001 amalgamation and received few amendments to address Provincial policy changes. For this reason, the plan was not in conformity with the Provincial plans introduced in the mid-2000s, like the Growth Plan (2005),

the Greenbelt Plan (2006), and Big Move (2008). The Urban and Rural Hamilton Official Plan, the first plan of its kind since amalgamation, brought Hamilton's policies into conformity with Provincial plans and the 2005 PPS. Consistent with growing numbers of policies in the PPS and Provincial Plans, the 2013 OP swelled in size to accommodate the many Provincial conformity requirements.

AT principles were identified in several urban systems designations, which are policies applied to types of urban areas to spur specific growth outcomes. For example, the plan states that "Urban Nodes, [a type of community epicenter], will have access to higher order transit and will exhibit a wide variety of land uses and densities designed and oriented to support and facilitate transit and active transportation" (City of Hamilton, 2013, E.2.3). The Researcher suggests that the urban systems concept builds upon the previous regional development pattern and provides stronger direction for efficient land use and AT integration at the neighborhood level.

Rationales for cycling investment were also expanded within the 2013 OP. The plan describes cycling and other AT modes as "a key component of the City's transportation network," and provides "a sustainable alternative to travel by private automobile, resulting in physical, economic and social benefits from improved air quality, reduced energy consumption and increased physical activity" (City of Hamilton, C.4.3). Although the inclusion of these rationales does not directly affect cycling policies, they do clarify Hamilton's commitment to multi-modal transportation and the reduction of automobile dependency.

The 2013 OP also emphasizes urban design and included several policies directing for cycling-supportive street and facility design. Policies include conveniently located cycling infrastructure, way finding through signage and use of materials, cyclist safety through street

design, and the use of traffic calming measures (City of Hamilton, 2013, B.3.3.2.5). Other policies were indirectly supportive of cycling, requiring a “continuous animated street edge,” to “minimize excessive street noise,” and to foster streets including “adequate and accessible space for pedestrians, bicycles [...]” (City of Hamilton, 2013, B.3.3.2). The plan states that each principle contributes to “high quality, safe streetscapes [...] that encourage physical activity and active transportation” (City of Hamilton, 2013, B.3.3.2.5). Urban design principles which support cycling and walking-cyclist modes encourage the use of the bicycle for day-to-day utilitarian and recreational trips.

The researcher suggests that the increase in cycling supportive policies within the OP demonstrates an alignment with Provincial plans and policies, which have grown to emphasize AT as a key element in defining efficient-land use and livability. Changes in the OP show that cycling is being integrated within street level design considerations, site and subdivision controls, to city and region wide transportation plans.

6.2. Municipal Cycling Plans

The Region of Hamilton has published bicycling planning documents as early as the late 1970s. However, it was in the early 1990s that the Regional Municipality of Hamilton-Wentworth funded its first comprehensive bicycle network study. This section will examine the 1992 Network Study, and its two subsequent revisions in 1999 and 2009, rebadged under the title Changing Gears.

6.2.1. Hamilton-Wentworth Regional Bicycle Network Study (1992)

The Hamilton-Wentworth Regional Bicycle Network Study (1992) (hereon referred to as the Network Study), conducted by landscape architecture firm Victor Ford and Associates in cooperation with the Region’s bicycle planning committee and its transportation and planning

staff, used an analytical approach to network planning. The study included an examination of the ‘philosophical’ underpinning within network concepts, arguments on cyclist/motorist integration, and the risks associated with a narrow formulation of network users. The researcher suggests that these rationalizations constituted the Region’s underlying bicycle policies instead of a comprehensive formal set of bicycle policies.

The study described the process of choosing alignments for the preferred commuter network, informed by data including the region’s opportunities and limitations, available legislation, and traffic accident data. Five defensible principles, used to develop the cycling commuter network concept, stand out from the document:

- Allow research to inform facility design and manage Municipal liability. The study recommends “design[ing] and install[ing] facilities in accordance with generally researched and accepted practices[,]” while recognizing that “no route can provide a totally risk-free environment” (Hamilton-Wentworth, 1992, pg. 9, 53).
- Utilize a cost-effective, concentric design. Rejecting costly grid coverage concepts, the study recommended that investments to cycling should begin with those that have been prioritized.
- Emphasize an on-road, vehicular approach for users with a basic knowledge of road rules. In examining the limited opportunities for an off-road path system, due to the absence of connected parkland and green corridors, the study rationalized that “[i]t is impractical to create special bicycle facilities and traffic rules that are anomalous to existing laws and expectations when the established ones will suffice” (Hamilton-Wentworth, 1992, pg. 18)
- Primarily serve utilitarian cyclists taking direct, purposeful trips between key locations. The Network Study emphasized the approach of “us[ing] or build[ing] onto established and potentially popular routes for commuter bicycling” (Hamilton-Wentworth, 1992, pg. 2).
- Address specific physical barriers for utilitarian cyclists, including intersection crossings, natural features, and large highway infrastructure. The study stated, “by addressing these specific problem areas, at the scale of the proposed Regional Bicycle Network, a basic level of bicycle

service, equivalent to the arterial road system for motorized vehicles, would be achieved” (Hamilton-Wentworth, 1992, pg. 19).

In the absence of a developed Provincial policy framework, the detailed rationalizations contained within the Network Study illustrated the leadership of Municipal staff and consultants for formulating a cycling plan responsive to local needs. The effect of these changes on bicycling policy in Hamilton are manifold, including:

- Developing a plan that would align with emergent Provincial policies (CPDRO and MTO)
- Formulating a set of defensible principles that would ultimately be upheld by the broader Municipal policy framework
- Establishing a prioritized network that would shape future investments
- Creating an “astute and practical” solution that clarifies and answers many of the Region’s constraints and opportunities (Hamilton-Wentworth, 1992, pg. 12).

While the plan neglected some policy aspects covered in this thesis, such as the role of land-use planning, its effective use of emergent Provincial direction and local knowledge resulted in a defensible, implementable, and uniquely suited area plan.

6.2.2. Shifting Gears (1999)

Four years after Hamilton’s first comprehensive bicycle study, the Regional Municipality of Hamilton-Wentworth initiated a review of the progress to date and opportunities for new directions. The resulting plan became the Hamilton-Wentworth’s updated cycling plan, titled *Shifting Gears* (1999). The researcher suggests that the 1999 update maintained most of the 1992 defensible principles without responding to seven years of policy changes within the Region and the Province.

With the emergence of CPDRO recommendations, the 1994 PPS, and the 1996 PPS, the researcher expected to identify land-use planning policies within the updated cycling plan. One

change between 1992 and 1999, was a changing concept of efficient land-use. Between these years changes were made to the Provincial interest in efficient land-use, shifting from a concept that integrated transportation and environmental concerns (for example within the Commission recommendations and the 1994 PPS) to a financially driven concept (for example within the 1996 PPS). Within *Shifting Gears* (1999), network approach and policy did not reflect the Provincial policy changes of the seven-year period, despite the high status of changes like the conformity subsections, the expansion of a planning policy framework, and the contested expansion of Provincial interest in land-use efficiency and energy conservation during this timeline.

Shifting Gears (1999) contained few changes to bicycling policy in Hamilton. Subtle changes were made affecting its network strategy (providing off-road trail investments, targeting low-cost improvements, and completing missing links) and cycling programming (deemphasizing adult bicycling education programs and new police enforcement initiatives). Despite these smaller changes, overall the plan maintained directions contained in the 1992 Network Study, failing to respond to Provincial and Regional policy changes.

6.2.3. Shifting Gears (2009)

Shifting Gears (2009) is the latest bicycling plan for the City of Hamilton (formerly the Region of Hamilton-Wentworth), containing the city's ten year vision for cycling, an infrastructure investment plan, and other supporting programs. After the review of the 1999 plan, it was decided that a comprehensive plan would be needed to account for recent developments in regional strategic and transportation planning (PPS amendments, Growth Plan, Greenbelt Plan). Despite the rhetoric around a comprehensive review of the existing plan and the use of a Municipal Class Environmental Assessment, most objectives remained unchanged.

Like earlier iterations, the plan missed an opportunity to introduce more detailed land-use efficiency policies supporting cycling. The researcher asserts that while some directives were identified that capitalize on densely built corridors and highly trafficked routes between major destinations, no directives were set to guide the development of growing greenfield communities. In the context of documents like the PPS and the Growth plan, which integrated cycling principles into their concept of efficient land-use and applied targets for intensification, the updated plan fails to advance the role of cycling in these areas.

One major change which emerged was the reevaluation of the network concept. Although the plan opted to continue providing a prioritized network of commuter paths, the plan also states that it would provide a 2 km semi-grid network across the whole city (City of Hamilton, 2009, pg. 33). This policy aligns the plan with a prominent Big Move priority action, which directed for each resident to be within 1 km of a cycling facility. Unlike the Network Plan (1992), which rejected a grid network model, *Shifting Gears* (2009) does not provide underlying rationales for the new network concept. Other changes include a policy to “review [...] and ensure connectivity at Municipal boundaries,” the first cycling specific policy addressing pathways traversing Municipal boundaries (The City of Hamilton, 2009, pg. 53). The plan suggests that developing intra-Municipal bike networks may require alignment with and support from Provincial and Federally planned investments, including major highway and bridge reconstruction projects in the region.

Shifting Gears (2009) contains several changes to Hamilton’s cycling policy. By undertaking a Municipal Class Environmental Review, the plan legitimized sustaining the existing network concept, one developed seventeen years earlier in a different Provincial and

Regional policy environment. Unfortunately, by voluntarily aligning with Big Move directives (on the 2 km cycling network grid), the Plan contradicts its rationalizations.

7. Research Questions Answered

7.1. Summary of Emergent Cycling Policies

This section will address the first two questions that guided the research, questions that address the changing policies about cycling over the research period:

What Ontario Provincial cycling policy directions emerged from 1990 – 2016?

What Hamilton, Ontario Municipal cycling policy directions emerged from 1990 – 2016?

By taking a broad interpretation of ‘cycling policy,’ to address ‘policies facilitating cycling-supportive urban environments,’ the researcher was permitted to sift through a greater body of directives, integrate additional matters of interest to the planning community, and shed new light on the history of cycling policy within Hamilton and the Province.

The policies examined in this thesis encompass those traditionally identified in research on cycling. These include policies *directly* addressing the provision of cycling infrastructure and programming. The research has also included an analysis of policies *indirectly* supporting cycling, like growth management schemes affecting Municipal land-use efficiency policies. The broad interpretation adopted by this research is the decision to include an analysis of policies supporting the principles of efficient land-use that have been identified in the literature review. To provide an account of cycling-supportive policies in Ontario and Hamilton, a thorough account of the land-use directives supporting cycling would have to be included. Other indirect changes which occurred during the timeframe include directives enhancing the status of official plans, public participation, and policy implementation. These policies were included, as *indirect* factors affecting cycling policies at the Municipal level, to answer the research question. The researcher argues that the inclusion of these broader directives provide a more rounded

interpretation to the research problem and serves to ground the research within the field of City Planning.

By taking a historical approach, the researcher was interested in seeing if a policy story could be told, one that could describe the evolving trajectory of policy on the land-use and transportation considerations affecting cycling. For a complete answer to these questions, the researcher has provided an examination of key policy documents, overviewed in sections 4 through 6 and in greater detail within the appendices. For readers interested in the specific development of these policies, a discussion of subtle changes in policy emphasis, and a more nuanced examination of the interrelatedness of Municipal and Provincial policies, the researcher suggests the appended analysis be read.

The following sections provide a foundation for understanding the emergent policies at both Municipal and Provincial levels. This short retrospective answers research questions one and two as succinctly and plainly as possible, in a way that the researcher may have understood before he fully stepped into the world of Provincial, Regional and Municipal policy analysis: as a layman with interest in planning policy.

7.1.1. Emergent Provincial Cycling Policies

A Provincial policy position on cycling cannot be found within any one document. It can be inferred within growth, land-use, transportation, and monitoring policies housed within a set of documents. These policies are constrained by legislation defining the planning authority and processes guiding implementation. This section summarizes the Provincial changes to cycling policy, addressing four key periods for Provincial policy: early 1990-1996, 1996-2005, 2005-2013, and 2013–Present.

1990 - 1996

In the early 1990s, two social movements impacted policy planning in the Ontario legislature: a movement that recognized and aspired to better-account for the impacts of environmental and social challenges, and a movement to limit government in the context of a faltering Provincial economy. Changes in this era were defined by the conflict of these two visions for development and planning. Although some voices called for a balance between these emergent political pressures, these movements opposed each other on the degree of influence of government. It was in this context that a political battle over the planning system emerged between 1990 and 1996. In 1991, the NDP-led government formed the Commission on Planning and Development Reform in Ontario (CPDRO), mandated to conduct a Province-wide consultation on how to address the environmental and financial waste occurring as a result of imprudent development practices within some Municipalities. The recommendations of this Commission led the NDP government to introduce in 1994, a major *Planning Act* reform bill and a new comprehensive set of policies to guide land use. These were to replace the assorted Ministry guidelines, considered by some to be a set of ‘dead papers.’ Legislators amended the *Planning Act*, changing the compliance requirements ensuring that Provincial policies were acted upon (*PPS*, 1994). It would require that Municipal decision-makers no longer only have regard for the policies in their actions, but now be consistent with policies. Additionally, the Ministry of Transportation updated its *Revised Bicycle Policy*, shifting its perspective from a nearly total rejection of support for bicycles as utilitarian vehicles, instead of sanctioning infrastructure investments to support on-road, vehicular oriented bicycle use. The shift meant communities could spend infrastructure funds on the provision of cycling facilities, ushering in (at least in

Hamilton) an era of bicycle research and investment in Hamilton. The following relevant policies emerged within the 1994 PPS and the *MTO Revised Bicycle Policy*:

- *Highway Traffic Act* amended to include bicycles as ‘vehicles’ (*HTA*)
- MTO amended *Revised Bicycle Policy* to permit investments into on-road, bicycle commuting infrastructure, utilizing the same rules and network as automobiles; requiring a Municipal bicycle study for funding bicycle infrastructure; commitment to providing bicycle safety education and materials (MTO)
- Interest increased in curbing sprawl through new growth boundary rules, emphasizing the use of intensification where possible and requiring efficient land-use patterns in greenfield lands (*PPS*)
- Limits were set on leap frog developments within urban boundaries, to support a contiguous urban area (*PPS*)
- New prohibitions were set on rural and natural heritage features, serving to focus development in urban areas and protected potential off-road corridors for cyclists (*PPS*)
- Recognition that the bicycle is uniquely suited to complementing a denser urban environment while mitigating emergent congestion effects associated with this land-use pattern (MTO)
- Efficient land use directives were set; compactly built form, a mix of uses, and densities to support sustainable transportation modes (*PPS*)
- Intensification was supported, addressing the hollowing of urban cores, supporting infrastructure investments by capitalizing on higher densities (*PPS*)
- Bicycle use was promoted in urban centres, not just within off-road recreational areas (MTO)
- Pedestrian orientation to streets emphasized, integrating early examples of urban design principles supportive of AT (*PPS*)
- Prioritization of the most energy efficient modes of transportation, signaling that transportation investment should be normative, not merely support existing patterns of demand (*PPS*)

- Provision of a multi-modal transportation system providing effective alternatives to the automobile (*PPS*)

The 1994 PPS policies only stood for two years, with the election of the Provincial Conservatives in 1995, who amended the *Planning Act* and the PPS to reflect a wholly different vision for development in Ontario. Although NDP directives would later be limited or removed under Conservative leadership, these policies, set out in large part by the Commission recommendations, would slowly return to the PPS over the next period of twenty years. The research suggests that during this period, initiatives that would later be introduced, were identified within directives proposed by the Commission. Examples of early policy leadership include directives that called for an emphasis on pedestrian urban design (including cycling) (MMAH, 1995, pg. B2-2), a reduction of automobile dependence in part through increased cycling (PPS, 1994, E2), and principles of efficient land-use that make reference to cycling-supportive patterns (MMAH, 1995, pg. B5-2). This indicates the long-term effect of these radical policy changes: setting a benchmark for what could be possible within a Provincially led policy planning framework, and influencing incremental over a much longer period.

1996 - 2005

The 1996 PPS remained largely unchanged until 2005. During this period, no additional policy documents were identified that contributed to the research. Near the end of this period the Conservative government undertook steps to develop and update new Provincial policies and regional plans. None of these were completed before the election of 2004. The government amended the *Planning Act*, returning the compliance legislation for the PPS to require that decision-makers have regard to Provincial policies. The government was eager to open the province's doors to development, invigorate the economy, and align Provincial policies with the

principles of small government underlying Mike Harris' Common Sense Revolution. Provincial policy during this time was limited to a substantially shortened PPS. It directed that:

- Cost-effective development patterns were prioritized, dismantling previous formulations of efficient land-use (*PPS*)
- Growth boundary policies were relaxed, supported by accessible Official Plan amendments, and sanctioned low density growth in greenfield lands (*PPS*)
- Settlements continued to be the stated focus of growth, despite the above changes (*PPS*)
- Protections on agricultural lands and natural features were relaxed, undermining settlement boundary policies (*PPS*)
- Several policies guiding urban densities remained, emphasizing the role of density to balance Municipal infrastructure investments and support ambitions to provide transit (*PPS*)
- Intensification policies remained (*PPS*)
- Transportation systems should be provided that are 'environmentally sensitive and energy efficient,' although no definition or context for how this policy should be interpreted would be provided (*PPS*)
- Transportation systems should be multi-modal, but oriented to addressing expected growth rather than shifting transportation options to more efficient/or environmentally sensitive modes (*PPS*)

The 1996 PPS did not fully consider the effects of transportation on land-use planning. In the entire PPS, there were only two public policies guiding transportation, by alluding to transit-supportive densities in its land-use section, and calling for a multi-modal transportation system, accommodating expected growth. The 1996 PPS embodies the failure to present a set of policies expressing a vision for more efficient land-use policies. Instead, they represent a *status quo* approach to Provincial policy leadership, underscored by the return of the 'have regard to' test, permitting development to be guided more by market forces than community ambitions and under more rigorous protection of Provincial interests (*PPS, 1996*).

2005 – 2013

Several Provincial planning initiatives, initiated by the previous Conservative government, were completed in the first few years of this period. The *Greenbelt Plan* (2005), the *Growth Plan for the Greater Golden Horseshoe* (2006), and the *Big Move* (2008), ushered in a new era of regional plans in the GTHA and further guided development and the provision of infrastructure. Additionally, the Liberals introduced amendments to the *Planning Act* and the *Provincial Policy Statements*, reinstating the consistent with compliance subsection, expanding the PPS, and introduced new planning tools like the Development Permit System and Community Improvement Plans (*PPS*, 2005). During this time, the following key policies emerged:

- Boundary expansion policies were strengthened, permitting only Provincially initiated changes only at the time of a comprehensive review, and only then where intensification opportunities are insufficient to account for the growth targets (*PPS*) (Growth Plan) (Greenbelt Plan)
- Natural heritage and agricultural protections were enhanced (Greenbelt Plan) (Growth Plan)
- Intensification policies were strengthened, permitting the designation of greenfield development areas only after intensification had occurred, and that opportunities should be identified and actively promoted; intensification targets set by growth plan (*PPS*) (Growth Plan)
- Minimum targets were set for population and job density in all new developments on greenfield land, (albeit using net density calculations), and policies encouraging a range and mix of land uses (Growth Plan)
- Certain land-use patterns were to be promoted to minimize the length and number of automobile trips and supported alternative transportation modes; Municipal development standards were required to facilitate compact growth patterns, cost-effective development and minimize land consumption and servicing costs (*PPS*) (Growth Plan)

- Population and employment growth targets were to be accommodated by reducing automobile dependence and shifting to AT supportive urban environments (Growth Plan)
- New housing would meet density targets to support the use of alternative transportation modes and public transit, minimize impacts to air quality (*PPS*) (Growth Plan)
- Energy efficiency would be supported through a compact form and structure of land-use nodes and corridors (*PPS*) (Growth Plan)
- Density targets would be allocated and met in development adjacent transit corridors (*PPS*) (Growth Plan)
- TDM strategies developed in all Municipalities to promote alternative transportation modes; development charges redirected to support Transportation Demand Management and AT investments (Growth Plan) (Big Move)
- Streets to be designed supporting pedestrian and non-motorized movement (*PPS*)
- Transportation infrastructure to meet current *and* projected needs, permitting investments supporting growing cycling trends (*PPS*) (Growth Plan)
- Sustainable tourism directive introduced, although no specific direction on cycling related investments (*PPS*)
- Publicly accessible open spaces and trails to be provided (*PPS*)
- Cycling training programs across the GTHA to be expanded (Big Move)
- Cycling network expanded providing each resident 1 km access to a dedicated bicycling facility (Big Move)

The policies emerging during this time stand in stark contrast to the changes introduced in 1996 by the Harris Government. They include several ambitious directives to ensure efficient land-use patterns and emphasize the protection of Provincial interests. This period is also when policies from the Commission, rejected by the Conservatives in the mid-1990s, began to be reintroduced and developed, including directives that connect land-use planning and active transportation through energy efficiency concepts, reinforce settlement boundary policies to support intensification and land use efficiency directives, and establish the AT priority on infrastructure

investments and introduce Transportation Demand Management programming requirements rather than maintaining automobile dependence.

2013 to Present

With the last Municipal official plan completed in 2013, the researcher was unable to provide an account of Provincial directives set after that year. This section provides an opportunity for readers to examine and compare current and future plans and policies. Three changes occurred during this period: an amendment to the *Planning Act* in 2015, an update to the PPS in 2014, and the introduction of the provinces first Provincial cycling strategy, *CycleON*. Another first was the inclusion of a working definition of ‘active transportation’ within the 2014 PPS. During this time, the following directives emerged:

- Settlement Boundary policies were enhanced, requiring a demonstration that the concept of long term financial viability and a fuller account of proposed infrastructure and development ‘lifecycle’ has been considered (*PPS*)
- *PPS* definition of accommodated mix of uses enhanced, now including institutional land-uses (*PPS*)
- Directives addressing land-use patterns addressing climate change expanded (*PPS*)
- Policies directing for active transportation supportive densities in formulation of desirable land-use efficiency included (*PPS*)
- Transit supportive densities included in formulation of desirable land-use efficiency (*PPS*)
- Ecosystems approach introduced to natural heritage protections, including directives on trail and park linkages in the provision and equitable distribution of parks and natural features (*PPS*)
- Existing policies addressing targets for intensification to be set by Municipalities, amended to be considered in context of local conditions (*PPS*)
- Cycling related policies in the *Growth Plan* and the PPS to be fully implemented (*CycleON*)

- Policies in *Growth Plan* and *Greenbelt Plan* to be enhanced during future amendments, to better- reflect cycling needs (*CycleOn*)
- Transportation and land-use policy structure restructured for diversification, with separated policies guiding goods movement and employment lands (*PPS*)
- Policies on integration of active transportation enhanced, promoting AT within all land-uses, not only where designated (*PPS*)
- Policies on climate change mitigation amended, now refer to effects of GHG emissions and an enhanced rationale for AT investment, although adding little clarification on existing policies (*PPS*)
- Transportation Demand Management strategies required, aligning with Growth Plan directives (*PPS*)
- *CycleON* and the first *Action Plan* to emphasize collaborative approach, Ministry partnerships in implementing strategic plan (*CycleON*)
- Bicycle facility design guidelines to be updated (*CycleOn*)
- Driver’s education handbook to include additional cycling materials (*CycleON*)
- Expression of interest in a Provincial network of bicycle routes, connecting Municipalities, and supporting bicycling tourism, although only limited formulation of a coherent concept (*CycleON*)
- Street and urban design that facilitates AT to be emphasized, supporting community connectivity and social interaction (*PPS*)
- ‘Vibrancy’ and ‘sense of place’ added to matters of Provincial interest, under defined concepts that stand to be interpreted as supporting cycling (*Planning Act*)

In this short period, many PPS amendments were introduced. They incrementally enhance key directives pertaining to efficient land-use considerations or introduce specific language, correlating active transportation with these efficient patterns. These directives align and complement with earlier amendments and policies introduced by the Liberal government in the mid-2000s, a recognition of the “prevailing view that the PPS 2005 policies were providing fundamentally sound Provincial land use direction” (MMAH, 2014a). Major policy directives emerged during this period, including provisions on climate change, strengthened requirements

around density and intensification, and the introduction of new Provincial planning document, *CycleON*.

7.1.2. Emergent Municipal Cycling Policies

Hamilton's Municipal policy position on cycling is expressed within some strategic documents, official plans, and technical traffic engineering documents. This section summarizes Municipal policy changes, addressing three periods for Hamilton's policy: 1990-1993, 1993-2009, and 2009-2016.

1990-1993

In the early 1990s, policies contained within the 1990 Hamilton-Wentworth Official Plan consolidation continued to be in effect, during which the Region was participating in consultations with the *CPDRO* and undertaking steps to introduce its new plan, *Towards a Sustainable Region* (2013). During this period, the 1990 plan reflected a period in Regional governance granting and legitimating Municipal autonomy not permitted under later legislation, permitting the six Area Municipalities in Hamilton-Wentworth to set their own land-use policies. It was also during this time that the MTO updated its position on cycling, releasing the *Revised Bicycle Policies*. Similarities between the MTO suggests that Hamilton-Wentworth's first bicycle study, *Hamilton-Wentworth Regional Bicycle Network Study* (1992), may have been spurred by the MTO's emergent interest in cycling infrastructure. Although the *Network Study* is written within the transportation engineering tradition, the researcher interpreted aspects of the plan, like the rationalizations underlying the proposed network concept, to be principles similar to formal policies. The following is a list of major directives facilitating cycling during this time:

- Official Plan emphasizes a Regional Development Pattern, emphasizing growth in CBD and sub-regional centres, while providing options for urban, suburban, and rural residential living (*OP 1990*)
- Area Municipalities required to set policies supporting integration of Municipal sub-regional centres as a locus of commercial activity (*OP 1990*)
- Area Municipalities to determine policies for agricultural lands, amount of lands designated for urban uses, under no specific requirements for achieving land-use efficiency during boundary expansion (*OP 1990*)
- Area Municipalities required to set policies to designate and protect Escarpment, Lakeshore, and woodlot areas; requiring that Area Municipalities designate environmentally sensitive areas within their plans and set development standards on these areas (*OP 1990*)
- Area Municipalities to describe principles of mixed use within these sub-regional centres (*OP 1990*)
- Municipally run transportation system to emphasize the provision of transit (*OP 1990*)
- Regional responsibilities for bicycle infrastructure limited to arterial roads (*Network Plan*)
- Regional arterial roads, undertaking reconstruction, were to be considered for the potential demand for bicycle use along the roadway, and where warranted permit the construction of safe bicycle paths (*OP 1990*)
- Fragmented parks network recognized as precluding utilitarian off-road network investments (*Network Plan*)
- Regional bicycle network concept utilized on-road alignments, vehicular/utilitarian approach, and emphasized concentric growth model that provided basic commuter cyclist network from CBD to surrounding neighborhoods along areas of highest population density (*Network Plan*)
- Network designed with assumption that users will have a basic knowledge of road rules (*Network Plan*)
- Growth potential in cycling mode recognized, providing cycling infrastructure to be a means of increasing its mode share (*Network Plan*)

During this transitional period, Regional Official Plan policies authorized Area Municipalities to designate lands and policies to guide the protection of agricultural lands, natural heritage areas, and the amount of land and effective use of urban areas. The Region was just beginning to undertake consultations into the development of a new Regional vision, called *Vision 2020*, to integrate principles of sustainable development and expand the planning interests of the Region. Few cycling-specific policies were identified in the OP, but they did reflect changes to the MTO *Revised Bicycle Policy* in 1991, emphasizing the use of arterials for the provision of utilitarian cycling infrastructure “where warranted and feasible” (Hamilton-Wentworth, 1990, 9.2.15). In 1992, spurred by the directives in the *Revised Bicycle Policy*, the *Hamilton-Wentworth Regional Bicycle Network Study* formalized the Region’s position on cycling, directing for a basic network of cycling paths oriented to the utilitarian commuter cyclist and advocating a vehicular approach to cycling.

1993 – 2009

In 1993, the Region’s new Official Plan was revealed, titled *Towards a Sustainable Region*, influenced by a visioning process that was conducted years earlier. Many of the directives in this plan correlate with directives recommended by the CPDRO, despite being published only a few months earlier than *TSR*. Integrating planning concepts from the Commission contributed to the ability of the plan to ‘be consistent with’ the 1994 PPS, ‘to have regard’ or at least ‘not in conflict’ with the 1996 PPS, and again remain ‘consistent with’ aspects of the 2005 PPS (it was amended where deficiencies were identified). During this time, the Municipal bicycle plan was amended in 1999, updated to reflect the Region’s focus on sustainable development and to expand its designations for cycling routes. Those cycling policies included:

- Policies affecting the status of the urban settlement boundary policies were amended, binding urban boundary expansion reviews to the five review comprehensive review of the Official Plan; set explicit areas for consideration during requests for boundary expansion, including a consideration of principles of efficient land use and long term cost feasibility (*TSR*)
- Policies for rural, agricultural, and natural heritage protections strengthened, including the prohibition of rural residential land designations; introduction of Brundtland Report language around natural resource protection (*TSR*)
- Formulation of the efficient use of land enhanced, including directives to accommodate growth through intensification, increase density, make efficient use of public transit, and promote compact development patterns permitting AT to key destinations (*TSR*)
- Regional Growth Pattern concept maintained, adding new land-use policies for Mixed Use Activity Centres and Corridors (*TSR*)
- Intersection of land-use and transportation planning emphasized, prioritizing the reduction of automobile dependence (*TSR*)
- Directives for integration of cycling into urban design considerations introduced, promoting pedestrian and cycling-supportive design features (*TSR*)
- Prospects for public transit within the region identified and integrated into Regional Development Pattern policies (*TSR*)
- New section on bicycling policies in its transportation infrastructure section added to ensure that the 1992 bicycle plan would be implemented, request that Area Municipalities integrate provisions for bicycles in secondary and site development plans, and direct for the investigation of integrating bicycles into public transit facilities (*TSR*)
- Integration of Health emphasis into 1999 bicycle plan, addressing resident health improvement opportunities, accident prevention (*Shifting Gears*)
- Overall bicycle network concept is maintained, emphasizing utilitarian infrastructure, adding new, low cost designations to expand and improve network continuity, and little recognition of emergent land-use policy directions in regional or Provincial policy (*Shifting Gears*)

- Bicycle plan maintains the provision of cycling education and promotional materials (*Shifting Gears*)
- Monitoring provisions included that emphasize the value of research and continuous monitoring, targeting mode share, intersection counts, and a regional bicycling database supported by an annual cycling survey (*Shifting Gears*)

With the introduction of the *TSR* (1999), the Region adopted a plan that addressed the expanded policy matters recommended by the Commission, including new directions that integrate transportation and land-use planning, address energy conservation through land-use considerations, and provisions for bicycle use in Area Municipality development processes. Just after this shift in policy, the 1996 PPS was introduced, repealing the 1994 PPS on which the *TSR*'s principles were based. The 1999 *Shifting Gears* bicycling plan also demonstrates the stagnation of policies from the early 1990s, maintaining directives from the 1992 plan and introducing few changes.

2009 – Present

By 2009, the City of Hamilton's policies were beginning to finally account for the 2001 amalgamation and the nearly fifteen years of policy changes at the Provincial level. The first major change was the 2009 *Shifting Gears*, updated under a new planning process, 'the Municipal class environmental assessment. Several years later the City of Hamilton released its Rural Hamilton Official Plan and then its Urban Hamilton Official Plan, then constituting the primary Official Plan for all former Area Municipalities. Policy changes during this time include:

- Urban settlement boundary policies enhanced to permit non-Municipally instigated expansions only during a comprehensive five year reviews, with new criteria defining the review process for expansion (*OP*)
- Protocols for evaluating efficient use in boundary designations included for the first time in OP (*OP*)

- Agricultural and natural heritage designations reflect Provincial policies and plans, increased complexity due to overlay approach that integrates PPS and *Greenbelt Plan* designations (*OP*)
- Land-use efficiency directives proliferate, associated with complexity of new urban systems designations, a successor to the Regional Development Pattern concept; integrating *Growth Plan* and PPS intensification and density targets (*OP*)
- Urban design directives supportive of AT increase, also ‘complete street’ directives (*OP*)
- Climate change directives expanded, addressing energy efficiency in land-use planning and priority for AT (*OP*)
- Bicycle plan policies continue to include little reference to land-use planning matters (*Shifting Gears*)
- Bicycling related policies from the *TSR* maintained, although some are spread throughout the document, rather than a specific ‘bicycling’ section (*OP*)
- The 2009 bicycle plan reevaluates several of its underlying premises, resulting in new policies to support off-road cycling infrastructure, and a new goal of providing ‘blanket’ network grid coverage (*Shifting Gears*)
- Diversification of path types considered, support for multi-modal facilities, especially in local and regional transportation network, and recognition for the opportunities for inter-Municipal path connections, with Provincial and federal funding support (*Shifting Gears*)
- Promotions and education materials continue to be provided, new goals for providing better adult cycling programming (*Shifting Gears*)
- Inaugural bicycle share program in City of Hamilton (*Shifting Gears*)
- Explicit commitments for cycling infrastructure maintenance added, supporting year round cycling (*OP*)
- Preliminary steps towards developing a cycling tourism strategy introduced (*OP*)

The directives during this time period contain a consistent trend towards increasing policy complexity, in part to the amalgamation of the city, in part the expanding directives of the PPS,

and in large part due to the effects of introduction of the *Greenbelt Plan* and *Growth Plan*.

Directives for land-use efficiency are repeated and intricate policy areas overlaid from Provincial plans are introduced, and as a result, redundancies abound. The effect is a complex and extensive document, perhaps the culmination, the end product of the expansion of the Provincial policy-led system.

7.2. Reflections on the Influence of Provincial Cycling Policy

The third question driving this research pertains to the relationship between Provincial and Municipal policy, it asks, “what apparent role, if any, did the Provincial position on cycling play in the development of Hamilton, Ontario cycling policies?” It is this question that has driven the researcher to undertake this large work, to consider elements of legislation, plan design, and the Provincial framework for planning, an approach which surpasses a mere appraisal of relevant policies.

The following section will examine the role of Province on Municipal policy formation in four parts, drawing upon the insights identified during the course of this research. The parts are:

- A selection of policies that show the influence of Provincial policy, and several examples that show Municipal leadership
- A closer examination of the role of compliance standards that affect Municipal policy conformity
- The role of language in directing for compliance

7.2.1. Evidence of Provincial Policy Influence

By comparing changes in both Ontario and Hamilton policies, several examples were identified which show the influence of Provincial policies on Municipal cycling policy. Although major policy changes are examined within the overviews in sections four through six, and within the more detailed appendices, the following changes have been highlighted to demonstrate the

influence of Ontario's cycling-supportive policies. The following paragraphs will examine these instances.

One of the most influential of Provincial policy changes was the Ministry of Transportation Revised Bicycle Policy (1991). This change was associated with amendments to the Highway Traffic Act in 1989, which included the bicycle within its definition of 'vehicle.' These changes reversed the Ministry's historical position on cycling, which rejected funding on-road cycling infrastructure. With the Revised Bicycle Policy, the Ministry supported on-road cycling facilities and recognized its growth potential in Ontario. Instead of a set of comprehensive guidelines to guide the development of Municipal cycling infrastructure, the Ministry required a Municipal cycling study be conducted before receiving funding. The study would demonstrate the necessity for the cycling facility, that it would only serve commuter cyclists, and be integrated within existing road facilities. The first instance of conformity with this directive was the Hamilton Network Study (1992). Consistent with Ministry directives, the Network Study:

- Rejected the provision Regional off-road cycling routes
- Provided a network of on-road paths on regional arterial roads
- Rejected a 'graduated' user concept, which asserts that infrastructure should be provided that provides low-risk, traffic-separated paths for beginner cyclists
- Supported cycling education programs for adults, emphasizing risk-based courses and knowledge of the Highway Traffic Act
- Rejected the provision of recreational trails for prioritized system of commuter trails

It is remarkable that the Network Study conformed with the Revised Bicycle Policy, as both plans were developed almost concurrently. There is evidence, however, suggesting that Municipal staff and planning consultants were in contact with Ministry staff about the impending

changes to policy. Few other examples were identified within the research that clearly demonstrate cooperation between Provincial and Ministry staff. The influence of the Revised Bicycle Policy extended beyond the Network Study. Each iteration of the PPS has emphasized a provision of cycling infrastructure consistent with, or at least not conflicting with, the Ministry's policies and the Highway Traffic Act changes of 1989.

The next highly influential set of Provincial policy changes were the policy recommendations from the Commission on Planning and Development Reform in Ontario (CPDRO). These recommendations transformed the Provincial discourse on efficient land-use and growth management. In 1994, the NDP published the first comprehensive set of policies, known as the Provincial Policy Statements including most, but not all, of the Commission's policy recommendations. Before the recommendations were transformed into the 1994 PPS, before even the Commission's Final Report was published, the recommendations may have swayed directions adopted by Hamilton's Municipal staff. In 1993 Hamilton introduced Towards a Sustainable Region (TSR), a plan for the regional Municipality that integrated many of the Commission's directives. Some of the changes that align with CPDRO recommendations include:

- “Consistent with” policy language adopted within the plan
- Directives on the efficient use of land were expanded, including during considerations for transportation planning. Municipal policies updated to correlate the land-use and site planning policies with transportation energy expenditure goals, including references correlating bicycle-supportive patterns with new standards of efficient land-use.
- Public transportation directives were expanded. These directives increasingly emphasized the role of public transportation in directing major growth areas, supporting land-use efficiency targets, and integration of other transportation modes.

- TSR rejected the previous practice of accommodating rural residential land uses, designating policies for urban areas and protecting urban boundaries.
- Intensification, compact growth, and density policies added were consistent with CPDRO recommendations. References to compact development in CPDRO found within TSR, were largely eliminated from subsequent PPS.

No explicit references could be found that prove Municipal staff integrated policies discussed at CPDRO, unlike the connections found in the Network Study. However, given the large scope of CPDRO consultations, overlapping timelines for major Hamilton strategic planning initiatives (such as *Vision2020*), and the alignment of many CPDRO directives, it is highly likely that Municipal staff were proactively aligning impending changes to the Planning Act and the PPS.

After winning the 1995 Provincial election, Harris Conservatives updated the Provincial policies, substantially limiting the scope of the PPS. During this period, few influences from the 1996 PPS could be identified in Hamilton policies. Instead, the researcher identified a pattern of stagnating plans. During Harris leadership, and the duration of the 1996 PPS, no new directives were introduced that expanded cycling-supportive policy. For example, *Towards a Sustainable Region* (1993), despite no longer reproducing the thrust of the new Provincial policies, persisted without any relevant amendments. In part, this trend may have been a result of amendments to the Planning Act, permitting plans not to be updated as long as they did not “conflict with” new Provincial policies. Municipal planning documents that were reviewed and updated, like Hamilton’s second bicycle plan, contained few changes. *Shifting Gears* (1999) opted to reiterate most of the Network Study directives from nearly a decade earlier, despite not including a formal evaluation of network alternatives or program to justify the decision. Another explanation for the stagnation of Hamilton’s policies may have been the 2001 Amalgamation. It is likely that

Municipal staff would have delayed introducing new Municipal and regional plans knowing the administrative boundaries were set to change.

One of the most influential changes in Provincial policy in the past ten years were policies in plans like the Growth Plan, Greenbelt Plan, and the Big Move. With the return of a stronger conformity clause, several new policies were identified in subsequent Hamilton plans:

- Transportation Demand Management (TDM) programs emerged in the mid-2000s in both Provincial and Municipal plans after being introduced in the PPS and Growth Plan.
- Bicycle tourism directives were marginally expanded within each of Hamilton's bicycle plans, paralleling the expansion of directives in the PPS supporting sustainable tourism opportunities. The inclusion of a tourism focus within *CycleON*, although too recent to be reflected in Hamilton's latest bicycle plan, also confirms the emergence of cycling tourism as a priority in the Province, and will likely have an effect on Municipal policy.
- References to cycling within policies directing for efficient land-use substantially increased within 2005 PPS and later 2013 PPS directives. Subsequently, policies referencing cycling supportive land-uses proliferated in the latest Hamilton OP. Additionally, the Growth Plan's intensification and density targets were found to be in full conformity within the latest OP, unlike some Municipalities within the region.
- The proliferation of cycling and pedestrian supportive urban design policies in Hamilton following PPS directives emphasizing improvements to the pedestrian realm.
- Climate change rationales were identified in Hamilton's plans after being expanded in the Growth Plan, PPS, and Big Move.
- Despite lacking formal conformity legislation, the influence of Big Move policies could be identified within Hamilton plans. Some are the adoption of priority action 2.1 (calling for a 2km grid of bicycle facilities) and the introduction of a bicycle share program (which was partially funded by Metrolinx).

Provincial policies were found to have a more consistent effect on Hamilton's plans after changes were made to the *Planning Act* to reintroduce the "consistent with" conformity clause.

Other factors explaining this influence are: more imperative language and greater detail

contained within PPS and Provincial Plan policies, the effects of a more interconnected policy environment (self-referential cluster of Provincial growth management plans, Regional Transportation Master Plans, and PPS), and improvements to planning processes which gather public input.

Last, a bias inherent in this research was the assumption that Provincial policies would be found to be influential of Municipal plans, rather than Municipalities influencing Provincial policy. The structure of the research methods selected largely ensures that only conformity of the Municipalities is detected. If internal Ministry documents were examined more thoroughly, the influence of Municipal staff, successful Municipal initiatives, and the effect of public consultations might have been included. There were, however, examples found within the review that show some Municipal cycling-supportive policies preceded Provincial policy. Some examples of this Municipal leadership are:

- Hamilton was an early adopter for limiting settlement area boundary expansions to during formal five-year reviews, with TSR (1993) policies predating the first Provincial directive in the Growth Plan (2006).
- Related, Hamilton explicitly defined the processes for boundary expansion to include an assessment of land according to principles of efficient land-use as defined by its policies. Previously, it was unclear whether boundary expansions were accommodating growth projections formally accounted for the efficient use of available land. No formal definition could be identified to date in Provincial policies.
- Although under developed within its earliest iterations, Hamilton included references to cycling tourism over ten-years earlier than Provincial directives (first identified in 2005 PPS)
- Hamilton leads for including health rationales in its cycling policies, utilizing Regional Health Department staff expertise in policy formation and accident data to inform local cycling network policies. Directives referencing the health value of cycling are emerging in recent Provincial plans, but still constitute a gap in the Provinces policies.

While these examples do not definitively show that Municipalities influence Provincial policies, they show that Municipalities are capable of leading cycling-supportive policy when the Province is not as responsive or detailed as is required to meet local objectives.

The preceding examples in this section have shown that the Province has had an observable effect on Municipal policy. This confirms that Municipalities, at least in part, are responding to the directives set by Provincial government to encourage more cycling-supportive urban environments. As this section has alluded, several legislative mechanisms affect policy conformity in Ontario's Municipalities. The following sections will explain how legislated conformity requirements and specific policy language has influenced how Hamilton has remained compliant with Provincial directives.

7.2.2. Legislative Requirements

Municipal policies are required to conform to Provincial policies, by two key areas in the *Planning Act*. These sections set the requirements for Municipal and Provincial decision-makers to align their decisions with the Provincial planning agenda. The first pertains to the necessity of decision-makers to have regard to a list of matters of 'Provincial interest,' listed in section 2 of the *Planning Act*. The second, perhaps more influential than the first, sets requirements for Municipalities to conform to the *Provincial Policy Statement*. From the early 1990s to the mid-2000s, changes in the language of these sections was pivotal in shifting the planning framework towards a policy-led system, obligating Municipal and Provincial decision-makers to ensure their planning decisions reflected the Provincial agenda. Opposed to this shift, were smaller and rural Municipalities and developers, who preferred greater flexibility and autonomy in the application of a looser set of policy guidelines. The decision to emphasize the Provincial agenda resulted in

planning decisions that more-consistently protected natural heritage resources, land resources, the financial accountability of infrastructure provisions, and other emergent planning concerns.

The language at the centre of this dispute was whether decision-makers were required to “have regard to” or “be consistent with” the PPS and the matters of Provincial interest. As is discussed within section four, each phrase contains a different set of expectations for decision-makers, the OMB, and the courts. Within the legal context of the *Planning Act*, by varying degrees, the policies and plans of Municipalities would have to exhibit some degree of conformity with Provincial directives.

One source of analysis on these language changes is by Dennis Wood (2007), from law firm Wood Bull L.L.P, specializing in planning issues. In one of its publications, titled “Have Regard To, Shall be Consistent With: When Do They Apply and How do You Apply Them?”, it states that similar language throughout dozens of statutes provides an “abundance of references suggest[ing] that the language has been found to be of real value in providing guidance to decision makers in a broad range of activities as to the extent of their jurisdiction” (Wood, 2007, pg. 4). Dennis Wood proceeds to expand upon the historical application of “have regard to” and “shall be consistent with,” examining key court and OMB decisions. He concludes that “have regard to” implies that in decisions, considerations would be made to at least observe, give consideration for, or take into account the Provincial directives, leaving flexibility in local decisions. One major court decision he cites, in a decision affecting a development in King Township, stated that (Wood, 2007, pg. 11):

To "have regard to" falls somewhere on the scale that stretches from "recite them then ignore them" to "adhere to them slavishly and rigidly" [...]

The court concluded that (Wood, 2007, pg. 39):

Statements of government policy [...] must be regarded by the board. The

board is not bound to follow them; however, the board is required to have regard to them, in other words, to consider them carefully in relation to the circumstances at hand, their objectives and the statements as a whole, and what they seek to protect. The board is then to determine whether and how the matter before it is affected by, and complies with, such objectives and policies, with a sense of reasonable consistency in principle [...]

This particular interpretation suggests that the previous formulation of “have regard to” may have already contained grounds for accounting for Provincial directives, at least within “reasonable consistency in principle,” while also granting powers to decision-makers in finding solutions fitting the specifics of the local context. The effect of these decisions on the Provincial policy-led planning framework in the early 1990s raises questions about the assertions made by the Commission and later by the NDP. The challenge levelled by John Sewell and the Commission was that decisions like this might have even been acceptable where they make it to the OMB and are carefully examined, but fail to account for decisions approved locally and without any other type of oversight. Even where local decisions could be challenged, council decisions on planning were protected by “have regard to” principle, meaning that any decision could be defended by expressing that all matters were considered and that a decision was made based on those considerations. It is in this context that debates around Municipal autonomy were grounded in Ontario, for the ability of Municipalities to make decisions that prioritize local concerns over the concerns of the Province.

The shift to “shall be consistent with” marked the transition from an era of high Municipal autonomy to increasing Provincial influence on planning decisions. Wood examines interpretations of the ‘consistency test,’ concluding that “shall be consistent with” implies a higher level of conformity, implying more regular conformance. Wood cites a Ministry of Municipal Affairs and Housing description of its interpretation, saying (Wood, 2007, pg. 19):

“Shall be consistent with” is a higher policy implementation standard and is a

more demanding test than “shall have regard to”. It requires decision-makers to apply the policies and make decisions that are consistent with the applicable policies of the PPS, 2005. It is a stronger implementation standard focusing on achieving policy outcomes, while retaining some flexibility in how it is implemented.

The challenge of requiring a consistent policy application is that the planning system must be designed to ensure consistency. This research has shown that Provincial debate on the structure of the planning system has recognized two options: that Provincial policies are written such that they are never internally inconsistent (resulting in little local flexibility), or that internal inconsistency is tolerated and a system of policy prioritization is permitted (for increased local flexibility). The architects of the Commission on Planning and Development Reform in Ontario argued that a degree of flexibility could be introduced within the wording of the policies themselves.

7.2.3. Policy Language

Specific language within the PPS and Municipal plan policies contain varying levels of obligation, for example, whether policies are imperative or merely discretionary. The ‘quality’ of statements is determined by the language selected in the expression of the directive. Although it would be impractical to include a full examination of the types of language that were used for policies examined in this research, several trends emerged:

- Some policies contained language implying an imperative requirement, for example, words like shall, must, require, ensure, and will. However, as *The Urban and Rural Hamilton Official Plan* states in its preamble, “the use of the words “shall,” “will” and “must” are not to be interpreted as Council’s requirement to undertake the action immediately. Council shall determine appropriate phasing, fiscal capacity and priorities for implementation, based on the Municipal budget and program availability for any

action or undertaking that implements the policies of this Plan” (City of Hamilton, 2013, F.1.4.8).

- Similarly, some policies were ‘qualified’ with attached statements, implying that they only need to be considered in specific circumstances, for example, phrases like where “feasible,” “reasonable,” “applicable,” and “relevant.” With these qualifiers, the implementation of even imperatively worded policy cannot be completely assumed.
- Some policies contained language implying that implementation was discretionary, for example, words like “may,” “could,” or “should,” or contain directives that are outside the formal powers of the authority. Strong examples can be found in section 4.3.3.1, on the authority limitations of *Metrolinx* and *The Big Move* (2008).
- Some policies used language that is open to broad interpretation, for example, the City “shall promote,” “will encourage,” and “will endeavor.” Without defining what these processes refer to, or explicitly setting actions that serve a particular policy goal, the force of document is weakened.

As the researcher began this work, there was an expectation that Municipal official plans would be subject to a more developed set of policy requirements, that must be addressed as part of any official plan in the Province of Ontario. In actuality, the legislation on plan requirements is limited, despite the changes requiring all planning decisions be consistent with policies in the PPS. Official plan contents have been detailed within subsection 16(1) of *Planning Act*. The 1983 *Planning Act* requires only that “the measures and procedures proposed to attain the objectives of the plan [and] the measures and procedures for informing and securing the views of the public in respect of a proposed amendment [...] of the plan” be included (*Planning Act*, 1983, 16(1)). Recent amendments to the *Act*, up to and including Bill 51, included expanded requirements and the separation of discretionary and required plan content.

One unexpected aspect of this research affecting the relationship between Provincial and Municipal policy formation is the varying status of the official plan over the research timeframe.

Because the Municipal official plan is often described as the primary implementation tool for Provincial policies, the researcher included a consideration of the effects of policies and legislative changes supporting or suppress the status of the official plan. The following is a short list of examples of changes identified as limiting or enhancing the status of the plan in facilitating a more cycling-supportive urban environment:

- Changes to the *Planning Act* have historically included regulation governing the required content of official plans. Regulations are rules that can be changed by an Order In Council from Cabinet and do not require the passage of a Bill by the Legislature. This approach has been contested, as discussed within section four, for separating requirements affecting the planning process from the *Planning Act*. The researcher suggests that the use of regulations to limit or set requirements for OP content is a practice that should be monitored closely, to ensure a consistent application of policy.
- The practice of planning by amendment, whereby the Municipality regularly makes changes to the Official Plan instead of a more formal, comprehensive evaluation of long term planning needs. Over time, the purpose of Municipal planning becomes less about addressing long-term challenges as developers or council create increasingly complex sets of exceptions for short term profit. Eventually, the exception becomes the rule and policies are fought piecemeal between individual developers, council, and the OMB.
- The procedures required for gathering public input and undertaking consultation on planned projects changed throughout the period 1990 to 2016, altering the authority and accountability of the Official Plan. During the Harris government, through Bill 20, timelines for consultation and evaluation were shortened, under the cause of streamlining the planning process. This change affected the ability of Municipalities to both evaluate and gather input on major amendments.
- The regulations around OMB decisions were similarly altered to undermine or support the status of plans and dissenting views within communities.
- In 1996, when the PPS was shortened, critics asserted that the official plan was concurrently weakened, because as the primary tool for implementation, official plans lacked the scope to address concepts like environmentalism and sustainable development,

emerging in the consciousness of residents. Where policies are comprehensive, clear and detailed, the OP is similarly enhanced.

- Policies on settlement boundary directives are key to empowering official plan designations. Where settlement limits are weak or unprotected, the ability of the OP to designate and guide policy areas is weakened. Changes like aligning boundary expansion review to a regular five year comprehensive OP review enhances the status of the OP as the locus for Municipal growth planning.
- Special prohibitions, like the redesignation of employment lands and significant natural heritage areas, or the elimination of rural residential designations in rural Hamilton-Wentworth, enhance the status of plans by setting commitments to long term planning directives.
- The use of comprehensive visioning statements and the diversification of key directives in the broader policy environment can support the status of plans, increasing authority by aligning departmental directives and proliferating considerations in all aspects of Municipal planning on the policy area. It should be noted that these statements cannot replace specific policy goals, and can risk contributing to a general, shallow policy framework.
- Monitoring directives and clear targets support the status of the plan, by increasing accountability and confidence in plan directives. Evaluation serves to ensure that policies are achieving the intended goals of the policy. Also, when monitoring and evaluation occur, the restatement of plan policies can be viewed as an accomplishment, not just reflecting a status quo approach.

The shift to a policy-led planning framework has required both Municipal conformity and flexibility for local decision makers. This has been accomplished through careful selection of wording in key areas of the *Planning Act* and the specific wording of policy statements. As this research revealed, the relationship between Provincial and Municipal policies are also affected by other factors, particularly the varying status of the official plan and the language of Municipal policies as they meet the mandated conformity requirements. The researcher asserts that these

attacks on the status of the official plan have a deleterious effect on the outcomes of cycling initiatives. As chapters four and five show, both Ontario and Hamilton have struggled with following through on some cycling initiatives. The researcher suggests that protecting the status of official plans and the processes that give plans their authority (like transparency, monitoring, and meaningful public participation) will facilitate the successful and efficient integration of cycling at the Provincial and Municipal level.

8. Conclusion and Takeaways

As this research was coming to a close, the researcher experienced anxiety around how the work could be summarized succinctly and still encompass the breadth of insights uncovered. It was hoped that there would be a 'eureka moment' around all the findings could be neatly oriented. After some time to reflect, the researcher realized that this expectation was oriented to a type of research to he was more accustomed, one preoccupied with identifying a specific solution or set options on a specific problem. Within the field of policy research, this type of work is referred to as normative, applied, or instrumental policy analysis, whose focus "is typically the relation between policy content and policy impact" (Pal, 1992, pg. 23). The present research, however, bears few characteristics of this model. Instead, it aligns with what is broadly defined as academic policy research, research interested in revealing "the nature of policies:" what exists, why it exists, and how they have come to exist, explaining specific instances in the context of larger, systemic, "general forces" (Pal, 1992, pg. 22). Although this research contains a set of specific research questions, the general 'purpose' of the research is the quest for a more nuanced understanding of a complex relationship between governments as it pertains to cycling policy.

In reexamining initial goals for the research and summarizing the results, it was helpful to begin with a consideration of kinds of knowledge created. The researcher has identified four types of knowledge/data produced by this research: descriptive data, procedural data, relational data, and reflexive data. These types were influenced by the research of Dredge (2015), who suggested it was relevant to acknowledge the breadth of approaches and knowledge created when evaluating academic policy research.

(1) Descriptive data simply "describes and analyses aspects of policy" (Dredge, 2015, pg. 174). A description and analysis of policies supporting cycling at the Municipal and Provincial

level over 25 years constitutes the bulk of this research: What is and has existed, why changes were significant, and, where possible, a consideration of what was missing in these policies. The analysis for this type of data emphasized the subtle aspects of the policy, the emergent changes over time, and revealed how ‘non-policy’ documents could reveal policy positions and be interpreted and analyzed.

(2) Procedural data “describes and analyses planning and policy processes” (Dredge, 2015, pg. 174). This type is evident in the analysis of the planning procedures and processes in which planning decisions are made and policies are formed. The examination of legislative requirements affecting development and consultation and the significance of review and monitoring processes are areas where this type of knowledge was created. Similar to the procedural data, because of the focus on standardized mechanisms for inter-governmental coordination and compliance, is the relational data type.

(3) Relational data “assess[es] relational characteristics, governance and partnerships” (Dredge, 2015, pg. 174). This research examines the relationships between documents and the characteristics influencing the relationships between governments. Strong examples of this type can be found in the analysis of conformity subsections, autonomy and policy-led governance models, and the specific policy language that influences actions between governments.

(4) Reflexive data refers to “accounts of how policy is made, experiential insights and influences” (Dredge, 2015, pg. 174). Although opportunities for this type were limited, with the elimination of originally planned interviews with policymakers and participants, an attempt was made to consider how policies were formed, and how they affected the legitimacy of the policy.

Because this document constitutes the first foray into policy research, it was helpful, if not vindicating, to reflect upon what was accomplished with these varying types of knowledge in

mind. The variety of insights contained within this research, demonstrates a breadth approach of analytic approaches, working together to clarify a multifaceted, dense set of relationships and mechanisms. This pertains to what the researcher has identified as the first outcome of this research: a systemic attempt at examining a historical view of gradual policy changes on cycling at both the Provincial and Municipal level. At the outset of this research, the task sometimes seemed too difficult to observe, too large and complex to express, and too veiled by variables to form definitive extrapolations, a systematic attempt was undertaken to reveal a more nuanced understanding of these documents.

A second outcome of this research has been development of the researcher's own intellectual relationship with planning. After finishing the coursework for the graduate program, the researcher had identified areas both of personal and professional interest. The current research has allowed for a patient and reflective examination of those areas, including the history and role of the *Planning Act*, the legal aspects of inter-governmental coordination, a more nuanced understanding of current planning systems, and the inherently political process underlying every aspect of Provincial and Municipal planning.

The third, and perhaps most relevant outcome of this thesis, are the answers to the three research questions that have guided this research. The overview of emergent cycling-supportive policies in section 5 and 6, expanded in detail in Appendix B and C, offer a historic perspective and several useful takeaways on Provincial and Municipal land-use and transportation policy changes over the past twenty-five-years. To further answer research question three, and clarify the emergent policies identified for questions one and two, a section was added to explain the changes made to the Planning Act affect the role of policy in Ontario. This thesis has made the following contributions:

- Illustrated the ongoing influence of the CPDRO recommendations and the MTO Revised Bicycle Policy up to and including the most recent amendments to the PPS.
- Demonstrated how historic relationships between the Province and its Municipalities continue to affect debates around planning, for example the tension between Municipal autonomy and Provincial oversight, and the role of policy in Ontario.
- Provided a detailed account of cycling-supportive policies in the Ontario and Hamilton, expanding on the list of relevant policy instruments identified by American cycling policy researchers Pucher and Buehler (2005, 2006, and 2011) and Pucher, Komanoff, and Schimek (1999).
- Described Ontario's growth management policies in the context of creating more cycling-supportive urban environments, while integrating some of the most recent publications available on the effects of *Places to Grow Act* and associated legislation and policy.
- Described some relevant emergent Provincial policies, showing that many, but not all, Provincial directives on affecting cycling are being incorporated into Hamilton's plans.
- Provided a twenty-five-year overview of amendments to the *Planning Act*, emphasizing its effect on the role of policy in Ontario, the structure of the Ontario planning system, the status of Official Plans, its relationship with other Provincial plans, and opportunities for public participation.

Additionally, the research has highlighted several gaps which continue to be reproduced in Provincial policy. Some of these gaps identified include:

- Health rationales for cycling continue to be underdeveloped in Provincial policy. A precedent exists within Hamilton's cycling plans for integrating the expertise of Health professionals in developing and supporting Municipal cycling policy.
- References to cycling supportive patterns have been included in some Provincial policies. In recent iterations of the PPS, these references have proliferated, yet provide little detail on what land-use patterns are specifically desirable for supporting cycling.

- Provincial policy referencing cycling tourism has just emerged in the past ten-years, but few details have emerged to prepare Municipalities for what a Provincial cycling network may look like. References to the network within CycleON have not clarified this problem. As a result, Municipalities are unable to plan and capitalize on this development.
- Municipal Official Plan content has historically been discretionary. Changes in recent *Planning Act* amendments have created a structure for adding additional discretionary and mandatory content. Other amendments have referenced regulations which can provide detail on plan content. Official Plan content should be prescribed by the Act.
- Related to Official Plan content, several Provincial Plans make reference to the process of “comprehensively” reviewing Municipal plans. Some development processes have recently been tied to the process. As of October 2016, no formal definition for a “comprehensive review” has been provided in the Act. Precedents exist in some Municipalities, including Hamilton, who have taken steps to define their process.
- A bias against rural, small and northern communities has been identified within Provincial policies. The brokerage of infrastructure funds by Provincial agencies under prejudiced selection criteria has been criticized as a means of limiting cycling investments within communities lacking existing cycling networks and funded advocacy groups.
- Provincial plans and policies continue to neglect policy monitoring and evaluation programming. In addition to PPS monitoring policies that have historically been disregarded by the Ministry, recently several Provincial plans have published evaluation documents that have under-delivered on expressed commitments for assessment. Most plans and policies examined have neglected to designate monitoring roles for Municipalities, opting instead for entirely Ministry-led monitoring programs.

The researcher asserts that gaps in Provincial policies constitute an opportunity for discussion and improvement. In recognition of new research on the costs of climate change and GHG emissions, wasteful Municipal spending on infrastructure, political instability as a result of fossil fuel reserves, and rising housing costs, there are good reasons for examining the directives and

mechanisms which guide development in Ontario. The historical perspective this research has provided on the role of cycling in Ontario and Hamilton proves that what we needed to know to address some of these key issues almost thirty-years ago, we may have already known.

Above all, it is hoped that researchers and activists interested in the future roles of cycling and the intersection of Provincial and Municipal policy, can find this thesis helpful in understanding how the experience of cyclists is influenced by land-use and transportation policies.

8.1. Questions for Further Research

Over the course of this research, questions were identified that could form the basis for, or inspire, additional research. Several questions have been included in this section, addressing opportunities for examining additional policy factors, ongoing emergent challenges associated with Smart Growth policies, and challenges for implementation.

Several opportunities were identified where additional data and methodologies could expand on the sources used in this research. For example, legislative changes were documented in section four affecting public input at the policy, planning, and implementation stages. In section six, few Municipal documents referred to the impact of those changes. The researcher suggests that the use of structured interviews with Municipal and Provincial staff, and participant stakeholders could reveal the effect of those changes on the policy making process.

In early Standing Committee debates examined within this research, development interests expressed concerns over long-term effects on house prices associated with setting limits to growth in the GTHA. Recently, affordable housing has escalated in the regional and national debate. One report from CIBC specifically criticized the *Places to Grow Act* (associated with Smart Growth policies in the Growth Plan and associated Greenbelt Plan policies) for “hav[ing]

limited the availability of serviced land for ground-oriented houses through setting aggressive intensification and density targets” and contributing to the housing affordability crisis (CIBC, 2016, pg. 1). Given the similarities between cycling supportive land-use policies and Smart Growth land-use efficiency standards, is there evidence that cities facilitating cycling-supportive urban environments are also enabling unaffordable housing? Are there North American precedents that have facilitated cycling-supportive land-use patterns while controlling rising housing costs?

The differences between rural and urban policy needs was an issue that emerged throughout Standing Committee debates. Some participants identified a pattern for Provincial policies to unfairly privilege urban policy needs and select policy instruments suitable only for urban areas. The bias against rural, small and northern community policy issues extends to support for cycling. For example, an early iteration of CycleON was circulated for consultation within the Environmental Registry, containing selection criteria for cycling infrastructure investments. The brokerage of infrastructure funds by Provincial agencies under prejudiced selection criteria was criticized as a means of limiting cycling investments within communities lacking existing cycling networks and well-funded advocacy groups. Research identifying cycling-supportive policies and practices for rural and small urban areas could serve to correct discriminatory criteria and inform plans for the Provincial bicycle network proposed within CycleON.

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Appendices

Appendix A: The Legislative Framework for Planning

This section will address several major amendments to the Ontario *Planning Act* that have occurred during the last twenty years. This account will help reveal the complexities of the policy and legislation relationship, the Municipal and Provincial responsibilities that permit effective policy implementation, and the interrelationship existing between these amendments. Findings have been organized into sections about each change to the *Planning Act*, followed by a discussion of major themes across the amendments. The described relationship between the *Planning Act*, the *Provincial Policy Statement*, and Municipal policy conformity, is supported by public submissions to policy debates and third party analyses.

The amendments examined in this section are:

- Bill 163: Planning and Municipal Statute Law Amendment Act (1994)
- Bill 20: Land Use Planning and Protection Act (1995)
- Bill 26: Strong Communities Act (2004)
- Bill 51: Planning and Conservation Land Statute Law Amendment Act (2006)
- Bill 73: Strong Growth for Our Communities Act (2015).

Also included is the Final Report by the Commission on Planning and Development Reform in Ontario, which before Bill 163 provided specific recommendations on changes to the *Planning Act* and the *Provincial Policy Statement*. In examining these amendments, the researcher has also included discussion from standing committees, parliamentary debates, and publications to bring attention to controversial changes, public input on changes, and political motivations.

A.1. Legislative Recommendations from the CPDRO

The Commission on Planning and Development Reform in Ontario (CPDRO), led by John Sewell, was established in 1991 under a newly formed Ontario NDP government to consult and provide recommendations on planning reform in Ontario. During its three-year consultation

process, the Commission received feedback from 40 public forums, 36 community meetings, and 80 conferences. With the assistance of 15 working groups, the Commission generated a working draft of recommendations. After 30,000 copies of the draft recommendations had been distributed throughout the Province, the Commission received 2083 written submissions and spoke with over 23,000 stakeholders (CPDRO, pg. 7). The Commission's mandate was to recommend changes to the *Planning Act* that would "restore confidence in the integrity of the planning process, protect public interests, better-define roles and relationships, focus more closely on protecting the natural environment, and make the planning process more timely and efficient" (CPDRO, pg. 1). The Commission was concerned with the sporadic application of existing policies and guidelines by Municipal councils, in large part due to Provincially led application approval process ill-suited to consider local planning decisions, a convoluted Provincial policy structure, and perceptions of wasteful land-use practices as a result of Municipal autonomy without Provincial oversight. The inconsistent application of policy failed to encourage long-term planning, leading to the gradual devaluation the status of the Official Plan as a community planning tool. The Commission's solution was major reform. They opted to restructure the province's role in approvals by assigning regional responsibility for matters too complex for Municipal consideration, expand matters of Provincial interest, introduce a comprehensive set of policies to guide all land-use planning decisions, and encourage the use of official plans as a long-term planning tool through more restricted approval processes. This section includes an examination of some of the major recommendations from the Commission as they pertain to the research issue. The researcher suggests that due to the lasting effect of the report on planning reforms, this section can provide the reader context for the periods of major legislative change beginning the early-1990s to the mid-2000s.

