
DATE: January 20, 2010

REPORT TITLE: **REGIONAL OFFICIAL PLAN AMENDMENT NUMBER 20 -
SUSTAINABILITY AND ENERGY POLICIES - 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) 20 at the upcoming Ontario Municipal Board (OMB) hearing for the purpose of defending the amendment, which introduces sustainability and energy policies in the Region of Peel Official Plan;

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

And further, that the Region retain the services of external legal counsel, for the purpose of dealing with the appeal up to and including the hearing;

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

REPORT HIGHLIGHTS

- Regional Council adopted ROPA 20 on May 14, 2009 as part of the Peel Region Official Plan Review (PROPR) process.
- MMAH staff provided Regional staff with proposed Provincial modifications. Following joint discussions and negotiations, the Province released the Provincial modifications by way of a Notice of Decision on November 26, 2009.
- 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 20 from Solmar Development Corporation.
- Staff recommends the use of external legal counsel to defend ROPA 20 at the upcoming Ontario Municipal Board (OMB) hearing.

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DISCUSSION

1. Background

The purpose of this report is to inform Regional Council of the Provincial notice of decision on ROPA 20, which includes minor modifications, to seek Council endorsement of the modifications and to update Regional Council on the appeal received.

On May 14, 2009, Regional Council adopted ROPA 20 under resolution number 2009-525, and by By-law 47-2009. ROPA 20 establishes new and updated sustainability and energy policies in the Region of Peel Official Plan. Shortly after, ROPA 20 was forwarded to the Ministry of Municipal Affairs and Housing (MMAH) for approval.

In late October, MMAH staff provided draft modifications on ROPA 20 for Regional consideration. The Provincial draft modifications to ROPA 20 were editorial and minor in nature. Subsequent to discussions with Regional staff, in early-November 2009 MMAH staff provided proposed modifications. Regional staff consulted with area municipal staff during this process. On November 26, 2009, by way of a Notice of Decision, the Province approved ROPA 20 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 20.

2. Overview of Provincial Modifications

The Provincial modifications fall into two general categories: the *Green Energy and Green Economy Act, 2009* and First Nations Consultation. Appendix II illustrates the placement and effect of the Provincial modifications by incorporating them into the Council adopted version of ROPA 20.

a) *Green Energy and Green Economy Act, 2009*

Several modifications were made by the Province with respect to the new *Green Energy and Green Economy Act*, in order to clarify exemptions provided by the new legislation. Also, the Provincial modifications to ROPA 20 resulted in the inclusion of definitions for alternative energy systems and renewable energy system. Additional information on the implications of the *Green Energy and Green Economy Act, 2009* is provided under a separate staff report on this Council agenda titled, "The Green Energy and Green Economy Act, 2009 and the Renewable Energy Approval Process."

b) **First Nations Consultation**

Provincial staff has advised that consultations with First Nations groups are required on all land use planning matters and this Provincial direction has been incorporated into the approved amendment.

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3. Summary of Appeal

Solmar Development Corporation has appealed ROPA 20.

a) Solmar Development Corporation

In a letter dated December 15, 2009, Lynda J. Townsend, of Townsend and Associates, on behalf of Solmar Development Corporation appealed the decision of the Province to approve ROPA 20. The appellant has concerns with sub-section 1.3.5 of the plan, which establishes the sustainable development framework (environmental imperative, social imperative, economic imperative and the cultural imperative). More specifically, the appellant feels that these imperatives are not integrated. The appellant is also concerned about the lack of policies creating a significant linkage between land use patterns and sustainability. Moreover, the appellant is concerned with policy 3.7.2.17. This policy discusses identification of strategic infrastructure study areas. In addition, the appellant has raised concerns regarding the PROPR process being undertaken through a series of official plan amendments. For additional information, please refer to Appendix III which provides the notice of appeal filed by Lynda J. Townsend.

b) OMB Process

The OMB will schedule a date for a hearing and set aside time for pre-hearing(s). The OMB will also encourage the parties to enter into discussion to resolve the issues where possible. As such, it is recommended that Council direct staff to participate in discussions with the appellant to seek opportunity to resolve concerns.

Also, in view of the significance of ROPA 20 to the Region and the large blocks of time typically required to deal with such proceedings, staff recommends that the Region retain external legal counsel to defend ROPA 20 at the upcoming OMB hearings.

FINANCIAL IMPLICATIONS

The PROPR process has resulted in a series of amendments to the Regional Official Plan. Although ROPA 20 is the first PROPR amendment appealed to the OMB, staff note that further amendments may be appealed. This will be confirmed as we move forward in the process. Once the PROPR process is complete, staff will examine opportunities to consolidate OMB hearings to ensure the efficient use of time and resources and report to Council on its financial implications. If the OMB agrees to consolidate the PROPR ROPA appeals, it is anticipated that not much external legal counsel time will be required until 2011.

