GET SMART: THE ENVIRONMENTAL EFFECTS OF URBAN SPRAWL AND ONTARIO'S "SMART GROWTH" PROPOSALS

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Introduction

The impact of urban development on the environment has been largely neglected in Canadian environmental policy. Now, with the rapid expansion of urban Canada and conflicts over the appropriate location and form of development, the relationship between the built environment and the natural environment has come under greater scrutiny and prompted more calls for control. One approach that promises to accommodate urban growth while securing environmental protection, as well as and economic and social benefits, is "smart growth." This approach, developed in the United States and widely popular there, is being implemented in some parts of Canada, particularly in British Columbia, and is now set for adoption in Ontario.

This paper looks first at the issues underlying the call for smart growth, secondly, explores a definition of smart growth and its promises, then reviews the Ontario smart growth strategy and considers whether it could offer an effective approach for managing urban growth in a way that will secure environmental protection.

Background: Urban Development and the Environment

Canada is an urban and suburban nation. Nearly 80% of the population lives in urban areas, with more than half in the 10 largest cities, and the move to cities continues faster than the growth in the population.[1] The fastest-growing areas in Canada are in British Columbia, including southern Vancouver Island, Greater Vancouver and the Okanagan Valley, in Calgary and in the Greater Toronto and

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[1] Statistics Canada, *Canada At a Glance – 2002* (Ottawa: 2002), at 4. This compares with 54% in cities in 1931 and 70% in 1961. The rural – farm population has dropped most dramatically, from 31% in 1931 to 3% in 1996, while the rural – non-farm population has stayed steady since 1961 at 19%.

Ottawa areas. B.C. is growing by 100,000 new residents a year, with 80% of the growth occurring in urban areas. The Greater Toronto Area ("GTA") is the second fastest growing region in North America, projected to grow by 100,000 new residents every year for the next 20 years, absorbing 62% of the province's total projected growth.[2]

The focus of environmental concern with growth in these areas and across Canada[3] is that it has been largely accommodated on previously undeveloped land, often prime agricultural land, on the fringe of already serviced communities and in a form that has detrimental environmental consequences. This "sprawl" is characterized not just by the amount of "greenfields" converted to development and the pace of that conversion, but also by its form, that typically includes:

- low density, new construction
- widespread strip commercial development along roads
- physically and economically segregated subdivisions
- new wide roads
- utility expansion/extension
- automobile dependency
- segregated land uses.[4]

The consequences of sprawl on the environment are well-documented and include both direct and indirect effects.[5] Development directly affects the environment in several ways. First, building on land permanently modifies habitats

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[2] Ontario Ministry of Municipal Affairs and Housing, Office of the Greater Toronto Authority, online: Ontario Ministry of Municipal Affairs and Housing <http://www.mah.gov.on.ca/gta/> (date accessed: 16 May 2002); Ontario Ministry of Municipal Affairs and Housing, *Listening to Ontario: Ontario Smart Growth: A Summary of Consultations* (Toronto: 2001) at 3 [hereinafter *Listening to Ontario*].

[3] Sprawl is an issue in all regions of Canada: see, for example, Atlantic Planners Institute, October 1997 issue of *Planners Pen*, focused on urban sprawl in Atlantic Canada; CBC Radio News, *City Limits: Controlling Sprawl in North America* (2001), online: cbc.ca <http://cbc.ca/news/indepth/urban_sprawl/> (date accessed: 16 May 2002).

[4] Great Lakes Commission, "What is sprawl?" (2002), online: Great Lakes Sustainable Land Use <http://www.glc.org/bridges/sprawl/> (date accessed: 16 May 2002).