Policy-Led Planning

In defining the Provincial responsibility and role in planning, the Commission's recommendations introduced a 'policy led' planning approach. This 'policy led' planning system trades Municipal autonomy and locally oriented decision-making for a more structured set of policies and Provincial interests to align decision-making processes across the Province. In service of this approach, the Commission recommended amendments to: (1) introduce a definition of the 'purpose of planning' in the *Planning Act*, (2) expand the list of matters of 'Provincial interest,' and to (3) create a mechanism for expressing those interests, through a set of comprehensive policy statements called the *Provincial Policy Statements*.

(1) The Commission recommended that a section about the 'purpose of planning in the act' be added to the *Planning Act* to define the shifting purpose of the legislation. Narrowing down a single statement of purpose of planning was a controversial task for the Commission, whose consultations revealed a range of discourses on planning among its stakeholders, from planning as a visionary exercise, to planning as a means of organizing and facilitating economic growth. It was the inclusion of a 'purpose of planning' statement, the final report admitted, which began to "wade into a debate about property rights questions" among stakeholders, who suggested that a 'purpose of planning' section of the Act may threaten private property rights (pg. 8). The expanded Provincial oversight into planning matters threatened to increase measures that limit the use of real property. The Commission would recommend the following statement, in what could be called a visionary approach to defining the purpose of planning (CPDRO, pg. 9):

The Planning Act be amended to state that the purposes of the Act are to guide land-use change in a manner that:

- (a) fosters economic, environmental, cultural, physical, and social well-being; and

- (b) protects and conserves the natural environment and conserves and manages natural resources for the benefit of present and future generations; and
- (c) provides for planning processes that are fair, open, accessible, accountable, timely, and efficient; and
- (d) encourages cooperation and coordination among differing interests.

This broad definition accommodates competing interests within planning, from the interests of the development industry to the protection of the province's natural features, suggesting that a balance can be found within these areas. The researcher calls this approach an 'inclusion by addition' model. This model uses a range of encompassing, although perhaps also conflicting, directives. This formulation raised several questions:

- Can Municipalities always enact decisions fostering economic development while conserving the natural environment?"
- What kinds of compromises are acceptable?
- Who bears the responsibility to ensure an acceptable balance of objectives?

Robert Millward, Commissioner of Planning and Development for the City of Toronto, would later criticize this approach. He suggested that "the Sewell Commission may, in some ways, have fallen victim to the malaise it set out to remedy, its findings representing the type of negotiated compromise that Ontario's inherently conservative planning process might itself have brought about" (Millward, 1995, pg. 251). As a basis for understanding the function of the *Planning Act*, this purpose section provides broad direction for the use of the legislation. The researcher suggests, as Millward did, that the addition is an attempt to announce an emerging new approach Provincial responsibilities: a shift from provision of planning approvals, towards a 'policy led' model (Millward, 1995).

(2) The Commission also recommended that section two of the *Planning Act*, about matters of 'Provincial interest,' should be updated to better-reflect "matters now generally

accepted as important in planning” (CPDRO, pg. 9). The broadened matters of Provincial interest recommended are comprised of the following (pg. 134):

- (a) the protection of ecosystems, including natural features and functions;
- (d) the protection and conservation of heritage features of significant architectural, cultural, historical, archaeological or scientific interest
- (b) the protection of the agricultural resource base of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewer, water, and waste management services;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (i) the adequate provision and equitable distribution of educational, health, social and recreational facilities and programs;
- (j) the adequate provision of a wide variety of housing;
- (k) the adequate provision and distribution of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its Municipalities;
- (m) the coordination of planning activities of public bodies and private interests;
- (n) the effective and efficient resolution of planning conflicts.

The expansion of these interests align with conflicts existing at a range of planning scales, from local housing shortages to global environmental challenges like climate change. It is under a direct of influence of the recommendations of the *Brundtland Report* of 1987, on which the Commission reports: “we can no longer afford to take the natural environment for granted — we can't continue to live off our capital. The long-term costs are much, much too great.” (CPDRO, pg. 9). The thrust of this recommendation was to expand discourse on what constitutes a relevant consideration for planning decisions across the Province, and to set a precedent for increased intervention in Municipal planning practices through the comprehensive policy statement. The Commission states that “all planning jurisdictions should have regard for these interests, not just

the Minister of Municipal Affairs or those exercising his or her authority, as the section now states” (CPDRO, pg. 9).

(3) Under the *Planning Act* (1983) of the time, the Minister was granted authority to issue policy statements, approved by the Lieutenant Governor in Council on matters of Municipal planning that were of Provincial interest (*Planning Act*, 1983). At the time of the Commission, there were four policy statements, addressing the protection of mineral resources, floodplain use, land use planning, and wetland protection (CPDRO, pg. 12). These policies were appended by policy guidelines, each established by individual ministries, and together they provided a basis for approvals of Municipal plans, amendments, and subdivisions. At that time, these applications could be approved under authority of the Minister or by Municipalities delegated Ministerial authority, who was responsible for interpreting these guidelines in evaluating the project (*Planning Act*, 1983) (CPDRO, pg. 12). The Commission recommended the previous four policies *and* the Ministry guidelines be replaced. Instead, a comprehensive set of Provincial policies would be created that could provide the basis for decision for any “authority that affects any planning matter [...]” (CPDRO, pg. 15). These comprehensive policies, as recommended by the Commission, would provide a mechanism for the Provincial interests to be expressed at all levels of planning in the Province.

From a legislative viewpoint, the specific language and framing of a comprehensive policy statement could have untold impacts across the Province. The Commission recognized the difficulties inherent with this recommendation. Several stakeholders argued it would undermine Municipal autonomy, introduce instability through a procedural change, create challenges with future Provincial Policy Statements (PPS), and shift the purpose of the Ministry from an approval body to one ensuring compliance (CPDRO, pg. 14). The Commission

maintained that the first three challenges would be addressed at the policy formation level, using what the researcher calls an ‘elegant policy’ model, by forming carefully worded policy statements that would limit or eliminate conflict at the implementation level. The last challenge, on compliance, would be addressed by clarifying the relationships and responsibilities between each level of planning in the Province.

Key Amendments

In service of establishing a clearer set of relationships, the Commission recommended a hierarchical planning and policy structure where policy guidance would be delivered from the Province, and legislated planning tools would be established for Municipal implementation. This section will examine recommendations by the Commission that address:

- (1) increased compliance to policy statements on all planning matters,
- (2) a tiered approach to plan approval,
- (3) the redefinition of the Municipal official plan in the *Planning Act*, and;
- (4) amendments made to the *Planning Act* establishing further requirements for public review and consultation.

Under the *Planning Act* of 1983, the last major amendment to the Act before the Commission, subsection 3(5) stated (Planning Act, 1983):

any authority that affects any planning matter, the council of every Municipality, every local board, every minister of the Crown and every ministry, board, commission statements or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection

This subsection indicates that when a Minister issued a policy statement, it was the responsibility of Municipalities to ‘have regard’ to the directives of the policy statements. The Commission report asserts that “[c]ourts have interpreted [“shall have regard to”] to mean that a decision-making body cannot dismiss such a policy out-of-hand,” suggesting that Municipalities were granted too great a leniency in making decisions that did not align with policy statements

(CPDRO, pg. 14). Given the Commission's investment into a 'policy led' planning approach, the interest in aligning Municipal planning decisions with Provincial interests, they recommended that the language in this subsection be changed to a more imperative "shall be consistent with" test. Therefore the Commission recommended that subsection 3(5) be amended (CPDRO, pg. 15):

in exercising any authority that affects any planning matter, the council of every Municipality, every local board or authority, every minister of the Crown and every ministry, board, commission or agency of the government, including the Ontario Municipal Board and Ontario Hydro, shall be consistent with policies adopted under the Act.

The inclusion of the 'consistency' test for Municipal and Provincial decision makers suggests that the Commission recognized the need for a means of ensuring Province-wide compliance on planning related decision-making. In the words of the Commission, "the desired term will provide certain strength of direction tempered by reasonable flexibility in local application" (CPDRO, pg. 15). Perceptions of ad hoc decision-making on development applications lay at center of this issue, with allegations that Municipalities were approving developments without due consideration for their full costs. Where Municipalities lacked the planning resources to fully examine the liabilities of a proposed development application or infrastructure project, applications were passed under the assumption that development was an inherent 'good' by expanding the Municipality's tax base (CPDRO, pg. 21). The decision to amend this subsection would be a remarkable one, spurring debates for years on the need for this kind of compliance requirement, but also Municipal autonomy, instabilities surrounding changes to the planning system, and the ongoing problem of where policy conflicts would be best resolved.

(2) A tiered approach for plan approval was recommended by the Commission to address the need for a more effective and controlled distribution of planning responsibilities.

Municipalities in Ontario would be categorized by their size and relationship with neighboring urban areas. Large rural Municipalities were called upper-tier Municipalities, lower tier urban Municipalities within these large rural areas called lower-tier Municipalities. The Commission recommended that planning jurisdictions be sorted such that (CPDRO, pg. 63):

- Upper-tier Municipalities develop a broad plan.
- Lower-tier Municipalities develop local plans for the Municipality or one or more neighborhoods, districts, or areas in the Municipality.
- Lower-tier plans conform to upper-tier plans and be consistent with Provincial policy.

The Commission saw upper-tier Municipalities as the appropriate level for managing broad challenges in planning within a region. “Environmental issues, general questions of economic and social change, and transportation and infrastructure” are all issues that require a broad perspective on planning and land-use, and require specific technical resources and administrative capacities to address such issues (CPDRO, pg. 61). The Commission recommended (CPDRO, pg. 63):

The *Planning Act* be amended to require that regions, counties, separated Municipalities, cities in the North, and planning boards prepare and adopt a Municipal plan containing goals and policies that would:

- a) apply Provincial policies to the regional context in a manner that resolves any conflicts among those policies; plan and coordinate regional infrastructure, including transportation, water, sewage treatment, waste, open space, and educational, health, and social facilities;
- b) establish urban and rural settlement patterns, including location and overall staging;
- c) address the general nature and distribution of population, employment, and housing, including the supply and affordability of housing across the region;
- d) address regional economic and social issues, other regional responsibilities, and interregional and interMunicipal issues;

- e) protect natural features and systems;
- f) protect the quality and quantity of ground and surface water;
- g) protect quality agricultural areas;
- h) protect renewable and non-renewable natural resources;
- i) address energy and water use and conservation opportunities;
- j) address issues of special regional interest;
- k) establish a process to monitor change and the effectiveness of the plan.

Echoing the recommended ‘matters of Provincial interest,’ it was recommended that the role of upper tier planning departments was to enact plans and procedures for protecting the interests of the Province as they were identified within the regional context. Upper-tier official Municipal plans would be the scale at that Provincial directives and legislation are first implemented, and lower-tier Municipalities would enacted due to existing conformity requirements. The Commission’s recommendations did not address the possibility of larger scaled planning tools, like Regional or Provincial plans. Region-wide plans, like the Greenbelt Act (2005) and the *Growth Plan for the Greater Golden Horseshoe* (2006), remains outside the discourse of Provincial planning and the wider public during this period.

Conforming to upper-tier Municipal plans, lower-tier Municipalities would be responsible for detailed planning matters at a local level. Referring to the need for a more structured planning system, the Commission recommended (CPDRO, pg. 64):

The *Planning Act* be amended to enable lower-tier plans to address, within the context of the broad plan, the following matters:

- a) the detailed pattern of land use, density, and mix of uses;
- b) distribution of open space and parks;
- c) recreation;
- d) natural features and systems;
- e) character of the community, including heritage, streetscape, and physical design;
- f) the supply and affordability of housing in the Municipality;

- g) zoning, site plans, and other tools to regulate development;
- h) energy and water use and conservation opportunities;
- i) contaminated and hazardous sites;
- j) issues of special local interest; and
- k) other local responsibilities

Requirements under the *Planning Act* (1983) specified little on the content of official plans, regardless of the scale of the Municipality. Subsection 16(1), on official plan content, reads (*Planning Act*, 1983):

In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of,

- (a) the measures and procedures proposed to attain the objectives of the plan;
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan [...]

The breadth of this section permits a wide gamut of acceptable official plan documents. The use of “may” suggests that no real obligations exist for Municipalities in formulating plans to address their responsibilities. While the Commission recommendations suggest that lower-tier Municipalities should be “enabled” to address specific matters, other sections in the final report indicate far stronger language: that plans “must be consistent with Provincial policy” and “must contain goals and policies on ... the respective matters set out for upper and lower tiers” (CPDRO, pg. 73). The recommended amendments to the *Planning Act* about mandatory content in official plans are without precedent, and would have required a rewriting of several sections to address the shift from discretionary content to mandatory content.

(3) By contemporary standards, the legislated requirements for early 1990s Municipal plans in Ontario were far removed from Provincial planning objectives, even if some level of policy conformity was technically required. At the Provincial level, legislation and approval

processes were problematic. Weak and absent definitions, a single approval authority removed from the local context, a discretionary compliance language, and limited specific requirements for plan content, purpose, or consultation contributed to the misalignment Municipal decision-making and Provincial interests. The underlying logic of the ‘policy led’ planning system as recommended by the Commission, depended on the Municipal plan, that plays “an essential role in implementing Provincial policy, addressing broad and local issues, and defining development options and conditions” (CPDRO, pg. 73).

The CPDRO recommends updating the existing definition of “Municipal plan,” to include requirements for (CPDRO, pg. 73-74):

- compliance with Provincial policy
- minimum goals and policies set out under the upper and lower tier plan responsibilities
- physical maps or descriptions of matters described in the Provincial policies
- plans based on studying existing conditions and future projections
- a review of alternatives on matters of growth, settlement patterns and infrastructure, and documentation of those alternatives
- analysis of geographical issues at an appropriate scale
- joint policy decisions made where jurisdictional issues arise
- plans for full public consultation, and complete transparency with all information and documentation for the public

An expanded definition of a Municipal plan, like the recommendation for mandatory plan content, diverges from the existing discretionary legislative framework. The *Planning Act* (1983) definition of the official plan contains a bureaucratic and procedural tone: “a document approved by the Minister, containing objectives and policies established to provide guidance for the physical development of a Municipality or a part thereof or an area that is without Municipal

organization, while having regard to relevant social, economic and environmental matters” (*Planning Act*, 1983, 1.h.i). Unlike other sections of the Commission’s Final Report, that address and respond to some of the criticisms and pushback voiced by stakeholders, the tone on mandatory aspects of ‘policy led’ Municipal planning is unwavering. The Commission recommends a type of Municipal freedom *within* constraints, for Municipalities to proactively make effective decisions consistent with the interests of the Province.

(4) The Commission developed several recommendations to strengthen plan making procedures in the *Planning Act*. The Commission made two recommendations on planning procedure, the first requiring a mandatory preliminary report on proposed major amendments to a Municipal plan, and the second requiring specific steps to ensure that the planning process aligned with the Provincial definition of the “purpose of planning.” The recommendations are as follows (CPDRO, pg. 75):

The *Planning Act* be amended to require that, prior to the preparation of any plan or a general, area, neighbourhood, or other major plan amendment, a report be prepared for public review and considered by council, containing:

- a) a general description of the purpose of the proposed plan review;
- b) the general scope of the proposed plan review, including studies to be undertaken;
- c) proposals for public consultation and participation by interested agencies; and
- d) the proposed timetable for plan preparation and consideration.

The *Planning Act* be amended to require that the preparation of any plan or a general, area, neighbourhood, or other major plan amendment include the following steps:

- (a) Identify problems, priorities, needs, opportunities, and objectives.
- (b) Identify the criteria by which to evaluate options and alternatives.
- (c) Identify reasonable options (including the "do nothing" option) consistent with Provincial policy, and describe their effects on the social, economic, and natural environment and their effectiveness in

meeting objectives.

- (d) Prepare alternative-plan concepts on selected options and compare and assess them using the criteria in Step (b) to determine which concepts best meet objectives in Step (a).
- (e) Select and refine a preferred plan.
- (f) Establish monitoring systems and contingency approaches.

The recommended expansion of requirements for Municipal plan making was justified by the Commission by the recognition “that councils never have quite enough information; it is almost impossible to know enough details about all options, and there is never enough time or money to satisfy everyone” (CPDRO, pg. 75). The proposed changes, the Commission argued, provided what it perceived as a “fair and reasonable means for looking at needs, alternatives, and environmental impacts” (CPDRO, pg. 75).

Tied into these requirement and process changes, were new requirements for public participation, the introduction of the proposal plan stage, requiring public participation and participation from interested agencies, also known as ‘public bodies’. Section 17 of the *Planning Act* (1983) states that “the council of a Municipality may provide for the preparation of a plan suitable for adoption as the official plan of the Municipality” (Planning Act, 1983). Further, “the council shall ensure that in the course of the preparation of the plan adequate information is made available to the public, and for this purpose shall hold at least one public meeting” where “any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan” (*Planning Act*, 1983). Recommendations set out by the Commission require that official plan and major plan amendments call for (CPDRO, pg. 109):

- Publication of intent to consider a policy change.
- Opportunity for public response, including at least one public meeting.
- Preparation and circulation of draft proposal (including alternatives).
- Opportunity for public response, including at least one public meeting.

- Final decision-making.
- Notification of decision.

The main changes from existing public participation and the Commission recommendations are (a) its commitment to early consultation, (b) the requirement for a set of alternatives, and (c) a requirement for two public meetings, rather than a single meeting once council completes a plan suitable for adoption. This recommendation asserts that early proposal is an appropriate stage for community participation, challenging the previous legislation that required that consultation occur after a plan was devised. This concept, later referred to as ‘front end consultation,’ would emerge in legislative debates for years. Combined with the expanded definition of Municipal plan, requiring the availability of supporting documents, these recommendations strengthen public and stakeholder involvement in the planning process. The principles of this involvement are set out in recommendations in the final report, affecting (CPDRO, pg. 105-109):

- Requirements for access to information supporting applications and staff reports about applications, plan amendments, and official plans, including the affordability of accessing that information.
- Council meetings are open to the public, resulting in decision-making that is public.
- Enhanced requirements for notification.
- The Municipal plan and major amendment process requirements already mentioned above.

These principles represented an option for the Province to take leadership in ensuring that planning process are “fair, open, accessible, [and] accountable” (CPDRO, pg. 8).

A.2. Bill 163: Planning and Municipal Statute Law Amendment Act, 1994

The introduction of Bill 163: Planning and Municipal Statute Law (1994), brought for the first time since 1983, a reform of the *Planning Act*. Adopting the recommendations set by the

CPDRO, the NDP government under Bob Rae developed a range of amendments to the *Planning Act* that redefined the ways that planning authorities at all levels would conduct planning work. Adopting the policy led approach advocated by the Commission, NDP amendments included: (1) the addition of a purpose section to the act, (2) an updated statement of Provincial interest within the act, (3) updated policy statements and language changes in subsection 3(5), (4) changes to planning approval process, and (5) changes to Municipal planning tools. In this section, the researcher suggests that these amendments signify two major changes in the Ontario planning system: the shift in the province's role as a planning approval body to a policy setting body, and the realignment of all levels of Provincial and Municipal planning systems to express the new policy led approach.

(1) The addition of a 'purposes of the act' section to the *Planning Act* was a recommendation put forth by the Commission. The adoption of this amendment, as suggested earlier in this paper, was to assist in the realignment of Municipal planning process towards a broadened set of Provincial interests. Bill 163 departs somewhat from the Commission recommendations on 'purposes of the act,' forgoing the 'inclusion by addition' approach taken in these clauses for a more procedural definition of purpose. The amended section reads as follows (*Planning Act*, 1994):

- 1.1 The purposes of this Act are,
 - (a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;
 - (b) to provide for a land use planning system led by the Provincial policy;
 - (c) to integrate matters of Provincial interest in Provincial and Municipal planning decisions;
 - (d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;
 - (e) to encourage co-operation and co-ordination among various interests;

- (f) to recognize the decision-making authority and accountability of
Municipal councils in planning.

Clause (a) is a strong example of divergence between the Commission recommendation and Bill 163. For the researcher, this phrasing requires some clarification on three possible interpretations: how planning outcomes should be prohibited where one, or some, of the criteria for well-being were addressed, how priority should be set among these measures, or whether a certain level of policy conflict is acceptable. By limiting this clause, from the original 'inclusive' Commission recommendation, Bill 163 points to the original problem of defining an inclusive purpose to address the range of planning done in the Province while providing direction effective for local decision-makers. The amended clause states that the act would "promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act" (*Planning Act*, 1994). This phrasing raises its own set of questions: whether "sustainable economic development" could provide enough clarity and encompass the range of interests, since it isn't defined in the Act; and, how the lack of priority among competing interests undermines the statement "sustainable economic development *in* a healthy natural environment" [researcher's italics] (Standing Committee on Administration of Justice, Sept 6, 1994). Peter Ferguson, at a committee hearing on the Bill, argued that the language presumes "that there is a healthy natural environment and that all we're concerned about is promoting sustainable economic development in it" and that the clause should be "quite explicit that the act is directed towards maintaining that natural environment and that the natural environment isn't maintained through the grace of God" (Standing Committee on Administration of Justice, Sept 6, 1994).

Clause (b and c) of this subsection, addressing the prioritization of Provincial policy and stated Provincial interests, are the clearest statements in the Bill that address the shifting

approach towards a 'policy led' planning system in Ontario. The integration of Provincial interests into local planning decisions, the researcher asserts, are the most noteworthy aspects of the proposed legislation. However, in a transcribed speech by Minister of Municipal Affairs Ed Philips speech at a conference on the new legislation, he highlighted the main themes of the bill as streamlining development, Municipal empowerment, Municipal transparency, and environmental protections (Philip, 1994, pg. 20). From those statements, one could draw the conclusion that the amendments are expanding Municipal powers of decision-making and granting new authorities and responsibilities for Municipalities.

In the context of other amendments in Bill 163, the inclusion of the purpose section affects no other section of the Bill. It is not referred upon within the legislation, and sections addressing 'the purpose' are elaborated upon in far greater detail and with greater imperative in later subsections. The researcher suggests that the inclusion of this section is a legacy of the Commission's approach to emphasize the changes to the Act, by including a broad strategic direction. Alternatively, as will be discussed later in this section, the purpose section is another attempt to accentuate the role of official plans as a key element of expressing Provincial directives (Commission on Planning and Development Reforms in Ontario, 1993, pg. 8).

(2) To restructure for a top-down planning system in the Province, Bill 163 amended the statement of Provincial interests in subsection 2.2 of the *Planning Act*. Changes in Provincial interest adopted in Bill 163 followed most of the recommendations from the Commission's final report. Exceptions include clauses "(n) the resolution of planning conflicts involving public and private interests;" "(p) the appropriate location of growth and development;" and "(q) any other matters prescribed" (*Planning Act*, 1994). The purpose of including 'private interests' in clause (n) may have been due to the complaints highlighted by the Commission on lengthy development

disputes at Municipal councils and the Ontario Municipal Board (OMB). Adopting this clause supports grounds for measures to streamline the development process within Bill 163. The inclusion of clause (p), “the appropriate location of growth and development,” recognizes that urban growth and the control over where that growth occurs was emerging as an issue of concern for the Province. Provincial policies that address clause (p) tend to address the conversion of agricultural land for urban uses, designation of priority growth areas in Official Plans, and the of inhibitive costs associated with scattered development. The inclusion of clause (q), “any other matters prescribed,” constitutes another major amendment to this subsection, and the *Planning Act* itself, because it allows for the Minister, to declare a Provincial interest in any matter. The pretext for such a clause was justified by the acting Director of the Municipal Policy Planning Branch of the Ministry of Municipal Affairs, Philip McKinstry. He argued, “this is a mechanism by which the government can indicate to itself and to Municipalities any new emerging issues that people need to keep in mind in a general way in making decisions under the *Planning Act* [...] my sense is that this is simply a power to allow the government to establish so the public can see what new emerging issues are” (Standing Committee on Administration of Justice, Sept 27, 1994). Few other amendments brought forward by Bill 163 stirred as much controversy from divergent interests and groups as did clause (q). Criticisms included accusations of dissolving Municipal autonomy, and for “circumventing the legislative and public consultation process and perpetuating the uncertainty at the local level on Provincial intentions to intervene in new policy areas” (Standing Committee on Administration of Justice, Sept 1, 1994). The researcher suggests that clause (q) embodies a weakness in a policy led planning approach, in that its ability to keep pace with the evolution of the politics of urban planning issues at the local level with transparency depends on the responsiveness and good faith of the government.

(3) Along with legislated amendments to the *Planning Act* in Bill 163, policy statements were updated to reflect new Provincial interests. Major amendments occurred under Bill 163 on the compliance requirements of subsection 3(5) and 3(6) of the *Planning Act* (1994):

3(5) A decision of the council of a Municipality, local board, planning board, the Minister and Municipal Board under this Act and such decisions under any other Act as may be prescribed shall be consistent with policy statements issued under subsection (1).

3(6) with respect to any planning matter under this Act, the comments, submissions or advice provided by a minister or a ministry, board, commission or agency of the government of Ontario Hydro shall be consistent with policy statements issued under subsection (1).

Three amendments adopted the thrust of the Commission's "shall be consistent with" test and to align Municipal decision-making with Provincial policy, but reduced its application, removing other Ministries, Ministers, and agencies from its effects. The purpose of these omissions remain unclear to the researcher, but the change has been noted. The amended subsection differs from the 1983 version of the Act, not from its previous standard of "have regard to," but for expanding compliance requirements to policy "in exercising any authority that affects any planning matter [...]" to in "a decision" and "submissions or advice provided" (*Planning Act*, 1983)(*Planning Act*, 1994). Joseph Hoffer, a lawyer representing The Lake Huron Preservation Association, drew attention to this change in his presentation to the Standing Committee. He suggests "there is a great difference between whether or not a final decision or an interim decision is consistent and whether or not a particular planning agency has exercised its authority in a manner that is consistent with the *Provincial Policy Statements*" (Standing Committee on Administration of Justice, Sept 1, 1994).

The change in compliance language is supported using section 2 of the Act, the ‘purposes’ section, under clauses “(a) to provide for a land use planning system led by the Provincial policy; (b) To integrate matters of Provincial interest in Provincial and Municipal planning decisions; (c) To provide for planning processes that are fair by making them open, accessible, timely and efficient” (*Planning Act*, 1994). Including these clauses points to the need for stronger language in subsection 3(5) and (6) to align planning decisions to the government’s new policy led approach. Note that that no working definition of “shall be consistent with” was included in the Bill, leaving Municipal officials and the courts with uncertainty.

The amendment of the compliance subsection was the single most debated issue surrounding Bill 163. The first debates at Standing Committee on the “shall be consistent with” clause set the tone for future debates. Stakeholders decried decreased flexibility in decision-making at the local level (Harbell and Stikeman, 1995, pg. 160), the risks and costs associated with binding policy language (Harbell and Stikeman, 1995, pg. 158), and the lack of “trust and confidence in local government” by the Province on its compliance changes (Standing Committee on Administration of Justice, Sept 12, 1994). Proponents for the changes advised limiting the ad hoc decision-making processes occurring across the Province, preferring a mandatory policy application that could better-apply best practices.

(4) As part of its thrust to realign Municipal planning decision-making and processes with Provincial interests, Bill 163 included measures that changed the process of approval for Municipal plans. The principal changes to the process of plan approvals are within subsections 17(1)(2) and (7). Under the previous *Planning Act* (1983) approvals were granted by the Minister or by Municipalities granted power under his authority, Bill 163 establishes new approval powers (*Planning Act*, 1994):

17(1) The Minister is the approval authority in respect of the approval of an official plan for the purposes of this section and sections 14, 19, 22

17(2) Despite subsection (1), the regional council or the District Council, as the case may be, is the approval authority in respect of the approval of an official plan of a local Municipality [...]

17(7) A plan shall be prepared and adopted and submitted to the approval authority for approval by the council of

- (a) A regional, metropolitan and district Municipality and the county of Oxford;
- (b) A prescribed county;
- (c) A local Municipality within a county that does not form part of the county for Municipal purposes, excluding the Township of Pelee; and
- (d) A city in a territorial district other than a city within a regional or district Municipality.

At the center of these subsections is the changing role of the Minister. While still holding authority for official plan approval, approval authority is granted, with increased responsibility, to upper tier Municipalities: regional, metropolitan, and district Municipalities. This change would also require that upper tier Municipalities would require their official plans to be approved by the Minister, but upon receiving that approval, and being consistent with the policy statements, would be granted the power to approve all lower Municipality plans within their boundaries. Minister Ed Philips expressed the decision to change this approval process in opening remarks of the Standing Committee, expressing the government was eager to get its ministries out of the business of approving plans and into the work setting policy and ensuring conformity, and red tape led Municipalities to request more autonomy in its approval process (Standing Committee on Administration of Justice, Aug 29, 1994).

Critics of Bill 163 were quick to target the political rhetoric of the Minister and members of the Ministry of Municipal Affairs on ‘Municipal empowerment.’ Planning lawyers Elliott

Stikeman and James Harbell highlighted a glaring omission from the Bill, that no amendments were made to require that lower-tier Municipalities develop official plans. Stikeman and Harbell argue, like John Sewell did at the Commission, that the lack of requirements for official plans undermines the opportunity for effective decision-making established by the Provincial policies. Returning to the intentions laid by the Commission, the official plan was reformed to serve as an “essential role in implementing Provincial policy” (CPDRO, pg. 73). It should be noted here, that even under the recommendations set out by the Commission, no requirements for the development of an official plan in lower-tier Municipalities were included, although some recommendations to emphasize plans were put forward. Challenging Bill 163 on this issue, Tom Mokrzycki, then Commissioner of Planning and Building for the City of Mississauga, argued before the Standing Committee (Standing Committee on Administration of Justice, Sept 13, 1994):

This totally undermines the need for strong land use planning and local authority and this is decision-making at the Municipal level. Any Municipality that wants to engage in planning activity, as far as the city is concerned, "must" have an official plan in order to guide the policy framework within which those decisions are made.

Official plans should be mandatory for all local Municipalities and, further, upper-tier or regional official plans or even county plans should only be strategic in nature and should really provide a value added to the process and not duplicate and repeat that which is contained in local plans. Local plans, that's where the action really is, at the local Municipal level, and they should be mandatory and should provide for that sort of level of service.

The researcher suggests that the position of the government at the time reflected a risk adverse and incremental approach to legislation, in the shadow of the major reforms recommended by the Commission. Debates around this topic in the Standing Committee hearings often waded into the rhetoric of whether each approach, the previous framework emphasizing Municipal autonomy or

the newer policy-led framework, provided 'good planning.' While no examples could be found where Municipalities were singled out for neglecting to plan to the satisfaction of Provincial oversight, few Municipalities represented at the hearings failed to point to their ability to plan under previous legislation. The researcher notes the hearings represent a biased sample of resourceful Municipalities, for even having been present at the hearings on planning legislation reform suggests an engagement with effective Municipal planning practices and the broader Provincial framework. Angela Baldwin, a private sector planning consultant, voiced some of the sentiments around mandated vs. discretionary planning measures and the specter of 'good planning' (Standing Committee on Administration of Justice, Sept 6, 1994):

As a planner I think I'd have to say we all want to ensure that development is appropriate or that it's "good planning." But my concern always is, who defines what good planning is and who defines what the public interest is? Obviously, it's the Province that's doing that, but I really do have to wonder if the Province is best able to understand the local issues. A lot of times they are not able to get out to the local Municipalities and find out about the issues or take a drive around and see what type of development is occurring and see whether it is truly good or bad. It's not the fault of the Province. It's just that it doesn't have the resources to be able to do it. But I still wonder if they are best able to define public interest and good planning.

The government may have been balancing these criticisms while recognizing the lack of resources at the lower-tier Municipal level when it made amendments to upper-tier plan approval. In theory, the legislation allowed for upper-tier official plans to guide lower-tier Municipalities on broad issues for which they lacked enough resources. From a community perspective, however, there is little consolation there for community groups or individuals, under change-averse or conservative local government, who express a desire to steer their communities and set rules and constraints on local development.

(5) Bill 163 included other specific amendments on the content of official plans, despite being only being required at the upper-tier level. The changes, influenced by the Commission but not adhering to the Commission's recommendations, provided some new direction on content, process, and public participation in official planning. Section 16 established the newly prescribed contents of official plans. The previous subsection read as follows (*Planning Act*, 1983):

16 In addition to the objectives and policies referred to in clause 1 (h), an official plan may contain a description of:

- (a) the measures and procedures proposed to attain the objectives of the plan; and
- (b) the measures and procedures for informing and securing the views of the public in respect of a proposed amendment to, or of a proposed revision of, the plan, or in respect of a proposed zoning by-law.

Clause 1(h) refers to the definition of an official plan under the *Planning Act*, defined in 1983 as “a document approved by the Minister, containing objectives and policies established primarily to provide guidance for the physical development of a Municipality or a part thereof or an area that is without Municipal organization, while having regard to relevant social, economic and environmental matters” (*Planning Act*, 1983). Therefore, under the old Act, Municipalities were *enabled* to develop objectives and policies of a ‘physical’ nature, which would have regard to relevant issues of a social, economic, and environmental matter. Enabled to do so, the contents of an official plan *may* contain a description of said objectives and policies, and to establish procedures for achieving them, including attaining the view of the public on these issues. The language and framing of the requirements for official plan contents are oriented to providing the least interference from the Province, or the most latitude for Municipalities to determine the scope of their plans. The legislation provides a handful of specific limitations, one being the “primarily physical” nature of plan matters. On the emphasis of official plans for physical

interventions at the standing committee, Tom Mokrzycki noted, “there are other things that affect the overall planning of communities that should be allowed to be included in official plans, because official plans are basically the visions and the guidelines for future total development of a Municipality, in all of its parts, and not just land use” (Standing Committee on Administration of Justice, Sept 13, 2994).

Bill 163 also updated section 16 of the Act, expanding some the requirements for official plans, shown here as follows (Planning Act, 1994):

- 16 An official plan shall contain the prescribed contents and,
- (a) shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the Municipality or part of it, or an area that is without Municipal organization; and
 - (b) may contain a description of the measures and procedures proposed to attain the objectives of the plan and a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning bylaw.

Section 16 makes reference to prescribed contents, much like *Planning Act* of 1983 does in the Section 1 definition of ‘official plan.’ Unlike the previous Act, legislators restructured this section to permit “prescribed contents” within regulations. Critics of this amendment protested the change, suggesting that such a crucial element of the planning process should be moved into legislation. One critic expressed the importance of prescribed contents, “in the definition section it simply says, ‘the prescribed contents.’ Let's put that up front. Let's put it right in the Act. Let's not put it into regulations. I'd love to see all of us know from the beginning what is to be included in an official plan, not leave it to staff to work that out at a later date” (Standing Committee on Administration of Justice, Sept 6, 1994). Mr. Alan McNair, the representative for Environmental Action Barrie and an active planning consultant, critiqued the inclusion of official

plan content within regulations. He argued that “the principle of ecosystem planning, which is identified sort of early on in the purpose of the act, should carry right on through from there to the mandatory planning content regulations” ... “The problem is that the Legislature doesn't get to debate regulations; they just come out and that's it” (Standing Committee on Administration of Justice, Sept 6, 1994). Barbara Marshall, also at Environmental Action Barrie, spoke out against the under defined official plan as well as the use of regulations, “it's a shame that we don't even say in the act what it is, except that it's approved by an approval authority. I really don't think that belongs in regulations; it belongs up front in the Planning Act” (Standing Committee on Administration of Justice, Sept 6, 1994).

Clause 16(a) substituted the 1983 definition of official plan and removed requirements to ‘have regard’ to the social, economic, and natural environment, due to the updated compliance requirements of subsection 3(5). Clause (b) maintained the discretionary standard for measures and procedures, including those alternate measures for conducting consultation on official plans and amendments. Not included in the Bill, were the extensive recommendations of the Commission on official plan content and planning procedures, including the step by step procedures for both preliminary plan amendment reports and official plan amendment processes.

Changes to the *Planning Act* under Bill 163 on community engagement solicited a mixed reception. Although these sections address aspects of public participation in the planning process, subsections under section 17 provide for the base requirements for public input on official plans and amendments. Three subsections, 17(9)(13) and (14) refer to these requirements (*Planning Act*, 1994):

17(9) The council shall ensure that in the course of the preparation of the plan adequate information, including a copy of the current proposed plan, is made available to the public and, for this purpose, shall ensure that at least one public meeting is held, notice of which shall be given in the manner and to the

persons and public bodies and containing the information prescribed.

17(10) The meeting shall be held not sooner than 30 days after the requirements for giving notice have been complied with and any person who attends the meeting shall be given the opportunity to make representation in respect of the plan.

17(13) Any person or public body may make written submissions to the council before a plan is adopted.

17(14) The council shall provide to any person or public body as the council considers may have an interest in the plan adequate information, including a copy of summary of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council.

While the amendments provide for sharing of adequate information, a single public meeting, and notice, the subsections are nearly identical to those outlined in the *Planning Act* of 1983. In the context of the recent Sewell Commission, the amendments fall short. In discussing aspects of public participation in official plan amendments, Peter Clutterbuck, representative of the Social Planning Council of Metropolitan Toronto, recognized some of the developments put forward by Bill 163 on public participation in land use planning. He suggested the improvements to public participation have legitimized a broader group of planning issues. These changes empower individuals and groups to voice concerns, particularly with amendments under section 2 (on Provincial interest), section 3 (on Provincial policies), and section 16 (on the prescribed contents of an official plan)(Standing Committee on Administration of Justice, Sept 19, 1994). Specific language in these subsections drew criticism on the inconsistencies of compliance language, for example on the discretionary inclusion of alternative public participation procedures in official plans. Clutterbuck asks, (Standing Committee on Administration of Justice, Sept 19, 1994):

it seems to us [...] if the spirit is of inclusiveness and public participation

throughout, if the first statement in that section refers to what should be contained in the official plan, the second, it seems to us, [the clause on stating procedures on public participation] should just logically and naturally be mandatory rather than discretionary. We don't understand. In fact, that is one of the major inconsistencies, it seems to us, in the Act itself, that throughout there seems to be the means by which this can happen; why shouldn't we expect Municipalities to actually incorporate it as a compulsory matter in their official plans?

Some criticism for half measures on increasing public participation emerged in the context of the Commission recommendations. On the 'up-front' consultation process claimed by Director of Ministry of Municipal Affairs, Mr. McKinsty, and in earlier hearings by Ministry staff, Barbara Marshall blasted the Ministry for its failure to consider Commission recommendations on planning process reforms (Standing Committee on Administration of Justice, Sept 6, 1994):

[...] in my opinion, they have been dropped. Sewell said that at the beginning of an official plan, council is to outline a report to the public saying what they intend to do with the official plan and how long the time frame. In Bill 163, there is none of that. There is a prescription for a public meeting, but it is not at the beginning of the planning process, and I would really like to see the Sewell wording, as close as possible, incorporated into it [...] it was really a shock to read through Bill 163 and see that the Sewell recommendations in this area were dropped entirely from Bill 163. I feel that's a real shame. I think front end public involvement means less cost and less money and it means we're that working together from the beginning. It doesn't mean that we're fighting from the middle through to the end. It's essential for everybody to start at the same point in time and not have the public come in at the end.

In the context of a policy led planning approach, influenced by the Commission recommendations, the low priority of official plan implementation at the lower-tier Municipal level, and the half measures on public input in Bill 163, the researcher suggests that 'Municipal empowerment' rhetoric by the Minister may have been overstated. These and other changes to the *Planning Act* discussed earlier in this review of Bill 163 are effective at aligning upper-tier

Municipal interests while clarifying and prioritizing the Provincial interest in decision-making at all levels.

A.3. Bill 20: Land Use Planning and Protection Act

Bill 163 was enacted on December 6, 1994. The *Planning Act* under those amendments would stand a total of 17 months before being repealed by amendments under Bill 20, introduced by the new Conservative government under premier Mike Harris. The overhaul of the previous efforts at reform by Bill 20 was driven by perceptions of the failure of Bill 163 to respond to Municipal concerns for flexibility, to streamline the planning process and eliminate red tape, and to empower lower-tier Municipalities. Minister of Municipal Affairs and Housing Al Leach, in his opening remarks at the Standing Committee on Bill 20, asserted that the bill was “introduced to honour a commitment made in the Common Sense Revolution, a commitment to remove barriers to economic growth” (SCRD, Feb 12, 1995). The bill was designed to achieve three main outcomes (SCRD, Feb 12, 1995):

- (1) streamline and simplify the planning system by creating concise policies and limiting the jurisdiction of the Province,
- (2) allow expand Municipal authority and permit more local planning decisions, and
- (3) protect the environment while eliminating barriers to economic growth.

Many critics were skeptical of this interpretation, lamenting the overall disengagement from providing Provincial planning oversight caused by changes to the status of the official plan, public participation, and relaxed Provincial mechanisms for ensuring compliance. This section will be organized to illuminate the dramatic change coordinated by the Harris government as it pertains to the complexities of the policy and legislation relationship, the Municipal and Provincial responsibilities permitting effective policy implementation, and the dialogue existing between these amendments. Changes to the *Planning Act* will be examined and will include

comments submitted to the Standing Committee addressing Bill 20, given that the Standing Committee hearing constituted the bulk of public consultation on the changes.

Under the previous revision of *Planning Act*, amended by Bill 163, the Provincial role in planning was shifted from an approval body to a policy creation body. Municipal powers were limited and aligned with a policy led planning system and a modified plan approval system. Critics of the changes argued that the top-down policy approach creates inevitability at the implementation stage, inhibiting what some called the ‘flexibility’ that allowed for development opportunities to be captured. Changes made under Bill 20 were somewhat consistent with those criticisms, leading to a shift in power, away from the prescriptive policy-led system espoused by the NDP and the CPDRO. This section will begin by addressing those shifts in Provincial and Municipal powers.

Under Section 2 of the *Planning Act*, referring to the list of matters of Provincial interest, clause (q) was repealed, which previously granted powers to the minister to prescribe other matters of Provincial interest. There were critics to the inclusion of this clause under Bill 163, some Municipal planners, councilors, and the Association of Municipalities of Ontario (AMO), arguing against the cost of uncertainty that ministerial intervention under new matters of interest threatened. Representatives for AMO criticized the clause for “circumventing the legislative and public consultation processes” around which both Provincial policy and Municipal planning process derive their legitimacy (SCRD, Feb 15, 1996). Although the change would limit the Minister in raising additional Provincial interests in the context of specific interventions, the ability to add additional interests remains through a *Planning Act* amendment. All other matters of Provincial interest would remain unchanged under Bill 20.

As explored in previous sections of this section, the compliance language under subsection 3(5) and (6) of the *Planning Act* pertains to the application of Provincial policies by all planning authorities in the Province. Under Bill 20, subsections 3(5) and (6) were repealed, eliminating the “shall be consistent with” language. Substituted are the following subsections from Bill 20 (*Planning Act*, 1996):

3(5) In exercising any authority that affects a planning matter, the council of a Municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board and Ontario Hydro, shall have regard to policy statements issued under subsection (1).

3(6) In providing comments, submissions or advice that affect a planning matter, a minister or ministry, board, commission or agency of the government, including Ontario Hydro, shall have regard to policy statements issued under subsection (1).

Lawyers from CIPREC, the Canadian Institute of Public Real Estate Companies, set out six arguments against the previous ‘shall be consistent with’ standard. Paraphrased here, the reasons submitted by CIPREC are (SCRD, Feb 19, 1995):

- OMB and court decisions have distinguished between ministry guidelines and policies
- The consistency test fails to recognize the compromise inherent in the planning process, surrounding the resolution of policy conflicts
- The test fails Municipalities in providing flexibility in arriving at the best planning decision
- The expansion of policies under context of Bill 163 led to increased conflict in policies, where a ‘regard’ test might have provided a better-standard to navigate growing policy frameworks

- The consistency test would result in planning decisions being made outside the oversight of the OMB and rather in the Provincial courts, as new standards are decided upon
- The change of compliance clause under Bill 163 steered focus away from the creation of a clear and concise set of policies, which would have the most effect

The researcher suggests that these arguments demonstrate an unwillingness to recognize the logic and underlying rationale for a policy-led system, however, they do pose fundamental questions around the balance of Municipal autonomy and Provincial direction. It was under “the context of enhancing Municipal autonomy, [that the Ontario Professional Planners Institute] accept[ed] this government's decision to return to the original wording of "shall have regard to.” They alleged “the changes to [the policy] itself and resources [made] available” to Municipalities and other agencies may have more effect than the language in Section 3 (SCRD, Feb 15, 1995). The researcher suggests that the issue of language change in Subsection 3(5) wasn't because of a discrepancy between guidelines and policy, as CIPREC argued. Such a problem could have been clarified within changes to Ministry guideline protocols. The inability to arrive a ‘good’ planning outcome under the ‘have regard to’ test could not have spurred a change, as was proven by the Municipal stakeholders at Standing Committee. Rather, it was the inability of the Province to *uniformly* protect its interests that drove the Commission to recommend this change. John Sewell, who headed the CPDRO, once said the issue of language around the compliance clause is not the crucial element of the change, saying: “find words other than ‘be consistent with’; that's fine with me, but you have to say something that says, ‘This policy is important and you should be acting within it’” (SCRD, Feb 12, 1995). This position maintains the primacy of the policy-led planning system. Karl Jaffary, once a councilor in Toronto and speaking as an

individual at the hearing on Bill 20, also questioned the debates on language (SCRD, Feb 12, 1995):

Almost all the situations I've run into that have been held up after the fact as being situations of bad planning, bad environmental planning, whatever, have been situations where everybody at the local level was in agreement and the matter sailed through without any objection. I venture that it will sail through without objection as easily with 'be consistent with' as it will 'having regard to.'

Other submissions spoke to the importance of familiarity with the compliance language in the courts and wider planning system. Tom Storey, planning consultant, responding to MP Doug Galt on what language could be effective in aligning Municipalities with policy while allowing flexibility, said (SCRD, Feb 27, 1995):

'Have regard to,' for me anyway and the Municipalities I consult to, is kind of a comfortable blanket, in the sense that we felt we knew how to respond to it. We always felt there was a burden on the Municipality; if it wasn't going to conform or be consistent with a Provincial policy, it had to justify that. I always thought that was the way to proceed. That may have been abused in other forums, by other Municipalities, and I can't speak to that where that has occurred. All I can say is how we've reacted to it. We understand the law and jurisprudence around it, we know how the Municipal board deals with it, so we like that wording.

Maintaining familiarity, legal precedent, and procedural certainty may have contributed to the decision to repeal the consistency test. This rationale aligned with political interests of the time, with the new government eager to spur development activity, stability, and restore growth in the Province. Geoffrey Singer, land use planner at the hearings on Bill 20, shared this perspective, stating "the introduction of this legislation at this time is in fact based on the government's haste to send out the message that Ontario is open for business again and not on any truly identified deficiencies in the new planning system" (SCRD, Feb 27, 1995). His comments are among others who continued to contest the certainty arguments of the 'shall have regard to' test and who

remembered the weaknesses of the previous system illuminated by the Commission findings.

Singer reminded the Standing Committee of the debates that had occurred only two years earlier

(SCRD, Feb 27, 1995):

I would remind the government through this committee that the previous wording was clearly not working and it was not just Mr. Sewell who thought so. It seemed that no one, including local councils, the Municipal board, or even the lawyers in the ministry really understood what it meant to have regard to policies or when that test had been met [...] [...] What exactly does it mean to have regard to a policy? The general consensus emerging, and tended to be backed by the courts, was that it was sufficient for planning bodies to acknowledge that the policy in fact exists but to then effectively ignore it. In other words, cabinet's policies could not simply be dismissed out of hand [...] [...] To my view, this is not a partisan issue. It is not about restricting local decision-making and it is not a matter of pitting economic growth against environmental and social concerns. It is a matter of planning practitioners, local decision-makers and land developers being able to clearly know ahead of time what the Province expects of them.

Undermining the politicized discourse around compliance language, like Sewell, Singer suggested delaying future changes until a reflective phase of experimentation could occur, arguing that “there is nothing in the new planning system [under Bill 163] which we have actually had time to identify as a deficiency” (SCRD, Feb 27, 1995). The researcher suggests that in addition to permitting the amended Act enough time to have an effect, implementing monitoring requirements may have hastened the identification of deficiencies, as was recommended by the Commission. Both the NDP and Conservative leadership neglected policies for monitoring changes to the PPS.

Despite the attempt at managing public impression on Municipal autonomy by the Minister, there were a handful of amendments, aside from abandoning the consistency test in the compliance clause, serving to expand the responsibilities of the Municipality. These included amendments to allow for prescribed information for development applications, the elimination of

the prematurity test, and for greater powers over provision of notice. These addressed changes to Municipal autonomy but will not be expanded upon as they fall into development approval procedures, outside the scope of purpose for this section. Other changes in Bill 20 modified relationships between players in the plan making process, between the Province and Municipalities, as well as between Municipalities and its various stakeholders. The following paragraphs will include a review of changes in Bill 20. They include the new plan approval responsibilities, partial support for amendments made under Bill 163 in this area, changes to the official plan content and process, and an examination of the role of conflict and compromise in the new system.

The changes to official plan approval under Bill 20 signal a tacit support of amendments by Bill 163, that Regional Municipalities have approval authority for lower-tier Municipalities. Under Bill 20, powers of plan approval were extended to county councils under subsection 17(4), granting new powers to county Municipalities. Upon approval of an official plan by the minister, “the county council is the approval authority in respect of the approval of a plan as an official plan of a local Municipality in the county” (*Planning Act*, 1996). The extension of these powers to the county level was withheld under Bill 163, under no evident rationale. The County Planning Directors of Ontario, stressed for the inclusion of County level official planning powers years earlier. With the inclusion of county level approvals, planning consultant Tom Storey, suggested that “it is possible that county council may see benefits from the preparation of a county official plan, but would be fearful of the impact on the increased staffing requirements that approval of a plan would entail, and thus not proceed” (SCRD, Feb 27, 1995). The rationale behind the limitation in 1994 may have been, in part, a recognition that county level planning departments lack the tax base to support countywide planning efforts. This suggests that a

difference between legislators on this issue, between Bill 163 and 20, is the preeminence of creating a system of effective regional planning and policy oversight above other priorities, in this case, getting the Province - the Minister - out of the business of granting approvals.

Aside from participants in the development industry, the Ministry, and a group of councilors, few stakeholders at the Standing Committee for Bill 20 could rationalize the tightened timelines on Municipal approval processes introduced by the bill. Ministry rationale, expressed by Minister Al Leach, was to streamline the planning process by spurring faster decision-making at the council level; “Construction will be able to proceed...” he argued, “creating jobs and economic activity. Developers won't have to sit on valuable land, paying high carrying costs while waiting years for a decision” (SCRD, Feb 12, 1999). While each of these amendments will not be examined in detail, the effect on timelines for public notice, hearings, council decision, and appeals on official plans and plan amendments is a factor affecting the ability of Municipalities to plan. On the decision to shorten council decisions on plan amendment requests to 90 days from 150 days, John Sewell suggested that intended streamlining efforts would be lost (SCRD, Feb 12, 1995):

[...] [t]hat is not going to help good planning. That will not give anybody any certainty whatsoever. It means that whenever anybody applies to do anything, there will be a big fight, because they know official plans don't mean anything; they're the same as zoning bylaws [...] It will not streamline one single thing. It means everything's up for grabs on every application.

The problem that Sewell highlights is what is referred to as a process of ‘planning by amendment,’ where the status of an official plan has been degraded and undermined, resulting in additional permissive decisions on amendments by councils or additional appeals to OMB due to the weakened status of the official plan. This was Virginia Berg’s concern at Standing Committee, representing the Waterloo Federation of Agriculture, explaining her personal

troubles with the permissive and under-empowered councils at the OMB. She quotes a Waterloo regional report in her criticism of the streamlining process (SCRD, Feb 27, 1995):

timelines are now being reduced “[...] to permit developers faster access to the OMB where any form of obstruction or controversy is encountered” [...] I don't know how many times in our own situation our local planner or one of our councillors said to us: "We can't say no to this subdivision. The developer will take us to the board, and the developer will win."

On the shortened ‘right of appeal’ timelines under Bill 20, representatives at the Lake of Bays Association lamented, “Official plans will neither be official nor plans. Ontario is returning to a system of planning by amendment, providing property owners with no assurance of the orderly development of their communities or protection for our investments in our property in communities” (SCRD, Feb 15, 1995).

Amendments to the *Planning Act* under Bill 20 addressed changes to prescribed content in official plans. Under amendments by Bill 163, prescribed contents for Municipal plans in Section 16 included a mandatory clause, pertaining to “goals, objectives and policies [...] to manage and direct physical change,” and a discretionary clause on inclusion of planning procedures and implementation. Amendments under Bill 20 eliminated these clauses, and struck the definition of ‘official plan’ from the *Planning Act*. While some critics argued eliminating prescribed content from official plans signaled a departure from a ‘cookie cutter’ or ‘fill in the blanks’ approach to official plan and policy making, the researcher suggests these repealed clauses obscure a relevant Municipal planning tool, demonstrate a disengagement in leadership on planning in the Province, and distance Municipal planning from Provincial interests (SCRD, Feb 15, 1995). Marilyn Churley, voiced similar concerns (SCRD, Feb 28, 1995):

[t]his is setting a very dangerous precedent. I think it's going to remove the Province even further[...] I think it's even more important that those kinds of controls around the official plan be there [...] it just adds to the Municipalities

perhaps being given a bit too much freedom, and not just freedom, but the guidance that would be there with a definition of official plan, the kinds of quality controls that are being taken away.

The tradeoff that lies at the center of Bill 20, similar to the Commission's recommended framework, is tied to the strength of the official plan. If Bill 20 aims to prioritize a streamlined planning system, expand Municipal decision-making, *and* preserve the interests of the Province as stated in the amended *Planning Act*, while decentralizing the approval process, then the official plan approval process should be defined, if not expanded and strengthened. The abandoned interest in planning cautioned by Sewell is inherent when legislation weakens official plan status, will shift the compromise and conflict of policy and plan making at Provincial and Municipal level, to piecemeal conflicts between developers, council, and the OMB (SCRD, Feb 12, 1995).

Concerns over the public participation emerged in debates on streamlining in Bill 20. With tightened minimum timelines around notification, hearing, decision-making timelines, and appeals, stakeholders voiced concerns that the Bill would result in limitations to contributions to the decision-making process by individuals and local interest groups. MPP James Bradley provides a compelling argument increased public participation at a late Standing Committee vote, to justify an extension to the minimum time between notification and public hearing, reduced to 20 days under Bill 20; he argues, "the public is a key part of the process, both by providing information and by establishing legitimacy for decisions made by the public representatives. Leaving them out or impeding their ability to contribute means that decisions, I think it's safe to say, are less informed on local information and concerns ... Getting the public thoroughly involved early on in the process reduces the possibility of costly and lengthy delays, appeals and conflict" (SCRD, Feb 28, 1995). As has been brought up a number of instances in

this section, there is a compounding effect of the ‘shall have regard’ test on other aspects of changes to the *Planning Act*. Sean Conway, another MPP commenting on the previous timeline amendment, ties the responsibilities inherent with expanded powers at a local level (SCRD, Feb 28, 1995):

If you believe, as I do, in supporting the "have regard to," that there is some very real legitimacy in giving local politicians some real and some additional power, then the corresponding responsibility is that [limitations to public engagement causing poor local planning decisions are prevented] [...] I think that Mr. Bradley's amendment provides just a little more time for citizens who [...] can often be faced with enormous implications based on planning decisions made locally, about which they have little or no information.

The perception of a loss of natural justice at the level of public consultation pervades the hearings on Bill 20. Changes to the Provincial role, as demonstrated by the submissions from planners, politicians, and public bodies, have had cascading effects on the planning system. In the case of Bill 20, the researcher suggests, can be found where the work of navigating policy is done. Under Bill 163, under influence of recommendations by the CPDRO, there was a coherence in the policy-led structure of planning in Ontario. While Bill 20 purports to uphold the principles of this structure, its execution is undermined by a failure to present an alternative to systemic Provincial oversight. Thinned Provincial policy, a permissive compliance clause, and a weakened official plan may serve to shorten development timelines, but they cannot provide a balance among the other stated priorities of the government.

A.4. Bill 26: Strong Communities Act

For eight years, most amendments to the *Planning Act* under Bill 20 stood, with the PC government under Mike Harris standing for almost as many years (Harris resigned in 2002, with Leader of the Ontario PC Party, stepping into the role of Premier for the last year). Following the

election of 2003, resulting in a Liberal minority under leadership of Dalton McGuinty, the new government undertook steps to amend the *Planning Act*, under Bill 26: Strong Communities Act.

The haste in which Bill 26 was formed, with a first reading of the draft underway in December of the same election year, and given the limited scope of the bill, suggests a political show of willingness to reform the planning system. The changes under Bill 26, the researcher suggests, reflect both an awareness of the reform efforts of the Commissions preceding the Conservative leadership, but also exhibit a rushed sense of incompleteness. With the review of the PPS interrupted due to the election, it is possible that the planning reform platform under the McGuinty government may have been interrupted to address both the most politically immediate legislation as well as update the policy aspects, already half underway from the previous government. Under the rhetoric of ‘stronger communities,’ the amendments to the *Planning Act* address the following purposes:

1. a return to the consistency test in the compliance subsection,
2. repealing changes to decision-making timelines for official plans and amendments,
3. the elimination of the right to appeal the Ontario Municipal Board on amendments to official plans where it relates to boundary changes, a measure to address growth pressures on urban edges and the loss of agricultural lands, and
4. a return of Ministerial powers to intervene in OMB appeals where matters of Provincial interests are adversely affected.

As in previous sections addressing legislative changes in the *Planning Act*, these amendments will be explored as they pertain to the complexities of the policy and legislation relationship, the Municipal and Provincial responsibilities permitting effective policy implementation, and the dialogue existing between these amendments.

Bill 26 includes amendments about both Provincial and Municipal powers and responsibilities. Most changes, as will be examined in this section, are a direct response to the

changes made in the mid-1990s under the Harris government, indicating a transition to a more policy oriented planning system. As was explored in the previous section on Bill 20, critics lamented the disengagement from coherent Provincial oversight in the planning system, evident in the changes to the status of the official plan, public participation, and Provincial mechanisms for ensuring compliance. Amendments will address within this section on changes to Provincial roles and Municipal roles.

One of the Commission's core recommendations was reinstated, the 'consistency' test in subsection 3(5). The amended subsections read as follows (*Planning Act*, 2004):

3(5) A decision of the council of a Municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, shall be consistent with policy statements issued under subsection (1).

3(6) Comments, submissions or advice that affect a planning matter that are provided by the council of a Municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with policy statements issued under subsection (1).

It should be noted that in a previous submission on the use of "a decision" in the act by lawyers representing the Lake Huron Preservation Association, the ambiguity raised around 'interim decisions' versus 'final decisions' was identified in abandoning the previous standard (Standing Committee on Administration of Justice, Sept 1, 1994). The language change here suggests that the use of the word "decision" implies an outcome oriented approach to subsection 3(5). This reading is supported by a consultation discussion paper on a draft PPS, by MMAH. It states "[t]he proposed change is intended to ensure that Provincial policies are applied in all land-use planning decisions, and that the outcomes of planning decisions are not in conflict with Provincial policies," including a small table describing language changes in subsection 3(5)

(MMAH, 2004b). The table indicates that the new ‘consistency’ standard (at the time of the consultation ‘proposed’ standard) provided a “more demanding test,” is “mandatory in nature,” and suggests that “*Provincial Policy Statements* must be applied in planning decisions” (MMAH, 2004b). Again, the thrust of these changes harkens to the logic behind the Commission’s recommendations: a legislated alignment of the planning system ensuring that Provincial interests are central to planning decisions, even superseding local political interests, in the decision-making process on land-use planning. This rationale is also found in the Consultation Discussion Paper.

In 1996, when Bill 20 repealed the ‘consistency’ test, legislators rationalized the changes due to a lack of any procedural definition and precedent in court and OMB proceedings. As submissions to the Standing Committee on General Government (SCGG) for Bill 26 demonstrate, several of these concerns remain unaddressed by the legislation despite the interpretation included above on behalf of the MMAH. In the Ontario Professional Planners Institute submission to the Ministry, representatives suggest that amendments to subsection 3(5) and (6) fail to clarify challenges in achieving consistency: “[i]f planning decisions are required to “be consistent with” the PPS, it must be made clear that there is room for practical planning decisions to protect one resource interest at the expense of another [...] the new wording provides continued challenges - exactly *what* are Municipalities expected to “be consistent with?” (OPPI, 2004). Submissions on behalf of development interests reflected a similar concern with clarity in the planning process. UDI, the Urban Development Institute, suggested that the ‘have regard to’ test “respects the diversity of communities across the Province and encourages locally driven solutions, but at the same time ensures that the overall preferred Provincial direction is respected” (SCGG, Sept 20, 2004). Other groups addressed the need for

“clarification and consistency” in the specific policy language of the PPS, especially within the context of the new ‘consistency’ test.

Other public bodies were more optimistic about the changes. The Pembina Institute “strongly encouraged” the use of the new standard for its “ability to provide policy direction to planning authorities needed to curb urban sprawl and promote more sustainable development patterns” (SCGG, Sept 20, 2004). They too cautioned legislators on the relationship between the policies themselves and the enabling legislation in subsection 3(5) and (6), that an increased onus will be placed on the coherency of the PPS with strengthened language. They warned against the effect of ineffective or incompatible policies, which would have to be enforced due to the new compliance language (SCGG, Sept 20, 2004):

[...] if the existing PPS remains in place when Bill 26 is proclaimed, it would have the perverse effect of requiring that planning authorities ensure that their planning decisions be consistent with policies that are often too vague to provide meaningful policy direction or that in some cases have actually been major factors in the promotion of urban sprawl over the past seven years.

Under previous amendments changes to the list of matters of Provincial interest under section 2 of the *Planning Act* warranted debate. Except clause 2(h.1) “the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies,” amended under another Bill in the 1990s, no changes were made to section 2 since Bill 20 in 1996. However, Bill 26 included provisions on expanded powers for the Minister to advise on matters of Provincial interest, originally included in Bill 163 and repealed months later in Bill 20. The purpose of the provision,, would provide the Minister with the ability to provide advice to the OMB on its decision pertaining to a decision that adversely affects a matter of Provincial interest. Sections 17(51-54), amended by Bill 26 establish that advice submitted to the OMB on such matters may be enforced by the Lieutenant General, enabled to “confirm, vary or rescind

the decision” (*Planning Act*, 2004). In addition to some of the concerns that were raised when included under Bill 163, including undermining localized decision-making power from Municipalities, the amendment served to draw attention to the continued absence of definition or procedural method for establishing a ‘matter of Provincial interest.’ OPPI, in its submission to committee, recommended the inclusion of such a definition as it pertains to expanded powers of the Minister under subsection 17(51). Julia Munroe, MPP for York-Simcoe, expressing concern over the lack of transparency in the subsection reports to the Standing Committee, “we’re also left to draw the conclusion that nothing guides the minister in defining a Provincial interest. There’s no stated obligation to, using words quoted elsewhere, “be consistent with” or “have regard for” *Provincial Policy Statements*. In short, there is no accountability in this particular part of the bill” (SCGG, Sept 20, 2004).

Aside from changes to subsection 3(5) and (6), Bill 26 contained few noteworthy changes to the *Planning Act* pertaining to the responsibilities and roles of the Municipality. The amendments to decision-making timelines for plans and plan amendments are among the most significant, repealing the shortened timelines established by the Harris government in 1996. As in the earlier section on amendments to timelines in Bill 20, this paper will not go into the minutiae of the development process and timelines, however, the researcher acknowledges the impact of expanded timelines for local councils and planning authorities. As in previous bills, these timelines are managed through the timeline of rights of appeal to the OMB, for example under 17(40), granting right of appeal to a person where “the approval authority fails to give notice of a decision in respect of all or part of a plan within 180 days after the day the plan is received by the approval authority” (*Planning Act*, 2004). From the perspective of a Municipality, the time before there is a right of appeal is the period in which the

council/planning authority has to evaluate the merit of the proposed amendment, reach a decision balancing Provincial interests, and is consistent with Provincial policy. Timelines under Bill 26 were extended about decisions on subdivision approval, official plan amendments, zoning bylaws, and severances. As was discussed in the section on Bill 20, previously timelines for appeal rights on official plan amendments were the same as those of subdivision approvals; Bill 26 fails to provide a longer timeline for official plan and plan amendment approvals, missing an opportunity to enhance the status of the official plan.

Under Bill 26, new provisions eliminate the right of appeal on development applications requiring the expansion of an urban settlement area boundary. Under subsection 22(7.1), about the right to propose an amendment to an official plan, the new amendment provides that (*Planning Act*, 2004):

Despite subsection (7), a person or public body may not appeal to the Municipal Board in respect of all or any part of a requested amendment if the amendment or part of the amendment proposes to alter all or any part of the boundary of an area of settlement in a Municipality or to establish a new area of settlement in a Municipality.

Under the previous Act, applications of this nature rejected by council could then be taken to the OMB, where the decision could be overruled. With the above amendment, Municipalities are empowered to reject changes to urban settlement boundaries, empowering them in implementing intensification, agricultural preservation, and compact growth policies, albeit using a prohibition oriented approach. Limiting appeals on applications proposing urban settlement boundary changes also serves to increase the status of official plans, whereby the opportunity for settlement boundary negotiations can be shifted back by the council to the regular five year revision of the official plan. Critics of the amendment, like representatives from the Greater Toronto Home Builders' Association, cautioned against removal of the appeal mechanism,

suggesting that allowing for council to refuse applications without transparent process may encourage a closed door approval process on boundaries in some Municipalities (SCGG, Sept 20, 2004). Further, they argued that the new restriction on appeals will create a spike in land prices, due to the council's limitations on supply and demand. The end result, they submit, will be an increase in 'leapfrog' development, a phenomena related to urban sprawl where "developers skip over properties to obtain land at a lower price further out despite the existence of utilities and other infrastructure that could serve the bypassed parcels" (SCGG, Sept 20, 2004)(Heim, 2001, pg. 245). Given the development industry's concerns, the effectiveness of amendments to subsection 22(7.1) remain ambiguous, but they do illustrate an effort by some stakeholders to grapple with some competing interests on sprawl and intensification.