CONCLUSION

As a result of extensive staff consultation and negotiations, the final Provincial modifications can be characterized as editorial and minor in nature. Given that approved ROPA 20 is consistent with Provincial plans and legislation, staff recommends that the Region defend ROPA 20 before the OMB. Accordingly, it is recommended that the Region retain the services of outside legal council and take all measures to defend the amendment.

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**REGIONAL OFFICIAL PLAN AMENDMENT NUMBER 20 - SUSTAINABILITY AND ENERGY
POLICIES - PROVINCIAL MODIFICATIONS AND APPEAL**



Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

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Authored By: Naheeda Jamal



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

P-10-06

DECISION

With respect to Regional Official Plan Amendment No. 20 Subsection 17(34) of the Planning Act

I hereby approve all of Amendment No. 20 to the Official Plan for the Regional Municipality of Peel, as adopted by By-law No. 47-2009, with the following modifications:

1. **Subsection 3.1.1** – the third paragraph is modified by:
 - a) Deleting, at the beginning of the second sentence, the following words “Energy policies that” and replacing it with the following: “When implemented, the energy policies in this chapter ...”;
 - b) Italicizing the terms ‘alternative’ and ‘renewable energy systems’; and
 - c) Deleting the following from the end of the sentence: “are being considered”.
2. **Subsection 3.7.1.1** is modified by italicizing the following ‘alternative’ and ‘renewable energy systems’.
3. **Subsection 3.7.2.11** is modified by adding the following at the end of the sentence: “and in accordance with the *Green Energy Act*.”
4. **Subsection 3.7.2.14** is modified by deleting “or renewable”.
5. **Subsection 3.7.2.15** is modified by deleting “and renewable”.
6. Insert the following new Subsection after 3.7.2.15 and subsequently renumber the following subsections accordingly:

“**3.7.2.16** Renewable energy undertakings are exempted from certain *Planning Act* approvals as per Schedule K of the *Green Energy and Green Economy Act, 2009*. These undertakings shall be subject to the *Green Energy Act* and other provincial approvals.”
7. Renumbered **Subsection 3.7.2.19** as per modification 6, is amended by deleting “the Province” and replace with “utility, energy providers”.
8. Renumbered **Section 3.7.2.19** as per modification 6, is amended by adding the following sentence at the end of the Section: “For those area municipalities that are within the Parkway Belt West Plan, identify in their official plans the Parkway Belt West Plan infrastructure corridors and their rights-of-ways.”.

9. Subsection 7.3.5.2 is modified by adding the following subsection:

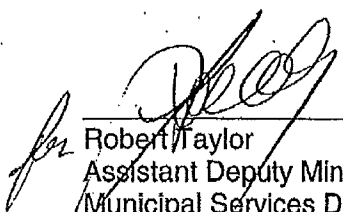
"7.3.5.2.4 Consult with First Nations on land use planning matters in order to create healthy and sustainable regional communities."

10. To include the following definitions under the **Glossary** section of the Official Plan.

"Alternative energy systems: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. Alternative Energy Systems undertakings do not include renewable energy undertakings as defined in the *Green Energy Act*, 2009.

Renewable energy systems: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy. These systems have the same meaning as a renewable energy undertaking under the *Green Energy Act*."

Dated at Toronto this 25 of NOVEMBER, 2009.



Robert Taylor
Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing

REGION OF PEEL
REGIONAL OFFICIAL PLAN
REGIONAL OFFICIAL PLAN AMENDMENT
NUMBER 20
- SUSTAINABILITY AND ENERGY POLICIES

NOVEMBER 26, 2009 PROPOSED MODIFICATIONS REFLECTED

PLEASE NOTE:

- DELETIONS ARE SHOWN AS A STRIKETHROUGH;
- ADDITIONS ARE SHOWN IN **BOLD** LETTERING;
- CHANGES TO FONTS ARE SHOWN IN **BOLD** AND *ITALIZED*; AND
- THE ABOVE ARE ALSO ACCOMPANIED BY A COMMENT CORRESPONDING TO THE NOTICE OF DECISION.

PART A – THE PREAMBLE

1. Purpose of the Amendment

To establish updated sustainability policies in order to provide an overarching framework for the Regional Official Plan and to establish new energy policies for the Regional Official Plan.

2. Location

The amendment applies to the entire Regional Municipality of Peel.