[5] Sprawl also has serious economic and social consequences; by isolating the environmental effects for consideration here, I do not intend to diminish the importance or relevance of the others. Some of the economic and social impacts include the segregation by class, age, gender and often race and a lack of a sense of community in low density suburbs, the high cost of providing infrastructure in previously unserviced areas, a lack of funds available for maintenance of infrastructure and for providing social services in older areas, traffic congestion and longer commutes contributing to less time with family and greater stress levels. Diminished quality of life makes a region less competitive.

and ecosystems such as wetlands – either destroying them outright or fragmenting them – which affects both the populations and the diversity of plant and animal species using the land and undermines ecosystem functions such as groundwater recharge. Second, development adds "buildings, parking lots, roads and other impervious surfaces [that] alter the natural flow of water within a watershed. The amount of impervious surface as a percentage of land area in a watershed and the location of infrastructure in relation to specific natural resources can be correlated to the health of an area's streams, rivers, lakes and estuaries."[6] The effects include both increased runoff into waterways and increased water pollution. As well, resources such as agricultural or forest land are lost to production[7] and the recreational and psychological value[8] of open space is lost.

The indirect effects of sprawl on the environment primarily relate to the associated increase in automobile dependence. Greater travel distances, lack of opportunities for walking and cycling, lack of public transit have combined to increase the average vehicle miles traveled.[9] The result has been that, despite marked improvements in the emissions technology for vehicles, as a group motor vehicles are a dominant source of air pollution, particularly smog precursor

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[6] U.S. Environmental Protection Agency, *Our Built and Natural Environments: A Technical Review of the Interactions between land Use, Transportation, and Environmental Quality* (Washington, D.C.: U.S. EPA, January 2001) at 2 [hereinafter *Our Built and Natural Environments*].

[7] It is estimated that the supply of Class 1, 2 and 3 farmland in Canada dropped by 16% over the 20th century because of conversion to urban and other non-farm uses: Agriculture and Agrifood Canada, *Soil Quality and Supply of Land*, online: Agriculture and Agrifood Canada <http://www.agr.ca/policy/environment/eb/public_html/ebe/soil.html> (date accessed: 16 May 2002). The percentage of Class 1 farmland occupied by urban land has been growing and is approximately 20% of the total: Statistics Canada, *Human Activity and the Environment, 2000* (Ottawa: Statistics Canada, 2000).

[8] "To add insult to injury, what is being plopped down on our nation's lost farmland and open space is not pretty, to say the least. ... The impacts go beyond the annoyance of visual clutter, of course, to our deeper senses of place and history, and to our ever-more-tenuous connection as human beings to the mysteries of the natural world." Natural Resources Defense Council, *Paving Paradise: Sprawl and the Environment* [adapted and condensed from F.K. Benfield, M.D. Raimi and D.D.T. Chen, *Once There Were Greenfields: How Urban Sprawl is Undermining America's Environment* (New York: NRDC, 1999)].

[9] In the U.S., the increase in vehicle miles traveled is a function of increases in the total number of trips taken and the distance of the average trip. This increase was more than 3 times the rate of population growth between 1969 and 1990. There are many reasons for this, with growing dependence on the automobile and growing travel distances because of separation of homes, jobs, recreation, etc. accounting for 2/3 of the increase: Urban Land Institute, *Smart Growth: Myth and Fact* (Washington, D.C.: ULI, 1999) at 14.

emissions.[10] The effects go beyond the local and regional: "Less widely acknowledged are the global ramifications of North American land-use patterns. Largely because of low-density sprawl, the residents of Canadian cities produce about twice as much carbon dioxide per capita as do Amsterdam residents."[11]

Sprawl is a complex phenomenon, driven by many factors. Some are psychological and cultural: many people desire to purchase their own home and live away from a city, with the expectation of amenities such as quiet and green space. But economic factors are among the most important in making this dream a reality:

> The current realities of land economics promote the accommodation of growth through conventional development on greenfield sites. Factors of influence include the cheaper cost of land; a process that is known and that does not involve existing neighbours; community design that is not hampered by the constraints of existing or past development (i.e., contamination, access and egress, urban design); an absence of the presumption that market demand predominantly supports singles and townhouses; and financiers who are familiar and supportive of traditional development models.[12]

