

ISSUE DATE:

**Dec. 8, 2006**

DECISION/ORDER NO:

**3434**



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL050743

PL060347

Sierra Club of Canada Peel Region Group, Ministry of Municipal Affairs and Housing, Brampton Brick Limited and Northwest Brampton Landowners Group Inc. have appealed to the Ontario Municipal Board under subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Region of Peel to approve Amendment # 15 to the Region of Peel Official Plan

OMB Case No. PL050743

OMB File No. O050117

The City of Brampton has appealed to the Ontario Municipal Board under subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the Region of Peel to announce a decision respecting Proposed Amendment No. OP93-245 to the Official Plan for the City of Brampton

OMB Case No. PL060347

OMB File No. O060069

#### **APPEARANCES:**

##### **Parties**

Region of Peel

Sierra Club of Canada

Ministry of Municipal Affairs and Housing

Brampton Brick Limited

Northwest Brampton Landowners Group Inc.

City of Brampton

Therese Gain Taylor

##### **Counsel**

S. Garrod and B. Loewen

P. Boutis and H. Wilkins

I. Shacter and C. Cosentino

R. Webb and E. Pefhany

S. Snider

C. Grant

#### **DECISION DELIVERED BY J. R. AKER AND ORDER OF THE BOARD**

##### **Settlements**

In Decision/Order No. 2771 issued October 2, 2006 relating to the second prehearing conference held September 22, 2006, the Board acknowledges receipt of

Minutes of Settlement between the Province of Ontario (Province), the Regional Municipality of Peel (Region) and the City of Brampton (City) which included a modified Regional Official Plan Amendment No. 15 (ROPA 15) and a modified City of Brampton Official Plan Amendment No. 93-245 (OPA 93-245).

Since that time, counsel for the Region and the City have advised the Board and all parties, by electronic mail, of other settlements and agreements in principle and the preparation of Minutes of Settlement for execution.

At the outset of this hearing, the Board was provided with Minutes of Settlement between the Province, the Region, the City and Brampton Brick Limited. This settlement proposes modifications to both ROPA 15 and OPA 93-245.

In a similar manner, the Board was provided with Minutes of Settlement between the Province, the Region, the City and the Sierra Club of Canada. This settlement proposes modifications to OPA 93-245 but not to ROPA 15.

Lastly, the Board was provided with Minutes of Settlement between the Region, the City and the Regional Municipality of Halton (a participant) and the Town of Halton Hills (a participant). This settlement does not involve any modifications to ROPA 15 or OPA 93-245.

These four executed Minutes of Settlement are found in Exhibit 11, Tab 1, 2, 3, and 4. The Board was provided with a proposed ROPA 15 which includes all settlement modifications (Exhibit 11, Tab 5) and a consolidated OPA 93-245 incorporating all proposed modifications (Exhibit 11, Tab 6). Counsel for the Northwest Brampton Landowners Group Inc. stated that his client supports the Minutes of Settlement and the modified ROPA 15 and modified OPA 93-245 now before the Board. The Board was in receipt of a letter from Mr. Peter Dailleboust (Exhibit 16) notifying the Board that the Region of Halton and the Town of Halton Hills are withdrawing as participants as all options for the location of a North South Transportation Corridor on the Peel/Halton boundary have been satisfied through their settlement agreement.

### **Oral Motion For An Adjournment**

Prior to the introduction of any evidence, Ms Therese Gain Taylor, representing Citizens for Ethical Civic Engagement, brought an oral motion to adjourn the hearing to Monday, December 4, 2006. The grounds for the motion were:

1. Would like to present a case;
2. Opportunity to summons Margaret Walton, a planner retained by the Sierra Club of Canada for this hearing;
3. Opportunity to summons Albert van Donkersgoed, Executive Director for the GTA Agricultural Action Committee; and
4. Opportunity to screen two documentaries which are not available until November 21, 2006.

