Towards a City of Winnipeg Planning Commission

Background and Research Report

Urban Planning and Design Division
Planning, Property & Development Department

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1 Background

1.1 Reason for the Report

On September 4th, 2019 the Standing Policy Committee on Property and Development adopted the following motion related to the 'Establishment of a Planning Commission':

> *The Standing Policy Committee on Property and Development, Heritage and Downtown Development directed the Winnipeg Public Service to engage stakeholders, including key professional organizations, and a Member of Council as an observer to the process, and report back to its March 2020 meeting on the following:*
>
> 1. *Recommendations related to the role, responsibilities and membership structure of a Winnipeg Planning Commission.*
> 2. *Draft Terms of Reference for a Winnipeg Planning Commission.*

The motion notes the timing of the current governance review for the City of Winnipeg. It further notes that such a commission could draw in skilled experts to provide more consistency in decision-making on what could potentially be a wide array of development application types. Appendix A includes a copy of this motion.

The purpose of this report is to inform stakeholders and City of Winnipeg Councillors about planning commission best practices as well as possible structures and responsibilities for a Winnipeg Planning Commission. The report also includes some background and context on Winnipeg's current decision-making structure, with analysis on how this may be impacted by a planning commission.

1.2 What is a Municipal Planning Commission?

A municipal planning commission is a group of people appointed by a municipality to provide advice, research, recommendations, and/or decisions on planning matters to municipal Council. Canadian planning commissions are generally appointed with local experts from within the geographic area over which the commission applies.

In Canada, major cities with municipal planning commissions are mostly found west of Ontario. The Vancouver, Regina, and Saskatoon Planning Commissions primarily hold an advisory role – to review and provide advice on planning matters to Council. Other Planning Commissions, such as that in Brandon, or in Minneapolis, Minnesota, are primarily tasked with holding public hearings and making recommendations to Council.

While Planning Commissions generally act as citizen committees with local experts, some cities have other structures that serve the same function – that are essentially planning commissions under another name. Chicago has a Plan Commission and Denver has a Planning Board. Both of these bodies perform similar roles as that of a planning commission.

The size and scope of a planning commission may vary as well. In Canada alone, planning commissions range in size between five and thirteen members. Some of them, such as the Vancouver City Planning Commission, include sub-committees and can strike ad-hoc committees. The Calgary Planning Commission includes an Urban Design Review Panel. The scope of a planning commission may range from reviewing minor development applications to advising Council on all matters relating to the future of the city.

1.3 Types of Planning Commission

Planning commissions in Canadian and US cities typically hold an advisory role, a 'development authority' role, or a combination of the two. Planning commissions may also vary in their levels of autonomy in setting agendas and on taking positions independent of Council.

1.3.1 Advisory Body

Advisory roles may include research, discussion, analysis, and reviews on long range planning initiatives. The Vancouver City Planning Commission (VCPC) has a broad role of reporting to Council on any proposal likely to have a significant effect on the future of the City. The commission includes an Executive Assistant, and may draw on additional planning resources or funding for research or events, subject to Council approval. The VCPC is chaired by a citizen member, and the commission has the authority to take positions on issues independent of Council.

Alternative advisory roles include the review of development applications, with recommendations to the Council. Both the Regina and Saskatoon Planning Commissions review and make recommendations on development applications from rezonings to plan amendments.

1.3.2 Public Hearing Body

Other planning commissions may act as a hearing body for a range of application types or scales. The five-citizen member Brandon Planning Commission meets twice per month to hold public hearings and make decisions on variance and conditional use applications. It also holds hearings on rezonings and plan amendments, and makes recommendations to Council, which makes the final decision. The Minneapolis Planning Commission, on the other hand holds public hearings only on development applications for a residential building of more than ten units, or a commercial building greater than 2,500 square feet.

2 City of Winnipeg Background and Context

2.1 Historic Planning Commissions of the City of Winnipeg

Winnipeg has had several planning commissions in the past, each of which had an advisory role related to long range planning. The first planning commission was the 'City Planning Commission' of 1911 (City of Winnipeg 1970). This commission was led by the mayor, six members of city council, the Provincial Municipal Commissioner, and ten other members who represented various organizations and boards. It periodically reported to Council on the overall planning scheme. The commission's professional advisor, Professor Arthur Stoughton, advised that the best form of Town Planning Commission should include planners, engineers, surveyors, 'expert' laymen and technical people, along with representation from City Council.

Three years later, in 1914 a similar model was set up for the 'Greater Winnipeg Plan Commission', led by the mayor, to prepare a city plan and manage municipal planning. This commission was discontinued in 1920 and was replaced in 1928 with a 'planning committee' of Council. The next 'Winnipeg Town Planning Commission' was established in 1944. This commission was comprised of the mayor, three councillors, and seven to nine other members, including the City Surveyor, City Engineer, and an appointed secretary. It created a masterplan for the region in 1948, and worked closely with the provincial Metropolitan Planning Commission after its creation in 1949. This model was similar in structure to other current planning advisory commissions, such as that in Vancouver.

While the City of Winnipeg had multiple planning commissions between the early to mid-1900s, other adjacent municipalities, such as Fort Garry, also had planning commissions with similar structures (Rural Municipality of Fort Garry Town Planning Scheme 1954).

The Metropolitan Planning Commission, created by the Manitoba Government in 1949, "recognized as its basic responsibility the study and preparation of comprehensive long range plans for the Greater Winnipeg Area" (Metropolitan Planning Commission 1956). It ultimately included the municipalities of Winnipeg, Assiniboia, Charleswood, East Kildonan, East St. Paul, Fort Garry, North Kildonan, Old Kildonan, St. Boniface, St. James, St. Vital, and Tuxedo. Unlike other structures, this commission was entirely comprised of Council and planning staff, with no representation from citizens not employed by the municipalities. The functions of this planning commission were transferred to the regional Metropolitan Corporation of Greater Winnipeg in 1960, and the commission ceased to exist after that point (City of Winnipeg 1971).