Government planning and fiscal policies have also supported sprawl. Subsidization of highways over public transit,[13] tax breaks for purchase of a newly built home, zoning by-laws that disallow mixed use developments and promote low

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[10] NOx emissions continue to increase, other pollutants that have been decreasing are expected to reverse their decline and begin to increase. See *Our Built and Natural Environments, supra* note 6. The U.S. EPA is concerned that urban development is undermining the U.S.'s ability to meet its national environmental goals. In Canada, personal vehicles alone account for more than 20% of NOx and VOC emissions and 11% of carbon dioxide emissions, with the transportation sector as a whole accounting for more than 1/3 (with some estimates as high as 60%) of NOx and VOC emissions: Environment Canada, *Exhaustion: A Guide to Transportation Emissions* (Ottawa: 1997). These emissions have been associated with smog and serious health effects, including thousands of deaths per year in Canada.

[11] W.E. Rees & M. Roseland, "From Urban Sprawl to Sustainable Human Communities," PCD Forum, online: Converge <http://www.converge.org.nz/pirm/sprawl.htm> (date accessed: 16 May 2002).

[12] M. Hare, "Exploring Growth Management Roles in Ontario: Learning from 'Who Does What' Elsewhere" (2001), online: Ontario Professional Planners Institute <http://www.ontarioplanners.on.ca/pdf/growth_101001_position.pdf> (date accessed: 16 May 2002) at 8.

[13] See discussion in Environmental Commissioner of Ontario, *Having Regard: 2000/2001 Annual Report* (Toronto: ECO, September 2001) at 57-64.

density construction, competition between municipalities for development have all contributed to existing patterns of development.[14]

Smart Growth as the Antidote

The costs of sprawl have been well-known for many years[15] and efforts to manage growth have been pursued since at least the 1940s. However, it is only in recent years that the many disparate voices concerned about urban issues have come together and agreed on the need for a significant departure from the inefficient and unsustainable development patterns of the recent past. The way out of this tangle is sometimes known as "growth management," or the creation of "livable" or "sustainable" communities, but most popularly as "smart growth."

Smart growth grew out of efforts by some U.S. states to manage sprawl through legislative and financial initiatives. Oregon is often cited as the first jurisdiction to impose strong smart growth legislation, in 1973.[16] In recent years, growth management was adopted as a priority domestic issue by the Clinton/Gore Administration under their Livable Communities program, by state governments and by numerous municipalities. It also has support from very diverse groups: "Suddenly the Sierra Club and the National Association of Home Builders found themselves using much the same language and promoting some of the same goals. Federal, state and municipal governments, as well as the private and non-profit sectors rallied round a single cause."[17] What allowed this trend to emerge was a growing sense of urgency and a greater understanding of the interlocking nature of a number of economic, social and environmental problems.[18]

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[14] For a discussion of how traditional zoning has contributed to sprawl, see, J. Wickersham, "Jane Jacobs's Critique of Zoning: From *Euclid* to Portland and Beyond" (2001) 28 Boston Coll. Env'l Aff. L. Rev. 547.

[15] One of the earliest and best-known critiques is J. Jacobs, *The Death and Life of Great American Cities* (New York: Random House, 1961).

[16] This legislation required municipalities to designate urban growth boundaries, urban reserves and rural reserves as tools for directing growth toward specified areas and away from others.

[17] The Canadian Urban Institute, *Smart Growth in Canada* (Ottawa: March 2001) at 3. Smart growth also converges with the urban design movement known as New Urbanism. See for example A. Gabor & F. Lewinberg, "New Urbanism! New Zoning!" (1997) 34:4 Plan Canada 12.

[18] *Smart Growth in Canada*, *ibid.* at 3.