A.5. Bill 51: Planning and Conservation Land Statue Act, 2006

Since the CPDRO, legislators have been concerned with finding a balance between Provincial and Municipal responsibilities. Compared to previous bills addressed in this section, Bill 51 provided a refreshing set of provisions that both sustain a policy-led approach yet expand powers and introduce new tools for Municipalities. The following section will address amendments under Bill 51, offering an examination of its key provisions through an analysis of feedback given by stakeholders at the Standing Committee on Bill 51, and other reviews of the legislation.

Amendments under Bill 51, receiving Royal Assent in 2006 and in effect in 2007, resulted in changes to the planning system. Amendments addressed (1) the decision-making process on compliance subsections 3(5) and (6), (2) additions to matters of Provincial interest, (3) practicable measures for expanding Municipal autonomy and controlling development, and (4) enhanced community engagement requirements.

Bill 51 expands subsections 3(5) and (6) to include clauses specifying additional compliance to Provincial plans, with several introduced including the Greenbelt Act (2005), the Oak Ridges Moraine Conservation Act (2001), and the Places to Grow Act (2005). As amended by Bill 51, subsections 3(5) and (6) of the Act reads (*Planning Act*, 2006):

3(5) A decision of the council of a Municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

3(6) Comments, submissions or advice affecting a planning matter that are provided by the council of a Municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and

(b) shall conform with the Provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.

The new clauses result in expanded compliance measures on decisions made during PPS transitions and on conformity requirements on Provincial plans. Clause 3(5)(a) refers to direction on transitional application decisions. The purpose of this section is in clarifying the decision-making process when applications are submitted in transitional periods. For example, applications submitted or Municipal plans drafted before a transition in PPS may have been consistent with the previous PPS and conform to Provincial plans at the time, but the resulting decision by a planning authority must be made consistent with the current PPS and in conformance with any updated Provincial plans. Planning Advice and other submissions under

Section 3(6) must be consistent with PPS and conform to Provincial plans in effect on the date of submission. While the amendments suggest a tension on applications and advice submitted during transitional periods, the purpose is limiting a surge of applications prior to a revision to the PPS or a Provincial plan, thereby creating more decisions consistent with current policy. Stakeholders at the SCGG voiced concerns with these amendments, criticizing the effect of creating ambiguity in these clauses. MPP Lisa McLeod suggested that the clause creates a “moving target” for developers, whereby the more in conformity with a Provincial plan undergoing revision, the more likelihood that the decision would be reversed by actions of a council maintaining consistency with the new plan (SCGG, Aug 29, 2006). Stakeholders representing development interests were more direct with their criticism. The Association of Power Producers of Ontario, for example, state the obvious limitation in these clauses, submitting that (SCGG, Aug 8, 2006):

It is unreasonable and unfair to hold an applicant to a standard that did not exist at the time of their application. An applicant that is in the process of developing a project, particularly a large project with long lead times, should at least be entitled to progress in their project development with certainty concerning the planning parameters within which they will be required to design their project... There does not seem to be any sound rationale presented to justify breaking from this tradition in the context of planning approvals.

The Urban Development Institute echoed some of the above concerns, suggesting that the clauses contribute to an “untenable imbalance between the public and private sectors” (SCGG, Aug 9, 2006). For UDI, the lack of certainty provided by these amendments for applicants, may undermine faith in Municipal application processes, especially concerning those through complete application policies.

Other stakeholders have suggested that the lasting effects of imprudent planning approvals outweigh the challenges presented by the legislation in 3(5) and (6). The previous legislation upheld a major decision by the OMB, referred to as the Clergy Principle, asserting that development applications submitted would be evaluated by decision-making authorities by the plans and policies set at the time of application submission. Mr. Bruce Krushelnicki, Municipal planner for the City of Burlington, argued that most of the time the Clergy Principle ensures fairness in the approval process, but not during the period when plans and policies undergo revision. He reminds the Standing Committee of the need for this amendment (SCGG, Aug 3, 2006):

Unfortunately, what started out as a principle of fairness has been elevated to a rule that can sometimes have patently absurd results. Some applicants, for instance, have taken unfair advantage of the Clergy principle by filing what we call “place-saver” applications. These are meant to achieve nothing more than to allow them to bring an often complicated and environmentally difficult proposal forward at some time in the future and have it assessed on outdated and sometimes patently obsolete planning policies.

Mr. Krushelnicki goes on to suggest that modern planning and engineering research and professional practices require these clauses (SCGG, Aug 3, 2006):

[...] [W]hen new development or redevelopment is approved, it will be around for many decades. For this reason alone, the responsible position is that any assessment of development, especially significant proposals involving complicated environmental or social issues, must be made on the basis of the most recent, up-to-date research and the very best state-of-the-art practices of planning, engineering, design and environmental evaluation available at the time that the decision is made.

The decision to include this provision in Bill 51 suggests a significant shift in the overall effect of the compliance subsections. The introduction of a ‘conformity’ test in these subsections, while suggesting a more stringent compliance measure in section 3, applies to Provincial plans,

reflecting the previous practice of ensuring plan conformity between upper-tier and lower tier Municipalities, recommended under the Commission and then established under Bill 163. The effect of the amendment does introduce a conformity test into section 3, but as an extension of procedures of approval and conformity in Municipal plans, and in absence of an integrated approval procedure on Provincial plans in the *Planning Act* (this authority is granted under the *Places to Grow Act, 2005*).

Language in 3(5)(b) and 36(b) is also amended, introducing the line “shall not conflict with them, as the case may be” (*Planning Act, 2006*). While it may be argued that this line is semantics, implying that a Municipal plan not in conflict with the policies is in conformity with the policies, the researcher is unsure the change may not permit other effects. It may be, as is argued in section 5.2, that such a change permitted the Regional Municipality of Hamilton-Wentworth delay a comprehensive review of its official plan *Towards a Sustainable Region*, for 15 years, substituting instead some minor and major official plan amendments. The issue raised here pertains to the concept of ‘comprehensive review,’ a term used within the *Act* but never defined, as opposed to a regular five-year review, required under section under 26(1), which a Municipality determines whether changes are necessary.

Bill 51 amends section 2 of the *Planning Act*, adding a new matter of Provincial interest. Clause 2(q) expresses that “(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians” is an interest of the Province (*Planning Act, 2006*). The inclusion of concepts of “sustainable” attracted its share of criticism from stakeholders. With no working definition included in the *Planning Act*, several stakeholders were unsure what clause (q) would mean for the planning and development industries, and Municipal governance. Mr. Gary Kramer, representative from a prominent development

company, suggested that without clear guidance on sustainable development practices, an imbalance on the economics of the development industry would incur, threatening project viability, land values, and competitiveness (Standing Committee, Aug 3, 2006). Other stakeholders, like the City of Toronto, Region of Waterloo, and the City of Brampton, showed greater optimism about the inclusion of sustainable development as a Provincial interest, although often in conjunction with amendments enhancing Municipal tools for controlling development. Mayor Hazel McCallion, representing the City of Mississauga in its presentation to the Standing Committee, suggested that Bill 51 include amendments to the Environmental Assessment Act to assist in the development of Municipal projects like parks and public transit initiatives. The process of approval under the act she argued, “is very complex, costly and way too lengthy, and should be reviewed,” even despite legislation permitting combined hearings under the *Environmental Assessment Act* and *Planning Act* (SCGG, Aug 9, 2006). It should be noted, that the Commission’s proposal for mandatory preliminary reports on amendments to Official Plans in 1993, and the Environmental Assessment process for Municipal Class proposals (like that used in Hamilton’s 2009 *Shifting Gears* bicycle plan) bear a striking resemblance.

As this section on legislative changes to the *Planning Act* has illustrated, amendments since the Commission are often accompanied by rhetoric around Municipal empowerment and often posited between political debates around the balance between Municipal autonomy and Provincial oversight. Bill 51, as this section will now explore, has included a number actual and practicable measures for expanding Municipal autonomy and controls on development. Many of these tools were introduced to enable Municipal governments to address sprawl, whether they allow for intensification of existing land uses, brownfield redevelopment, or to create greater densities contributing to pedestrian (and cyclist) supportive land use patterns. New Municipal

tools in Bill 51 attempt to align with recent Provincial growth legislation and address a number of Provincial policy goals, including to strengthen growth management tools, “discourage sprawl and gridlock,” “preserve greenspace,” assist with brownfield development, and reform the OMB process (MMAH, 2006, pg.3). The researcher has grouped these changes into three categories: (1) changes to official plans, (2) improved planning tools, and (3) OMB reform amendments.

(1) A range of changes were included addressing the status of official plans. Section 26 of the *Planning Act*, introduces requirements for Municipalities to update their official plans within at least a five year period to ensure that the new plan is conforming (*Planning Act*, 2006):

26(1) If an official plan is in effect in a Municipality, the council of the Municipality that adopted the official plan shall, not less frequently than every five years after the plan comes into effect as an official plan or after that part of a plan comes into effect as a part of an official plan, if the only outstanding appeals relate to those parts of the plan that propose to specifically designate land uses,

- (a) revise the official plan as required to ensure that it,
 - (i) conforms with Provincial plans or does not conflict with them, as the case may be,
 - (ii) has regard to the matters of Provincial interest listed in section 2, and
 - (iii) is consistent with policy statements issued under subsection 3 (1)

The amendment also ensures that as part of the update process requirements for notice, public meeting, and a new community open house provision is met. The community open house provision, in subsection 26(16), has been introduced to increase public awareness on and to provide information on proposed changes to the Official Plan, in line with previous *Planning Act* requests to ensure a ‘front end’ consultation presence. The five year requirement, amends the previous provision established under Bill 20, requiring that “If an official plan is in effect in a Municipality, the council of the Municipality that has adopted the official plan shall, not less

frequently than every five years, hold a special meeting of council ... to determine the need for a revision of the official plan and in determining the need for a revision council shall have regard to policy statements issued under subsection 3 (1)” (*Planning Act*, 1995). As might be expected, several Municipalities expressed concern over the new requirement at Standing Committee, citing lack of funding, the effectiveness of OMB appeals that serve to revise official plans, and increasing complexity due to Provincial plans.

Bill 51 also amends subsections 16(1) and (2), altering the language and ordering of the mandated and discretionary content of an official plan (*Planning Act*, 2006):

16(1) An official plan shall contain,

- (a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the Municipality or part of it, or an area that is without Municipal organization; and
- (b) such other matters as may be prescribed.

16(2) An official plan may contain,

- (a) a description of the measures and procedures proposed to attain the objectives of the plan;
- (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning by-law; and
- (c) such other matters as may be prescribed.

Subclauses 16(1)(b) and 16(2)(c), suggest restructuring for the purpose of allowing the Minister to create regulations pertaining to required official plan content, and permitted content. A review of amended regulations on prescribed content revealed no evidence of regulations clarifying the prescribed content of official plans. A scan of the Environmental Registry on consultations for proposed regulations on the content of official plans included 16 submissions to the MMAH. The proposed regulations required that official plans include “land use schedules; [i]dentification of

definitive settlement area boundaries, where applicable; [p]erformance monitoring policies measuring the implementation of the Provincial Policy Statement, applicable Provincial plan(s) and official plan policies; [i]dentification of the planning period for the official plan; and [r]equiring the metric system to be used where measurements are included in the OP” (Environmental Bill of Rights, RF06E0003). Submissions to the proposed regulation raised concerns over use of regulation to prescribed content of official plans, requests for more detail into the effect of “performance monitoring” policies in the PPS on implementation, and requests that environmental studies be prescribed by regulation (Environmental Bill of Rights, RF06E0003). A 2004 discussion paper published by MMAH asked for feedback on the above proposed regulations, prefacing the following (MMAH, 2004a):

There are increasing expectations and demands being placed on land-use planning in our communities. As a result, there may be a need for the Planning Act to include more detail on what official plans should contain to provide a better context for local decision-making, resulting in more certainty for land-use planning at the local level and helping avoid ad hoc decision-making.

However, the concern is that this may limit Municipal flexibility. Some would say that the province’s role should only be focused on establishing Provincial policy such as the Provincial Policy Statement rather than include detailed requirements for official plans.

While no new prescribed content was included in this amendment, the structure of the clauses provides a more adaptable structure, perhaps for future amendments on the content of official plans. The ongoing debate around prescribed official plan content by regulation indicates that at the time of proposal, a reluctance on the part of the Minister exists to strengthen the status of official plans; however, restructuring of subsection 16(1) allows for greater control over regulations on mandatory and discretionary content. The research found no references to the

Commission's Final Report, which in recommendations 32 and 35 address mandatory responsibilities of upper and lower tier Municipalities, as expressed through the official plan. It is possible that in future discussions around the use of mandatory content in official plans, legislators could revisit the findings or methodology of the Commission.

(b) In addition to amending legislation on the official plan, Bill 51 expanded and introduced several other planning tools, introducing: building area, density, and height regulation authority for Municipalities, permitting Municipalities to use conditional zoning agreements, expanding the Community Improvement Plan system, expanded subdivision and site plan controls, and the introduction of a new integrated Development Permit System. The *Planning Act* has long included provisions on development controls under section 34, but these were limited to the use of zoning and by prohibiting any use of specific land types (significant natural features, archeological resources, and contaminated lands). Under Bill 51, subsection 34(3) is introduced, including new powers of regulating parcel area, building densities, and heights. The new subsection reads as follows (*Planning Act*, 2006):

The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the Municipality or in the area or areas defined in the by-law.

Further, new powers granted under subsection 34(16) permitted Municipalities to apply these regulations as conditions in zoning. "If the official plan in effect in a Municipality contains policies relating to zoning with conditions," land owners would be required to enter agreements on the use of land on the conditions (*Planning Act*, 2006). The new powers allow the expanded regulations of area, density, and height to zoning approvals, allowing the Municipality to take further control of the costs of providing infrastructure, in promoting the intensification of

existing settlement areas, and, as per the principal interest, in fostering “development that is designed to be sustainable, to support public transit and to be oriented to pedestrians” (*Planning Act*, 2006).

The scope of Community Improvement Plans (CIP) under section 28 has been expanded by Bill 51 and associated regulations. Community Improvement Plans, introduced in 2001 by amendments to the *Municipal Act* and *Planning Act*, permitted Municipalities to operate “Municipally-driven and/or incentive-based programs,” that “support sustainable planning principles relating to more compact land uses, intensification, mixed uses, proximity of residential uses to employment areas, restoration and reuse of vacant or underused buildings, reclamation of contaminated lands, and strategies that integrate and link built form with open spaces” (MMAH, 2008, pg. 3). Associated regulations expanded these powers, permitting upper-tier Municipalities to conduct CIP on infrastructure, including “transportation corridors and facilities,” “land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment,” and “affordable housing” (O. Reg. 550/06, 2006). The expanded CIP rules can permit upper-tier Municipalities to participate in area improvements, and in collaboration with other Municipalities.

Similar to expanded zoning controls above, Bill 51 introduced greater controls at the subdivision and site plan level. Under subparagraph 41(4.2)(d)(e) and (f), conditions for site approvals are expanded to include (*Planning Act*, 2006):

(d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the Municipality;

(e) the sustainable design elements on any adjoining highway under a Municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other groundcover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection(2) are in effect in the Municipality; and

(f) facilities designed to have regard for accessibility for persons with disabilities

Additionally, under clause 51(25)(b), conditions for subdivision approval also include (*Planning Act*, 2006):

(b) that such highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary;

Both amendments expand the authority of local Municipalities in determining acceptable development standards. The specificity of both lines of Bill 51, pertaining to elements of urban design, building form, and streetscape enhancements, permit more exacting development controls and better-align the increasing responsibilities outlined in the PPS and the matters of Provincial interest in the *Planning Act* with the available Municipal planning tools. It is worthy of note, the researcher argues, that while stakeholders in the Standing Committee process commented on the absence of a working definition of sustainable development in the amended act, that subparagraph (41)(4.2)(e) includes a list of sustainable design elements for purposes of approving site plan applications.

Stakeholders such as the Greater Toronto Homebuilders Association, representing development interests in the Province, suggested that the expanded powers under sections 41 and 51 overextend Municipal authority, arguing that instead “this can remain a matter that is dealt with between the applicant and the Municipality as part of the consultation process” (SCGG,

Aug 3, 2006). Mr. Krushelnicki, reflecting on his planning practice, supported the amendment saying “planners can now insist that new built spaces retain a relationship with the public realm in the form of streetscapes and important view corridors. In other words, planning has evolved to include public aesthetics as an integral principle of good planning” (SCGG, Aug 3, 2006).

Debates around defining sustainable development and sustainability aside, the researcher argues that the inclusion of streetscape and site design elements such as pathways, curb ramps, benches, bicycle parking, as well as density and parcel measurements serve greater functions than aesthetic considerations; they pertain to a set of matters affecting the welfare of inhabitants, set out in the criteria for evaluating a subdivision plan, in section 51(24) of the Act. The inclusion of expanded powers to require greater controls for development are a reflection of changing discourses around accessibility, transit, pedestrian and cycling infrastructure, and discouraging sprawl and gridlock.

While the purpose of this review does not address the minutia of the development approval process, the researcher acknowledges the some of the new opportunities within the new Development Permit System (DPS). The system, not formally included in the amendments, was being developed as part of a pilot program through regulations (MMAH, 2006, pg.17). The DPS, essentially enables planners to initiate an enhanced zoning by-law on targeted settlement areas, granting greater controls than regular zoning and site plan controls, including architectural design requirements, bonusing, and other development agreements. The process, beginning with required policies in the official plan, is comparable to an official plan amendment on community input. In effect, the DPS produces an accelerated permit approval system, resembling an approval as of right development process.

(3) Among these and other changes to the *Planning Act* are amendments on the OMB system. While this section does not include a full review of legislative amendments to the OMB, previous sections have touched on the intersection between Municipal autonomy and the important role the OMB plays in planning and Municipal governance. Reforming the OMB is a key feature to amendments in Bill 51, however several amendments stand out for their impact on Municipal autonomy.

Section 8.1, introduced under the bill, grants the authority of a Municipality to appoint an appeal body for the purposes of providing an optional hearing on specific planning matters, to spare the cost and time expense of going to the OMB on appeal. An intermediate appeal level has long been a provision requested during *Planning Act* reforms, for the ability to settle costly disputes at a local level.

Similar to legislation under Bill 26, in subsection 22(7.1) relating to applications proposing to expand the borders of an ‘area of settlement,’ Bill 51 introduces in subsection 22(7.1) to (7.4), a prohibition on appealing rejected applications proposing to reduce designated ‘areas of employment.’ In effect, Municipalities have the authority to reject subdivision applications and official plan amendment applications without option of appeal, where employment lands are reduced, thereby increasing the status of the official plan and the process of designating employment lands at the time of updating the official plan. Critics from the development industry decried the limitations to their right of appeal and for the narrow scope by defining ‘areas of employment’. Under subsection 1(1), “area of employment” is introduced to the *Planning Act*, defined as “an area of land designated in an official plan for clusters of business and economic uses including, without limitation, the uses listed in subsection (5), or as otherwise prescribed by regulation;” with regulated uses including manufacturing, warehousing,

office, retail, and any ancillary uses of the land (*Planning Act*, 2006). The inclusion of ‘ancillary uses’ implies a limited acceptance of mixed-use development, a point that Ms. Lois Langdon, representing the London Home Builders Association addresses in her submission. She argues that the definition “indirectly includes mixed use, including a residential component and will severely affect, if not paralyze, attempts at increased intensification,” thereby emphasizing an emerging policy and Provincial interest conflict (SCGG, Aug 8, 2006). Submissions from the Urban Development Institute suggested limiting the effect of sections pertaining to ‘areas of employment’ until Municipalities address them in an official plan update, addressing mixed-uses, and aligning definitions in the growing number of Provincial planning documents, to prevent confusion around the issue (SCGG, Aug 9, 2006).

The last amendment addressed in this section pertains to section 2.1 of the *Planning Act*, on decision-making processes at the OMB. Under the added section, the OMB ‘shall have regard to’ “(a) any decision that is made under this Act by a Municipal council or by an approval authority and relates to the same planning matter” and “(b) any supporting information and material that the Municipal council or approval authority considered in making the decision described in clause (a)” (*Planning Act*, 2006). Roger Anderson, representing the Association of Municipalities of Ontario, called the amendment “a progressive step in shifting decision-making responsibility from the OMB back to Municipal councils.”

The following paragraphs will now address amendments to the *Planning Act* affecting opportunities for community engagement. While a number of smaller changes in Bill 51 indirectly impact the level of public participation in Municipal planning, such as modified notification procedures, several prominent amendments alter consultation procedures both enhancing and limiting opportunities for participation.

The amendment of subsection 17(15) to (19.6) changes consultation procedures on some official plan amendments. Clauses 17(15)(a) and(b), on required consultation, is expanded. Clause (a) adds the requirement that all supporting information and prescribed materials are submitted to approval authority, even in circumstances where the plan is exempt from approval (*Planning Act*, 2006). The change, differing from amendments under Bill 20 requires that the finalized plan be submitted to approval authorities, provides that all supporting material be submitted. Clause (b), referring to information provided to prescribed public bodies, also be expanded to include supporting information. The move enhances the ability of public bodies to provide feedback on proposed plans, allowing for more effective dialogue during open house and community meetings. Clauses (c) and (d), on “adequate information and material” available to the public for the purpose of allowing the public to make “representations” at public meeting on the proposed plan, remain unchanged.

Section 17(16), on the new open house requirement for official plan updates and changes to development permit system by-laws, addressed in this section, introduces a new mandatory consultation opportunity. The legislation states that the open house provision “shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under clause (15) (c)” (*Planning Act*, 2006). Support for the new open house provision was mixed. The AMO, for example, was in support of the open house provision, calling them “the practice of major applications in Municipalities across this Province and will continue as an important part of consultation for major changes” (SCGG, Aug 3, 2006). However, they cautioned against mandating open houses for all applications, arguing that “mandating open house meetings in all instances will perhaps impact these minor applications, both in terms of timeliness and Municipal resources” (SCGG,

Aug 3, 2006). Instead, they suggest that open house meetings are better suited to official plan updates, comprehensive by-law updates, and major amendments. This argument was also raised by the City of Oakville, The City of Mississauga, and the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), supported similar arguments. The AMCTO addressed what the researcher sees as the core tension, suggesting that the amendment creates conflict in smaller Municipalities where greater flexibility is preferred over mandated notification and consultation procedures (SCGG, Aug 3, 2006).

Some amendments raised criticism over limiting opportunities for public engagement, on some planning procedures, including at the OMB. For example, amendments to subsection 34(24.2) restricts the addition of persons from making submissions to an OMB hearing where they did not make submissions to the council or at public meeting. The rationale for the changes, as representatives for the Canadian Environmental Law Association assert, is to “ensure that all of the relevant information pertaining to an application is submitted to councils before they make a decision and to preserve the role of the OMB as an appellate body,” however they go on to suggest that the changes have “a disproportionately negative impact on the public’s ability to meaningfully participate in appeals at the OMB” (SCGG, Aug 9, 2006). As lawyers from Aird and Berlis LLP point out, there is no limitation on new evidence at the OMB level, that new evidence that may have “materially affected the council’s decision” could not be addressed until council reviewed the new evidence and “reconsidered their decision” (Longo, 2007, pg. 2).

A.6. Bill 73: Smart Growth for Our Communities Act

As of December 3, 2015 the latest amendment to the *Planning Act*, under Bill 73, *Smart Growth for Our Communities Act*, 2015, received royal assent. The Bill, which amends the *Planning Act* and the *Development Charges Act*, introduces several changes to the Ontario

planning system. It should be noted that Bill 73, in its final version at time of royal assent, included several changes included in Bill 39, *Smart Growth for Our Communities Act*, 2014, after it failed to move on from its second reading after the June 2, 2014 Provincial election. The following section will address amendments under Bill 73, offering an examination of its key provisions through an analysis of feedback given by stakeholders at the Standing Committee on Bill 73, and other reviews of the legislation. The revisions will be addressed as they pertain to the complexities of the policy and legislation relationship, the Municipal and Provincial responsibilities permitting effective policy implementation, and the dialogue existing between these amendments.

Bill 73 introduced two changes to both Provincial and Municipal planning responsibilities. Many of the changes to both levels, as this section will illustrate, are stability oriented: they either provide clarity on existing tools and processes or they slow the process altogether using extended timelines and new rules. This alignment to stability and predictability, the researcher suggests, differs from the structural changes in planning during the 1990s.

Wrapped into Bill 73, during the second last day of Standing Committee on Bill 73 on a motion, an additional Provincial interest was added to the bill with little public consultation.

Clause 2(r), the added amendment, reads as follows (*Planning Act*, 2016):

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

While the new Provincial interest speaks to terminologies often used by planners and politicians, the inclusion of clause (r) raises questions as to its full intent, given the absence of a working definition. NDP infrastructure critic MP Percy Hatfield, who raised the motion, clarified the term

‘sense of place’ as “[a] sense of place’ is home—it’s where the heart is. Home is where you feel safe and secure. Home is where you feel, ‘This is my place. This is my sense of place in my community. This is where I belong. That is my sense of place. That is my security blanket,’ if you will” (Standing Committee on Social Policy [SCSP], Nov 16, 2015). NDP MP Gila Martow, also attempting to clarify the term, suggested that “[b]y trying to define exactly what, we’re trying to have a discussion that’s getting off-topic about what a sense of place is,” before concluding that her sense of place requires access to dog friendly amenities (SCSP, Nov 17, 2016). The use of “well established” language used by planners and that the clause did not detract from the legislation, was sufficient reason to include the clause in the Bill (SCSP, Nov 16, 2015). The researcher suggests, as MP Ernie Hardeman does, that clause (r) will serve to digress decision makers in evaluating development proposals, and convolutes a central mechanism in expressing the highest principles of Provincial interest. the MP concludes in his remarks, “the Provincial interest is to provide guidance to Municipalities on how they should make the decision of whether they should or shouldn’t allow it. To say that they can’t approve it unless it encourages a sense of place, I think that would be very difficult to assess as we’re going forward” (SCSP, Nov 16, 2015).

An amendment to section 3(10) extends the review cycle for the *Provincial Policy Statement* from a five years to a ten year review, as part of a wider review timeline harmonization scheme. There was little negative feedback at Standing Committee on this amendment, with some Municipalities expressing relief over efforts to limit the “constant state of review” associated with the previous timeline (SCSP, Nov 3, 2015). In theory, the change would extend the policy update beyond the election cycle, where PPS changes have tended to take place over the past twenty years. This extended timeline could have an effect of stabilizing policies

during times of political transition. The past three reviews have been conducted at roughly a ten year cycle, due to the incidence of two term governments.

Bill 73 introduces a number of changes to the official plan review process, and rules pertaining to obtaining plan amendments. Aligning with the new ten year review of the *Provincial Policy Statements*, the Bill harmonizes the timeline for revision of Municipal official plans to a maximum of ten years after a comprehensive PPS review. Amended under subsection 26(1.1), the legislation states that “the council shall revise the plan no less frequently than (a) 10 years after it comes into effect as a new official plan; and (b) every five years thereafter, unless the plan has been replaced by another new official plan” (*Planning Act*, 2016). Many stakeholders submitted that the ten year review cycle better-reflected the resources and capacities of Municipalities, who considered the five year cycle onerous. The city planner and representative for the City of Aurora, for example, submitted that the five year review cycle absorbs resources from other planning activities (SCSP, Nov 9, 2015):

Updating an official plan takes literally years of work, thousands of staff hours, multiple meetings of council and numerous public consultations and open houses, and, of course, an incredible amount of Municipal resources and taxpayer money. But at the end of it all, after the public’s approval, council’s approval and, in our case, the region’s approval, what do we have left? An OP that is good for a year, 18 months at best, before we have to do the whole process again. That is not efficient or effective public planning.

The ten year review cycle also improves alignment with Provincial plans, like the Greenbelt, the Oak Ridges Moraine and the Niagara Escarpment plans. Other stakeholders were less confident about the intended effect of the changes. They suggested that the effect of the amendment was diminished due a failure to define what constituted a ‘new official plan’ or a ‘comprehensive review’ (SCSP, Nov 2, 2015). The Ontario Professional Planners Institute submitted their support for the “changes that have been proposed to extend the time frame for reviewing plans

from five years to 10 years,” however “some consideration for the term ‘new official plan’ may also be appropriate because there may be some interpretation about what ‘new’ actually means” (SCSP, Nov 2, 2015). Joel Pearlman, representing the Commercial Real Estate Development Association, supported the change but predicted after the first ten years Municipalities would return to the previous continual amendment process. The first ten years, however, would permit the flexibility needed to account for changing needs (SCSP, Nov 3, 2015).

In another bid to stabilize official plan processes, Bill 73 amended sections 22 (on official plan amendments), 34 (on zoning by-laws), and 45 (on minor variances), introducing new limits on all applications to amendment for two years after a ‘new official plan’ is approved. In the initial proposal for Bill 73, there was an absolute limitation on applications to amend. Standing Committee, upon reviewing submissions from the public, voted to include clauses permitting applications permitted by council. The amendment may have been weakened by this last measure, under subsection 22(2.2), enabling “a specific request, a class of requests or in respect of such requests generally” may be permitted (*Planning Act*, 2016). Beyond issues of defining a ‘new official plan,’ stakeholders focused on the challenges of imposing a freeze on minor variances for two years after a new official plan. The thrust of the amendment, the researcher suggests, harkens to the Commission days when John Sewell was calling for a strengthening and prioritizing the official plan. The effect of these amendments prioritized engagement and stakeholder involvement at the time of comprehensive official plan review, thereby enhancing the status of the official plan and preventing the ‘death by a thousand cuts’ outcome of past ‘planning by amendment’ practices. The perpetual cycle of official plan appeal and amendment experienced by Municipal planners, is limited for a time. Some critics in the development

industry suggest that the two year delay on amendments will shift a surplus of delayed applications to the two year anniversary of the official plan.

The last major change related to the official plan is a change to clause 16(1)(b), introducing new mandatory provisions for official plan content. The amendment reads as follows (*Planning Act*, 2016):

- 16(1) An official plan shall contain,
 - (b) a description of the measures and procedures for informing and obtaining the views of the public in respect of,
 - (i) proposed amendments to the official plan or proposed revisions of the plan,
 - (ii) proposed zoning by-laws,
 - (iii) proposed plans of subdivision

The provision shifts what was once a discretionary measure to a mandatory one. The amendment enhances the status of the official plan, ensuring that information helpful to understanding public involvement procedures are included.

Other changes in Bill 73 modified relationships between players in the plan making process. The following paragraphs will address new rules for planning advisory committees (PAC) and mandated Municipal responses to submissions, both effecting public engagement. The introduction of subsection 8(1) requires that all upper-tier Municipalities appoint planning advisory committees. Subject to subsection 8(4), they require at least one resident of the Municipality be on the committee. While the requirements for the committee or its constitution are clear, there exists little in the *Planning Act* (2016) serving to clarify the purpose of these committees. No working definition has been included in section 1, among other interpretations. The purpose lies in enhancing community engagement on planning issues. OPPI, in support of the amendment in its submission to the Standing Committee, highlighted the lack of “guidance

and criteria” (SCSP, Nov 2, 2015). Other stakeholders were more critical of the amendment, with the AMO condemning the provision (SCSP, Nov 3, 2015):

[...] If the goal is for the public to understand how their input is used by the Municipality, we submit that a member of the public on a planning advisory committee will not achieve this. The mandatory PAC will create more issues than it resolves, and we respectfully ask that it be deleted.

The researcher suggests that while the amendment may increase the public awareness of planning issues, and may also serve to increase community representation on issues, the amendment needs further clarification on its purpose.

Another amendment in Bill 73 pertained to new rules around notices to official plan amendments that have been decided. Subsection 17(23.1) addresses new legislation requiring that Municipalities include within its notifications on decisions “a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (23.2) had on the decision” (*Planning Act*, 2016). The submission from the Ontario Bar Association condemned the amendment as administratively onerous. It assumes that council will have the resources to conduct and review transcripts for oral presentations, that “[c]ouncil will have either heard the oral submissions, or reviewed a transcript of such submissions,” and that it assumes that submissions would have the same effect on all councilors (Ontario Bar Association, 2015). In its submission to Standing Committee, the County of Renfrew suggested that the amendment would “add more administrative complexities to the Planning Act, making the implementation of planning matters all the more difficult for Municipalities, without resulting in commensurate benefits” (SCSP, Nov 3, 2015). The researcher suggests, as the AMO argued, that the provision joins several others from Bill 73 serving to convolute the planning process under the guise of providing Provincial leadership and lacking sufficient clarification or consultation.

Appendix B: Review of Provincial Policies and Plans

B.1. Review of Provincial Policy

The Provincial Policy Statement is a key document in guiding land-use planning and development decision-making in Ontario. It contains a set of policies designed by Provincial Government, Ministries, and government agencies to guide land-use decisions and reflect practices that uphold the interests of the Province. Designed to be interpreted in its entirety, the policies provide strategic guidance on interconnected issues pertaining to land-use.

Prior to recommendations by the CPDRO, and the first amendments shortly after, there wasn't a 'comprehensive set of Provincial policies' guiding land use planning decisions. As explained earlier in the section 4.1 on planning legislation, policies were historically set by individual ministries and published as guidelines providing a basis for Ministerial approvals and Municipal decision-making. Before major amendments in the early 1990s, there were four policy statements, addressing the protection of mineral resources, flood plain use, land use planning, and wetland protection. In addition, these policies were supported by dozens of policy guideline manuals (CPDRO, pg. 12). This review will not address these documents due to a lack of time.

While the PPS is the single, comprehensive source of Provincial guidance on policy matters, the PPS is intended to be complemented by regional and local policy documents. These local documents reflect specific local and regional needs while remaining in compliance with the PPS. The authority of the Provincial Policy Statement is granted under section 3 of the *Planning Act*, giving powers to the minister to issue policy statements, establishing a level of compliance on planning matters affecting a number of political and bureaucratic bodies, and establishing requirements to review and revise the policies at regular intervals. A full description of the

shifting authority of the PPS can be found in most sections of section 4.1 within this section, in each of the reviews.

The PPS has undergone changes over the past twenty years, but some purposes remain consistent. The researcher has identified several primary purposes representing the function of the document:

1. The PPS is the most authoritative regulation on land-use policy matters in the Province of Ontario. Supported by section 3 of the *Planning Act*, the document sits above the broader planning framework, providing stability and guidance on all planning matters and establishing direction for a Provincially-oriented policy-led planning system. This regulatory function establishes a coherent, and shared Provincial planning framework, complimented by conforming local and regional plans and policies.
2. The PPS reflects matters of Provincial interest, ensuring that a minimum of regard is given by decision-makers in achieving an efficient use of all available Provincial resources. Policies provide clarity, scope, and detail on these matters to make the intent of Provincial interests clear and implementable.
3. The PPS is a political tool, given that policies are set by the Minister with support of the Ministries, other public bodies, and the broader public. The policies contained in the PPS reflect contemporary spatial politics on land-use.
4. All PPS address the challenges of providing broad guidance on a range of interconnected issues, while avoiding internal conflicts. Whether policies are restricted to eliminate possible conflicts, explicitly establishes its own set of priorities, or rejects all prioritization and places responsibilities for policy implementation at the local level, policies always reflect some mechanism for handling conflict at the implementation level.

Although the status of the PPS has been altered through the timeline of this research, these elements continue as core purposes of the PPS.

The following section will examine some of the policies in the PPS, over the research period, as they enable or constrain active transportation. During some periods, there are few policies that refer to active transportation, however, some policies indirectly serve to support AT

through other land-use and energy related directives. Criteria established by the literature on cycling-supportive policies in the United States and Canada will assist the researcher in identifying those policies in the PPS. These criteria include policies address:

- Higher density development
- Fine-grain mixed use development
- Larger and more ‘complete’ cycling networks
- Integration with public transport networks
- Systematic cycle counts and program evaluation
- Bike parking
- Bike sharing programs
- Cycling training and promotion programs
- Cycling tourism
- Corresponding policies that reduce barriers to implementation
- Drivers assuming greater costs for automobile use (parking costs, gas taxation, reducing Municipal subsidy)
- The health value of cycling

While each and every criteria could not be identified in policies discovered in this review, the scope and timeline permitted within a thesis cannot support an in-depth analysis of every policy. It is the endeavor of this research to identify policies addressing some of these criteria and to suggest how the PPS may have served or deterred cycling commitments in the Province over time.

B.1.1. Sewell Commission Policy Recommendations and PPS 1994

Because the recommendations from the CPDRO (1993) served to constitute most of the statements put forward by the Rae government for the 1994 PPS, the researcher has integrated the review of those policy statements to limit repetition. The Commission formulated a

conceptual planning framework under which the *Provincial Policy Statements*, as established by the Provincial order of government, could “outline Provincial interests in a clear, straightforward manner” (CPDRO, pg. 10). As part of its recommendations for legislative reform, it also put forward a set of policies recommended to satisfy this requirement in its Final Report (1993). The policies used in this review are from that report and the May 1994 version of the Rae government policy statements. It should be noted that some policies do differ from the Commission’s initial public offering in the Final Report. These changes will be highlighted throughout for discussion.

The approach used by the Commission on policy design has been discussed in the section on 4.1. To summarize analysis in that section, the Commission’s own Final Report described its policies as being a balance between broad statements, which wouldn’t have the desired conformity effect, and specific statements, which according to some Municipalities appear as binding control from Queen’s Park. Suggesting that a “certainty of direction and flexibility to adapt to local conditions” could be achieved by sculpting carefully worded and structured policies, the Commission argued that three criteria could establish effective policy (CPDRO, pg. 14):

- Policy should focus on direction and results rather than on the detail of how implementation will occur or the means to be employed.
- Policy should be clear, understandable, comprehensive, and brief.
- Policy should be established under clear legal authority.

Although policies may be written with the intent of being clear and outcome oriented, at the Municipal level, policy directives can begin to overlap, appear unclear, or spark broader political debates on local priorities. The Commission addressed this conflicts, arguing that policies should be worded in a way to state desired outcomes, especially on prohibitive policies. For example,

“conflicts [that] might be resolved in favour of, rather than at the expense of, the natural environment” could be addressed through the use of “absolute prohibitions” on certain behaviors, such as the prohibition of development on significant wetlands (CPDRO, pg. 15). The Commission concedes that not all policy conflicts can be addressed in policy, and for those that remain, the Municipal plans at both the upper and lower-tier levels serve to find balances in policy and effective implementation.

B.1.1.1. Development

As discussed in the section on legislation policies recommended under the CPDRO, policies were identified through an extensive Province wide consultation with a range of public bodies, public input, and professional expertise. The process for policy development under the Commission differs from previous and future processes, due to it being a Royal Commission with broad freedoms and objectives expanding a regular policy review. On previous processes for Provincial policy review, the Commission condemned the “limited public input” in policy and guideline preparation in the past, recommending that future review be conducted with a minimum of public circulation and opportunities for comment (CPDRO, pg. 13). Such a policy review did not occur during the Rae government policy statements of 1994, despite the changes introduced.

B.1.1.2. Policies

Differing from all other documents in this review, policies in the Final Report of the CPDRO and those in the PPS (1994) are ordered under seven categories, pertaining to:

- A. Natural Heritage and Ecosystem Protection and Restoration Policies
- B. Community Development and Infrastructure Policies
- C. Housing Policies

- D. Agricultural Policies
- E. Conservation Policies
- F. Non-renewable Resource Policies
- G. Implementation

Each category in the document contains a number of policies reflecting the interests of the Province. Not all categories contain relevant policies for this research, however some policies make use of reference to other policies in the document. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of the PPS, requiring that policies be read and interpreted “in their entirety, and all applicable policies applied to each situation,” the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

The policies recommended by the CPDRO contains a number of directives addressing efficiencies in patterns of land-use, setting limits to settlement growth, the manifold benefits of facilitating increased density and increased mix of uses. While these policies can be employed to attain at a number of planning outcomes, some also result in accessible and efficient urban environments for cycling and other modes of active transportation. The *Comprehensive Policy Statements Implementation Guidelines [Implementation Guidelines]*, a voluminous document published alongside the policy recommendations from the Commission to clarify and further explain policies, states that “planning to promote energy efficient modes of transportation such as walking, cycling, and transit, rely on some of the same basic land use patterns for their

effective and efficient use” (MMAH, 1995, pg. E2-2). It is by this reasoning that the researcher has included a number of policies addressing broader land-use planning directives.

Some policies address what the researcher calls ‘growth patterns’ of land-use. The concept refers to policies establishing guidelines around which settlement area boundaries are delimited. The primary purposes of these policies vary, but all address setting limitations on growth, supporting available land being used as efficiently as possible before additional land is consumed. From a cycling perspective, the researcher suggests that where policies exist that limit the expansion of settlement areas or set conditions that slow settlement area expansion, Municipalities are fostering an urban form that is more compact. Policy B5 speaks to the concept of efficient land-use this time period in Ontario. It states (*PPS*, 1994):

B5. Communities will be planned to use land efficiently, promote the efficient use of infrastructure and public service facilities, and, where transit systems exist or may be introduced in the future, support the use of public transit.

The definition of an ‘efficient use of land’ is not provided in the PPS (1994) list of definitions, however the *Implementation Guidelines* speak at length to the intended purpose of policy B5. It is in the guidelines that the principles of increased population density, compact built form, and a mix of land uses are expressed as an acceptable interpretation of land-use efficiency (MMAH, 1995, pg. B5-2). These principles will be explored in more detail in an examination of policies on land-use patterns, however the concept of planning for an ‘efficient use of land’ is first mentioned in this policy. This policy is helpful in that it provides a broad directive tying the concept of ‘efficient use of land’ with the concepts of land-use patterns and transportation infrastructure. While the policy could be strengthened by including language referring to minimizing land consumption and including the clarifying language found in the *Interpretation Guidelines*, (as it was worded in the Commission’s *Final Report* in 1993), the statement

successfully integrates a number of key land-use planning issues. The interpretation and clarity of “efficient use” is noteworthy, as future interpretations would adopt substantively different interpretations, including prioritizing more fiduciary interpretations of ‘efficiency.’ (See Provincial Policy Statement (1996) in section 4.2.1.2).

Policy B8c refers to growth patterns, in addressing conditions that permit extensions to settlement area boundaries. The relevant policies are included in the following quote (*PPS*, 1994):

B8. Where settlement areas within a Municipality are serviced by full Municipal sewage and water services:

c) extensions to settlement areas will be permitted only if the following conditions are met:

- i) the amount of land included within extensions is justified, based on the amount of land available for development in the settlement area, and on population projections and employment targets for the Municipality for a planning horizon of 15-20 years, unless a longer time period has been established for specific regional Municipalities as a result of a comprehensive Provincial planning exercise, such as that coordinated by the Province in the Greater Toronto Area;
- ii) areas proposed for development, are logical extensions of the settlement area, and will be serviced by full Municipal sewage and water services with sufficient reserve water and sewage plant capacity to accommodate proposed development;
- iv) opportunities are provided in the settlement area for the efficient use of land, infrastructure, and public service facilities through intensification, a mix of uses and a compact form;
- v) the extension will have a compact form, a mix of uses, and densities that efficiently use land, infrastructure, and public service facilities; and
- vi) prime agricultural areas are included in the extension only if there is no reasonable alternative, but in all cases specialty crop land will be avoided

This policy includes detailed and clear directives, and others that could be better-clarified. Policy B8c first establishes that all extensions are prohibited without first establishing that a set of criteria have been met by the Municipality. In itself this recognizes that a process has to be set in place before additional lands are designated for development. This process would have to speak to the question of future growth of the Municipality, i.e. ‘How is growth going to be accommodated?’ The criteria set out by B8, in accordance with policy B5, establish requirements for the wise management of future growth and the effective use of existing lands. It describes:

- the paramountcy of growth projections established in justifying the expansion,
- a plan for the use of land which logically extends from the existing built-in area,
- opportunities are provided within the existing built-in settlement area to address some projected growth,
- lands built in the extension will be efficiently used (as introduced in B5), and
- do not consume prime agricultural land, if reasonably possible.

Each of these criteria serve to establish the built form of the extension and of the existing settlement. While growth projections are often cited in the policies, there is no clarification on processes that establish projections, nor is the process of establishing the land requirements for satisfying projected growth stated. The provision for a “logical extension” prohibits leapfrogging developments, the creation of natural and human made barriers along development edges, and logical connections between existing transportation infrastructure, each promoting accessibility for AT users.

Policies iv) and vi) address the consumption of land directly, yet have permissive wording. In policy iv), for instance, the policy requires that ‘opportunities’ are made permitting intensification. The PPS does not clarify what constitutes an ‘opportunity’ for intensification, although an instance of ‘opportunity’ can permit a concurrent designation on greenfield lands, which are often more profitable and attractive to developers, and serves to devalue more risky

intensification opportunities within the existing boundary. The researcher suggests that the language supporting intensification could be strengthened where criteria is provided for settlement boundary expansion. Strengthened language would encourage a more efficient use of existing land as defined by the Ministry itself, and provide greater limitations on greenfield expansion. Policy vi), which relates to previous point, reflects the permissive language around greenfield development, and constitutes the most stringent policy on the consumption of agricultural land in the entirety of the PPS, requiring that other reasonable development alternatives are eliminated. Whether this standard could be better-worded is not clear to the researcher, however it prioritizes the expansion of urban boundaries over more dramatic large scale redevelopment schemes, such as suburban densification or more permissive zoning policies for infill.

Policy C7 refers to the provision of lands designated and made available for residential development by a Municipality. The primary purposes of this policy are two-fold, (1) to establish a basis for Municipal land management to limit dramatic increases of land prices, and (2) to establish the foundation for long-term strategic Municipal planning at a fifteen to twenty year cycle (MMAH, 1995, pg. C7-27). It is possible that, like other policies tied to growth projections, land requirements would vary based on processes that established those requirements for projected growth. Twenty year growth land designations like those in policy C7 could serve as a tool for sprawl, especially when policies are amended by political impulses keen on spurring the growth. Stakeholders in later policy review processes would highlight the need for more in depth analysis on the effects of land designation requirements on growth management (MMAH, 2002, pg. 5). These comments are relevant since policies like C7 remained consistent through the research period

Similar to limits in land consumption through settlement area restrictions and land-use efficiencies, are policies disallowing development on natural heritage features and prime agricultural lands. For agricultural lands, policies in the 1994 PPS substitute setting agricultural policies with those set for settlement boundary extensions, for example one stating that “prime agricultural areas are included in the extension only if there is no reasonable alternative, but in all cases specialty crop land will be avoided boundaries” (*PPS*, 1994, B8cvi). Policy D2, however permits infrastructure to be developed on prime agricultural lands where it has been approved by an environmental assessment process. Policies related to the protection of natural features, can provide additional control for conserving and minimizing the expansion of urban lands. Policies A1 and A2 designate land cover types that have limitations on development, each with varying compliance requirements. Policies vary based on whether they have a “significant” designation by the Ministry of the Environment. Outright prohibitions exist on some significant land types, with permissions granted where development can demonstrate it would incur no negative effects on ecological functions. Policies applying to insignificant ecological features contain much less compliant language, such as policy A2.2, that ‘encourage’ the protection of wetlands. While it is outside the scope of this research to examine the processes for designating “significant” or “insignificant” natural heritage features, or whether these policies sufficiently protect these features, they provide some limits to growth on these land types and serve to create pressure to identify development opportunities in built-in areas. Last, some policies addressing natural heritage protections provide broad directives pertaining to land-use, such as policy A11, requiring that (*PPS*, 1994):

A1.4 In decisions on development, every reasonable opportunity should be taken to: maintain the quality of air, land, water, and biota; maintain biodiversity compatible with indigenous natural systems; and protect natural links and corridors. The improvement and enhancement of these features and

systems is encouraged.

While this policy may add to those directives pertaining to protection of natural heritage features, it reads more as an afterthought, not integrated into other land-use policies. The effect, the researcher suggests, is clarity of intent of the Provincial interests is convoluted. If maintenance of natural systems is preferred and enhancement encouraged, including those features not ‘significant,’ then directives should be written to protect those landscapes using more explicit language. The imperative use of “should” rather than “will,” although it implies some form of obligation, subverts the intention of this policy, requiring little from developers or decision-makers. These policy language challenges conflate the issue that A1.4 is the sole policy in the statement making reference to the quality of air. How the policy could respond to concerns for air quality without connecting to issues of broader land-use patterns and transportation infrastructure is unclear, considering its language implies the scale of a single development decision, for its ongoing consideration of air quality.

These policies have been highlighted for their ability to provide limitations to urban boundary expansion and set requirements for effective use of land before extensions can occur. Many policies address the concept of effective use, already been identified in the accompanying *Implementation Guidelines* as including land-use principles such as increased density, mix of uses, and a compact built form. The following paragraphs will examine those policies addressing land-use patterns and the effective use of land.

Policy B8b refers to development patterns on extensions of settlement area land that has not been built up, those unconstrained by existing infrastructure and development, in what are today called greenfield lands. These policies require that development on these lands are a logical extension to existing built-up areas, and exhibit a “compact form, a mix of uses, and densities that efficiently use land, infrastructure, and public service facilities” (*PPS 1994*). Land-

use policies contained in policy B8a also refer to opportunities for intensification, areas inside built up settlement. It is through these policies that land-uses, road and path infrastructure, and facilities are planned supporting the viability of non-motorized transportation opportunities. It is in coordination with policies like B1 and B2, addressing accessibility issues and directs for a proximity of services, that land-use policies requiring an effective use of land can be identified as a cycling-supportive policy. As the review of literature on cycling-supportive policies has revealed (supported by Pucher and Buehler, 2005), land-use policies fostering compact built form and a range of uses encourage the use of the bicycle. A contiguous built form that limits barriers to access contributes to an environment that does not encumber the cyclist. An increased variety of shops and services embedded within residential land uses, and an increased density supportive of greater investment in cycling infrastructure, permit residents to replace more local trips made by car with the bicycle.

Policy B2 provides direction such that “public streets and places, and facilities used by the public, should be planned to meet the needs of pedestrians and to be safe, lively and accessible to all, including the disabled” (*PPS*, 1994). Although there is no working definition for ‘public streets and places,’ the *Implementation Guidelines* suggest that the broadest interpretations of this policy be used, including considering “bicycle routes, walking paths and trails” (MMAH, 1995, pg. B2-2). Furthermore, it clarifies the ‘needs of pedestrians’ as including those modes that match an “equivalent at walking speed,” including bicycles. The basic needs of these modes, the *Implementation Guidelines* assert, include “short walking distances (based on [...] the concept of the “five minute walk”); smooth unobstructed pathways; identified walking areas separate from vehicular traffic; frequent crossing areas; accessibility and egress; good lighting; personal safety; and unobstructed sightlines” (MMAH, 1995, pg. B2-2). The researcher

suggests that several of these outcomes can be partly achieved through stated policies pertaining to the ‘efficient use of land.’ For example, policies on the logical extension of the urban area eliminate human made obstructions (gaps caused by leapfrogging and wasteful use of land), and shorter trip distances can be achieved through finely knit mix of uses and a compact built form. Unfortunately, because the statement adopts the widest interpretation in its *Implementation Guidelines*, the policy does not suggest that it refers to cycling-supportive environments. Perhaps if the Ministry, who interpreted the policies in its Guideline, adopted such a wide interpretation of this policy, the policy could have reflected the intention in the Statements. Additional challenges may surface with integrating such a range of modes, in that it suggests that one style of infrastructure is suitable for accommodating cyclists, pedestrians, and other non-motorized transportation options. By modern standards, a separation of these uses is common for safety reasons. Separation from vehicular uses, for example, is addressed by sidewalk grade changes for pedestrians; lumping cyclists into this group of non-motorized uses may reflect a policy framework asserting that cyclists are separate from ‘normal’ road uses, precluding the inclusion of more integrated cycling policies. This approach, recommended by the guidelines, runs counter to a major policy shift in 1992 in the MTO on cycling. In its *Revised Bicycle Policy*, the MTO supports solely a ‘vehicular’ provision of bicycling facilities, meaning routes should be provided where cyclists use the road, integrated into regular traffic (Ministry of Transportation, 1992b)

As already mentioned in this section, policies in B5 identified a connection between transit supportive land-use patterns and the ‘efficient’ use of land. The researcher argues that densities, mixes of uses, and compact built form accommodating public transit services are densities that, compared to sprawling single-use patterns, are more supportive for cyclists. Where densities supporting higher order transit, zoning and other planning tools can also enable “the

provision of a variety of commercial, retail, residential, industrial, institutional and cultural uses in a given area,” resulting in “a greater number of uses in defined areas ... allow[ing] people to accomplish several things in one trip” (MMAH, 1995, pg. B5-2). Similar to transit users, who complete their trips under their own power, cyclists are concerned with the number of trips they need to make to finish their errands, and the overall trip distance. The corridors and nodes created by higher order transit services (lands along routes and stations on transit routes), initiate opportunities for variety and beneficial proximity, conducive to non-motorized modes of utilitarian transport. As the analysis on ‘growth patterns’ of land use suggests, this intensification of built up land, achieving an enhanced efficiencies with available land, serves to limit the consumption of additional lands – both inside and outside built-up areas.

Intensification schemes are also a directive among the housing policies of the 1994 PPS. Policy C4 calls for ‘small-scale’ intensification development, as of right, in all areas permitting residential use. This policy builds on legislation introduced alongside Bill 163, The Residents Rights Act (Bill 120), permitting secondary apartments in homes across Ontario, provided building codes could be met (MMAH, 1994, pg. 1). Small-scale intensification is defined in the PPS as being development that “adds dwelling units without redevelopment and includes in fill; rooming, boarding and lodging houses; and apartments in houses” (PPS, 1994, pg. 36). Policy C5 builds on ‘efficient use of land’ policies in B8c and b8b, requiring that residential development and redevelopment standards exist encouraging increased density. The researcher suggests that these policies, if combined with flexible zoning permitting a mix of uses, could contribute to urban environments supportive of cycling.

Policies Related to Transportation Infrastructure and Public Services

This review has identified land-use planning policies impacting the viability of cycling-supportive urban environments. The following paragraphs will address policies providing direction on the provision of a Municipal transportation system.

The researcher suggests that three main policy directions emerge from the 1994 PPS on the provision of transportation systems and alternative modes of transportation, including cycling: (1) efficient modes of transport should be planned, (2) integration of transportation modes to increase efficiency of all systems, and (3) linear corridors should be protected where possible.

Policy B2, provides direction on public streets and places. It directs that they should be planned to meet the needs of pedestrians. Complimenting this policy is E2, stating that (*PPS*, 1994):

E2 Municipalities should be planned to promote the most efficient modes of transportation and to reduce the need for the private automobile by giving priority to energy efficient low-polluting travel, such as walking [...]

The *Implementation Guidelines* permit the interpretation of E2 as addressing the conservation of energy embodied in fossil fuels, affirming that “the primary purpose of this policy is the encouragement of energy-efficient, low polluting travel” (MMAH, 1995). Echoing the theme of the previous section, the *Guidelines* suggest that “planning to promote energy efficient modes of transportation such as walking, cycling, and transit, rely on some of the same basic land use patterns for their effective and efficient use,” (MMAH, 1995). Policy E2 directs beyond the efficient land-use directives that address the land-use aspect of cycling-supportive environments. The policy permits decision-makers to consider the use of more targeted cycling-supportive tools, due to the broad language used in the policy. The *Implementation Guidelines*, for example,

suggests tools such as the identification of a bike network, the integration of cycling into other modes, the elimination of natural and human made physical barriers to promote network integrity, traffic calming measures, and ancillary support services such as bike parking, bike lockers and changing facilities (MMAH, 1995). The policy also integrates well with other policies directing a shift towards a more diversified transportation system, including land-use oriented policies in B5, B1, and B8.

Some aspects of E2 may limit what Municipalities can leverage from this policy. While the policy provides strong direction through the words “by *giving priority* to energy efficient low-polluting travel,” the broadness and inclusion of a prioritizing directive may serve to create a policy perceived to be unviable. Language in the Commission recommendations, differing from the 1994 PPS, provides an interesting take on this policy. In the Commission report, policy E2 is broken into two distinct directives, the first calling for “[p]atterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life,” and the second addressing the needs of alternative modes, “transportation systems in urban areas will be designed to give priority to energy-efficient low polluting travel, including priority to walking, bicycling, and public transit, where appropriate” (CPDRO, pg. 141). The researcher suggests that the Commission version of the policy may have been stronger due to the separation of interpretations in policy E2 (PPS, 1994), addressing the defensible directive on ensuring the ‘efficient use of land,’ and the provision on Municipal transportation systems. While the *Guidelines* provide clarification for the policy, as it reads in the PPS the policy provides sweeping direction to the design of transportation systems without clarifying the purpose of the directive. For example, clarifying what measure of ‘efficiency’ should be considered the Provincial interest. As written the policy

is not outcome oriented as it does not spell out specific objectives for Municipalities; if a reduction of GHG was the objective, if the reduction of street noise was an objective, if the promotion of health was the objective, then stating those objectives would clarify such a sweeping policy and perhaps demonstrate the viability of such a policy.

Last, the protection of corridors is established in policy B16, which states that the “[t]he continuous linear characteristics of significant transportation and infrastructure corridors and rights-of-way, including abandoned railway corridors, should be protected” (PPS, 1994). While the policy protects corridors for all types of transportation and Municipal infrastructure, the *Implementation Guidelines* refers to the use of linear corridors as an effective means of complementing a larger cycling network (MMAH, 1995). The PPS 1994 defines “significant” in the context of corridors as “[...] important in terms of amount, content, representation, or effect” (PPS, 1994). The *Guidelines* suggest that in interpreting whether a corridor is significant, decision-makers should consider the effects of existing transportation infrastructure deficits; economic benefits of developing a corridor; the ability of a corridor to connect services, Municipalities, neighborhoods; whether corridors could be developed to satisfy multiple uses; whether corridors have a regional significance; and which corridors address long term Municipal demands (MMAH, 1995). While the ‘significant corridor’ designation could be applied to any transportation use, policies like E2, addressing priority transportation modes, bolster the use of policy B16 in using corridor designation for the purpose of cycling network development.

Policies Related to Administration

In future iterations of the PPS, a number of policies are included addressing administrative elements pertaining to issues related to this research. Two main types are identified in this category of policies, (1) policies addressing the coordination of cycling related

policies, and (2) policies addressing compliance requirements between hierarchies of planning jurisdictions. Two policies in the 1994 PPS addressed these aspects on transportation, Policies B4 and B6. B4, the broader of the two policies, addresses the intersection of the effective-use of land with economic development, requiring that a coordinated strategy for economic development should consider “the provision of infrastructure to support sustainable economic development” (PPS, 1994). While later iterations of the PPS would integrate stronger policies identifying existing Municipal infrastructure deficits with their effect on sustainable economic development strategies, the policy does connect some issues pertaining to the evaluation of real costs and benefits pertaining to the provision of transportation infrastructure.

Policy B6, with its provision that “[t]ransportation plans should be coordinated with those of other relevant jurisdictions,” directs for inter-governmental coordination (PPS, 1994). Given the opportunities identified for supra Municipal support for cycling in this Province (Sztabinski, 2007, pg. 1), requirements for coordination between Municipal transportation plans provides another opportunity for effective use of existing and new transportation infrastructure.

Policies Related to Monitoring and Assessment

Throughout the 1994 PPS and the Commission policy recommendations, the researcher identified only a few policies providing direction around monitoring and evaluation of policies pertaining to AT and cycling. The researcher argues that directives on monitoring and evaluation impact all aspects of the Provincial policy apparatus, given that the policies are set to provide clear guidance on land-use decisions impacting the interests of the Province. The protection of those interests depend upon clear direction on how policies could be evaluated both before, during, and after their implementation.

Under the 1994 PPS, the researcher identified no policies addressing monitoring requirements for any policies, within individual policies or within the section ‘G,’ referring to the document’s implementation; one exception being directives pertaining to Environmental Impact Assessment procedures, calling for monitoring environmental effects (*PPS*, 1995, G6.2).

Policies generated by the Commission also lacked a monitoring and evaluation emphasis. One directive recommended that “[t]he Ministry of Municipal Affairs and Planning undertake research on the cost and benefit of different development forms and settlement patterns, and provide Municipalities with advice on methods of assessing the fiscal impact of development options and proposals” (CPDRO, pg. 23). This was the extent of guidance on monitoring the PPS, a single recommendation directed not at Municipalities but the MMAH itself. The effect was that Municipalities were not encouraged to conduct evaluation of Provincial policies, but any future evaluation of the effects would have to come from a centralized source. The researcher suggests that this approach reflects a characteristic of the Commission recommendations, moving Ministry responsibilities away from evaluating development approvals to broader work of “coordinat[ing] Provincial activities on policies and planning for land-use and related matters, including studies, analysis, and monitoring” (CPDRO, pg. 43)

B.1.2. 1996 PPS

The 1996 Provincial Policy Statement, released after the Conservative Party received Royal Assent on Bill 20, reflects the matters of Provincial interest of the newly elected government. Reflecting the economic uncertainties surfacing in the first half of the 1990s and responding to political tensions between environmental advocacy interests and the collective interests of a development industry, the PPS (1996) diverges from the policies of the Commission and those contained in the 1994 PPS. The researcher suggests that the 1996 PPS

reflects the government's overall priority for elevating economic rationales for development, streamlining development procedures, and deemphasizing the policy-led approach advocated by the Commission. It does so through the use of non-binding policy language and large amendments to the PPS, eliminating cycling-supportive statements. This approach is underscored by concurrent amendments to the *Planning Act*, discussed in the previous section, reintroducing the "regard test" to subsection 3(5), requiring that decision-makers "have regard to" policies set in the PPS. The "regard test" would be interpreted as a "less demanding test" that guides the decision-making process, and not the actual planning outcome (MMAH, 2004b, pg. 10).

B.1.2.1. Development

As stated in the *Planning Act* (1994, c.23, s.6(3)) subsection 3(10), the PPS must be reviewed every five years, to determine the needs for a revision of policies, and subject to subsection 3(2), the Minister "shall confer with such persons or public bodies that the Minister considers have an interest in the proposed statement" (*Planning Act*, 1994).

The researcher had difficulty identifying specific processes that were undertaken in creating the 1996 PPS, however, transcriptions from a 1995 SCRD contain the Minister of the MMAH stating that a draft PPS was written by the Ministry and submitted to stakeholders in January 1995, with all submissions due by March 1995, resulting in a three month period for review and submission.

B.1.2.2. Policies

Unlike the policies set forth by the Commission in their Final Report and the 1994 PPS, the 1996 PPS is organized around three main 'principles' in which policies are grouped. The three 'principles' are:

- Managing change and promoting efficient, cost-effective development and land use patterns that stimulate economic growth and protect the environment and public health;
- Protecting resources for their economic use and/or environmental benefits; and
- Reducing the potential for public cost or risk to Ontario's residents by directing development away from areas where there is a risk to public health or safety or of property damage.

Therefore, the policies in the PPS (1996) are organized in categories addressing (1) “Efficient, Cost-Effective Development and Land Use Patterns,” (2) “Resources,” and (3) “Public Health and Safety” (*PPS*, 1996). Due to a restructuring within the 1996 PPS, some of the policies numbered under the 1994 PPS and from the Commission policy recommendations do not align. To assist in evaluating the changes between policies in different iterations of the PPS, policies in this review will be categorized in the following headings:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of the PPS, requiring that policies be read and interpreted “in their entirety, and all applicable policies applied to each situation,” the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

Like the 1994 PPS, the 1996 PPS contains some policies referring to an ‘efficient use of land.’ Unlike previous efforts to introduce policies guiding efficient land uses, the policies under the 1996 PPS less rigorously connect principles of increased density, mix of uses, and compact development to the intended interpretation of efficiency. Instead, most policies on efficient land-

use are organized around the principle of “cost-effectiveness [in] development and land use patterns” (*PPS*, 1996, pg. 1).

As in the 1994 PPS, the 1996 PPS contains policies exist to establish requirements around the re-designation of urban settlement boundaries. As recognized in the previous section, policies determining boundary expansion can impact the impact the viability of intensification opportunities, can complement policies focusing growth, and contribute to forming the ‘vision’ for this anticipated growth. These policies change from those in the 1994 PPS, including some new elements and changing the purposes of others. Policy 1.1.1a, the first policy in the document and also one without precedent, establishes that “urban areas and rural settlement areas will be the focus of growth” (*PPS*, 1996, 1.1.1a). The researcher interprets this policy as setting a broad vision for future growth, directing development within and adjacent to urban and rural settlements areas, precluding land-use patterns such as leap-frog developments. This interpretation could be clarified, however with strong policies on designating extensions to urban settlement boundaries, or including definitions for urban and rural settlement areas, where there are none in the 1996 PPS.

Criteria for boundary expansion in the 1994 PPS under B8, shifted to policy 1.1.1 and 1.1.2 in the 1996 PPS, in an apparent effort to separate policies establishing land-use patterns from policies directing growth. Policy 1.1.1c carries one criteria from the previous PPS and Commission recommendations, requiring that “[u]rban areas and rural settlement areas will be expanded where existing designated areas in the Municipality do not have sufficient land supply to accommodate the growth projected for the Municipality. Land requirements will be determined in accordance with policy 1.1.2” (*PPS*, 1996, 1.1.1c). Shifting the requirements for efficient land-use to section 1.1.2, convolutes and limits policy 1.1.1c from serving as a tool for

promoting the efficient use of existing land, in that it does not require that land be used efficiently according to specific rules for development, only that it establishes requirements for determining the amount of land to be designated for expansions. Some of these other requirements include principles aligning with promoting cycling-supportive urban environments, including provisions on transit supportive densities, a ‘range of uses,’ development standards that “minimize land consumption and reduce servicing costs,” and even in “providing opportunities” for intensification schemes in built in areas (*PPS*, 1996, 1.1.1). The purpose of these policies remains ambiguous as they fall under the heading that states: “land requirements and land use patterns will be based on,” making it unclear whether these are criteria that would establish land requirements, or whether these policies constitute an acceptably efficient use of land in Municipalities. While this may be hypercritical, if the purpose of the policy was to intensify areas in existing settlement areas, policy makers would have been obligated to differentiate between development requirements in existing built in areas and ‘greenfield’ areas. The distinction doesn’t occur in this document, due to eliminations from the previous PPS. The result is a policy purporting to provide direction on land-use planning across the Province, but does so through an convoluted structure.

Paralleling policy B8ci, which calls for a fifteen to twenty year planning horizon in justifying a boundary expansion, policy 1.1.2a establishes that growth projections of up to twenty years would be used to establish the amount of land required future use. Policies under 1.2.1 also maintain a ten year provision of land for designated residential use and 3 years of lands designated with service capacity for new developments. As identified in the previous section, the continuance of this policy maintains a tension may exist between land requirement projections

and the viability of policies such as 1.1.2e, requiring that opportunities be provided within areas with existing or planned infrastructure.