Mr. Garrod, counsel for the Region, opposed the motion for adjournment on the following grounds:

1. The matter was before the Ontario Municipal Board for two prehearing conferences on June 26, 2006 and September 22, 2006;
2. The mover of the motion was present at both prehearing conferences and as a party to the hearing did not object to the Board's Procedural Order attached to Decision/Order 2711;
3. The Procedural Order clearly sets out the obligations of the parties and in particular sections 8, 11, 13 and 18 which state as follows:
  8. A party who intends to call witnesses, whether by summons or not, shall provide to the Board and the other parties a list of the witnesses and the order in which they will be called. This list must be delivered on or before September 29, 2006.

11. Expert witnesses who are under summons but not paid to produce a report do not have to file an expert witness statement; but the party calling them must file a brief outline of the expert's evidence, as in section 12.
13. On or before Friday, October 27, 2006, all parties shall provide copies of their visual evidence to all of the other parties. If a model will be used, all parties must have a reasonable opportunity to view it before the hearing.
18. No adjournments or delays will be granted before or during the hearing except for serious hardship or illness. The Board's Rules 61 to 65 apply to such requests.
4. All parties were advised by electronic mail, dated October 27, 2006, that the Region and City had reached an agreement in principle with the Sierra Club of Canada; and
5. All parties, both public and private, are present today and prepared to proceed.

Mr. Grant, counsel for the City, opposed the motion on the same grounds and in particular that:

1. The purpose of the two prehearing conferences is to provide structure and fairness for the hearing; and
2. The Procedural Order sets out the responsibilities of all parties.

Mr. Snider, counsel for the Northwest Brampton Landowners Group Inc., opposed the motion on the grounds that:

1. The Procedural Order is very clear;
2. The parties have both rights and obligations; and

3. There is no justification to grant an adjournment.

Based on the above submissions, the Board Orders that the motion is denied for the following reasons:

1. Ms Gain Taylor was present at the prehearing conference of June 26, 2006 which established November 14, 2006 as the start of the hearing. This provided over four months notice as to the start date of the hearing;
2. Ms Gain Taylor received party status at the second prehearing conference and did not object to the Procedural Order in Decision/Order 2711 issued October 2, 2006;
3. Section 8 of the Procedural Order states that a party who intends to call witnesses, whether by summons or not, shall provide a list to the other parties by September 29, 2006. The date for advising other parties of witnesses and those by summons is long past;
4. Section 11 of the Procedural Order requires a party to provide a brief outline of an expert witness statement who is under summons. This has not been done;
5. Section 13 of the Procedural Order requires all parties to provide copies of their visual evidence on or before October 27, 2006. Ms Gain Taylor is requesting to provide visual evidence that will not be available until November 21, 2006 which is well past the date of the hearing agreed to by all parties;
6. Section 18 of the Procedural Order states that no adjournments will be granted except for serious hardship or illness. The mover of the motion has not demonstrated to the satisfaction of the Board that either of these reasons for an adjournment has been met.

## **Overview and Chronology of Events**

The current Official Plan of the City of Brampton was approved by the Province in March 1997. The only lands not located within the urban boundary are approximately 6,000 acres located in the northwest quadrant of Brampton that are bounded by Mayfield Road to the north, the Credit River to the south, Winston Churchill Boulevard to the west and an irregular boundary formed by portions of McLaughlin Road North, Creditview Road and Mississauga Road to the east (Exhibit 15). North West Brampton is also located outside of the urban Boundary of the Regional Official Plan.

Provincial Highway 401 is south of the subject lands and ETR Highway 407 crosses Highway 401 southwest of the subject lands. i Trans Consulting were retained to address comprehensively the transportation needs of the area and to recommend transportation corridors to connect any future development with the 401/407 highway system which are south of the subject lands.

In order to determine the long term planning requirements for North West Brampton and to provide for the required infrastructure, the City Council adopted on March 8, 2000 Resolution PB076-2000 that directed staff of the City to proceed with an Urban Boundary Review and initiate background studies for the North West expansion area.

In August 2000 City Council endorsed a two-stage planning process starting with Phase 1 which included an Employment and Residential Land Demand Study for the City of Brampton, a Shale Resources Review and a Transportation Infrastructure Review. City Council, in December 2002, endorsed Phase 2 which directed staff to hold a public information meeting and to proceed with further component studies to address Environment and Open Space, Agriculture, Municipal Finance and Servicing. During this time frame, the Region advised the Ministry of Municipal Affairs and Housing of Brampton's initiation of a review of the proposed urban boundary expansion and included in the letter of June 25, 2001 the Region's comments on the draft Land Needs Study prepared by Hemson Consulting. On March 21, 2002 the Region held a statutory public meeting to determine the need for a review of the Regional Official Plan. It was determine that a Regional Official Plan Strategic Update would be required examining

issues through four Focus Areas including Environment, Human Services Planning, Regional Structure and Transportation.