There is no one universally-agreed definition of smart growth, given the diverse groups supporting the general concept. The definition adopted by the American Planning Association touches on the major issues:

> Smart Growth is the planning, design, development and revitalization of communities to promote a sense of place, preserve natural and cultural resources, and equitably distribute the costs and benefits of development. Smart Growth enhances ecological integrity over the short and long term and improves the quality of life by expanding the range of transportation, employment and housing choices in the region in a fiscally responsible manner...In contrast to prevalent development practices, Smart Growth refocuses a larger share of regional growth within central cities, urbanizing areas, inner suburbs and areas that are already served by infrastructure. Smart Growth reduces the share of growth that occurs on newly urbanizing land, existing farmlands and in environmentally sensitive areas.[19]

At a broad level the common focus of smart growth initiatives is on the interrelationship between the economy, communities and the environment. It is often emphasized that smart growth does not mean "no growth," but rather the management of growth. The core values appear to be choice, equity, sustainability, efficiency, community attachment and beauty. The following specific principles have been identified by the U.S. Environmental Protection Agency:

- Mix land uses
- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities (through infill and brownfield projects and reuse of existing buildings)
- Provide a variety of transportation choices
- Make development decisions predictable, fair and cost effective
- Encourage community and stakeholder collaboration in development decisions[20]

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[19] American Planning Association, *Draft Policy on Smart Growth* (APA, 2002) at 1, online: <http://www.planning.org/policyguides/draftsmartgrowth.htm> (date accessed: 29 March 2002).

[20] U.S. EPA, *Smart Growth Fact Sheet* (Washington, D.C.: April 2001). EPA supports increasing compact development, reducing impervious surfaces and improving water retention, safeguarding environmentally sensitive areas, mixing land uses, improving transit accessibility and facilitating pedestrian and bicycle activity as specific practices addressing environmental concerns. To these some

Smart growth came north in the mid-1990s. While many individual municipalities have pursued a range of "smart" projects, the first provincial government to act was British Columbia. In 1995, in the face of rapid, largely uncontrolled growth, the B.C. government passed the *Growth Strategies Act*[21] and created the Growth Strategies Office to oversee and assist its implementation. The legislation established the framework for growth management, combining the development of growth strategies at the regional level with implementation at the local level. The purpose of a regional growth strategy is to "promote human settlement that is socially, economically and environmentally healthy and that makes efficient use of public facilities and services, land and other resources."[22] A strategy is expected to pursue a number of goals, including avoiding urban sprawl, protecting environmentally sensitive areas and reducing pollution and is to be developed and implemented in a cooperative, consultative and coordinated way with strong provincial commitment and guidance.[23] Affected regions have developed strategies and a wide range of organizations and numerous efforts are underway to advance the success of smart growth in the province but there is still a long way to go before smart growth is fully in place.[24]

Now Ontario is jumping on the smart growth bandwagon. In early 2001, the Premier announced his support for smart growth and the start of a consultation to get feedback on his government's "Smart Growth Ontario" proposals. These proposals

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would add principles that support a diverse and sustainable economy and local self-sufficiency: see Conservation Council of Ontario, *Smart Growth Ontario: Choosing the Right Vision and Guiding Principles*, online: Green Ontario <www.greenontario.org/smartgrowth/vision.html> (date accessed: 16 May 2002) [hereinafter *Choosing the Right Vision*]. On the other hand, some in the development industry assert that greenfield development will continue to be necessary but they would generally support the need for greater efficiency, predictability and choice: see discussion in U.P. Avin and D.R. Holden, "Does Your Growth Smart?" (2000) Planning Magazine 26, online: American Planning Association <http://www.planning.org/planningpractice/2000/jan00.htm> (date accessed: 21 May 2002).

[21] *Growth Strategies Statutes Amendment Act, 1995*, S.B.C. 1995, c. 9, now Part 25 of the *Municipal Act*, R.S.B.C. 1996, c. 323, now titled *Local Government Act*.

[22] R.S.B.C. 1996, c. 323, s. 849.

[23] See Ministry of Municipal Affairs, Growth Strategies Office, *An Explanatory Guide to B.C.'s Growth Strategies Act* (Victoria: Queen's Printer, 1998).

