
DATE: October 22, 2009

REPORT TITLE: **PEEL REGION OFFICIAL PLAN REVIEW (PROPR) - ADOPTION OF REGIONAL OFFICIAL PLAN AMENDMENT NO. 21 - NATURAL HERITAGE, AGRICULTURE, AIR QUALITY AND INTEGRATED WASTE MANAGEMENT POLICIES**

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services
David L. Mowat, MBChB, MPH, FRCPC, Medical Officer of Health
Janette Smith, Commissioner of Health Services

RECOMMENDATION

That Regional Official Plan Amendment No. 21 – Natural Heritage, Agriculture, Air Quality and Integrated Waste Management Policies, attached as Appendix I to this joint report of the Chief Financial Officer and Commissioner of Corporate Services, Commissioner of Health Services and Medical Officer of Health, dated October 22, 2009, titled “Peel Region Official Plan Review (PROPR) – Adoption of Regional Official Plan Amendment No. 21 – Natural Heritage, Agriculture, Air Quality and Integrated Waste Management Policies” be adopted;

And further, that no further public meetings related to Regional Official Plan Amendment No. 21 are required as per the provisions of Section 17 of the *Planning Act*;

And further, that the necessary by-law be presented to a Council meeting for enactment;

And further, that the subject report be forwarded to the Ministry of Municipal Affairs and Housing (MMAH), the Cities of Brampton and Mississauga, the Town of Caledon, municipalities adjacent to the Region of Peel, and those parties requesting notification;

And further, that notice of decision of Council’s adoption of Amendment No. 21 be given in accordance with the *Planning Act*.

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REPORT HIGHLIGHTS

- The purpose of this report is to recommend that Regional Official Plan Amendment 21 (ROPA 21) be adopted by Council. The amendment is attached as Appendix I.
- Planning staff has consulted extensively with the public, area municipal staff, internal departments, conservation authorities, Provincial staff, aboriginal groups, the Niagara Escarpment Commission, as well as stakeholders including the Peel Federation of Agriculture, the Peel Agricultural Advisory Working Group, the Caledon Agricultural Advisory Committee and stakeholders from the local development industry.
- A public meeting required under the *Planning Act* was held on April 23, 2009. Statutory public open houses were held prior to the public meeting. The minutes of the public meeting are attached as Appendix V.
- All comments received have been thoroughly considered and as a result changes have been made to draft ROPA 21, as detailed in this report.

DISCUSSION

1. Background

The purpose of this report is to provide a recommendation to Council respecting the approval of Regional Official Plan Amendment 21 (attached as Appendix I) to add and revise policies related to natural heritage, agriculture, air quality and integrated waste management in the Region of Peel Official Plan (ROP).

The Regional Official Plan Amendment 21 (ROPA 21) is a component of the Peel Region Official Plan Review (PROPR) and addresses four of the 15 focus areas that are identified for PROPR.

Major research has been completed to support the policy review including various discussion papers and studies, including the Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study. This study has recently been awarded an Ontario Professional Planners Institute Award of Excellence in the New Directions/Research category.

Regional staff is recommending adoption of Regional Official Plan Amendment 21 (ROPA 21) as it will:

- ensure the ROP is consistent with provincial policy;
- address policy gaps in the ROP related to natural heritage, air quality, agriculture and integrated waste management; and
- provide strategic policy direction that is coordinated with area municipal policy and that is focused on Regional mandates.

Sections 3 and 4 of the report describe the comments received and provide Regional staff responses to the comments. Section 4 provides more detailed Regional staff responses in response to comments from the area municipalities, conservation authorities and the Province. Appendices attached to the report provide supporting documentation for the amendment. Appendix I is the recommended amendment for adoption. Appendices II and III provide detailed tables of comments received and Regional staff responses.

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2. Public Consultation

Extensive consultation has been undertaken to review draft policies. Regional staff consulted with agencies, stakeholders, aboriginal groups and the general public. Area municipal staff consultation occurred through staff working groups and through the Planning Technical Advisory Committee (TAC). Consultation with the general public and landowners has also been an important part of the process to ensure that draft policies reflect Regional needs. The draft ROPA 21 was placed on the Region's website and circulated to a broad list of stakeholders and agencies.

In total, nine major stakeholder consultation sessions were held, which invited Regional and Area Municipal Councillors to discuss work being undertaken through the natural heritage, agriculture, air quality and integrated waste management focus areas.