Where the 1994 PPS differentiated between land-use directives in built in areas and areas designated for future development, the 1996 PPS provides broad direction on all land-use patterns. Policy 1.1.1d and f provide direction on two broad land use concerns, prohibiting development that “hinders the efficient expansion of urban areas [...] [in] adjacent areas” and to avoid “land use patterns which may cause environmental or public health and safety concerns” (*PPS*, 1996, 1.1.1d and f). Like the 1994 policy B8bi, requiring a logical extension of built-up areas, policy 1.1.1d provides direction on the contiguous form of settlement areas. The 1996 PPS does not contain a description of “land use patterns which hinder the efficient expansion of land,” the specific outcomes intended by this policy may rely on the interpretation or qualification of the term “efficient.” Policy 1.1.1f is ambiguous for similar reasons, with no clarification on land use patterns constituting a threat to environmental or public health.

As elaborated in the previous review of the 1994 PPS, policies addressing agricultural and natural heritage protections can have an impact on the growth patterns of urban settlements. On the protection of agricultural lands, policies under the 1996 PPS remain unchanged from the 1994 PPS, requiring similar conditions for designation as urban settlement areas, and similar policies requiring the prior identification of “reasonable” alternatives. One change regards the protection of specialty crop lands, which under the 1994 PPS were prohibited from development under policy B8civ, now lumped in with all prime agricultural lands under the 1996 PPS. The researcher suggests that the policies assume the accommodation of urban settlement growth upon agricultural lands, providing no policies prohibiting expansion. One could argue that this policy change highlights the futility of Provincial class designations on lands purported to be under the

protection of the Provincial interests, when lands are permitted to be designated by permissive settlement expansion criteria. The thrust of agricultural land protection policies in the 1996 PPS is that rural lands are deemed dispensable compared to the needs of urban growth. One stakeholder, in their submissions to the Standing Committee on the related Bill 20, suggested that agricultural policies could be strengthened through the protection of agricultural uses from “intrusive, incompatible uses” such as those in urban settlements. This critique turns the underlying narrative on agricultural land use on its side, on the paramountcy of growth projections and urban settlement expansions (SCRD, Feb 27, 1996).

Policies protecting natural heritage features underwent several changes from the previous PPS. While it is outside the scope of this research project to evaluate the effects of natural heritage policies, the researcher can highlight some glaring eliminations. Specific eliminations the researcher has identified include the protection of corridors (including ravines, stream corridors, and valley lands) and shoreline protection have been removed from list of areas “not permitted” for development (*PPS*, 1996, 2.3.1b). The researcher has suggested that relaxing protections around natural heritage areas serves to undermine intensification schemes, by eliminating protections on lands that would have set additional barriers to urban settlement expansion. The elimination of protections on natural corridors may also limit opportunities for infrastructure requiring linear corridors and shorelines along these features, due to increased fragmentation.

Land-use policies on desired characteristics of built form are contained in the 1996 PPS, including those addressing urban density, mix of uses, and requirements for intensification, although some language in these policies differ from the 1994 PPS. One change among these policies is the avoidance of the term ‘compact,’ a change that was in the previous PPS used to

define “efficient use of land.” Policy 1.1.2b, the most explicit policy on urban density, includes the fewest changes from the previous versions, stating that (*PPS*, 1996):

1.1.2 Land requirements and land use patterns will be based on:

b) densities which:

1. efficiently use land, resources, infrastructure and public service facilities;
2. avoid the need for unnecessary and/or uneconomical expansion of infrastructure;
3. support the use of public transit, in areas where it exists or is to be developed;
4. are appropriate to the type of sewage and water systems which are planned or available;
5. take into account the applicable policies of Section 2: Resources, and Section 3: Public Health and Safety;

In this section, statements are restructured from the previous version of the PPS, maintaining language around the “efficient use of land” and the limitation of waste in provision of infrastructure and other services. The 1996 provides less elaboration on these policies, both within the PPS and in complimentary documents like the Implementation Guidelines, which were not published alongside this version. Again, due to the structure of the policy, provides both direction on evaluating land requirements and in advising on the efficient use of land (although the policy doesn’t state as such), specific desired outcomes are not identified under the existing wording. Similar policy challenges exist in 1.1.2c, carrying forward a previous directive on providing a mix of uses in existing and planned areas (*PPS*, 1996):

1.1.2 Land requirements and land use patterns will be based on:

- c) the provision of a range of uses in areas which have existing or planned infrastructure to develop them.

This policy suggests that homogenous uses of land in developments, a policy outcome that does not serve to foster a cycling-supportive urban environment, would not be the intended outcome.

Challenges related to the structure of these policies aside, the policy aligns with the previous version if it assumed that “opportunities will be provided” is the same as a “provision of a range of uses” will be a basis of land-use patterns (*PPS*, 1994)(*PPS*, 1996). Policies on intensification, which the PPS (1996) defines (although limiting its definition to residential intensification) as the “creation of new residential units or accommodation in existing buildings or on previously developed, serviced land and includes infill, accessory apartments and rooming houses,” are also carried forward from the previous PPS. The statement retains the language of “providing opportunities” for intensification, however, it is unclear why policymakers would include a definition of residential intensification. The researcher suggests that not including commercial or institutional uses in the definition serves to infer that while intensification can occur within residential areas, it cannot concurrently introduce a mix of uses, signifying a policy contradiction within the PPS itself.

Policies Related to Transportation Infrastructure and Public Services

While one policy was included under section 1.3.2, titled “Transportation,” several other policies identified throughout the PPS (1996) begin to round out policies on transportation infrastructure and services, although not addressing all statements included in the 1994 PPS. Within the 1996 PPS, direction on transportation infrastructure is more oriented towards policies on growth and economic development. Policy 1.1.3, in particular, connects transportation and development, stating (*PPS*, 1996, 1.1.3a and 1.1.3c):

- 1.1.3 Long term economic prosperity will be supported by:
- a) making provisions such that infrastructure and public service facilities will be available to accommodate projected growth;
 - b) providing for an efficient, cost-effective, reliable, multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth.

The elimination of transportation priorities included in the 1994 PPS, including those limiting the need for the private automobile, serves to frame the paramountcy of growth projections as the primary instrument for future of transportation infrastructure. In lieu of clarification on what constitutes an efficient, cost-effective and reliable transportation system, the sole Provincial policy guiding transportation planning requires that systems be “safe, environmentally sensitive, and energy efficient” (*PPS*, 1996, 1.3.2.1). On policies addressing cycling, all existing policies and language referring to efficient and low polluting modes of transportation were eliminated in this iteration of the PPS. One possible exception is the use of the term “multi-modal,” although it too is limited within the policy, as it is qualified where it addresses expected growth, implying that walking and cycling are niche modes applying to specific sites and growth projections.

Policy 1.3.3.1, maintaining the thrust of the previous policy on infrastructure corridors, directing that “corridors and rights-of-way for significant transportation and infrastructure facilities will be protected” (*PPS*, 1996). As already indicated by the researcher, policies in the 1996 PPS protecting natural corridors, which may have been used for AT and cycling trail use, were eliminated.

Policies Related to Administration

Maintaining the thrust of existing policies in the 1994 PPS, statements in 1.1.1e address administrative aspects of transportation infrastructure and service planning, directing decisions such that (*PPS*, 1996, 1.1.1e):

1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

- e) A coordinated approach should be achieved when dealing with issues which cross Municipal boundaries, including:
 - 1) infrastructure and public service facilities;
 - 2) ecosystem and watershed related issues;
 - 3) shoreline and riverine hazards; and

- 4) housing and employment projections, based on housing market areas.

The 1996 PPS introduces new policy direction on compliance, not included in the 1994 PPS, in its Implementation section. Implementation 3 addresses that policies within Provincial plans, such as the Niagara Escarpment Plan , would take precedence over polices in the PPS, despite legislated requirements that require all planning decisions “have regard” to the PPS (see Planning Act, 1994, subsection 3(5)).

Policies Related to Monitoring and Assessment

The 1996 PPS also introduces the first mention of monitoring requirements, contained within the document itself. However, like the Implementation Guidelines accompanying the 1994 PPS, this reference to monitoring lies within the implementation statements at the end of the PPS (1996). Also similar to the 1994 PPS, the statement places the responsibilities for monitoring the effects of policies with the Province, stating (*PPS*, 1996, Implementation 6):

The Province, in consultation with Municipalities, will identify performance indicators for measuring the effectiveness of some or all of the policies, and will monitor their implementation. Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.

Like those guidelines set in 1995 by the MMAH, Municipal monitoring is merely encouraged. As stated earlier, it is unclear how Municipalities are expected to make informed decisions when having “regard” to policies in the PPS, if no requirements are set to evaluate either the need for or effect of these policies. This is true of cycling, as research by Pucher and Buehler indicates, whereby a lack of monitoring has been identified as a problem in some American and Canadian Municipalities (Pucher and Buehler, 2005). From a Provincial standpoint, it is unclear how the Province is ensuring its Provincial interests are met through a discretionary monitoring process.

The researcher suggests that solely a Provincially mandated, Provincially established process for monitoring could uniformly and transparently ensure that its goals were being met.

B.1.3. 2005 PPS

Until 2005, foreshadowed by the 2003 Ontario election ending the nearly ten year Conservative leadership under Mike Harris, the 1996 PPS stood unchanged, with the exception of a single policy amendment in 1997. The new government introduced two major amendments to the *Planning Act*, including the return of the ‘consistency test,’ a change requiring that all decisions made on planning in the Province would have to be “consistent with” policies set in the PPS.

B.1.3.1. Development

The lengthy review of the 1996 PPS began in 2001 (MMAH, 2004b, pg. 8), and was interrupted by the 2003 election. The MMAH would release a short summary of consultations in April 2002, the first and only official document containing critique of the PPS under that government. Stakeholder critiques were wide-ranging, calling for a “broader vision” reflecting more public ‘interests,’ better management of conflicting policy interests, and more clarification on priority issues. (MMAH, 2002). Specific criticisms targeted weak policies guiding transportation planning, agricultural protections, monitoring, and insufficient technical definitions (MMAH, 2002). A number of emergent themes, were identified in these consultations, highlighting concerns around the need for stronger policies on multimodal transportation, energy conservation, and air quality; all policies recommended in the Commission Final Report in 1993. Consultation on PPS reform would continue after the election, alongside multipronged legislative reform efforts, beginning in 2004. OPPI, in its submission to MMAH noted the reform process, calling it an “ambitious program and schedule

of reform of the Ontario planning system” (OPPI, 2004, pg.1). As discussed in the section on legislative changes, the Liberal government under leadership of Dalton McGuinty, established the reform effort around addressing emerging development pressures, including: “creating strong, livable and healthy communities by promoting infill and intensification; supporting a vibrant and strong economy by providing for an appropriate mix and ratio of employment opportunities to meet long-term needs; and protecting the environment and resources, such as water, greenspace, agricultural lands and natural and cultural heritage” (MMAH, 2004a, pg.8).

B.1.3.2. Policies

The 2005 PPS adopts and expands the structure introduced by the 1996 PPS, with policies grouped under categories of (1) “Building Strong Communities,” referring to growth and land-use patterns, housing, public spaces, infrastructure and economic growth, among others; (2) “Wise Use and Management of Resources,” referring to policies addressing natural heritage, water, and agricultural and mineral resources; (3) “Protecting Public Health and Safety,” containing policies on natural and human-made hazards; and policies guiding (4) “Implementation and Interpretation,” now organized into numbered statements mirroring the structure of the rest of the document.

Each category in the document contains a number of updated policies reflecting the interests of the Province. Not all categories contain relevant policies for this research, however some policies make use of reference to other policies in the document. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of interpreting the PPS, requiring that policies be read and interpreted “in their entirety, and all applicable policies applied to each situation,” the discussion may ‘stray’ from siloed categorization

Policies Related to Land-Use

Diverging from language used in the 1996 PPS, the 2005 PPS introduces its land-use pattern and growth pattern policies under the statement, “healthy, liveable and safe communities are sustained by” (*PPS*, 2005, 1.1.1). This approach, contrasting the 1996 PPS phrasing, “cost-effective development patterns will be promoted. Accordingly [...],” provides a new framework for its policies on land-use planning, and acknowledges concerns raised in consultations that policies should reflect a more complete set of ‘public interest’ (*PPS*, 1996, 1.1.1)(MMAH, 2002).

As in the 1996 PPS, the 2005 PPS contains policies exist to establish requirements around the re-designation of urban settlement boundaries. As recognized in the previous section, policies determining boundary expansion can impact the impact the viability of intensification opportunities, can complement policies focusing growth, and contribute to forming the ‘vision’ for this anticipated growth. Unlike the 1996 PPS, the 2005 PPS separates criteria for settlement area expansion from its other land-use policies, to state the requirements and expectations for urban growth.

Policy 1.1.2, embedded between policies on patterns of land-use and the main policy area on settlement areas, establishes requirements around the 20 growth projection that Municipalities use to maintain a long term planning horizon. It states, that “through intensification and redevelopment and, if necessary, designated growth areas,” sufficient lands will be made

available according to projected needs (*PPS*, 2005, 1.1.2). This new phrasing establishes that priority should be given to identifying development opportunities in existing built in areas, before additional lands are consumed. This policy conforms to policies in 1.1.3 on “Settlement Areas.” These maintain that settlement areas shall remain the “focus of growth,” as in the 1996 *PPS*, but that their “vitality and regeneration shall be promoted.” Requirements around settlement area are further enhanced through policy 1.1.3.9, requiring that that settlement area boundaries could now be expanded “at the time of a comprehensive review” and after specific criteria are established. The alignment of the settlement boundary expansion process with the process of official plan comprehensive review enhances the status of the official plan, providing an opportunity for decision-makers and the public to review questions around boundary expansion in the context of a comprehensive analysis of future needs. As with previous *PPS*, criteria around expansion are maintained, particularly the following policies (*PPS*, 2005):

1.1.3.9 A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
- b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;
- c) in prime agricultural areas:
 1. the lands do not comprise specialty crop areas;
 2. there are no reasonable alternatives which avoid prime agricultural areas; and
 3. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- d) impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

The most noteworthy change to these statements on this research subject, is policy 1.1.3.9d, signaling a policy shift on the protection of agricultural uses. The policy change suggests that agricultural land uses adjacent to urban development should be protected from development impacts, mitigating “to the extent feasible” (*PPS*, 2005, 1.1.3.9d). This policy echoes stakeholders at Standing Committee nearly ten years prior, where it was suggested that a policy shift should be required protecting the pre-existing ‘industrial use’ of agricultural lands (SCRD, Feb 12, 1996).

Other policies in the 2005 PPS expand directives on agricultural lands as they pertain to settlement area expansion. As quoted in the above paragraph, policy 1.1.3.9d lists criteria protecting agricultural lands, and contains a provision prohibiting development on specialty crop areas, previously removed in the 1996 PPS. Besides that specific statement, the protections are maintained agricultural land, requiring that a need for the land exists in accordance with growth projections and that reasonable alternatives are eliminated (*PPS*, 2005, 2.3.5.1).

Related to the protections of agricultural lands on settlement boundary expansion, are policies limiting development on natural heritage features. Despite rhetoric around “the need for enhanced environmental protection,” especially on the protection of natural heritage features under development pressure, few prohibitive policies were introduced (MMAH, 2004b, pg. 4). Policy 2.1.2 for example, lauded by OPPI for its “inclusion of a natural systems approach,” resembles policy 2.3.3 in the 1996 PPS, it reads, “[t]he diversity of natural features in an area, and the natural connections between them should be maintained, and improved where possible,” although the 1996 PPS was criticized for its failure to consider environmental protections. Within policies in 2.1.3 and 2.1.4, which specifies particular land formations and habitats

prohibiting development and permitted with specific criteria, only the protection of “significant coastal wetlands” in policy 2.1.3c is added.

Last, on policies on settlement boundary expansion, policies on housing have substantively been carried forward from previous PPS. Policy 1.4.1 duplicates the existing policy on the designation of a minimum of ten years of residential growth and 3 years of designated and serviced to maintain 3 years of residential units (*PPS*, 2005, 1.4.1a and b). One change to the PPS (2005), however, is policy 1.4.3, which establishes the criteria for evaluating the regional market area projection required for housing needs, and contains specific requirements around setting increased density targets. While this policy adds clarity to the boundary expansion process and serves to limit sprawling development patterns, the PPS continues to neglect policies to control commercial and industrial sprawl; as the Ontario Professional Planners Institute submission on the draft PPS states: “The challenge of sprawl relates as much to commercial and industrial use as residential use” (OPPI, 2004, pg.9).

The 2005 PPS also includes land-use policies on desired characteristics of built form, including those addressing urban density, mix of uses, and requirements for intensification. Generally, the researcher suggests that the 2005 PPS diverges from previous PPS in their policies on land-use patterns for its focus on “long-term” effects of development. Policy 1.1.1 for example, clarifies an ambiguous use of “efficient land use” in the 1996 PPS, by promoting the “efficient development and land use patterns sustaining the financial well-being of the Province and Municipalities over the long term” (*PPS*, 2005, 1.1.1a). The term ‘efficient,’ the researcher argues, is disambiguated from its use in the PPS (1996) failing to clarify whether specific land-use patterns could be an ‘efficient use of land’ or even “cost-efficient” by virtue of introducing development greenfield land. This ambiguity can be tied back to recommendations from the

CPDRO, who identified the risk of ad hoc decision-making processes in Municipalities without effective planning departments, whereby developments constituting an ‘inefficient uses of land,’ were passed under the assumption that development was an inherent ‘good’ by virtue of expanding a Municipality’s tax base (CPDRO, pg. 1, 21). By phrasing policies guiding land-use decisions as requiring a ‘long-term’ focus, the researcher suggests that Municipalities would be required to undertake a more detailed analysis on the long term costs of certain development patterns, specifically those failing to minimize the consumption of land and prerequisite the use of a private automobile. Additional policies on broader patterns of land-use include those previously used in the PPS, on the logical extension of development from existing built in areas, cost ‘cost-efficient’ development standards minimizing land consumption (previously introduced by the Commission as ‘compact development’), and patterns that do not introduce barriers to full participation by a diversity of residents.

With a few exceptions, the 2005 PPS maintains existing policies addressing increased densities and mix of land uses, requiring land-use decisions on these principles that “efficiently use land and resources” and avoid “unjustified and/or uneconomical expansion” of infrastructure. One addition to the PPS is policy 1.1.3.2a3, which connects principles of density and mix of uses with patterns of land-use that “impact [...] air quality and climate change, and promote energy efficiency,” which, the researcher asserts, refers to the effects of proliferated automobile use (PPS, 2005, 1.1.3.2a3). Again, this provision harkens to the days of the CPDRO, and their policy recommendation E3 and E4, directing that “[p]atterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life” and that “transportation systems in urban areas will be designed to give priority to energy-efficient low polluting travel, including priority to

walking, bicycling, and public transit, where appropriate” (CPDRO, pg. 141). Policy 1.1.3.7, embedded within the subsection on “Settlement Areas,” contains language eliminated during the 1996 revision of the PPS, on ‘compact form.’ The policy reads: “[n]ew development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*,” reiterating some directives addressed in previous policies. The researcher suggests that this is a conservative policy, suggesting that a policy on compact development is incompatible with the diversity of needs in existing built in areas, and suitable for new development.

Policies introduced in 1.4.3 clarify criteria on the expansion of urban settlement boundaries. Statement d) of that policy in particular, on “promoting densities for new housing efficiently using land, resources, infrastructure and public service facilities, and supporting the use of alternative transportation modes and public transit in areas where it exists or is to be developed,” aligns with principles correlating density and mix of uses with an urban form conducive for bicycle travel (*PPS*, 2005, 1.4.3d).

The 2005 PPS introduces a number of notable policies directives on intensification, which serve to clarify and set requirements on intensification schemes. Policy 1.1.3.3, for example, enhances language around intensification, requiring that planning authorities “shall identify and promote” opportunities (*PPS*, 2005). This compliments policies 1.1.3.5 and 1.1.3.6, which present requirements on minimum targets for intensification and requirements for policies on phasing development to require that existing lands are intensified before or during development in growth areas (*PPS*, 2005). The researcher suggests that these additional intensification directives enhance the priority for intensification before boundary expansion.

Policies Related to Transportation Infrastructure and Services

Up to this point, this review has identified land-use planning policies impacting the viability of cycling-supportive urban environments. The following paragraphs will address policies providing direction on the provision of a Municipal transportation system.

While the 2005 PPS amendments on land-use patterns largely maintained or clarified existing policies, the researcher suggests that directives were enhanced on transportation. The 1996 PPS, as examined in the previous section, removed a number of policies on the role of transportation and urban development that were introduced in the CPDRO and partially adopted by NDP policy makers in the 1994 PPS. This move was condemned during the review of the 1996 PPS, with stakeholders identifying a lack of policies on “the role of transportation,” sprawl permissive agricultural policies, air quality, and energy conservation (MMAH, 2002). As this section has also identified, the researcher suggests a shifted narrative around efficient use of land during the mid to late 1990s prioritizing short term cost-efficiencies and a narrowing set of ‘interests’ reflected within the PPS on land-use and transportation.

The researcher suggests that the three main policy directions identified in the 1994 PPS on the provision of transportation systems and alternative modes of transportation, including cycling: (1) efficient modes of transport should be planned, (2) integration of transportation modes to increase efficiency of all systems, and (3) on linear corridors, are restored and enhanced in the 2005 PPS.

Policy 1.1.1 of the 2005 PPS, includes a change in language permitting divergent interpretations from previous policies, with the statement “ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs” (*PPS*, 2005, 1.1.1g). Whereas in the 1996 PPS the policy directed that a transportation system was to be

“available to accommodate projected growth,” the 2005 PPS suggests that the transportation needs of an area could be evaluated by means beyond projected growth and towards future needs. Comparing the 1996 policy to the 1994 policy, the directive states that transportation infrastructure is planned to “reduce the need for the private automobile” as well as “meet the needs of pedestrians,” suggesting that the policy could be used to shift modes, not merely be provided to meet existing transportation needs. While the researcher does not suggest that policy 1.1.1g permits decision-makers to ignore existing mode shares to establish infrastructure provisions, the language change may signal a recognition that a policy instrument predicting future needs may ensure the most efficient use of infrastructure spending, challenging the status quo model of mode share analysis embodied in the 1996 PPS, under the “accommodate projected growth” language. The researcher suggests that the change may even foreshadow an even more normative policy instrument, for example, policies permitting the future mode shares to be shaped, especially in light of the precedent from the Commission recommendation in Policy E3 (CPDRO, pg. 141).

Policies that shape future modes shares can be found elsewhere in the PPS. Introduced in the 2005 PPS, although again with precedent in the Commission recommendations under policies E1 and E3, is policy 1.6.5.4. This policy directs for an efficient use of land associating efficient land use principles such as density and mix of uses with conservation of energy used in transportation, stating (*PPS*, 2005, 1.6.5.4):

1.6.5.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus.

The reinstatement of land use policies intended to shift transportation needs and foster a more walkable and cycleable urban environment reflects an earlier analysis in the 1994 PPS

Implementation Guidelines, asserting “planning to promote energy efficient modes of transportation such as walking, cycling, and transit, rely on some of the same basic land use patterns for their effective and efficient use” (MMAH, 1995, pg. E2-2). More than restoring some of the 1994 PPS “Energy” policies, the 2005 PPS introduces policy 1.8.1, contributing nuance to the intersection of transportation infrastructure and land-use patterns. Policies under 1.8.1 direct for the “support [of] energy efficiency and improved air quality through land use and development patterns,” and include statements supporting the intensification of nodes and corridors, support for alternative modes of transportation between residential and employment lands, intensification around existing and planned public transit services, and a “mix of employment and housing uses to shorten commute journeys and decrease travel congestion” (PPS, 2005, 1.8.1a,b,c and d). The researcher suggests that each policy listed contributes to the promotion of cycling-supportive environments; intensification for creating a more contiguous and service dense built form, increased ‘alternative transportation’ infrastructure between employment areas for the promotion of utilitarian cycling travel, intensification around public transit and the support of public transit for extending the effective range of cycle travel, and mix of uses (including employment lands among residential uses) for increasing available services within a cycleable distance.

The intersection public transit and other modes, including cycling, is addressed by policies promoting a transportation system permitting, and where possible, integrating multiple modes of transportation. Several policies have been identified supporting these principles. Policy 1.5.1, echoing the Commission policy recommendation B2 (which is critiqued in the 1994 PPS section of this section), disambiguates the use of pedestrian used in the 1994 PPS. The 2005 policy states that healthy and active communities will be promoted by “planning public streets,

spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling” and to provide for a “full range of and equitable distribution of publicly-accessible built and natural settings for recreation, including [...] trails” (*PPS*, 2005, 1.5.1a and b). These policies address the equitable provision of shared active transportation infrastructure, both on street and by a system of trails. As identified in the section on the 1994 PPS, policy B2 previously integrated other active transportation modes under the use of the term ‘pedestrian,’ although its use was within the Implementation Guidelines (MMAH, 1995). The researcher suggests that the 2005 policy disambiguates the term, although it still implies that cyclists should be served by integration among ‘pedestrian’ modes.

Policies 1.6.5.3 and 1.7.1 both address the interconnectedness that should be provided and maintained between different modes of transportation. Given the broad definition of “transportation system” within the PPS, the researcher suggests that connectivity and integration between different modes of transportation includes the integration of cycling-supportive infrastructure and associated services (such as provisions for bicycle parking) into higher order systems like subway and light rail, both to support the use of public transit services and for extending the effective range of bicycle travel. The researcher also suggests that these policies could also address the configuration of transportation infrastructure such as streets, bridges, and tunnels.

Policies address the protection of corridors, weakened under the 1996 PPS, and are enhanced within the 2005 PPS. Policy 1.6.6.2 in particular, enhances a planning authority’s ability to limit development on planned corridors, by stating (*PPS*, 2005, 1.6.6.2):

1.6.6.2 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the

purpose(s) for which it was identified.

Additional policies ensure that the linear characteristics and integrity of corridors are protected, both in planned and existing corridors.

The 2005 PPS included another policy direction relevant to this research, new from previous iterations of the PPS. Sustainable tourism, as a planning concept is first introduced within the 2005 PPS. Policy 1.7.1.f, in enacting “long-term economic prosperity,” directs for the provision of “opportunities for sustainable tourism development” (PPS, 2005, 1.7.1.f). While no working definition is provided within the document, the researcher suggests that the clause could be relevant as it introduces a new rationale for supporting on and off street active transportation route networks, an interpretation that would be later developed within future PPS, growth management documents, and Provincial plans.

Policies Related to Administration

Policy 1.2.1 expands existing policies on the coordination and integrated approach to infrastructure and land-use planning. Particularly, Policies 1.2.1a and c, requiring that:

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within Municipalities, or which cross lower, single and/or upper-tier Municipal boundaries, including:

- a) managing and/or promoting growth and development;
- c) infrastructure, public service facilities and waste management systems;

The interconnectedness of these aspects of land-use planning is reinforced throughout this PPS, as partially demonstrated by this section. In particular, the researcher suggests that policies under 1.8 “Energy and Air Quality” demonstrate the outcomes of the minimization of land consumption, effective mix of uses, density, and efficient alternative modes of transportation.

Also on administrative aspects of land-use planning addressed by the PPS, are policies on jurisdictional compliance. To bring into line with legislation under Bill 26 and 51, both

introduced concurrent to the 2005 PPS, policies were introduced strengthening the ‘policy led’ model introduced under the Commission and weakened by the Ontario Conservatives in the mid to late 1990s. Policy 1.2.2, contains policies aligning with legislative amendments that strengthen upper-tier Municipal authority, requiring that in consultation with lower-tier Municipalities they “identify, coordinate and allocate population, housing and employment projections,” identify key growth areas including “nodes and corridors,” specify targets for intensification and redevelopment, and density and intensification targets for and in proximity to key transit corridors (*PPS*, 2005, 1.2.2). This directive enhances the previous statement on compliance addressing Provincial plans by aligning available resources on land-use planning between Municipal jurisdictions in evaluating a best use/effective use of available lands. With clear principles and directives set out by the PPS on cycling, including those identified within this section, planners and decision-makers will be better-equipped to ensure that Provincial interests are protected at all levels.

Policies Related to Monitoring

Policy 4.10, amended as a full policy although based on an implementation guideline from the 1996 PPS, introduces a policy implementation monitoring statement, which would be developed by the Provincial government. The policy reads:

4.10 The Province, in consultation with Municipalities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement

4.11 Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.

As identified in analysis of earlier PPS within this section, monitoring processes are relevant to cycling as they can permit a full understanding of mode splits and the effects of land-use patterns, supporting *at least* an equitable provision of infrastructure as per mode share split and the best use of Provincial resources. A Provincially set process for evaluating policies could more consistently and transparently ensure that decisions were being made reflect ‘consistent’ application of Provincial policy and that policies were having the desired effects.

Additionally, in line with legislative changes in Bill 26 and 51, policy 1.2.2c and d, on specific intensification and density targets to be set by upper-tier Municipalities, the researcher suggests that an relevant component of land-use monitoring is established. With requirements on specific criteria and targets for the efficient use of land, a precedent may be set for more imperative policy directions on monitoring and evaluation of other policies.

B.1.4. 2014 PPS

The 2014 PPS is the latest revision to the PPS, developed and amended before Bill 73, not concurrently as is common among previous planning reforms. Maintaining the policy-led approach, policy structure, and general thrust of some of the 2005 statements, the researcher argues that the 2014 PPS predominantly contains small revisions clarifying or expand upon existing statements.

On the overall approach of the 2014 PPS, it should be noted that the preamble to the policies has been expanded on use of the PPS, providing additional guidance and recommendations on interpreting the document. A section titled “Consider Specific Policy Language” has been added the PPS, clarifying specific language choices within the policy statements which qualify how the policies should be correlated with other policies and ultimately implemented. The purpose of the section is to differentiate between language in policies

prohibiting, prescribing, or supporting certain outcomes. At the core of this section, it explains that while there can be discretion “when applying a policy with enabling or supportive language,” policies that are prohibitive or imply obligation should be considered mandatory (PPS, 2014, pg. 2). The researcher suggests that while the inclusion of this section illuminates the relationship between language and interpretation and implementation, the language within policies has always implied a different intentions given the variety of terms used within previous PPS.

B.1.4.1. Development

Two phases of consultation preceded the 2014 PPS, in 2010 and in 2012. The consultation processes resulted in over 950 written submissions and 18 regional workshops, as well as meetings with key stakeholder groups (MMAH, 2014a). In an introductory presentation to the 2014 PPS by the MMAH, the MMAH expresses that consultation revealed “a prevailing view that the PPS 2005 policies were providing sound Provincial land use direction” (MMAH, 2014a).

In that same presentation, five policy areas, identified by stakeholders, are listed where revisions were needed. They include (MMAH, 2014a):

1. Bolstering the Economy and Employment
2. Promoting Healthy Active Communities
3. Responding to Rural and Northern Communities
4. Protecting the Environment and Managing Resources
5. Promoting Coordination and Integration

While policies are introduced, revised, and expanded within the 2014 PPS, the researcher suggests that overall the policies maintain existing directions around land use and transportation infrastructure, in line with the “prevailing view” that existing policies are sound.

B.1.4.2. Policies

The 2014 PPS adopts the structure introduced by the 1996 PPS, amended in 2005, with policies grouped under categories of (1) “Building Strong *Healthy* Communities,” referring to growth and land-use patterns, housing, public spaces, infrastructure and economic growth, among others; (2) “Wise Use and Management of Resources,” referring to policies addressing natural heritage, water, and agricultural and mineral resources; (3) “Protecting Public Health and Safety,” containing policies on natural and human-made hazards; and policies guiding (4) “Implementation and Interpretation.”

Each category in the document contains a number of policies reflecting the interests of the Province. Not all categories contain relevant policies for this research, however several policies make use of reference to other policies in the document. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of the PPS, requiring that policies be read and interpreted “in their entirety, and all applicable policies applied to each situation,” the discussion may ‘stray’ from siloed categorization. Additionally, due to the limited number of changes between the 2005 and 2014 PPS, the researcher will emphasize emergent directives and policy changes, to avoid repetition.

Policies Related to Land Use Planning

Policies can be identified within all iterations of the PPS addressing prescribed limits to urban growth. As discussed in each section of this section, these include criteria limiting urban

settlement boundaries, prohibitions on developing specific natural features, and protections for agricultural lands. The 2014 PPS includes two changes to policies affecting patterns of urban growth. Building on the 2005 policy requiring that expansion of settlement area requiring that infrastructure servicing the areas would be “suitable for the development over the long term” (*PPS*, 2005, 1.1.3.9b), the 2014 PPS clarifies the interpretation of long term by adding also “are financially viable over their lifecycle, and protect [...] the natural environment” (*PPS*, 2014, 1.1.3.9b). By including specific language around interpreting long term viability as pertaining to “financially viable,” the researcher suggests that the statement is attempting to limit development patterns failing to account for long term infrastructure maintenance costs. Like the use of ‘long term’ in policy 1.1.1a (*PPS*, 2005), 1.1.3.9 enhances land-use decisions, requiring a more detailed analysis on the long term costs of certain development patterns, specifically those failing to minimize the consumption of land and demanding the use of a private automobile. While the researcher believes that the 2005 policy statement was sufficient in implying this analysis, and is well supported by other policies on transit supportive densities, the researcher must concede that the amendment is effective for stating this requirement on Municipal obligations to service land.

Policies on the protection of natural features and agricultural protections remain similar to the 2005 PPS. Changes include some regional exclusions to areas not permitted for development, under 2.1.5, however these changes refer to site specific exclusions. Also, the operating definition of natural heritage systems has been enhanced to encompass “linkages intended to provide connectivity (at the regional or site level) and support natural processes necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems” (*PPS*, 2014). While it is outside the scope of this research to evaluate the full effects of policy instruments for natural heritage protection, however the

researcher is familiar with aspects of regional landscape ecology, particularly research by professor at the Graduate School of Design, Richard T. Forman. His work identifies the importance of ‘patch-and-corridor’ systems, referring to areas of protected natural heritage as part of an ecological system, connected by linkages, or ‘natural corridors,’ providing myriad benefits to ecosystem resilience and diversity (Forman, 2008, pg. 231). The researcher suggests, that the inclusion of linkages as parts of a natural heritage systems could have powerful impacts on regional land-use planning and growth boundaries in particular, if policies are implemented with rigor at the regional level. Agricultural policies in the 2014 PPS have undergone more changes than those to natural heritage protections, on impacts to boundary expansion. Policy 2.3.1, on protected long-term use of prime agricultural lands, has been enhanced protecting lower grade agricultural lands when they are embedded within prime agricultural lands. Policy 2.3.3.1, which establishes permitted uses on prime agricultural lands, has been expanded to permit “on-farm diversified uses,” permitting “home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products” (PPS, 2015). While the expansion of secondary uses for agricultural lands does not directly affect settlement boundary issues, it represents an effort of the Province to provide a fair balance of uses of those lands while still prohibiting residential and leapfrog development patterns.

The 2014 PPS also includes several policies addressing land use patterns. Policy 1.1.1h, promotes healthy communities through “promoting development and land use patterns that conserve biodiversity and consider the impacts of changing climate” (PPS, 2014, 1.1.1h). While stronger and more direct policies exist within section 1.8 “Energy,” 1.1.1h serves to connect the principles of ‘efficient use of land’ and the provinces broad vision for ‘healthy’ communities. The researcher assumes, given similar language used throughout the PPS that, among other

interests, the policy refers to the effects of GHG emissions associated with sprawl and private automobile use. The researcher suggests that the inclusion of 1.1.1h will strengthen the rationale for low GHG emission modes of transport, including cycling.

Policy 1.3.2.1 introduces a wholly new directive for the PPS, on separate land use principles for employment lands. While the policy itself provides unspecific direction on employment lands, only that planning authorities “shall plan for, protect and preserve employment areas,” the separation of efficient use of land on employment specific uses may herald more developed policies on employment lands and ancillary infrastructure, including freight needs and efficient modes of transportation (*PPS*, 2014, 1.3.2.1). While this policy does not impact the provision of a cycling-supportive urban environment, the researcher suggests that policy 1.3.2.1 establishes a precedent policies targeting employment lands, a structure that could later permit more efficient uses of land and better-align policies for alternative transportation and employment.

The final policy pertaining to broad directives on land use patterns is 1.8.1, addressing energy conservation through land use patterns, which now requires that “[p]lanning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns” (*PPS*, 2014, 1.8.1). The policy mirrors a previous statement in the 2005 PPS policy 1.3.2.a.3, directing that increased densities and mix of uses can be effective use land principles abating air quality issues and climate change. Again, policies already exist on energy-efficient transport, and have existed within the PPS since the recommendations from the Commission over twenty years earlier (see Commission policy recommendations E3 and E4). If the intent of the policy is to

provide for other energy efficiencies, especially those not already addressed in other policies related to 'efficient use of land,' then the researcher suggests that the policy could be clearer.

Policies pertaining to density, mix of use, compact development, and intensification do not diverge from the position of the 2005 PPS, however several small language changes and additions were found. Policy 1.1.3.2.a, introduced in 1996 to clarify the purpose of increased density and mix of uses, was amended to include patterns (4) supporting active transportation, (5) transit supportive, and (6) are freight-supportive. The researcher suggests that (4) and (5) are redundant, with almost identical policies in 1.6.7.4, 1.4.3d and 1.8.1, which provide similar direction on transit supportive and active transportation supportive densities and mix of uses. Despite this, the inclusion of these policies reintroduces an explicit correlation between an efficient use of land and the viability of active transportation modes. It should be noted that this policy position is not necessarily a 'new' one, given that the relationship was identified in the Commission policy recommendations and then, although removed in the 1994 PPS, explained in some detail within the 1994 PPS Implementation Guidelines. The researcher also notes that they do not add any detail or clarification to what active transportation supportive patterns may look like, only piggybacking upon already established land use patterns. Policy 1.1.3.2.a.6 addresses freight supportive densities, which like policy 1.3.2.1, expands the policy structure for employment land specific infrastructure needs. The researcher suggests that a division of a broader set of transportation policies, may have a positive effect on developing stronger directives for 'efficient use of land' and transportation network design. Isolating and supporting designated freight routes and freight supportive densities through urban settlements could have an effect on the length of trip for cyclists employed in these areas (especially where a mix of uses is preserved), as well as improve the safety, viability, and efficiency of existing cycling

infrastructure by removing heavy vehicles from some roadways. A smaller language change also occurs in 1.1.3.5, which previously permitted planning authorities to establish minimum targets for intensification. The 2014 amendment relaxes this policy, requiring that where Provincial targets are not present or are lower than those considered by the authority, that intensification targets should be “based on local conditions” (*PPS*, 2014, 1.1.3.5). The researcher suggests that the policy may be a response to challenges that surface in established neighborhoods on major intensification schemes. While the policy may limit the extent of some intensification projects, it may also provide more flexibility for the planning authority as it plans to meet its intensification obligations.

Policies Related to Transportation Infrastructure and Services

Up to this point, this review has identified land-use planning policies impacting the viability of cycling-supportive urban environments by providing direction on limits to urban growth and describing principles of efficient land use. The following paragraphs will address policies providing direction on specific provisions on Municipal transportation infrastructure as they pertain to the facilitation of cycling-supportive urban environments.

Policy directions on the provision of transportation systems and alternative modes of transportation remain largely similar to those in the 2005 PPS, maintaining policy directions addressing promoting efficient modes of transport, the integration of transportation modes to increase efficiency of all systems, and the protection of linear corridors. The changes identified in this review focus on three emergent policy directives: (1) the proliferation of active transportation policies, (2) the introduction of freight and employment area specific infrastructure policies, and (3) additions to existing policies to require a consideration of the effects of climate change and to incorporate ‘green infrastructure.’

While not a specific policy, the 2014 PPS includes, for the first time, a working definition of active transportation. The definition states that “[a]ctive transportation [...] means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed” (*PPS 2014, Definition*). Although cycling and associated infrastructure has been included in definitions of ‘transportation system’ and ‘multi-modal transportation system,’ the inclusion serves to align policies addressing active modes of transportation through the PPS, as evident by a number of changes including “active transportation” throughout the 2014 document.

Policy 1.6.2, addressing the provision of service integration for public service facilities, states that “public service facilities, should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation” (*PPS, 2014, 1.6.5*). The policy relates to the creation of nodes for public service facilities, and only indirectly makes reference to transit and active transportation, implying that by co-locating services they would improve access. The researcher suggests that if the policy were rewritten to require the location of these hubs near planned and existing nodes within the transportation system, the policy could better-meet the goal of improving access to these facilities.

Policy 1.6.7.4 and 1.1.3.2a are amended under the 2014 PPS, which both correlates active transportation viability with efficient land use patterns. In 2005, policy 1.6.7.4 previously stated, “[a] land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus,” implying

that the efficient use of land would result in the viability of a diversified of transportation system (*PPS*, 2005, 1.6.5.4). The 2014 PPS is amended to read “[a] land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation,” limiting the statement to only refer to active transportation (*PPS*, 2014, 1.6.7.4). It is unclear to the researcher why such a policy change would need to be adopted, given that the previous iteration also implicitly included active transportation. Policy 1.1.3.2. also introduces a correlation between land use and active transportation, requiring that land use patterns be based on “densities and mix of uses which [...] support active transportation” (*PPS*, 2015, 1.1.3.2a). Like the researcher’s criticism of policies correlating ‘climate change’ and land use patterns (at the end of this section), the introduction of active transportation within this policy only serves to reinforce existing policies related to efficient land use. The researcher suggests the inclusion of ‘active transportation’ within this policy could be stronger if it added detail on what ‘active transportation’ supportive densities entail, and whether it implies a more rigorous standard in densification and mixed use compared to existing land use policies.

As discussed earlier in this section, the 2014 PPS introduces several policies addressing employment lands. As discussed earlier in this section, the researcher suggests that policies addressing the needs of individual transportation modes and land uses could serve to provide enhanced direction on the broader transportation system. Policy 1.3.2.3, introduces a new directive and definition for the PPS, stating that “[p]lanning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations,” with ‘major goods movement facilities and corridors’ referring to areas such as “inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors,

freight facilities, and haul routes and primary transportation corridors used for the movement of goods” (PPS, 2015, 1.3.2.3 and Definition). While this policy does not directly impact cycling-supportive environments, the researcher suggests that the increased specificity of policies related to transportation modes and uses could be useful in creating more efficient, safe, and compatible multimodal transportation system.

The 2014 PPS has been lauded for addressing ‘climate change’ under a range of its policies, including 1.1.1, 1.1.3.2, 1.6.1, 1.7.1, 1.8.1, and 1.1.3.2a3; however, the researcher suggests that the PPS consistently applies the term to existing land-use policies and seldom clarifies or expands on those policies. Policy 1.6.1, on the provision of infrastructure, exemplifies this use of ‘climate change,’ with the term placed within an existing statement directing for coordinated and cost-effective infrastructure. The policy directs that (PPS, 2014, 1.6.1):

1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

This pattern is largely consistent throughout the document, requiring that decision-makers ensure that they ‘consider the effects of climate change,’ without elaborating on what these considerations. An exception could be made for section 1.8, which was amended in 2014 to read “Energy Conservation, ~~and~~ Air Quality and Climate Change,” and refers to climate change and its associated indicators. It then follows the same pattern, amended only to include a reference to climate change (in this case “climate change adaptation”) but requiring some of the same sub-

statements contained in the 2005 PPS. Promoting “the use of active transportation” for a range of land-uses, for example, originally included in the 2005 statement (*PPS*, 2005, 1.8.1b), may be effective in abating climate change, but the 2014 PPS shifted the purpose of the policy by interjecting a climate change rationale. Rather than enhancing or clarifying priorities on key land-use and transportation challenges, the researcher suggests that in this way, the term is used to green-wash existing policies. If it is the position of the Province that climate change is a dominant issue of our time, then the researcher suggests that a stronger set of policies addressing phenomena could be included.

Aside from the prospects generated by the separation and diversification of transportation policies, utilized within the PPS 2014 in its freight corridors and requirements for employment lands, the researcher suggests that the most promising policy on transportation infrastructure planning is the inclusion of transportation demand management strategies as an element of evaluating the efficient use of existing and planned infrastructure (*PPS*, 2014, 1.6.7.2). Defined within the PPS, ‘transportation demand management’ refers to “set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost” (*PPS*, 2014, Definition). The policy states (*PPS*, 2014, 1.6.7.2):

1.6.7.2 Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

Although the policy contains two contradictory qualifiers, the use of the imperative ‘shall’ and limiting ‘where feasible,’ the policy is suited for accomplishing a number of shared policy objectives, including limiting emissions, ensuring cost-efficient use of existing and planning infrastructure, limiting the effects of existing inefficient use of land, and addressing gridlock.

Although a definition for transportation demand management has been included within the PPS, there is still room for clarification on strategies demonstrating best practices for the Ontario context and clarifying criteria limiting ‘feasibility.’

Policies Related to Administration

In addition to policies previously existing within the 2005 PPS on integration of planning efforts between adjacent transportation systems (1.7.1f and 1.6.7.3), policy 1.2.1 continues to contain policies pertaining to the coordination and integrated approach to infrastructure and land-use planning. Amendments to the 2014 PPS includes enhanced statements of the preamble to 1.2.1 and within 1.2.1d, requiring that (*PPS*, 2014, 1.2.1d):

1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within Municipalities, across lower, single and/or upper-tier Municipal boundaries, and with other orders of government, agencies and boards including:

- d) infrastructure, electricity generation facilities and transmission and distribution systems, multimodal transportation systems, public service facilities and waste.

The inclusion of “other orders of government, agencies and boards” permits coordinated planning efforts addressing the needs of a multimodal planning system between transportation agencies, for example Metrolinx, who have explicit policies on provision of active transportation integration within its facilities.

The 2014 PPS includes no new changes related to compliance requirements between Municipal policies and Provincial policies, although the Ontario Planning and Development Act (1994), Greenbelt Act (2005) and the Places to Grow Act (2005) have been added to the list of legislation with which Provincial plans have been created that also direct Municipal policy.

Policies Related to Monitoring

No new policies have been introduced to the 2014 PPS providing direction related to monitoring. Municipalities continue to be “encouraged to establish performance indicators to monitor the implementation policies in their official plans” (PPS, 2014, 4.15).

B.2. Review of Provincial Plans

Four Provincial plans were selected to be included in this research to provide additional context for the role of the Province in guiding Municipal cycling policies. Given that most Provincial plans affecting the Province as a whole or one region in particular are a relatively new phenomenon, with several emerging in the last ten years with the arrival of Liberal leadership in 2003, there are few opportunities for a historic perspective on how these policies within have developed over time, because few have undergone major amendments since their creation. Included within this section is an examination of the *Greenbelt Plan* (2005), *Growth Plan for the Greater Golden Horseshoe* (2006), *The Big Move* (2008), and *CycleON* (2013).

B.2.1. Greenbelt Plan (2005)

Part of the Liberal Government’s smart growth land use planning reform package, the *Greenbelt Plan* (2005) is a growth management plan created to achieve several interrelated policy objectives: the protection of natural resources and agricultural lands, and providing enhanced growth management on settlement expansion pressures within the GTHA. The boundary of the *Greenbelt Plan* includes areas outside the urban settlements of the GTHA, between and including lands designated by the *Niagara Escarpment Plan*, the *Oak Ridges Moraine Conservation Plan*, and the *Parkway West Belt Plan*, reaching as far as the coasts of Lake Ontario, Lake Simcoe, and Lake Huron.

While the researcher recognizes that the Plan prioritizes several environmental objectives, the published plan refers to the function of providing “clarity and certainty about urban structure, where and how future growth should be accommodated, and what must be protected for current and future generations” (*Greenbelt Plan*, 2005, pg.3). This objective is identified within the Greenbelt Act (2005), that, among other relevant objectives, requires that the plan “[...] control urbanization of the lands to which the *Greenbelt Plan* applies” (Greenbelt Act, 2005, Section 5(i)). Combined with a supportive policy environment through the Growth Plan and the PPS, directing for efficient use of land through intensification and priority growth within settlement areas, a greenbelt designation can provide absolute limits to urban expansion, “to provide permanent protection to the agricultural land base and ecological features and functions occurring on [the] landscape” (*Greenbelt Plan*, 2005, pg. 3).

B.2.1.1. Development

The legal foundation for the Greenbelt is set by Bill 27, called the Greenbelt Protection Act (2003), which permitted the creation of a Greenbelt Study Area (MMAH, 2004c, pg. 2). The direction for *Greenbelt Plan* policy was developed through a Greenbelt Task Force, created in 2004 by John Gerretsen, Minister of Municipal Affairs and Housing, which was charged with developing recommendations guiding the management of these newly designated study area. The taskforce consulted widely among stakeholders in the region, focusing its work on five broad interests: environmental protections, agricultural protections, transportation and infrastructure, natural resources, and recreation opportunities. The task force also considered growth management properties and implementation strategies during the consultation process. After receiving over 1000 submissions during the course of six public and seven stakeholder consultation meetings conducted over a three month period, the taskforce submitted its final set

of recommendations (MMAH, 2004d). Consultation revealed a number of themes permeating the development of the plan, including “a strong desire [to emphasize] environmental protections and preservation,” “protection of agricultural operations,” concerns around the “defining the greenbelt,” prevalence of monitoring and consistent implementation, and the “importance of coordinating and integrating the *Greenbelt Plan* with other Provincial initiatives such as land-use planning [...] and growth management” (MMAH, 2004d, pg. 12). The task force emphasized this last challenge, relevant to this research, in its opening report in May 2004, suggesting that business as usual land-use and growth management practices , over the next thirty years, would result in the consumption of “another 1,069 square kilometres of mainly prime agricultural land, an area nearly twice the size of the City of Toronto” (MMAH, 2004d, pg. 6).

B.2.1.2. Authority

The authority of the *Greenbelt Plan* is derived from the Greenbelt Protection Act (amended the Greenbelt Act, in 2005), created under Bill 27 in 2003. In addition to permitting the creation of the Greenbelt Study Area, the legislation included clauses permitting the creation of the plan, requirements for plan content, and requirements for Municipal conformity to the plan. As a following section will discuss, on the regional transportation plan *The Big Move*, the inclusion of conformity clauses are relevant to the implementation of Provincial plans, as they legislate policy conformity between Provincial and Municipal plans. Subsection 9(1) addresses this directive, requiring that (Greenbelt Act, 2005, Subsection 9(1)):

The council of a Municipality or a Municipal planning authority located within any of the areas designated as Protected Countryside in the *Greenbelt Plan* shall amend every official plan to conform with the *Greenbelt Plan*, [...]

Like subsection 3(5) of the Planning Act, the *Greenbelt Plan* (2005) also includes a subsection on land-use decisions within and outside the plan area, requiring that (Greenbelt Act, 2005,

Subsection 7(1)):

A decision that is made under the Ontario Planning and Development Act, 1994, the Planning Act or the Condominium Act, 1998 or in relation to a prescribed matter by a Municipal council, local board, Municipal planning authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, shall conform with the *Greenbelt Plan*.

These two statements grant the *Greenbelt Plan* an authority befitting a regional growth management plan, ensuring policy conformity and policy alignment at the levels of Municipal governance.

B.2.1.3. Policies

Policies within the *Greenbelt Plan* are structured around specific land designations as well as general policies affecting all areas within the Plan boundary. The *Greenbelt Plan* affects areas connecting, and including, lands designated by the Niagara Escarpment Plan, the Oak Ridges Moraine Conservation Plan, and the Parkway West Belt Plan. The areas between these designated lands are referred to as ‘protected countryside areas,’ and are subject to the full policies of the plan and constitutes the bulk of the plan. Policy direction within this area is separated into three land designations: (1) Agricultural Systems, (2) Natural Systems, and (3) Settlement Areas. There are also a set of ‘general policies’ reflecting directives on a) agricultural use, b) natural system protection, c) parkland, open space and trails, d) settlement areas e) infrastructure, f) existing use, g) and lot creation.

Not all of these categories contain relevant policies for this research. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The researcher would like to preface this short review by stating that the *Greenbelt Plan* contains no policies referring to cycling. Rather, the Plan presents a set of policies focused on rural land-use concerns, influenced by existing policy frameworks set by the PPS, particularly on growth issues like the protection of agricultural lands, protection of natural features, and an enhanced settlement boundary expansion policy framework. The policies of the *Greenbelt Plan* address some of the same directives set by the Provincial Policy Statement, although tailored for a rural context and often with increased specificity on the above growth issues. Accordingly, the researcher will focus on the differences between policies contained in the *Greenbelt Plan* and those within the PPS, as they concern with these growth related issues.

Policies Related to Land-Use

The underlying promise of *Greenbelt Plan* policies pertaining to agricultural and natural heritage protection and settlement boundary expansions, is that rapid urban expansion and sprawl development trends can be slowed and ultimately prevented by prohibitive land-use policies in surrounding rural areas and strong intensification policies within designated urban areas. Unlike policies found within the PPS and the *Growth Plan for the Greater Golden Horseshoe*, the *Greenbelt* provide little direction on principles of efficient use of land; rather, the plan prioritizes direction on delimiting rural uses and protection of natural heritage features for the purposes of growth management.

Policy 2.4.3.3 establishes in plain language the separation of outside settlement areas with all *Greenbelt Plan* areas, setting the most explicit policy for containing urban growth within the GTHA. The policy states (*Greenbelt Plan*, 2005, 2.4.3.3):

2.4.3.3 Settlement areas outside the Greenbelt are not permitted to expand into the Greenbelt.

This simple, short policy establishes a limit to urban expansion when read in conjunction with policies contained within the Growth Plan, specifically policies under 2.2.8.2 addressing intensification and density targets during settlement expansion (Growth Plan, 2006, 2.2.8.2). Together, they set the foundation of growth management: a delineated long term growth limit with implications for efficient land-use patterns. It is within this context that the protectionist policies within the *Greenbelt Plan* fall into place, pertaining to agricultural lands, natural heritage features, and the expansion of settlements within the Greenbelt are itself.

One might argue that the content of those policies, in the context of this research, are irrelevant to the support of cycling-supportive urban environments. The researcher suggests that these policies serve a function in the development of Southern Ontario's urban structure. Policies such as 3.4.3.5 and 3.4.3.2 set requirements for rural settlement area expansion, setting limits to growth within areas not within priority growth areas set by the Growth Plan (2006), and encouraging intensification south of the Greenbelt, or at least discouraging developers interested in assembling bedroom communities within Greenbelt boundaries. Policies prohibiting this kind of growth set prohibitions on building near or on natural heritage features, specialty crop areas, and uphold requirements for modern servicing by the Municipality. The researcher has identified, however, that these policies significantly overlap with directives in the PPS. Policy 1.1.3.9b permits the development of prime agricultural lands, where no alternatives can be identified. The Greenbelt policies limiting rural settlement boundaries vary by size of the Municipality, however they generally only exceed those set by the PPS in that they permit boundary expansion only during the ten year *Greenbelt Plan* review, which reinforces long-term growth management programs adjacent the GTHA and strengthen the status of the area plan. The

Greenbelt Plan also includes policies maintaining the integrity of natural heritage, hydrological and resource systems. 3.2.4.4 and 3.2.4.5, for example, does provide an enhanced set of restrictions on site alteration near heritage features, with mandatory site and building setbacks set for an expanded list of ‘key natural features.’

Another potential issue on the efficacy of *Greenbelt Plan* policies on land-use pertains to the boundaries of the Plan area itself, whether the designated area was sufficient to prevent ‘business as usual’ levels of land consumption within the timeframe of the plan. A Neptis Foundation report, titled *Neptis Commentary on the Draft Greenbelt Plan (2005)*, suggested that because the Greenbelt boundary was not far enough from any urban settlement boundaries within the GTHA (as much as required for “two generations or more” of time), it would be difficult “to see how the Greenbelt will affect the pattern of urban expansion in the region for the foreseeable future” (Neptis Foundation, 2005, pg. 8).

More recent research has revealed that pressures on land south of the plan have begun to surface, and beginning to test the policies for managing growth within the *Greenbelt Plan*. In 2013, growth pressures in the Simcoe area, lands just north of the Greenbelt north the City of Vaughan, were addressed by amendments to the *Growth Plan for the Greater Golden Horseshoe*, “recognizing and supporting” the communities growing in this area region (Growth Plan, 2006, pg. 40). Despite this affirmation, the amendment also applied specific policies to manage growth within this area and maintain the overall growth objectives of the region. A 2004 report by Birnbaum, Nicolet, and Taylor for the Neptis Foundation, written before the *Greenbelt Plan* came into effect, identified the “perception of limited land supply south of the Oak Ridges Moraine,” and described the pressures to develop greenfield land north of the Oak Ridges Moraine. The report was republished in 2005, with the Foundation “electing to reprint without

substantive changes,” after the Growth Plan and the *Greenbelt Plan* were completed. The report quotes an article in the journal *Novae Res Urbis*, citing Conservative Minister of Municipal Affairs and Housing Chris Hodgson, who said that of the 2.5 million new residents to South-Central Ontario, 1 million would be located north of the Oak Ridges Moraine (Birnbaum, Nicolet, and Taylor, 2005, pg. 7). The report suggests that policies controlling and ultimately determining the outcomes in the Simcoe area, policies closely interconnected with protections granted by *Greenbelt Plan* directives, reflect the ability of the Province to sustain its own smart growth rhetoric, e.g. for the “cost-effective, mixed-use, higher-density and transit-supportive development” (Birnbaum, Nicolet, and Taylor, 2005, pg. 8). The researcher suggests, as do the researchers of this report conclude, that the presence of increased environmental and agricultural protections established by the *Greenbelt Plan* and perhaps also by powers to amend and expand those protections, will be the test for Provincial leaders and planners to develop and enforce smart growth intensification policies across the entire region. As land reserves become increasingly scarce south of the Greenbelt and as competition for property tax dollars to the north intensifies due to land costs rising to the south, tensions between policy-led growth management and the hand of the market will only deepen (Birnbaum, Nicolet, and Taylor, 2005, pg. 57).

Policies Related to Transportation Infrastructure and Public Services

Despite concerns on “concern about transportation and infrastructure and their potential effects on a greenbelt” during consultations by the Greenbelt Taskforce, Greenbelt policies are remarkably silent on the intersection of land-use and transportation needs, lacking even specific policies on transportation infrastructure within or traversing the designated area. In the preamble to section 4.2 on infrastructure within the Greenbelt, the plan recognizes the need for regional and Provincial needs, stating (*Greenbelt Plan*, 2005, pg. 30):

[...] [M]ajor infrastructure serving national, Provincial and inter-regional needs traverses the Greenbelt. It is also anticipated that new and/or expanded facilities will be needed in the future to serve the substantial growth projected for southern Ontario.

While later policies like 4.2.1.2 specify guidelines for the construction and maintenance of needed infrastructure, for example directing for the minimization of negative impacts and avoiding significant natural features, the above preamble statement anticipated the growth occurring as a result of the Greenbelt and the Oak Ridges Moraine Conservation Plan and yet provides little in the way of directing for how land would be managed to accommodate the increased commuter needs into the GTHA. Unlike the Growth Plan, which included a conceptual framework for how regional growth could be anticipated by transportation investments, the *Greenbelt Plan* neglects the impacts of highway expansions between the north and south, calling into question the early Greenbelt Task Force claims that “greenbelt lands would not be held merely for future infrastructure expansions” (MMAH, 2004c). The researcher recognizes that these policies reveal little about how cycling will be integrated into the future of Southern Ontario, but suggests that they demonstrate a heedless response to emerging growth pressures to the north of the plan area, pressures impacting the efficacy of intensification schemes across the region. Section 1.1 of the *Greenbelt Plan*, in addressing any incidental effects of non-designation of lands to the north and south of the plan area, asserts in the last line of the last paragraph that (*Greenbelt Plan*, 2005, 1.1):

1.1 No preference for urban structure or the allocation of residential and employment growth beyond the Greenbelt should be inferred from the *Greenbelt Plan*, as it is intended that these matters be addressed by the planning system and the proposed Growth Plan.

In Richard White’s historical review of regional planning efforts in Southern Ontario, he proclaims “[e]veryone in planning know the importance of integrating land use and

transportation, but in this region, since 1970, achieving such integration has not been easy” (White, 2007, pg. 47). Questions can only remain, as to whether a more integrated land-use planning framework within the Greenbelt could have been more effective in anticipating and managing long-term growth patterns both north and south of the Greenbelt.

Policies Related to Administration

The *Greenbelt Plan*, supported by conformity clauses under the Greenbelt Act (2005), contains language ensuring the coordination and compliance of its policies among affected Municipalities. Policy 5.3 contains directives requiring integration of *Greenbelt Plan* objectives and concepts into Municipal official plans, stating (*Greenbelt Plan*, 2005, 5.4):

5.4 [...]Municipal official plans shall contain policies that reflect the requirements of this Plan together with a map(s) showing the boundaries of the Greenbelt Area, the Protected Countryside and the Natural Heritage System. Municipalities should provide a map showing known key natural heritage and key hydrologic features and any associated minimum vegetation protection zones identified in this Plan [...]

The policy contains imperative language for integrating Greenbelt directives, ensuring that its concepts are implemented in Municipal land-use decision-making processes, through its policies and detailed maps. Statements within policy 5.4, titled “Relationship of the Plan to the Land Use Planning System,” direct for the coordination of Greenbelt directives between other planning documents, including the PPS, other Provincial plans, Municipal official plans, and related legislation and regulation. Despite shortcomings identified by the researcher on integration of transportation and land-use directives in the *Greenbelt Plan*, the Plan positions itself as a central component of “the fundamental planning framework” within the Greenbelt area (*Greenbelt Plan*, 2005, 5.4). The researcher suggests that coordination between other smart growth initiatives, like the *Growth Plan for the Greater Golden Horseshoe* (2006), should have been expressed within

5.4, to underline the concomitance between other regional plans in protecting the interests of the Province within their fullest effect.

Policies Related to Monitoring and Assessment

The *Greenbelt Plan* includes several monitoring directives, to be completed by the Ministry of Municipal Affairs and housing's Municipal Measurement Program, to: 1) establish performance indicators, 2) identify partners in collecting and analyzing data, and 3) to publish these accounts periodically. Similar to monitoring efforts for the Growth Plan, officials behind the *Greenbelt Plan* delayed their obligations to identify indicators and monitor the effects of Plan policies. A 2015 report, *Performance Indicators for the Greenbelt Plan – Part 1*, published alongside the *Performance Indicators for the Growth Plan Greater Golden Horseshoe*, introduces the province's plan to monitor Greenbelt policies (ten years after the Plan was published) and includes some baseline data collected through existing data to fill the ten year gap. Through a collaborative program involving a number of ministries and in consultation with stakeholders and the public, the MMAH identified nine themed categories for organizing indicators within the report, including (MMAH, 2015, pg. 4):

1. Directing Urban Growth
2. Natural Heritage and Connectivity
3. Prime Agricultural Land and Fragmentation
4. Water
5. Aggregates
6. Infrastructure
7. Strong Rural Communities
8. Agricultural Economy
9. Tourism, Recreation and Cultural Heritage

Of these themes, *Performance Indicators for the Greenbelt Plan – Part 1* contains indicators on the first four categories. Within this limited response, gaps are evident. For example, under the

‘Prime Agricultural Land and Fragmentation’ theme, only one indicator is presented, measuring the increase in under 40 acre lots within specialty crop lands. No indicators are provided to address the consumption of prime agricultural lands within the Greenbelt. The report justifies measuring the number of lots because “creating new lots in agricultural areas can have the effect of [...] reducing the amount of farmland available for agriculture,” yet the Ministry neglects to include consumption of prime agricultural lands, which endure less stringent prohibitions within the PPS and the *Greenbelt Plan* (MMAH, 2015b, pg. 10). The researcher suggests that monitoring prime agricultural lands inside and adjacent the *Greenbelt Plan* area would address the concerns raised by researchers at the Neptis Foundation, who criticized the “large swath of unprotected land south of the Greenbelt,” between protected areas and ‘built urban areas’ (Neptis Foundation, 2005, pg. 11). Naming this category ‘Prime Agricultural Land and Fragmentation,’ and not including an evaluation of consumption of prime agricultural lands suggests that either the Ministry was not prepared to publish an effective set of indicators in 2015, or they were unwilling to publish the results of that dataset.

Indicators provided for evaluating ‘Directing Urban Growth address total lot creation outside settlement areas, annual rate of lot creation outside settlement areas, the distribution of lot creation outside settlement areas, dwelling unit growth outside settlement areas, percentage of new dwelling units created in settlement areas, and distribution of dwelling unit growth outside settlement areas. To summarize this part of report, signs indicate that Greenbelt policies are having a positive effect on land-use patterns both within and outside Greenbelt areas. The researcher suggests that the efficacy of the policies may lie within the degree of improvement. The indicator for lot creation outside settlement areas, for example, indicates that the development of lots outside of settlement areas within the Protected Countryside totaled 470 new

lots, for a growth rate of 1.5% (MMAH, 2015b, pg. 14). While this number may sound like a slowed rate of growth, lots outside settlement areas *within* the Growth Plan area (excluding lands within the Greenbelt areas, comprising lands in the unprotected countryside) received 3.0% growth. It is unclear if this outcome constitutes a success for limiting lot creation in protected areas.

The indicators identified by the Ministry and the scope of their implementation do not align with objectives set by the Greenbelt Act or the Plan itself. The 2015 indicator report includes statistics provided by high level data, including Municipal Property Assessment Corporation and Census, and land resource database information. Absent from the report are responsibilities identified for Municipalities and independent organizations to collect and analyze local data (as specified by policy 5.8 of the *Greenbelt Plan*), resulting a centralized performance analysis. These outcomes contradict the consultation oriented approach adopted by the Ministry presaging the report, reportedly receiving over a 1000 submissions. How could it be, that of those submissions, no policies would include the participation of these Municipalities in collecting and verifying data on policy impacts, as stated as a goal of the *Greenbelt Plan*? While indicators requiring data be collected by a decentralized set of authorities may result in greater quantity and less consistent data, such an approach would have numerous benefits, including more local interpretations and analysis on policy outcomes, stronger local connections between local decisions and outcomes in Greenbelt policy performance, and ultimately a more resilient framework for monitoring. This last points is evidenced by recent events. For cost saving measures the Municipal Performance Measurement Program, which was supposed to be used to integrate some of these local measurements (as per policy 5.8 of the *Greenbelt Plan*), was shut

down in January of 2015 and integrated into Financial Information Return, eliminating an opportunity for local data collection or analysis (MMAH, 2015).