[24] See for example SmartGrowth BC, "Creating More Livable Communities" (Smart Growth Conference Proceedings, Vancouver, 6-7 June 2001 and Victoria, 8-9 June, 2001), online: SmartGrowthBC <http://www.smartgrowth.bc.ca/pdf/conferencesummary.pdf> (date accessed: 16 May 2002).

set out the government's commitment to "promoting and managing growth" in order to

> sustain a strong economy, strong communities and a healthy environment. In developing approaches to Smart Growth, the government has identified the need to address and link decisions on issues such as transportation, infrastructure, land use, housing and public investment, and to ensure that these choices are appropriately balanced with elements vital to Ontario's quality of life.[25]

The proposals identify a number of elements of a strategy to achieve these overall goals.[26] In addition to statements of principles and objectives, the government has created a Smart Growth Secretariat within the Ministry of Municipal Affairs and Housing to link affected ministries and agencies and to coordinate the development and implementation of the province's smart growth strategy. Consultations were held throughout the province in the spring of 2001 and several initiatives that had been in the works were completed and promoted as smart growth initiatives.[27]

One of the unique features of Ontario's approach to smart growth is that the government intends to bring in a strategy to cover the entire province, not just areas

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[25] *Listening to Ontario*, *supra* note 2 at 1. The Ministry also emphasizes the need to ensure decisions on development, infrastructure and the environment are "fiscally sound."

[26] These include: recognizing regional variations and local needs; managing and promoting growth; promoting economic opportunities in every community; encouraging compact development that minimizes land and infrastructure consumption and revitalizes brownfields; steering growth away from significant agricultural lands and environmentally sensitive areas; permanently protecting significant natural areas; encouraging growth that protects and improves environmental quality; encouraging technological innovation and investment; offering and promoting convenient and efficient transportation choices; developing integrated transportation networks; striving to provide a range of affordable housing choices in every community; helping communities to be financially stable and self-sufficient; encouraging a broad range of cultural opportunities, including preservation and revitalization of built heritage; and encouraging community and stakeholder collaboration in decision making. Ministry of Municipal Affairs and Housing, *Ontario Smart Growth: Working Together: Smart Growth Management Councils, Smart Growth Management Plans, Smart Growth Management Zones*, Consultation Paper, Fall 2001 at 3 [hereinafter *Ontario Smart Growth: Working Together*].

[27] The consultations were not intended to develop consensus on the principles. The actions include; adopting the *Brownfields Statute Law Amendment Act, 2001*, S.O. 2001, c. 17, and the *Oak Ridges Moraine Conservation Act, 2001*, S.O. 2001, c. 31; a review of the "Provincial Policy Statement" established under the *Planning Act*, R.S.O. 1990, c. P.13, s.3; pilot projects testing a development permit system; funding for public transit and waterfront redevelopment in Toronto; an environmental assessment for a new highway through the Niagara Region that will avoid the tender fruitlands; and a review of the need for highway expansion.

experiencing or expecting rapid growth such as the GTA and Ottawa. There are dramatic differences across the province in terms of rate of growth, with some areas quite stable, others growing moderately and others losing employment and population, particularly in northern areas. For these areas, the issue is not growth management but "growth promotion." To respond to this variability, which was pointed out repeatedly in the consultations, the government has proposed that the province be divided into five "geographic zones of common interest" and that a "Smart Growth Management Council" be established for each. Consultations are underway with respect to the mandate of the councils but indications are that each would develop a management plan for its zone, facilitate zone-wide planning for services and infrastructure and coordinate integration of municipal official plans across municipal boundaries.[28]

Assessment of "Smart Growth Ontario"

As it is early in the development of the provincial strategy for smart growth, a full assessment of Ontario's approach is not yet possible. Nevertheless, it is still possible to make some preliminary comments on the apparent direction Ontario is taking and compare that with other jurisdictions.