Regional Council hosted a statutory public meeting on April 23, 2009 to receive oral and written submissions on ROPA 21. Two delegations and 19 written submissions were received at the public meeting. Following the public meeting, an additional 14 written submissions were received on the amendment.

Prior to the public meeting, Regional staff hosted three statutory open houses, one in each area municipality. Formal notice of the public meeting was given in accordance with the provisions of the *Planning Act* and *Ontario Regulation 543/06*.

3. Draft ROPA - Comments

Attached as Appendix II to this report is a table summarizing all comments received and the Regional responses. Presented below is a summary of those comments and staff responses.

a) Oral Comments

In total, two delegations provided oral comments at the April 23, 2009 public meeting.

i) Ian Sinclair and David Lyons, Peel Federation of Agriculture (PFA)

The PFA provided a brief presentation entitled 'Back to Conservation' outlining the PFA's interests with respect to the natural heritage and agricultural policies contained in ROPA 21. The presentation highlighted areas where the agricultural community shared common interests related to future economic opportunities in agriculture, conservation, ecosystem management and stewardship.

The delegation indicated that agricultural policies should support future economic opportunities in agriculture noting specific opportunities related to renewable and green energy. They also noted that the Provincial Policy Statement (PPS) requires clarification with respect to how "existing agricultural operations" may be recognized and allowed to continue and expand without being inhibited by new policy.

Regional Council directed Regional staff to continue discussion with the Town of Caledon and the PFA and to report back to Regional Council in September 2009

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regarding the natural heritage and agriculture policies. This report addresses comments received from the Town and PFA further to Council's direction.

ii) Bruce Reed, Resident, City of Brampton

Mr. Reed identified concerns with the mapping of Core Areas on his property in North West Brampton advising that the mapping did not accurately reflect the boundaries of natural features on his property. He suggested that the mapped boundaries shown on the draft Schedule A are either incorrectly identified or were based on outdated air photo interpretation. Mr. Reed requested that Regional staff visit the property and update the mapping based on current site level information.

b) Written Comments

In total, 33 written comments were received including 19 that were provided prior to the public meeting.

i) Area Municipalities

As noted, consultation with Council and staff from the area municipalities occurred throughout all policy development stages for ROPA 21. The consultation has been extensive and beneficial and, in many areas, the input has provided policy clarification so that policies in ROPA 21 focus on Regional mandates in accordance with the Five Principles of the ROP. Regional staff responses to comments received are presented in Section 4.

City of Brampton Comments

With respect to policies for natural heritage, City of Brampton staff is generally supportive of the significant woodlands, significant wildlife habitat and Core Valleyland policies contained in ROPA 21. The City requested a number of minor mapping revisions to Schedule A in the ROP to align the Regional mapping with mapping in the City of Brampton Official Plan. The list of mapping revisions is provided in Appendix IV. The City also supported the proposed policy initiative in Section 7.6.2.10 to review the natural heritage system planning framework of the Greenlands System through future work.

Although supportive in principle of the natural heritage policies, the City of Brampton staff raised concerns with mapping changes proposed for the Bram West and North West Brampton planning areas, noting that these areas are subject to appeals to the Ontario Municipal Board (OMB) and that ROPA 21 may receive similar appeals.

City of Brampton staff is supportive of the draft agricultural policies and found the policies to be generally consistent with the City's Official Plan. City of Brampton staff considered the direction of the proposed air quality policies to be generally satisfactory. The City of Brampton requested clarity on the development of the tool to assess air quality implications.

Comments on integrated waste management policies focus on clarifying definitions, flexibility through the waste collection design standards policy and implementation matters related to procurement, waste diversion, reuse and recycling of construction and demolition waste.

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City of Mississauga Comments

The City of Mississauga staff support the policies proposed in ROPA 21 subject to revisions to clarify policy direction in some areas and to address policy issues specific to the City of Mississauga.

City staff and the Environmental Advisory Committee (EAC) indicated support for the removal of compatible active recreational uses (e.g. golf courses, sports fields, etc.) as a permitted use within Core Areas of the Greenlands System noting that the uses are not compatible with policy objectives to protect and enhance natural features that are Core Areas.

City staff supports the proposed agriculture policies and indicate that consideration should be given to include policies regarding urban agriculture. Staff also requested that the funding sources related to the policies addressing financial incentives for farmers be clarified.

Mississauga staff requested more information on the development of a tool to assess air quality and questioned whether air quality monitoring and modeling extended into provincial jurisdiction.

The City provided similar comments as the City of Brampton on waste management policies related to construction and demolition waste, energy from waste, procurement and waste collection standards.