3. Basis

The Province updated the policy and legislative framework for planning by adopting a new Provincial Policy Statement in 2005, Places to Grow Growth Plan in 2006 and the *Planning and Conservation Land Statute Law Amendment Act*, 2006. The Region of Peel is required to bring its Regional Official Plan into conformity with these Provincial policies, plans, and legislation.

To inform public and stakeholders about this work and to obtain input on the scope of the work program, the Region held three public open houses on January 18, 2007, January 22, 2007 and January 31, 2007, and a statutory public meeting on February 15, 2007 was held to consider a review of the Regional Official Plan. Following the above, on September 13, 2007 Regional Council approved a work program to achieve Provincial conformity. The work program addressed 15 focus areas, two of which are sustainability and energy. This amendment was taken through the legislative process through two statutory open houses which were held on February 18, 2009 and February 19, 2009. In addition, a statutory public meeting to consider this amendment was held on February 26, 2009. Significant consultation has been undertaken through the ROPA 20 process, including with key stakeholders and Aboriginal groups.

Sustainability

The Planning and Conservation Land Statute Act, 2006 (Bill 51) expands the list of matters of Provincial interest under the Planning Act to include “the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.” The Planning Act directs decision-makers to ensure all decisions are consistent with this and all matters of Provincial interest. Further, the Places to Grow Growth Plan directs municipalities to plan for complete and sustainable communities. The Provincial Policy Statement (2005) supports this direction by promoting ways to support “strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth.”

The Region prepared a sustainability background paper in May 2008, a sustainability workshop was held on June 6, 2008 and a sustainability discussion paper released in September 2008. The workshop, attended by over 75 stakeholders, confirmed that sustainability should be the overarching framework for the Regional Official Plan (ROP). Stakeholders viewed the establishment of the sustainable development theme as a forward-thinking, responsible, inclusive and comprehensive foundation for the ROP. The papers were posted on the Region’s website in order to provide public access and obtain further input.

The Region hosted an Environment Themed Workshop on November 24, 2008, which included a session on sustainability. Draft sustainability policies were discussed by the public and stakeholders. Participants expressed support for sustainability as a good overarching theme for the ROP and agreed with the value of incorporating it into the General Goals of the Plan. Further, stakeholders expressed agreement with the specific sustainability policies related to green development standards, climate change and corporate sustainability. Also, the public and stakeholders were informed about the progress of the sustainability component of the Official Plan Review through newsletters and reports to Council.

In summary, the reasons for including sustainability in the purpose and theme of the Regional Official Plan, general goals of the ROP and specific policies are:

- To meet the needs of the present generation without compromising the ability of future generations to meet their own needs;
- To be consistent with Provincial policies, plans and legislation;
- To respond to significant research and analysis as well as evaluation of policy options and consultation;
- Consultation with Peel stakeholders and the public have confirmed the appropriateness of including sustainability as an overarching framework for the Regional Official Plan;
- To achieve sustainability through both policy and the development process. For example, it was suggested that the Region and its area municipalities develop green development standards, to be considered as part of the development review process;
- To address corporate sustainability and climate change to enable the Region to do further necessary work in these areas; and
- To conform to the *Planning and Conservation Land Statute Law Amendment Act* and the Places to Grow Growth Plan.

Energy

The Places to Grow Growth Plan establishes an objective to create a culture of conservation. Municipalities are required to do so by developing and implementing official plan policies on various matters including energy conservation. Specifically, municipal official plan policies must plan for energy conservation within municipal facilities, identify opportunities for alternative energy generation and distribution, plan for managing energy demand and reducing consumption, and land use patterns and urban design standards that encourage and support energy efficient buildings and opportunities for co-generation. The 2005 Provincial Policy Statement (PPS) supports this direction by requiring planning authorities to support energy efficiency and improved air quality through land use and development patterns. The PPS also promotes increased energy supply including both renewable and alternative energy systems where feasible. The Region of Peel has adopted an Energy Management Plan, which provides a 25-year vision for how the Region purchases, consumes and manages its energy, including investments in energy efficiency, conservation and securing clean energy sources for its buildings and facilities.

The Plan focuses on the theme of sustainability and stresses the need for reducing energy consumption and consuming energy differently. The Region has been involved in a variety of activities which include energy efficiency audits, building retrofits and demand reduction programs. Major energy efficient systems in operation by Peel include a solar photovoltaic system at Clarkson Waste Water Treatment Plant and a geothermal heating and cooling system that handles part of the new Peel Region Administrative Headquarters, total heating and cooling load.