2.2 Advent of Community Committees

On January 1st, 1960, The Metropolitan Corporation of Greater Winnipeg took control of planning, among other municipal operations (Brownstone & Plunkett 1983). The Province of Manitoba legislated that the Metropolitan Corporation had the final say in planning matters and was to create a Master Development Plan for the greater Winnipeg area (Axworthy 1972), although there was frequent duplication in planning efforts and disagreement between the Metro and municipal governments (Axworthy & Cassidy 1975). After nearly a decade of conflict, the three levels of government agreed on a unicity concept. In this model, a Commissioner of Planning and Community Services was to head the planning department. Community Committees were proposed to follow the boundaries of the former municipalities, to supervise local administrative functions, and to advise Council on local area issues, including zoning matters (Province of Manitoba 1971). They were designed to provide a connection between local citizens and the greater council. Local Resident Advisory Groups (RAGs) were established with authority to advise the community committees on local issues. Over the decades, participation in the RAGs declined primarily due to what researchers claimed to be a lack of participation and available resources (Wichern 1984, Thomas, Helgason 1998). Since the decline of the RAGs, there has been no formal structure of citizen 'expert' representation to oversee planning matters, except for various citizen-appointed committees of Council, such as the Board of Adjustment and the Urban Design Advisory Committee.

2.3 A Planning Commission under the Current City of Winnipeg Charter

The City of Winnipeg Charter grants the City of Winnipeg the powers to create a planning commission with the authority to hold public hearings and make or recommend decisions on a wide spectrum of development applications. In addition, a planning commission may be granted the authority to make recommendations on 'any planning or development matter referred to by Council'. However, under the current version of *The City of Winnipeg Charter,* a planning commission does not have the authority to hold appeals on development applications – this power remains with Council or a committee of Council. A planning commission that holds public hearings on development applications would differ from historic Winnipeg planning commissions, in that the historic planning commissions focused on long-range planning matters.

Duties of a Planning Commission

The City of Winnipeg may create a planning commission under Section 273 of the *City of Winnipeg Charter*, and may grant all or some of the above powers to the planning commission under Section 274 of the *Charter*.

Under the *Charter*, a planning commission can be tasked by Council to:

- Report and make recommendations to Council in respect to any planning or development matter referred by Council [274(1)(c)]
- Hold hearings and make decisions on applications for:
    - conditional uses; [section 274(1)(b)]
    - variances [section 274(1)(a)]
    - subdivisions [section 274(2)(f)]
    - consents [section 274(2)(g)]
- Conduct hearings related to:
    - *OurWinnipeg* amendments
    - Secondary Plans
    - Zoning By-laws
    - Development Agreement amendments
    - Subdivision approvals
    - Business licences [section 274(2)]
- Decisions of a planning commission are subject to appeal to council or a committee of Council.

Note: A detailed overview of relevant sections within the City of Winnipeg Charter is available in Appendix B.

2.4 Current Planning Decision-Making Structure

If a City of Winnipeg Planning Commission is to hold public hearings, it would impact other public hearing bodies of Council. Table 1 outlines the current public hearing and decision-making bodies that oversee development applications. The creation of a planning commission would duplicate the mandate and authorities of other existing decision-making bodies. This speaks to the need for a comprehensive review of the various governance structures if a planning commission is to be created.

Table 1:
Winnipeg Development Application Approval Process

	Director, PP&D	Board of Adjustment	Community Committee	Standing Policy Committee	Executive Policy Committee	Council	Appeals Committee
Development Plan					H/R	D	
Development Plan Amendment					H/R	D	
Complete Communities Direction Strategy					H/R	D	
Complete Communities Direction Strategy Amendment					H/R	D	
Secondary Plan			H/R	R	R	D	
Secondary Plan Amendment			H/R	R	R	D	
Zoning By-Law (text amendment)				H/R	R	D	
Zoning By-Law Amendment (map amendment)			H/R	R	R	D	
Subdivision			H/R	R	R	D	
Subdivision and Re-zoning			H/R	R	R	D	
Subdivision, Short Form	D						
Variance A / Conditional Use A	D						A
Variance B / Conditional Use B	D						A
Variance C / Conditional Use C		H/D					A
Variance D / Conditional Use D			H/D				A
Plan Approval			H/D	A			
Demolition Permit			H/D	A			

Note: The above table does not include approval processes for downtown development applications

H – Holds a public hearing
R – Recommendation on decision
D – Decision
A – Appeal of decision

2.5 Planning Advice

Section 274(1)(c) of the *City of Winnipeg Charter* gives Winnipeg the option to grant a commission a high level of advisory autonomy. 'Any planning or development matter' referred by Council could include current development application advice or longer term planning initiatives. This could include regional planning initiatives, such as sector plans, or city-wide policies. It could conduct studies, consultations, or research on a wide range of current or long range planning matters, so long as this is a planning or development matter referred to it by Council.

3 Scan of Planning Commission Research

This review includes a scan of planning commission by-laws and webpages from seven Canadian cities and three American cities. In addition, planning liaisons from six Canadian cities and one US city were interviewed about the general operations of these planning commissions. Appendix C provides a list of questions posed to planning commission liaisons during the interview process.

The planning commissions reviewed across Canada and the United States generally have similar structures. They tend to be comprised of local citizens, who generally hold expertise in areas related to planning. While some planning commissions make decisions independent of Council, they all contain members appointed by Council or the mayor, and they all report to Council in one manner or another. Most of the members have overlapping membership terms in order to maintain organizational knowledge. Table 2 provides a table of general terms of reference by municipal planning commission. Table 3 provides an overview on the functions of the seven planning commissions that were interviewed.

3.1 Membership

3.1.1 Citizen Members

Planning commissions tend to rely heavily on citizen expertise in decision-making. Of the fourteen planning commissions reviewed, citizen membership ranged between five and ten members. Larger cities tend to identify specific areas of expertise sought out in members, such as architecture, landscape design, urban planning, urban design, geography, land development, real estate, engineering, home building, heritage, and real estate / planning law. Some planning commissions have member seats to be filled with specific areas of expertise. For instance, Regina reserves one position for a heritage architect, and maintains four positions to be filled by an assortment of members from seven identified areas of expertise. Saskatoon maintains/reserves two positions for school board representatives. Brandon seeks out expertise in such areas as civil engineering, architecture, legal, or planning, but the city has to remain flexible enough to not have strict expertise requirements, being a smaller city.

Citizen members are generally appointed by Council. While some planning commissions are comprised entirely of citizen members, the larger ones usually include councillor and/or mayoral representation, and may also include one or more city employees.

