
DATE: November 26, 2010

REPORT TITLE: **REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND APPEAL**

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services

RECOMMENDATION

That staff be authorized and directed to support Regional Official Plan Amendment (ROPA) 25 at the upcoming Ontario Municipal Board (OMB) hearing;

And further, that staff be directed to participate in discussions with the appellant to seek opportunities to resolve concerns;

And further, that a copy of the subject report be forwarded to the Ministry of Municipal Affairs and Housing (MMAH), the Cities of Brampton, Mississauga, the Town of Caledon and the municipalities adjacent to the Region of Peel.

REPORT HIGHLIGHTS

- Regional Council adopted ROPA 25 on February 11, 2010 as part of the Peel Region Official Plan Review (PROPR) process.
- MMAH staff provided proposed Provincial modifications. Following joint discussions and negotiations, the Province released a Notice of Decision on August 10, 2010.
- The Provincial modifications can be characterized as minor edits and clarifications to the Regional Council approved policies.
- In response to the Provincial Notice of Decision, the Province received one appeal on ROPA 25 from Solmar Development Corporation.
- This appeal will be consolidated with all other PROPR amendments appealed to the OMB at the upcoming OMB hearing expected for 2011.

DISCUSSION

1. Background

The purpose of this report is to inform Regional Council of the Provincial Notice of Decision on Regional Official Plan Amendment (ROPA) 25, which includes minor modifications, and to update Regional Council on the appeal of ROPA 25.

On February 11, 2010, Regional Council adopted ROPA 25 under resolution number 2010-90 and by By-law 22-2010. ROPA 25 establishes new and revised performance

November 26, 2010

**REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL**

measurement and Planning Act conformity policies in the Region of Peel Official Plan. After adoption, ROPA 25 was forwarded to the Ministry of Municipal Affairs and Housing (MMAH) for approval.

In July 2010, MMAH staff provided draft modifications on ROPA 25 for the Region to consider. The draft modifications to ROPA 25 are editorial and minor in nature and do not change the policy direction adopted by Regional Council. Regional staff consulted with area municipal staff during the process of reviewing the draft modifications. Discussions were held between MMAH and Regional staff and a written response was sent to MMAH staff on July 29, 2010 accepting the draft modifications, as agreed upon. MMAH staff accepted Regional staff's request to revise several of MMAH's draft modifications to maintain the intent of the Regional Council adopted policies.

On August 10, 2010, by way of a Notice of Decision, the Province approved ROPA 25 as modified. Appendix I provides the Provincial Notice of Decision. Following the Provincial Notice of Decision, MMAH staff received one written appeal on the decision to approve ROPA 25.

2. Overview of Provincial Modifications

Through negotiations with Provincial staff, four minor modifications to ROPA 25 were made. Appendix II illustrates the placement and effect of the Provincial modifications by incorporating them into the Regional Council adopted version of ROPA 25.

The modifications add a number of additional studies for a complete application including: affordable housing report; environmental site assessment; servicing feasibility report; water and wastewater servicing study; stormwater management report; traffic impact study; cultural heritage impact assessment; Greenbelt conformity study; and Lake Simcoe protection plan conformity study. The modifications also revise the Community Improvement Plans (CIPs) policy to describe CIPs and require the Region to designate Community Improvement Project Areas in collaboration with the area municipalities. Also, a modification was made to add wording allowing area municipalities to establish local appeal bodies in accordance with applicable Provincial Regulations.

3. Summary of Appeal

Solmar Development Corporation has appealed ROPA 25.

a) Solmar Development Corporation

In a letter dated August 20, 2010, Lynda J. Townsend of Townsend and Associates, on behalf of Solmar Development Corporation, appealed the decision of the Province to approve the modified ROPA 25 (see Appendix III). In its appeal, the appellant relied on previously raised concerns relating to the need for a firm commitment to review the Official Plan every five years and monitor the Places to Grow targets in consultation with the development industry.

b) OMB Process

ROPA 25 is one of seven separate amendments in the Peel Region Official Plan Review (PROPR). Approved ROPA 20, sustainability and energy policies, was appealed in December 2009, approved ROPA 23 housing policies were appealed in July, 2010 and

November 26, 2010

**REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL**

approved ROPA 22 transportation policies were appealed in September, 2010. Regional Council has been advised of these appeals in separate reports or briefing notes.

As of November 23, 2010, the 180 day deadline for MMAH to provide a decision on the Council adopted ROPA 24 (managing growth, employment areas and Greenbelt conformity policies) has passed and no decision has been received. Subsequently, Solmar Development Corporation, on November 25, 2010, appealed ROPA 24 on the basis of the Minister not providing a decision within the 180 days of ROPA 24 being submitted to the Province. Details of this appeal will be brought forward in a separate Council report on ROPA 24.