The Board was provided with a nine page chronology relating to the North West Brampton Urban Boundary Review (Exhibit 13A, Attachment B) covering the time frame from March 8, 2000 to the Ontario Municipal Board hearing of November 14, 2006. During the six year time frame, significant legislation was passed by the Province of Ontario including the *Greenbelt Act* which received Royal Assent in February 2005, the *Places to Grow Act* which received Royal Assent in June 2005 and the Provincial Policy Statement (2005).

### **Position of Therese Gain Taylor and Participants**

The Board heard evidence from Therese Gain Taylor and four participants: Suzanne Cook, Steven Kaasgaard, Marian Gain and Robert Heaton.

In the opinion of Ms Gain Taylor, ROPA 15 does not represent good planning and the settlements in this hearing are not in the public interest. In her opinion, ROPA 15 will not enhance the quality of life for the residents of Peel Region. In the short term, it will produce more cars, more pollution, more gridlock, more stress related illness and add to the overwhelming burden on our health care system. In the long term, it will remove a source of our food growing capacity at a time, in her opinion, when cheap imports will no longer be possible.

Ms Gain Taylor referred to the Provincial Policy Statement (2005) and in particular subsection 1.7.1(a) that long-term economic prosperity should be supported by optimizing the long-term availability and use of land and resources and subsection 1.7.1(g) that promotes the sustainability of the agri-food sector by protecting agricultural resources and minimizing land use conflicts. Ms Gain Taylor questions "Is not Class 1 farmland an important resource for the long-term prosperity of future generations of Peel and surrounding regions in the GTA?" and "How much more of our precious farmland can we bury before we know that we have gone too far?"

Ms Gain Taylor referred to Section 1.1.3.9 of the Provincial Policy Statement (2005) and in particular subsection 1.1.3.9 c) which is set out as follows:

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

- c) in *prime agricultural areas*
  - 1. the lands do not comprise *specialty crop areas*;
  - 2. there are no reasonable alternatives which avoid *prime agricultural areas*; and
  - 3. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*; and...

She relies on the witness statement of Ms Margaret Walton, a planner retained by the Sierra Club of Canada in preparation for this hearing, and her position that "ROPA 15 and the City of Brampton OPA 93-245 is not consistent with Section 1.1.3.9 c) of the Provincial Policy Statement 2005 and does not represent good planning." Similarly, she relies on the witness statement of Ms Melanie Hare and her conclusions that both ROPA 15 and OPA 93-245 are not consistent with the Provincial Policy Statement 2005 and ROPA 15 does not conform to the Greenbelt Plan and OPA 93-245 does not conform to a number of policies contained within the Growth Plan.

Ms Gain Taylor referred to Section 4.2.2 Prime Agricultural Areas as set out in the Growth Plan for the Greater Golden Horseshoe 2006 and in particular subsection 1 which states:

Through *sub-area* assessment, the Ministry of Public Infrastructure Renewal and other Ministers of the Crown, in consultation with municipalities and other stakeholders, will identify *prime agricultural areas*, including *specialty crop areas*, in the *GGH*, and where appropriate, develop additional policies for their protection.

In her opinion, this implies that important farmlands have been left out of the Greenbelt Plan and that meaningful participation is welcome in determining which lands need protection.

Ms Gain Taylor made reference to climate change, peak oil, the price of electricity, food security and the importance of preserving our prime agricultural land. She refers to a documentary by Al Gore called *An Inconvenient Truth* and a book by Ronald Wright called *A Short History of Progress*. Lastly, she states that Mr. Wright summarizes his book by saying:

“Don’t build on your agricultural land.”

“Don’t build on your agricultural land.”

“Don’t build on your agricultural land.”

The Board has tried to summarize the evidence of Ms Gain Taylor but the summary is not inclusive of all her evidence.