Table 2: Planning Commission Terms of Reference Overview

Planning Commission	Membership (up to)	Number Citizens	Council Members	City Staff members	Terms	Member Selection	Decision-Making	Chair	Chair Selection	Meeting Frequency
Calgary Planning Commission	11 members	6 citizens	1 mayoral rep / 2 councillors	2 city staff	2 years 3 terms	Council	Majority vote	City employee	Appointed by council	Twice per month
Brandon Planning Commission	5 members	5 citizens	None	None	3 years 2 terms	Council	Majority vote	Citizen	Elected by FPC	Twice per month
Regina Planning Commission	11 members	8 citizens	3 councillors	None	3 years unlimited	Council	Majority vote	Councillor	Appointed by council	Bi-weekly
Saskatoon Municipal Planning Commission	13 members	10 citizens	1 councillor	None	2 years unlimited	Council	Majority vote	Councillor	Elected by Commission	Monthly
Vancouver City Planning Commission	13 members	13 citizens	2 councillors (no vote)	1 city staff (no vote)	2 years 3 terms	11 Council 2 Commission	Majority vote	Any member	Elected by Commission	Monthly
Montreal Urban Planning Advisory Committee	7 members	6 citizens	1 councillor	None	2 years unlimited	Council	Majority vote	Councillor	Appointed by Council	Monthly
Lethbridge Municipal Planning Commission	8 members	5 citizens	3 councillors	None	1 year 6 terms	Council	Majority vote	Councillor	Elected by Commission	Twice per month
Minneapolis City Planning Commission	10 members	6 citizens	1 mayoral rep / 1 councillor	None	2 year unlimited	Mayor	Majority vote	Citizen	Appointed by mayor	Twice per month
Omaha Planning Board	7 members	7 citizens	None	None	5 years	Council	Majority vote	Citizen	Elected by Commission	Monthly
Des Moines Plan and Zoning Commission	15 members	15 citizens	None	None	5 years	Council	Majority (8) votes	Citizen	Elected by Commission	Twice per month

Table 3: Planning Commission by Function

Planning Commission	Primary Function	Reviews	Holds Hearings On	Decision-Making Authority On	Advises On	Meeting Frequency	Typical Length
Calgary Planning Commission	Conducts development reviews & hearings	Rezonings, subdivisions, stat plans	Subdivisions	Subdivisions	Development Application Recommendations	Twice per month	4.5 hours
Brandon Planning Commission	Development application hearing body and decision-making authority	Rezonings, variances, subdivisions, conditional uses, stat and dev plans	Rezonings, variances, subdivisions, conditional uses, stat and dev plans	Variances and conditional uses	Development Application Recommendations	1 - 2 per month	< 1 hour
Regina Planning Commission	Conducts development reviews	Rezonings, conditional uses, stat and dev plans	N/A	N/A	Development Application Recommendations	Bi-weekly	2-5 hours
Saskatoon Municipal Planning Commission	Conducts development reviews	Rezonings, conditional uses, stat and dev plans	N/A	N/A	Development Application Recommendations	Monthly	1.5 hours
Vancouver City Planning Commission	Advises on Long Range Planning	N/A	N/A	N/A	High-Level planning and development issues	Monthly	2 hours
Lethbridge Municipal Planning Commission	Development application hearing body and decision-making authority	Large conditional uses & variances, non-stat plans	Large conditional uses & variances	Large conditional uses & variances, non-stat plans	Development Application Recommendations	Twice per month	1-2 hours
Minneapolis City Planning Commission	Development application hearing body and decision-making authority	Rezonings, variances, subdivision, conditional uses, dev plan	Rezonings, variances, subdivision, conditional uses, dev plan	Variances and conditional uses	Development Application Recommendations	Twice per month	10 min - 4 hours

3.1.2 Member Terms

Nearly all planning commissions reviewed have multiple-year renewable staggered terms. Table 4 shows that the Canadian planning commissions reviewed have between one and three year terms, with five of the eight having two year terms. Table 5 shows the maximum number of member terms permitted by frequency of occurrences. Term limits most commonly total six years. For instance, Calgary and Vancouver have up to three two year terms. Brandon has up to two three year terms, and Lethbridge has up to six one year terms. Four of the commissions reviewed have an unlimited number of terms.

Table 4: Commission Term Length by Frequency

Term Length	Frequency
1 year	1 commission
2 years	5 commissions
3 years	2 commissions
5 years	1 commission

Table 5: Commission Member Terms by Frequency

Total Terms	Frequency
2 terms	1 commission
3 terms	2 commissions
6 terms	1 commission
Unlimited terms	4 commissions

3.1.3 Member Selection

The application process is generally managed through a Clerk's Office, and members are selected by Council. Vancouver has eleven members selected by Council, and two additional members selected by the commission itself.

The interviews revealed few problems with vacancies on Canadian planning commissions. Most members complete their terms, although Vancouver, which has the highest number of citizen members (13), usually has one or two members leave per year, prior to term completion. None of the cities interviewed indicated they have problems recruiting members, although the smaller cities admitted having difficulty recruiting to fill positions held for members with specific skills. Calgary recently had to approach the Association of Architects to find an architect, and Lethbridge has recently put together a skills matrix to better identify skillsets of potential applicants.

3.1.4 Member Challenges

Another challenge faced by planning commissions is recruitment of younger members. One planning commission liaison suggested that younger members, being at an earlier stage in their careers, tend to have less flexibility to leave daytime work schedules to attend meetings. As a result, the time of scheduled meetings may impact those who may be more readily able to serve as a member on a planning commission.

3.1.5 Chair

The majority of planning commissions reviewed have the chair elected by the existing members. Many commissions also include a vice chair and second vice chair selected through the same process. In some cases, such as in Lethbridge and Saskatoon, the elected chair must be a councillor. The Minneapolis City Planning Commission differs in that it has a citizen appointed chair by the mayor. The Calgary Planning Commission is chaired by a city employee, and the Regina Planning Commission is chaired by an appointed councillor.