B.2.2. Growth Plan for Greater Golden Horseshoe (2006)

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) (2006) is a Provincial plan created to guide development and land-use planning in the region within and surrounding the Greater Toronto and Hamilton Area (GTHA). These plan loosely aligns with the ‘Smart Growth’ movement, a planning paradigm originating from the United States in the 1990s, capitalizing on benefits of proximity and management of the challenges of urban congestion. Identifying the rise of “Smart Growth” in Ontario is outside the scope of this research, however other research has identified the initiatives of the Conservative government in the early 2000s (White, 2007). In 2002, Conservative leadership decided that Smart Growth directives were palatable to Harris’ “populist principles” and addressed highly politicized land-use challenges like sprawl and environmental degradation, so the government initialized a series of regional *Smart Growth Panels* tasked with identifying directions that could guide long term growth (White, 2007, pg. 5). While the Conservative leadership would come to an abrupt end in 2003, ushering in a new Liberal majority, the Central Ontario Smart Growth Panel would continue to finish their final report, called “Shape the Future: Central Ontario Smart Growth Panel, Final Report.” Although governments were changed, the outcomes of that report would contribute to the orientation of “Smart Growth” principles within the Liberals land-use planning ambitions, partly contained in the *Growth Plan for the Greater Golden Horseshoe* (2006). The *Growth Plan for the Greater Golden Horseshoe* is organized around a number of land use principles, including:

- Designating urban centres for priority growth

- Establishing boundaries for urban settlements
- Intensification of existing lands to enable economic and social benefits of proximity
- Mix of land uses to utilize benefits of proximity
- Preservation of green elements at a regional and Municipal scale
- Protection of industrial agricultural land base
- Diversification of transportation system, prioritizing public transit.
- Collaborative process permitting variance across region

The document that the researcher will be using for this review is a 2013 consolidated version of the Growth Plan, including two amendments in addition to the existing policies in the Growth Plan (2006). Amendments to the Growth Plan did not change existing policies, only updated growth projection data (in amendment 1) and added policy direction for the Simcoe region in a separate section (in amendment 2). Given that the direction of policies in the 2013 consolidated version of the Growth Plan were not substantially altered, the researcher has chosen to use the later version.

B.2.2.1. The Places to Grow Act

Like the *Provincial Policy Statements* under the *Planning Act*, the authority of the *Growth Plan* is derived from a Provincial act, called the *Places to Grow Act (2005)*. The *Places to Grow Act (2005)* states four purposes for the Act in Section 1, setting a broad vision for creation of Provincial and regional plans (*Places to Grow Act, 2005*):

1. The purposes of the Act are,
 - (a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;
 - (b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
 - (c) to enable planning for growth in a manner that reflects a broad

geographical perspective and is integrated across natural and Municipal boundaries;

(d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.

Sections 3 and 4 establish that “the Lieutenant Governor in Council may, by regulation, designate an area of land as a growth plan area” and that “the Minister shall prepare a proposed growth plan for all or part of an area designated under clause 3(a)” (*Places to Grow Act*, 2005). Section 6, specifies the permitted content of a growth plan, permitting (*Places to Grow Act*, 2005):

6. A growth plan may contain,
 - (a) population projections and allocations;
 - (b) an assessment and identification of priority growth areas, emerging growth areas and future growth areas, over specified time periods;
 - (c) growth strategies for all or part of the growth plan area;
 - (d) policies, goals and criteria in relation to,
 - (i) intensification and density,
 - (ii) land supply for residential, employment and other uses,
 - (iii) expansions and amendments to the boundaries of areas of settlement,
 - (iv) the location of industry and commerce,
 - (v) the protection of sensitive and significant lands, including agricultural lands, and water resources,
 - (vi) non-renewable resources,
 - (vii) the conservation of energy,
 - (viii) infrastructure development and the location of infrastructure and institutions,
 - (ix) transportation planning,
 - (x) Municipal waste management planning,
 - (xi) the co-ordination of planning and development among Municipalities,
 - (xii) growth-related capital spending and financing,
 - (xiii) affordable housing,

- (xiv) community design,
- (xv) specified actions to be taken by Municipalities to implement or achieve the policies or goals;
- (e) such other policies, goals or matters that the Minister considers advisable.

The level of specificity that regional growth plans are provided should be noted, especially when contrasted with the meagre provisions for required content in Municipal official plans, as established by subsection 16(1) of the *Planning Act*. One difference is the way that the policy content in Section 6 of the *Places to Grow Act* is set by 'limitations,' that provisions for policy requirements in Provincial plans must be carefully limited, while subsection 16(1) of the *Planning Act* implies that required content would only be prescribed, as decided by the Minister. With the introduction of the *Places to Grow Act* (2005), under subsections 14(1) and (2), Municipal compliance and conflicting policies are addressed, requiring conformity with growth plans created under the act, as well as establishing the authority for growth plan policies to prevail when conflicts are identified with the Provincial Policy Statement or Official Plans.

These key subsections read as follows (*Places to Grow Act*, 2005):

14(1) A decision under the Planning Act or the Condominium Act, 1998 or under such other Act or provision of an Act as may be prescribed, made by a Municipal council, Municipal planning authority, planning board, other local board, conservation authority, minister of the Crown or ministry, board, commission or agency of the Government of Ontario, including the Ontario Municipal Board, or made by such other persons or bodies as may be prescribed that relates to a growth plan area shall conform with a growth plan that applies to that growth plan area.

14(2) Despite any other Act, a growth plan prevails in the case of conflict between the growth plan and,

- (a) an official plan;
- (b) a zoning by-law; or
- (c) subject to subsection (4), a policy statement issued under section 3

of the Planning Act.

These subsections fortify the authority of this powerful new tool to guide development and land-use planning within the Province. The *Places to Grow Act* (2005) also expands the plan conformity rules that would be concurrently introduced in Bill 51 (2006) under subsection 26(1), requiring that lower tier Municipality plans would conform to upper tier Municipal official plans (*Planning Act*, 2006). Accordingly, the *Growth Plan* specifies that while policies are meant to be read alongside PPS, its policies are written to conform to the PPS, yet would prevail where there is overlap, establishing the document as a powerful and influential policy document for southern Ontario (Ministry of Infrastructure, 2006, pg. 11).

B.2.2.2. Policies

The policies of the *Growth Plan* generally address the same directives set by the Provincial Policy Statement, however it does so with greater specificity. In some ways the plan serves to clarify the intent of the PPS for the GGH area, in other ways the document introduces wholly new policies and requirements for Municipalities. As plans for regional and local areas are reviewed within this research for cycling-supportive policies, the researcher faces a challenge. With the increasing detail, specificity, and quantity of plan policies as they address more local areas, the amount of policy required to consider grows. Accordingly, researcher will be required to speak in broader terms about these policies, always addressing emergent policy directives as they pertain to the research subject, however in a more general and broad analysis where possible to reflect the limitations of the thesis format.

Policies within the *Growth Plan* are organized similarly to the structure of the *Provincial Policy Statements*, under the categories of “Where and How to Grow”, on growth and land-use policies; “Infrastructure to Support Growth,” on policies on infrastructure planning; “Protecting

What is Valuable,” on natural heritage and resource protection policies; and “Implementation and Interpretation,” addressing policies on a range of implementation issues (Growth Plan, 2013, pg. 2-3). Not all categories contain relevant policies for this research. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of the Growth Plan, requiring that policies be read and interpreted “in its entirety, and all relevant policies are to be applied to each situation,” the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

Like the *Provincial Policy Statements*, the Growth Plan contains policies specifying both areas where growth should occur (growth pattern policies) and describing what the built form should look like (land-use pattern policies). As discussed above in the section on the *Provincial Policy Statements*, the researcher is interested in both of these policy groups for their ability to physically shape the urban form, thereby limiting or supporting a cycling conducive environment, and their ability to constrain sprawl effects, thereby limiting wasteful urban expansion and enabling intensification opportunities within the built form. The general thrust of the policies contained in the Growth Plan are not substantially different than those introduced over the research period within the PPS. Principles of increased density, prioritizing intensification, minimization of consumed lands, and other principles of compact urban form; are all policies existing in some form since the CPDRO in the early 1990s. Where the Growth Plan

differentiates itself, is within specific instances of policy enhancement, within the increased specificity within the directives, and where narratives and policies are shaped to reflect the specific needs of the GGH. It will be those changes, in addition to a broad overview of policy directives on efficient use of land, constituting the bulk of this section.

The Growth Plan contains a number of policies directing future growth and set limitations to settlement expansions related to the growth. It does so through two main types of policies, (1) by orienting planning decision-making to a set of growth projections, (2) by setting rules for settlement boundary expansion.

(1) The first type illustrates a difference between the PPS and the Growth Plan, in that it orients itself to a specific set of population and employment forecasts contained within the document, establishing the paramountcy of growth projection data in guiding Municipal land use planning endeavors. This dominant directive, established in policy 2.2.1.1, is carried forward within policy 2.2.2.1, introducing the land-use principles under the statement “population and employment growth will be accommodated by:” (Growth Plan, 2013, 2.2.2.1). The imperative language used within these policies establish the priority of meeting regional growth management objectives, and in orienting land-use policies within the narrative of growth. This orientation differs from post-1996 PPS directives, where principles of efficient use are established within a more visionary context, for example in the 2005 PPS under policy 1.1.1 where it states that “healthy, liveable and safe communities” would be “sustained” by a set of land-use principles. In the Growth Plan, directives are often oriented towards achieving specific growth expectations, within the policy context provided (*PPS*, 2005).

(2) Policy on settlement expansion are also addressed in the Growth Plan, although they generally follow the same intent as the 2005 PPS. Similar policies exist to require:

- Boundary expansion only during a comprehensive review (as introduced in the 2005 PPS)
- The use of a long time horizon and population projections for evaluating the needs of expansion
- Phasing policies required to require intensification opportunities
- Focusing growth on urban settlements
- That expansions are consistent with policies around natural heritage, resource management and agricultural policies

One policy emerging within the Growth Plan on settlement boundaries is policy and 2.2.4. Policy 2.2.4 establishes the use of urban growth centres, urban locations targeted for growth within the context of the region. The policies within 2.2.4 are intensification policies, however they are given ambitious growth targets to absorb large portions of expected growth (Growth Plan, 2013, 2.2.4.5d and 2.2.4.7a). Downtown Hamilton, for example, is designated as an urban growth centre and given a target of a minimum of “200 residents and jobs per combined hectare” (Growth Plan, 2013, 2.2.4.5b). Like the Municipality’s urban settlement boundaries, these urban growth centres are also established by boundaries, set by the Municipalities themselves. The researcher suggests that core intensification policies compliment settlement boundary expansion policies in that they prioritize the efficient use of existing land before urban expansion can occur. As urban centres become more efficiently used, so does their viability to provide effective cycling infrastructure and a diverse set of services within a compact form. Also, policies establishing more detailed and target oriented efficient uses of land, like those contained within the next paragraphs, enhances intensification requirements and targeted growth policies by holding decision-makers more accountable to policies related to efficient use.

As in the *Provincial Policy Statements*, the Growth Plan contains detailed land-use policies on an efficient urban form. Similarities include policies addressing:

- Compact urban form
- Increased densities and transit supportive densities
- A mix of land uses, including employment lands

As discussed earlier in this research, the principles of efficient use of land like the above, have been identified as principles creating cycling-supportive urban environments by reducing trip length, providing a proximity and diversity of services, and for providing land patterns supporting effective integration of a multimodal transportation system.

Policies directing for an efficient use of land differ from the PPS in a number of regards, (1) for specific policies on new designations and intensification areas and (2) the inclusion of specific targets for density and intensification. The Growth Plan introduces a number of land designations, with specific policies guiding their efficient use, including the aforementioned ‘urban growth centre,’ ‘designated greenfield areas,’ ‘employment lands,’ and ‘major transit station areas’ and ‘intensification areas and corridors.’ The researcher suggests that the introduction of these designations provide a number of major outcomes: a) that they require Municipalities to plan at a large scale, addressing major nodes, corridors, and to prioritize major growth areas throughout the Municipality, b) that they constitute a major tool for distributing anticipated population growth throughout the region, and c) they permit more detailed policy direction on efficient use of these types of land. While each area generally is guided by principles of efficient use, specific targets and policy directions enhance their designation. ‘Major transit station areas,’ for example require that access be provided by various transportation modes, including the provision of cycling infrastructure (Growth Plan, 2013, 2.2.5.2). “Designated greenfield area,” as another example, include policies calling for planned ‘complete communities,’ an efficient land-use concept introduced in the Growth Plan describing a community that “meet[s] people’s needs for daily living throughout an entire lifetime by

providing convenient access to an appropriate mix of jobs, local services, and full range of housing [...]” (Growth Plan, 2013, Definitions). The researcher suggests that the increased detail on designated area policies could contribute to a more effective policy document, providing stronger language where designated growth is planned to occur.

One notable difference between PPS policies and Growth Plan policies is the inclusion of specific targets around efficient land use. The most notable targets include:

- “Growth will be accommodated by: a) directing a significant portion of new growth to the built-up areas of the community through intensification” (Growth Plan, 2013, 2.2.2.1a)
- “By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier Municipality will be within the built-up area” (Growth Plan, 2013, 2.2.3.1)
- “Urban growth centres will be planned to achieve, by 2031 or earlier, a minimum gross density target of: b) 200 resident and jobs combined per hectare for [...] Downtown Hamilton [...]” (Growth Plan, 2013, 2.2.4.5b)
- “The designated greenfield area of each upper- or single-tier Municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare” (Growth Plan, 2013, 2.2.7.2)
- “This density target will be measured over the entire designated greenfield area of each upper- or single-tier Municipality [...]” (Growth Plan, 2013, 2.2.7.3)
- “For expansions of small cities and towns within the outer ring, Municipalities will plan to maintain or move significantly towards a minimum of one full-time job per three residents within or in the immediate vicinity of the small city or town” (Growth Plan, 2013, 2.2.8.2i)

The researcher suggests that the provision of measureable targets to evaluate the efficient use of land removes some of the flexibility around land-use decision-making, by increasing the accountability around policy setting and actual built outcomes, however specific language

contained in the policies may have an effect on planned outcomes. The loss of flexibility, the researcher argues, is balanced through the specificity of distributed growth targets for each Municipality, as contained in Schedule 3 of the Growth Plan and policy 2.2.4.5 (specifying urban growth centre densities). Other targets, like that requiring 50 residents per hectare of greenfield development, demonstrates a strong policy position on development patterns at urban edges, historically connected to lower density, automobile dependent land-use patterns. Praise for an enhanced greenfield density policy must be partial, however, due to the inclusion of policy 2.2.7.2, which specifies that densities would be identified on average over the entire greenfield area of each Municipality. Additionally, the policy does not specify net or gross densities, and only specifies the exclusion of lands designated as not permitted for development by other policies (significant features, wetlands, riparian areas). The result of such an approach to measurement, is that it permits a successful target to be met, by permitting intense growth in a handful of areas while permitting far less density in other areas. While the resultant average densities meet the target (leaving aside the question of net or gross area evaluations), principles of efficient use are not necessarily met – significant areas could remain unviable for transit development, reinforce separations of uses essential to creating ‘complete communities,’ and affect the viability of alternative transportation. A stronger, outcome oriented policy could specify *minimum* densities in all greenfield areas and provide a specific tool for ensuring that densities are “planned, designated, zoned, and designed,” but also *built* reflecting the highest principles of efficient land-use (Growth Plan, 2013, 2.2.7.1).

Policies Related to Transportation Infrastructure and Public Services

While the Growth Plan is focused on growth and development, it contains a number of policies addressing the provision of transportation infrastructure and services as it relates to

larger growth priorities. As with the previous land-use policies in the Growth Plan, there is overlap between the directives on transportation planning policies in the PPS. These policies direct for:

- Reducing dependence on the automobile through principles of efficient land-use like compact development, mix of uses, and increased density
- The priority of walking and cycling within the transportation system
- The provision of a multi-modal transportation system
- The provision of higher order transit
- The separation of incompatible road uses, including designating freight priority routes
- Utilization of transportation demand strategies

The researcher suggests that several of the transportation policy directions in the Growth Plan are substantively represented within the 2005 PPS. However, when the specifics of language are examined within these policies a number of differences emerge. The following is an examination of some of those differences, and of policies within the Growth Plan on cycling and transportation that are wholly new.

Policy 2.2.2.1, which describes land-use principles assisting in accommodating population and employment growth within the region, includes policies addressing the intersection of viability of alternative transportation and land-use planning, stating (Growth Plan, 2013, 2.2.2.1):

- 2.2.2.1 Population and employment growth will be accommodated by:
- c) building compact, transit-supportive communities in designated greenfield areas
 - d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments
 - g) planning and investing for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting and to increase the modal share for transit, walking and

cycling

While reducing automobile dependence has been a policy direction existing since the Commission recommendations, it is a policy that exemplifies the need for cautious examination. Since the Commission, a number of Provincial Policies alluding to the reduction of private automobile dependence can be identified within every PPS, at least through policies addressing residential energy use, air pollution, alternative transportation supportive land-use patterns, transportation demand strategies, and the priority of an integrated multi-modal transportation system. Within these individual statements, policies vary on whether or not they correlate land-use outcomes with transportation objectives. The researcher suggests that the wording within the Growth Plan in policy 2.2.2.1d is promising because it directs for a reduction of automobile dependence through correlation of patterns of land use. The statement asserts that the region's ambitions to intensify existing built-in and greenfield areas are dependent on urban environments serving to alter existing transportation mode splits. Similarly, policy 2.2.2.1g makes explicit reference to an increase in modal share for transit, walking and cycling, and correlates these outcomes with planning for 'a balance' of jobs and housing in communities. The researcher laments the use of 'balance' within this policy, suggesting that it substitutes as a placeholder for what could be more clear targets. Unfortunately, the broader language of the preamble does not include imperative language, asserting only that growth would "be accommodated by" the principles within. While Municipal policy makers may be compelled write directives in conformity with this policy, there are others with stronger language within the Growth Plan addressing these types of land-use patterns.

Expanding on the prevalence of Growth Plan policies including differentiated policies for specific land-uses, policies 2.2.6.4, 2.2.6.9, and 2.2.6.10 address transportation specific policies

for institutional and employment lands to capitalize on benefits of proximity and to maximize the efficiency of existing transportation infrastructure:

2.2.6.4 Major office and appropriate major institutional development should be located in urban growth centres, major transit station areas, or areas with existing frequent transit service, or existing or planned higher order transit service.

2.2.6.9 Municipalities are encouraged to designate and preserve lands within settlement areas in the vicinity of existing major highway interchanges, ports, rail yards and airports as areas for manufacturing, warehousing, and associated retail, office and ancillary facilities, where appropriate.

2.2.6.10 In planning lands for employment, Municipalities will facilitate the development of transit-supportive, compact built form and minimize surface parking.

3.2.4.4 Municipalities will provide for the establishment of priority routes for goods movement, where feasible, to facilitate the movement of goods into and out of areas of significant employment, industrial and commercial activity and to provide alternate routes connecting to the Provincial network

As in other policies identified within this research, the researcher suggests that when policy structures are provided to account for more specific land-uses or transportation needs, there is an opportunity for more effective policy direction. The introduction of employment specific transportation and land-use policies in the 2005 PPS and the Growth Plan (2006/2013) are prime examples of that opportunity.

The Growth Plan also includes policies providing specific direction on the transportation system. Policy 3.2.2.1 directs that (Growth Plan, 2013, 3.2.2.1b,c and d):

3.2.2.1 The transportation system within the GGH will be planned and managed to:

- b) offer a balance of transportation choices that reduces reliance upon any single mode and promotes transit, cycling and walking
- c) be sustainable, by encouraging the most financially and

environmentally appropriate mode for trip-making
d) offer multi-modal access to jobs, housing, schools, cultural and recreational opportunities, and goods and services

Policy 3.2.2.1 raises a number of concerns. The preamble to the policies specifies that “a transportation system within the GGH will be planned,” not specifying (what the researcher assumes is the intended meaning) that Municipalities within the GGH will develop transportation systems conforming to the following policies. Beyond this, the contained policies contain a number of convoluted directives. Policy 3.2.2.1b is actually three separate directives: that a balance should be struck between provision of viable modes within the system, that the balance should reduce reliance on any one mode (referring ambiguously to the automobile), and that it should promote cycling and walking. Policy 3.2.2.1c is little better, directing that the transportation system, “be sustainable” by encouraging “the most financially and environmentally appropriate mode” (Growth Plan, 2013, 3.2.2.1c). The policy lacks specificity, criteria, and scope. Should policy makers assume that an ‘environmentally appropriate’ mode is the same as the most financially appropriate policy? Does the term ‘financially appropriate mode’ refer to transportation modes that are the most cost-efficient? Policy 3.2.2.1d, provides what initially may be considered a straightforward directive, suggesting that a multi-modal transportation system should be offered connecting users to a wide range of needs. A closer look at the statement suggests that the plain language meaning is not intended. In reviewing the Growth Plan definitions for consistency between the PPS and other Provincial plans, the researcher identified a divergence between the definitions of “multi-modal.” The definitions read as follows (Growth Plan, 2013, Definition):

Multi-modal: The availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air and marine.

The 2005 PPS specifies that a multi-modal transportation system “may include several forms” (PPS, 2005, Definition). The Growth Plan introduces an inferior standard that only requires that a system be planned to provide for “more than one” mode. While technically, the definition is correct, the researcher suggests that it provides a loophole for developments to provide a sidewalk along a roadway and label it a development supporting multi-modal transportation.

Policies within 3.2.3.3 contains directives addressing cycling specifically, stating that (Growth Plan, 2013, 3.2.3.3):

3.2.3.3 Municipalities will ensure that pedestrian and bicycle networks are integrated into transportation planning to:

- a) provide safe, comfortable travel for pedestrians and bicyclists within existing communities and new development
- b) provide linkages between intensification areas, adjacent neighbourhoods, and transit stations, including dedicated lane space for bicyclists on the major street network where feasible.

Policy 3.2.3.3 demonstrates clear, effectively worded policy: it uses imperative policy language, requiring that Municipalities will ‘ensure’ that bike networks are integrated, but also accounted for within a transportation planning process (as opposed to a ‘parks and recreation’ framework), that cycling and pedestrian modes will be provided comfortably within both new and existing areas, and that the policy locates cycling within the boundaries of the roadway (rather than among other ‘pedestrian modes’). While additional policies make reference to cycling, within policies 2.2.2.1g (on general growth patterns), 2.2.3.7d (on intensification areas), and 2.2.7.1b (on greenfield development areas), these policies generally refer to efficient land-use patterns that ‘support cycling,’ but do not provide any additional detail or obligation as to what those supportive patterns are. The researcher has assumed that these patterns are indistinguishable

from those of other efficient uses of land, with the exception of transit supportive densities, which have more detailed and specific policies in place.

Another emergent policy included in the Growth Plan is policy 3.2.2.5, on mandatory transportation demand management (TDM) strategies within official plans. The policy establishes requirements for a transportation demand management strategy, an understandable rationale referring to reduction of automobile mode share, and strong implementation language (Growth Plan, 2013, 3.2.2.5):

Municipalities will develop and implement transportation demand management policies in official plans or other planning documents, to reduce trip distance and time, and increase the modal share of alternatives to the automobile.

The inclusion of mandatory TDM strategies within the Growth Plan predates the inclusion of TDM policies within the *Provincial Policy Statements* by nearly ten years (TDM is first mentioned in the 2014 PPS) and includes a far stronger policy directive.

Policies Related to Administration

The Growth Plan introduces a number of policies directing for coordination and ensuring compliance. The researcher has found that most of these policies mirror those included in the 2005 PPS, particularly related to the coordination of planning processes related to infrastructure and land-use planning. Policies 3.2.1.1, addressing the coordination of “infrastructure planning, land use planning, and infrastructure investment” closely aligns with policy 1.2.1 of the PPS (2005 and 2014), directing for a “coordinated, integrated and comprehensive approach” for planning matters within or crossing Municipal boundaries. Besides the differences between the ‘should’ and the ‘will’ imperative in the PPS and the Growth Plan respectively, the Growth Plan introduces a ‘infrastructure investment’ statement. The researcher could not identify any specific infrastructure investment program associated with the Growth Plan, so the inclusion of

infrastructure investment within the policy probably only suggests that the Growth Plan can guide decisions related to investments at a regional level due to high level targeting of specific corridors and intensification areas in Schedules 4, 5, and 6. Similarly, policy 5.4.2.1 includes direction on jurisdictional co-ordination of planning processes, emphasizing cross boundary planning (Growth Plan, 2013, 5.4.2.1):

A co-ordinated approach will be taken both within the Government of Ontario, and in its dealings with Municipalities and other related planning agencies, to implement this Plan, in particular for issues that cross Municipal boundaries.

The policy emphasizes the regional effect of the plan and ensures that Municipalities will work together to ensure that policies are implemented.

The Growth Plan includes some policies requiring specific actions by Municipalities within the Growth Plan area, requiring implementation within Municipal Official Plans. Policies 2.2.3.6, 2.2.4.3, 2.2.5.1, and 2.2.7.6 make specific reference to integration of Growth Plan concepts, including achieving intensification targets (intensification areas and corridors), delineating urban growth centre boundaries, and greenfield area policies. Additionally, the Growth Plan introduces policy 3.2.2.5, specifying that “Municipalities will develop and implement transportation demand management policies” (Growth Plan, 2013, 3.2.2.5). Conformity with the Growth Plan within Municipalities affect is required before the “third anniversary of the date on which the growth plan comes into effect” (*Places to Grow Act*, 2005, 12(2)).

Policies Related to Monitoring and Assessment

Unlike the PPS, which has historically included few meaningful policies on monitoring and assessment, the *Growth Plan for the Greater Golden Horseshoe* includes a policy category within its implementation policies addressing “Monitoring and Performance Measures.” When

the plan was published in 2006, policy 5.4.3.1 indicated that the Minister of Infrastructure would “develop a set of indicators to measure the implementation of the policies in this Plan” (Growth Plan, 2013, 5.4.3.1). Additionally, policy 5.4.3.3 specified that Municipalities would “monitor and report on the implementation of this Plan’s policies within their Municipality, in accordance with guidelines developed by the Minister of Infrastructure” (Growth Plan, 2013, 5.4.3.3). In searching for documentation on these guidelines, the researcher discovered that no performance indicator documents were finished until eight years after the Growth Plan was in effect. In 2014, the Ministry of Municipal Affairs and Housing published “Performance Indicators for the *Growth Plan for the Greater Golden Horseshoe*,” which introduced fourteen indicators and includes a report on progress to date, despite not having consistent data across Municipalities on the policies, and fails to mention the absence of indicators over nearly a decade. On the accuracy of its ‘baseline data,’ which constitutes a portion of the 48 page document, the report states “the majority of the data comes from five sources: Statistics Canada, the Municipal Property Assessment Corporation (MPAC), Land Information Ontario, the Transportation Tomorrow Survey, and mapping of Growth Plan geographies from Municipal official plans” (MMAH, 2015a, pg. 4). Indicators that pertain to the evaluation of cycling-supportive policies include (MMAH, 2015a):

- Measuring the percentage of residential development occurring within built-up areas, cross referenced to targets set by the Growth Plan
- Population and employment density within urban growth centres, cross referenced to targets set by the Growth Plan
- Population and employment density within major transit station areas
- Population densities for designated greenfield area development
- Diversity of land-uses, using a Simpson Diversity Index, to evaluate the homogeneity of land uses within a given area

- Walkability score evaluated by the percentage of dwelling units within walking distance (800m) of services
- Street connectivity evaluated by the number of street connections per hectare
- Transportation modal split
- Trip distance by mode
- Land consumption by evaluating settlement area size, cross references to targets set by the Growth Plan
- Greenhouse Gas Emissions per capita, estimated by transportation use data

Only a selection of the indicators listed within the report were supported by baseline data. Of these, several reflect a failure of the Growth Plan to shape growth as claimed by its policies, despite the optimistic tone of the report. Examining the document page by page is outside the scope of this paper, however the data suggests that:

- The majority of Go services built today are built within areas with density ranges that do not even conform to the Growth Plan's greenfield development density target of 50 persons and jobs per hectare. Higher order transit modes fare best by this measurement, although of the 22 LRT and BRT stations in the Growth Plan area, 11 are built within areas with less the 50 persons and jobs per hectare. (MMAH, 2015a, pg. 11)
- Transportation mode split changes are marginal, with the most increases represented by a 1% mode share increase for transit on all trips in the GGH (MMAH, 2015a, pg. 30)
- Trip length data suggests that generally trip lengths are increasing across the GGH (MMAH, 2015a, pg. 32)

Several independent reports on the Growth Plan identified by the researcher confirm this trend. A report published by the Ontario Greenbelt Alliance, entitled *Places to Sprawl* (2009), describes the effect of six of eighty-nine lower Municipalities having not passed amendments to comply with the Growth Plan, focusing on particularly egregious Municipal strategies

contradicting Growth Plan policies limiting urban settlement boundary expansion. It demonstrates that Municipal plans continue to annex prime agricultural lands, and permit development within sensitive areas (Ontario Greenbelt Alliance, 2009, pg. 11). The City of Hamilton is among those Municipalities that have adopted amendments within its Official Plan. Another report, titled *Implementing the Growth Plan for the Greater Golden Horseshoe* (2013), by researchers at the Neptis Foundation, asserts that the Growth Plan targets have largely been dismissed. On urban settlement expansion, the report cites a 2004 Provincial discussion paper precluding the final Growth Plan asserting that a business as usual policy approach on greenfield designations, however land permitted under the Growth Plan roughly equaled that amount (Allen and Philippa, 2013, pg. 77). The report concludes (Allen and Philippa, 2013, pg. 107):

In its five-year (2011) review of the Growth Plan, the Province stated, “Computer modelling indicates that the Growth Plan will help to curb sprawl. Comparing two future scenarios – one that assumes that the Growth Plan will be fully implemented and one that does not take the Growth Plan into account – suggests that the Growth Plan could help to conserve as much as 800 square kilometers of agricultural and rural land by 2031.”

But the Growth Plan is not being fully implemented. Many Municipalities (more than half of those in the Outer Ring, for example) are not intending to achieve 40% intensification or to accommodate 50 people and jobs per hectare in new developments. Certainly the Plan is not working in the sense that it has not protected the amount of agricultural and rural land that the government stated that it would like to conserve.

The report emphasizes the need for a thorough evaluation of policy effects on Municipalities, suggesting that Municipalities are failing to align policies and plans with Provincial and regional goals. As cycling-supportive urban environments are supported by efficient land-use policies like those promoted by the Growth Plan, the identification of implemented Growth Plan policies within the City of Hamilton policy environment will be a priority.

B.2.3. The Big Move (2008)

The Big Move (2008) is a regional transportation plan established by Metrolinx, an agency of the Province with a mandate to “develop and implement an integrated multi-modal transportation plan” for the Greater Toronto and Hamilton Area (Metrolinx, 2008, pg. vi). Since its creation, the role of Metrolinx has been expanded to include the management and development of commuter rail service under the banner ‘GO,’ broker transportation infrastructure investments across Southern Ontario, and some ancillary programs on management of transportation infrastructure provision.

Prospects for a new regional transportation plan began during the election of 2003, with the McGuinty government promising investments into transit across Southern Ontario under MoveOntario 2020 commitments. After taking power, the Government of Ontario created a new crown agency in 2006 called the Greater Toronto Transportation Authority (GTTA), later rebranded as Metrolinx, tasked with “providing leadership in the co-ordination, planning, financing and development of an integrated, multi-modal transportation network [...]” (Greater Toronto Transportation Authority Act, 2006, Section 5(1)(a)). In developing the plan, Metrolinx utilized some consultation strategies with the public, Municipal leaders, stakeholder groups, and Provincial staff, including online consultation technologies, public and stakeholder meetings, technical advisory committees, and support from Federal, Provincial and Municipal staff (Metrolinx, 2009, pg. 1).

The Big Move is constructed upon previous transportation planning documents, and seven discussion papers published by the agency, dubbed the Green Papers, discussing “information on transportation trends, challenges and opportunities for the GTHA transportation system and best practices from around the world” (Metrolinx, 2008, pg. vi). Integrating feedback from

consultations, Metrolinx published two documents, dubbed the White Papers, which contained the proposed vision, goals and objectives, and a set of preliminary directions. The document identifies some transportation challenges key to this research, including (Metrolinx, 2008, pg. 5):

- Rapid population growth
- Increasing car dependency
- Increased congestion
- Health costs
- Lack of integration between systems
- Legacy of underinvestment
- Underutilized existing infrastructure
- Consumption of agricultural lands
- Greenhouse Gas Emissions
- Threats of instability due to energy costs

Since its creation, Metrolinx has become a player in the development of Municipal and regional transportation planning, representing Provincial interests in guiding transportation infrastructure investments.

B.2.3.1. Authority

Understanding the authority of *The Big Move*, begins with an understanding of the authority of Metrolinx itself, granted under the *Greater Toronto Transportation Authority Act (2006)*, later renamed by amendment in 2009 as the *Metrolinx Act (2006)*. The changing nature of the *Metrolinx Act* can be traced to the changing prerogatives of Metrolinx, as it transformed from a planning based organization, to its role in infrastructure implementation and system operations beginning in 2009. During the formulation of *The Big Move*, from 2006 to 2008, the *Metrolinx Act* (then the *Greater Toronto Transportation Authority Act*) was mandated to, among other duties, achieve the following objectives: (1) create a regional transportation plan, (2)

arrange funding for the plan, (3) co-ordinate the Municipalities in investments on the plan, (4) advise the Minister of Transportation and heads of Municipalities on the implications and effects for local policy, plans, and operations. (Metrolinx Act, 2006, c.16, s.6(1)). This last duty, to advise the Minister, is where Metrolinx's real power exists. Metrolinx does not have powers to approve major transportation infrastructure initiatives, however, it has powers to produce plans, consult, and advise the Provincial Government (Fleischer, 2014). Bill 163, titled the *Greater Toronto and Hamilton Area Transit Implementation Act*, was introduced in 2009, and enhanced powers to (1) merge Go Transit services with Metrolinx, permitting system operations to be led by Metrolinx, (2) conduct business with Municipalities to operate that system, (3) expropriate land to fulfill objectives, (4) and for enacting requirements to convert the Metrolinx board to a citizen board (it was an board of mayors and officials until that point) (City of Toronto, 2009, pg. 2). The tension of identifying specific authority is evident within *The Big Move* itself. Section 7.2.11 of the plan states that "areas where new or refined authorities may be needed include project and program management and delivery," concluding that a necessary objective for the regional plan is that "(i) Metrolinx will work with the Province to identify the necessary areas of authority and responsibility that Metrolinx requires to fully implement the RTP [...]" (Metrolinx, 2008, pg. 84).

The authority of *The Big Move* is perhaps less clear. If the planning authority of Metrolinx itself is advisory, and no legislation exists that grants powers to the regional plan, unlike the Growth Plan and the *Greenbelt Plan*, then the authority must lay within the *Metrolinx Act* itself. On the authority of *The Big Move*, the Act does not include any specific clauses on the authority of the plan. Instead, the regional transportation plan must "comply with the Minister's transportation plans, policies and strategies," "comply with the prescribed Provincial plans and

policies,” “conform with the growth plan [...],” all of indicating that the directives within the Plan must generally conform to policies set by the Province. Nowhere in the Act does it specify that Municipalities are required to conform to policies set by Metrolinx, despite its claims that *The Big Move* “introduces actions and policies that will influence almost every aspect of transportation decision-making in the region” (Metrolinx, 2011, pg. 8).

Within the plan itself, policies about implementation expose some of these power deficiencies. In the preamble to policies under section 7.2.1 of *The Big Move*, the plan itself states that “the status that the RTP has in the decision-making process is central to its success” (Metrolinx, 2008, pg. 76). Policies within this section include commitments by Metrolinx to identify potential amendments to the *Metrolinx Act* to enhance the status of the RTP with (Metrolinx, 2008, pg. 77):

- The power to ensure conformity in Municipal and Provincial planning decisions
- The power to require Municipal official plans to conform to the RTP
- Requirements for transportation plans in all Municipalities
- Revisions to the *Planning Act* correcting future conflicts between Municipal and Provincial plans and the RTP
- Requirements for a five year review of the RTP

Section 7.2.11 includes additional policy statements, outlining Metrolinx’s commitment to expand its powers as they pertain to the full implementation of *The Big Move*; policy 7.2.11(i) states, “Metrolinx will work with the Province to identify the necessary areas of authority and responsibility that Metrolinx requires to fully implement the RTP, including the roles described above,” the above referring to powers to implement policies more fully, greater fiscal independence, and additional roles as a corporation to enter partnerships. The researcher suggests that these policies demonstrate two points: (1) there is evidence that Metrolinx exhibits a degree

of institutional ambition, for its interest in expanding its powers and the powers of its planning instruments and evidenced by its use of broad policies often outside the scope of its authority, and (2) that the institution is conscious of and confirms its lack of authority through rarefied policies.

B.2.3.2. Policies

Although the ‘actions’ and policies within *The Big Move* lack conformity legislation affecting Municipalities within the region, they remain relevant to the research because they still pertain to the operations of Metrolinx and guide the actions of Metrolinx in its advisory and coordinating roles.

The Big Move contains a complex array of goals, objectives, strategies, actions, and policies, designed to account for and direct all aspects of a regional transportation system. Many of these directives align with policies identified in the literature review supporting cycling-supportive urban environments, including (Metrolinx, 2008):

- Increased share of trips by walking and cycling
- Reduced consumption of land for urban development
- Greater prevalence across the region of transit-supportive densities and urban design
- More transit and pedestrian-friendly streetscapes, and improved walking and cycling amenities
- Significant contribution to the achievement of the transportation related GHG reduction targets of Go Green: Ontario’s Action Plan for Climate Change
- Increased prevalence of Transportation Demand Management practices
- Fair and effective fiscal treatment of various modes that better-reflects the cost of transportation services in the prices paid by users

These directives reflect policies set by the PPS and the Growth Plan, including intensification policies related to urban growth centres, the efficient use of land, the provision of a multimodal

transportation system, various climate change objectives associated with air quality, and use of TDM strategies. Beneath broad objectives closely aligning with PPS policies, are more detailed and outcome oriented directives. The researcher encountered difficulty navigating the document, it became unclear what specific statements constituted policies, what differences existed between strategic ‘actions’ and strategic ‘policies.’ *The Big Move* distinguishes these concepts as follows (Metrolinx, 2008, pg. 20):

Priority Actions – These are specific and concrete actions that comprise a “to-do” list that is needed to implement the Strategy. These actions are broad in scope and include actions relating to legislation, policies, programs, planning and funding.

Supporting Policies – These are policies that are needed to guide day-to-day decision-making in support of each Strategy.

As both concepts represent positions on Metrolinx’s spatial politics as well as represent emerging directions in regional transportation planning affecting the Hamilton area, this section will address both actions and policies. However, due to legislative limitations identified above, the reader should not interpret either as holding the same imperative as Growth Plan or other Provincial policies. The researcher suggests that both concepts constitute policies, differing only where they exert influence within the planning process: ‘actions’ guiding overall objectives for the agency, and ‘policies’ guiding decisions that will lead to fulfillment of actions.

This review will focus on the directives within two ‘strategies’ within the plan: “Strategy #2 Enhance and Expand Active Transportation” and “Strategy #7 Build Communities that are Pedestrian, Cycling, and Transit Supportive,” however given the nature of an expansive policy framework, policies from other key areas are also relevant and included within the review (Metrolinx, 2008, pg. 20).

Policies Related to Land-Use

Unlike previous documents within this review (the PPS, the *Greenbelt Plan*, the *Growth Plan*), *The Big Move* is the first planning document oriented to the transportation needs of a plan area. It does, however, attempt to include some policies about the integration of transportation and land-use planning.

The challenges of integrating land-use and transportation planning directives is first addressed within section seven of *The Big Move*, under the plan's "Implementation" heading. In the preamble to policies in subsection 7.2.7, titled "Land Use Planning," the plan identifies connected between land-use and transportation planning as a "critical link" (Metrolinx, 2008, pg. 81). It states that in implementing the plan, Metrolinx will (Metrolinx, 2008, pg. 82)

Participate in local, regional and Provincial land use planning exercises, where necessary, to ensure that land use planning and transportation planning decisions are fully integrated. This includes reviewing key local land use and transportation planning proposals and decisions, as well as providing advice and guidance to Provincial ministries to help them align their plans, priorities and programs with the RTP [...]

Pivotal to understanding this statement is the use of 'influence' as power, highlighting the limited authority of both Metrolinx and the RTP itself in altering Municipal planning outcomes.

Despite this, two policies exist under section 7.2.7, providing limited direct on land-use planning as it concerns the RTP (Metrolinx, 2008, pg. 80):

(i) Metrolinx will provide input on major local, regional and Provincial planning exercises, including significant development applications, that may have a significant effect on the performance of the regional transportation system, and will work with the Province of Ontario to identify the appropriate mechanism for this, potentially using the province's one window planning service.

(ii) Metrolinx will give appropriate consideration to established Provincial plans, priorities and programs in implementing the RTP.

The effect of these policies, besides guiding Metrolinx in asserting the interests of *The Big Move*, is dependent on Municipalities adopting the input of the RTP and Metrolinx itself willingly. A Municipality may do so for a number of reasons, (1) there may motivation to align its land-use policies to capitalize on benefits associated with planned investments in the RTP, (2) to cooperate with a Provincial agency that, while it currently lacks a stable authority in Municipal matters, may gain power during review and subsequent amendment, and (3) to access funding via Metrolinx's brokerage, in part due to principles guiding the RTP's capital investment strategy, such as "[a]ll Metrolinx investments will be aligned with the RTP" (Metrolinx, 2008, pg. 75).

Beyond these broad directives guiding Metrolinx's input into Municipal planning affairs, policies indirectly refer to guiding land-use patterns, largely through directives to encourage and support intensification through the provision of public transit and active transportation supportive infrastructure. *The Big Move's* mobility hub policies integrate land-use and transportation planning objectives (Metrolinx, 2008, pg. 47):

4.7.8 The transportation system shall be planned, designed, built and operated to create pedestrian-, cycling-, and transit-friendly communities, and to ensure connectivity between places and along corridors that support the urban structure and intensification objectives of the *Growth Plan for the Greater Golden Horseshoe*.

4.7.9 The transportation system shall be planned, designed, built and operated in a manner that directs growth to approved settlement areas, particularly already built-up areas, and away from areas where development is discouraged by Provincial policy, such as natural areas and agricultural lands.

These policies align with *Growth Plan* transit station and transit corridor intensification policies, oriented around a 'built it and they will come' approach to fostering well-serviced high population/job density districts. A Neptis Foundation report titled *Review of Metrolinx's Big*

Move by Schabas (2013), providing a critique of business case analysis (BCA) on proposed and existing commuter rail lines, describes the risk of anticipating incremental ridership increases within developing high density districts (Schabas, 2013, pg. 10). Although not discussed within the report, the author makes numerous connections between projected ridership in the BCA and the effectiveness of land-use intensification policies, describing a Toronto based project only happening with “with strong land-use planning policies” (Schabas, 2013, pg. 69).

Project oriented objectives set by policies also tend to espouse this relationship. Policy 4.1.1 for example, the first action of *The Big Move* and the first of its nine ‘big moves,’ directs for convenient rail commuter access within a two kilometre range for eighty percent of GTHA residents. Action 4.7.1, which refers to the creation of “a system of connected mobility hubs [...] that [...] support high density development [...],” has been one of Metrolinx’s most extolled achievements, dependent on Municipal official plan integration (Metrolinx, 2008, pg. 45). Similarly, policy 4.7.18 sets out enhanced direction on development of intensification corridors identified within the *Growth Plan*, including setting minimum density requirements based on anticipated ridership levels set by the RTP, facilitating a mix of modes of transportation, and discouraging surface parking lots. The success of these policies rely as much on provision of rail infrastructure as it does the *Growth Plan*’s intensification schemes. Unfortunately, as the report by Allen and Philippa (2013) concluded, discussed within the previous section, Municipal alignment of official plans to *Growth Plan* policy has been slow and its intensification targets substantially unmet in areas throughout the GTHA.

From a cycling perspective, *The Big Move* does not make the same arguments for integrated land-use planning and cycling-supportive urban densities. Policy 4.2.1, one of the plan’s ‘big moves,’ directs for a network of cycling infrastructure providing every resident of the

GTHA access within one kilometre, suggesting a substantially different orientation to provision of infrastructure as it relates to available and anticipated density. Had the policy stated “80 percent of GTHA residents will be within one km of cycling infrastructure,” prioritizing cycling investments within high density districts or those with anticipated ridership growth, would be a priority. Instead the policy suggests a finer meshed network of infrastructure, affecting built in urban areas, commercial corridors, and quiet suburban sprawl developments equally. As a priority action, it does not direct for considering the variability of land-uses and densities. The logic behind policy 4.2.1 has not received published critique, although Metrolinx’s cycling investments have been reviewed by researchers within the GTHA, notably by Craig (2013). Craig makes a strong case for the opportunities within the provision of cycling infrastructure associated with mobility hubs, an approach publicized by Metrolinx and espoused within the RTP policies.

Policies Related to Transportation Infrastructure and Public Services

Strategy two organizes the bulk of active transportation directives within *The Big Move*, containing four supporting policies and eight actions pertaining to the development of active transportation within the GTHA. In the preamble to strategy two, *The Big Move* defines an “effective transportation system” as “one that makes provision for, and encourages walking, cycling and other forms of active transportation” (Metrolinx, 2008, pg. 31). The directives contained within this strategy are the most detailed cycling-supportive directives from a Provincial body, although limited to the purposes of guiding Metrolinx’s investments and daily interactions with stakeholders. The four policies, that “define day-to-day decision-making” on AT, include the following (Metrolinx, 2008, pg. 33):

2.9 Opportunities for promoting active transportation and connecting key destinations, including mobility hubs and major transit station areas, shall be

identified and implemented when designing greenways strategies and park systems.

2.10 Enabling Official Plan policies to support active transportation shall be adopted. Where appropriate, the bonusing provisions under the Planning Act should be used to require that any application for major commercial, employment or multiple residential development, particularly in a mobility hub, provides appropriate facilities for cyclists and pedestrians such as secure bike storage, showers and change rooms.

2.11 School catchment areas shall be defined, and school campuses shall be designed, to maximize walking and cycling as the primary means of school travel.

2.12 Sidewalks should be required on all new regional and new local roads inside settlement areas.

These policies align with directives contained in the 2005 PPS, that, as explored in section 4.2.1.3, set out broad direction on planning for efficient modes of transport to meet the needs of current and projected needs, integration of land-use planning and transportation planning, and the facilitation of non-motorized movement on public streets. *The Big Move*'s policy language reflects the varied responsibilities of Metrolinx, and anticipated expanded responsibilities. Policy 2.9, for example, aligns with Metrolinx's responsibility to plan and develop rail infrastructure, including rail stations (one class referred to as Mobility Hubs) and also to provide for the integration of active transportation modes as per the 2005 PPS. Policies like 2.10 and 2.11, aligning with another of Metrolinx's responsibilities, direct for coordination with Municipalities in achieving *The Big Move*'s objectives. While ensuring that bonusing provisions can be used for station and station area investments or ensuring that catchment areas for schools are conducive for active modes are both policy directives increasing accessibility for cyclists and pedestrian modes, Metrolinx's overall authority to achieve these objectives are limited legally by its

advisory and collaborative role. Similarly, with policy 2.10, which refers to ‘enabling official plan policies to support active transportation,’ the researcher is unsure how Metrolinx would be able to ‘enable’ Municipalities to plan for AT when the powers of Municipalities are granted by legislation, and are already granted by broad policies requiring the provision of transportation infrastructure and other specific integrative and multi-modal policies. Last, policy 2.12 refers to the provision of sidewalks on all regional and local roads within the GTHA, outside the scope of Metrolinx’s authority, being the responsibility of Municipalities (not obliged by law to abide by Metrolinx policies). The researcher suggests that strategy two of *The Big Move* includes a handful of policies to “to guide day-to-day decision-making” on active transportation in the region, however limited legislative authority undermines some of these objectives (Metrolinx, 2008, pg. 20).

Beyond the ambiguity of the policies within strategy 2, *The Big Move* contains several actionable directives on the development of complete cycling networks within the GTHA. These directives generally include more specific detail than policies within the PPS and the Growth Plan, referring to challenges to implementation within the GTHA and specific cycling-supportive projects. As with the above policies, these actions constitute the most detailed cycling-supportive directives from a Provincial body, albeit an agency with limited powers. The actions in strategy two are as follows (Metrolinx, 2008):

4.2.1 Plan and implement complete, integrated walking and cycling networks for the GTHA, including Toronto’s PATH system, that address key barriers such as bridges over 400-series highways, rail corridors and major rivers, and missing sidewalks on major roads. The cycling networks will bring every GTHA urban resident to within a maximum of one kilometer of a dedicated bicycling facility. This will be supported by a Provincial funding commitment increased over time to at least \$20 million per year for Municipalities to complete the walking and cycling networks.

4.2.2 Create pilot bike-sharing programs in major urban centres.

4.2.3 Research, standardize and promote best practices to integrate walking and cycling in road design, such as scramble intersections, bike boxes, and signal prioritization.

4.2.4 Install bike racks on all buses and Light Rail Transit (LRT) vehicles and amend both the Highway Traffic Act (Section 109) and the Public Vehicles Act (Sections 23 and 24) so that transit vehicles with bike racks do not require special permits.

4.2.5 Establish a coordinated, region-wide bicycle registry with the ability to report and search for stolen bikes.

4.2.6 Consider changes to the Highway Traffic Act that implement the 1998 recommendations of the Regional Coroner for Toronto to provide greater clarity with respect to the relationship between motorists and cyclists in areas such as safety equipment, lane positioning and passing procedures.

4.2.7 Implement or expand safe cycling training programs, similar to the Commuter Cycling Skills Course offered in the Vancouver area, or the CAN-BIKE courses offered by Municipalities across Canada.

4.2.8 Undertake Active Transportation Master Plans and incorporate them into Municipal Transportation Master Plans.

Many of these actions align with cycling-supportive policy directions identified by the literature review on American and Canadian Municipal cycling policies, including the value of planning for and providing a “complete network” for cyclists (action 2.1), integration of transportation modes (action 2.4 and 2.8), provision of bike parking (action 2.3), bike sharing programs (action 2.2), cycling training programs (action 2.7), and generally those policies reducing barriers to implementation (for instance through provision of research or by multi-governmental collaborative planning as in actions 2.1 and 2.3).

The researcher suggests that directives within *The Big Move* differ from policies pertaining to cycling in previous documents in three ways: (1) they provide detail and specificity to some policies set by the *Provincial Policy Statements* and Growth Plan directives, (2) they surpass requirements set by those documents, particularly through additional programs to support cyclists, and (3) they introduce a number of specific indicators used to monitor performance in meeting AT objectives. (1) While most of the directions contained within this list of actions align with broad statements within the PPS, such as 1.7.1.d callings for the provision of “[...] reliable multi-modal transportation system [...],” several actions reflect specific policies contained in the PPS (*PPS*, 2005, 1.7.1.d). Action 2.4, which directs for provision of bicycle racks on buses in the GTHA, aligns with policy 1.6.5.3, of the 2005 PPS, stating (*PPS*, 2005, 1.6.5.3):

Connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

While the PPS is oriented to guiding land-use decisions, in this case pertaining in the planning and provision of well-connected transportation modes, the researcher suggests that use of bicycle transport technologies on public transport systems share the thrust of policy 1.6.5.3, namely, to create a user oriented transportation system integrating between various modes. The directive also addresses legislative barriers to implementing the action, with specific direction to amend that barrier. Similarly, action 2.8, addresses the planning and incorporation of AT master plans for Municipalities in the plan area, aligning with Provincial policies directing for “[...] cost-effective, reliable multi-modal transportation system[s][...]” and for the planning of “public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement” (*PPS*, 2005, 1.5.1.a and 1.7.1.d). (2) Many of directives exceed

requirements set by the Growth Plan or by the PPS, however this is largely due to the limited direction on cycling provided by these documents and its specific focus on land-use challenges. Despite this lack of direction, *The Big Move* introduces a number of directions not originating within other Provincial planning documents, including cycling-supportive programming such as bike share initiatives (action 2.2), a stolen bike registry (action 2.5), cycling education initiatives (action 2.7), and to undertake research into opportunities to amend the Highway Traffic Act to reflect the needs of cyclists in Ontario (action 2.6). (3) A number of possible indicators for evaluating implementation of *The Big Move*'s cycling objectives are included within the actions themselves. Policy 2.1, perhaps the most ambitious of *The Big Move*'s action policies (defined boldly within the document as a 'priority action'), contains several measurable indicators, including specific funds earmarked for Municipal investment in active transportation and the aspiration to provide cycling networks to within one kilometre of every resident of the GTHA. Within the 2013 document "*The Big Move* Baseline Monitoring Report," could also use its progress to date on its initiatives as a measure of its implementation, a technique that was used within a 2013 baseline report.

Cycling-supportive directives can also be identified within strategy seven, titled "build communities that are pedestrian, cycling and transit-supportive." This section contains a broad group policies blurring the distinctions between land-use oriented and transportation focused directives, however a several align with policies identified within the literature review for fostering cycling-supportive environments. Similar to the RTP's emphasis on mobility hub design, several of these actions are oriented to site level enhancements. Action 4.7.6 for example directs for a comprehensive parking study to identify best practices in encouraging AT and transit modes over the use of the private automobile. Research focuses would include: separating

parking costs from fare costs to increase the cost of using an automobile, limiting free parking, barrier free parking lot design, and efficient lot and parking structure designs (Metrolinx, 2008, pg. 51). Similarly, policy 4.7.12 directs for new institutions, both public and private, to “demonstrate excellence in transit-oriented and pedestrian-friendly design” and “maximize access by transit and active transportation,” setting enhanced direction for provision of multi-modal policies within the PPS (Metrolinx, 2008, pg. 49). Also a site oriented policy, 4.7.13 directs for updated Municipal parking and zoning by-laws, calling for maximum parking requirements and incentives for accommodating reduced parking allotments and providing alternatives to free parking.

As a document purporting to contain the “future vision” of the GTHA’s transportation network, the plan may be under delivering on setting meaningful objectives for cycling investments within the region. The strategy largely separates cycling from land-use planning concerns, instead emphasizing research and projects directing for site-specific improvements and taking a ‘total coverage’ approach to infrastructure provision in its priority action without including supportive policies for achieving that objective. While the plan should be commended for its integration of cycling within transit systems, including station enhancements and bus rack technologies, planned cycling programming like bike theft and training initiatives, and support for TDM, the researcher suggests that these initiatives constitute a veneer for a limited vision for cycling within the GTHA, especially from a the land-use perspective informing this research. Recommendations from Craig (2013), on possible components of an effective cycling strategy, include the use of specific mode share targets, a coherent regional level analysis of cycling infrastructure integrating with transit investments within *The Big Move*, an analysis of cycling-

supportive land-use indicators as part of guiding future infrastructure investments, and the identification regional routes (Craig, 2013, pg. 38).

Policies Related to Administration

Under earlier documents reviewed by this research, this section has focused on policies directing for coordination and compliance between the plan and its constituent Municipalities. Two major themes emerged in a review of plan policies pertaining to this area of analysis: the use of a collaborative multi-stakeholder approach to achieving plan influence and an obscure compliance role due to limitations set by legislation and the resultant ambiguity of plan purpose.

Policies frequently and consistently describe a collaborative approach in meeting the plan and Agency objectives. Section 7.1 identifies “Partnership and Collaboration” as a central principle to guide implementation, suggesting that “the plan cannot be legislated or regulated into reality” (Metrolinx, 2008, pg. 75). Plan policies contain language referring to collaboration between a wide range of stakeholders, including Municipalities in setting stable funding arrangements (7.2.5.i), working with the Ministry of Transportation on identifying performance indicators (7.2.11.i), in working with other (ie. Quebec, British Columbia) Provincial agencies in identifying best practices (4.1.6 and 4.10.4), the broader public through “social marketing strategies” and “public outreach” (7.2.9) (Metrolinx, 2008, pg. 83).

The plan also refers to the coordination of various shared objectives Municipalities bear responsibility, including the standardization of transportation data collection (4.2.10), setting standards for project performance (7.2.6.a), and undertaking research into best practices to assist Municipalities in making informed investments and planning decisions (cycling-supportive road design 4.2.3, parking design 4.7.6, regional transportation practices 4.10.6). Some of these best

practices can be found within the Green Papers, the set of preliminary studies conducted in preparation of *The Big Move*.

While the plan directs for the use of collaborative approaches to implementing the plan, some policies suggest a slightly alternate orientation to achieving implementation. The preamble to policy 7.2.11.i, directing for the identification of opportunities for expanded Agency powers, statements emphasize the need for additional powers in implementing the RTP. While none of the listed examples address Municipal conformity, policy directives like 7.2.1.ii (directing for Metrolinx to developing a Province wide set of transportation policies similar to the PPS, suggesting that the collaborative tone of the Agency and the RTP could change in the future).

Despite the limitations set by legislation discussed earlier in this section, the RTP contains numerous objectives purporting to guide Municipal decision-making or introduce compliance ‘sounding’ policies on Municipal official plans. Policy 4.2.10 is a strong example of this phenomena, directing Metrolinx in “enabling Official Plan policies to support active transportation *shall* be adopted” (Metrolinx, 2008, pg. 33). Imperative language like ‘shall’ masks the limited power Metrolinx has in plan conformity, as well as implying that active transportation policies aren’t already ‘enabled’ by Provincial policies. Numerous examples can be found throughout the document, including policies purporting to limit transportation investments not conforming to the RTP (Metrolinx, 2008, 4.3.10). Clauses within the *Planning Act* forbid this, as *The Big Move* is not listed as a Provincial plan (defined in subsection 1(1) of the Act) and not granted the powers of a Provincial plan (defined by 3(5) of the Act). Due to this legislative limitation, the researcher sees no purpose in a close analysis of imperative language within policies.

Policies Related to Monitoring and Assessment

This section will discuss some of the monitoring processes planned and/or initiated by Metrolinx. It will focus on two main aspects, a review of policies directing for RTP monitoring and performance assessment, and a review of cycling related actions conducted since 2008. Due to the increasingly populated policy framework for this region the researcher is interest in three parts: (a) identifying the vision and whether they contain measureable outcomes, (b) identifying the process for evaluating those policies, and (c) evaluating whether policies exist that permit monitoring the effect of the plan itself, or are affected by extraneous changes.

Several actions were identified within *The Big Move* directing for monitoring and performance assessment of the RTP as they pertain to its transportation policies, including cycling. While a number of actions contained within this document direct for a range of data collection, information sharing, and research initiatives, only two were identified setting specific, stated goals for monitoring policy effects. The first policy is 4.10.2, contained within strategy ten, titled ‘Commit to Continuous Improvement,’ directing for the “coordination and standardization” of transportation data collection. The directive lists several possible instruments that could be implemented, including land-use integration analysis, analysis of the effects of congestion on emissions levels, development of a TDM model that could be implemented across the GTHA, and the “expansion of the Transportation Tomorrow Survey” (TTS), an existing GTHA work travel mode survey. A description of the TTS is included within the RTP, stating (Metrolinx, 2008, pg. 56):

The Transportation Tomorrow Survey (TTS) is a travel survey conducted in the Greater Golden Horseshoe once every five years. Approximately five per cent of the households in the region are surveyed by telephone with questions pertaining to mode choice, trip purpose, trip timing, trip origin and destination, and other related issues. This data is an invaluable resource to

transportation planners.

One shortcoming of the TTS is that it counts walking and bicycling trips only if they are undertaken for work purposes. Walking and bicycling trips for other purposes, such as going to school, shopping and visiting friends, are not counted. As a result, these modes are systematically undercounted and information about their use for non-commute trips is lacking, which hampers efforts to match the supply of walking and biking facilities with the demand.

No specific contributions could be identified as from Metrolinx on enhancements to this instrument during the course of this research, however such a database could contribute to future planning endeavors on a regional comprehensive AT strategy.

The second policy was identified within the implementation section of the RTP, titled “Monitoring Progress.” Paralleling monitoring directives within the *Greenbelt Plan* and the *Growth Plan*, the preamble within this section states that a full monitoring strategy would be developed at a future date, utilizing a set of key indicators. The resulting database and analysis would be called the Mobility Index, to be reported and published for public review. The process for developing the indicators is not detailed within the plan, although statements allude to collaborations with Ontario’s Ministry of Transportation. Details on the implementation of such a policy instrument are also limited, with no direction on the coordination of partners, methodologies, and various standards for the data. The section contains a single monitoring policy, stating (Metrolinx, 2008, pg. 84):

- (i) Metrolinx will develop a Mobility Index for the GTHA to track progress in achieving the goals and objectives of the RTP, and publicly report on progress at regular intervals.

Much like the monitoring outcomes within the *Greenbelt Plan* and the *Growth Plan*, Metrolinx published a baseline data report in 2013 called *The Big Move Baseline Monitoring Report* including a baseline set of data monitoring transportation within the region, an inventory of

progress to date on each policy, and a report on rapid transit work to date. Like recent attempts at monitoring the *Greenbelt Plan* and the Growth Plan, much of the baseline data has been compiled from existing sources like the TTS and census data, however the level of analysis within *The Big Move* Baseline Monitoring Report is substantially more developed. On indicators addressing cycling, the report's 'Appendix A' includes eight measurements, including (Metrolinx, 2013):

- Mode share analysis for all trips in the GTHA, although walking and cycling data is combined, using data from the TTS survey
- Transportation mode share for 2011, detailing differences between Toronto and the GTHA, using data from the TTS survey
- Transportation mode share within the GTHA for children under the age of twelve, collected from the TTS survey
 - Transportation mode share within the GTHA for seniors aged sixty-five and up, collected from the TTS survey
- Percent of GTHA residents living and working within two kilometres of transit station
- Number of smog advisory days per year across the GTHA
- Per capita emissions across the GTHA

The report substantiates these indicators through several rationales: (1) they demonstrate the changes in how residents are choosing to move through the region, including data on underserved groups, (2) they provide information on the intersection of transit investments and land-use, (3) and they reflect indicate the effects of transportation on the environment.

The researcher suggests that while the baseline data report contains a strong set of high level indicators using existing data collection instruments, a number of improvements could be made that are more accountable to the effects of RTP policies. First, the RTP policies on the development of a Mobility Index (a document not published as of July 2016) should be updated

to include the development of best practices and shared standards for data collection for Municipalities, permitting a decentralized set of data and opportunities for comparable data sets between Municipalities. This approach can be identified within other Provincial plans as a best practice (although hardly a fully implemented planning practice at any level and at any point in recent history in Ontario) and should be included to align *The Big Move* with other regional plans. Second, include indicators identified within the plan itself into future reviews, including the percentage of GTHA residents within one kilometre of dedicated cycling infrastructure (4.2.1), measurable annual investments to date on cycling infrastructure and programming within the GTHA (4.2.1), progress to date on initiatives that were supported by Metrolinx and set out within the plan, progress to date on developing a coherent vision for a regional cycling strategy (4.2.1), coverage of regional routes identified as part of the regional network (4.10.3), number of Municipalities with TDM strategies (4.4.6), sidewalk coverage across the GTHA (4.2.12), number of cycling plans developed under contribution from Metrolinx (4.2.8). Third, the researcher suggests that Metrolinx can lead by evaluating its policies as it develops its detailed regional strategy. Considering the dismal state of Provincial policy monitoring, as evidenced by this lengthy review of policy documents, perhaps opportunities for leading edge monitoring could emerge at the regional level (and within one of Canada's fastest growing regions), where Municipal collaboration is consistently celebrated. Could more qualitative indicators provide a stronger basis for decision-making? Of opportunities and initiatives identified by the RTP on cycling, to what degree are these opportunities realized, projects underway? Could health indicators be integrated as part of AT investments? How could the proliferation of hand-held technologies and real-time data collection be used to facilitate the development and continuous improvement of the RTP on cycling?

B.2.4. MTO Revised Bicycle Policy (1992)

Although falling just outside the timeline for this research, adopted in early 1992, the Ministry of Transportation's [MTO] *Revised Bicycle Policy* stands out for its shift in Ministry policy on cycling. The MTO's *Bicycle Policy* was first introduced in 1974, with a review and update occurring in 1981 (Ministry of Transportation, 1992b, pg. i). In 1981, under leadership of the MTO, four recommendations were set on Ministry investment in cycling, these include (Ministry of Transportation, 1992b, pg. i):

- Continue to promote bicycle safety and education
- Support the bicycle for health and recreational purposes
- Paved shoulders should not be provided by the ministry for bicycle usage
- Encroachment permits may be issued for bicycle facilities, but only under special circumstances

Under these recommendations, the bicycle was presented as a recreational vehicle. No funding was assigned for bicycle facilities, although funding for safety and education purposes maintained. It was during this period, however, that the bicycle was defined as a vehicle in the *Highway Traffic Act*, setting in motion an increased interest in the future for cycling in the Province. The 1992 *Revised Bicycle Policy*, initiated early in 1991 by MTO, marks this shift, demonstrating the increased interest in cycling, the proliferation of cycling related research, and the desire for an expanded policy framework. The recommendations of the technical report conducted by Consultants and Ministry staff, as well as the final preferred policy update, would markedly define early bicycle planning efforts in the Municipality of Hamilton and the consulting industry.

B.2.4.1. Development

The review process for the 1981 MTO's Bicycle Policy began in 1991, and included a broad consultation of "the general public, Municipalities, a number of Provincial ministries, as well as organizations and individuals representing diverse interests such as pro cycling groups, automobile associations, taxi groups, bus and trucking organizations" (Ministry of Transportation, 1992b, pg. 1). The consultation process utilized three data collection methods. First, consultation began with advertisement requesting submissions for input into MTO's position on cycling. Second, a Municipal assessment form was sent to 232 communities to assess "the issues and degree of interest in bicycling," resulting in 143 completed questionnaires (Ministry of Transportation, 1992b, pg. 2). Third, public open houses were held across the Province for the public to express their position on early policy areas. One such outcome of this consultation, was that "over 99% of respondents indicated that the bicycle should be recognized as a legitimate mode of transportation," running counter to the MTO official position (Ministry of Transportation, 1992a, pg. iii).