Ms Suzanne Cook, a resident of Brampton, spoke to the issue of food security and the need for political and societal support of farmers. In her opinion, local produce has less pesticides and the proposal before the Board will negatively impact on local farmers’ markets currently located in the subject lands. In her opinion, we need to protect the Greenbelt Area and to protect food supply and to think 50 years in advance.

Counsel for the City advised Ms Cook that the proposed Urban Expansion Area does not include the Greenbelt Area and indicated the Greenbelt Area as set out in Exhibit 15. Council for the Region advised Ms Cook that the *Greenbelt Act* and Greenbelt Plan take precedence over any municipal planning. Ms Cook appreciated that information.

Mr. Steven Kaasgaard, a resident of Brampton, brought a plate, knife, fork and a paving stone to the hearing (Exhibit 24) to demonstrate that farmers cannot grow agricultural products in an urban environment.

Ms Marian Gain, a resident of Georgetown, provided evidence similar to Ms Gain Taylor but did provide the Board with a DVD called The End of Suburbia. The Board did view this DVD, as agreed to by the parties, since the conclusion of the hearing. This DVD questions the sustainability of suburban development as global demand for fossil fuels begin to outstrip supply.

Lastly, Mr. Robert Heaton, a resident of nearby Glen Williams, expressed concern with traffic problems on Winston Churchill Boulevard and advised the Board of the long history of residents fighting urban expansion over farmland in the City of Mississauga which is directly south of the City of Brampton.

**Position of the Region of Peel, City of Brampton, Ministry of Municipal Affairs and Housing, Northwest Brampton Landowners Group Inc., Sierra Club of Canada and Brampton Brick Limited**

All six remaining parties either through Minutes of Settlement or by providing *viva voce* evidence or through submissions support the modifications and resultant amended ROPA 15 and OPA 93-245 now before the Board. Mr. David Waters, Manager of Land Use Policy in the City of Brampton Planning, Design and Development Department, and Mr. Bryan Hill, Planning Manager in the Planning Department of the Region of Peel, both provided land use planning evidence in support of the modified ROPA 15 and OPA 93-245. Mr. Jerome Hagarty, a professional agrologist and qualified as an expert in agricultural planning, provided an analysis of agricultural impacts and the tests set out in the provincial Policy Statement 2005.

The evidence of Mr. Waters is that OPA 93-245 represents a high level policy document that proposes to expand the urban boundary of the Official Plan of the City to include all of North West Brampton into an urban area. OPA 93-245 attempts to balance competing interests such as shale protection and agriculture while planning to accommodate a portion of future population growth and employment growth that has been forecasted for the Region of Peel. No general land use designations or natural heritage features are designated in OPA 93-245 but it provides a policy framework to guide subsequent stages of Planning for North West Brampton and the ultimate release of the lands.

The evidence of Mr. Waters is that the four settlements clarify and improve the wording and intent of both OPA 93-245 and ROPA 15.

The settlement with the Province of Ontario covers shale protection, the Growth Plan and the Greenbelt Plan. Policies have been added that continue to protect the shale resource and make it available for extraction west of Mississauga Road for a minimum of 10 years. Section 4.15.1 of OPA 93-245 clearly states that it is the policy of the Council of the City to ensure that the applicable requirements of the Growth Plan are met in the planning and development of North West Brampton. In the opinion of Mr. Waters, this section of OPA 93-245 clearly sets out that future planning must conform and implement the requirements of the Growth Plan. Mr. Waters took the Board to Schedule A and OPA 93-245 which clearly depicts the Greenbelt Area enhanced with the text reference that "Any lands within the Greenbelt Area are not part of the urban area and are subject to the policies of the Greenbelt Plan". This is repeated in Schedule D of ROPA 15 and in the opinion of Mr. Waters provides consistency between the two Official Plan Amendments by clearly stating that the Greenbelt Area is not part of the urban area.

The evidence of Mr. Waters is that the settlement with Brampton Brick Limited helps to clarify the Provincial position on shale protection and removes any perceived imbalance that would prevent the processing of a rezoning application for a shale extraction operation in the Corridor Protection Area.