3.2 Meetings

3.2.1 Meeting Frequency

Canadian planning commissions tend to meet once or twice per month. Only the Saskatoon and Vancouver planning commissions meet monthly, with the remainder meeting twice per month, or bi-weekly (Regina). The Vancouver Planning Commission liaison indicated that meetings are scheduled monthly as quorum was often not met when the commission used to meet twice per month. The '*Des Moines, Iowa City and Zoning Commission By-Law*' requires that meetings are held monthly at minimum, while the actual meetings are held twice per month. The wording 'at minimum' gives the planning commission the flexibility to schedule more meetings if necessary.

3.2.2 Attendance

All commissions reviewed require a majority of members to be present to meet quorum. Some by-laws note that 'majority' excludes any vacancies, while others specify the majority of member spaces, regardless of vacancies. Most of the planning commissions include a maximum number of consecutive unexcused absences or a maximum number of absences in a year before a member will be removed from the commission.

3.2.3 Commission Resources

The resources provided to a planning commission appear to depend on the type of planning commission. All commissions interviewed work closely with the Clerk's Office, which is generally responsible for posting the agenda and recording the minutes. Calgary has a six member team of planners and administrative staff who meet prior to each meeting to ensure all planning reports are correct and that notices are posted. Lethbridge has a planner who acts

as Secretary to the board, and gives advice when required, although the minutes are recorded by the Clerk. Brandon similarly has a planner liaison who provides guidance through the decision-making process.

Of those commission liaisons interviewed, only Brandon pays commissioners ($50 per meeting). The other boards are comprised entirely of volunteer members. The Vancouver Planning Commission has a $70,000 annual budget for a full time Executive Director along with office supplies, events, and other supplies. The commission also gets additional planning staff resources or funding for events or research, when approved by Council. Another commission liaison had cautioned against having a research-based commission unless it is staffed with the appropriate professionals to oversee this research.

4 Analysis

4.1 Consistency of Decision-Making

The SPC motion notes that "decisions of a planning commission on development proposals could result in more consistency and a more stable environment across the City and informed by Council policies".

In Winnipeg, all significant development applications include a 'Planning Report' with recommendations based on the context of the property in the current planning framework. Many development application types go to the community committees for a public hearing. While the community committees enable a decision-making structure with local representation, each community committee is comprised of different councillors. Depending on election outcomes, community committees may have renewed representation and variations in experience on planning and development matters. The differences in decisions between community committees may vary geographically and over time.

A carefully constructed planning commission has the potential to produce informed and consistent decision reasoning by ensuring broad expertise in planning and development matters, and by having the same board members hold hearings on applications across the City. This could help improve transparency in decision-making and certainty in expectations. Winnipeg is large enough as a city to have a broad talent pool to draw on for the required areas of expertise to make objective decisions.

Interview findings revealed that planning commissions tend to have greater consistency in decision-making when the commissioners become more experienced in their roles. While each application is different, commissioners build upon their knowledge over time. Staggered terms can help with retention of experience learned from previous decisions.

4.2 Accountability in Decision-Making

Commission members representing professional organizations are bound to act in accordance to their organizations' professional standards. As professionals, such members face repercussions for violating the standards of their organization. City Councillors are ultimately accountable to the public and must act within the rules of the *Municipal Council Conflict of Interest Act.* However, citizen members are not bound by professional standards or legislated conflict of interest rules. The harshest penalty such members face is removal from the Commission.

While the *Municipal Council Conflict of Interest Act* refers to Council members, the City of Brandon refers directly to the Act within the planning commission By-Law, noting that

commission members should follow these rules imposed on councillors. Further, the by-law requires that any declaration of conflict must be recorded in the minutes.

> *In all matters and under all circumstances every member of the Commission shall be guided by and have regard to the statutory provisions of The Municipal Council Conflict of Interest Act.*
>
> *– City of Brandon By-Law No. 6843, 2019*

Other commissions, such as the Saskatoon Municipal Planning Commission and the Lethbridge Municipal Planning Commission, include by-law policies related to conflicts of interest:

> *If a member has an interest in a matter before the Commission, the member shall declare the interest, and shall not take part in the proceedings nor shall vote on the matter.*
>
> *– City of Saskatoon By-Law No. 3670, 2019*
>
> *A citizen at large appointed by Council as a Member of the Commission shall be required to disclose any pecuniary interest in the same manner as required of an elected representative of the City pursuant to Sections 169, 170 and 172 of the Act.*
>
> *– City of Lethbridge By-Law No. 5801, 2019*

Most of the commissions reviewed have by-law policies concerning professional conduct at meetings, in addition to rules concerning unexcused absences. The City of Brandon By-Law No. 6843 is one of the most extensive planning commission by-laws reviewed, which details several requirements that help maintain transparency in decision-making, including the provision that motions "shall express fully and clearly the intent of the mover" and that members must vote, unless excused by the majority of other members or a declared conflict (City of Brandon 2019). The City of Lethbridge Municipal Planning Commission By-Law 5801 requires that no member sit on both the Municipal Planning Commission board and the Subdivision & Development Appeal Board. This ensures that appeals are held under entirely different board members. This commission also requires that members must attend "a substantial portion of a hearing of an application" in order to participate in the decision-making (Lethbridge 2019). The Montreal Urban Planning Advisory Committee planning commission regulations require that members declare and abstain from voting during any conflict of interest (Montreal, 2002).

Some planning commissions create additional internal policies related to member conduct. Several US cities include ordinances that permit planning commissions to create policies concerning 'rules and procedures'. The Omaha Planning Board requires that members 'respect and follow' the 20 'Ethical Principles' outlined in its Rules and Procedures manual (Omaha 1999). While the *Municipal Council Conflict of Interest Act* would not apply to non-council

members of a Winnipeg planning commission, other mechanisms could help ensure accountability in decision-making. A copy of the Omaha 'Ethical Principles' is available in 'Appendix D – Omaha Planning Commission Rules and Procedures – Ethical Principles'.

4.3 Local Context

Winnipeg's Community Committee structure was formed in order to retain some form of local representation in post-Unicity city hall. The initial community committees each had a larger number of councillors, as they were formed when the City of Winnipeg had 50 city councillors (Wichern 1984). While Winnipeggers may have shifted somewhat from identifying with the former individual municipalities towards a broader 'Winnipeg' identity over the decades, many may still see value in the ability to have development decisions made at a local level.

The cross-jurisdictional review of other planning commissions included a search for planning commission structures with elements of local geographic representation, similar to that in Winnipeg's community committee structure. The search found no Canadian or US city planning commission structure that includes geographic representation in its membership to any scale more specific than that of the municipality itself.