Staff has requested the OMB to consolidate all PROPR amendments appealed into one hearing for efficiency and cost-effectiveness purposes. The OMB will schedule a date for a prehearing and subsequently a hearing anticipated for 2011. The OMB will encourage the parties to enter into discussion to resolve issues where possible. It is recommended that Regional Council direct staff to participate in discussions with the appellant to seek opportunities to resolve concerns.

FINANCIAL IMPLICATIONS

As noted above, ROPAs 20, 22, 23, 24 and 25 have been appealed to the OMB and the OMB has agreed to consolidate all appeals. This will ensure the efficient use of time and resources. The Region's legal staff recommends that external legal counsel be retained to defend all PROPR amendments appealed to the OMB. Staff will address this issue through the 2011 Capital Plan Budget.

CONCLUSION

As a result of staff consultation and negotiations, the final Provincial modifications on ROPA 25 can be characterized as editorial and minor in nature. Given that approved ROPA 25 is consistent with Provincial plans and legislation, staff recommends that the Region support ROPA 25 and defend the policies at the OMB.

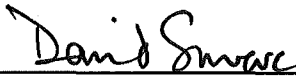
November 26, 2010

**REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL**



Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

*For further information regarding this report, please contact Arvin Prasad at extension 4251 or
via email at arvin.prasad@peelregion.ca*

Authored By: Kathryn Dewar 

c. Legislative Services
Manager, Financial Support Unit (FSU)

PPAR RC 11-01

DECISION

With respect to Regional Official Plan Amendment No. 25 Subsection 17(34) of the Planning Act

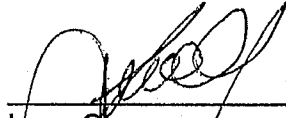
I hereby approve all of Amendment No. 25 to the Official Plan for the Regional Municipality of Peel, as adopted by By-law No. 22-2010, with the following modifications:

Part B - The Amendment

1. **Item #1**, on page 6, as it relates to the second set of bullet points of **Section 7.3.6.2.2** is modified by:
 - a. replacing "*Regional Municipal Comprehensive Review*" with "municipal comprehensive review"; and
 - b. inserting the following bullet points after "functional servicing report":
 - affordable housing report;
 - environmental site assessment;
 - servicing feasibility report;
 - water and wastewater servicing study;
 - stormwater management report;
 - traffic impact study;
 - cultural heritage impact assessment;
 - Greenbelt Conformity Study; and
 - Lake Simcoe Protection Plan Conformity Study.
2. **Item #2**, on page 6, as it relates to **Subsection 7.6.2.23** is modified by deleting "Prepare Community Improvement Plans to further the goals, objectives and policies of this Official Plan." and inserting "Designate in collaboration with the area municipalities, Community Improvement Project Areas and prepare Community Improvement Plans to further the goals, objectives and policies of this Official Plan. Community Improvement Plans may be prepared for: a) infrastructure that is within the Region's jurisdiction; b) land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment; c) affordable housing; and d) other matters as the Province may prescribe in accordance with the *Planning Act*."
3. **Item #2**, on page 6, as it relates to **Subsection 7.6.2.24** is modified by inserting ", in accordance with applicable Provincial Regulations" after the words "(land severance) applications."
4. **Item #21**, on page 9, as it relates to **Section 7.9.2.11** is modified by replacing "7.9.2.13" with "7.9.2.14."

MA-A1-6

Dated at Toronto this 06 of AUGUST, 2010.



Larry Clay
Regional Director
Municipal Services Division
Ministry of Municipal Affairs and Housing

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:
Lyn Townsend (Ext. 222)
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Assistant: Kate King (Ext. 221)
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August 20, 2010

Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Office
777 Bay Street, 2nd Floor
Toronto, Ontario
M5G 2E5

Attention: Melissa Clements, Senior Planner

Dear Madam:

Re: **NOTICE OF APPEAL**
ROPA 25 to the Regional Municipality of Peel Official Plan
Solmar Development Corporation

RECEIVED
MUNICIPAL SERVICES OFFICE
AUG 23 2010
CENTRAL REGIONAL
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

We represent Solmar Development Corporation with respect to its land holdings within the Town of Caledon. Pursuant to section 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, we hereby appeal to the Ontario Municipal Board Regional Official Plan Amendment No. 25 of the Peel Regional Official Plan, as approved by the Ministry of Municipal Affairs and Housing with modifications.