The starting point for designing a smart growth strategy has to be an acknowledgment that the existing planning system is inadequate and that simply adding another layer on top of it will not work. Yet it is odd that nowhere in the many consultation papers, fact sheets and news releases does the Premier or his government clearly identify what has gone wrong with the existing approach, although one can discern economic, fiscal, environmental and social concerns about the *future*.[29] Until the government acknowledges and seeks consensus on the nature and causes of the problems already plaguing urban communities and, more importantly, comes clean about its role in creating or perpetuating those problems, it will be difficult to design an effective strategy to respond to them. It will also be difficult to convince people to support the fundamental changes that smart growth demands.

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[28] *Ontario Smart Growth: Working Together*, *supra* note 26. The five zones are: Northwestern Ontario, Northeastern Ontario, Eastern Ontario, Central Ontario, Southwestern Ontario.

[29] In his speech launching the smart growth strategy, the Premier implied that his concern was with future problems, rather than existing ones: "Without the right vision to foster growth, Ontario's growing and ageing population will result in major challenges for our towns, cities and infrastructure... Inefficient and unplanned growth could lead to higher infrastructure costs, higher taxes, more pollution and less green space." Mike Harris, News Release, "Made in Ontario 'Smart Growth'" (31 January 2001).

Related to this is the government's failure to acknowledge and build on the experience in other jurisdictions or the learning of the recent past in Ontario. In the late 1980s and early 1990s, several undertakings in Ontario were dedicated to rethinking urban development in a manner that sought to integrate environmental needs and concerns.[30] When the present government came to power in 1995, many of the changes that had been adopted were dismantled. However, even "in the absence of significant direction from the provincial or federal governments, with blunt tools and a dearth of financial support,"[31] many municipalities adopted the lessons of these undertakings and made significant progress toward the goals of sustainable development in innovative and collaborative ways.[32] The government's return to this issue demonstrates its increasing urgency and the need for action at a broader scale. The learning of the past and the experience of progressive jurisdictions can teach us much about effective approaches; the government should study these carefully.

Several factors have been identified as key to making real progress. These include:

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[30] These included the Ontario Round Table on Environment and Economy which, through its task force on urban development, recommended many of the changes now being promoted as smart growth [see Ontario Round Table on Environment and Economy, Urban Development and Commerce Sectoral Task Force, *Report* (Toronto: ORTEE, 1991)]. In addition, the Royal Commission on the Future of the Toronto Waterfront (the "Crombie Commission") in its seminal report recommended adoption of a new planning process that would "truly integrate environmental matters" and "balance ecosystem health, quality of life, and economic vitality" [see Royal Commission on the Future of the Toronto Waterfront, *Regeneration: Toronto's Waterfront and the Sustainable City: Final Report* (Ottawa: Minister of Supply and Services, 1992) see especially c.2]. Also at this time a provincial commission, the "Sewell Commission," studied the planning process and recommended significant changes, including many to integrate environmental concerns [see Commission on Planning and Development Reform in Ontario, *New Planning for Ontario: Final Report* (Toronto: Queen's Printer for Ontario, 1993)]. Many of the Commission's recommendations were adopted into law. Other efforts included: R. Kanter, *Space for All: Options for a Greater Toronto Area Green Lands Strategy* (Toronto: Queen's Printer, 1990); Ministry of Municipal Affairs, *The Green Report: Policy Framework for Ecological Considerations in the Municipal Planning Process* (1991); Ontario Environmental Assessment Advisory Committee, *Report No. 38: The Adequacy of the Existing Environmental Planning and Approvals Process for the Ganaraska Watershed* (Ontario, Ministry of the Environment: November 1989) and *Report No. 41: Environmental Planning and Approvals in Grey County* (Ontario, Ministry of the Environment: December 1990).

[31] M. Hare, *supra* note 12 at 42.

[32] The efforts of the City of Toronto in addressing smog and greenhouse gases, Hamilton-Wentworth's Sustainable Community Initiative, and the City of Waterloo's Growth Management Strategy are a portion of numerous examples.