The Region hosted an energy workshop on January 28, 2008, in order to examine potential energy policies for the ROP. The workshop, attended by over 60 stakeholders, provided strong support for the development of innovative energy policies and staff received input on how energy policies should be shaped. Further, the Region prepared an energy discussion paper in September, 2008 including draft energy policies, which were released in early November, 2008 and was the subject of a session at an environment workshop held on November 24, 2008 at which significant input was received on the merits of the recommended policies. The discussion paper as well as the draft policies were posted on the Region's website in order to provide and promote public access and obtain further input. In addition, the public and stakeholders were informed through the newsletters and reports to Council.

This Amendment proposes to establish a new section in the Regional Official Plan with policies pertaining specifically to energy efficiency, energy conservation and energy diversity including sustainable energy use.

In summary, the basis for including a new energy section in the Regional Official Plan is:

- To conform to the culture of conservation policies in Section 4.2.4 of the Province's Places to Grow Growth Plan for the Greater Golden Horseshoe;
- To be consistent with the energy policies contained in Section 1.8 of the Province's Provincial Policy Statement, 2005;
- To meet the sustainability objectives of the Regional Official Plan;
- To support the Region of Peel's Energy Management Plan;

- To respond to emerging issues in the areas of energy conservation, energy efficiency and energy diversity including sustainable energy use by undertaking significant research, developing and analyzing policy options and providing policy direction in these areas; and
- Consultation with Peel stakeholders and the public have confirmed the appropriateness of introducing an energy section in the Regional Official Plan.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached policy and glossary constitute ROPA 20 to the Region of Peel Official Plan.

A. Chapter 1: Introduction

Section 1.1: Purpose of the Plan

1. Section 1.1 is hereby amended by adding the following wording as the first bullet after the words “The purpose of this Plan is to:”
 - provide a holistic approach to planning through an overarching sustainable development framework that integrates environmental, social, economic and cultural imperatives;

B. Chapter 1: Introduction

Section 1.3: Guide to the Plan

Sub-Section 1.3.5: Theme of the Plan

2. Sub-Section 1.3.5 is hereby amended by deleting the current wording in its entirety and replacing it with the following:

The over-arching theme of this Plan is sustainability which refers to meeting the needs of the present without compromising the ability of future generations to meet their own needs. Regional Council will work towards sustainability by applying a sustainable development framework which will provide a holistic approach to planning, action and measurement. The principle of sustainable development is important given the need to address significant issues such as developing a sustainable society and addressing specific issues such as the impacts of climate change through mitigation and adaptation measures. The aim is to create a strong, vibrant and resilient society that can adapt to changes while meeting the human services and infrastructure needs of the community. By adopting the framework below, the Plan will guide the Region in its quest to become and remain a sustainable community.

The environmental imperative is to protect, enhance and foster self-sustaining, regional, native biodiversity while reducing and measuring the impact of development on the ecosystem based on an integrated systems approach. The

imperative ensures water quantity and quality is protected or enhanced to meet ecosystem needs and for human uses. Further, the imperative seeks to reduce Greenhouse Gas (GHG) emissions and other pollutants while promoting best practices in *sustainable development* including use of green development standards, energy and water efficient systems and living within the carrying capacity of Peel's supporting ecosystems.

The social imperative is to create conditions conducive to healthy citizens and thriving communities committed to achieving social harmony and social inclusion so that individual, family, neighbourhood and community needs are met. The Region will strive to have a society that encourages healthy behaviours, lifestyles, and respect for one another; fosters inclusiveness, kindness and human dignity; that welcomes newcomers with grace and speed; and that ensures a civil and peaceful society for all people.

The economic imperative is to promote a strong, vibrant and prosperous economy that operates within the *sustainability* theme while encouraging environmentally friendly businesses and business practices, providing for an adequate supply of future employment lands, convenient, efficient and effective public transportation system, sustainable *infrastructure* and *services* to support a diverse and growing economy including local employment and financial sustainability.

The cultural imperative is to promote arts, culture and heritage, and quality of place that will attract and retain talented people, and encourage creativity and entrepreneurship. Also, the imperative seeks to create buildings and public spaces that are beautiful and accessible building on our distinctive human, cultural, historical and natural characteristics, where people take personal responsibility for the success of our community and promote civic engagement and social cohesion, placing value on the many diverse ethnic, religious, cultural groups that make up the rich fabric of Peel's population.