From this process, nineteen key issues were identified. These key issues were then researched by the study team, resulting in nineteen discussion papers to guide and evaluate policies for the update. Key areas of interest included: safety, cost, funding, congestion, energy and the environment, the role of transit, registration and licensing opportunities, economic impacts, health outcomes, coordination of ministry and government, facility design, and land use.

The identification of the nineteen key issues was the first step in ascertaining policy alternatives for each issue, evaluating those options, and presenting a set of recommendations. The final step, was the adoption of the updated policies by the MTO, which accepted and rejected a number of policies initially set by the study team.

B.2.4.2. Policies

A standalone review of policy directions presented by the stakeholders, then the technical study team, the team's preferred policy, and the statement adopted by the MTO already constitutes a voluminous text, published by MTO as the *Bicycle Policy Review and Update Technical Report* (1992). For the purposes of its inclusion of this review, which is to establish its significance in early Hamilton bicycle policy, a limited review will take place, emphasizing the adopted MTO *Revised Bicycle Policy*, and only highlighting several specific policy alternatives rejected by the Ministry.

Although the *Technical Report* and *Revised Bicycle Policy* contain their own individual structures for presenting and discussing policy areas, for the purposes of this review the directives will be examined through the previous framework, on:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of interpreting the policy approach of the study team, these sections may be 'stretched' to contain the variety of policy directions.

Policies Related to Land-Use

Land-use planning concerns pertaining to bicycle use were identified as a key issue by stakeholders in the consultation process, with specific comments referring to its "reducing dependency on the car" in urban sprawl areas and the role of the bicycle as an element of "sustainable development" (Ministry of Transportation, 1992a, pg. A7.5). A discussion paper included in the *Technical Report* on land-use issues identified the costs associated with

designation of urban lands for automobiles, suggesting that “cities in the industrial world typically relinquish at least 1/3 of their land to motor vehicles for roads and parking lots; in Los Angeles the amount is 2/3” (Ministry of Transportation, 1992a, A9.66). The report points to the efforts of Municipalities in the GTHA, particularly Toronto in setting goals for modal splits and increased density/intensification. It also refers to a Ministry of Housing report, from 1991, which closely links the policy areas of housing, land-use, and cycling, which states (Ministry of Transportation, 1992a, A9.66):

A9.66 An increased focus on the bicycle as a viable and complimentary transportation choice is consistent with goals of intensification and the promotion of a more compact urban form.

These comments closely parallel the recommendations put forward by CPDRO around this time, emphasizing efficiencies in patterns of land-use, setting limits to settlement growth, and the manifold benefits of facilitating increased density and increased mix of uses. Despite the correlation of these factors, the study team substantially ignored the opportunities for including efficient land use and growth management practices, and discredited some policy options as unreasonable within its policy recommendations. As per the findings of the study team, the final policy document adopted a more gradual “proactive incremental” approach, and rejected the “proactive substantive” policy responses to land-use issues. A summary of these rejected policy alternatives include (Ministry of Transportation, 1992a, A10.68):

- Requiring all road construction to include widening for the use of cyclists.
- Actively identifying and funding ‘demonstration projects’ publicizing bicycle use
- Require utilitarian cycling networks be integrated into developments
- Support Municipal mandates to include bicycle consideration in all planning processes

These directives were rejected for financial reasons. The directive for required road widening, for example, was estimated at \$6M/year Province wide (Ministry of Transportation, 1992a, A10.69). Mandated planning considerations and new rules for site design were other directives eliminated, in this case for their unpopularity among stakeholders. These “proactive substantive” policies also contain more imperative language, such as the use of terms like ‘requiring,’ ‘mandated,’ and referring to explicit funding commitments. As discussed in the section on PPS and legislation changes, imperative policy language during this period has historically been rejected for perceptions of inflexibility and top-down planning/“planning from Queens Park.” These arguments harken to the debates at the *CPDRO* and during revisions to the *Planning Act* in the early to mid-1990s. At the heart of these disagreements is the assertion that the Province has the authority to assert its influence over the decisions of Municipal decision-making in service of protecting an increasingly large set of Provincial interests. The researcher suggests that the rejection of these policy options may partly be attributed to the preference of Municipal governments in Ontario at this time for flexibility and autonomy in land-use planning matters, a source of fundamental disagreement between promoters of policy-led planning and the small, rural Municipal interests (the interests of which are coincidentally left out of the *Revised Bicycle Policy*), and the development industry interests.

Adopting the “proactive incremental” approach, the study team presented a number of potential land-use policy options within its final recommendations, including (Ministry of Transportation, 1992a, pg. xix):

The Ministry of Transportation should promote “bicycle friendly” land use planning in consultation with the Ministry of Municipal Affairs, the Ministry of housing, the Ministry of Government Services, other affected ministries, Municipalities and the private sector through:

- Developing a workplace greening strategy which incorporates bicycle facilities;

- Encouraging the consideration of bicycle needs within the land use planning process;
- Incorporating considerations for bicycles within the transportation planning process;
- Promoting the bicycle as an efficient form of transportation in urban centres; and
- Promoting the bicycle use within off road utility corridors and abandoned rights-of-way

Such a formulation of land use concerns pertaining to planning for bicycle use would several theoretical effects. First, the MTO delays the development of a set of principles constituting “bicycle friendly” planning, a commitment which, as far as the researcher is aware, has yet to be produced as of 2016. Such a tactic is common among plans identified within this research, where substantive policies and actions are identified only to be delayed until they are forgotten. Second, policy language on land use concerns lacks an imperative tone, permitting inconsistent application and a false sense of profile-raising (e.g. the Ministries can publicize their obligations to “promoting cycle friendly planning” without committing to this key policy area.) Third, the policy espouses the view that incorporating considerations for the bicycle in transportation planning is an accomplishment of this review, when in fact bicycles had been incorporated into the *Highway Traffic Act* since 1989 (Ministry of Transportation, 1992a, A9.44). Admittedly, this was a victory for the proliferation of vehicular bicycle use. However, as identified by consultants for the 1992 Hamilton *Network Study*, it is argued that “all public roadways should be designed and maintained for reasonable use by either motor vehicles or bicycles” because of their inclusion in the *HTA* in 1989 (Hamilton-Wentworth, 1992, pg. 93). The *Network Study* later acknowledged that what had shifted during this period were what constituted ‘reasonable expectations’ of maintenance and road conditions for cyclists. Fourth, the policy suggests that land-use planning concerns for cyclists can be addressed by spot application of MTO

programming, such as their “greening strategy” for workplaces. The researcher asserts that this rationale runs counter to the policy-led approach adopted by the Province less than a year later and exemplified by ambitious density goals for transit and active transportation a decade later within the *Growth Plan*. Last, in lieu of a comprehensive policy addressing the significance of land-use planning concerns, the policy narrows its promotion and endorsement of the bicycle as an efficient mode of transportation to urban centres, despite a recognition of the opportunities for cycle tourism and “an eventual Provincial cycling network,” presumably implying the long term value of investments to areas outside the major centres of the GTHA (Ministry of Transportation, 1992a, pg. xvii).

In the conclusion of the *Technical Report*, the study team provides another account of the importance of land-use planning for the uptake of the bicycle as a viable alternative mode of transportation. Referring to three areas of concern, increasing transportation choice, the role of greening policies, and urban intensification, are described as policy areas requiring “concerted attention” by the MTO (Ministry of Transportation, 1992a, pg. 72). On the role of intensification policies, the *Technical Report* states (Ministry of Transportation, 1992a, pg. 72):

Intensification is the reduction of urban sprawl through the use of higher densities on developed land, or infilling in existing neighborhoods. Many jurisdictions have concluded that our cities cannot continue to grow in a haphazard fashion due to environmental, communication, transportation and servicing difficulties. To combat urban sprawl, intensification has been offered as a solution. Unfortunately, by encouraging denser neighborhoods, there is also a greater number of people wishing to use the road system, which often has not been designed for the increased demand. Bicycles however, operate well over short trips, and can easily negotiate traffic congestion as well as contribute to a reduction in congestion by eliminating motor vehicles from the road. Therefore, bicycle use can result in a reduction in urban sprawl, and support the intensification process.

It is unclear to the researcher whether the inclusion of this statement in the conclusion of the *Technical Report* reflected the anticipated effect of the study team's recommended policies, or whether it is a caution to the Ministry for continued research. Whichever effect was intended, the statement contains a specific perspective into the relationship between transportation and land-use planning held by the study team: that bicycle use can "result in a reduction of urban sprawl, and support the intensification process" (Ministry of Transportation, 1992a, pg. 72). The research suggests that this formulation can best be understood within the planning framework of the time, a policy recommendation that is pre-Commission and before the planning policy upset of 1994-1996. Outside of a policy-led planning framework, where enforceable directives upheld by conformity legislation are set to reflect Provincial resource interests, the parameters guiding the 'process of intensification' are dispersed among the decisions of councilors, planners, and developers. From this perspective, the study team's rationale takes a particular meaning: that if intensification is a goal of the 'public' or a share of governing institutions (interested Municipalities who are embracing intensification or in this case the MTO), the bicycle is a mode that may compliment the pressures of balancing congestion with the benefits of proximity.

Policies Related to Transportation Infrastructure and Public Services

The *Technical Report* and the official *Revised Bicycle Policy* contain infrastructure investment directives consistent with policy coming from the *CPDRO*. Specific directives, integrating the broad policy areas of the *Technical Report*, emanate from a fundamental policy change. In line with the study team's recommendations, the *Revised Bicycle Policy* adopted an "[a]cceptance of the bicycle as an alternative mode of transportation" (Ministry of Transportation, 1992b, pg. 6). The MTO assents to taking on the leadership role in facilitating bicycling integration to the overall transportation system, "encouraging " directives and setting

firmer commitments to others (Ministry of Transportation, 1992b, pg. 6). Three areas discussed in this section are: policy guidance for facility design, the integration of transportation modes, and directives providing educational and advocacy positions for the Ministry.

On the *Revised Bicycle Policy* position on facility design, two separate areas should be distinguished: policies referring to desirable network design and facility design. As part of its “leadership role to help support and facilitate the integration of the bicycle,” the MTO adopted a policy guiding Ministry funding for “the development of planning and design guidelines for bicycle facilities” (Ministry of Transportation, 1992b, pg. 6). This directive would permit Municipalities interested in developing their bicycle network to limit liabilities related to facility design. This concern is addressed within Hamilton’s 1992 *Network Study*, stating that “the selection, design and designation of facilities [in conformance] to the best prevailing standards” (Hamilton-Wentworth, 1992, pg. 95). In absence of a Provincial standard, the network was designed within the standards of organizations like the *Canadian Institute of Planners* and guidelines from other U.S. and Canadian agencies. The introduction of an Ontario Bicycle Facility Guideline would provide a standardized set of policies for cycling infrastructure design that could align Municipal designs, shift some of the responsibility for risk to the MTO (already bearing risk for roadway design), and enable Municipalities to incorporate design into the planning process.

The second area of facility design, are policies referring to the planned network concept. The official *Revised Bicycle Policy* integrates its one policy on network design with its funding stipulations (Ministry of Transportation, 1992b, pg. 6):

Conditions for funding approval will require that a bicycle study be completed and a plan in place which demonstrates bicycle needs, network connectivity and a prioritized approach toward implementation. Bicycle facilities must be located within or directly adjacent to the property limits of transit systems and

roadways. The ministry will support off-road facilities only when it can be demonstrated that the majority of trips would be for utilitarian purposes.

In addition to this policy the *Revised Bicycle Policy* describes, as part of its commitment to developing guidelines, planning guidelines for cycling. Although no details are included within the document, there are other references to network design, such a “uniform planning guidelines” suggesting some consideration for route selection and land-use matters (Ministry of Transportation, 1992b, pg. 7). What these prerequisites demonstrate, is that although the MTO delays providing uniform facility and planning guidelines, its funding mandate for purposive, urban, on-road infrastructure investments building off a core group of priority and tourist routes, a network concept standard is still expressed. Hamilton’s integration of this concept within its 1992 *Network Study* supports this conformant effect.

It is within the policy recommendations of the Commission during this period that the policy of transportation network integration is found. Within the context of the MTO’s *Revised Bicycle Policy*, several statements stand out on implementing this integration. First is the previously discussed approach of vehicular, on-road cycling. The first mode of integration begins with the concept, advocated by American bicycle advocate and engineer John Forester, that “in order for bicycles to be used safely and effectively within the urban environment, they must be driven on roads like any other road vehicle, obey the same traffic laws and benefit from the same rights of passage” (Hamilton-Wentworth, 1992, pg. 17). The integration of automobiles and bicycles here refers not only to the specific infrastructure and rules of operation, but must be understood as ‘vehicles’ with the same rights. As discussed, this is the significance of the 1989 inclusion of bicycles as vehicles in the *Highway Traffic Act*, and the primary purpose for the *Revised Bicycle Update*. Second, the integration of bicycles with other modes of transportation provide several benefits. For example, one concept discussed in the *Technical Report* describes

the benefits of “bike and ride programs that integrate bicycles with transit systems,” resulting in greater user mobility and range, reduced congestion at transit nodes, and increased ridership (Ministry of Transportation, 1992a, pg. A9.36-39). It should be noted that while this policy option was explored at length in the *Technical Report*, no explicit statement on commitments to integrate modes is made in the *Revised Bicycle Policy*, only a reference to funding for bicycle facilities within the catchment of transit systems.

The final element to be addressed in this section are the policies referring to educational and advocacy programs. On the MTO’s role in education and safety, the *Revised Bicycle Policy* states that “safety remains a ministry priority, and education and training are an important means of ensuring safety through better road user knowledge and skills” (Ministry of Transportation, 1992b, pg. 7). Noting that cycling education initiatives are “primarily implemented by Municipal interest groups and the private sector,” the policy states that Ministries will contribute by:

- Legislative safety equipment use, like the helmet under Bill 124
- Providing enhanced cycling safety information
- Coordinating a Province wide safe cycling campaign
- Encourage bicycle education in the primary school system
- Enforce bicycling infractions

The revised policy also refers to promotional elements, such as advocating the economic, environmental, energy and quality of life benefits of cycling. The *Revised Bicycle Policy* states that the MTO, in partnership with other ministries, “will recognize, promote and support the bicycle as a contributor to a more healthy and fit community” (Ministry of Transportation, 1992b, pg. 8).

Policies Related to Administration

For the purposes of this research, policies related to administration have addressed issues pertaining to coordination and compliance of policies. In the *Revised Bicycle Policy*, the MTO states that it will be responsible for internal and external Ministry policy integration and coordination for matters concerning bicycle use. A thorough examination of ministry coordination on this topic is outside the scope of this research, although such a study could reveal the method and extent of integration of these policies, as well contribute to an evaluation of the MTO's role as liaison.

Policies Related to Monitoring and Assessment

The *Revised Bicycle Policy* contains two overt policy on monitoring and assessment of its policies. First, in its 'Implementation and Monitoring' section, the policy describes the Ministry's commitment to "take measures to establish a yearly monitoring program with a formal five year review, to evaluate progress and incorporate any necessary modifications" (Ministry of Transportation, 1992b, pg. 9). The researcher could not identify any of these reviews, since this update, within publicly accessible servers or libraries. Second, the Ministry describes the formulation of an "implementation plan which identifies approved initiatives, and includes an outline of project management responsibilities, participants and timing" (Ministry of Transportation, 1992a, pg. 9).

While these two directives suggest that the assessment of the *Revised Bicycling Policy* was planned, there were no details found on specific methods of monitoring, implementation targets, or specific questions to guide the evaluation process.

B.2.5. CycleON (2013)

Published in 2013, *CycleON* (which may be referred also as the Strategy) is the province's first official strategic planning document for cycling since the 1992 MTO *Revised Bicycle Policy*, containing a broad vision, set of goals, and a short list of objectives to direct government to 2033. The document was developed in consultation with a wide range of stakeholders, input from all ministries, and the public, with opportunities for feedback given at the draft stage and in a subsequent workshop. The first draft of the Strategy, published for consultation in November of 2012, was posted on the Environmental Registry for public feedback. The final version of Strategy itself claims that consultation submissions were "extraordinarily high," receiving over one thousand written submissions, a claim amounting to roughly half of the submissions received by the CPDRO (Ministry of Transportation, 2013, pg. 4). The final version of the Strategy contains five aspirational goals, around which a short list of possible directions are loosely categorized addressing areas such as associated land-use concerns, infrastructure investments, safety, promotion, and tourism. The five aspirational goals are (Ministry of Transportation, 2013, pg. 6):

1. Ontario is recognized as the best Canadian Province for cycling and ranked among the top 10 jurisdictions worldwide for cycling. At least one Ontario city is ranked among the 10 most bike-friendly cities in the world.
2. The built environment in most Ontario communities supports and promotes cycling for all trips under 5 km.
3. Ontario's cycling environment is safe for people of all ages, striving to achieve a record of zero fatalities and few serious injuries.
4. Ontario's cities and towns will have interconnected networks or cycling routes enabling people to cycle to work, school, home, and key destinations.
5. Ontario has an integrated Province-wide network of cycling routes.

While the strategy contains a short list of broad objectives under these goals, the document also suggests that implementation would depend on future 'action plans' that would translate the goals of the strategy into more detailed and specific projects and initiatives, establish

performance indicators, contain a report on progress to date, define new projects, and identify partnerships (Ministry of Transportation, 2013, pg. 36). As of this research, one *Action Plan* has been published in 2014, containing actionable directives aligning with the five aspirational goals, titled the *CycleON Action Plan 1.0 (Action Plan)*. The researcher suggests that, as with the directives contained within *The Big Move*, actionable directives can constitute a set of spatial policies, when coordinated with a systematic set of goals and objectives. For the purposes of this review, the *CycleON* strategy and its first action plan will be examined together.

As a preface to this section, it should be noted that the researcher struggled with understanding how to orient *CycleON* within the context of the other documents in this research. As a strategy, although containing ‘policies’ reflecting the spatial politics of the Province on cycling, the document differs in its orientation to the Provincial planning apparatus. The researcher suggests two fundamental differences exist between *CycleON* and the other documents contained in this examination of policy documents. The first the implied ongoing search for a coherent vision for the future of cycling in Ontario. Although it contains a set of aspirations that are generally agreed upon by its stakeholders, the document fails to convey a distinct vision for the role of cycling across the Province. Second, it lacks the legislated and institutional cohesiveness that other specializations enjoy, for example an area like land-use or transportation planning. Instead, the Strategy embraces a collaborative approach to plan implementation, drawing upon a wide range of public and private bodies for input, but perhaps at the sacrifice of a coherent mechanism for implementation.

B.2.4.1. Authority

Lacking a legislative foundation, the researcher struggled with interpreting the directives contained within both the *CycleON* document and the later *CycleON Action Plan 1.0*. The

researcher identified ambiguity around the responsibility and implementation of the directives. The researcher could identify no specific supporting legislation on further direction on the implementation of this document. Within the document itself, and within accompanying web materials, it is stated that “*CycleON* Action Plan 1.0, identifies clear actions that Ontario government ministries and agencies will be working on in 2014 and beyond [...],” suggesting that no actual obligations are set upon the Municipalities who ultimately implement the changes (Ministry of Transportation, 2014a). While the absence of orientation to a legal framework permits incorporating broad objectives surpassing the ‘limitations’ of traditional planning documents, for example in introducing pilot programming within school boards to encourage early uptake of cycling, the absence of legislative authority evokes previous ambitious policies set by this government that were scarcely acted upon. The lukewarm investments into cycling under Metrolinx, for example, parallels this tactic. However, divergent from *The Big Move*, *CycleON* suggests implementation can only occur through an umbrella of private organizations and political institutions, by using a partnership oriented approach (Ministry of Transportation, 2013, pg. 5). As a result, this review will focus its examination not only around what directives are set out in this document, but also how it purports to affect these changes.

B.2.4.2. Policies

CycleON presents a wide range of directives for future implementation by both private and public bodies. Drawing upon input from the public and key stakeholders, the strategy contains policy directions facilitating cycling-supportive urban and rural environments, provide guidance on future cycling investments, enable changes in personal transportation behavior and popular considerations for cyclist welfare, encourage economic dividends, and broadly to constitute a shared vision for the future of cycling in Ontario. It is also unusual for its Action

Plan approach, by publishing separate ongoing plans containing the provinces actual, future directions.

For the purposes of this review the directions set by *CycleON* and its 2014 *Action Plan* will be examined through the previous framework, on:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of interpreting this broad Strategy, which contain a number of policies not previously identified within this research, these sections may be ‘stretched’ to contain the variety of policy directions.

Policies Related to Land-Use

While previous documents within this research have been oriented to the intersection of land-use planning and the facilitation of cycling-supportive urban environments, *CycleON* introduces little in the way of providing further direction on this potential within the Ontario. There are two directives addressed by the *Action Plan* on land-use, (1) integration with existing regional plans and review processes and (2) integration with the PPS.

(1) Directives 1.1, 1.5, and 1.6 direct for the implementation of policies contained within the *Greenbelt Plan* and the *Growth Plan*, as well as for the inclusion of additional cycling-supportive policies within the review of each document. These policies read (Ministry of Transportation, 2014b, pg. 1):

1.1. Implementing the active transportation policies in the Growth Plan for the Greater Golden Horseshoe, a long-term plan to manage growth in the region

1.5. Looking for and considering additional opportunities to encourage and support cycling during the review of the Growth Plan for the Greater Golden

Horseshoe

1.6. Looking for and considering additional opportunities to support cycling during the review of the Greenbelt Plan, which provides permanent agricultural and environmental protection in the Greater Golden Horseshoe

While it is encouraging to see the intersection of growth management and cycling explored in the first Action Plan, it is unpromising that the content of the policies for which they refer are not restated within the Action Plan. By restating some of these policies, and connecting land-use concerns with cycling, the strategy would be well on its way to expressing an official position on cycling-supportive land-uses. As these policies rely on implemented principles of efficient land-use, a subject explored in detail nearly every section of this thesis, so these concepts will not be rehashed.

(2) Like the previous directives, directive 1.2 calls upon a coordination of Municipalities and *CycleON* stakeholders in implementing directives within the PPS. Directive 1.2 states (Ministry of Transportation, 2014b, pg. 1):

1.2. Working with Municipalities to implement the Provincial Policy Statement, 2014, which provides direction on land-use planning and development across Ontario and emphasizes the importance of cycling to healthy, active communities.

As with the previous actions, the intent of 1.2 is lost because of a lack of specificity. This research is perhaps the most appropriate critique of this policy, in its attempt to demonstrate the breadth and complexity of how prevailing planning policies may influence the creation of cycling-supportive urban environments. By failing to specify or interpret what those policies might look like, the Action Plan provides little new direction on how cycling can be imagined from a built perspective. This methodology leads the researcher to three broad critiques:

- The *CycleON* strategy, as delineated by the first Action Plan, provides no new direction on the intersection of transportation and land-use planning, a weak relationship which has been historically established regional and Provincial plans in Ontario (White, 2007);
- These directives create a ‘pre-fulfilled’ plan effect, e.g. by including policies already legislated to be fulfilled within the Action Plan (which has no authority), the Action Plan is padding its directives and future accomplishments with existing initiatives. By simply iterating these objectives, the strategy brings the Province no closer to its land-use goals, especially where gaps in monitoring already exist in these areas and research has shown significant challenges in meeting any of its targets (see section 4.3.2.2 on the implementation of the *Growth Plan*); and,
- By reiterating existing Provincial perspectives on AT and land-use planning, *CycleON* fails to advance an enhanced vision for cycling in Ontario.

The researcher has critiqued other plans within this thesis for including policies that fall beyond the scope of their authority (notably *The Big Move*). The researcher asserts that within a strategic document like the *CycleON* and its *Action Plan*, there is little reason why a more-developed vision for intersecting land-use and cycling infrastructure provision couldn’t be asserted. Within the context of historical land-use planning initiatives within Ontario and the Golden Horseshoe, as documented by this research, the researcher asserts that a comprehensive, Province wide planning effort for the promotion of cycling should not adopt a status quo position on the efficient use of land. If status quo policies on land-use planning were having their desired effect, there would no longer be a need to restate them within this context. A set of enhanced land-use planning statements could have served as the basis for Municipal policy formation, for those that choose to go beyond the minimum requirements of the PPS and Growth Plan. This opportunity is delayed until the next revision of the Action Plan, which itself has no set date for delivery, and no land-use vision is asserted pertaining to cycling for yet another half decade, or more.

Policies Related to Transportation Infrastructure and Public Services

CycleON and its *Action Plan* include a wide range of policy directions supporting cycling, several falling outside the purview of other Provincial and Municipal planning documents. For the purpose of this review, there will be a focus on three main types of directives: (1) those referring to the development of cycling infrastructure, (2) policies referring to the development of the broader environment of cycling advocacy, and (3) directions referring to future collaborations with various institutions.

(1) The term ‘development of cycling infrastructure’ refers to the document’s ability to project a vision for the future of Provincial cycling infrastructure and the expression of steps leading to the development of cycling infrastructure. Three primary themes emerged within this broad concept: directives addressing the development of the network, the development of design manuals, and specific commitments to key projects.

CycleON provides several directives on the development of a ‘Provincial network’ of cycling paths. The first directive is 1.3, like the Strategy’s tactic of restating policies within existing Provincial growth management plans in formulating its land-use planning approach, piggybacks on directives set out by *The Big Move*. Within the *Action Plan* the policy states (Ministry of Transportation, 2014b, pg. 1):

1.3 Implementing the active transportation elements of The Big Move, the 25-year plan for coordinated, integrated transportation and transit in the Greater Toronto and Hamilton Area – [to be fulfilled by] Metrolinx

As with the researcher’s critique of the use of growth plan policy ‘mirroring’ on land-use and cycling, so goes the critique of the reference to “implementing active transportation elements of *The Big Move*” (Ministry of Transportation, 2014b, pg. 1). As the review of AT policies within *The Big Move* demonstrates in this thesis, both its commitments to cycling and its record on

implementation over the past ten years contain gaps as a regional transportation plan, let alone as the basis for a Provincial strategy affecting areas outside the GTHA. The *Action Plan* itself does not provide a more detailed collection of these *Big Move* policy directions, of which there were only a few. The inclusion of ‘all’ *The Big Move*’s AT policies within the Strategy, washes away any nuanced critique that should be part of a Provincial strategy. From the ambitious policies like the provision of cycling infrastructure at a minimum of 1km from every resident (a commitment that has been deemphasized in every subsequent internal document at Metrolinx), to contestably implementable policies like the inclusion of sidewalks across the region, the researcher is uncertain whether the indiscriminate adoption of *Metrolinx*’s approach to regional transportation is an effective method of moving cycling forward as a Province. Inherent within this strategy, similar to the iteration of regional land-use plan policies, are challenges associated with a history of GTHA centrism – the absence of rural direction, winter specific directives, only emphasizing AT policies closely tied to transit objectives, and the funneling of investments into Municipalities performing or are well supported by funded planning departments.

The Strategy does include other policies addressing the development of a Provincial cycling network, some scoped to account for areas outside the Golden Horseshoe. Action 2.1, 2.2, and 5.1 all refer to a future network of cycling routes and for their implementation by a Provincial infrastructure investment program, presumably independent from existing investment brokers like *Metrolinx*, whose interests are within the GTHA; the actions state (Ministry of Transportation, 2014b, pg. 2-3):

2.1 Launching a three-year Ontario Cycling Infrastructure Program to build Municipal and Provincial cycling infrastructure

2.2. Identifying a Province-wide network of cycling routes that will help locate areas of Provincial infrastructure that should accommodate cycling.

5.1. Identifying a Province-wide network of cycling routes to promote recreational cycling and cycling tourism, connect Municipal cycling routes and places of interest and help prioritize future infrastructure investments on Provincial highways

Although providing a directive for the *future* development of a detailed Provincial cycling plan, there is language alluding to the development Provincial bicycle network concept, a direction not yet included within any existing Provincial plans or policies. Early formulations for Provincial network concept within the strategy and its action plan suggest the integration of cycling infrastructure within Provincial highway investments as a means of providing supra Municipal and regional cycling infrastructure. Additional details around the future of the Provincial position on cycling investment may be identified within the consultation of the Ontario Cycling Infrastructure Program, undergoing review on the Environmental Registry in 2014. Feedback on this initiative was oriented around questions pertaining to types of infrastructure that should be targeted, which requirements should be set for proposals, and potential criteria for how infrastructure proposals would be evaluated and selected. It should also be noted that funding commitments for this initiative, within the Environmental Registry preamble, were changed to include 15 million for Provincial cycling infrastructure projects and 10 million for Municipal cycling projects over three years (less than investments forecasted by policy within *The Big Move*). Within this consultation, only a handful comments addressed the coherency of the Provincial concept network, however these were under the context of underserved small and rural Municipalities who were interested in how highway investments were going to be integrated into their cycling plans. Concerns around prejudicial criteria for funding like improving connectivity to transit, supporting ‘innovative’ projects, and expanding existing networks serve to distance the program from fulfilling a regional focus were identified within

submissions. Comments from the Cycling Advocates of Nipissing, from registry number 012-2428 titled “Development of the Ontario Municipal Cycling Infrastructure Program,” in support of this assessment, addressed concerns around the lack of “an overall vision [... which is ...] lost in this strategy,” when strong Provincial cycling plan examples exist “right next door in Quebec,” referring to Quebec’s extensive *Route Vert*, a cycle path that follows small Municipalities along the St. Lawrence river (EBR 012-2428, Comment 176917). Another submission, from a small Municipality outside the GTHA, asserted that for “the benefits of cycle tourism” to be realized, “cycling needs to be considered a regional benefit and cycling plans/infrastructure must connect beyond governance/geographical boundaries” (EBR 012-2428, Comment 177252). Comments like these, underscore the need for a coherent vision for cycling within the Province, one not bound to existing formulations set by policy makers and advocates with a bias for the outcomes of the GTHA.

Actions like 1.4 address the role of Municipal scale investments within the Provincial concept, stating (Ministry of Transportation, 2014b, 1.4):

1.4. Working with Municipalities to strengthen local implementation of Provincial active transportation policies that facilitate cycling by:

- Supporting Municipalities as they develop and implement Municipal official plans and transportation-related plans that support cycling
- Developing an implementation plan to help overcome [...] barriers

These directives address transition from Provincially set policies to Municipal implementation and for setting objectives in aiding Municipalities in development of local cycling projects. The researcher is unsure, as the policy is worded, what specific kinds of supports may be provided by the Ministries, however further directives under 1.4 suggest additional research and training

programs: that “an education program for Provincial and Municipal staff” and “research to identify [...] barriers to cycling and active transportation,” would be developed at the Provincial level (Ministry of Transportation, 2014b, pg. 1). The researcher suggests that absent from this formulation of local implementation is the connection to a comprehensible Provincial cycling concept. The *Action Plan* implies that Municipal planning objectives should be implemented independent and prior to Provincial investments, before a Provincial plan is fully developed. This disconnect impacts the Plan’s cycling tourism concept under section 5, perhaps the most detailed and coherent component of a potential model for Provincial cycling infrastructure investment contained within the document. Although action 5.1 directs for the “connect[ion of] Municipal cycling routes and places of interest,” further detail on the intersection of Municipal networks could have been developed to permit effective Municipal development while the rest of the Province waits for a developed plan. This should have been considered given the lack of specific commitments to future deliverables by the Province. In light of these and other comments on the registry, it may be that under representing small community and rural perspectives throughout the strategy may serve to limit the efficacy of its limited Provincial concept.

Another primary objective of the action plan on development of cycling infrastructure directs for the amendment and development of design manuals. Actions 2.3, 2.5, and 2.6 contain these directives, connecting the need for technical and design parameters for Municipal officials; they state (Ministry of Transportation, 2014b, pg. 1):

2.3. Incorporate design features for cyclist and pedestrian facilities and safety improvements on Provincial road and bridge projects using appropriate criteria, unless justification exists for exemption

2.5. Releasing Ontario Traffic Manual Book 18 to provide guidance to Municipalities on the planning, design and operation of cycling facilities.

2.6. Releasing the Bikeways Design Manual to provide updated guidance to Provincial staff who plan, design, build and operate cycling facilities on Provincial roads and bridges.

The provision of these design manuals will undoubtedly encourage and educate Municipalities with limited technical resources on the opportunities for cycling investment and best practices.

(2) Perhaps the most striking difference between directives set by *CycleON*, its *Action Plan*, and other documents in this review are its broader cycling advocacy elements. The researcher has identified two main thrusts in this area, addressing: cycling safety through regulatory changes and improvements to cycling education initiatives. Cycling safety directives are contained within actions 3.1 and 3.5, which refer to legislative changes such as those that “address dooring, one-metre passing, contraflow bike lanes, bicycle-specific traffic signals and riding on paved shoulders” and “promoting the use of helmets by cyclists of all ages” (Ministry of Transportation, 2014b, pg. 2). A number of these initiatives are underway or completed, including those under the *Bill 31 Transportation Statute Law Amendment Act*, which included changes to ‘dooring,’ bicycle light requirements, and required separation distance between cyclists and motorists. The Strategy’s cycling education initiatives aim to promote an awareness of cycling and to encourage modal shifts throughout the Province. Provisions under section 4 include targeting a range of community and Provincial institutions, including primary and secondary schools, health units, the Ontario Trillium Foundation, and existing sport and recreation programs. These programs will not be detailed within this section as they begin to fall outside the scope of this research, and the expertise of the researcher.

(3) Last, the Strategy and the associated *Action Plan* contain a strong emphasis on the role of collaborative and partnership oriented actions. The *CycleON* document makes the province’s commitment to collaboration a central part of its ongoing strategy, stating that “[t]he

strength of this strategy is that it is powered by partnership and collaboration. We need the support of Municipalities, the broader public, road users, businesses and non-governmental organizations” (Ministry of Transportation, 2013, pg. 5). The spirit of collaboration is inherent throughout the entire document, from the collaborative approach utilized during the strategy’s formation to the list of Ministries assigned responsibility for implementing the broad plan. Support for existing work by trails organizations on the *Ontario Trails Strategy* under Action 5.3, support for cycling tourism projects with the Celebrate Ontario program under Action 5.4, and product development support for Regional Tourism Organizations in Action 5.5, are included by the strategy in developing its commitment to enhancing cycling tourism. Several educational initiatives are marked for support by the Strategy’s stakeholders, including the Healthy Communities Fund in Action 4.3, Metrolinx’s TDM and primary school cycling pilot programs in Action 4.2, and physical activity initiatives like the Healthy Kids Community Challenge under Action 4.9. While these characteristics are admirable, the researcher suggests that absent from these actions are the presence of measurable outcomes, a goal specified by the *CycleON* document, stating (Ministry of Transportation, 2013, pg.5):

Each Action Plan will include specific performance metrics and indicators, report on progress to date, discuss new issues and emerging trends, and identify projects and the partnership that will be needed to achieve results.

While this aspect of implementation could always be developed at later date, the abdication of the Strategy’s few commitments on monitoring within the first *Action Plan* may signal future challenges, especially as more complex organizational partnerships are embraced.

Policies Related to Administration

Under earlier documents reviewed by this research, this section has focused on policies directing for coordination and compliance between the plan and its constituent Municipalities.

Two major themes emerged in a review of the Strategy's actions pertaining to this area of analysis: the use of a collaborative multi-stakeholder approach to achieving plan influence and the lack of a compliance due to limitations set by legislation and the ambiguity of the Provincial cycling network concept.

Although the strategy lacks any conformity requirements, an examination of draft copies of the Strategy suggest that power may exist within its directives where used as a basis for funding and as a framework of guidelines for voluntary collaborations between public and private organizations. Although removed from the final version of the document, an early draft of the Strategy contained a set of criteria for evaluating investments into cycling projects, containing provisions such as a proposed initiatives that (Ministry of Transportation, 2012, pg. 4):

- Could form part of a Province-wide cycling network
- Have no viable alternative route
- Would connect with other existing or planned cycling routes
- Is consistent with local tourism goals
- Could connect population centres and/or places of interest
- Could allow access to services and accommodation
- Has a demonstrated existing demand for cycling
- Is, or could be, reasonably be made safe
- Has strong existing local support
- Is cost effective

These criteria received criticism within submissions to the Environmental Registry consultations, with some calling the criteria exclusionary, suggesting that “this list reads to me more like a list of excuses to exclude funding for projects, rather than as reasons to fund cycling projects” (EBR 012-1477, Submission ID 147719). Although these criteria were removed from the final version,

the problem of setting criteria for the efficient brokerage of limited funds remains a politically charged problem now inherent within the Strategy's implementation plan due to its limited authority. Related to this tension of utilizing brokerage of funding as plan power, is the implication that the provinces vision for the future of cycling can only be met outside the traditional planning and governance apparatus and established policy led framework. This tactic parallels the approach used by Metrolinx, which stated in *The Big Move* that its objectives "cannot be legislated or regulated into reality," despite the ongoing exploration of expanding its powers through legislation (Metrolinx, 2008, pg. 75). The researcher suggests that the absence of a coherent Provincial network strategy and vision for cycling, the limited historic success in meeting self-imposed land-use efficiency goals, and historic challenges in meeting previous commitments to funding cycling initiatives, contribute to this perception that legislation and regulation appear to be unviable tools for meaningful change. The efficacy of collaborative and partnership oriented Provincial planning initiatives, as the 'solution' for existing policy gaps and failures to full implementation, is one area of ongoing research needing further exploration.

Policies Related to Monitoring and Assessment

The *CycleON* strategy refers to three mechanisms for monitoring and assessment, (1) within its commitments to periodic review, (2) specifics set out within the Strategy on development of its *Action Plans*, and (3) several policies within the *Action Plan* containing defined completion dates. As this thesis has demonstrated within the evaluation of larger, more institutionally entrenched Provincial plans, which set out directives for attentive policy evaluation, the design and ongoing fulfillment of plan monitoring schemes must be carefully examined.

(1) Unlike each document included in this review, the *CycleON* does not declare any commitments to periodic review. The Strategy itself occupies a ‘step’ towards meeting its goals contained in a twenty year timeframe, however no statements are made on updating the Strategy at any point. The researcher suggests that obligations to review could have been included to align Strategy review to the rhythms of other Provincial review processes, to ensure that its processes to submit amendments to Provincial and regional plans (set in Actions 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6) are harmonized.

(2) In lieu of periodic revision, the Strategy publishes occasional *Action Plans*, to update, develop, and report on its ongoing objectives. The *CycleON* strategy includes seven requirements for each of its *Action Plans* to clarify the problem, solution, and implementation, including (Ministry of Transportation, 2014b, pg 5):

- A translation of the goals into specific projects and initiatives
- Performance indicators specific to the initiatives
- Report on progress to date
- New issues and trends
- Projects identified
- Partnerships identified

As earlier critique of the first *Action Plan* might suggest, the researcher has concerns over the efficacy of these updates to develop, guide and uphold a coherent Provincial vision for cycling. The limited detail, absence of monitoring criteria, and inclusion of a number of existing initiatives (see the researcher’s earlier critique of plan ‘pre-fulfillment’) within the first *Action Plan*, suggests that this approach may not result in the expression of regular, measurable actions.

(3) The *Action Plans* do include several actions with accompanying set completion dates, providing measureable criteria for the efficacy of program design and fulfillment. Unfortunately, these programs are not integrated to a cohesive step-by-step strategy, and exist as pilot or independent initiatives. One major exception is Action 5.1, pertaining to the identification a

Province-wide network of cycling routes to promote cycling tourism and prioritize investments, set for completion within 2016. In conjunction with a strong position on the integration of cycling and Municipal land-use planning, the detailed formulation of a Provincial cycling network concept may have the greatest effect in empowering Municipal decision makers and local advocates to take preemptive steps to plan and coordinate with the network. At the time of this research, no news could be found on the development of the network.

Appendix C: Review of Municipal Policies and Plans

C.1. Review of Municipal Plans

To this point, the planning documents reviewed are those at a Provincial level containing policies affecting bicycling. As part of the transition to Municipal level planning and policy document review this preamble will include an overview to prepare and guide the reader on the context of this part of the research process. This overview will include (1) an examination of some of the challenges and opportunities emerging during the course of gathering and examining historical Provincial and Municipal documents, and (2) an underlying rationale and list of the documents selected to be examined in this section.

(1) In concluding the review of Provincial and regional planning documents for this research, several facts pertaining to the influence of Provincial policy on Municipal decision-making and plan-making were identified. The researcher believes that a reiteration of several of these facts could assist the reader in understanding the transition between Provincial and Municipal policy making. The following major changes to legislation and policy-making are relevant when examining Municipal planning documents.

On Provincial changes during this period, readers should be aware that the Provincial influence on the required contents of Municipal plan has varied over the research period, with formal changes to the *Planning Act* and less formal debates occurring throughout the political arena on the status and role for official plans. While these legislative changes are subtle, with the official plan still broadly defined in at the time of this research, a balance between the minimum requirements of the Municipal official plan and the increasingly detailed policies of the PPS is evident in every plan. Related to the content of the PPS, Municipal plans have also had inconsistent requirements for Provincial policy conformity, especially during a period in the

early 1990s when influential political debates were occurring on the Provincial interest, Municipal autonomy, and the role of Provincial policy. The result of those debates was the formulation of a policy-led planning framework, with more robust requirements for Municipal governments to align their decision-making with an expanding set of Provincial interests, at expense of flexibility and local autonomy. During the research period, Provincial policies were transformed, rewritten, and reintroduced in an interrupted pattern correlating to political upheavals and major planning initiatives, reflecting the political and scientific debates of the time, but also manipulation by powerful interests. As a result, a gradual progression of cycling-supportive Provincial policies did not occur.

With these major Provincial changes in mind, several other broad facts surfaced as the researcher conducted the review of Municipal policies. First, fortunately for this research, the debates, policy, and legislation around the above Provincial issues were evident within Hamilton's Municipal plans. As hypothesized, there is an opportunity to explore the relationship between Provincial and Municipal policy in Hamilton. Despite this opportunity, challenges emerged as the research progressed. The Hamilton planning framework is often multi-faceted, with official plan reviews occurring concurrently with and influenced by strategic planning and visioning initiatives. Further complicating this process, Hamilton underwent a major administrative and political boundary change as a result of the amalgamation of Hamilton-Wentworth and its six Area Municipalities into the single-tier City of Hamilton. Disentangling these concurrent initiatives required an understanding of the plan approval process, detailed time-lining exercises, and conversations with local planners. Because regional boundaries remained the same after amalgamation, the researcher has deemed it reasonable that the City of Hamilton area official plans and Regional Municipality of Hamilton-Wentworth official plans be

directly compared. Unfortunately, the five year Municipal official plan review cycle (10 year as of Bill 73) has not always occurred as planned within Hamilton. In reality, comprehensive reviews of official plans are relatively rare and infrequent, in part due to a practice of ‘planning by amendment.’ The researcher also anticipated these reviews would result in separate, updated Municipal publications. In fact, most historic official plan documents gathered reflected ongoing changes, partially reflecting the content of a comprehensive review and partially containing in text amendments. Others contains an appended list of major amendments. Challenges emerged in identifying policies reflecting the Municipality’s position on cycling and land-use concerns at specific periods. Compounding the challenges of gathering these documents, were the irregularities in Municipal archival practices. While the researcher could find references to major policy changes within available documents, obtaining physical or digital copies of these referred documents was a barrier. Copies of several key documents could not be found by the researcher despite the use of online searches, public and academic library resources, and specific requests to Municipal officials.

(2) Given the challenges mentioned above, for the purposes of this review, only official plans for the Regional Municipality of Hamilton-Wentworth will be considered. Three revisions of the official plan will be examined: (1) a 1990 Hamilton-Wentworth *Official Plan* office consolidation, reflecting the policy position before the *Vision 2020* strategy was developed, and which was under effect into the research period, (2) the Hamilton-Wentworth *Towards a Sustainable Region* official plan, reflecting *Vision 2020* principles, amended throughout 1995 and 2010, and (3) the 2013 *City of Hamilton Urban Official Plan*.

C.1.1. Hamilton-Wentworth Official Plan Office Consolidation (1990)

In 1990, the Hamilton-Wentworth official plan was consolidated (hereon referred to as the *Plan*), integrating official plan amendments since 1982. The document contains policies related to matters of regional concern, at that time encompassing growth management, regional development patterns, economic revitalization, road and pipe infrastructure, public services, and management of natural historical resources. The *Plan* guides regional decision-making and sets requirements for Area Municipality official plans. The policy also references regional and Provincial directives, including Provincial policy guidelines, Parkway Belt system policies, the Niagara Escarpment Plan, and the Toronto-Centred Region concept. Consolidated prior to the *Vision 2020*, the *Plan* does not incorporate any local strategic planning initiatives. Containing few specific directives targeting cycling infrastructure and little direction on the efficient use of land, the plan describes the Regional Development Pattern concept, which designates Hamilton as a regional centre, supports the development of Municipal centres in each of the six Area Municipalities, and facilitates the provision of a range of urban, suburban, and rural housing options. This document has been included within this research to provide a context for the dramatic changes in Hamilton-Wentworth's official plan after *Vision 2020*, titled *Towards a Sustainable Region*, a document remaining in effect for nearly 15 years.

C.1.1.1. Authority

The authority of the Hamilton-Wentworth Official Plan is granted by the *Planning Act*, broadly defined as “a document approved by the Minister, containing objectives and policies established to provide guidance for the physical development of a Municipality or a part thereof [...] while having regard to relevant social, economic and environmental matters” (*Planning Act*, R.S.O. 1990). The authority of the Regional Municipality of Hamilton-Wentworth is granted under the *Hamilton-Wentworth Act*, which the regional government powers to “continue to

maintain in force with such amendments or revisions as it deems appropriate, an official plan for the Regional Area” (*Hamilton-Wentworth Act*, 1980, C.473). On the Area Municipalities contained within the regional boundary, the *Plan* states that “it is expected that the detailed land use designation will be implemented by the Area Municipal Plans” (Hamilton-Wentworth, 1990, pg. ii).

C.1.1.2. Policies

The 1990 *Plan* predates the formational Provincial planning initiatives that are the focus of this research, including: the *CPDRO*, which would influence the development of a system of comprehensive Provincial planning policies was yet to be established, the formalization of Ministry policy guidelines into the PPS, and the amendments to the *Planning Act* of the 1990s, which then contained few specific directives and responsibilities to guide Municipal development. It is within this legislative and policy context, and the prolonged economic downturn, that *Plan* policies are limited to categories affecting:

- Regional Development Pattern
- Urban Areas
- Urban Multifunctional Centres
- Environmental Protection
- Transportation and other infrastructure
- Open Space for Recreation

It should also be noted, that the *Plan* refers to its intention not to “interfere with those planning matters considered to be the responsibility of the Area Municipalities,” a separation of responsibilities not formally stated anywhere in legislation or Provincial policy, although possibly informally upheld in practice throughout Ontario (Hamilton-Wentworth, 1990, pg. ii).

Not all categories within this document contain relevant policies for this research. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however because the *Hamilton-Wentworth Official Plan* provides a comprehensive perspective on planning issues, the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

This section will address policies directing decision-making on land-use planning within the Region. As discussed in earlier policy document reviews within this research, the researcher considers policies specifying where growth should occur (growth pattern policies) and those describing the characteristics of the desired built form (land-use pattern policies). Both types of land-use policies guide the efficient use of land resources, which contribute to the formation of cycling-supportive urban environments. Hamilton-Wentworth land-use directives can be summarized by the following overarching principles:

- Emphasized a flexible, although sometimes incompatible, set of policy goals for urban and rural areas exploiting relaxed obligations to consider a broad set of Provincial interests.
- Permitted a range of residential lifestyle choices, including urban, suburban and rural residential development, implying that urban boundary policies are set to guide development, but not to preclude any specific growth pattern.
- Commitment to enabling Area Municipal autonomy, permitting Municipalities to set policies and on a range of planning issues.

The Hamilton-Wentworth Official Plan sets several policies for managing urban and rural settlement growth, yet includes directives undermining meaningful urban and rural boundaries set by its policy areas. Combined with few policies directing for efficient use of available land, the researcher suggests that the policies of the plan cannot be considered supportive of cycling.

The first section of the *Plan*, on the Regional Development Pattern, describes its overall objective to “continue to provide a choice of living environment (urban, suburban, rural) for the residents of the Region” and “provide guidelines and policies for: a desirable expansion in the Regional economy in order that Hamilton-Wentworth can assume its role as a ‘Regional Centre’ in accordance with the Provincial Toronto-Centered Region concept” (Hamilton-Wentworth, 1990, pg. 1). This implies that Hamilton-Wentworth’s primary concern for guiding development in the region, and within its Area Municipalities, is the accommodation of projected growth both within and outside its urban and rural settlement boundaries. As could be expected of such an overall goal, the policies around growth management are permissive, unspecific, and at times contradictory. The *Plan* sections the region up into several spatial designations within the region and applies both general and specific policy sets to these areas. These areas include broad categories like “Urban Policy Areas”, “Rural Policy Areas,” and rural areas under the Parkway Belt West Plan; and sub-categories like “Urban Multifunctional Centres” (areas containing commercial development), “Agricultural and Specialty Crop Areas,” and “rural Settlements,” (Hamilton-Wentworth, 1990, 2.2,3, and 4). Despite the requirement for Area Municipalities to integrate these policy areas into their plans, the policy areas themselves often contain few Regional policy directives to guide their use. Those containing specific policies to guide development are consistently subject to relaxed compliance language and little imperative for meaningful implementation at the Area Municipality level. It is for this reason that the researcher

asserts that urban and rural development boundaries set by these policy areas, a tool commonly implemented as a means of guiding efficient land use within Provincial plans in the 1990s onward, are ineffective in meaningfully limiting wasteful development patterns.

Perhaps the strongest policies supporting the boundaries set by the settlement areas within Hamilton-Wentworth, are the Agricultural and Specialty Crop Area policies. Here directives calling for the primary use of prime agricultural lands are described, including “that the predominant use of land in the agricultural and specialty crop areas shall be farming [...]” and “to direct non-farm development towards rural Settlement Areas, Industrial Business Parks, Rural Residential Estates and Rural Mobile Home Developments, or Urban Areas” (Hamilton-Wentworth, 1990, 3.2.1.1 and 3.2.1.2). It should be noted that because policies need only be regarded by Regional and Area Municipal Council, these policies only constitute a recommendation set by the Region. Actual Rural Area Policies and Agricultural and Specialty Crop Area Policies are designated and defined by individual Area Municipalities, under criteria set by the Region and “having regard” to land use concerns set by the Region (Hamilton-Wentworth, 1990, 3.1.4). For example, criteria set by the *Plan* like providing a “logical extension and/or infilling of existing development,” “directing development to lands of lesser agricultural capability and/or away from viable farm operations,” and “directing development to Rural Settlements and Urban Areas where practical” all constitute rural land use practices promoting efficient land use (Hamilton-Wentworth, 1990, 3.1.3.c,d,e), however they only constitute a guide for “Area Municipal Official Plans [...] designat[ing] and defin[ing] non-agricultural uses within [these areas] and include appropriate policies for such uses” (Hamilton-Wentworth, 1990, 3.1.2). The language within the criteria even suggest a lack of imperative for compliance, using terminology like ‘where practical’ and ‘lesser agricultural capability.’ Other policies contradict

even the implied recommendation for rural and agricultural land use, like policy 3.3.2.1 which, in directing that “Rural Residential Estate Development may only be considered in those areas appropriately designated in the respective Area Municipal Official Plan, but not permitted in the Escarpment Natural and Escarpment Protection Areas [...],” infers that the residential uses are permitted in other areas. Even the prerequisite for designation by the Area Municipality contains little significance because, unlike in plans published since the 2005 PPS, settlement area boundaries could be altered by official plan amendment at any time, not just during a comprehensive review.

Another policy contradicting the intended use of policy areas and their boundaries, is directive 15.1.7. This directive permits not only transgresses the purpose of policy areas, but undermines the status of official plans explicitly, stating (Hamilton-Wentworth, 1990, 15.1.7):

15.1.7 development of a residential, commercial and institutional nature may be permitted on lands immediately adjacent to the urban policy area without amendment to this Plan [...] provided such development:

- d) is not of a significant scale and represents a minor extension to the Urban Policy Area.

The result of these land-use policies on the definition of growth boundary policies are that (1) policy area directives are only a suggestion, (2) despite language around desired agricultural uses, Area Municipalities are free to define their own policies, and (3) that several regional policies are dedicated to permitting transgressions to boundaries and undermine the status of Official Plans. These policies give context to some of the challenges described by the Commission and by John Sewell in the following years of amendments to the *Planning Act*, who countered arguments for increased Municipal flexibility because of the pressures Municipalities faced to permit developments not serving Provincial interests but constituted a short term gain in tax revenues and development charges. This examination of the policy document doesn't imply

that this happened during this period, but only that the policy framework could have permitted interpretations around the “appropriateness” of non-agricultural uses of rural land and that these policies permit developers to formally sidestep boundary guidelines using regular planning processes.

Similar to agricultural protections and settlement boundaries are policies providing protections for natural features. As discussed at length in section 4.2.1, the researcher suggests that policies providing protections on natural features such as significant forest areas, wetlands, and watercourses and valleys, provide pressures to build efficiently within more limited land reserves and provide opportunities for off-road cycling trails on parkland, supporting a design approach described as “ideal” but “impossible” “due to the existing urban fabric” within the 1992 *Hamilton-Wentworth Regional Bicycle Network Study* (Hamilton-Wentworth, 1992, pg. 18). While the researcher agrees that it may be “impractical to duplicate” an existing road system on a system of park paths, as the *Network Study* (1992) rationalized, there are other considerations for the protection of natural features related to cycling, including protecting more attractive destinations for tourism, diversification of routes, the provision of routes for beginner utilitarian cyclists, and for recreational enjoyment. This is to say nothing of the environmental and social benefits of a developed network of parks and linkages throughout a city, a pattern providing ecological benefits and happens to also provide an effective web of access for users of active transportation. The Hamilton-Wentworth Official Plan includes policies protecting various natural features, but few that address to the protection of linear features for the aforementioned purposes, and none addressing the utility of such a venture. Policies largely reflect concerns for individual features, for example the protection of the Escarpment according to the policies *Niagara Escarpment Plan*, the protection of erosion effects within Lakeshore Policy Areas, and

the protection of Municipal agreement forests for timber production, erosion control and wildlife habitat. Within policies requiring the designation of regionally identified Environmentally Sensitive Areas, listed in 5.3.1, language implies protection is optional/voluntary/flexible. Policies in this area permit boundaries to be “defined in Area Municipal Official Plans,” “redefined [...] without amendment,” and “added or removed [...] from time to time” (Hamilton-Wentworth, 1990, 5.3.2, 3, and 8). Although several policies require an Environmental Impact Statement, described in 5.3.10, to be integrated into decisions for protecting natural features, the implications of the provinces “have regard to” test for environmental matters pertaining to decisions, permits leeway in these protections. More strict prohibitions included within recent amendments to the PPS and the *Planning Act*, reflect the Provincial concern for the gradual degradation of these protections in some Municipalities.

Policies affecting the built form of Urban and Rural Areas include few directives considered supportive of efficient use of available lands. The first the designation of “spatial network” of regional and sub-regional urban centres, a concept not defined within the Official Plan, but that suggest areas to focus policies supporting economic development, employment lands, shopping opportunities, and Regional facilities (Hamilton-Wentworth, 1990, 2.2). To this end, the Region designates the City of Hamilton as its regional service centre and allocated responsibility to each Area Municipality to designate an area for a local service centre, setting requirements that Area policies include provisions for a mix of land uses, including “retail, offices, compatible manufacturing, residential” while exhibiting considerations for “urban design” (Hamilton-Wentworth, 1990, 2.2.1 and 2.2.3.3). The researcher suggests that this network of service centers constitutes a cycling-supportive policy because it aims to diversify the availability of “services in suburban areas,” “decentralizes [new] employment,” yet reinforces

existing clusters of employment that “provide[s] support for public transit” (Hamilton-Wentworth, 1990, 2.2). Only one other land-use policy could be identified that directed for the efficient use of land, found in the *Plan*’s housing policies. Reminiscent of the Commission’s recommendations on Provincial energy policy in 1993, which stated that “planning to promote energy efficient modes of transportation such as walking, cycling, and transit, rely on the same basic land use patterns for their effective and efficient use,” the Hamilton-Wentworth Official Plan (1990) stated that it shall (Hamilton-Wentworth, 1990, 8.9):

[...] recognize the possibility of future shortages in the supply of conventional fuels, namely oil and gas, and therefore to:

- a) support and encourage Area Municipalities to adopt residential densities and designs in the urban areas which are conducive to the operation of public transit;

Although the policy does not recognize the value of efficient land-use planning for supporting active modes transportation, when combined with policies to diversify land uses, any transportation policy directing for increased densities supports the use of the bicycle. Another housing policy referred to “efficient use,” directing for the “orderly development and efficient use of land in accordance with the staging provisions of Section 14.4 of this Plan,” however no provision within section 14.4 directs for the efficient use of land as discussed within this research (ex. promoting high density mixed-use development, requiring logical extensions to built areas, compact land-use patterns, prioritizing intensification before greenfield development) (Hamilton-Wentworth, 1990, 8.1). Although policies directing for access to some of these features can be found within the *Plan*, such as those “recognize[ing] public open space and recreation to be the predominant function of the lakeshore area,” no policies address the value of protecting linear features for the purposes of transportation or recreation (Hamilton-Wentworth, 1990, 5.1). The

result are policies permitting development abutting linear features, like the lakeshore, eliminating the opportunity to expand features like the Waterfront Trail into areas east of the downtown.

Policies Related to Transportation Infrastructure and Public Services

Unlike the previous policies related to land-use, which influences the built form of the urban and rural environment, transportation policies directly address matters concerning cycling infrastructure. In reviewing the 1990 Official Plan, the researcher finds besides a small number of cycling specific policies, the *Plan* opts to focus on transit as the primary alternative to the automobile. As has been argued within other reviews in this research, transit supportive policies often contain directives supporting cyclists, including cycling/transit integration and encouraging higher density development.

The strongest cycling specific policy found within the *Plan* on the development of cycling infrastructure is found within road policy 9.5.15, directing that (Hamilton-Wentworth, 1990, 9.2.15):

That the right-of-way and design of new arterial roads and the reconstruction of existing arterial roads by the Region take into consideration:

- c) The potential demands for bicycle use along the roadway. Where warranted and feasible, sufficient space within the right-of-way of the road will shall be included to allow for the construction of safe bicycle paths, by the appropriate Area Municipality;

Reflecting the 1989 change to the *Highway Traffic Act* on bicycles as ‘vehicles’, this policy presages the preference for on-road cycling infrastructure that would define the *Network Study* (1992) design approach. Unlike the imminent *Network Study*, the policy implies that the responsibility for bicycle path construction at this time was considered an Area Municipality responsibility. Although a separation of responsibilities would be set for different cycling infrastructure types in 1992, it is interesting that integration of paths into arterial roads, which

were the responsibility of the Region at the time, are considered a Municipal task within the *Plan*. Unfortunately, without any other guiding policies on cycling it is unclear on how specific routes would be ‘warranted’ or ‘feasible,’ let alone what investments should be prioritized.

Hamilton-Wentworth emphasizes the role of public transportation as a primary alternative to the automobile. In the preamble to its transportation policies, the *Plan* describes the Region’s ambition to better-integrate transit alternatives, setting several key objectives (Hamilton-Wentworth, 1990, Preamble to Section 9):

Provide an efficient, convenient and safe transportation system that will support the Regional Development Pattern and provide a balance between public and private modes of transportation.

Provide a level of transit service sufficient to play a significant role in the movement of persons throughout the urbanized area of the Region and especially into the Hamilton downtown area.

As with other documents that support transit, the researcher is interested in how policies can contribute to the creation of a cycling-supportive environment. Returning to the *Plan*’s Regional Development Pattern, several of the directives calling for regional and sub-regional service centres were aligned with other policies around transit use, targeting service into the city of Hamilton CBD (Hamilton-Wentworth, 1990, Preamble to Section 9). Policy 9.3.7 describes the criteria considered for transit route service, including (Hamilton-Wentworth, 1990, 9.3.7):

- Major employment and retail concentrations, universities and schools;
- Concentrations of high density residential developments;
- Terminals or inter-city transportation systems;

A transit system that can accommodate bicycle use can extend the viable range of bicycles and provide an increased catchment area for transit users. At most, the *Plan* “encourage[s] the Area Municipalities to allow for the concentration of high density,” but only at specific areas next to

transit investments (Hamilton-Wentworth, 1990, 9.3.11). Despite policy statements like 9.3.10, directing that the Region will “consider public transit as an integral part in the planning of major new residential development and all new commercial and employment centres in the urbanized portion of the Region [...],” the land-use policies don’t reflect this ambition. There is a contradiction: the city recognizes the benefits of transit and the costs of continued automobile investments, even linking that transit investments are best targeted within areas of increased density, mix of use, and pedestrian oriented urban design, yet these principles aren’t reflected within its ongoing land-use policies. For cyclists, this means that while policies exist that recognize the value of density for transit, there can be no derivative expectation that city-wide patterns on growth would reflect a consideration for increased densities.

Policies Related to Administration

Policies related to administration refer to directives that address compliance and coordination. Several policies refer to conformity requirements between this consolidation and other Area Municipality plans, set by the legislation of the time. These are stated in section 14.2, outlining the requirements for local decision-makers and the Regional Council (Hamilton-Wentworth, 1990, 14.2.1):

14.2.1 To consider the following factors in determining the conformity of Area Municipal Official Plans to this Plan:

- (a) Provision and distribution of employment and housing;
- (b) Conservation and management of the Region's agricultural, mineral and other natural resources which are of importance to the entire Regional population;
- (c) Protection and management of the Region's natural environment and its heritage;
and
- (d) Provision of Regional Services (e.g. sewer, water, transit, etc.) for which the Region has statutory responsibility.

14.2.2 To permit Area Municipalities through their respective Official Plans and implementing secondary plans, to include policies more detailed or

restrictive in nature than those contained in this Plan provided such policies are consistent with the general intent and provisions of this Plan.

Some key wording should be noted, on conformity requirements pertaining to cycling. Factor 14.2.1.d describes the commitment to ensuring conformity to “Regional services [...] for which the Region has statutory responsibility,” which as discussed above, although bicycles were included in the *Highway Traffic Act* as vehicles in 1989, the region framed arterial bicycling investments as a Municipal matter in policy 9.2.15.c (Hamilton-Wentworth, 1990, 14.2.1). Because the inclusion of bicycles into the *HTA*, too recent to be considered in the 1990 consolidation, there can be no expectation that it conform. However, it does suggest that the Region hadn’t voluntarily assumed leadership on cycling prior to 1990. Despite this Regional approach to bicycle policy, policy 14.2.2 still permits Area Municipalities to provide enhanced policies, although the directives of Area Municipality policies will not be addressed in this research.

Other key conformity directives reflected in the plan come from Provincial legislation, including the requirements for official plans found in the *Planning Act*. At the outset of the *Plan*, the Region recognizes that Regional Council must *have regard* to “relevant social, economic and environmental matters,” both within its plans and its decisions (*Planning Act*, 1983, 1(h)). The implication of the ‘have regard to’ and the more stringent ‘consistent with’ test is discussed at length within section 4.1. Here the research suggests that unlike more recent plans developed under more strict compliance legislation and a Provincially led policy framework, the *Plan* similarly makes use of less imperative policy language affecting its *Area Municipalities*. While it is difficult to narrow down this trend (because often this is a matter of identifying what is *not* included within a regional policy), several specific policies allow Municipalities to set their own policy agenda on topics with major land-use challenges. Area Municipalities had the authority to:

- “define Urban Policy Areas, which are not clearly delineated [...]”(Hamilton-Wentworth, 1990, 2.1.3)
- “include policies which identify and support the role of a Municipal centre” (Hamilton-Wentworth, 1990, 2.2.3.1)
- “designate in detail and provide appropriate policies for prime agricultural areas” (Hamilton-Wentworth, 1990, 3.2.1.3)
- “may designate additional environmentally sensitive areas of local significance” (Hamilton-Wentworth, 1990, 5.3.6)
- The degree that they “protect [...] Environmentally Sensitive Areas of Provincial significance in Hamilton-Wentworth” (Hamilton-Wentworth, 1990, 5.3.21)

Despite conformity requirements for Area Municipalities under an approved regional plan, set by section 27 of the Planning Act requiring that these plans will be brought into conformity with the Regional Plan, and a list of specific policy areas that the Plan states will be evaluated for conformity in Area Municipality plans, the above directives result in an overall policy approach granting a great deal of local autonomy.

There are few references to the coordination of planning processes throughout the *Plan* as they relate to the policy areas discussed in this research. The coordination of transit investments of the GTHA were areas of concern for the Hamilton-Wentworth Region, in part due to its own investment into the Regional Development Pattern concept, influenced by the Toronto Centered Region concept affecting all Municipalities within the Golden Horseshoe. Policy 9.3.14, constitutes one of the few directives with recommendations to the Province, requesting the coordination of inter-regional rail investments between Hamilton and Toronto. Another is policy 14.1.2, within the *Plan's* implementation section, directing that the Regional Council will “seek co-operation from all levels of Government, Public Agencies and the Private Sector, in achieving the objectives of this Plan” (Hamilton-Wentworth, 1990, 14.1.2).

Policies Related to Monitoring and Assessment

The *Plan* contains standard commitments for regular plan review and updating, including “to conduct a systematic and comprehensive review of the Plan, at regular intervals of five years [...]” and to “amend the Plan, if necessary after such a review” (Hamilton-Wentworth, 1990, 14.10.1 and 2). At this time, the term ‘comprehensive review’ refers to no specific process, only the one defined and used by the Municipalities. During the course of this research, it has become apparent that while the term ‘comprehensive review’ is used within documents like the PPS to permit specific actions (ex. The expansion of settlement boundaries after 2005), no working definition of a ‘comprehensive review’ could be found, only a few MMAH resources on considerations for the process.

Specific policies call for monitoring programs to be developed, but not in the context of an organized policy monitoring framework, including monitoring the environmentally sensitive areas in co-operation with area conservation authorities, housing developments, economic impacts of *Plan* policies, the consumption of industrial land, and resource extraction. No policies were identified directing for monitoring cycling.

C.1.2. Hamilton-Wentworth Official Plan – *Towards a Sustainable Region* (1995-2010)

Within the 1999 Hamilton-Wentworth Bicycle Plan *Shifting Gears*, the plan refers to major changes within the Regional Official Plan in 1995, including that the Region would (Hamilton-Wentworth, 1999, pg. 2):

- Ensure the implementation of the 1992 Bicycle Network Study;
- Request that Area Municipalities make provision for cycling in land use planning processes;
- Ensure that road designs incorporate provisions for cyclists where warranted and appropriate;

- Investigate integration of cycling and public transit, and;
- Provide adequate bicycle parking at public buildings.