On October 27, 2009, we submitted our comments on the proposed ROPA 25 on behalf of our client. A copy of our letter is attached hereto and to the extent that it has not been addressed in the approved amendment, forms the basis for our appeal.

Enclosed, please find OMB Form A1 and the required \$125 appeal fee. Should you have any questions or concerns with respect to this Notice, please do not hesitate to contact the undersigned.

Yours truly,
TOWNSEND AND ASSOCIATES


Lynda J. Townsend

cc. Client
Ms. Jeannette Gillezeau, Altus Group
Mr. Paul Lowes, Sorensen Gravely Lowes Planning Associates Inc.
Mr. Jim Harbell, Stikeman Elliott

APPENDIX III
REGIONAL OFFICIAL PLAN AMENDMENT 25 -
PERFORMANCE MEASUREMENT POLICIES MSD CENTRAL
AND PLANNING ACT CONFORMITY - PROVINCIAL
MODIFICATIONS AND APPEAL - NOVEMBER 26, 2010

MA-A1-8

Fax:

Aug 24 2010 11:54am P003/008

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNCA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:
Lyn Townsend (Ext. 222)
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October 27, 2009

Region of Peel
10 Peel Centre Drive
Brampton, ON
L6T 4B9

Attention: Ms. Charlotte Gravlev, Clerk

Dear Madam:

Re: Proposed ROPA 25
October 29, 2009 Public Meeting

We act for Solmar Development Corporation. We have reviewed ROPA 25 on its behalf and offer the following comment which we ask form a part of the public record and be distributed to Committee/ Council.

ROPA 25 is intended to revise and add policies to the Region's Official Plan for purposes of conformity to the monitoring requirements set out in the Places to Grow Plan and the *Planning Act*.

Our comments pertain to conformity with the Growth Plan. ROPA 25 has policies that pertain to private Official Plan Amendment applications. There is no text pertaining to criteria to be applied to amendments or reviews initiated by the Region itself. We believe that it is imperative that the policies of ROPA 25 reflect a firm commitment to a public process of reviewing the Official Plan every five years as is required by the Growth Plan and s.26 of the *Planning Act*. Municipalities have not typically respected the five year review requirement. The substantial additional powers given to municipalities through recent amendments to the *Provincial Policy Statement*, *Planning Act* and the Growth Plan have resulted in the elimination of rights to apply for settlement area expansions and employment conversions and have imposed new criteria for densities. In our submission these municipal rights are tied to the responsibility to conduct regular reviews. We believe ROPA 26 should set out time frames for commencing the next Official Plan review with a deadline for any resultant Official Plan Amendment being December, 2014 at the latest. This date is five years from the date of Regional adoption of the last of the Regional Official Plan Amendments conducted pursuant to s. 26 of the *Planning Act*.

We also believe that monitoring of the Places to Grow targets should include a specific reference to consultation with the development industry so that the challenges facing service providers are understood and accounted for.

SUITE 10, 1525 CORNWALL ROAD, OAKVILLE, ONTARIO L6J 0B2
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APPENDIX II
REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL
NOVEMBER 26, 2010

REGION OF PEEL
REGIONAL OFFICIAL PLAN
REGIONAL OFFICIAL PLAN AMENDMENT
NUMBER 25
PERFORMANCE MEASUREMENT POLICIES AND
PLANNING ACT CONFORMITY
AUGUST 10, 2010 PROVINCIAL MODIFICATIONS
REFLECTED

PLEASE NOTE:

- PROVINCIAL MODIFICATION DELETIONS ARE SHOWN AS STRIKETHROUGHS
- PROVINCIAL MODIFICATION ADDITIONS ARE SHOWN IN **BOLD** LETTERING

THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached text constitutes Amendment Number 25 to the Region of Peel Official Plan 1996.

a. Amendments to Text

1. Chapter 7, Implementation, Section 7.3 is amended by adding the following after Section 7.3.5:

7.3.6 Pre-consultation and Complete Applications

Applications to amend the Regional Official Plan shall be subject to the requirements for pre-consultation as described below. Applications to amend the Regional Official Plan must be complete applications as described below.

7.3.6.1 Objectives

- 7.3.6.1.1 To require pre-consultation for all applications to amend the Regional Official Plan.

APPENDIX II
REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL
NOVEMBER 26, 2010

7.3.6.1.2 To require that all applications to amend the Regional Official Plan be complete applications as described below.