This *sustainable development* framework enables integration of the environmental, social, economic and cultural imperatives throughout the Plan. Each imperative requires planning issues to be approached from different perspectives and has a distinct primary focus. Also, each imperative has its particular strengths when applied to regional planning for an area like *Peel*. Viewed together, the imperatives provide an integrated and flexible basis for the formulation of policy and decision-making. These four imperatives also reflect the vision in the Council approved Corporate Strategic Plan: Peel will be a healthy, vibrant and safe community that values diversity, and quality of life. Therefore, this Plan contains integrated yet adaptive goals and objectives that promote sustainable development.

C. Chapter 1: Introduction

Section 1.3: Guide to the Plan

Sub-Section 1.3.6: General Goals of the Plan

Sub-Section 1.3.6 is hereby amended as follows:

3. Policy 1.3.6.1 is amended by deleting the first line and replacing it with the following:
"To create healthy and sustainable regional communities for those"
4. Policy 1.3.6.2 is amended by deleting the first and second lines and replacing them with the following:
"To recognize, respect, preserve, restore and enhance the importance of *ecosystem* features, functions and linkages, and enhance the environmental"
5. Policy 1.3.6.3 is amended by adding a comma and the word "competitive" after the word "vital" in the first line.
6. Policy 1.3.6.4 is amended by deleting it and replacing it with the following:
"To *support growth and development* which takes place in a sustainable manner, and which integrates the environmental, social, economic and cultural responsibilities of *the Region* and the Province."
7. The last paragraph in section 1.3.6 is amended by deleting the second sentence and replacing it with the following:
"However, both the short and long-term economic, social, cultural and environmental implications of inaction must be seriously considered."

D. **Chapter 3: Resources**
Section 3.1: Introduction
Sub-Section 3.1.1: Purpose

8. Sub-Section 3.1.1 is hereby amended by adding a third paragraph as follows:

Energy efficiency and improved air quality through land use and development patterns and efficient transportation, are important for the health of Peel's communities, the long term economic prosperity of the Region and protection of the environment. ~~Energy policies that~~ **When implemented, the energy policies in this chapter** will enable Peel Region, its residents, businesses and transportation systems to reduce their current dependence on fossil-based energy sources by changing to ***alternative or renewable energy systems*** are being considered.

The Plan provides opportunities for energy generation facilities to accommodate current and projected needs where feasible, and recognizes the interdependencies that exist in the built and natural environments. These opportunities must be considered in the context of sustainable development of energy resources now and in the future.

E. **Chapter 3: Resources**
New Section 3.7: Energy Resources

9. Section 3 is hereby amended by adding a new Section 3.7 entitled "Energy Resources" with the following preamble, sub-sections, objectives and policies.

3.7 ENERGY RESOURCES

In recognizing the unsustainable and adverse environmental, economic and social effects of conventional energy production and energy consumption, municipalities have been examining various options and strategies to support complete communities, build a strong Regional economy and conserve a healthy environment. The Region of Peel is a partner with the area municipalities in efficiently managing our energy resources and creating smart energy solutions to sustain a healthy, prosperous and secure quality of life for the people of Peel Region. Three principles will guide the strategic and policy choices towards achieving these objectives. These are, (i) Conservation: Promoting energy conservation and sustainable development; (ii) Efficiency: Promoting energy efficient urban and building designs, energy efficient appliances and water-efficient fixtures, and facilitating alternative modes of transportation; and (iii) Diversity: Promoting the use of renewable energy systems, smart power grid and providing a diversity of reliable energy sources.

The Region of Peel is a municipal leader in energy efficiency and encourages initiatives by the area municipalities to promote environmental sustainability by investing in sustainable technologies for energy efficiency and programs for reducing waste and conserving energy. The Region recognizes the importance of supporting policies aimed at reducing energy consumption and reliance on carbon-based fuels for energy, and in creating and maintaining a safe and appealing living environment that is in harmony with nature.

The policies of this Plan must be viewed within the sustainability development framework to address measures, such as, to mitigate and adapt the effects of climate change through greater energy efficiency including, reducing the need to travel, and improving access to sustainable modes of transport thus reducing greenhouse gas emissions, and improving energy efficiency performance of new and existing buildings.

Peel Region is supportive of the use of advanced energy-efficient technologies that are consistent with high energy efficiency standards, design features and construction practices. The Region would support measures by the area municipalities to develop innovative green spaces such as green roof technology and designs that will reduce the urban heat island effect; and initiatives to redevelop large industrial sites, including brownfield sites to ensure high levels of pollution control, and to create opportunities for energy conservation. Measures that maximize passive heating and cooling in an area such as utilizing existing or planted natural shade canopies to reduce peak energy use are also important considerations in local planning decisions.

3.7.1 Objectives

- 3.7.1.1 To conserve energy by promoting energy efficient land use and development patterns, efficient transportation, and **alternative** and **renewable energy systems**.