Town of Caledon Comments

The Town of Caledon provided comments on ROPA 21 through staff reports on May 26, 2009, commenting on air quality and integrated waste management, and on October 20, 2009, commenting on natural heritage and agriculture.

Town staff generally supports the directions of the Region regarding natural heritage. Staff notes that the Region and Town were partners on the Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study. Town Staff indicate that the natural heritage policies are responsive to Caledon staff input on key objectives to be achieved. Comments identified a need for flexibility for permitted uses within Core Greenlands; clarification of the exemptions for "minor development" and "minor site alteration"; refinement of mapping and appropriate identification of area municipal roles related to invasive species management and stewardship.

Town staff generally supports the Region's broad directions regarding agriculture to enable area municipalities, within the framework of the PPS, to be more flexible at the local level. Town staff suggested adding a policy that the Region review the identification of the Prime Agricultural Area and to research its long term role in the context of the Greenbelt Plan and Growth Plan. Town staff also recommended policy to: monitor the application of the Minimum Distance Separation (MDS) formulae in Peel; address the challenges associated with near urban agriculture; encourage agriculture related uses such as feed mills and fertilizer depots; and address impacts to agricultural operations during planning for the Strategic Infrastructure Study Area.

The Town generally supports the draft ROPA 21 policies on air quality and integrated waste management. The Town asked for details of the reporting protocol

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in regards to air quality monitoring and modelling. The Town notes that the incorporation of the proposed air quality policies demonstrates the Region's strong leadership in creating healthier and sustainable communities. Town staff also note that the policies will support waste diversion, reduction, reuse, and recycling and promote the use of waste as an alternative source of energy. They identify concerns with respect to the policy directing area municipalities to permit waste facilities and to adopt policies for construction and demolition (C & D) waste.

ii) Ministry of Municipal Affairs and Housing (MMAH)

MMAH submitted provincial pre-consultation comments on ROPA 21, and specifically comments on the need for petroleum resources policies, the updating of flood hazard policies for Special Policy Areas (SPAs) and aboriginal consultation. Regional staff met with MMAH staff on September 11, 2009 to discuss revisions and to clarify issues. Regional staff expects that the discussion and suggested revisions to ROPA 21 have addressed the majority of the Province's comments. Highlights of the Ministry's comments are as follows:

Natural Heritage

MMAH has asked the Region to clarify certain policies to ensure that protection of significant natural features under the PPS is clear in the ROP. It is suggested that the Region clarify: environmental impact study requirements; the exemptions for development within Core Areas of the Greenlands System; and protection levels for the Natural Areas and Corridors (NAC) and Potential Natural Areas and Corridors (PNAC) natural feature categories. The Ministry is requesting the Region to consider protecting plantations as significant woodlands and re-classifying significant wildlife habitat as a Core Area of the Greenlands System.

Agriculture

The MMAH suggested the following revisions: that the PPS definition should be used to clarify the purpose and function of the minimum distance separation formulae; that not all uses permitted within the Prime Agricultural Areas are subject to the minimum distance separation formulae; and that in order to clarify the intent, phasing of development on agricultural lands within the 2031 Regional Urban boundary should be identified in the local official plans. The Ministry also identified terms that should be updated to be consistent with the PPS definitions and added to the Glossary.

Air Quality

The Province's main comment was to include an additional policy directing area municipalities to promote activities such as compact form and transit-oriented development. Regional staff has advised the Province that policies related to air quality are captured in the air quality section of the Official Plan, but due to the interrelationships with other sections (e.g. transportation, energy and sustainability) air quality policies are also provided in other policy sections of the Official Plan.

Integrated Waste Management

Clarification is requested on policy related to land use compatibility adjacent to landfills, implementation of energy from waste policies, and waste diversion for multi-residential buildings. The Ministry is also recommending that the Region include policies and criteria for the establishment of new landfill sites.

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Petroleum Resources

MMAH advises that there are a number of older petroleum resource wells throughout the Region that were drilled at various times in the past and has therefore requested that oil, gas and salt hazard policies be added to the ROP. Regional staff agrees that policies should be added and are proposing to do this through ROPA 26.