The evidence of Mr. Waters is that the settlement with the Sierra Club of Canada incorporates additional details with regard to secondary planning based on the principles of the Provincial Growth Plan and further consideration of the Greenbelt Area. Specific modifications were added to guide the planning of the lands adjacent to the Greenbelt Area in North West Brampton. Modifications provide further direction for secondary planning based on the principles of the Growth Plan which focus on compact and complete communities. The modifications attempt to address climate change by promoting transit oriented development, intensification opportunities and pedestrian friendly development.

The evidence of Mr. Waters is that the fourth settlement with the Region of Halton and the Town of Halton Hills provides for consultation on any studies regarding the North-South Transportation Corridor that identify transportation issues along the Halton/Peel boundary.

In the opinion of Mr. Waters the amended OPA93-245 and amended ROPA 15 are consistent with the Provincial Policy Statement 2005 (PPS 2005). Both documents recognize the Provincial Growth Plan and that all planning for North West Brampton will have to follow the policies of the Provincial Growth Plan. The Growth Plan requires that new communities be compact and complete with densities and urban form that support transit and mixed land uses to create vibrant communities. Both documents recognize the Greenbelt Plan and include the Greenbelt Area in North West Brampton and state that the Greenbelt Area is not part of the urban area and are subject to the policies of the Greenbelt Plan.

Mr. Waters referred to Section 1.1.3.9 of the PPS 2005 which lists four criteria for allowing of a settlement area boundary expansion only after comprehensive review. He relies on the work completed by Hemson Consulting Ltd. (Exhibit 12, Volume 5, Tab 9) with regard to intensification and redevelopment and their conclusion that "the expansion of the regional Urban System meets the settlement area expansion criteria in the PPS" and "North West Brampton is the most logical location for urban expansion". He relies on the reports completed by i Trans Consulting Inc. (Exhibit 12, Volume 3, Tabs 9 and 12) and of the Region of Peel to address infrastructure and public service facilities such as transportation and water and sewer requirements. Mr. Waters relies on studies completed by AgPlan Limited such as the Updated Agricultural Assessment Report for North West Brampton (Exhibit 28B) that concludes "the proposed North West Brampton Study Area currently has a restricted and relatively lower potential for specialty crop production" and "there are no reasonable potential development area alternatives which could avoid prime agricultural soils in Peel Region" and "there are no reasonable potential development area alternatives with lower priority agricultural lands in the prime agricultural area". The evidence of Mr. Waters is that impacts from the expanding settlement area on agricultural operations will be addressed at the time of

secondary planning where the Minimum Distance Separation guidelines of the Ministry of Agriculture will be applied.

In his opinion, OPA 93-245 and ROPA 15 are consistent with the PPS 2005 and OPA 93-245 conforms to ROPA 15 as the two planning documents followed from a comprehensive planning process and in his words "mirror each other" and when approved will conform to the Official Plan of the Region of Peel. In his concluding opinion, Mr. Waters stated that the review process has taken over five years, protects the public interest and maintains the integrity of the planning process as prescribed by the *Planning Act* and represents good planning.

Mr. Bryan Hill, Planning Manager for the Region of Peel, provided planning evidence on a panel with Mr. Waters. From his perspective as Regional Planner responsible for this matter, his planning opinion is that ROPA 15 and OPA 93-245 as proposed to be modified by the settlements represent good planning for the Province, the Region and the City. He reviewed in detail the requirements for an amendment to the Regional Urban Boundary as set out in section 7.9.2.8(a) to (j) of the Region of Peel Official Plan (Exhibit 12, Volume 5, Tab A, Pages 129-130) and the requirements of the *Greenbelt Act* and the *Places to Grow Act*. His summarized opinion evidence is as follows:

1. The adoption of ROPA 15 and OPA 93-245 followed from a comprehensive planning process in compliance with the *Planning Act* that fully considered all of the requirements for an urban boundary expansion as established by the Regional Official Plan in section 7.9.2.8 and in the PPS 2005.
2. The proposed amendments as proposed to be modified by the settlements are consistent with the PPS 2005.
3. The proposed amendments as proposed to be modified by the settlements comply with the Greenbelt Plan made under the *Greenbelt Act*.