- 3.7.1.2 To plan and develop greener, healthier communities by reducing harmful greenhouse gas emissions and improving the air quality in the Region.
- 3.7.1.3 To develop a culture of conservation that supports energy conservation, reduces emissions from vehicles as well as municipal, residential, commercial and industrial sources and protects air quality.

3.7.2 Policies

Energy Conservation

It is the policy of *Regional Council* to:

- 3.7.2.1 Support energy demand management initiatives by the area municipalities and other agencies to reduce energy consumption and improve energy efficiency through appropriate land use and development patterns that are transit-supportive, site and building designs and promote opportunities for district energy.
- 3.7.2.2 Encourage area municipalities to incorporate in their official plans, policies on energy efficient building and landscape design and construction practices, including orienting buildings to maximize the use of solar and wind energy, as well as carrying out building energy audits and retrofits.
- 3.7.2.3 Support policies that promote the creation of innovative green spaces such as green roofs, white roofs, and the use of urban tree canopy to achieve energy efficiencies.
- 3.7.2.4 Promote public awareness and education initiatives jointly with the area municipalities and other relevant agencies, on matters related to energy conservation.
- 3.7.2.5 Support policies that promote water conservation measures and stormwater best management practices to ensure energy conservation.

Energy Efficiency Programs

It is the policy of *Regional Council* to:

- 3.7.2.6 Support the continued development of Regional and area municipal programs to conserve energy and improve energy efficiency across all sectors.
- 3.7.2.7 Develop a program to retrofit Regional owned facilities and buildings and encourage the area municipalities to retrofit their own facilities and buildings.

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- 3.7.2.8 Support district energy systems such as cogeneration and geothermal systems, where appropriate, to reduce greenhouse gas emissions and air pollution.
- 3.7.2.9 Encourage the increased use of electric, hybrid and alternative fuel vehicles for Regional operations and the Regional fleet, where the production of such fuels, uses waste biomass and does not consume land that would otherwise be used for growing food, and does not conflict with existing and planned uses.
- 3.7.2.10 Encourage area municipalities in conjunction with local distribution companies and other agencies, to implement Provincial and other incentive programs that would reward homeowners and businesses for investing in energy efficient technologies, and reducing consumption.

Energy Diversity

It is the policy of *Regional Council* to:

- 3.7.2.11 Work jointly with the area municipalities and the Province to investigate the need, feasibility, implications and suitable locations for solar, wind, and bio-energy projects and to promote local clean energy generation, where appropriate **and in accordance with the *Green Energy Act***.
- 3.7.2.12 Investigate in conjunction with the area municipalities, the need to permit the installation of individual generating systems as accessory structures to reduce on-site consumption of utility supplied power.
- 3.7.2.13 Promote individual generating systems as accessory structures in appropriate locations, in consultation with area municipalities and the Niagara Escarpment Commission.
- 3.7.2.14 Promote alternative or-renewable energy generation facilities in the Prime Agricultural Area, as illustrated in Schedule B of the Regional Official Plan, Rural Areas and other suitable areas as determined by the relevant area municipality and the Niagara Escarpment Commission.
- 3.7.2.15 Encourage the area municipalities to include criteria in their Official Plans and zoning by-laws for evaluating alternative and renewable energy system proposals, including location and land use compatibility

Location of Utility Corridors and Generation Plants

It is the policy of *Regional Council* to:

3.7.2.16 Renewable energy undertakings are exempted from certain *Planning Act* approvals as per Schedule K of the *Green Energy and Green Economy Act, 2009*. These undertakings shall be subject to the *Green Energy Act* and other provincial approvals.

~~3.7.2.17~~ Work closely with the area municipalities, the Province and other relevant agencies, in planning for the future expansion and location of power supply services and communication systems servicing the Region.

~~3.7.2.18~~ Identify jointly with the area municipalities, the Province and relevant agencies, strategic infrastructure study areas well in advance of development to accommodate load growth resulting from projected growth in the population and the economy.

~~3.7.2.19~~ Encourage the area municipalities, in conjunction with the ~~Province~~ **utility, energy providers** and the Region, to identify in their official plans, utility corridors for the transmission of energy, communication and the movement of people and goods to meet current and projected needs. **For those area municipalities that are within the Parkway Belt West Plan, identify in their official plans the Parkway Belt West Plan infrastructure corridors and their right-of-ways.**

F. **Chapter 7: Implementation**
Section 7.3: The Planning Process
Sub-Section 7.3.5: Public Consultation

Sub-Section 7.3.5.2 is hereby amended as follows:

10. Addition of Policy 7.3.5.2.4 as follows:

“Consult with First Nations on land use planning matters in order to create healthy and sustainable regional communities.