The Philadelphia City Planning Commission regulations include a provision for Registered Community Organizations (RCOs) to be circulated on certain development matters, and to have representation on the commission's Civic Design Review (CDR) Committee (Philadelphia City Planning Commission 2013). The regulations include strict criteria for the registration of an RCO, and identify the procedures these organizations must follow.

The City of Winnipeg had a similar structure for its Resident Advisory Groups (RAGs), created in the 1970s, which were tasked to 'advise and assist' members of the Community Committees on local issues (Wichern 1984). Public participation, however, decreased in these groups over the years, from a total of 481 RAG members in 1972 to only 25 by 1983. The impact of the RAGs dwindled in part due to reduced participation, lack of financial resources, and distrust, among other things according to local researchers (Wichern 1984, Thomas, Helgason 1998). Another issue identified was the quality of input that the RAGs had offered, as reportedly perceived by councillors and municipal staff at the time (Wichern 1984). While a similar structure may offer some value today, past challenges may need to be overcome in order to create a sustainable model.

While the Community Committee structure ensures that public hearings are held under local councillors, it does not allow for local councillor representation. The current structure forces councillors to maintain a quasi-judicial role as a hearing authority, during which time the councillor may not take a public position on development matters or speak with members of the public about the development application at hand.

> *Members of the hearing body constitute an impartial body that 'hears' all sides on the merits of the proposal in a public forum before making a recommendation or decision (as the case may be). Contact with members of the public, including the applicant, discussing matters related to the application outside the public hearing is considered inappropriate in this quasi-judicial forum.*
>
> *– City of Winnipeg Development Procedures By-Law No. 160/2011*

The formation of a planning commission could allow councillors to take a position on local planning matters, and to make presentation at public hearings. While the hearing would not be held under local councillors, it would allow for the local councillors to speak with individuals and represent local interests at the public hearings held under the planning commission.

4.4 Work Volume at Hearings

The City of Winnipeg Charter provides Winnipeg with the authority to create a planning commission that could hold public hearings on virtually all types of development applications received. This could pose the challenge of having a single decision-making body manage a relatively high volume of public hearings. Individual community committees frequently have meetings held for more than five hours in length. The combined volume of applications of all five community committees and the Board of Adjustment could result in the need for consistently long meetings, and multiple meetings per month. Longer public hearings could also cause challenges for applicants and needed staff time, in addition to commission member burnout.

The City of Brandon has reduced the volume of applications in recent years, in part, by reviewing and updating the Zoning By-Law annually. This reduced the work volume considerably, resulting in the commission often only meeting once per month, instead of the two meetings per month it previously held. Lethbridge significantly reduced the number of applications it receives in the 1990s by giving development officers authority to approve subdivisions, minor variances, and conditional uses. These changes reduced the number of Lethbridge Planning Commission meetings to 10 per year from 24 (twice per month). Regina similarly allows development officers to approve variances; subject to an appeal hearing if challenged.

While individual public hearings may be longer, the City of Winnipeg could use this opportunity to update the zoning by-law more frequently, and consider other initiatives that could reduce the number of overall development applications required. The lower volume of overall public hearing meetings could also reduce the costs associated with development application approvals. Table 6 identifies the public hearing authority for each major development application type for five Canadian cities and one U.S. city.

4.5 Restructuring of Committees

Any changes in hearings from Community Committees and / or the Board of Adjustment will impact the decision-making authority and processes involved with the current committee structure. While this review considers some of the implications involved in creating a planning commission, it does not provide an in-depth review of changes to existing procedures or committees of Council.

Replacing committees with a planning commission could reduce the number of steps in the development approval process. This could lead to a streamlined and more cost efficient approach to decision-making, and could help expedite development turn-around times.

A planning commission may also remove some of the politics from the decision-making process. While councillors would still vote on development applications at Council meetings, the time required for attending and preparing for community committee meetings would be freed up. This could allow councillors more time to focus on policy and city-wide issues.

A change in the community committees' abilities to hold hearings on development applications would impact the authority that councillors would have over development within their wards. Given the implications that such a high-profile change would have, a broader and more in-depth review of these changes should be conducted in order to support informed decisions on this matter. Previous changes to Council's structure over the decades have been led by high-profile commissions led by local experts in the field (Task Force on Community Committees 1971, Task Force of the Restructure of City Council 1995).

Table 6: Municipal Public Hearing Authorities by Application Type

Public Hearing Authority	Calgary	Lethbridge	Brandon	Regina	Saskatoon	Minneapolis
Conditional Use	Dev. Officer	Dev. Officer	Commission	Council	Dev. Officer	Commission
Large Conditional Use	Commission	Commission	Commission	Council	Council	Commission
Minor Variance	Dev. Officer	Dev. Officer	Commission	Dev. Officer	Dev. Officer	Board of Adjustment
Major Variance	Commission	Commission	Commission	Dev. Officer	Dev. Officer	Commission
Re-Zoning	Council	Council	Commission	Council	Council	Commission
Minor Subdivision	Commission	Dev. Officer	Commission	Dev. Officer	Dev. Officer	Commission
Major Subdivision	Commission	Commission	Commission	Council	Dev. Officer	Commission
Secondary / Statutory Plan	Council	Council	Commission	Council	Council	
Secondary Plan Amendment	Council	Council	Commission	Council	Council	
Official Plan	Council	Council	Commission	Council	Council	Commission
Official Plan Amendment	Council	Council	Commission	Council	Council	Commission

Note: *'Dev. Officer' means that a development officer approves the application and that there is no public hearing.*

5 Next Steps

A planning commission has the potential to significantly alter current public hearing and decision-making processes. *The City of Winnipeg Charter* also allows for a commission with a potentially broad advisory role. In order to create an informed analysis on whether to create a planning commission and how it might be structured, consideration should be given to the legal implications of the authorities delegated to the commission. The City must also identify how such a governance body may fit into the City's current Boards, Commissions, and Committee structure, and what implications this may have on the overall decision-making structure in the City of Winnipeg. Further, such analysis should consider appropriate engagement with stakeholders to obtain appropriate insight into this decision.