In light of the review of the 1990 Official Plan consolidation preceding the 1995 update, *Shifting Gears*' (1999) focus on the significance of this update appears warranted. However, the update contains more for cyclists than a few policies in its transportation sub-category. Building on the sustainable development principles of *Vision 2020*, the region's vision for updating the Region's long term development, *Towards a Sustainable Region* introduces new policy directions reflecting a rising environmental consciousness, new planning practices, and enhanced Provincial policy guidance.

In undertaking its annual five-year reviews, regional government for Hamilton-Wentworth chose to delay conducting a full update to the plan until one was approved in 2009 and only effective in 2013, ten years after its last amendment and after the amalgamation of the Region. During this period of nearly fifteen years, thirty-six official plan amendments are recorded, documented within the 2010 consolidation. Due to this unexpected approach, and the limited changes to policy on cycling, the following section will address only the 2010 consolidation in its entirety and refer to specific amendments as they pertain to this research. It should be noted that the major policy documents and amendments of the mid-2000s, like the *Growth Plan*, *Greenbelt Plan*, and the *Big Move*, were not incorporated into *Towards a Sustainable Region*, but only the later *Urban and Rural Hamilton Official Plan* (2013).

C.1.2.1. Policies

The policies of *Towards a Sustainable Region* (TSR) were grouped to provide (1) an introduction to the region and its policy framework, (2) a "Quality of Life Policies" section, addressing among others, areas of housing, economics, social programming, and environmental

directives, (3) a “Land Use Strategy” section, reminiscent of the 1990 consolidation, which includes directives on management of natural resources, agricultural lands, urban and rural settlements as part of its “Regional Development Pattern” concept, and (4) directives guiding interpretation, implementation, and specifying various development processes.

The majority of these policies were written before the early 1990s debate on the role of the Provincial interests and Municipal autonomy, the Provincial policy-led framework and the development of the comprehensive policy statements, and only narrowly after the final recommendations of the Commission were published. Despite this, in the two months between the Commission’s Final Report, the plan accounted for some of its recommendations, evidenced by its use of ‘consistency’ language and the inclusion of policy matters embraced by the Commission. No direct evidence on the influence of the Commission could be identified.

Not all categories contain relevant policies for this research. For the purposes of this review the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of Official Plans, which requires that policies be read “in conjunction with the policies in those sections, as well as other related policies elsewhere in the Plan,” the discussion may ‘stray’ from these siloed categories.

Policies Related to Land-Use

Land-use policies identified within *Toward a Sustainable Future* have been separated between those describing where growth should occur and those describing what the built form

should look like. The researcher has called these types ‘growth pattern’ and ‘land-use pattern’ policies. Both types of policies have an impact on the creation of cycling-supportive urban environments, for their ability to limit sprawl growth patterns, enable intensification within built areas, and foster an efficient use of land. Compared to the policies within 1990 Hamilton-Wentworth Official Plan, *TSR* provides enhanced policies on efficient land-use, eliminating permissive rural residential land-uses, enhancing urban boundary policies, and strengthening policies guiding efficient use of urban land. Many of the challenges identified within the 1990 consolidation, and addressed in *TSR*, appear to have been introduced in *Vision 2020*, the Region’s visioning document. In its land-use strategy, *Vision 2020* included the following directives (Hamilton-Wentworth, 1993, pg. 17):

- Promote a mix of land uses
- Encourage a more dense urban area
- Identify “a long term urban development pattern which will achieve the desires stated in *Vision 2020*”
- Contain urban sprawl by setting a firm urban boundary
- Limit approval of development applications including boundary expansions to during the five year official plan review
- Emphasizing intensification and infill policies on business developments, eschewing its previous suburban business park model

In meeting these ends, *TSR* alters policies addressing four areas: its Regional Development Pattern concept, the introduction of housing supply policies, the protection of agricultural lands, and changes to its natural heritage policies. The following section will address these emergent policies in detail, correlating changes to the broader policy environment where possible.

TSR uses the same Regional Development Pattern structure as the 1990 Official Plan to assign land-use policies to different urban and rural areas, but includes a number of enhanced

directives. Within the 1990 Official Plan, the researcher asserted that the absence of directives guiding the efficient use of land and relaxed rules around rural and urban boundaries resulted in an ineffective settlement boundary system and permitted the wasteful use of land. *TSR* addresses the concerns by including enhanced language around its urban policy areas and urban boundaries. One area that demonstrates this enhanced policy approach, is in section 3.1.2, on the Urban Area Boundary. By introducing a limited timeframe in which boundaries changes can be considered and setting criteria for those changes that reflect principles of efficient land-use, several of the previous concerns are addressed. Key policy changes include (Hamilton-Wentworth, 2010, C.3.1):

3.1.2.1 Consider the need for additions to the Urban Area only at the time of the five-year Official Plan Review.

3.1.2.2 Evaluate any request of the Urban Area during the five-year review in the context of

- a) the Region-wide need for additional urban designation based on up-dated population, household and employment projections [...] and other policies in this Plan;
- c) opportunities for a variety and mix of housing, including high density and mixed uses and the proximity of residential uses to commercial, institutional and industrial service and employment centres and transportation infrastructure;
- e) loss of prime agricultural land and mineral aggregate extraction opportunities;
- f) opportunities for the use of intensification within the existing urban boundary, as an alternative to urban boundary expansion;
- i) cost and feasibility of providing a reasonable level of transit service, and the potential to encourage walking a cycling as an alternative to driving;

In addition connecting principles of efficient land-use to the Regional Development Pattern, these policies serve to strengthen the status of the official plan, ending the history of ‘planning

by amendment' which was identified as a practice in the 1990 consolidation. It should be noted, that policy C.3.1.2.1, on the limitation of boundary expansions to the five-year official plan review, is a policy directive preceding introduction to Provincial policy by over 10 years, introduced in the 2005 PPS.

TSR also marks the first use of housing supply policies within the Region. In the review of the PPS in section 4.2, housing supply policies were identified as a policy that may affect the amount of land designated for urban use, depending on criteria used and the prevalence of broader policies guiding for the efficient use of land. Policy C.3.1.2.5 calls for the monitoring of vacant lands as part of a five year housing monitoring program, the data of which will support a designation of a “three year supply of lots” and “a ten year supply of land designated for future residential development” (Hamilton-Wentworth, 2010, C.3.1.2.5). While the relationship between these targets and the efficient use of designated lands has not been fully identified within this research, the researcher asserts that these residential designations can only be considered supportive of the Region’s ambitions for efficient land-use if the criteria for designation reflects the updated formulation of efficient use (ex. compact, mixed-use, high density). It is unclear whether these designations in this plan are made using the same criteria for urban Policy Area expansion, which does account for principles of efficient land-use.

TSR includes new policy language around the protection of agricultural and rural lands, a policy area contributing to limiting urban sprawl. The plan describes its new approach to protecting rural lands, recognizing that these lands will no longer merely be held for future urban uses. *TSR* includes enhanced policies on the protection of these agricultural lands, including (Hamilton-Wentworth, 2010, C.2.1.1)

- identifying prime agricultural lands and preserving their use of agricultural uses

- directing non-agricultural development to urban and rural settlement areas
- requiring that Area Municipalities have protections for prime agricultural lands in their official plan policies

Additionally, rural residential developments are no longer permitted within the Region, a practice that had been devaluing the status of the official plan, the efficacy of existing intensification policies, the purpose of settlement boundaries, and existing protections on agricultural lands within the 1990 consolidation. It should be noted, however, that the *TSR* does not include a categorical ban on developments on prime agricultural lands, only that policies exist directing for their protection. In its preamble to Rural Land Use policies, the plan states that developments can occur where is a “demonstrated need for additional land to be designated to accommodate the proposed use” and where “there are no reasonable alternative locations which avoid prime agricultural areas [...]” (Hamilton-Wentworth, 2010, C.3.2.2). As was raised in the August 30, 1994 Standing Committee debate, representatives from the Preservation of Agricultural Lands Society argued that without the explicit protection for prime agricultural lands, “it always ended up in actual practice, when you would get the issue of need debated at the Ontario Municipal Board, with the land owner saying, "Yes, I have a desire to locate this facility here," and the development being approved (Standing Committee on Administration of Justice, August 30, 1994)

TSR uses language reminiscent of the Brundtland Report, “Our Common Future,” describing its commitment to provide a policy framework that permits “change that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Hamilton-Wentworth, 2010, A.1). It is in this context, that policies for the protection of natural heritage features are enhanced. *TSR* uses two tools for the protection of environmental features, designation of “Environmentally Significant Areas” and a regional “Natural Heritage or

Greenland System.” The Natural Heritage System is similar to the Regional Development Pattern concept, using a broad set of policies affecting features designated by the plan, including core areas, linkages, and restoration opportunities. The system encompasses Environmentally Significant Areas, providing a database of natural features that assists in guiding development decisions. Besides providing a database for these lands, there are few guiding policies on the protection of the features, only that the Region:

C.1.1.b [R]ecognize the Greenlands System Criteria as approved by Regional Council as a guideline for identifying the components of the Natural Heritage System. The Criteria are contained in the Implementation Guide for this Plan.

C.1.1.g [I]n co-operation with Area Municipalities, Conservation Authorities, other relevant organizations and landowners, investigate the use of tree protection legislation to conserve woodlands deemed to be Regionally significant.

C.1.1.h [S]upport use of innovative planning and design methods where such approaches are acceptable to approving authorities and will demonstrably conserve Core Natural Areas or Linkages.

The system is a ‘voluntary’ Regional system of protections, evidenced by the lack of integration with Provincial designations, containing few protections from development. The Environmentally Significant Area [ESA] designation, alternatively, does contain policies prohibiting development. ESAs are designations defining areas with “important ecological or biological functions(s),” “exhibit rare or varied topography,” “contain rare or varied plant or animal species,” and “have been designated as Provincially Significant Wetlands on the basis of the Provincial Policy Statement” (Hamilton-Wentworth, 2010, C.1.2). For these areas, protections are included requiring that land-use changes only occur where development does not “adversely affect, degrade or destroy any of the qualities which are the basis for the area’s designation,” will not cause any significant impacts upon water quality and quantity;” and “will

not adversely affect the implementation of any resource protection policies or plans” (Hamilton-Wentworth, 2010, C.1.22). It should be noted that policies on ESAs in 2005 under O.P.A. #24, underwent a change on Area Municipal integration of ESA designations. Up to 2005, Area Municipalities were required to designate, zone, and consider site plan controls on ESA lands, as well as refer to the Environmentally Significant Areas Impact Evaluation Group, a Regional work group introduced in 1993, for evaluation. The 2005 O.P.A. limited the requirements for Municipalities, requiring only that applications will be forwarded to ESAIEG for evaluation. Although ESAs include more stringent policies around land-use changes, like Natural Heritage System designations, they still contain processes permitting development. .

Unlike the 1990 consolidation, *Towards a Sustainable Region* addresses the policy directives identified within the literature review on the benefits of efficient land-use patterns and bicycling. *TSR* includes policies directing for a compact built form, a concept included within the Final Report of the *CPDRO* and the 1994 PPS, but absent in the 1996 PPS. Compact development is a term describing a desirable built outcome, but alone, the term ‘compact’ can be ambiguous, connoting congestion, noise, crowding. The plan defines a ‘compact’ development, aligned with the principles of sustainable development, as an urban land-use pattern in which (Hamilton-Wentworth, 2010, C.3.1.1):

- growth can be accommodated by building on vacant or redeveloped land, without taking up agricultural lands or natural areas
- higher density development can reduce per capita servicing costs and makes more efficient use of existing services
- efficient and affordable public transit systems can be established;
- effective community design can ensure people are close to recreation, natural areas, shopping their workplace
- a compact community makes walking and bicycling viable options for movement

The researcher suggests that this formulation of compact development is effective because it orients itself to a broad definition of efficiency, efficiency required to provide effective public services like transit and reduce per capita servicing costs, efficiency required to make the best use of existing natural resources like greenfield land and available built-up lands, to the considerations of energy efficiency within the design of a neighborhood. Such a broad interpretation ensures that during Area Municipality Official Plan updates, these plans will ensure more consideration for efficient land-use that doesn't prioritize only one interpretation. Other land-use policies, like the bicycling oriented C.4.3.3.2, includes discretionary directives. This policy, found in the new Bicycling section, requests that "Area Municipalities, in the processing of neighbourhood or secondary plans, plans of subdivision and site plans, make provisions for land use patterns and design features which accommodate all types of cycling in a safe and efficient manner" (Hamilton-Wentworth, 2010, C.4.3.3.2).

A key aspect of providing land-use efficiency policies at a regional level are the requirements set for Municipal official plan conformity. Unlike the 1990 consolidation, which set only four areas it would 'consider' in determining plan conformity, none of addressing the efficient use of land, *Towards a Sustainable Region* includes several policies that call for conformity in Area Municipality Official Plans. Policy C. 3.1.1.6 directs for the integration of a component of the Regional Development Pattern into Area Municipal Official Plans, the "Mixed Use Activity Corridor": (Hamilton-Wentworth, 2010, C.3.1.1.6):

Each Area Municipal Official Plan to identify one or more Mixed Use Activity Centres and/or Corridors in the Urban Area [...]. Targets for the density, intensification and population/ employment ratio for each centre and corridor and the permitted uses will also be identified. Each centre or corridor will:

- a) have a range of residential, commercial, retail, institutional, and related employment opportunities which is appropriate for its

- size and function
- b) be relatively self-contained to reduce the need for commuting;
- c) have a full range of housing types to provide opportunities to live/work in the same community;
- d) be easily accessible to public transit and provide for good internal pedestrian movements;
- e) provide an identity for the Area Municipality and a focus for local activity; and,
- f) permit various combinations of retail, residential, institutional and commercial uses in individual buildings:

This policy addresses several aspects of efficient land-use facilitating cycling-supportive urban environments, including using a fine grain of land-uses both at the area level and within individual buildings, the provision of services for the area, using transit supportive densities, and the inclusion of residential uses in commercial areas. Other policies address Area Municipal requirements for intensification, like C.3.1.10 that “encourage[s] Area Municipalities to achieve, for development on vacant lands, maximum permissible densities by their Area Municipal Official Plans and zoning by-laws [...]” (Hamilton-Wentworth, 2010, C.3.1.1.10). Unlike these policies, no directives could be identified that addressed Area Municipality requirements for greenfield development, suggesting that within the broad formulation of sustainable development and compact mixed use described in C.3.1.1, Municipalities would be free to designate policies to suit their needs.

Policies Related to Transportation Infrastructure and Public Services

As identified by the 1999 bicycle plan *Shifting Gears, Towards a Sustainable Region* includes major changes to bicycling, both addressing cycling initiatives and indirectly through integration with other modes of transportation. *TSR* frames its commitment to transportation infrastructure as tied to its formulation of efficient land-use, stating in the preamble to policy C.4 that (Hamilton-Wentworth, 2010, Preamble to C.4):

The services which are needed to support the compact urban form envisioned in this Plan will be based on energy efficiency, decreased pollution, recycling, waste reduction, and a commitment to the effective and efficient use of existing systems before consideration is given to infrastructure expansion/extension.

Building upon this formulation of transportation provisions and the regional development strategy, the plan calls for “an integrated transportation system [...] which stresses easy pedestrian, transit, and vehicular access to all basic needs and supports a sustainable development pattern” (Hamilton-Wentworth, 2010, C.4.3). It identifies “a direct link between land use planning [...] and transportation,” concluding that emphasis must be placed on reducing automobile dependence in all urbanized areas of the Region. Accordingly, policies are included to integrate each mode of transportation to the larger sustainable development pattern.

There were few policies within the Road section of the plan addressing an integration of AT modes. The first is policy C4.3.1.10, which calls for the “[maintenance and regular monitoring or] an efficient system of designated truck routes throughout the region, utilizing parts of the arterial road system” that the Region is obligated to provide (Hamilton-Wentworth, 2010, C.4.3.1.10). As in earlier sections of this research, the researcher argues that a commercial truck route system can contribute to streets more conducive to cycling because it redirects an incompatible form of road user from areas used by cyclists and regular traffic. Policy C.4.3.1.12 contains a directive included in the 1990 consolidation, calling for consideration for “demands for bicycle use along the roadway” where new and reconstructed road projects are considered. The policy maintains the 1990 wording, adding that facilities would be added “if possible” where indicated within the Bicycle Commuting Network Study. It is promising that considerations for bicycle use and the recognition for the status of the Bicycle Plan should be maintained within general road policies in *Towards a Sustainable Region*. Last, policy C.4.3.1.14 was identified for

its directive on collecting “information on scenic cycling routes and attractions” used to “promote bicycle tourism” (Hamilton-Wentworth, 2010, C.4.3.1.14). This policy predates most policies directing for bicycle tourism, with the first sustainable tourism policy introduced in 2005 and the integration of cycling tourism as a key component of MTO’s CycleON strategy in 2015. It could not be determined if the Region fulfilled this directive.

Public transit continues to be a priority for the Region, with policies recognizing the benefits of increased public transit use, including reduced emissions and traffic congestion. In previous documents, a discussion of public transit policies has been included for several reasons, including the derivative effect of transit supportive land-use policies on cycling and for extending the effective range of the bicycle. In *Towards a Sustainable Region*, few new policies emerged addressing transit supportive land-use, generally calling for increased concentration of density along key corridors and transfer points and the CBD, similar to directives around the Regional Development Pattern. On the integration of AT modes with public transit, the research could find no policies directing for the integration of the bicycle network with public transit service, besides policy C.4.3.3.5, calling for parking facilities at transit nodes.

The inclusion of a bicycling section within the Region’s infrastructure policies reflect the research and investment by the Region into the 1992 *Network Study*. It suggests that the commitment of the Region to investing in a large network of cycling routes has directly impacted the Regional and Area Municipal planning and development decisions. Many of the specific policies addressing the *Network Study* are discussed in section 5.4.1. For this reason, this section will only address some of the implications of integration into the official plan, leaving a more detailed analysis of the policies and design approaches of the Region’s bicycle plans to the next section. *TSR* identifies an “increased interest in bicycle use for commuting and recreation” a

trend that “promotes a reduction in pollution, energy conservation, and cost savings, as well as significant health benefits” (Hamilton-Wentworth, 2010, C.4.3.3). To support these modes *TSR* includes the following policies:

4.3.3.1 Ensure implementation of a Regional Bicycle Commuting Network Plan.

4.3.3.2 Request that Area Municipalities, in the processing of neighbourhood or secondary plans, plans of subdivision and site plans, make provisions for land use patterns and design features which accommodate all types of cycling in a safe and efficient manner.

4.3.3.3 Ensure that where warranted and appropriate, road designs incorporate provisions for bicycle only lanes, bicycle paths or other means of separating bicycle traffic from other modes of transport.

4.3.3.4 Investigate methods for transporting bicycles on public transit vehicles, and secure bicycle parking at appropriate terminal and transfer points.

4.3.3.5 Provide adequate bicycle parking facilities at its public administrative buildings and transit transfer points.

4.3.3.6 Require Area Municipalities to make revisions to appropriate zoning bylaws to include a required minimum provision for bicycle parking in high activity areas and at public buildings.

4.3.3.7 Request the Province of Ontario, and other agencies to assist initiatives to encourage bicycling.

These directives align with and support the design approach of the 1992 Hamilton-Wentworth bicycle plan, providing a context for bicycling policies more imperative than the discretionary directives set by the *Network Study*. Even the first policies, C.4.3.3.1, adds certainty to the network of designated paths, which until *TSR* were to be completed voluntarily by various Regional departments. It is interesting to note, that with the inclusion of policy C.4.3.3.1, the

plan tacitly consents also to future changes within the bicycle plan, a fact given that the Region's policy position on cycling didn't change for fifteen years, despite changes to the bicycle plan during that time.

Some policies, like C.4.3.3.4, have been implemented, with the Region working with Metrolinx in 2007 to deliver bicycle racks to all city buses including those crossing the Escarpment, a natural barrier identified by early bicycle plans in Hamilton-Wentworth. Policy 4.3.3.2, on the other hand, is far more difficult to evaluate. Monitoring such a policy would require examining each of the Area Municipality development applications, over the same time period, to identify a demonstrated effort to integrate cycling facilities. Such an endeavor would be fascinating, but lies far outside the limited scope of this thesis.

Although not directly linked to cycling in the official plan, the Region commits in policy B.5.1 and B.5.3 to emphasize "where possible, a shift in emphasis to health promotion disease prevention and increased individual well-being" and to "integrate health and social planning with other Regional activities" (Hamilton-Wentworth, 2010, B.5.1 and B.5.3). In the formation of this thesis, the researcher considered including policies connecting health outcomes with cycling, however, few examples surfaced. The intersection of health services with cycling is perhaps best illustrated, within any document of this review, in versions of the Hamilton-Wentworth bicycle plan after the introduction of the *TSR*. In *Shifting Gears* 1999 and 2009 representatives from the Region's Public Health Services and Trauma Prevention Council contributed to the development of each plan, emphasizing the fitness benefits of cycling and measures to monitor cyclist safety. The designation of a Regional health inter-departmental liaison, as described in policy B.5.3, may have contributed to this increased collaboration between planning, transportation, and health staff.

Last, the plan includes several policies directing for pedestrian supportive urban design. The researcher has included several of these policies as often the policies supportive of pedestrian uses are supportive to cyclists as well. In the preamble to policy C.4.3.4, the researcher suggests that *TSR* is reiterating its recognition “of the incompatibility of past land-use planning practices” with its policies to encourage active transportation and reduce dependence on the automobile. In part to rectify this pattern of wasteful building, policies under C.4.3.4.1 have been included that ‘encourages’ Area Municipalities to integrate pedestrian supportive urban design features, including:

C.4.3.4.1 Design safe, pedestrian friendly streets, where:

- a) the streetscape is visually appealing and makes walking more inviting;
- b) weather protection is provided by store fronts with overhangs to shelter people;
- d) motor vehicle traffic is reduced or eliminated by design or other means in areas of high pedestrian activity;
- g) adequate street lighting is provided.

The researcher suggests that these are policies supporting cyclists almost as much as they do pedestrians. What urban cyclist hasn’t ducked under an inviting awning or chose to ride that day in part because of the prospects of riding up a beautiful and bustling corridor? One of the great benefits of cycling, and perhaps challenges from a legislative or policy perspective, is the way that the user can convert to a pedestrian user at a moment’s notice. Seldom discussed within cycling policy, more prevalent in pedestrian supportive urban design, are the factors enriching the experience of cycling through an urban area. The approach chosen by Hamilton-Wentworth and the MTO in its Revised Bicycle Policy, as will be discussed at length in the next section, prioritizes the provision of utilitarian networks for cyclists, with few considerations for what might constitute cyclist supportive urban design. Such a consideration would be prudent if cycling tourism supportive directives were meaningfully undertaken.

Policies Related to Administration

TSR includes a number of policies directing for coordination and ensure compliance. The first change is on a change to the definition of Regional responsibilities in policies D.1.3 and D.1.4. Until this plan, as noted in the examination of the 1990 consolidation, it was unclear whether bicycling matters fell under the jurisdiction of the Region or the Area Municipalities. Many policies suggested that it was an Area Municipality concern, with exceptions on some arterial roads managed by the Region. Responding to this ambiguity, *TSR* states that “to avoid confusion, it is important that those areas requiring Regional involvement be clearly identified” and provides two key inclusions on cycling (Hamilton-Wentworth, 2010, D.1):

D.1.2 Issues which have been identified in *Provincial Policy Statements* or *Guidelines* as significant and require Regional involvement;

D.1.3 Matters which involve more than one Area Municipality;

D.1.4 Areas where the Region provides a coordinating function for actions or activities, (e.g. Regional task forces);

Each policy is relevant for supporting cycling infrastructure. D.1.3 provides a policy context for inter-Municipal paths, an relevant aspect for the utilitarian/commuter focus of the 1992 *Network Study*. Policy D.1.4 describes the Regional responsibility for matters requiring a coordinating focus, like Regional task forces. As will be discussed in the following section, at the outset of the 1992 *Network Study* the Region of Hamilton-Wentworth created the Regional Bicycle Advisory Committee, to gather input from Area Municipality staff and residents, and advise Regional staff, consultants and Regional Council on the development of the plan. D.1.2 addresses the gradual development and effect of the PPS, and has been discussed at length in section 5.4.2. At the introduction of *TSR*, the policy recommendations of the CPDRO had just been published, but weren't formally issued by the Minister or approved by the Lieutenant Governor in Council (and

would never be issued as an official statement). Given that the first policy statement update covered by this research was in 1994, and was almost completely repealed less than two years later, the full effect of policy D.1.2 for impacting the coordination of bicycle planning can only be explored after that point. Due to the structure of this investigation, the researcher can only identify aspects of the Region's bicycle plan alluding to the Commission's impact in on *TSR* policy in 1993.

At the outset of *Towards a Sustainable Region*, Provincial legislation was quoted obliging Area Municipal plans to conform with Regional plans, and that Regional plans were required to 'have regard' to the policies and guidelines set out the Minister. In light of the major legislative and policy changes at the Provincial level, and the formalization of the PPS, it is surprising that the Hamilton-Wentworth Official Plan contained so few amendments pertaining to its responsibilities in implementing the PPS and reflecting ongoing debates around conformity language.

Areas identified as a responsibility for the Region, like the provision of bicycling infrastructure on arterial roads, contain more imposing language, like the Region will "*require* Area Municipalities" (Hamilton-Wentworth, 2010, C.4.3.2.6). Often on policies supporting AT in Area Municipalities, policies contain more discretionary language: "the Region encourages Area Municipalities and will itself *endeavor* to [...]," "the Region [...] will [...] *request* that Area Municipalities [...]," and "The Region will [...] *promote*" (researchers italics)(Hamilton-Wentworth, 2010, C.4.3.4, c.4.3.3.2, and C.4.3.2.7). These examples provide statements espousing some form of commitment by the Region, but fail to demand or imply a failure to demand action by Area Municipalities, bodies who must conform to Regional policy but only have regard to the PPS. The researcher suggests a tension exists in the Regional policy document

to provide a set of policies to guide Area Municipalities according to its best ambitions, as expressed in documents like *Vision 2020*, while respecting the autonomy of these Municipalities and the specific limitations on the Region on its authority on matters on Municipal planning. In the context of the Commission recommendations, which were only empowered through the brief 1994 PPS, the researcher suggests that *TSR* could have been strengthened on Municipal compliance on energy matters, land-use efficiency, and AT policy. In the context of the 1996 PPS, a document remaining in effect until well after amalgamation, the plan sets a respectable policy on bicycling. Its resilience as a policy document, in light of its fifteen year duration, may have stemmed from the foresight to incorporate some of the radical changes that the Commission were recommending.

Policy D.5, containing directives describing the Area Municipality plan conformity process, received an update in the *TSR*. In 1990, plan conformity was ensured by evaluating four areas: alignment of employment and housing directives, conservation of natural resources of importance to the region, protection of the natural environment and heritage, and the provision of Regional Services (Hamilton-Wentworth, 1990, 14.2.1). *Towards a Sustainable Region* added (Hamilton-Wentworth, 2010, D.5.1):

D.5.1 Consider the following criteria in determining conformity of Area Municipal Official Plans to this Plan:

- b) Consistency with Urban Area and Rural Settlement Area Boundaries and the criteria under which changes to those boundaries are to be evaluated;
- c) Application of the principles of sustainable development;
- e) Efficient utilization of Regional Services (e.g. sewer, water, transit, etc.) for which the Region has statutory responsibility.
- f) Other relevant criteria which may be appropriate for a conformity exercise.

In a sense, the expansion of conformity criteria confirmed the researcher's suspicion that the 1990 consolidation were restrictively narrow, limiting the regard for the Region's already

ineffective boundary policies. With the commitment to evaluate the application of the Regional sustainable development policies and the use of 'efficient' in its evaluation hard services, the status of the Regional plan is enhanced and the relationship between Area Municipalities and the Region is more accountable.

Policies Related to Monitoring and Assessment

Besides the monitoring directives contained in the 1992 Network Study, which TSR commits to implementing, there are no monitoring policies on bicycling. The researcher could find only a few specific improvements to monitoring and assessment policies on indirect matters pertaining to this research throughout the document. *TSR* includes new requirements for Area Municipalities and the Region for a variety of regular reports, like the State of the Environment Report (policy B.2.1), the Regional and Area Municipality Housing Statements (policy B.3.1), and a Regional Strategy for Health (policy B.5.4).

In conformity with requirements set by the *Planning Act*, the plan maintains its commitment to conduct regular five-year reviews of the Plan. In the preamble to policy D.3.1

D.3.1 Conduct a systematic and comprehensive review of this Plan, at regular intervals of five years, to ensure that policies remain realistic and responsive to changing environmental, social and economic conditions. As a result of a review, this Plan will be amended, if necessary.

This policy expands on the 1990 consolidation, including a consideration of "environmental" conditions and eliminating policy 14.10.3, which permitted partial reviews and amendments (Hamilton-Wentworth, 1990, 14.10.3). As has been discussed elsewhere in this research, the requirements around defining and evaluating Official Plan remain an area of ongoing improvement, with new requirements included in amendments to the *Planning Act* in 2016. It is perhaps a lasting effect of the history of Municipal autonomy in this Province, referenced by

Richard White in his 2007 historical analysis of Regional planning in Southern Ontario, that the Province continues to struggle to require Municipalities to monitor and evaluate its official plans.

C.1.3. Urban and Rural Hamilton Official Plan (2013)

Towards a Sustainable Region continued to be in effect until after the 2001 amalgamation, containing few amendments on Provincial policy changes. For this reason, the plan was not in conformity with any of the Provincial plans that were introduced in the mid-2000s, like the *Growth Plan*, the *Greenbelt Plan*, and *Big Move*. With the 2013 *Urban and Rural Hamilton Official Plan*, the first of its kind since amalgamation, policies should be conforming to all Provincial plans and the 2005 PPS. The plan continues to uphold the values of *Vision 2020* and the City's new Strategic Plan, with its new vision statement: "To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities" (City of Hamilton, 2012, pg. 2).

The Official Plan is broken into two main policy documents, a *Rural Hamilton Official Plan* and an *Urban Hamilton Official Plan*. For the purposes of this research, this review will examine only parent policies of the *Urban and Rural Hamilton Plan* consolidation (2013). Most policies will refer to those within the Urban Hamilton Plan, but when a rural policy is referenced a note will be made for the reader.

C.1.3.1. Policies

The policies of the *Urban and Rural Hamilton Official Plan* were separated to provide documents guiding both built-up and undeveloped urban areas, and built-up, undeveloped, and agricultural rural areas. By splitting the documents, decision-makers working within the City of

Hamilton, in a rural settlement area, could simplify their policy evaluation with a volume dedicated to targeting rural issues.

Not all categories contain relevant policies for this research. For the purposes of this review, the researcher has organized policies under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

The following review will be organized around these categories, however due to the nature of interpreting this Official Plan, which requires that policies be “read as a whole document to understand its comprehensive and integrative intent,” the discussion may ‘stray’ from these siloed categories (City of Hamilton, 2013, F.1.4.1).

Policies Related to Land-Use

As with other plans reviewed in this section, policies related to land-use can be split between those directing for the designation of settlement boundaries, called growth pattern policies, and those describing the principles of efficient use, called land-use pattern policies. The separation of Urban and Rural policies within the 2010 plan for the Region formerly known as Hamilton-Wentworth, adds an additional layer of complexity. For the purposes of this review, the researcher will leave out policies guiding rural settlements, focusing on the prevalence of urban land-use efficiency policies, and both urban and rural policies impacting urban boundary expansion.

Policies directing for boundaries around urban settlements have been discussed through this research in every plan and policy document. These policies set limits to the development of lands adjacent to urban settlements not designated for future development. Policy B.2.1,

describing the function of the urban boundary of the City of Hamilton, states (City of Hamilton, 2013, B.2.1):

The urban boundary defines the area where all urban development occurs. Lands within the urban boundary are already serviced or planned to be serviced with major roads, transit and full Municipal services. The land within the urban boundary includes both the area within the built-up area and greenfield area. Lands within the urban boundary represent a 20 year supply of designated urban land and are intended to accommodate the majority of the City's projected growth.

Combined with policies directing for the efficient use of land, including compact development and transit and active transportation supportive densities, these boundaries can limit sprawl by holding the Municipality accountable to its growth plan. The Urban Hamilton Official Plan enhances its existing policy to limiting applications to expand the boundary to its five-year review, by imposing requirements that exceed the policies in the PPS and the *Growth Plan*. Policy B.2.2.2 states that “no urban boundary expansion shall occur until a Municipally initiated comprehensive review and secondary plan have been completed” (City of Hamilton, 2013, B.2.2.2.). As has been discussed numerous times through this research, one of the ongoing issues around binding planning processes to the five-year review, is the absence of a working definition of ‘comprehensive review.’ For purposes of its own review processes, the City of Hamilton Urban Official Plan introduces a list of steps required to constitute a comprehensive review, in the following policy (City of Hamilton, 2013, F.1.1.10):

F.1.1.10 The City shall consider if there is a need to undertake a Municipally Initiated Comprehensive Review, at the time of an official plan review. To determine the need for a review, the City shall have regard for the following matters:

- a) any changes to the population and employment growth targets as prescribed by Provincial legislation; or,
- b) any changes to Provincial policy or legislation; or,
- c) the amount of employment and/or non-employment land to meet the

- projected needs for up to 20 year time horizon; or,
- d) any major Official Plan policies which are outdated.

For additional clarity, a specific list of actions required for action ‘c)’ are contained within the plan’s policies on urban boundaries. This list includes the following, paraphrased for succinctness (City of Hamilton, 2013, B2.2.3):

- A comprehensive review and land budget analysis to examine the need for boundary expansion, including an assessment of vacancies for brownfield development and intensification, and a consideration of greenfield densities
- The development of a sub-watershed plan
- Conducting environmental impact statements on Natural Heritage System areas
- An evaluation of opportunities for development avoiding prime agricultural lands
- Demonstration that growth would mitigate effects on agricultural processes
- A financing policy for services and infrastructure
- Any other studies supporting the sustainable development of the new urban community

The inclusion of more a detailed set of steps for conducting a plan review for boundary expansion clarifies one ongoing issue identified by this research, how greenfield densities are considered in formulating the land designation targets. The amount of land designated to meet growth targets appeared to be inherently connected to the Region’s ambitions to reduce sprawling development patterns. Perhaps with a touch of irony, the inclusion of this policy only creates a redundancy as land-use efficiency policies introduced in this plan, spurred by the requirements of the *Growth Plan*, include specific targets for greenfield densities. Therefore it can be said with certainty that the designation of a twenty year supply of land designated for housing, accounting for opportunities for intensification in built areas, does now account for principles of efficient use. Other comprehensive review requirements, such as the “completion of a financing policy for urban services and other community infrastructure,” reflect emergent

policies in the PPS on urban boundary expansion. Policy 1.1.3.9.b of the 2005 PPS directs for a consideration of financially efficient growth patterns and infrastructure provision, reminiscent of the “cost-effective development patterns” efficiency concept introduced by the Conservatives the 1996 PPS, stating (*PPS*, 1996, 1.1.1.c) (*PPS*, 2005, 1.1.3.9.b):

The infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;

This directive contributes to cycling-supportive environments because it could include analysis of feasibility for transportation infrastructure provisions in new developments. In early debates in the 1990s, the Commission condemned the practice of permitting developments as an inherent ‘good’ by virtue of expanding Municipal tax bases. The proliferation of Provincial policies guiding for the establishment of settlement boundaries and protective rural land-use policies were one means of ensuring that wasteful and cost-ineffective development patterns were prevented. Policies directing for Municipalities to actively undertake cost feasibility studies on infrastructure provision, to determine development pattern suitability “over the long term,” addresses the concerns of the Commission and adds a layer of Municipal responsibility accountability to its infrastructure provision (*PPS*, 2005, 1.1.3.9.b). The researcher suspects that without guidance on the creation of effective feasibility tools, it could be possible to conclude that a development pattern is feasible or unfeasible depending on the methodologies used. Future clarification on evaluation of ‘long term viability’ may be an area that could be considered in future PPS and Ministry publications.

Rural and agricultural policies set by the *Rural Hamilton Official Plan* also impact the status of the urban boundary, by setting rules around the use of these lands. In examining the integration of the *Greenbelt Plan* in this policies, the researcher could not definitively confirm if

Hamilton's agricultural policies designating and limiting uses provided more protections, but they certainly added more complexity. Policies guiding non-agricultural use of rural and agricultural lands vary between the wide range of designations at the City and within *Greenbelt Plan* policies, sometimes in unexpected ways. There are protections at two levels, in Hamilton's area designations and in the *Greenbelt* designations. Hamilton's own rural system designations, a set of areas and policies closely resembling the urban set of designations, include agricultural, specialty crop, rural, and natural system lands. These designations are contained in Section D of the *Rural Hamilton Official Plan*, and are set to achieve the following goals (City of Hamilton, 2012, D.1.0):

1.1 Reinforce and support the significant contribution agriculture makes to the lifestyle, environment and economy of the City.

1.2 Maintain and promote the right-to-farm throughout Rural Hamilton.

1.3 Preserve and enhance prime agricultural areas and specialty crop areas for farming.

1.4 Encourage all lands used for agricultural uses to remain in agricultural uses.

1.5 Direct non-farm, rural-oriented development to Rural Settlement Areas and Rural Areas.

1.6 Recognize the diverse and innovative nature of agriculture by providing opportunities for on-farm diversification.

Each designation includes varying policies on protections on agricultural and resource extraction practices, but all prohibit non-agricultural uses. By implementing land-use policies protecting the "right-to-farm," the City of Hamilton protects lands adjacent urban uses from incompatible non-agricultural uses, limiting the prevalence of leap-frog development and enhancing the status of

plan designations. The policies guiding agricultural and rural lands include few directives more stringent than previous regional plans, however the plan does present a more developed vision for its rural land uses, including arguments supporting the “right-to-farm,” a recognition of the historical and economic importance of agriculture in the region, and policy flexibility to support agricultural industries in innovating and adapting to new markets and to emerging land-use needs. The *Greenbelt Plan* policies create a second level of protection on agricultural lands within rural areas. The *Greenbelt Plan*’s system of “Protected Countryside” policies are integrated by simply overlaying the policies and setting priorities for interpretation. The Hamilton plan directs that “where there is discrepancy between this Plan, the Zoning By-law and the Greenbelt Plan policies [...] the most restrictive policies shall prevail” (City of Hamilton, 2012, C.1.2.1). Interestingly, an exception to this approach can be found in policy C.1.2.3, on *Greenbelt* policies that permit for residential use on rural lands after severances. Here Hamilton’s policies are more prohibitive on non-agricultural uses, however “do not conflict with [the] Greenbelt Plan and shall continue to apply” (City of Hamilton, 2012, C.1.2.3).

Similarly, the protections on natural heritage systems in the Hamilton reflect changes due to conformity requirements with plans like the *Greenbelt Plan*. On the protection of natural features, three policy layers exist: Hamilton’s own Natural Heritage System designations, Hamilton’s locally and Provincially designated ‘significant’ natural area designations, and the *Greenbelt* natural heritage system policies.

Hamilton’s Natural Heritage System is a set of designations permitting the application of policies to natural areas. The system includes designations of “Core Areas,” which include key hydrological and natural features, and “Linkages,” lands connecting core areas. Each of these

designations can be found within Section C.2.0, specifying policies supporting Hamilton's primary policy goals for natural areas, including (City of Hamilton, 2013, C.2.1):

2.1.1 Protect and enhance biodiversity and ecological functions.

2.1.2 Achieve a healthy, functional ecosystem.

2.1.3 Conserve the natural beauty and distinctive character of Hamilton's landscape.

2.1.4 Maintain and enhance the contribution made by the Natural Heritage System to the quality of life of Hamilton's residents.

2.1.5 Restore and enhance connections, quality and amount of natural habitat.

2.1.6 Provide opportunities for recreational and tourism uses where they do not impact natural heritage features.

2.1.7 Monitor and periodically assess the condition of Hamilton's natural environment.

Several general policies on the protection of natural heritage systems are maintained in the 2013 *Urban Hamilton Official Plan* that refer to the protection of natural heritage features, adding restrictions to developable land in the city, applying pressure on developable land to increase land-use efficiency, while providing corridors which could be used to improve the off-road bicycling network. This opportunity is recognized in policy C.2.5.1, stating that "generally, permitted uses in Core Areas shall include [...] infrastructure projects" (city of Hamilton, 2013, C.2.5.1).

The *Urban Hamilton Official Plan* also references policies that address 'significant natural features.' Although these significant features are often found within designations set by the natural heritage system, they are granted more prohibitive protections. The researcher could not disambiguate the policies relating to these areas, however some evidence suggests they refer

to lands designated by the Province in the PPS that fall outside their own system of designations. For example, policies like C.2.5.2 refer to the prohibition development within Provincially significant wetlands, a natural feature not protected under Hamilton's own designations.

Greenbelt natural heritage protections, similar to its agricultural designations, were integrated into the *Urban and Rural Hamilton Official Plan* using an overlay system to ensure development conforms to all levels. Its compliance requirements are also set by policy C.1.2.2, requiring that "all proposals for development or site alteration within the lands identified as Greenbelt Plan, [...] shall meet the requirements of this Plan, the Zoning-by-law and the Greenbelt Plan. Where there is discrepancy between this Plan, the Zoning By-law and the Greenbelt Plan policies [...] the most restrictive policies shall prevail" (City of Hamilton, 2012, C.1.2.2). For a full examination of the impact of Greenbelt Plan policies, refer to section 4.3.1 of this thesis.

The following paragraphs will address the policies contained in the *Urban Hamilton Official Plan*, describing principles of increased density, intensification, mix of uses, and efficient land-use patterns. As in other reviews addressing land-use principles, the researcher suggests that these policies contribute to a coherent formulation of what constitutes the efficient use of land, integrating concepts like energy efficiency, resource management, and site controls affecting compact development patterns. The following is an overview of those policies directing for an efficient use of land.

The Urban Hamilton Official Plan introduced a system of areas called urban systems, designating and describing land-uses and principles for development. Closely aligning with Regional Development Pattern concept of the early 1990s, the system is comprised of a set of land-uses used to guide the urban structure according a system of nodes and corridors that

contain policies to increase density, promote intensification, and develop compact mixed use environments. The goals of this system of designations generally conform to the policies set out in section B.3.0, which describes the urban design policies, including (City of Hamilton, 2013, E.1.0):

The following goals shall apply to the urban systems and land use designations of this plan.

- a) Designate land uses to facilitate the development of a node and corridor based urban structure.
- b) Support and facilitate development and investment that contributes to the development of the overall urban structure.
- c) Develop compact, mixed use urban environments that support transit and active transportation.
- d) Develop complete communities where people can live, work, learn, and play.
- e) Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- f) Promote and support design which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic, and liveable urban places.
- g) Promote and support appropriate residential intensification throughout the urban area and focused in Urban Nodes and Urban Corridors.
- h) Recognize that Hamilton's neighbourhoods are stable, not static.
- i) Protect and enhance a system of linked natural areas.
- j) Protect Hamilton's existing and planned Employment Areas.
- k) Plan for and promote the Downtown Urban Growth Centre as the pre-eminent centre in Hamilton for commercial and office development.

Hamilton's urban structure is broken into six main areas, urban nodes (containing regional, sub-regional, and community nodes as with the Regional Development Pattern concept), urban corridors, major activity centres, neighborhoods, employment areas, and major open spaces (City of Hamilton, 2013, E.2.2). While general policies guiding the built form are included in section B.3.0, each designation contains policies guiding development, several targets for density and

area size, urban design principles, and a list of primary functions as it relates to the greater city and region. Each designation addresses land-use aspects that could be interpreted as supportive of cyclists, but to limit scope, only two key designations will be addressed in this section, the urban node and the urban corridor. These structural elements align with policies in the PPS and *Growth Plan*, which state Municipalities will “support energy efficiency and improved air quality through land use and development patterns,” and include statements supporting the intensification of nodes and corridors, support for alternative modes of transportation between residential and employment lands, intensification around existing and planned public transit services, and a “mix of employment and housing uses to shorten commute journeys and decrease travel congestion” (PPS, 2005, 1.8.1a,b,c and d). The urban node is designed to provide the greatest mix of uses and highest densities of all the urban structure types. The Urban plan states that “Urban Nodes will have access to higher order transit and will exhibit a wide variety of land uses and densities designed and oriented to support and facilitate transit and active transportation” (City of Hamilton, 2013, E.2.3). Furthermore, hierarchy of nodes is presented, from a regional node, designated as the Hamilton CDB, to community level nodes, within each former Area Municipality or neighborhood. Land-use policies in nodes include policies requiring (City of Hamilton, 2013, 2.3.1, 2 and 3):

- Conformity to population and employment density targets designated within the Growth Plan, where applicable
- Accommodation of portions of city wide intensification targets
- Function as a hub for higher order public transportation
- Function as a centre for retail, entertainment, an employment
- Exhibit a mix of uses, building types, and a densities
- Require an active transportation focus, including walking and cycling

The researcher suggests that by emphasizing the node urban structure, the City of Hamilton is facilitates the clustering of services, employment, and residential uses throughout neighborhoods in the city, creating opportunities for both transit service provision and new dedicated cycling facilities. This updated formulation of mixed service centres, seen early in the 1990 Official Plan consolidation, supports a more diverse use of land within these service centres and goals for overall intensification and densification. The downtown Hamilton, designated as the Regional Growth Centre, and an Urban Growth Centre in the Province's *Growth Plan*, is given several key targets, including meeting a minimum density of 250 persons and jobs per hectare, accommodate 20% of city wide residential intensification, and planned to accommodate over 100,000 square metres of retail space (City of Hamilton, 2013, E.2.3.1.9, 10 and 11). Sub-regional centres, not designated by the *Growth Plan*, were given target densities of 100 to 150 persons and jobs per hectare to support city wide densification, required to support "a significant proportion of the city-wide residential intensification," and accommodate over 100,000 square metres of retail space each (City of Hamilton, 2013, E.2.3.2.7, 8, and 9).

Urban Corridors are another key designation, describing major streets that connect neighborhoods and nodes together. Urban corridor designations include policies requiring: (City of Hamilton, 2013, 2.4):

- Higher density and mixed use development, supporting higher order transit development
- The provision of pedestrian supportive urban design and supporting active transportation
- Provide a neighborhood focus for commercial and retail opportunities
- Provide a focus for intensification opportunities

The Researcher suggests that the urban systems concept builds upon the Regional Development Pattern, and provides stronger direction for efficient land use within at the neighborhood level. Under *Towards a Sustainable Region*, the Regional plan restricted detailed policies guiding cycling-supportive urban environments within Area Municipalities, requiring instead dependence on the faithful interpretation of a handful of policies and regional level designations. The increased emphasis on urban design for pedestrians and a focus on active transportation is a promising inclusion as the city continues to emphasize the gradual enhancement of corridors and nodes.

Policies Related to Transportation Infrastructure and Public Services

Unlike plans discussed within this research, the *Urban and Rural Hamilton Official Plan* (2013) demonstrates commitment to integrating land-use and transportation considerations, particularly for cycling. The following section will discuss policies supporting the provision of cycling infrastructure in four sections: within the plan's expanded set of policies guiding the development of the active transportation network, a new emphasis on urban design, new climate change policies, and changes to the existing Transportation Demand Management program.

The 1993 *Towards a Sustainable Region* included for the first time a section containing general cycling-supportive directives. In the 2013 *Urban and Rural Hamilton Official Plan*, some of these policies were maintained and expanded within section C.4.3, on the Active Transportation Network, and provides an enhanced rationale for cycling investment within the Municipality. The plan describes cycling and other AT modes as “a key component of the City’s transportation network,” and provide “a sustainable alternative to travel by private automobile, resulting in physical, economic and social benefits from improved air quality, reduced energy consumption and increased physical activity” (City of Hamilton, C.4.3). As within *TSR*, the plan

maintains the requirement for the provision of cycling infrastructure (City of Hamilton, 2013, C.4.3.1 and 2):

C.4.3.1 The City shall require, provide, and maintain infrastructure that maximizes safe and convenient passage for pedestrians and cyclists along streets.

C.4.3.2 The City shall accommodate commuter cycling needs on the road network and major recreational pathways to the greatest extent possible in accordance with the City's Cycling Master Plan and Trails Master Plan.

Reflecting the emergent emphasis on urban design with the 2013 plan, this section also includes direction on the consideration of cycling connectivity in street and site design, requiring that (City of Hamilton, 2013, C.4.3.3)

C.4.3.3 The City shall build and maintain the active transportation network which recognizes the importance of the sidewalk and cycling network while achieving a high standard of connectivity. Active Transportation shall be promoted and accommodated in street design and operation through:

- a) continuous improvement and expansion of the existing network of pedestrian and bicycle infrastructure, including multi-use paths, bike lanes, and on-street bike routes;
- b) establishment of pedestrian-oriented design guidelines in secondary plans and undeveloped areas that promote active transportation; and,
- c) provision of traffic calming measures and signage, where appropriate.

Unlike the *TSR*, and perhaps to its credit, the AT policies in section C.4.3 do not contain all the directives pertaining to cycling. Many of the cycling-supportive policies included in the 1993 Plan have been integrated into other sections of document, including directives to consider cycling in secondary, subdivision, and site plans and that parking facilities are included in zoning by-law considerations.

Examining the urban design policies within the Urban Hamilton Official Plan could perhaps fill a volume the length of this thesis alone. Policies guiding the design of private and

public areas can be identified throughout the document, from the explicit goals of its Urban Design Policies in section B.3.3, where the plan states that “a city that values good urban design is a city that is successful socially, economically, and environmentally” (City of Hamilton, 2013, B.3.3), to the specific policies guiding each Urban System structural element in Section E. The purpose of this short section will be present the policies from some of these areas, and explore how Hamilton’s new emphasis on ‘success through urban design’ involves the support of the bicycle.

Four directives from Hamilton’s Urban Design Goals in section E.3.3.1, include direct or indirect reference to the bicycle or support bicyclists, addressing concepts encountered throughout this paper, including climate change mitigation and air quality improvement, pedestrian oriented spaces (see section 4.2.1.1.2 on the Commission’s formulation of pedestrian in the Implementation Guidelines), and transit and AT supportive communities. The plan includes urban design goals that (City of Hamilton, 2013, B.3.3.1):

B.3.3.1 The following goals shall apply in the urban area:

B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities.

B.3.3.1.4 Create communities that are transit-supportive and promote active transportation.

B.3.3.1.6 Create places that are adaptable and flexible to accommodate future demographic and environmental changes.

B.3.3.1.10 Create urban places and spaces that improve air quality and are resistant to the impacts of climate change.

These goals connect with the broader aspirations of the plan, to “create compact and interconnected, pedestrian-oriented, and transit supportive communities within which all people can attain a high quality of life” (City of Hamilton, 2013, B.3.3). Although cycling is only referenced once within these goals, and then only categorized within AT, the researcher asserts

that these policies require the consideration of the bicycle, when interpreted within the context of broader plan policies. Enhancements to the ‘pedestrian realm,’ which cyclists regularly use given the nature of the bicycle as a mode that can rapidly transform between a road vehicle and walking pedestrian mode, and references to environmental challenges, like air pollution, energy conservation, and future ‘environmental changes,’ are interpreted elsewhere as referring to the unique policy solution, the utilitarian bicycle. The plan expands upon these goals in section B.3.3.2, revealing more explicit connections to bicycles use through principles supporting the above goals. Among other principles addressing a “continuous animated street edge,” “minimize excessive street noise,” and foster streets including “adequate and accessible space for pedestrians, bicycles [...],” all principles that “create high quality, safe streetscapes [...] that encourage physical activity and active transportation,” the plan includes directives expanding upon the principles of good connectivity although urban design (City of Hamilton, 2013, B.3.3.2.5):

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;
- e) providing appropriate way-finding signage considering size, placement, and material that clearly identifies landmarks, pathways, intersections, cycling and transit routes, and significant natural and cultural heritage features;
- g) designing streets and promoting development that provides real and perceived safety for all users of the road network;
- i) considering traffic calming techniques in redevelopment projects and secondary planning;

Other policies include reference to the development of “complete streets” in designs within new secondary plans and major developments, like in policy C.4.2.8, 9 and 10. These policies directs that (City of Hamilton, 2013, C.4.2.8, 9 and10):

4.2.8 New secondary plans and designs for major transit generators shall incorporate the following design directions:

- a) establishment of a continuous grid road network as the preferred street layout to allow pedestrians, cyclists, transit vehicles, automobiles and goods and services vehicles to move efficiently through communities;
- c) organization of land uses in a manner that reduces automobile dependence and improves modal choice and the movement of goods;

4.2.9 Direct access to transit facilities shall be provided via sidewalks and walkways from the interior block areas of neighbourhoods. Within existing and planned development, the City shall encourage the creation of mid-block connections for pedestrians, transit, and active transportation modes.

4.2.10 Development of major transit generators shall provide safe and convenient pedestrian and cycling environments and access through building orientation, site layout, traffic management, and the provision of facilities such as sidewalks, crosswalks, bike lanes and trails, bicycle parking and loading, and connections to transit service.

Many of these principles align with the policies directions identified at the outset of this research, within the literature review, which directed for the integration of cycling with public transportation networks, larger and more complete networks, and the provision of safer cycling conditions.

Another policy emerging in the 2013 plan include considerations for climate change, required by the 2005 PPS. The PPS contains little clarification on how Municipalities can accommodate changes as a result of climate change. One area affecting this research subject, is the prevalence of policies addressing Municipal energy use. Where earlier Provincial and Municipal plans in this research failed to integrate energy considerations into land-use policies, often signaling the separation of transportation and land-use considerations, policy B.3.7.1 asserts that its urban design, complete streets, and urban structure policies have been harmonized to support (City of Hamilton, 2013, B.3.7.1):

- a) a compact urban form with a nodes and corridors urban structure;
- b) development of mixed use urban environments that support public transit and active transportation;
- c) employment opportunities in proximity to housing thereby reducing commuting distances and traffic congestion; and,
- d) designs that facilitate the establishment or expansion of public transit in the future.

The researcher suggests that considering the impacts of land-use patterns, the provision of public transit, and for active transportation in future developments could constitute a major commitment to mitigating the effects of climate change. In the preamble to policy B.3.6.1 the plan introduces a position on climate change, stating (City of Hamilton, 2013):

Addressing climate change requires two complementary actions: mitigation (i.e. reduction) and adaptation. Mitigation involves actions to reduce greenhouse gases or actions to avoid or delay climate change. Adaptation involves actions or planning to minimize a city's vulnerabilities to the impacts of climate change.

Several goals and policies of this Plan, both directly and indirectly contribute to the improvement of air quality and reduce greenhouse gases:

- a) promoting compact, mixed use urban communities;
- b) integrating the transportation network to include all modes of transportation;
- c) promoting walking, cycling, and use of public transit;
- d) achieving a natural heritage ecosystem through the protection and enhancement of natural heritage features and functions;

While the researcher cannot speak to the efficacy of a system of green corridors in improving air quality or reducing the effects of climate change, the policy does contribute to the areas that could be utilized for the future off-road cycling network, a mode of transport that does result in a reduction of GHG emissions. Other actions like the promotion of compact, mix used community design could contribute to the reduction of automobile dependence, where facilities permit residents to cycling and transit for everyday trips.

Last, the Official Plan includes directives integrating *Growth Plan* requirements for Transit Demand Management. Policy C.4.2.4.1 in particular emphasizes the role of cycling in the City's overall program to shift overall transportation mode shares towards more sustainable and efficient choices. The policy states (City of Hamilton, 2013, C.4.2.4.1):

C.4.2.4.1 Transportation demand management measures may include:

- a) provision of active transportation features including secure bicycle storage facilities and pedestrian and cycling access to the road network facilities

It should be noted that the previous version of the Hamilton-Wentworth Official Plan included directives on TDM, however, earlier policies made no specific reference to cycling.

Policies Related to Administration

The Urban and Rural Hamilton Official Plan contains changes to policies affecting the coordination and compliance of its directives, in large part because it is the first plan since amalgamation that accounts for the new single-tier administrative structure. Before amalgamation and after the amalgamation in 2001, the Regional Municipality of Hamilton-Wentworth Official Plan contained directives guiding its own Regional actions, and the actions of its six Area Municipalities. Under this plan, all previous Municipalities are guided under a single policy document, and further directed by relevant secondary plans, not covered in this review. As a result, the compliance policies ensuring that the Area Municipalities official plans reflect Regional directives are completely removed. The secondary plans, however, are guided by similar language, that they require “a coordinated planning process under the *Planning Act* [...],” “conform to the designations, and policies in the [Official Plan] Neighborhood Plan,” and address a wider range of issues which cannot be addressed through land use planning alone” (City of Hamilton, 2013, F.1.2.5, 6 and 7).

The Plan includes countless directives referencing the broader policy environment, including its consistency with the Provincial plans and policy documents like the PPS, the *Growth Plan*, the *Big Move*, and the *Greenbelt Plan*, and local plans like the Hamilton bicycle plan *Shifting Gears*, the Transportation Master Plan, Community Strategies like *Vision 2020* and the City’s 2010 updated vision statement, among others. Most Provincial plans contain specific requirements for conformity, requiring for example that policies be “consistent with” those set at the Provincial level. For example, in section A2.5, the plan outlines commitments to managing growth according to the policies of the PPS and the *Growth Plan*, among others, recognizing the paramountcy of the Provincially-led policy system, and legislative requirements contained within the *Planning Act*. Specific aspects that were coordinated include PPS directives supporting the “efficient use and management of land [...], protection of the environment and resources [...], and ensuring appropriate opportunities are provided for employment and residential development [...],” as well as the more detailed policies of the *Growth Plan* directing for “building compact, complete and vibrant communities; managing growth [...], and enhancing natural resources” (City of Hamilton, 2013, A.2.5.1 and A.2.5.5).

It should be noted, that the coordination of the City’s bicycle plan, *Shifting Gears*, was removed from the updated Official Plan, previously recognized within the *Towards a Sustainable Region* plan. Policy F.3.1.8.5, however, directs that the “Transportation Master Plan shall be the primary tool to implement operational based transportation policies including [...] creating awareness and promoting the benefits of walking and cycling [...], identifying further transportation demand strategies [...], and undertaking significant improvements to the public transit network to address changes in travel demand occurring from increased densities along nodes [and] corridors” (City of Hamilton, F.3.1.8.5).

Policies Related to Monitoring and Assessment

Policies under F.3.4, on “Monitoring and Measuring Performance” outline the overall monitoring approach within the *Urban and Rural Hamilton Official Plan*, addressing several of the major monitoring challenges that the researcher has identified within Provincial and Municipal plans and policy documents in this research: the evaluation underlying principles behind the selected policies, the evaluating the effectiveness of the policies themselves, and the use of specific targets or questions to guide the evaluation. Policy F.3.4.1 directs that (City of Hamilton, 2013, F.3.4.1):

3.4.1 Monitoring and measuring performance of this Official Plan is critical to determine if:

- a) the assumptions of this Plan remain valid;
- b) the implementation of the policies fulfill the overall goals and objectives of this Plan;
- c) growth targets listed in Sections A.2.3 - Growth Management – Provincial and B.2.4.1 - General Residential Intensification Policies, are being met; and,
- d) the priorities identified in this Plan remain constant or require change.

The researcher suggests that when a framework for evaluation includes measurable targets, the status of the plan of enhanced because it permits a meaningful evaluation of its directives without relying on the quality and existence of historic data. Intensification and densification targets like those required by the *Growth Plan* and the PPS, set specific markers for plan implementation, in a sense circumventing the challenges of other methods for long term evaluation plaguing several of the documents in this review, including the ad hoc designation of various indicators, setting a commitment to designate indicators at a future date, or the common problem of abandoning previously set indicators because only partial or wholly absent monitoring was undertaken from a previous commitment. The use of Provincially established

markers for evaluating successful implementation creates an effective model for policy evaluation in Municipalities that have historically struggled with establishing their own monitoring schemes, which was the norm within the previous PPS (*PPS*, 2005, 4.11).

On cycling specific monitoring and evaluation directives, no specific examples could be identified establishing a regular evaluation of cycling policies. Only the standard processes occurring during the course of evaluating new plans were identified, such as environmental assessments, transportation studies, master plans, and development plans. Besides monitoring policies identified within the 2009 *Shifting Gears* and the above targets for intensification and densification in several of the urban structure designations, targets were identified setting reductions for GHG emissions in policy F.3.4.5.1 (set at a 20% reduction of 2005 emission levels).

C.2. Cycling Plans

The Region of Hamilton has published partial bicycling planning documents as early as the late 1970s, however it was in the early 1990s that the Regional Municipality of Hamilton-Wentworth funded its first comprehensive bicycle network study. This section will examine the 1992 *Network Study*, and its two subsequent revisions in 1999 and 2009, rebadged under the title *Changing Gears*.

Each revision of the Hamilton bicycle plan follows a similar structure and professional standpoint. Although each document contains some directives considered formal policies, directing land-use or efficient provision of transportation infrastructure (or, for that matter, recommend changes to established Municipal policy frameworks), these documents are substantially developed within the context of the traffic engineering profession. They are structured as transportation plan documents, centered on the evaluation of a number of network

concepts, route alignments, and cost/implementation tables. In its summary of study purpose the 1992 plan confirms this engineering focus, “[p]lanning to encourage and better accommodate bicycle use should use the 4 E's approach: Engineering, Education, Enforcement and Encouragement. Although engineering facilities are the focus of the study, we must account for the other equally important factors” (Hamilton-Wentworth, 1992, pg. 3). Unlike documents like the *Growth Plan for the Greater Golden Horseshoe* or the *Provincial Policy Statements*, which were enshrined in the mid -1990s as the province’s highest land-use planning policy frameworks, Hamilton’s three bicycle plans begin not with a set of efficient design principles, statements expressing a long term vision, or carefully worded policies, but rather the impulse to designate, design, and expand its existing incomplete network of pathways. Specific alignments are matters not addressed within this section, however additional research in this area may provide an interesting and revealing perspective on the effects of Provincial and Municipal policy. The primary interest of this review is in examining the planning and evaluation approach, the rationalization of a preferred network, and the integration of planning matters affecting cycling-supportive environments. Although seldom stated as a traditional set of policy statements, the researcher asserts that these matters constitute the policy directives of the plan.

C.2.1. Hamilton-Wentworth Regional Bicycle Network Study (1992)

Submitted in 1992, the *Hamilton-Wentworth Regional Bicycle Network Study* (1992) (hereon referred to as the *Network Study*) set the tone for Hamilton’s future bicycle planning initiatives. Although markedly oriented to the traffic engineering profession, the document offers more than a technical report on route alignment evaluation. The *Network Study*, conducted by landscape architecture firm Victor Ford and Associates in cooperation with the Region’s bicycle planning committee and its transportation and planning staff, introduces an analytical approach

to network planning, including a thoughtful examination of the ‘philosophical’ underpinning within network concepts, positions on cyclist/motorist integration, and on the risks associated with a narrow conception of network users. Combined with a process of broad consultations, effective use of key stakeholders, and a mix of grass-roots and top-down knowledge, the result is a document defying categorization; not a set of policies, not entirely a technical report.

C.2.1.1. Development

The consultant’s methodology for the *Network Study* is detailed early within the document. The steps used include (Hamilton-Wentworth, 1992, pg. 21-22):

- Review of existing planning documents and bikeways plans at the Regional and Area Municipality levels
- Density and key destinations were mapped
- Consultants conducted visits to locations to familiarize and inventory key areas
- An analysis of existing travel mode data from TTS 1986 permitted the identification of high use corridors and patterns of movement
- Focus was put on developing several key corridor and escarpment crossing alignments with input from staff and the Regional Bicycle Advisory Committee (RBAC)
- Evaluation criteria was used to determine best alignments
- Examination of constraints, the effect of the overall network concept, and cost estimates were also used to finalize the preferred network.

As this process suggests, the input of public groups was limited to representation by RBAC and the assistance of staff from a number of Area Municipality and Regional Authority representatives comprising an “external team.” In the *Network Study* a summary of meetings during the course of the plan development is also provided, confirmed by the overwhelmingly ‘internal’ approach of plan development.

C.2.1.2. Policies

Like the challenge the researcher identified in differentiating policy and implementable actions within the *Big Move*, the *Network Study* contains several types of directives: (1) a set of mapped cycling path designations and recommendations on infrastructure - embodying a set of spatial politics, (2) an analysis and rationalization of recommended plan approaches ultimately accepted by the Region, establishing directions on design and implementation of the network, and (3) several specific recommendations on revisions to be made within the broader Municipal policy context. For the purposes of this research, only an examination of the second and third types will be included, due to the commitments of time and the unique expertise required to fairly evaluate the large set of routes and alignment alternatives.

Directive types one and three, on drawn maps and recommendations for the broader policy framework, require little explanation on how they express a desired outcome. Mapped route alignments contain layers of varying rationales, concealed in plain-sight, both embodying a range of potential network alignments and user experiences. Type three directives state a preferred policy measure. Type two are contained within the rationalizations and assumptions of the plan's directives, a less formal policy sometimes requiring interpretation. The *Network Study* has its own language for these rationalizations, referring at times to "a defensible set of principles" or a network "philosophy" (Hamilton-Wentworth, 1992, pg. 60, 85). In the absence of an stated policy framework, the researcher suggests that it is these rationalizations constituting Hamilton-Wentworth's underlying bicycle policies at this time.

By eliminating the mapped policies, the researcher can utilize the previous policy categorization, allowing comparisons to be made between other documents examined within this

research. For the purposes of this review, the researcher has organized the policy directives under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

Due to the nature of the *Network Study*, defying categorization as a strict ‘policy document’, the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

Although the *Network Study* makes numerous references to the constraints of the Hamilton Region’s built form and unique natural formations, the plan is occupied with designation of paths within the existing land-uses. It makes few references to the policies guiding land-use planning in the Region. There are, however, two instances where the *Network Study* provides insight into land-use concerns affecting cyclists: (1) in criteria set to establish route selection priorities, (2) within recommendations to Municipal official policies, and (3) in the separation of regional and Municipal responsibilities for the network.

(1) The *Network Study* identifies six priorities for the “initial development” of the network concept. Two are oriented to capitalizing on existing efficient land-uses, including focusing on “high density areas with latent demand,” and “linking Municipalities [... and ...]areas of Regional recreational interest,” ensuring that connections between major cultural destinations and areas of high employment and population densities are maintained (Hamilton-Wentworth, 1992, pg. 60). This criteria is evident in the core routes closely associated with the Hamilton CBD and along its most active corridor, running east/west to Dundas and Stoney Creek, building off the high population and employment density of these areas.