G. **Chapter 7: Implementation**
Section 7.6: Regional Planning Initiatives
Sub-Section 7.6.2: Policies

Sub-Section 7.6.2 is hereby amended as follows:

1140. Addition of bold subheading entitled, “Sustainability”

1244. Addition of Policy 7.6.2.1 as follows:

“Apply best corporate *sustainability* practices in its own operations and corporate decision-making that embodies *sustainability* values and principles.”

1342. Addition of Policy 7.6.2.2 as follows:

“Prepare a *sustainability* strategy that provides for the most effective and efficient use of Regional resources. As part of the strategy, the Region will develop a *sustainable development* framework to be utilized in reviewing the Region’s programs and services and establish targets where appropriate.”

1443. Addition of Policy 7.6.2.3 as follows:

“Prepare in consultation with the Conservation Authorities, the area municipalities, and stakeholders, a climate change strategy to address both mitigation and adaptation aspects of climate change, including the establishment of targets, policies and programs, to reduce the effects of climate change and minimize adverse impacts.”

1544. Addition of Policy 7.6.2.4 as follows:

“With the goal of promoting *sustainable development*, creating healthy communities and a culture of conservation, prepare green development standards in consultation with the area municipalities and Conservation Authorities that address Regional interests including the optimum and effective use of Regional infrastructure, human services and transportation, protection and enhancement of natural heritage, water conservation and efficiency measures, waste reduction and recycling and other innovative waste management technologies and practices, the use of advanced energy-efficient technologies for Regionally owned buildings and infrastructure, impacts of climate change, contribution towards health and walkability and working towards a culture of conservation.”

1645. Addition of Policy 7.6.2.5 as follows:

“Encourage the area municipalities to prepare green development standards, with the goal of creating healthy, sustainable communities and a culture of conservation, addressing land use and transportation issues, including stormwater management, energy efficiency and district heating as well as other renewable energy opportunities, innovation in the area of planning for green spaces and addressing issues related to the impacts of climate change.”

1746. Addition of Policy 7.6.2.6 as follows:

“Encourage the area municipalities to require proponents to submit a *sustainability design brief* as part of an application for development or redevelopment in order to address the Region and area municipal green development standards.”

1847. Addition of Policy 7.6.2.15 as follows:

“Study jointly with the area municipalities the Province, hydro utilities and private power generating companies, the potential of broadening the role of the Region to own and/or operate district energy systems”.

Subsequent policies are renumbered accordingly (as per number 18 below).

1918. Section 7.6.2.1 is renumbered as Section 7.6.2.7 and subsequent Sections 7.6.2.2 through 7.6.2.20 are renumbered as sections 7.6.2.8 through 7.6.2.27 respectively.

H. Glossary

20. Addition of the definition for “Alternative energy systems” as follows:

“Alternative energy systems: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. Alternative Energy Systems undertakings do not include renewable energy undertakings as defined in the *Green Energy Act, 2009*.”

21. Addition of the definition for “Renewable energy systems” as follows:

“Renewable energy systems: means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to wind, water, biomass resource or product, or solar and geothermal energy. These systems have the same meaning as a renewable energy undertaking under the *Green Energy Act, 2009*.”

2219. The definition of “sustainable” to be deleted in its entirety and replaced with a new definition of sustainability as follows:

“Sustainability: meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

2320. Addition of the definition for “Sustainable Development” as follows:

“Sustainable Development: the pursuit of integrating environmental, social, economic and cultural considerations in decision-making. Applying this framework to policy formulation and analysis favours an integrated approach in which these elements are brought together as a forethought in planning and decision making.”

2421. Addition of the definition for “Sustainability Design Brief” as follows:

“Sustainability Design Brief: a report that illustrates how the Region and area municipal green development standards will be addressed as part of the development process in order to achieve sustainability principles.”

TOWNSEND AND ASSOCIATES

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:
Lyn Townsend (Ext. 222)
Email: lyn.townsend@ltownsend.ca
Assistant: Kate King (Ext. 221)
E-mail: kate.king@ltownsend.ca

December 15, 2009

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

Attention: Ms. Alejandra Gonzalez, Planner

Dear Madam:

Re: **NOTICE OF APPEAL**
ROPA 20 of the Regional Municipality of Peel
Solmar Development Corporation

We represent Solmar Development Corporation with respect to its land holdings within the Town of Caledon. We hereby appeal Regional Official Plan Amendment No. 20 of the Peel Regional Official Plan to the Ontario Municipal Board, pursuant to section 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13.