- A "strong and integrated policy framework" that coordinates land use planning, financial planning and capital expenditures and is mutually supportive between local and senior levels of government;
- "Financial commitments" including subsidies for "growth management objectives for which there may not be immediate market take-up" ... and "financially sustainable mechanisms to ensure outward growth is paid for by development."
- Cooperative and collaborative relationships" among governments at all levels, communities, developers, investors and interest groups.
- Incentives of all kinds to direct and encourage smart growth; and
- A degree of flexibility to "allow for specific local needs and to accommodate change over time."[33]

These elements of smart growth will have to be adopted and implemented at several levels. Federal involvement will be necessary, particularly in setting broad policies, funding supportive programs and perhaps making tax changes.[34] However, it is the provincial government that will play the pivotal leadership role. It will have to establish the supportive policy and legal framework, coordinate the work of different provincial ministries, remove many of the financial subsidies and incentives that support sprawl, replace them with incentives that support smart growth, protect significant natural areas and facilitate partnerships. Regional governments or regional scale agencies will play an important role because of the need to manage growth at that level, particularly with respect to defining where to direct urban growth (and where not to) and planning for environmental protection, transportation, affordable housing and infrastructure. Local municipalities will continue to manage growth through traditional means such as zoning (though as modified to support smart growth policies such as authorizing mixed uses, compact urban form and use of permeable surfaces to cut down on runoff). In addition, new financial tools will need to be provided to local municipalities by senior levels of government. Public-private partnerships and inter-agency and community involvement will also be crucial to such efforts as financing infrastructure and developing local projects.[35]

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[33] See M. Hare, *supra* note 12 at 37-54, generally at s.5.

[34] Some efforts are underway. The federal government now provides money for community projects that advance sustainability through the EcoAction Community Funding Program and for municipal government projects through the Federation of Canadian Municipalities under the Green Municipal Enabling Fund and the Green Municipal Investment Fund. An agreement on funding for affordable housing has recently been reached. The Liberals established a Caucus Task Force on Urban Issues in May 2001 that will consider the appropriate federal role on urban issues.

[35] See M. Hare, *supra* note 12 at Section 5; *Smart Growth in Canada*, *supra* note 17 at 12-16.

At this time the Ontario government has not made the necessary long-term commitment to developing and implementing a strong and integrated policy framework or to making changes to planning legislation or financial arrangements. Obviously, multiple changes will be necessary. Each element needs to be studied in detail and linked to the others. For present purposes, two issues will be flagged. Once smart growth policies are adopted and begin to be implemented through regional and local planning instruments, ensuring their implementation on a consistent basis will be difficult, but essential, to achieve the goals of smart growth. The present *Planning Act* requirement that decision-makers "have regard to" provincial policies has not been effective despite many existing policies that support the principles of smart growth. This is the same government that backed away from requiring conformity between provincial policies and planning decisions in 1995, but a consistent approach to smart growth will not develop without a mechanism for requiring conformity.[36]

Establishing a regional or ecosystem level of planning will be crucial so that those within the region are committed to common goals and those outside cannot undermine the effort of growth management by luring developers toward greenfields. Such a region will have to reflect the area that is economically, socially and environmentally connected. This region of influence will rarely coincide with local municipal boundaries, however, the proposal for five "zones of common interest" as the appropriate level for this regional planning seems too large and risks being completely ineffective. For one thing, the particular zones do not in fact represent common interests.[37] In B.C. and many U.S. jurisdictions, the existing regional structures have been used as the focus of smart growth planning.[38] For some areas in Ontario, that may be appropriate but in some areas regional government does not exist and in others such as the GTA existing regional governments will be inadequate.[39] In the rush to establish the five councils, there has been insufficient consideration of this issue, which could undermine their success.

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[36] In many ways, existing policies and official plans already support smart growth; it is the cumulative effect of site specific decisions to amend or vary those plans that contributes to the problem.