4. The proposed amendments achieve a balance of the competing Provincial, Regional and City planning interests and priorities relating to this matter.
5. The *Places to Grow Act* and Places to Grow Plan for the Greater Golden Horseshoe (2006) will ensure that the detailed planning and development of North West Brampton occurs in compliance with the requirements of these provincial planning initiatives, including ensuring that density and intensification requirements are implemented as required.
6. The Places to Grow Plan requires the Region of Peel to plan for 1.64 million people by 2031 and requires certain intensification and density targets to be met. ROPA 15 and OPA 93-245, as amended, will enable the Region of Peel to substantially achieve the population requirements of the Growth Plan.
7. OPA 93-245 implements ROPA 15 and provides an appropriate level of detail to guide the future planning and development of North West Brampton.

Mr. Jerome Hagarty, a professional agrologist and also qualified as a expert in agricultural planning, brought an interesting perspective to the hearing. In addition to his academic qualifications and his experience as a professional agrologist, Mr. Hagarty was born and raised on a farm in Ontario and was co-owner of the home farm until 1997.

Mr. Hagarty was retained to review and evaluate agricultural issues raised by the Sierra Club of Canada through its witness statements and to evaluate if the North West Brampton urban expansion satisfies the tests set out in the PPS 2005 for an expansion of a settlement area within a prime agricultural area and in particular subsection 1.1.3.9 (c) and (d) which allow for the expansion of a settlement area only where it has been demonstrated that:

P(c) in *prime agricultural areas*:

1. the lands do not comprise *specialty crop areas*;
  2. there are no reasonable alternatives which avoid *prime agricultural areas*; and
  3. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*; and
- (d) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

Mr. Hagarty reviewed the AgPlan Limited Agricultural Assessment Report of June 2006 (Exhibit 12, Volume 4, Tab 13) and provided an analyses encompassing the prime agricultural land status of the subject lands, the defining and designating of specialty crop areas, specialty crop production within North West Brampton and any agricultural impacts.

In his opinion, the analyses leads to the following conclusions:

1. The agricultural lands of North West Brampton, including those adjacent to Huttonville, are not designated as a Specialty Crop Area as specified within the definition for such lands within the Provincial Policy Statement;
2. A provincially approved evaluation process for Speciality Crop Area designation, in accordance with the definition of such lands within Provincial Policy, is currently not available;
3. Due to the relatively small and fragmented occurrence of such production in North West Brampton and the limited occurrence of unique, defining soil and climatic resources supporting such production, the Huttonville area agricultural lands north of the Credit River within North West Brampton, do not comprise a Specialty Crop Area as defined within Provincial Policy;

4. The AgPlan Agricultural Assessment (2004) prepared for the City of Brampton clearly demonstrates a lack of reasonable alternatives to accommodate needed development that can avoid prime agricultural lands or use prime agricultural lands of lesser agricultural priority;
5. Agricultural impact mitigation, including Minimum Distance Separation for agricultural facilities located adjacent to proposed development within North West Brampton, can occur as part of the secondary planning process; and
6. Given the above, it is concluded that the proposed Official Plan Amendments for North West Brampton and the Region of Peel meet the tests of the Provincial Policy Statement policy 1.1.3.9(c)(d).

Mr. Hagarty, rather than trying to undermine or contradict the witness statements of Ms Walton and Ms Hare, chose instead through his witness statement and *viva voce* evidence to put forward his position on the matter before the Board. Mr. Hagarty did agree with the conclusions found in the Updated Agricultural Assessment Report for the North West Brampton Urban Expansion Area prepared by AgPlan Limited (Exhibit 28B).

At the conclusion of Mr. Hagarty's evidence, counsel for the City of Brampton provided the Board with a letter from the President of the Peel Federation of Agriculture dated March 8, 2004 (Exhibit 29). The last paragraph clearly sets out their position on the matter before the Board:

It is the policy of the Ontario Federation of Agriculture that prime agricultural land should be preserved whenever possible. However, there are a number of mitigating factors in North West Brampton. Given the inevitable decline of agriculture in North West Brampton, the Peel Federation of Agriculture believes that the City of Brampton should plan the orderly transition of this area from agriculture to urban use.