6 Summary

The City of Winnipeg Charter permits the establishment of a planning commission with greater decision-making and advisory authority than most other planning commissions in Canada. Major changes in decision-making processes related to development applications may have a significant impact on the existing City of Winnipeg governance structure and processes. Historic changes of similar magnitude were generally led by high profile ad-hoc commissions that undertook extensive consultation and research. While a planning commission may provide a new mechanism to managing existing planning and development challenges, it could lead to new and unanticipated challenges. Such a structure could provide a high level of decision-making authority to select individuals, and must be carefully planned and constructed in order to ensure the planning commission operates as envisioned and intended.

7 References

Axworthy, Tom. (1972). 'The Future City, Report No. 2:The Politics of Innovation'. *The Institute of Urban Studies*. Retrieved Online October 28th: http://winnspace.uwinnipeg.ca/bitstream/handle/10680/828/1972-04-Axworthy-FutureCity2-PoliticsofInnovation.pdf?sequence=1

Axworthy, L. & Cassidy, J. (1975). 'Unicity – The Transition'. *The Institute of Urban Studies*. Retrieved Online October 14th: http://winnspace.uwinnipeg.ca/bitstream/handle/10680/834/1975-AxworthyCassidy-UnicityTheTransition.pdf?sequence=3

Bellamy, B. (December 12, 2016). "Developing a road map for growth - Growing up not out requires good communication and processes at city hall." *Winnipeg Free Press*. Retrieved Online November 1, 2019: https://www.winnipegfreepress.com/opinion/analysis/developing-a-road-map-for-growth-405974926.html

Brownstone, M. & Plunkett, T. J. (1983). 'Metropolitan Winnipeg – Politics and Reform of Local Government'. University of California Press.

Metropolitan Planning Commission of Greater Winnipeg. (1956). 'Report of the Metropolitan Planning Commission of Greater Winnipeg – 1956'. Retrieved Online October 16th: https://winnipeginfocus.winnipeg.ca/uploads/r/city-of-winnipeg-archives-amp-records-control-branch/8/9/9/8995ec9608edde983b7c45350617a5a09b204001d892627d623ae36789ffed2a/C0012_0000_0000_A1007_004.pdf

City of Winnipeg. (1971). 'An Outline History of Planning in the City of Winnipeg.' *Survey, Town Planning and Property Department*. Retrieved Online October 16, 2019: https://winnipeginfocus.winnipeg.ca/uploads/r/city-of-winnipeg-archives-amp-records-control-branch/6/4/1/641d734a1c44c5e527fab78b5765c7914e5cbe55cb0d77be2d31043bee29fe1e/VerticleFiles_Planning_01.pdf

City of Brandon. (June 12, 2006). 'Continuing Consolidation By-Law No. 6843.'

City of Calgary. (November 13, 1995). 'By-Law Number 28P95 – Being a Bylaw of the City of Calgary to Establish a Municipal Planning Commission.'

City of Lethbridge. (August 19, 2019). 'By-Law 5801 – Municipal Planning Commission.'

City of Montreal. (January 14, 2002). 'Règlement Sur Le Comité Consultatif D'urbanisme.'

City of Des Moines. (2019). 'Article 15. – 'Article II. - Plan and Zoning Commission'. *Code of Ordinances*.

City of Minneapolis. (October 10, 2019). '525.100. - City planning commission'. *Code of Ordinances*.

City of Omaha Planning Board. (July 14, 1999). 'Rules and Procedures'. City of Omaha Planning Board.

City of Philadelphia. (June 2016). 'Regulations of the City Planning Commission'.

City of Regina. (March 25, 2019). 'The Procedure Bylaw – No. 9004'.

City of Regina. (April 29, 2019). 'The Committee Bylaw – No. 2009-40'.

City of Saskatoon. (July 29, 2019). 'By-Law No. 3670 – A bylaw of The City of Saskatoon providing for a Municipal Planning Commission.'

City of Vancouver. (January 31, 2012). 'Vancouver City Planning Commission By-Law No. 5064'.

Fort Garry, RM. (1954). 'Rural Municipality of Fort Garry Town Planning Scheme 1954'

Helgason, W. (1998). "Unicity: An Evaluation." The Institute of Urban Studies. The State of Unicity – 25 Years Later: Conference Proceedings (October 3-4, 1997).

Province of Manitoba. (October 1971). 'A Suggested Model for Community Committee Structure and Organization'. *Task Force on Community Committees*.

Santin, A. (April 1, 2019). 'Klein pushes for city planning group.' Winnipeg Free Press. Retrieved Online November 1, 2019: https://www.winnipegfreepress.com/local/klein-pushes-for-city-planning-group-507942302.html

Task Force on the Restructure of City Council. (July 26, 1995). 'Task Force on the Restructure of City Council Final Report.' City of Winnipeg.

Task Force on Community Committees. (October 1971). 'A Suggested Model for Community Committee Structure and Organization.' Province of Manitoba.

Thomas, P. (1998). "Diagnosing the Health of Civic Democracy: 25 Years of Citizen Involvement with City Hall." The Institute of Urban Studies. The State of Unicity – 25 Years Later: Conference Proceedings (October 3-4, 1997).

Wichern, P. H. (1984). 'Evaluating Winnipeg's Unicity: Citizen Participation and Resident Advisory Groups, 1971-1984'. The Institute of Urban Studies. Retrieved Online November 1, 2019: http://winnspace.uwinnipeg.ca/bitstream/handle/10680/824/1984-Wichern-EvaluatingUnicityCitizenResident.pdf?sequence=1

Appendix A – SPC Motion

Minutes – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2019

Moved by Councillor Klein,

WHEREAS the City of Winnipeg is committed to improving development approval processes;

AND WHEREAS the City of Winnipeg has recently commissioned a private consultant to undertake a review of the City of Winnipeg governance structure;

AND WHEREAS section 273(1) of the *City of Winnipeg Charter Act* gives Council the authority to establish a planning commission by by-law;

AND WHEREAS Council has discretion in the membership structure, as well as the powers, duties, functions and responsibilities assigned to a planning commission as described in the *City of Winnipeg Charter Act*;

AND WHEREAS a planning commission would allow for Councillors to provide representation at public hearings in support of, or in objection to, development proposals occurring in their ward;

AND WHEREAS decisions of a planning commission on development proposals could result in more consistency and a more stable environment across the City and informed by Council policies;

AND WHEREAS the creation of a planning commission comprised of skilled experts to deal with planning or development matters referred to the commission by Council be advantageous to residents of the City of Winnipeg;

AND WHEREAS assigned duties could be a whole menu of things that could be delegated or directed to the planning commission; everything from conditional uses, variances, subdivisions, consents, down to Our Winnipeg amendments;

THEREFORE BE IT RESOLVED that the Winnipeg Public Service engage stakeholders, including key professional organizations, and a Member of Council as an observer to the process, and report back to the March 2020 meeting of the Standing Policy Committee on Property and Development, Heritage and Downtown Development on the following:

1. Recommendations related to the role, responsibilities and membership structure of a Winnipeg Planning Commission; and

2. Draft Terms of Reference for a Winnipeg Planning Commission.

DIVISION 4
PLANNING COMMISSION

Establishment of planning commission

273(1) Council may by by-law establish a planning commission.