On March 5, 2009, we submitted comments to the Region on ROPA 20, which addresses sustainability and energy within the Regional Official Plan. Those comments are attached for ease of reference. While we support the concept of ROPA 20 and its emphasis on the promotion of sustainable development, we continue to have concerns with the Region's approach. The following comments are examples of some of our concerns, which form the basis of our appeal. However, these reasons for appeal are not exhaustive and we reserve the right to provide additional reasons as the matter progresses towards a hearing.

The amendment to Sub-Section 1.3.5 "Theme of the Plan", provides policies relative to the environmental imperative, the economic imperative and the social imperative, but it fails to integrate these three imperatives. Where subsection 1.3.5 addresses the economic imperative it speaks only to employment. There is no subsection which addresses the supply and type of housing balanced with other imperatives as being an interrelated and key component to sustainability. It does not promote land use patterns that integrate employment, housing and environmental sustainability in existing and expanding communities in an effort to create compact and sustainable communities. This approach is perpetuated through the subsequent ROPAs by failing to create a policy approach which is integrated.

In addition, no other policies follow up to create the significant linkage between land use patterns and sustainability. In our opinion, this policy framework is necessary to ensure existing and expanded communities are indeed sustainable and such policies should be added to ROPA 20.

Ms. Gonzalez
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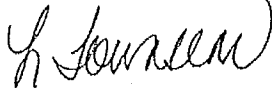
It should be noted that the Humber Villages plan proposed by Solmar does support the principles of building a sustainable community by promoting compact development, a mixed use centre and residential and employment uses in close vicinity of one another and building upon existing, underutilized community resources.

The proposed new policy 3.7.2.17 discusses identifying strategic infrastructure study areas well in advance of development. We support the early initiation of Environmental Assessment processes, which identify the need, method and location to provide for strategic infrastructure, but we object to this policy as worded as it could have the effect of delineating such study areas prior to the need, method and location being established through an Environment Assessment. This could arbitrarily freeze lands without the completion of the technical analysis to justify such a freeze.

In terms of process, unlike most other municipalities, Peel has resolved to conform to the Province's Growth Plan through a series of separate official plan amendments; ROPA 20 is the first of at least six such amendments. We submit that these various ROPAs should not be considered in isolation of one another. They are all directly related and interdependent; changes to one of these policy areas will have impacts on the other policy areas. As acknowledged by the *Provincial Policy Statement*, a policy-led planning system should take a comprehensive, integrated, and long-term approach that recognizes linkages among policy areas. Peel's conformity exercise does not follow this approach and we cannot identify any reasonable rationale for Peel's disjointed process.

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

TOWNSEND, ROGERS LLP

BARRISTERS AND SOLICITORS

LYNDA J. TOWNSEND PROFESSIONAL CORPORATION

PLEASE REFER TO:
Lyn Townsend (Ext. 222)
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March 5, 2009

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

Attention: Mr. Arvin Prasad

Dear Mr. Prasad:

Re: PROPR – Regional Official Plan Amendment Sustainability & Energy

We represent Solmar Development Corporation ("Solmar"). Our client, its planning consultant and I have reviewed the above-captioned Amendment and a representative of the company made a delegation at the February 26, 2009 public meeting.

Supplementary to that which was presented to Committee by Solmar, we wish to offer the following:

1. This amendment, while stated to be overarching, is integral to each "pillar" of the revised Official Plan. As the Councillors pointed out matters of energy and sustainability cannot be isolated from matters of transportation, financial stability and growth planning.
2. It is prejudicial to a landowner to agree to the language in this amendment, particularly where tied to growth, without understanding how it will be interpreted against the balance of the new Official Plan which has not yet been seen.
3. Recently the Province introduced on first reading the *Green Energy Act, 2009*. This Act has yet to go through second and third reading, but it purports to take regulatory power away from the Region on matters related to sustainable renewable energy projects. It would appear to be premature to amend the Region's Official Plan until the legislation is in final form and can be addressed, without conflict, in the new Official Plan.

In short, we are perplexed as to why this amendment is being put forward on a "stand alone" basis when the balance of the Places to Grow/five year Official Plan review amendments will follow by the

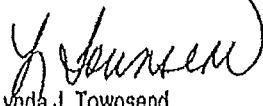
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Mr. Arvin Prasad
Re: PROPR - Regional Official Plan Amendment Sustainability & Energy
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end of June, 2009 at the latest. By the Region's own language sustainability is integral to the balance and should be considered in the appropriate context.

Thank you for considering this submission.

Yours truly,
TOWNSEND, ROGERS LLP



Lynda J. Townsend
Partner