## **Findings of the Board**

Based on the *viva voce* evidence and the volumes of studies, reports and assessments, the Board finds that a lengthy exhaustive comprehensive planning process has been undertaken by the City of Brampton and the Region of Peel. Based on the planning evidence of Mr. Waters and Mr. Hill, the Board finds that the planning process considered all of the requirements for an urban boundary expansion set out in section 7.9.2.8 of the Regional Official Plan and section 1.1.3.9 of PPS 2005.

Based on the opinion evidence of Mr. Hill, the Board is satisfied that the guidance set out in section 7.9.2.8 for an expansion to the Regional Urban Boundary has been met. Based on the evidence of Mr. Waters, Mr. Hill and Mr. Hagarty, the Board finds the tests set out in section 1.1.3.9 of the PPS 2005 have been met. The evidence of the two planners was thorough and consistent and withstood the test of cross-examination. The expert opinion of the agrologist combined with his practical knowledge of farming is clear that the strong consideration for agriculture in the PPS 2005 must be balanced with all other planning considerations in the PPS 2005 including the expansion of a settlement area.

The Board finds that OPA 93-245 as amended and ROPA 15 as amended are consistent with the PPS 2005 and are consistent with the policies of the Region of Peel Official Plan.

During the planning process for OPA 93-245 and ROPA 15 the Province of Ontario made significant changes to the planning regime. The PPS 2005, the *Greenbelt Act* 2005 and the *Places to Grow Act* 2005 have forever changed planning in the Province of Ontario. Counsel for the Sierra Club of Canada submits that PPS 2005 provides an improved foundation to planning principles in Ontario to curb urban sprawl. Further, the Greenbelt Plan protects 1.8 million hectares of agricultural lands and environmentally sensitive lands. Where the Province anticipates growth, the growth must be managed in conformity with the Growth Plan including intensification opportunities. Counsel for the Sierra Club of Canada submits that these legislative initiatives begin to address more seriously the problems of climate change, food security, water quality and air quality.

Based on the evidence, the Board finds that amended OPA 93-245 and amended ROPA 15 comply with the Greenbelt Plan made under the *Greenbelt Act*. The maps and text reference clearly separate the Greenbelt Area from the urban area.

Based on the evidence, the Board finds that the amended OPA 93-245 and ROPA 15 will enable the Region and the City to substantially implement the Growth Plan for the Greater Golden Horseshoe (2006) and at the same time the *Places to Grow Act* 2005 and Growth Plan, in the detailed planning and development of North West Brampton, will ensure that density and intensification requirements are implemented. Counsel for the Province of Ontario submits that the modifications and resulting amendments to ROPA 15 and OPA 93-245 adequately address the provincial interest in accommodating growth.

The Board has reviewed carefully the concerns of Ms Gain Taylor and the four participants. Their concerns include pollution from more vehicles, traffic gridlock, loss of prime agricultural land, food security, climate change and peak oil. The evidence in the hearing is that the Growth Plan for the Greater Golden Horseshoe (2006) does contain intensification requirements to achieve higher residential densities and encourages a compact urban form. These planning requirements should reduce some dependency on automobiles. The proposed OPA 93-245 and ROPA 15 do protect transportation corridors and the settlement signed with the Region of Halton and the Town of Halton Hills should assist in transportation planning. The Board heard no evidence on peak oil and therefore cannot make a finding.

With respect to the issue of loss of prime agricultural land and food security the Board makes three findings:

1. The *Greenbelt Act* and Greenbelt Plan do protect large tracts of land in Ontario for agriculture;
2. The evidence and opinion of Mr. Hagarty is clear that sections 1.1.3.9 (c) and (d) of the PPS 2005 are satisfied;
3. The position of the Ontario Federation of Agriculture through correspondence from the Peel Federation of Agriculture states that the

City of Brampton should plan the orderly transition of this area from agriculture to urban use.

The single party and the participants opposed to OPA 93-245 and ROPA 15, as amended, raised their concerns in this hearing but did not retain any expert witnesses to substantiate their concerns.

Having considered all the evidence, the Board finds that amended OPA 93-245 and amended ROPA 15 represent good planning and should be approved.

The Order of the Board is attached hereto as Attachment 1.

The Board so Orders.

J. R. AKER  
MEMBER