Application

273(2) Section 83 (by-law respecting hearing body) applies, with necessary changes, to a planning commission established under this section.

Powers, duties and functions of commission

274(1) A planning commission must

(a) consider and make decisions respecting applications for variances referred to the commission in accordance with a by-law passed under subsection 247(2) (authority respecting variances);

(b) consider and make decisions respecting applications for conditional use of land referred to the commission in accordance with a by-law passed under subsection 253(2) (authority respecting conditional uses); and

(c) report and make recommendations to council in respect of any planning or development matter referred to the commission by council.

Committee of council duties assigned to commission

274(2) Council may by by-law assign one or more of the powers, duties and responsibilities of a committee of council under the following provisions to a planning commission:

(a) clause 227(1)(b), but only in relation to an amendment to Plan Winnipeg initiated by an application made under clause 225(1)(b);

(b) subsection 234(3) (hearing on secondary plan by-law);

(c) subsection 236(3) (hearing on zoning by-law);

(d) section 240, in relation to an amendment to a development agreement;

(e) subsection 255(3) (referral of proposed subdivisions standards by-law for report);

(f) subsection 256(1) (delegation to committee of council);

(g) section 260 (authority to grant consents);

(h) the conduct of a hearing in relation to a business licence under section 149.

Planning commission to act by resolution

274(3) A planning commission may act only by resolution.

Appendix B Continued…

OTHER SECTIONS REFFERENCED

By-law respecting hearing body

83(1) A by-law establishing a hearing body must provide for

(a) the designation of a member of the body as chairperson, and another member as vice-chairperson, of the body;

(b) payment to members who are not councillors or employees of remuneration and expenses incurred in the performance of their duties as members of the body;

(c) rules of practice and procedure for the body; and

(d) such other matters as council considers necessary or advisable.

Composition of hearing bodies for appeals

83(2) A hearing body must be composed of at least three persons appointed by council, and may consist

(a) entirely of members of council;

(b) of a combination of members of council and other persons; or

(c) entirely of persons who are not members of council.

Criteria for membership

83(3) Council may establish different eligibility requirements for members of different hearing bodies.

Panels

83(4) A by-law under subsection (1) may provide that a hearing body may sit in panels of at least three members of the body selected by the chairperson.

Powers of panels

83(5) If panels are provided for, a panel of a hearing body has all the powers of the hearing body and

(a) a hearing by a panel is a hearing by the body; and

(b) a decision of a panel is a decision of the body.

Business activities

149(1) A by-law passed under the authority of section 148 may include provisions

(a) prohibiting businesses from dealing with minors or individuals under a specified age or from admitting minors or individuals under a specified age to premises in which the business is carried on;

(b) respecting standards and requirements for businesses in respect of the exhibiting, selling, offering for sale, providing and offering to provide goods, services and other activities;

(c) respecting requirements for certain classes of businesses

(i) to keep, and produce in prescribed circumstances or on demand, prescribed records and information in respect of business transactions,

(ii) to retain goods acquired in the business on the business premises or other prescribed premises for a prescribed period of time, and

(iii) to deliver to customers or other persons dealing with the business certain records or documents in respect of transactions; and

(d) respecting hours of operation of businesses.

Business licensing

149(2) Without limiting the generality of section 148, a by-law passed under the authority of that section may include provisions respecting

(a) conditions that must be met before a licence is issued, including the character and fitness of the applicant or licensee;

(b) the designation of classes of businesses that council considers may be injurious to the interests of owners or occupants of property in the vicinity, and providing for conditions and procedures for approving licences for those businesses;

(c) conditions that a business may be carried on only in the premises specified in the licence; and

(d) the designation of parts of the city in which businesses or specified businesses or classes of businesses may not be carried on.

Restriction on licensing certain businesses

149(3) A by-law passed under the authority of section 148 must not require a licence to be obtained for

(a) selling agricultural produce grown in Manitoba if the sale is made by the individual who produced it, a member of the immediate family of the individual or another individual employed by the individual;

(b) operating a public utility that is governed by statute or that is carried on under an agreement between the operator of the utility and the city; or

(c) carrying on a railway.

Initiation of amendments to Plan Winnipeg

225(1) An amendment to Plan Winnipeg may be initiated by

(b) an application

(i) made by the owner of real property to which the application refers, and

(ii) filed with a designated employee.

Hearings on Plan Winnipeg by-laws

227(1) After council gives first reading to a proposed Plan Winnipeg by-law, and before second reading,

(b) the executive policy committee must conduct a hearing and submit its report respecting the proposed by-law to council.

Hearing on secondary plan by-law

234(3) After council gives first reading to a proposed secondary plan by-law,

(a) the city must give notice of a hearing by a committee of council respecting the proposed by-law; and

(b) the committee of council designated for the purpose must conduct a hearing respecting the proposed by-law and submit its report respecting the proposed by-law to council.

Hearing on zoning by-law

236(3) Before or after council gives first reading to a proposed zoning by-law,

(a) it must be referred to a designated committee of council;

(b) the city must give notice of a hearing by the designated committee of council respecting the proposed by-law; and

(c) the designated committee of council must conduct a hearing, and submit a report to council, about the proposed by-law.