Special Policy Areas

It is also indicated in MMAH's comments that the PPS includes new flood hazard policy and modified definitions related to Special Policy Areas (SPA) and that the Region should address SPA policy given their location within the City of Brampton and the Town of Caledon. Regional staff is proposing to revise the ROP through ROPA 26 to include the new policy direction (Section 2.4 Natural Hazards).

iii) Niagara Escarpment Commission

The Niagara Escarpment Commission (NEC) provided comments on natural heritage policies in ROPA 21. The NEC comments include revisions to terminology, the proposed descriptions of Escarpment Protection Areas and Escarpment Natural Areas and clarification of the recommended criteria to identify Core woodlands. Regional staff considered the NEC's comments and incorporated most of the suggested revisions which were minor in nature.

iv) Conservation Authorities (CAs)

Halton Region Conservation Authority, Toronto Region Conservation Authority, and Credit Valley Conservation submitted written comments in response to the circulation of ROPA 21 requesting a number of policy revisions, primarily to the Greenlands System policies of the ROP. Regional staff consulted with the conservation authorities and developed revisions to ROPA 21 to address the concerns raised, including the following:

- clarification of the Region's Core Area, NAC and PNAC Greenlands System categories and how categories relate to significance in the PPS for natural heritage features;
- further clarification on exemptions within Core Areas including for compatible active recreation; and
- clarification of environmental impact study requirements for Greenlands System features and adjacent lands.

The conservation authorities advised that the proposed revisions have adequately addressed the majority of the comments submitted, but continue to recommend revisions to some of the policies to:

- classify significant woodlands, significant wildlife habitat (SWH) and regionally significant life science Areas of Natural and Scientific Interest (ANSI) as Core Areas of the Greenlands System.

The request to re-classify significant woodlands, SWH and regionally significant life science ANSIs is not supported by Regional and area municipal staff. The proposed

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classification in ROPA 21 is consistent with the Core, NAC and PNAC policy framework of the ROP. Regional staff will consider the classifications further in the future as new information becomes available.

The conservation authorities further requested Regional staff to consult with MMAH to confirm if the proposed land use exceptions within Core Areas in Section 2.3.2.5 are consistent with provincial policy direction. Revised policy is included in ROPA 21 to address this concern.

Overall, the consultation with the conservation authorities has been very positive and has contributed improvements to the ROPA.

v) Development Industry

Comments were received from the development industry raising concerns, mostly related to how natural heritage policies are changing in the ROP.

Comments suggest that it is premature to adopt ROPA 21 due to outstanding appeals in the case of North West Brampton, and the need to ensure coordination with other amendments. Regional staff response to the comments is provided in Section 5 of this report.

In response to comments received, Regional staff incorporated revisions to ROPA 21 to clarify: how alterations to non-Core valleylands may be considered; how restoration of natural corridors is to be achieved; and that stormwater management is essential infrastructure permitted within Core Areas of the Greenlands System.

Several other comments raised objections to the policy, criteria, size thresholds and definitions related to significant woodlands and significant wildlife habitat. Regional staff does not support the suggested revisions and note that the policy in ROPA 21 is based on recommendations in the Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study. The study was developed through extensive consultation with experts, community stakeholders, agencies and the Province, provides a scientific basis for policies, and is defensible. The policies in ROPA 21 are consistent with the PPS.

With respect to the request from Bruce Reed at the April 23, 2009 public meeting, Regional staff arranged a site visit on June 26, 2009 and a further meeting on July 9, 2009 to review the proposed Core Areas mapping at a site level. As a result of that review, Regional staff made minor adjustments to the Core Areas mapping on and adjacent to the Reed property.

vi) Consultation with Aboriginal Groups/First Nations

Regional staff has presented PROPR to the Peel Aboriginal Network of Directors and the Alderville First Nation and circulated ROPA 21 to aboriginal groups for comment. Regional staff also received one written response from the Chippewas of RAMA First Nation, who are a member of the Williams Treaties First Nations. The written response indicated that they have forwarded ROPA 21 to their solicitor for review.

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Regional staff will continue communicating, consulting and engaging aboriginal groups as we move forward in the PROPR process.

vii) Other Comments

Members of the public provided comments on protection of natural heritage features, plantation woodlands, greenspace in urban areas, agricultural lands, air quality education in schools, incentives for agriculture and compensation to rural landowners for natural heritage protection. Some comments are not strictly related to provincial conformity but have been considered in the development of policies for the amendment.

c) Comments on Planning and Air Quality Tools

During the ROPA 21 public meeting on April 23 2009, Regional Councillors raised questions about planning and air quality issues. Specifically, Councillor Mullin asked if the proposed Amendment could include policies to address the stressed air sheds in the City of Mississauga and whether the Medical Officer of Health (MOH) could provide comments to the Ministry of the Environment with respect to Certificates of Approval, prior to their issuance. Furthermore, Councillor McCallion noted that the provincial standards with respect to air quality are not adequate. She indicated that statements in the draft Amendment requiring conformity to provincial policy alone would not be sufficient and that instead, action is required.