[37] For example, "southwestern Ontario" could take in all the land between Hamilton and Windsor, more than 200 km apart. There are few similarities between the municipalities in this area and very little influence that each has on the others.

[38] In B.C., a regional government can ask to have a growth strategy address a sub-region or multiple regions.

[39] In 1999, the Greater Toronto Services Board was created as a mechanism for coordinating the efforts of the 30 municipalities in the GTA in the provision of services and infrastructure, in recognition of the inability of existing regional structures to do so effectively.

The principles behind Ontario Smart Growth are generally consistent with those found in many U.S. jurisdictions and the earlier Ontario studies, balancing the economic, social and environmental dimensions. However, it is necessary that this balance be maintained and carried forward into the smart growth strategy and its implementation. At the moment there seems to be a preference for promoting smart growth on the basis of its economic advantages.[40] This approach has caused suspicion about the Premier's true motives.[41] In the actions identified by the government as supporting smart growth, there have been some that will support environmental values but there have been others, claimed as implementing smart growth, that are highly questionable. The concern is that, without a clear set of principles as to what is and what is not smart growth on which all stakeholders agree, environmental values will continue to take a back seat to economic values, perpetuating the present pattern of development.

This is reminiscent of the debates a decade ago over the meaning of "sustainable development" and over the steps needed to implement it. In the great flurry of activity in Canada that followed publication of the Brundtland Commission's 1987 report *Our Common Future*, there were serious disagreements that were never fully resolved. The general concept was vague enough to hold out something for everyone, so that many seemingly incompatible policies and actions were justified by different interests as supportive of sustainable development. Smart growth shares many common principles with sustainable development and could easily succumb to the same problem. Few people are against smart growth as a general concept but it is crucial to get past the feel-good label and focus on the specific objectives, criteria and policies that need to be pursued. Environmental values must be fully integrated into the specifics to have truly smart growth. At this stage, the government has general objectives that say this, but there has been no attempt to

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[40] For example, Premier Mike Harris, when introducing his proposals, set out his vision, emphasizing the need for growth and economic development: "I am determined to see our children inherit cities, communities, neighbourhoods – an entire province – that is as efficient, that is as strong as possible and that has a quality of life second to none ... Our vision will help encourage growth. It will make sure that all regions of Ontario – from our smallest towns to our largest cities – can reach their economic potential. And it will help keep Ontario strong, growing and ready to compete in the 21st century." M. Harris, "Address" (Toronto Real Estate Board, 31 January 2001) online: Government of Ontario Site <http://www.premier.gov.on.ca/english/speeches/archive/Growth013101.htm> (date accessed: 21 May 2002).

[41] One citizens' group has done an in-depth review of the proposals and concludes that, while they contain many accepted elements of smart growth, the government "also twists the definition of smart growth to support all forms of economic development." *Choosing the Right Vision, supra* note 20.

develop consensus among stakeholders and the government seems intent on bringing in a structure in advance of agreement on the basic principles.

Conclusion

Urban development has been identified as one of the leading environmental challenges of the new millennium.[42] Smart growth offers a guide to a cultural shift that would see urban growth managed in a way that limits environmental and resource conflicts and provides a sustainable and healthy future for urban and rural Canadians. Ontario is just starting to design an approach to smart growth. To work, it will have to get the basics right: a clear, progressive and comprehensive strategy, consensus among multiple stakeholders on the strategy and a long-term commitment to carrying them out in new and cooperative ways. Smart growth will not occur with a top-down, quick-fix approach that simply adds another layer to the existing system. This is such a complex set of problems that the only solution will involve long-term, fundamental changes with all stakeholders moving forward together toward a common vision of the future. Unfortunately, the signals so far from the Ontario government are mixed.

[42] National Round Table on the Environment and the Economy, *Achieving a Balance: Four Challenges for Canada in the Next Decade* (Ottawa: NRTEE, 2000).