Authority for development agreements

240(1) Where an application is made under subsection 275(1) (initiation of development proposals) for adoption of, or amendment to, a zoning by-law, the city may, as a condition of adopting the proposed zoning by-law, require the owner of real property affected by the application to enter into a development agreement with the city respecting the development and any adjacent real property owned or leased by the owner, and such agreements may provide for any of the following:

(a) the use of the land and any existing or proposed building;

(b) the timing of construction of a proposed building;

(c) the siting and design of a proposed building, including the materials to be used for the exterior of the building;

(c.1) the provision of affordable housing, if the application is to permit a new residential development that is subject to a requirement under clause 236(2)(t.1);

(d) traffic control and parking facilities;

(e) landscaping, open space, and grading of land;

(f) any condition described in subsection 259(1).

Authority respecting variances

247(2) Council may by by-law authorize a designated employee or a planning commission to consider, and make decisions in respect of, applications for variances or specified types of variances and applications for variances may be referred to either the designated employee or the planning commission in accordance with the by-law.

Authority respecting conditional uses

253(2) Council may, by by-law, authorize a designated employee or a planning commission to consider, and make decisions in respect of, applications for conditional uses of real property or specified types of conditional uses, and applications for conditional uses of real property may be referred to either the designated employee or a planning commission as determined in accordance with the by-law.

Referral of proposed subdivision standards by-law for report

255(3) After council gives first reading to a proposed by-law under this section respecting the subdivision of land in the city,

(a) the city must give notice of a hearing by a committee of council respecting the proposed by-law; and

(b) the committee of council must conduct a hearing respecting the proposed by-law and submit a report to council respecting the proposed by-law.

Delegation to committee of council

256(1) Council may by by-law

(a) authorize a committee of council or a designated employee to consider, and make decisions in respect of, applications for approval of plans of subdivision or specified types of plans of subdivision, and provide that applications for approval of plans of subdivision be referred to either the committee or the designated employee; and

(b) authorize the committee or the designated employee to approve plans of subdivision, or approve them with conditions that, under a by-law passed under subsection 259(1) (conditions for plans of subdivision), may be imposed in respect of plans of subdivision, except the conditions described in clause (d) of that subsection, without conducting a hearing respecting the application if the committee or the employee determines that the plan of subdivision conforms with section 257 and with other plans of subdivision of adjacent land.

Authority to grant consents

260(1) Council may, by by-law, authorize a committee of council or a designated employee to grant consents to the registration or filing of

(a) leases, conveyances, grants, assignments, agreements or other instruments that must not be accepted for registration or filing without the consent because of section 263 (restriction on instruments); or

(b) specified types of such instruments.

Consent to dealing with land

260(2) A committee of council or designated employee authorized under a by-law passed under subsection (1)

(a) may grant a consent to the registration or filing of an instrument in respect of land if the committee or employee, as the case may be, determines that a plan of subdivision is not necessary for the proper and orderly development of the land; and

(b) may make any consent granted subject to any of the conditions described in subsection 259(1) (conditions for plans of subdivision).

Submission before setting conditions

260(3) The granting of a consent under this Part must not be made subject to conditions unless the applicant for the consent has been given a reasonable opportunity to make submissions respecting the conditions.

Appendix C – Planning Commission Liaison Interview Questions

1. What role does the (City) planning commission play in the development approvals process?

2. For advisory roles, please outline the scope of 'planning related requests' that are asked of Council. Are the boundaries of what may be typically requested by Council clear?

3. How is the chair of the commission appointed / selected? Is this a councillor?

4. What types of development approvals does the (City) planning commission deal with?

5. Does the Planning Commission hold Public Hearings?

If YES

- Which of the following development applications does the (City) Planning Commission hold hearing for?

	Y	N	Notes
Rezoning			
Subdivision			
Variances			
Minor Variances			
Conditional Uses			
Amendments to Official Plan			
Other Plans (ex. Secondary Plans)			

If NO

- Which body is responsible for holding Public Hearings on the following?

	Notes
Rezoning	
Subdivision	
Variances	
Minor Variances	
Conditional Uses	
Amendments to Official Plan	
Other Plans? (ex. Secondary Plans)	

6. What, if any, other processes does the (City) Planning Commission hold Public Hearings for?

Appendix C Continued…

7. How is the volume of development applications/initiatives managed?

   Ex.

   High frequency of meetings
   Breaking committee into multiple simultaneous hearing bodies
   Having sub-committees
   Other

8. Are there any areas of expertise that the planning commission has had difficulty in recruiting a representative for?

9. Are vacancies on the planning commission common? (ie. having one or more vacancies in a typical years).

10. How long is a typical planning commission meeting?

11. What city resources are required to maintain the ongoing operations of the Planning Commission?

12. Are you aware of any challenges or concerns expressed about:
    a. Representation on the planning commission?
    b. Consistency of decision making?
    c. Workload of members or liaisons?
    d. Frequency of meetings?
    e. Resident group representation?
    f. Geographic (local) representation of various segments of the City?

    If yes to any of the above, please describe the nature of these concerns.

13. Has the Planning Commission had any changes / improvements to its by-laws over the last couple of decades? If so, can you provide any reasons for these changes and the details changed?

14. Does the planning commission have the ability to set its own agenda and/or take positions on matters independent of Council?

15. Any other advice to consider if Winnipeg should choose to create a Municipal Planning Commission?

Appendix D – City of Omaha Planning Board Rules and Procedures – Ethical Principles

ETHICAL PRINCIPLES

This statement is a guide to ethical conduct for all who participate in the process of planning as applicants, opponents, advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community. Section A presents what we hold to be necessary elements in such a view.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness, candor and honesty among all participants. Section B presents specific standards.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

A. The planning process must continuously pursue and faithfully serve the public interest.

Planning process participants should:

1. Recognize the rights of citizens to participate in planning decisions.

2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs.

3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.

4. Assist in the clarification of community goals, objectives and policies in plan

making.

5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision.

6. Strive to protect the integrity of the natural environment and the heritage of the built environment.

7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

B. Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning process participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors.

2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.

3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, business associate, family member or person living in their household might directly or indirectly obtain from a planning decision.

4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest.

5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process.

6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate.

7. Serve as advocates only when the client's objectives are legal.

8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate

is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker.

9. Not use confidential information acquired in the course of their duties to further a personal interest.

10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions.

11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome.

Advocates and participants shall fully and candidly present all needful information to the decision makers.

12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service.

13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.