7.3.6.2 Policies

It is the policy of *Regional Council* to:

7.3.6.2.1 Require a pre-consultation meeting between applicants and Regional staff prior to the submission of an application to amend the Regional Official Plan. Applications that require both a Regional Official Plan Amendment and an *area municipal official plan* amendment may request a joint pre-consultation meeting between the applicant, the *Region* and the area municipality.

7.3.6.2.2 Require the following studies, reports and documents when determining if an application to amend the Regional Official Plan is complete:

- a completed Regional Official Plan Amendment application;
- the current application fee;
- a draft of the proposed amendment, including the proposed text and all proposed schedules;
- at least one pre-consultation meeting to determine the required studies, reports and documents; and
- other studies, reports and documents as required through the pre-consultation meeting or meetings.

The following list includes studies that may be required to evaluate an application to amend the Regional Official Plan:

- planning justification;
- environmental impact statement;
- natural heritage evaluation;
- hydrogeological evaluation;
- geotechnical and hydrologic/flood studies;
- agricultural impact study;
- landform conservation area study;
- earth science heritage evaluation;
- archaeological assessment;
- ~~Regional Municipal Comprehensive Review~~ **municipal comprehensive review**;
- transportation study;
- natural hazard land studies including the delineation of hazard lands;
- human-made hazards including oil, gas and salt hazards;
- minerals and petroleum resources study;
- noise and/or vibration study;
- Oak Ridges Moraine Conservation Plan Conformity Study;
- Niagara Escarpment Plan Conformity Study;
- community infrastructure needs evaluations;
- public health impact studies;

APPENDIX II
 REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
 POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
 APPEAL
 NOVEMBER 26, 2010

- mineral aggregate resource impact; and
- functional servicing report.
- **affordable housing report;**
- **environmental site assessment;**
- **servicing feasibility report;**
- **water and wastewater servicing study;**
- **stormwater management report;**
- **traffic impact study;**
- **cultural heritage impact assessment;**
- **Greenbelt Conformity Study; and**
- **Lake Simcoe Protection Plan Conformity Study**

The Region will consult with the relevant area municipality, to determine the scope of requirements to support an application for an amendment to the Regional Official Plan.

Other studies, reports or documents may be requested when an application to amend the Regional Official Plan is received.

2. Chapter 7, Implementation, Section 7.6.2 is amended by adding the following after Section 7.6.2.22:

7.6.2.23 ~~Prepare Community Improvement Plans to further the goals, objectives and policies of this Official Plan.~~
Designate in collaboration with the area municipalities, Community Improvement Project Areas and prepare Community Improvement Plans to further the goals, objectives and policies of this Official Plan. Community Improvement Plans may be prepared for:

- a) **infrastructure that is within the Region's jurisdiction;**
- b) **land and buildings within and adjacent to existing or planned transit corridors that have the potential to provide a focus for higher density mixed-use development and redevelopment;**
- c) **affordable housing; and**
- d) **other matters as the Province may prescribe in accordance with the *Planning Act*.**

7.6.2.24 Recognize the right of area municipalities to adopt Official Plan policies directing the establishment of local appeal bodies to hear appeals of municipal decisions of minor variance and consent (land severance) applications, **in accordance with applicable Provincial Regulations.** No amendment to the Regional Official Plan shall be required in order for one or more area municipalities to establish a local appeal body.

**APPENDIX II
REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL
NOVEMBER 26, 2010**

3. Chapter 7, Implementation, Section 7.9 is amended by deleting the word "Monitoring" in the title and replacing it with the words "Performance Measurement".
4. Chapter 7, Implementation, Section 7.9, paragraph one, is amended by deleting the words "Urban System and 2021 for the Rural System" and replacing them with "planning horizon to the year 2031."; adding the words "The Regional Official Plan Performance Measurement Program (ROPPMP) is the" before the words "A mechanism"; deleting the "A" before the word "mechanism"; deleting the word "monitoring" and replacing it with the words "measuring performance"; and deleting the words "is required" before the words "to identify".
5. Chapter 7, Implementation, Section 7.9 is amended by inserting the following after paragraph one:

"The establishment of the ROPPMP led to a systematic approach to evaluating the goals, objectives, and policies in this Plan through the development of a performance measurement framework and set of indicators. The ROPPMP has provided the foundation for further work to measure the performance of policies in this Plan that conforms to Places to Grow. Measuring the performance of this Plan will lead to opportunities to share expertise and knowledge in developing systematic approaches that measure the progress of other Regional programs and *services*."
6. Chapter 7, Implementation, Section 7.9, paragraph two, is amended by deleting the word "This" and replacing it with the words "The performance measurement policies of this"; deleting the words "as required by the Planning Act," and replacing them with the words "on a regular basis".
7. Chapter 7, Implementation, Section 7.9.1.1 is amended by deleting the words "establish a mechanism" and replacing them with the words "continue the Regional Official Plan Performance Measurement Program (ROPPMP); and deleting the word "monitoring" and replacing it with the word "measuring".
8. Chapter 7, Implementation, Section 7.9.1 is amended by adding the following after section 7.9.1.2:

7.9.1.3 To develop objectives and indicators, measure performance and outcomes, and related metrics to support the *Region of Peel's* programs and *services*.
9. Chapter 7, Implementation, Section 7.9.2.1 is amended by deleting it and replacing with the following:

7.9.2.1 Develop a strategy for *Region of Peel* programs and *services* that reflects corporate objectives, and measures, evaluates, and reports on progress and successes.
10. Chapter 7, Implementation, Section 7.9.2.2 is amended by deleting it and replacing it with the following and renumbering it to 7.9.2.3:

**APPENDIX II
REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
APPEAL**

NOVEMBER 26, 2010

7.9.2.3 Collaborate and develop, with the area municipalities, conservation authorities, the Province, other government agencies, and the community, appropriate indicators to analyze the effectiveness of this Plan and to serve as a basis for any policy adjustments which results from this analysis.

Selected indicators are those that can be effectively measured in response to change and those that will yield meaningful results. Indicators selected may be within the following indicator categories, but are not necessarily limited to:

- designated greenspace
- natural cover
- urban tree canopy
- indicator species
- surface and groundwater quality and quantity
- water use and efficiency
- *transit modal share*
- transportation demand management
- *redevelopment* to total *development*
- residential and non-residential densities
- housing production
- industrial/commercial ratios
- employment to population ratios
- employment land area
- work force
- designated greenfield densities
- residential *development* in built-up area
- household waste
- energy use
- public health
- social trends

11. Chapter 7, Implementation, Section 7.9.2 is amended by adding the following after Section 7.9.2.1:

7.9.2.2 Evaluate and update with the area municipalities, the conservation authorities, and other stakeholders the existing performance measurement framework and indicators and prepare the ROPPMP report regularly to evaluate the level of progress in meeting the goals, objectives and policies in this Plan.

12. Chapter 7, Implementation, Sections 7.9.2.3 and 7.9.2.4 are amended by deleting them.

13. Chapter 7, Implementation, Section 7.9.2 is amended by adding the following new sections after the renumbered Section 7.9.2.3:

7.9.2.4 Monitor the cumulative effects of development, intensification and other land use changes to assess the effectiveness of environmental policies in

**APPENDIX II
 REGIONAL OFFICIAL PLAN AMENDMENT 25 - PERFORMANCE MEASUREMENT
 POLICIES AND PLANNING ACT CONFORMITY - PROVINCIAL MODIFICATIONS AND
 APPEAL
 NOVEMBER 26, 2010**

Peel. Monitoring will be undertaken *jointly* with the area municipalities, conservation authorities and other government agencies through integrated watershed monitoring programs, watershed studies or other performance measurement initiatives.

7.9.2.5 Work, jointly with the area municipalities and conservation authorities to identify data gaps when selecting indicators and establish consistent methodologies for data collection so that information can be compared and uniform across *the Region*.

14. Chapter 7, Implementation, Section 7.9.2.5 is renumbered to Section 7.9.2.9
15. Chapter 7, Implementation, Section 7.9.2.6 is renumbered to Section 7.9.2.10
16. Chapter 7, Implementation, Section 7.9.2.7 is amended by deleting the word "and" after the words "*the Region*" and replacing it with a comma: "," ; by adding the words "and the conservation authorities" before the words "which may be identified" and by renumbering it to 7.9.2.6
17. Chapter 7, Implementation, Section 7.9.2.8 is amended by deleting the word "*region*" and replacing it with the word "*Region*" and by renumbering it to Section 7.9.2.7
18. Chapter 7, Implementation, Section 7.9.2 is amended by adding the following new section after renumbered Section 7.9.2.7:

7.9.2.8 Work with the area municipalities to develop a consistent methodology to measure progress in meeting the population and employment forecasts and the intensification, density, and housing targets in this Plan.
19. Chapter 7, Implementation, Section 7.9.2.9 is amended by deleting the word "monitoring" after the words "standards and" and replacing it with the word "performance measurement"; and is renumbered to Section 7.9.2.11
20. Chapter 7, Implementation, Section 7.9.2.10 is renumbered to Section 7.9.2.12
21. Chapter 7, Implementation, Section 7.9.2.11 is renumbered to Section ~~7.9.2.13~~ **7.9.2.14**