(2) Recognizing the benefits of undertaking a cyclist’s perspective on efficient land-use within the Region, the *Network Study* includes a short section on several opportunities for improvements to the broader policy environment and planning process. Several of these recommendations refer to cycling-supportive land-use policy concepts identified within the literature review, like coordinating mix-used, high density development, and permitting cycling tourism supportive land-uses. Key recommendations include:

- the incorporation of ‘bicycling’ “in official plans, zoning by-laws, department and Regional policy,” an ambiguous but noteworthy recommendation to build in cycling-supportive policies within the Region’s main land-use policy document (Hamilton-Wentworth, 1992, pg. 105)
- “encourage the conversion of abandoned railways, unopened road allowances and share easement space with utility corridors wherever feasible,” emphasizing the importance of identifying, protecting and acquiring linear corridors and lots (Hamilton-Wentworth, 1992, pg. 106)
- “develop an energy strategy that promotes energy efficient transportation options (such as bicycling), reduces unnecessary interruptions in traffic flow, and encourages higher density redevelopment of established areas in order to minimize the need to commute,” perhaps the strongest example of land-use policy within the document, guided by the constraints and opportunities of the cycling mode (Hamilton-Wentworth, 1992, pg. 106)
- the development of integrated pedestrian and cyclist oriented development concepts, like “woonerf” multi-use neighborhoods prioritizing active transportation modes and accessibility to commercial services (Hamilton-Wentworth, 1992, pg. 106)

- ensure that revised Municipal by-laws espouse a “pro-bike philosophy,” for example to “support pedicabs, refreshment street vendors, bicycle couriers and improved bicycle access to buildings” (Hamilton-Wentworth, 1992, pg. 105)

Although these recommendations occur near the end of a document oriented to the designation of routes within an existing transportation network and land-use pattern, there is a meaningful attempt to consider opportunities for improving efficiency for the use of AT modes. This foresight is echoed within references to increasing ‘future demand,’ and assertions that “although bicycling may not solve transportation needs for the immediate majority, it must be viewed as a step in the right direction. Bicycling is an underutilized alternative with growth potential” (Hamilton-Wentworth, 1992, pg. 19). Unfortunately, the timeline for this *Network Study* falls narrowly outside the scope of research, (with the nearest Provincial policy document included in section 4.2.1.1, the final report of the *CPDRO*, published the same year as the *Network Study*), making comparisons with the Provincial policy context difficult. It should be noted however, that during the same period that the *Network Study* was being conducted, the Commission was consulting with the province’s planning community, and included in its final report some of the most cycling-supportive policy recommendations used for the next twenty years, including directives to ensure (CPDRO, 1992, pg. 141):

E3 Patterns of land use and development will be planned and modified to encourage the most efficient modes of transportation and to reduce the need for private automobile use in daily life.

E4 Transportation systems in urban areas will be designed to give priority to energy efficient low polluting travel including priority to walking, bicycling, and public transit, where appropriate.

Despite the recommendations addressing changes to Region planning policy within the *Network Study*, there must be a recognition that *Network Study* recommendations were not primarily

directed towards the development of long-term and-use planning concept. Nor can there be an expectation that the *Network Study* reflect language included in Provincial policies not yet in effect.

(3) Hopes for an ongoing engagement with Municipal land-use planning decision-making were limited by one of the key recommendation of the *Network Study*, calling for the separation of responsibilities within the Region and its Area Municipalities to meet network objectives. In line with established responsibilities of multi-tiered Municipalities both before and after the Commission recommendations, the *Network Study* recommended that Area Municipalities are obliged onlt to implement “purely recreational interests of bicyclists within their local jurisdictions” (Hamilton-Wentworth, 1992, pg. 104). This refers to the off-trail and parkland aspects of the network improvements, and for the Region to manage the business of developing the official commuter cycling network. Conversely, given the existing responsibility of the Region to direct “Regional health, welfare and economic development as well as arterial roads [...],” the Region may have been in a strong position to coordinate growth management and land-use efficiency policies within Area Municipalities, instigating a set of cycling-supportive land-use policies through official plans (Hamilton-Wentworth, 1992, pg. 104).

Policies Related to Transportation Infrastructure and Public Services

This section will contain a discussion of the bulk of directives included within the *Network Study*, as the study is primarily oriented to the formulation and designation of the Region’s bicycle infrastructure network. For simplicity, the researcher has narrowed the directives guiding the core network concept, summarized to the following:

1. Manage facility design and liability through informed research, although recognizing the limitations to claiming a ‘safe’ piece of infrastructure. The study recommends “design[ing] and install[ing] facilities in accordance with generally researched and

- accepted practices[,]”recognizing that “no route can provide a totally risk-free environment” (Hamilton-Wentworth, 1992, pg. 9, 53)
2. Utilize a cost-effective, concentric design. Rejecting costly total coverage concepts, the study recommends that investments be “buil[t] onto the Network in stages radiating out from an initial centrally located origin”, namely the Hamilton CBD and high density east/west corridor serving cyclists making ‘purposeful trips’ (Hamilton-Wentworth, 1992, pg. 60)
 3. Emphasizing an on-road, vehicular approach, for users with a basic knowledge of road rules. In examining the limited opportunities for an off-road path system, due to the absence of a web of parkland and green corridors, the study rationalizes that “[i]t is impractical to create special bicycle facilities and traffic rules that are anomalous to existing laws and expectations when the established ones will suffice” (Hamilton-Wentworth, 1992, pg. 18)
 4. Primarily serve utilitarian cyclists taking direct, purposeful trips between key locations. Given the “underlying intent of this study [...] to create a total new travel option for Regional commuters”, a group who “make utilitarian trips year round,” the *Network Study* emphasizes the approach of “us[ing] or build[ing] onto established and potentially popular routes for commuter bicycling” (Hamilton-Wentworth, 1992, pg. 2).
 5. Address specific physical barriers for utilitarian cyclists, including intersection crossings, natural features, and large highway infrastructure. The study states that “by addressing these specific problem areas, at the scale of the proposed Regional Bicycle Network, a basic level of bicycle service, equivalent to the arterial road system for motorized vehicles, would be achieved” (Hamilton-Wentworth, 1992, pg. 19).

These directives will be explored within a discussion of three components of the *Network Study*: (1) the ‘background’ research, serving to limit and scope a ‘reasonable’ set of expectations for the network, (2) a critical examination of foundational concepts of planning for cyclists, a process in which the *Network Study* establishes a set of ‘defendable principles’ providing a type of ‘policy’ framework for its preferred network, and (3) an engagement with a broad set of

supporting programs and to foster a culture of community supporters as part of its design and implementation stages.

(1) In evaluating the existing conditions for cycling as part of its background, the study summarizes a somewhat bleak reality (Hamilton-Wentworth, 1992, pg. 43):

Compared to other urban areas, the Region of Hamilton-Wentworth is not known as an exceptional bicycling area. The impetus for improving conditions for bicycling has come from the political arena rather than because of an ideal climate, extensive open space, a strong cycling tradition or basic transportation needs. Those conditions can be found in California, Ottawa, the Netherlands and China respectively, and have led to the planning and development of facilities in very different ways. The natural and man-made barriers, particularly the Escarpment and Highway 403, are the greatest physical deterrents to effective bicycle use development in the Region.

Perhaps the most striking element of the *Network Study* is its effort to evaluate the tangible opportunities and constraints and develop a viable direction forward in the face of major barriers. The researcher asserts that it is the evaluation of these limitations and the use of that analysis to guide plan development resulting in a set of shared and reasonable ambitions, the formation of a defensible, implementable, and uniquely suited area plan. The first stage of this process is in framing, or developing a “background,” the context for cycling infrastructure investment. In other words, the work of developing a background context for cycling in the Region helps clarify the ‘problem’ and permit a more “astute and practical” ‘solution’ (Hamilton-Wentworth, 1992, pg. 12). The *Network Study* uses several types of data to establish the existing network conditions, including traffic accident data, an opportunities and constraints model, and a review of existing legislation pertaining to cyclists.

Analysis of accident data, and an examination of existing data on the concerns of cyclists, shows the specific safety challenges that cyclists face on paths and roads within U.S. and Canadian Municipalities, and the Hamilton Region. Its data illuminated the “perception of high

risk” surrounding cyclists, due to the high rates of injury and death during accidents (Hamilton-Wentworth, 1992, pg. 27). From the data, the *Network Study presents* a number of conclusions, including (Hamilton-Wentworth, 1992, pg. 31):

- Cyclists contribute to more collisions than motorists
- 50% of cyclists accidents involving a car are caused by the cyclist not observing established traffic laws
- Around 75% of accidents are intersection related
- Collisions involve youth are substantially more common than with adults
- Experienced cyclists have a lower rate of incidence
- It is shown that bike lanes do not prevent intersection accidents

It should be noted that these results only reflect data available at the time, some already outdated.

There can be little doubt that they reflect the considerations that went into developing the principles underlying the *Network Study*. Correlating the accident data with a study on the “effectiveness of countermeasures,” the consultants narrowed down the role of educational programs for motorists and cyclists, improvements to intersection design, and the use of helmets as key policies to create a safe user experience (Hamilton-Wentworth, 1992, pg. 33). Several network concepts appear to have been rationalized in the context of these accident reports, including: orienting investments towards bicyclists with a basic knowledge of traffic rules (the ‘utilitarian’ cyclist group), and focusing programming on educational initiatives.

The opportunities and constraints model yielded several factors informing the bleak summary at the opening of this section, including (Hamilton-Wentworth, 1992, pg. 42-43):

- existing but limited cycling routes for commuter cycling
- well delineated neighborhoods, employment and commercial areas
- planned investments into transit
- high traffic volumes

- steep topography
- human-made barriers
- neighborhoods designed to calm residential traffic, often incorporating regular stop signs
- wide multilane arterials
- road microclimate is often windy, polluted, dusty, icy, snow covered, and hot in summer months

Other factors referred throughout the study include difficult economic realities, an expansive region (over 1100 sq. km), and entrenched attitudes around road use by motorists. Rather than derailing the movement, or serving political forces in opposition to the initiative, a frank assessment of the Region’s shortcomings summoned several initial questions about what a reasonable network might look like, questions addressed within the ‘philosophical approach’ defined in the *Network Study*.

The last mechanism for developing a strong background for the study is a review of current legislation pertaining to bicyclists. Unlike the review conducted in section 4.1 on the *Planning Act*, the *Network Study* is concerned with the legislation and local by-law guiding the design of bicycle facilities and states the rights and responsibilities of cyclists. The majority of these laws and by-laws fall outside the scope of this research, which is interested in the planning aspects of the built environment, not the regulations enforced by police officers each day. However, it is within the subtext of these laws that the development of an on-road bicycle network concept is authorized, for example within requirements to utilize recognizable hand turning signals or in granting permission for cyclists to share the roadway by right. Other laws have unintended effects on network design. One by-law in the region required bicyclists to make use of provided cycling infrastructure, where available. Due to their inclusion as a vehicle within the *Highway Traffic Act*, a reasonable expectation exists that “all public roadways should be

designed and maintained for reasonable use by either motor vehicles or bicycles” (Hamilton-Wentworth, 1992, pg. 93). As a result, the *Network Study* asserts, the Region exposes itself to greater liability; “[b]y insisting that a bicyclist use a pathway, the Region is assuming the liability of accidents that occur on these less stringently regulated facilities” (Hamilton-Wentworth, 1992, pg. 94). Similarly, it is recommended that it is in the interests of Municipalities to provide free, voluntary education for cyclists – a group not required to undergo formal driver’s certification (Hamilton-Wentworth, 1992, pg. 94). Such are the effects of legislation and regulations set by the Province on the laws of the cyclist, all while deferring the liability and “responsibility for the planning, construction and maintenance of bicycle facilities to Municipalities” (Hamilton-Wentworth, 1992, pg. 104).

(2) In what could be fairly labelled a process for expressing a vision, The *Network Study* describes the necessity to “define a philosophical approach to bicycle use planning that would overcome the various misconceptions surrounding this issue” (Hamilton-Wentworth, 1992, pg. 17). This philosophy is contained in a four page study approach, whereby the consultants briefly reconcile known constraints and opportunities, revisit objectives, connect key theories, and work to rationalize the preferred approach. The researcher suggests that this philosophical approach is attempt at understand the specific needs of a diverse group of cyclists and a type of infrastructure in presenting a coherent plan that fits a regional context.

The *Network Study* partly realizes its philosophy through the writings of John Forester, American cycling activist and engineer, whose theories substantiate some of the rationalizations. At the heart of the network design is the adoption of his assertion, “in order for bicycles to be used safely and effectively within the urban environment, they must be driven on roads like any other road vehicle, obey the same traffic laws and benefit from the same rights of passage,” a

conceptualization of the bike network inferring as much about its end user as it does about what the network would physically look like (Hamilton-Wentworth, 1992, pg. 17). Returning to the recommendation of separating recreational and official network paths between Regional and Area Municipal authorities, the *Network Study* differentiates between users who utilize the bicycle for utilitarian pursuits (ex. commuting, purposive tasks) and those for recreational pursuits (ex. exercise, enjoyment). While some users may exemplify each of these types in different situations, the study suggests that, generally, these types correlate with differently skilled groups. The study asserts that “how a bicycle is used for transportation seems to be dependent on the level of experience of the bicyclist” (Hamilton-Wentworth, 1992, pg. 24). From this theoretical standpoint, the study rejects the ‘graduated’ user concept at the Regional level. The ‘graduated’ user concept suggests that the provision of recreationally oriented paths, within parklands for example, can provide opportunities for novices to develop skills before encountering “the more demanding urban road environment” (Hamilton-Wentworth, 1992, pg. 20). The *Network Study* states that this concept has been “questioned by this study and others,” and may be responsible for years of “secondary streets and bare-bones facilities as a way of expediting a compromise solution” (Hamilton-Wentworth, 1992, pg. 20). Instead, the principle underlying the *Network Study* concept is to “concentrate on utilitarian bicycling and to take it seriously as an entity unto itself” (Hamilton-Wentworth, 1992, pg. 20). A strong stance can be effective in narrowing an investment strategy and for mounting a specific vision for the network concept, for example in ‘contemporary’ initiatives like Metrolinx’s *Safe Routes to School* program, however, the abandonment of the ‘graduated’ user concept appears somewhat premature. There can be little doubt, however, that the utilitarian emphasis on the early network would have an effect on future bicycle plans in the Region.

(3) As part of the recognition of education as the most effective countermeasure against cycling related accidents, the initiatives described in the Network Support Issues section target increasing knowledge of traffic rules for new and experienced riders alike. Here, the *Network Study* proposes that the Region adopt an educational program like CCA's Can-Bike Skills Course, espousing a modern, "vehicular approach to bicycling" and resists other mislead initiatives fostering a "bicyclist inferiority complex and fear of traffic" (Hamilton-Wentworth, 1992, pg. 85). Regardless of the program adopted, the content of such an initiative should reflect the philosophical approach of the study, to emphasize the "safe and logical use of public roadways and recreation ways [...] promote awareness of responsibilities and knowledge of specific traffic laws" (Hamilton-Wentworth, 1992, pg. 85). Other educational initiatives target motorist and bicyclists, promoting "concepts of courtesy and road sharing" (Hamilton-Wentworth, 1992, pg. 85). It suggests that such pamphlets could be distributed through license renewal packages, vehicle registration programs, and new with new bicycle purchases.

With the network concept's emphasis on the provision of infrastructure suited for utilitarian and purposive cyclists, generally an experienced group of cyclists, and the rejection of the 'graduated' user concept at the regional level, espousing the development of 'beginner' paths within a purposive route rationale, a gap is evident in planned services on the most vulnerable cycling populations. The *Network Study* recognizes that despite often having control of the bicycle, "the problem with promoting a vehicular approach to bicycling is that children do not have drivers licenses and consequently, the concepts of maneuvering in traffic are unknown to them" (Hamilton-Wentworth, 1992, pg. 86). The *Network Study* provides several suggestions for successful education programs targeting children (Hamilton-Wentworth, 1992, pg. 87):

- avoiding programs that “stress fear of cars and what not to do rather than what to do should be avoided”
- shifting safety education towards a “lifestyle issue,” emphasizing more “fun” aspects like environmental awareness, phys. Ed., and geography
- utilize “safety towns,” low risk training areas designed for introducing Highway Traffic Act rules
- the provision of children’s bike for training programs to address low-income families
- using a multi-year training program that sets goals and builds on personal skills year to year
- round out formal, school oriented training with year round events like bike rodeos, bike and inspections

Voluntary adult education programs, the *Network Study* asserts, have their own set of requirements based on preferred network concept. Several recommendations on safety instruction include (Hamilton-Wentworth, 1992, pg. 90):

- taught the basics of maintenance
- courses focused on the average bicyclist, taught by experienced riders
- emphasizing a vehicular approach, based on real situations
- incorporating safety instruction into practical and recreational endeavors
- “consultation seminars” to determine potential commuting routes, advice on clothing, and parking opportunities
- the promotion of helmet use

Although the *Network Study* is a document concerned with the designation of routes, the emphasis on the value of education as part of resident uptake on new routes is stressed. Its closing recommendation on educational initiatives frames the balance of infrastructure and education within this short maxim: “Funding that is spent on expensive facilities will be unavailable for education programs” (Hamilton-Wentworth, 1992, pg. 90). The relationship between education and infrastructure is an area not fully explored within this research, but it

provokes valuable questions about what our network concepts say about its users, and how governments can prepare those users for a safe and enjoyable trip.

Policies Related to Administration

Under earlier documents reviewed by this research, this section has focused on policies directing for coordination and compliance between the plan and affected Municipalities. Three components emerged in the review of the *Network Study* pertaining to these aspects: (1) its limited engagement with Area Municipalities, (2) its set of recommendations for fostering a support network of interest groups and committees, and (3) liability issues emerging at the local level.

(1) Although the strategy lacks any specific conformity requirements, as the study contains commitments adopted by the Regional Municipality of Hamilton-Wentworth itself. There are, as have been discussed elsewhere in this section, also recommendations made within the *Network Study* to separate the responsibilities of the Region and its Area Municipalities. On changes to the planning process in the Region, the recommendation reads (Hamilton-Wentworth, 1992, pg. 104):

That the Regional Municipality of Hamilton-Wentworth endeavour to facilitate the utilitarian interests of bicyclists at a Region-wide scale, consistent with the definitions of this Study and that area Municipalities endeavour to facilitate purely recreational interests of bicyclists within their local jurisdictions.

The separation of the Regional utilitarian network, the researcher has asserted, suggests a absence of coordination of responsibility between Area Municipalities. Other recommendations challenge this interpretation, such as “assign[ing] a staff person initially in the Regional Roads Department to become an interdepartmental and inter-municipal liaison for bicycling issues” (Hamilton-Wentworth, 1992, pg. 106). One recommendation stands out among others on

coordination, highlighting the limitations of the *Network Study*, calling for a “comprehensive, Regional bicycling policy” that “identif[ies] and designate[s] areas of responsibility for the [Rural Municipality of Hamilton-Wentworth], the [Area] Municipalities and the [Regional Bicycling Advisory Committee]” (Hamilton-Wentworth, 1992, pg. 105). This directive supports the researcher’s interpretation of the *Network Study*, as a document oriented to the designation of bicycle routes from the perspective of the traffic engineer, although imbued with complex and thoughtful rationalizations.

A concept not yet encountered within Provincial planning and policy documents examined within this review, are the issues of liability. During this period questions of liability have not been addressed outside the level of the Municipality within the planning policy framework identified by the researcher. Yet, at the Municipal planning level, the *Network Study* dedicates attention to legal questions surrounding the expansion of an unprecedented network. Issues like setting limitations on the advertisement of safety and the concept of relative safety, the provision of free education on road use, the practice of identifying and using the best standards of path design, the role of monitoring as part of a regime of safety enhancements, and the presence of standards and regular records of maintenance, are addressed here (Hamilton-Wentworth, 1992, pg. 93-94). From the perspective of the administration of these networks, each of these functions reduce the liabilities that Municipalities bear, responsibilities “deferred” at the Provincial level, for the “planning, construction and maintenance of bicycle facilities” (Hamilton-Wentworth, 1992, pg. 104). The *Network Study* describes the current “acceptable standard of reasonable use” as the conditions resulting from the “operating standards designed primarily for automobiles” (Hamilton-Wentworth, 1992, pg. 93). It must be admitted that the researcher’s expertise on legal issues of infrastructure design and delivery are limited. An area of

future research could address a similar history of these considerations for Municipality liability and the bicycle, perhaps formulating an argument for a Provincial policy to guide Municipalities in managing liability issues of bicycle network design. The *Network Study* itself contains references to emergent views on bikeway liabilities, in the work of John English (Hamilton-Wentworth, 1992, pg. 94).

Another area that has been a focus of this research, are the approaches to accommodating public and private interests in the formation of policy. The *Network Study* describes the creation of the Regional Bicycle Advisory Committee, a group organized to “bring interested people from throughout the Region, with a variety of viewpoints and areas of expertise, together to work on the common goal of increasing bicycle use in the Region” (Hamilton-Wentworth, 1992, pg. 99). The RBAC was formed prior to the study, composed of small group of Regional staff and citizens, to assist in the development of the *Network Study*. At the outset of the study, it provided a number of suggestions for the group, suggestions addressing public opinion and the role of a complex and diverse network of interests in the development of Hamilton’s ongoing bicycle policy (Hamilton-Wentworth, 1992, pg. 100-101):

- expand and diversify the RBAC to address areas of responsibilities on cycling in the Region
- introduce elections to the formation of the committee while ensuring a region wide focus
- the creation of a new statement of purpose, having supported the creation of the *Network Study*, and ongoing work plans for short and long term targets
- expand volunteer opportunities
- develop the network of local and Provincial citizen groups
- mobilize these networks of advocates to voice the interests of bicycling at the regional level
- ensure that as these networks expand, efforts are not duplicated

- continue to refine its role as amassing perspectives and data on cycling in support of Regional planning and engineering staff

The logic of these suggestions transverses a spectrum of interest group sizes and relationships, addressing the function of the formalized RBAC and its increasing democratization and integration of public voices, the increasing complexity of networks of individuals and groups espousing additional intricacy and specialization of responsibilities. The approach describes a political model of formal consultation and projections of a civic society of advocates, institutionalized within the adoption of the *Network Study* by the Regional Municipality of Hamilton-Wentworth. This research aims, in part, to identify these forces and to reflect upon their gradual transformations.

Policies Related to Monitoring and Assessment

In Provincial and regional policy documents identified within the course of this research to this point, there have been reasons for monitoring and examining policy effects. Because the *Network Study* does not conform to the structure or policy focus of these other documents, its approach and rationale differ substantially. Predominantly, monitoring directives are recommended on the implementation and maintenance of the network, including:

- The development of facility and maintenance standards (Hamilton-Wentworth, 1992, pg. 44-49)
- Monitoring citizen satisfaction in the use of the bicycling network (Hamilton-Wentworth, 1992, pg. 106)
- Monitoring the physical conditions of roadway conditions and operations (Hamilton-Wentworth, 1992, pg. 96)
- Monitoring and maintaining records of maintenance procedures (Hamilton-Wentworth, 1992, pg. 96)

Seldom are there references to the evaluation of key objectives, such as the effect of prioritizing utilitarian cycling as a means of “supporting the right to travel by bike if one chooses to do so,” whether “neighborhoods” have been “promote[d] and enhance[d]” by the network concept, or how successfully the Region has been in “[i]ncorporat[ing] within the planning process, all existing features and future considerations that affect bicycling in the Region” (Hamilton-Wentworth, 1992, pg. 15). Where contemporary plans and policy documents commonly contain or refer to the development of a system of questions and measurements to evaluate the effects of its policies (whether they implement these systems is another question), the *Network Study* does not recommend an evaluation of its own rationalizations and directives. The last directive of the *Network Study*, in a gesture to the importance of systematic data collection that Area Municipalities and Regions alike are uniquely suited to measure, recommends that “to obtain more accurate data on bicycle use in the Region, future traffic counts should include bicycles in their statistics” (Hamilton-Wentworth, 1992, pg. 110).

C.2.2. Shifting Gears (1999)

Four years after the Hamilton’s first comprehensive bicycle study, the Regional Municipality of Hamilton-Wentworth initiated a review of the progress to date. The resulting plan became the Hamilton-Wentworth’s updated cycling plan, *Shifting Gears* (1999). Developed by the region’s Transportation, Operations and Environment Division, the stated purpose of the plan was to complete the 1992 network, expand off-road trail routes, use low cost spot improvements to the network, improve cycling routes to school, improve parking, and enhance education and enforcement programming (Hamilton-Wentworth, 1999, pg. 8). The researcher suggests that the 1999 update maintains most of the 1992 network defensible principles,

although it does so without responding to seven years of policy changes within the Region and the Province.

C.2.2.1. Development

The emergence of several regional planning initiatives shortly after the *Network Study* spurred a another Municipal review. Following these changes, several planning documents within the region were updated, including the Hamilton-Wentworth Official Plan and the Regional Transportation Plan. Shortly after beginning the review of the *Network Study*, a survey in partnership with McMaster University was undertaken to provide data to support changes to the new plan. With the Hamilton-Wentworth Community Cycling Survey (HWCCS), Hamilton's staff had for the first time, a "comprehensive survey about the magnitude of cycling in Hamilton-Wentworth" (Hamilton-Wentworth, 1999, pg. 3). Using existing data collected in 1992, and the "experience gained from the implementation" of the *Network Study*, a draft plan was developed. With a draft of *Shifting Gears* (1999) completed, written Regional staff in collaboration with the Hamilton-Wentworth Regional Cycling Committee (HWRCC), staff from the Trauma Prevention Council, and staff from Regional and Municipal Departments, "elements of [the] Action Plan were displayed to the public" at several locations in 1999 (Hamilton-Wentworth, 1999, pg. 3). No information was found on the influence of these consultations

C.2.2.2. Policies

The analytical framework used to examine the *Network Study*, addressing (1) mapped designations embodying a set of spatial politics, (2) rationalization of for the network concept, and (3) specific recommendations to the broader Municipal policy context, could be applied to *Shifting Gears* (1999). The differences existing between the two documents, as they develop a

case for cycling infrastructure investment and lay the groundwork for a future “comprehensive, Regional bicycling policy,” are the depth and quality of its rationalizations of its network concept (Hamilton-Wentworth, 1992, pg. 105). Setting policy type 1 aside, as was decided within the review of the *Network Study, Shifting Gears* (1999) contains substantially fewer attempts to rationalize its policies, despite references to historic changes within major Regional plans and the development of a new Regional vision embracing sustainable development. Despite these changes, *Shifting Gears* maintains the majority of the *Network Study*'s directives, stating “current policies appear to be adequate[,] however their implementation has posed some difficulties” (Hamilton-Wentworth, 1999, pg. 9). Some of these difficulties include integrating land-use considerations, a consideration of facility design selection for development patterns, and more effective bicycle parking provisions affecting the compliance of Area Municipality by-laws (Hamilton-Wentworth, 1999, pg. 9).

Despite these policy changes and implementation challenges, *Shifting Gears* substantially adopts the “philosophical” underpinning of the 1992 *Network Study*. At times it closely refers to the justifications chosen in 1992, other times presenting them as facts inherent to an approach long decided by the Region. Due to the overlaps of ‘philosophical’ approach informing the network concept, this short review will briefly note the similarities and highlight the directives emerging or changing during this period. By eliminating the mapped policies, the researcher can utilize the previous policy categories, allowing comparisons to be made between other documents examined within this research. For the purposes of this review, the researcher has organized the policy directives under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration

4. Policies Related to Monitoring and Assessment

Due to the nature of the *Changing Gears* (1990), defying categorization as a strict ‘policy document’, the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

Within the *Network Study*, the researcher identified three instances where directives pertaining to land-use and cycling: within criteria established to evaluate route alignments, within specific recommendations to change the broader land-use policies of the Region, and within the separation of Municipal and regional responsibilities. *Shifting Gears* (1999) maintains the same set of criteria for route evaluation (connecting people to the most important destinations within reasonable distances for the bicycle) and espouses the same set of priorities for in the design approach or network concept (orienting the network to areas with the highest employment and residential population density), yet there are no statements on the land-use planning decisions fostering those criteria and design approaches.

The decision to maintain the 1992 land-use policy directions, although likely an efficient means of selecting additional route designations without the expense and time required for another professional consultation or in-house study, is counterintuitive given the expressed recognition of changes within the broader policy environment in the Region and the Province. One change between 1992 and 1999, is the concept of ‘efficient land-use.’ Between these years changes were made on the Provincial interest in efficient land-use, as discussed in detail in section 4.1.3, shifting from a concept that integrated transportation and environmental concerns (ex. within the Commission recommendations and the 1994 PPS) to a more financially driven concept (ex. within the 1996 PPS). For example, language from the Commission’s policy recommendations connect transportation and land-use efficiency, emphasizing that “planning [decisions that] promote energy efficient modes of transportation such as walking, cycling, and

transit, rely on many of the same basic land use patterns for their effective and efficient use” (MMAH, 1995, pg. E2-2). The thrust of this argument was adopted by the 1994 PPS, directing for an efficient use of land that “promote[s] the efficient use of infrastructure,” and the principles of compact form, a mix of uses, and densities (*PPS*, 1994, B5). Similarly, energy policies from the 1994 PPS also set directives connecting energy use, like policy E2, which directed that “(m)unicipalities should be planned to promote the most efficient modes of transportation and to reduce the need for the private automobile by giving priority to energy efficient low-polluting travel, such as walking” (*PPS*, 1994, E2). The *Implementation Guidelines* are unambiguous about this policy issue, stressing the connection between energy use, transportation policy, and land-use planning, suggesting that Provincial interests can be met by planning for bicycle use, building bicycling infrastructure, and integrating other transportation modes (MMAH, 1995). With the defeat of the Liberals in the mid-1990s, the policies of the PPS espoused a different formulation of efficient land-use, emphasizing the principle of “cost-effective development and land use patterns” (*PPS*, 1996, pg. 1). Although there are provisions for achieving transit supportive densities, a ‘range of uses,’ development standards that “minimize land consumption and reduce servicing costs,” and even in “providing opportunities” for intensification schemes in built in areas, these directives are framed under less binding language, structured and worded ambiguously, resulting in a policy more permissive of deviation (*PPS*, 1996, 1.1.1). Where previous statements and Commission recommendations stressed the intersection of transportation and land-use planning, 1996 PPS policies like 1.3.2.1, the sole transportation policy, refers only that systems be “safe, environmentally sensitive, and energy efficient” (*PPS*, 1996, 1.3.2.1).

One could not expect to correlate all Provincial policies conducted within this review to the directives of the Network Study given planning timeline. It may be fair, however, to suggest

that the work of the Commission in its extensive consultation may have influenced its design. Within *Shifting Gears* (1999), there is little reason why the network approach and policy shouldn't reflect the Provincial policy changes of the seven year period, especially considering the high status of changes like the conformity subsections, the expansion of a planning policy framework, and the contested expansion of Provincial interest in land-use efficiency and energy conservation during this timeline. The absence of an updated position on land-use planning suggests that its authors may have continued to anticipate a 'comprehensive bicycling policy,' and intended to maintain the technical emphasis of the *Network Study*.

Policies Related to Transportation Infrastructure and Public Services

This section will contain a discussion of the bulk of directives included within the *Shifting Gears* (1999), as the document, like the *Network Study* before it, is oriented to the designation of the Region's bicycle infrastructure network. Although the design approach is not as meticulously presented as with the *Network Study*, the researcher has narrowed several directives guiding the network investment strategy, closely resembling the rationalizations presented seven years earlier. These include:

1. Manage facility design and liability through informed research.
2. Utilize an on-road, vehicular approach, for users with a basic knowledge of road rules.
3. Primarily serve utilitarian cyclists taking direct, purposeful trips between key locations.
4. Targeting low-cost investments to improve network continuity and linkages
5. Investments addressing key physical barriers like the Niagara Escarpment

These directives, and other supporting initiatives, will be explored within a discussion of three components of *Shifting Gears* (1999): (1) establishing a context for improvements to the network, (2) rationalizations on the maintenance of the network concept, and (3) enhancements to supporting initiatives and promotions.

(1) Setting a context for the designation of additional routes, *Shifting Gears* (1999) emphasizes within its introduction an account of policy changes within the Region, a brief description of the process of developing the plan (already discussed) and proceeding into the overview network concept proposed for the Region, adopted within the Regional Transportation Plan in 1995. Unlike the 1992 study, which established a nuanced argument for cycling infrastructure investment in the context of physical challenges within its background/introduction section, *Shifting Gears* (1999) implicitly adopts the key arguments and rationalizations as it presents the framework for the next set of investments within the Region, and instead focuses on establishing the recent changes to Regional policy.

It discusses the significance of *Vision 2020*, a Regional visioning document espousing sustainable development published shortly after the *Network Study* in 1992, which set several long term goals on development. These directives were integrated into the Regional Official Plan and the Regional Transportation Plan in around 1995-1996, enhancing the policy environment for cycling and supporting investments into cycling infrastructure. *Shifting Gears* (1999) quotes two key policies from *Vision 2020*, stating (Hamilton-Wentworth, 1999, pg. 2):

To develop an integrated sustainable transportation system for people, goods and services which is environmentally friendly, affordable, efficient, convenient, safe and accessible.

To encourage a shift in personal lifestyle and behavior towards transportation choices that enhances personal health and fitness, save money and have the lowest environmental cost.

The researcher suggests that functionally these new policies do little to influence to overall design approach of the plan, as evidenced by the maintenance of existing network concepts and program priorities. The changes within the Regional plans do, however, enhance the status of cycling and *Shifting Gears* within a Regional planning context. The plan acknowledges this by

describing the policy changes affecting cycling as a result of *Vision 2020*, including (Hamilton-Wentworth, 1999, pg. 2):

- Ensure the implementation of the 1992 Bicycle Network Study
- Request that Area Municipalities make provision for cycling in land use planning processes
- Investigate integration of cycling and public transit
- Provide adequate bicycle parking at public buildings
- [Supporting] a downtown core strategy which incorporates greater priority for pedestrian movement, public transit and bicycles on downtown roadway right-of-ways\
- [Supporting] implementation of the recommendations of the 1992 Bicycle Network Study subject to certain amendments

The proliferation of cycling-supportive directives at the regional level serves to align the dominant policies of the region with *Shifting Gears* (1999), at once legitimizing the directives of the humble *Network Study* and normalizing what were once innovative policies.

(2) As described in the examination of the *Network Study*, the researcher asserts that the way issues are framed, decisions rationalized, and options rejected as ‘unreasonable’ constitute a type of policy setting in the absence of a formal policy framework on cycling. Within *Shifting Gears* (1999) this process is relayed to the reader in a markedly different way: a short section on the findings and analysis of the HWCCS and a restatement of route selection criteria from the 1992 plan. The following section will be a discussion the directives contained in these areas, as they pertain to the development of transportation infrastructure.

Shifting Gears (1999) distinguishes itself from the *Network Study* for its utilization of surveys and demand studies, referencing the Hamilton-Wentworth Community Cycling Survey

conducted in 1997. The plan states that survey data was then used to clarify priority actions and evaluate policy directions. Highlights from the data include (Hamilton-Wentworth, 1999, pg. 5):

- Cycling rates are higher than expected
- Safe routes are a priority for residents interested in starting to cycle
- Older cyclists are the least accident prone group, riders aged 10 -14 are the most accident prone.
- Half of bicycle collisions included a cyclist riding on the sidewalk
- Cycling rates are highest between Dundas and the CBD
- Despite improvements, crossing the Escarpment and major highways continue to be a barrier
- Demand exists for off-road facilities

These highlights correlate the conclusions presented by the *Network Study* in 1992, resulting in the same priorities being set, like continuing to prioritize utilitarian paths, for cyclists undertaking purposeful commuter trips. Other data challenged positions set by the *Network Study*. The decision to invest in off-road facilities, an approach supported by both recreational and commuter cyclists alike, runs counter to the earlier network concept. New concerns for off-road cycling infrastructure constitute a departure from the Region's early position on the rejection of 'graduated' user concept. The 'graduated' user concept suggests that the provision of recreationally oriented paths, within parklands for example, can provide opportunities for novices to develop skills before encountering "the more demanding urban road environment" (Hamilton-Wentworth, 1992, pg. 20). Rejected in the early 1990s, the concept enjoyed a resurgence in *Shifting Gears* (1999), with statements like "it is [...] important that Hamilton-Wentworth continue to develop infrastructure conducive to both transportation and recreational cycling"(Hamilton-Wentworth, 1999, pg. 6). Despite this priority, the plan still sustains an early approach to "increase the percentage of bicycle trips made for all transportation versus

recreational purposes,” and to support the skills of all groups (Hamilton-Wentworth, 1999, pg. 6).

Another area where principles guiding the network concept are revealed, are the reiteration of some route criteria from the *Network Study*. Route selection criteria are narrowed to three categories, including (Hamilton-Wentworth, 1999, pg. 7):

- Continuity and Linkage – addressing connections to destinations, path continuity, and other elements of network design
- Safety and Comfort – on considerations of traffic engineering, surfacing, and facility design
- Ease of Implementation – addressing available road widths, impacts to traffic, and expected project length

Although not every principle of the *Network Study* is represented, the reiteration of these criteria maintain key aspects of the network concept. This concept is expressed most completely in *Shifting Gears* (1999) within its ‘priorities for implementation,’ including (Hamilton-Wentworth, 1999, pg. 7):

- Low cost improvements
- Projects in high demand and areas of expected demand
- Completing missing links
- Addressing physical barriers
- Connections to off-road segments
- Investments aligning with ‘programmed road construction’

With exception to the provision of additional off-road trails, which itself is in conflict with other priorities, no differences could be identified by the researcher between the *Network Study* and *Shifting Gears*. In the absence of the meticulous justifications like those set out within the

Network Study, the researcher can only assume that there were no efforts to update these aspects of the plan to reflect changes in Regional policy or within the PPS.

(3) Last, *Shifting Gears* (1999) includes directives on the enhancement of its educational and promotional activities. Whereas the *Network Study* framed its educational and promotional initiatives within the context of its shortcomings for recreational and beginner infrastructure, *Shifting Gears* (1999) only recommends that “educational and promotional initiatives would be undertaken concurrently with the infrastructure improvements,” maintaining the its commitment of safety alongside routes selected for users with an understanding of road rules, but not specifying any particular focus (Hamilton-Wentworth, 1999, pg. 10). More than a lack of specific focus, the plan states that the “1992 [s]tudy covered educational and promotional initiatives quite extensively, [so in the 1999 plan] these aspects are dealt with in a cursory way” (Hamilton-Wentworth, 1999, pg. 3). The plan recommends continuing the following educational initiatives (Hamilton-Wentworth, 1999, pg. 10 and 12):

- Focus on training initiatives emphasizing ‘in-traffic’ practical knowledge, especially through the school system, maintaining the 1992 recommendation to eschew traffic averse, risks oriented training.
- Enhanced bicycle enforcement programs with police cooperation, especially through the school system. Include training for police officers to “vigorously address major violations by cyclists”
- Distribution of bicycle safety information, recommending a review of existing Ministry, Regional, and Trauma Prevention Council pamphlets.
- Continuing to lobby the MTO on amending the drivers handbook with bicycling safety information.

While most initiatives are carried over from recommendations in in the 1992 study, two changes are evident, (1) the de-emphasis of adult training programs, in part due to “[limited] demand to

date,” and (2) the recommendation to introduce an option for drivers who “violate cyclists’ rights” to attend a cycle safety course in lieu of fines (Hamilton-Wentworth, 1999, pg. 16 and 11)

Shifting Gears (1999) also maintains the promotional elements of the plan, recommending (Hamilton Wentworth, 1999, pg. 11):

- Evaluating the Regional cycling newsletter, and expand the Region’s bicycling webpage.
- Continue to produce and distribute Regional network maps
- Continue promotional campaign through cycling displays

There are also several new initiatives within the 1999 plan, including the promotion of ‘bike-on-bus’ trips over the escarpment, the active promotion of cycling tourism in the region, and the promotion of a new reporting system for cyclists, called SPOT, allowing cyclists to request small, low cost improvements to routes and trails throughout the network. Although SPOT was introduced years earlier, the plan correlates the low interest to a lack of publicity for the program (Hamilton-Wentworth, 1999, pg. 16).

Policies Related to Administration

In addition to directives guiding the coordination and ensure compliance of the infrastructure plan and supporting initiatives, *Shifting Gears* (1999) maintains an emphasis on addressing liability issues associated with the provision of cycling infrastructure. This section will address these concepts as they pertain to *Shifting Gears* (1999), accounting for relevant policy changes within the Province and the region.

In the examination of *Network Study* in the previous section, the researcher suggested that the separation of responsibilities for the utilitarian network to the Region and recreational trails to the Area Municipalities constituted a missed opportunity to coordinate land-use planning and

infrastructure policies within the region. While there is still a lack of coordination between the Area Municipalities within the plan itself, two developments have changed this relationship: an expanded regional interest in the provision of off-road recreational trails and new directives within the Regional policy framework enhances the status and influence of *Shifting Gears* (1999).

As discussed within this section, the stated interest in expanding trail infrastructure within the Regional network conflicts with older network principles, categorically emphasizing an on-road investment approach. Trail investments were included within the 1999 investment plan; from a policy coordination perspective, the policies guiding the coordination of this new infrastructure, within jurisdiction historically associated with Area Municipality control, are not discussed within *Shifting Gears* (1999). Ministry bicycle policies, structured to establish MTO funding priorities, do not necessarily conflict with this new approach. As the 1992 Bicycle Policy states on recreational trails, “[c]onditions for funding approval will require [...that...] [b]icycle facilities must be located within or directly adjacent to the property limits of transit systems and roadways. The ministry will support off-road facilities only when it can be demonstrated that the majority of trips would be for utilitarian purposes” (Ministry of Transportation, 1992b, pg. 6). The conformant effect of this funding policy is evident in the 1999 plan, maintaining the utilitarian cyclist focused network concept.

As with the *Network Study*, *Shifting Gears* (1999) dedicates attention to legal questions surrounding the expansion of its bicycle network. In an appendix discussion paper, the plan describes emerging legal perspectives on “duty of care” for bicycle facility design. Two acts are referenced, the previously discussed implications of the inclusion of bicycles as ‘vehicles’ in the *Highway Traffic Act*, and article 284 (3) of the *Municipal Act*, protecting Municipalities from

lawsuits associated with the absence of a barrier “within the right-of-way of a public highway” (Hamilton-Wentworth, 1999, pg. 27). A legal difference was identified, however, for the liabilities associated with off-road infrastructure, falling outside the protections of the *Municipal Act*. As a result plan recommends that paths “be to the same standards as motorists have come to expect; and [...] paths outside the public right-of-way seem to have greater potential liabilities based on inadequate design” (Hamilton-Wentworth, 1999, pg. 27). As with the 1992 recommendations on mitigating liability risks for on-road facilities, the plan recommends that (Hamilton-Wentworth, 1999, pg. 27):

- Standards and guidelines are met
- Laws and regulations are recognized in the design
- Clear signage is provided
- Monitoring is incorporated for all bikeways
- Insurance coverage is adequate
- No pathways can be identified as ‘safer’ than others

As with the examination of the *Network Study* liability recommendations, the researcher admits a limited understanding of the liability issues associated with bicycling, and can only comment on emergent perspectives on this aspect of bicycle planning.

Policies Related to Monitoring and Assessment

The monitoring and assessment policies of *Shifting Gears* (1999) continue to emphasize evaluating the impacts of infrastructure investments and individual programs. In an appendix report within the plan, *Shifting Gears* (1999) includes a “Status of the Implementation of the 1992 Hamilton-Wentworth Regional Bicycle Network Study” report, containing programming expenditures, specific infrastructure improvements, transit integration measures, and an overview of educational and awareness program offerings (Hamilton-Wentworth, 1999, pg. 16- 18).

Ongoing monitoring recommendations within *Shifting Gears* (1999) include (Hamilton-Wentworth, 1999, pg. 11-12.):

- Maintain a database of cycling activity within the region, using the HWCCS data as a baseline
- Monitoring bicycle mode share
- Continuing with annual intersection counts, recognizing that off-road path counts should be incorporated
- Introduce a regular five-year cycling survey like the HWCCS

Shifting Gears (1999) also includes four projections/targets, including (Hamilton-Wentworth, 1999, pg. 12):

- Number of frequent, transportation cyclists should rise from 8% to 10%
- Number of occasional adult cyclists will increase from 40% to 50%
- Total fair weather cycling trips will rise from 25,000/day to 40,000/day
- Police reported collisions involving cyclists will lower, from the 186 per year average of the early 1990s, to 150 per year

As with the *Network Study*, no policy evaluation policies were found calling for the evaluation of the overall vision behind the Region's policies. With changes to the Ministry of Transportation *Revised Bicycle Policy* and Regional planning policies, there may have been an opportunity to revisit some of the rationalizations underlying the Region's position on cycling, some formed nearly ten years earlier.

C.2.3. Shifting Gears (2009)

On January 1, 2001, the Regional Municipality of Hamilton-Wentworth and its six Area Municipalities were officially amalgamated into the City of Hamilton, a single-tier Municipality. Because the amalgamation was primarily an administrative matter, the geographical scope of the

Hamilton's bicycle plan is the same as it was in 1992 under the *Network Study*, permitting a fair comparison of these historic documents and a framework for contrasting the effects of emergent official policies within the Municipality.

Shifting Gears (2009) is the latest bicycling plan for the City of Hamilton (formerly the Region of Hamilton-Wentworth), containing the city's ten year vision for cycling, an infrastructure investment plan, and supporting program offerings. After the review of the 1999 plan, it was decided that a comprehensive plan would be required to account for recent developments in regional strategic and transportation planning.

C.2.3.1. Development

Shifting Gears (2009) was developed by the Traffic Engineering Section and Environmental Planning Section, with staff support from Planning and Economic Development, Public Health Services Department, Public Works Department, Hamilton Police Service, and Tourism Hamilton, through an environmental planning process for Master Plans, requiring a Municipal Class Environmental Assessment. Introduced in 2000, the Municipal Class Environmental Assessment is a self-assessment process to guide planning and decision-making on a class or group of projects, and designed to account for anticipated environmental effects. Assessed as a 'Schedule B' project, the second highest standard requiring only two of the four phases of the assessment, the plan was evaluated "at a broad level of assessment" to fulfill the base requirements of the Ontario *Environmental Assessment Act*. From this base evaluation, each individual infrastructure element within the plan can be evaluated in the context of the approved overall plan, with more intensive projects undertaking a smaller, but more rigorous additional steps in the assessment process. The Municipal Class Environmental Assessment has itself played a part in the development of the plan, in the use of specific project description formats

and other assessment requirements. It is for this reason that *Shifting Gears* (2009) contains elements like the definition of a “study area,” a “problem and opportunity statement” and a more detailed evaluation of alternative solutions to the problem, reminiscent of the 1992 *Network Study* in its evaluation and identification of its network concept.

Public consultation was integrated into the environmental assessment (EA) process through ‘public information centres’ (PICs), “informal meetings where the public is provided the opportunity to review planning and project information” (The City of Hamilton, 2009, pg. 54). At these sessions, public comments were collected and summarized on key aspects of the project, providing insight into priorities for the network, where people are riding, what types of facilities are most used, and on factors that should be considered for the network (The City of Hamilton, 2009, pg. 56-59). Two PICs were held during the assessment process, one during plan formation and the other to review the preferred network plan, both were optional consultation elements within the EA process. The planning process also included consultation with local stakeholders and agencies, including “Hamilton area bike shops, educational institutions, cycling organizations – both local and Provincial, the Canadian Automobile Association, the HSR, Hamilton Police, local environmental organizations” (The City of Hamilton, 2009, pg. 61). An early stakeholder meeting was held to discuss and “provide initial comments on existing conditions,” attended by 11 representatives from several bicycling oriented organizations, committees, business, and institutions.

Although the evaluation and selection of individual routes will not be the focus of this research, it is worth noting the demonstrated rigor in the route selection process. It is perhaps as a result of the EA process that there is a detailed methodology presented within the plan, again

reminiscent of the *Network Study*, with a discussion of route alternatives, design/network concept, evaluation process, and final preferred network alignment.

C.2.3.2. Policies

Shifting Gears (2009) maintains the “historic purpose of [the plan], this version is [...] focused on developing new on-road facilities, connecting wherever possible to existing or planned off-road facilities,” not to provide a set of comprehensive policies related to cycling. Due to this approach, the researcher cannot gather and analyze the policies as was done with other policy focused documents.

As with done with the *Network Study* and *Shifting Gears* (1999), this review will concern itself with the rationalizations and assumptions of the plan’s directives. The *Network Study* had its own language for these rationalizations, referring at times to “a defensible set of principles” or a network “philosophy” (Hamilton-Wentworth, 1992, pg. 60, 85). *Shifting Gears* (2009) brings back this approach, in part due to the requirements of the EA under which it was formed. In the absence of an stated policy framework, the researcher suggests that these rationalizations constitute the City of Hamilton’s underlying bicycle policies in lieu of a formal comprehensive set of bicycle policies.

By focusing on these rationalizations and major plan concepts, the researcher can utilize the previous policy categorization, allowing comparisons to be made between other documents examined within this research. For the purposes of this review, the researcher has organized the policy directives under the broad categories of:

1. Policies Related to Land-Use
2. Policies Related to Transportation Infrastructure and Public Services
3. Policies Related to Administration
4. Policies Related to Monitoring and Assessment

Due to the nature of this bicycle plan, defying categorization as a strict ‘policy document’, the discussion may ‘stray’ from siloed categorization.

Policies Related to Land-Use

Despite recommendations within the *Network Study* and *Shifting Gears* (1999) for increased focus on the role of land-use planning, the 2009 update to *Shifting Gears* continues to exhibit a separation between land-use and transportation directives. In fact, nearly no strong examples exist within the document connecting the efficient use of land. The researcher recognizes the historic silo surrounding transportation planning, however, there have been calls for land-use planning considerations in Hamilton’s bicycle plans as early as the *Network Study*, and as this research has shown, within the provinces policies since at least the beginning of the 1990s. In 1992 the *Network Study* contained several long term recommendations for the integration of cycling-supportive land-uses, including that the region

- develop an “energy strategy that promotes energy efficient transportation options [...and...] encourages higher density redevelopment of established areas in order to minimize the need to commute” (Hamilton-Wentworth, 1992, pg. 107)
- “incorporate bicycling in official plans, zoning by-laws, departmental and regional policy” (Hamilton-Wentworth, 1992, pg. 106)
- and “develop a comprehensive, Regional bicycling policy, that would [...] recognize that the policy specifies ideal or desirable conditions to be achieved over time” (Hamilton-Wentworth, 1992, pg. 106)

Seven years later, *Shifting Gears* (1999) celebrated the changes to its 1995 Regional Official Plan policy, directing that (Hamilton-Wentworth, 1999, pg. 9):

[...] the Region will request that area Municipalities, in the processing of neighbourhood or secondary plans, plans of subdivision and site plans, make provisions for land use patterns and design features which accommodate all types of cycling in a safe and efficient manner.

While the changes to the Regions planning policy included directives that promoted increased density and mix of uses, detailed in section 5.2, the bicycle plan did not incorporate any recognition for ideal or desirable development conditions supporting cycling. The 1999 plan celebrates strategies from the *Vision 2020* document, specifically those referring to supporting energy efficient transportation modes, however it does not recognize the ambitious strategies for curbing urban sprawl, encouraging mixed and compact urban form, and setting meaningful urban boundaries (Hamilton-Wentworth, 1993, pg. 17-19). Despite these changes in Strategic and Official Plans, *Shifting Gears* (1999) continued to defer making a definitive statement on how land-use policies and Hamilton's vision for cycling could be meaningfully integrated, stating (Hamilton-Wentworth, 1999, pg. 9):

The consideration for cycling infrastructure has not become a standard requirement in the various types of land use decision-making processes named in the policy. This matter should be addressed through an appropriate implementation strategy for the Regional Official Plan.

Due to the strides taken at the Provincial level, it is disappointing to see that nearly twenty years of amendments to the PPS and the introduction of a regional *Growth Plan*, with explicit connections between transportation investment and efficient land-use planning, not a single policy in this area is represented within *Shifting Gears* (2009).

The researcher suggests that the missed opportunity for integrating cycling concerns into the land-use planning process may be due to the Region's bicycle plan consistently neglecting to state a position on the matter, let alone present a set of alternatives or a coherent vision. While the separation of transportation and land-use planning continues within the plan, with well-meaning references to opportunities for integration, over twenty years have passed. The challenges in providing quality facilities in and out of the CBD and along the most densely built corridor are significant, and continue to be relevant factors for attracting new riders, but another

looming challenge has been growing on the fringes of the city and within the region. Here, the researcher suggests, is an area where an ambitious vision for cycling-supportive land use policies could be expressed to push the envelope for development standards and set a long term goal for cycling uptake in greenfield communities.

Policies Related to Transportation Infrastructure and Public Services

The absence of land-use planning considerations may also be related to changes in the overall network concept of *Shifting Gears* (2009). Within this section of the review, examining policies directing for the development of transportation infrastructure and supporting services, two policy areas will be addressed, (1) the changes to the network approach, including the evaluation of the network concept and proposed alternatives and (2) changes to supporting educational and promotional initiatives. These changes reflect the considerations made in evaluating the overall network “philosophy,” a term used within the 1992 *Network Study*. *Shifting Gears* (2009) develops this philosophy through an examination of fundamental issues affecting cyclists: the connection between cyclist types, trip purposes, preferred facility types, what constitutes reasonable access to a bicycle network, considerations for accommodating winter cyclists, and the latest research on health and safety (The City of Hamilton, 2009, pg. 20-22).

(1) *Shifting Gears* (2009) introduces several changes to the 1999 design approach, while maintaining the commuter and utilitarian emphasis historically adopted by earlier revisions. Stemming from the plan’s development of a coherent network philosophy, one major change emerged in connection with the network alternatives explored within the Municipal Class Environmental Assessment process. From this process three alternatives were discussed:

- Alternative 1: Doing nothing, providing no improvements to the network continuity.
- Alternative 2: Focusing on a network of primary corridors by prioritizing a limited group of routes that “ensure a well-connected, convenient and safer network for cyclists throughout the city” (City of Hamilton, 2009, pg. 30)
- Alternative 3: Providing bicycle facilities across the city, “without a system of prioritization” (City of Hamilton, 2009, pg. 30)

Although Alternative 2 was selected as the preferred option for meeting the criteria identified by the study team and in public consultation, including considerations for cost-effectiveness in meeting the greatest demand, network continuity, enhanced safety, physical limitations, and rapid implementation, the objective of providing a 2 km semi-grid network across the whole city was also adopted (City of Hamilton, 2009, pg. 33). Presented earlier in an exploration of international cycling network precedents, the plan identifies the concept of “cycling network density,” a concept describing a measure the overall accessibility to the network, quantified by kilometres of routes per square kilometre (km/km²) (The City of Hamilton, 2009, pg. 18). With this objective, resembling a modified total coverage option from Alternative 2, the network preferred network concept diverges from its earliest versions.

Another small, but noteworthy directive included in the 2009 update is a recognition of the opportunity for inter-Municipal bicycle path connections. The preferred cycling network was “reviewed and refined to ensure connectivity at Municipal boundaries,” including route options to the Niagara Region, Haldimand Count, Brant County, Wellington County and the Halton Region (The City of Hamilton, 2009, pg. 53). The plan suggests that developing intra-Municipal bike networks may require alignment with and support from Provincial and federal planned investments, including major highway and bridge reconstruction projects in the region.

Alternatives for facility types were also revised, after nearly twenty years of limiting to three on-road designs. *Shifting Gears* (2009) describes no less than eight path types, new intersection signal technologies, as well as stair and sewer grate designs. Path types were also assessed using the same criteria as the network concept, permitting an evaluation of how each type can be best applied to varying development patterns and road types, an analysis identified by the 1999 plan as an area for improvement.

Considerations for integration with transit systems were also developed in the 2009 update of *Shifting Gears*. In 2007, Metrolinx funding permitted all 210 city buses to be outfitted with bicycle racks as part of its early BikeLinx program. In 2008, a usage survey for bus bike racks was conducted showing rack usage rates “far in excess of expectations and other reported industry experience,” particularly on routes traversing the mountain, a physical barrier separating the Southern part of the city to the CBD (City of Hamilton, 2009, pg. 109). In 2008, Metrolinx also addressed intra-Municipal transit/bicycling integration, with a full outfitting of GO buses, Go Transit bicycle accommodation on trains, and increased accessibility for cyclists, as discussed in the review of Metrolinx’s *The Big Move*.

(2) Expanding Hamilton’s historic emphasis on educational and promotional initiatives, *Shifting Gears* (2009) included educational, promotional, maintenance, the bike share program, and tourism initiatives as part of its “Supporting Actions” (City of Hamilton, 2009, pg. 103). The directives associated with these programs will be discussed in this section.

Educational initiatives in in *Shifting Gears* (2009) outline the years of demonstrated emphasis on youth education, delivered through the Hamilton Police Service, and suggest that the program could be “expanded by possibly working closer with the City’s Public Health Department staff” (The City of Hamilton, 2009, pg. 103). Some form of integration with the

national CAN-BIKE course is also being considered by the Community Services Department, but as of 2009, no conclusive objectives appear to have been set for the program. The Hamilton Cycling Committee, formerly the Hamilton Wentworth Regional Cycling Committee, has also introduced advertising programs to raise awareness for bicycling safety issues, including a “Share the Road” car magnet initiative.

The City of Hamilton’s promotional program emphasizes the production and distribution of information to encourage residents to bicycle on city infrastructure. *Shifting Gears* (2009) describes the accomplishments since 1999, including (The City of Hamilton, 2009, pg. 103-105):

- Distribution of 25,000 to 30,000 copies of the city bicycling network map
- Pamphlet developed with tourism focus for 2003 World cycling Championships
- City of Hamilton Department of Public Health campaigns for helmet use
- City of Hamilton Department of Public Health program to create youth focused bicycle signage as part of “Active and Safe Routes to School,” an ongoing initiative
- Transportation Demand Management Office/Smart Commute Hamilton has been introduced to address clean air, traffic congestion, and climate change challenges, authorized to develop partnership with public organizations and businesses to support its objectives
- Introduction of new technologies planned for web features, like GIS/GPS location, although only identified for webmaps and social media integration
- Distribution of MTO materials, new youth focused safety brochures
- City staff offering informational booths at local events

One noteworthy promotional initiative undertaken during this time is the development of a transportation demand management program. Although the city’s program predates the PPS requirement set in 2014, its introduction coincides with the publication of the *Growth Plan*, stating (Growth Plan, 2006, 3.2.2.5):

3.2.2.5 Municipalities will develop and implement transportation demand

management policies in official plans or other planning documents, to reduce trip distance and time, and increase the modal share of alternatives to the automobile.

The program focuses on installation of bicycle parking facilities, the bike share program, corporate car sharing programs, school travel planning, and social media marketing on its travel initiatives (City of Hamilton, 2013, pg. C-1). As of the 2009 update, the Transportation Management Office had begun undertaking a Bike Share feasibility study. At the time of this research, the program has been realized, operating under the City owned, non-profit *SoBi Hamilton*, providing 24 hour access to “750 bicycles and over 100 hubs” (Social Bicycles, 2016). The program was initially funded through Metrolinx’s ‘Quick Wins’ program, although it is formally owned by the City of Hamilton and continues to operate through user fees and sponsorships alone. (Social Bicycles, 2016). Although recognized within the literature review as a cycling-supportive policy initiative within North America, the introduction of a bicycle share program in Hamilton is one with no foundation in Provincial policy. Neither the PPS or the *Growth Plan* refer to the opportunities for bicycle sharing programs, with Metrolinx’s *Big Move* only alluding to an integration of existing bike share programs with transit stations.

In addition to current bicycle parking infrastructure provided through ‘post and ring’ and ‘multi-ring bike racks,’ *Shifting Gears* (2009) describes the ongoing development of identifying new contracts for waste, parking, benches, and bus shelters, supplied at no cost to the city in exchange for advertising rights. Site plan application processes have also been developed to “encourage[] applications to provide bike racks and to help select an appropriate location” (City of Hamilton, 2009, pg. 107).

The challenges of providing effective cycling and facilities maintenance are also discussed under the ‘Supportive Programs’ section. Three directives emerge on the provision of maintenance services on cycling (City of Hamilton, 2009, pg. 107-108):

- The costs for maintenance and rehabilitation are expected to be low, although a precise estimate has not been determined for the planned network expansion.
- Cycling facilities will generally have a “very long life span” due to the lower stresses bicycles put on the surface.
- Snow clearing on routes will continue to be a “matter of priority rather than a matter of cost,” meaning the cost of clearing bicycle routes has low cost implications, but routes will only be cleared in the order of the priority set for the roads they are built upon. Multi-use trails, however, will be cleared based on the sidewalk policy, set to be cleared within 24 hrs.

Introduced at the Provincial policy level in the 2005 PPS, bicycle tourism is given more consideration within *Shifting Gears* (2009) than other earlier iterations. In 2005, the PPS was amended, directing for the provision of “opportunities for sustainable tourism development” (PPS, 2005, 1.7.1.f). As discussed in section 4.2.1.3.2, the researcher suggests that the policy could be used as a rationalization for supporting on and off street active transportation route networks for local and wider tourism use. In Hamilton, the concept of bicycle tourism has been mentioned as early as the 1992 *Network Study*, although with much less detail and consideration as in 2009. *Shifting Gears* (2009) includes a reflection of some of the opportunities for fostering the cycling tourism industry, although stopping at formulating anything resembling a comprehensive strategy. Some of these initiatives include (City of Hamilton, 2009, pg. 110):

- Investing in public art along multi-use trails
- Foster amenities supporting touring cyclists, like bed and breakfasts, through by-law changes
- Distributing and coordinating marketing materials between the Municipality, agencies, and national organizations like the Trans Canada Trail
- Piggyback upon Via Rail’s *Bike Train*, currently carrying cyclists and their gear to Niagara from the Toronto Area
- Tourist attraction bike facilities, like a proposed ‘floating bike trail’ on Lake Ontario

With the 2015 *CycleON* strategy framing Provincial cycling infrastructure investment with a tourism development focus, it will be interesting to watch whether Hamilton may choose to develop a more complete formulation of its cycle tourism ambitions in the years to come.

Policies Related to Administration

Shifting Gears (2009) continues to be oriented to the designation of cycling route within the City of Hamilton, with few specific directives on the coordination of the plan with other organizations and Municipalities. Because *Shifting Gears* (2009) is implemented voluntarily by City departments, it lacks any conformity requirements affecting secondary plans or other planning documents within the region. Already covered within *Shifting Gears* (1999), the Hamilton-Wentworth Official Plan, *Towards a Sustainable Region*, includes a policy committing to the implementation of the original bicycle plan, from 1993.

Policies Related to Monitoring and Assessment

Shifting Gears (2009) includes a short paragraph on the need for a “continual program of monitoring and review” (City of Hamilton, 2009, pg. 113). While the plan describes several elements of this program for the continuation of bicycle traffic counts, future counts on multi-use trails and, tracking annual cycling collisions, the plan only identifies two measurements for determining success: the progress of implementation during and at the end of the 10 year plan period, and the level of growth in cycling mode share (City of Hamilton, 2009, pg. 113). For these measurements, the plan sets no specific targets of its own, referencing one target from a 2007 *Regional Transportation Master Plan* calling for an increase of both walking and cycling combined, from its 6% share in 2001 to a 15% rate in 2031 (City of Hamilton, 2009, pg. 13). Despite other measurable criteria discussed over the course of the plan, including perception of safety, reductions in complaints from pedestrians, network density, city wide total route length,

and increased parking provisions, no specific directives or targets are set contributing to an objective evaluation of the plan and its policies.

One other area that could constitute the assessment of the plan directives is the analysis of network alternatives undertaken as part of the Municipal Class Environmental Assessment. Part of the methodology used to evaluate these alternatives, as designated by EA process, included “address[ing] the guiding principles for cycling facility development” (City of Hamilton, 2009, pg. 6). One area of monitoring the researcher has identified as underutilized in other Provincial policy documents, is a reflective approach to evaluating the principles underlying a chosen policy. One exploring Ontario’s land-use planning documents may find stated targets, specific questions set at the outset of a plan, or detailed monitoring programs, however there is seldom a mechanism for evaluating the soundness of the principles motivating the policy option built into the plan. The researcher suggests that, like the rationalizations informing investments within the *Network Study* in 1992, the requirement to evaluate overall network concept alternatives could be one means of instituting a critical examination of the assumptions inherent in long held policy approaches.

Appendix D – Example of Policy Table

	PPS 1994	PPS 1996	PPS 2005
Land-use Policies	Growth Patterns		
	B5. Communities will be planned to use land efficiently, promote the efficient use of infrastructure and public service facilities, and, where transit systems exist or may be introduced in the future, support the use of public transit.	<p>1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly: a) Urban areas and rural settlement areas (cities, towns, villages and hamlets) will be the focus of growth;</p> <p>1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly: c) Urban areas and rural settlement areas will be expanded only where existing designated areas in the Municipality do not have sufficient land supply to accommodate the growth projected for the Municipality.</p>	...
	Agricultural Protections		
	D1. Extensions of settlement areas affecting prime agricultural areas will be permitted only if the policies of Goal B are met.	<p>1.1.1 Subject to the provisions of policy 1.1.2, cost-effective development patterns will be promoted. Accordingly: c)[...] Expansions into prime agricultural areas are permitted only where:</p> <p>1. there are no reasonable alternatives which avoid prime agricultural areas; and 2. there are no reasonable alternatives with lower priority agricultural lands in the prime agricultural area;</p>	...
Transportation Policies	Multi-Modal Policies		
	<p>E2. Municipalities should be planned to promote the most efficient modes of transportation and to reduce the need for the private automobile by giving priority to energy efficient low-polluting travel, such as walking, bicycling, and public transit.</p> <p>B6. The efficiency of transportation systems will be maximized by integrating transportation modes, and making optimal use of existing and new transportation systems.</p>	<p>1.1.3 Long term economic prosperity will be supported by: c) providing for an efficient, cost-effective, reliable, multi-modal transportation system that is integrated with adjacent systems and those of other jurisdictions and is appropriate to address expected growth;</p>	...