On July 9, 2009, a report entitled "Planning and Air Quality Tools" went forward to General Committee to address and respond to comments and questions posed during the public meeting.

A further report will be forthcoming shortly which discusses the role of the MOH with respect to commenting on applications for certificates of approval involving air emissions.

4. Regional Staff Responses

General

Regional staff has made further revisions to ROPA 21 taking into consideration comments received during the circulation process. Regional staff responses to area municipal, conservation authority and Provincial comments are addressed in the discussion below. This has included ongoing consultation with TAC members as well as the conservation authorities, the building industry, the Province and groups such as the PFA. Regional staff met with the PFA Environment Subcommittee and Town staff further to Regional Council direction. Detailed responses to comments are provided in Appendix II. Highlights of key issues and responses are summarized below.

i) Natural Heritage

Definition of Woodlands

Regional staff does not agree with the Province's requested revision to the definition of woodlands. The existing ROP policy to only include naturalized plantations for the purpose of determining if they meet criteria for Core woodlands is maintained in ROPA 21. The proposed Provincial definition does not clarify this aspect of the policy. Suggested

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revisions to the definition submitted by the City of Brampton and the PFA have been included.

Exemptions Permitted within Core Areas (Section 2.3.2.5)

The Province identified concerns with the list of permitted exemptions within Core Areas of the Greenlands System in policy 2.3.2.5 and is recommending that significant natural features within approved Two-zone and Special Policy Area (SPA) flood plains be protected and that active recreation not be listed as a permitted use (e.g. golf courses, sports fields, etc.). Similar comments were received from the conservation authorities and City of Mississauga staff. Regional staff is proposing revisions to policy 2.3.2.5 to clarify this issue. Regional staff is also proposing revisions to indicate what is meant by compatible recreation; limit where compatible recreation may be permitted within Core Areas of the Greenlands System; specify the conditions under which permitted development and compatible recreation may be allowed; and provide policy direction allowing the area municipalities to be more restrictive than the Regional Plan if they wish. The City of Brampton staff does not support the recommendation to remove active recreation as an exception as there is existing policy in the City of Brampton Official Plan allowing compatible active recreation in valleylands subject to studies to address impacts.

Compatible recreation will be listed as “compatible active recreation” to clarify the existing interpretation of the ROP. Compatible active recreation includes recreational uses that require large scale modification of the land surface such as golf courses and sports fields. It is proposed that the ROP include an exception to allow compatible active recreation in Core Valleylands within the Urban System except within other significant natural heritage features (e.g. significant woodlands). Compatible active recreation will not be permitted in other Core Areas of the Greenlands System.

Further, the Province is requesting that the ROP require environmental impact studies (EIS) for some of the exceptions within Core Areas. Regional staff supports this recommendation and is proposing revisions to clarify EIS study requirements, but prefers detailed implementation requirements to be developed through the area municipal official plans and flexibility to allow scoping of EIS study requirements. This responds to rural landowner and PFA requests that implementation requirements for permitted exceptions be clarified in the ROP.

Re-classification of Significant Wildlife Habitat and Significant Woodlands

Regional staff does not support the Province’s recommendation to list significant wildlife habitat as a Core Area of the Greenlands System. A similar comment was received from Credit Valley Conservation and the Toronto Region Conservation Authority.

The Peel-Caledon Significant Woodlands and Significant Wildlife Habitat Study concluded that it was not possible to identify thresholds at a Regional scale for all of the significant wildlife habitat (SWH) criteria. It was also not possible to provide Region-wide mapping of SWH due to lack of data. For these reasons, it is recommended that SWH be identified as a NAC to be interpreted, identified and protected in the area municipal official plans in accordance with ROP and PPS policy direction.

With respect to the conservation authorities request to re-classify all significant woodlands as Core Areas of the Greenlands System, the ROP Greenlands System framework requires classification of features into Core (provincially and regionally significant features), NAC (locally significant) and PNAC (significance requires further evaluation)

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categories. It is not consistent with the ROP to classify all significant woodlands as Core woodlands. The re-classification is not supported by the area municipalities or Regional staff.

Existing Agricultural Operations

New wording in policies 2.3.2.5 and 2.3.2.7 respond to the request from the PFA to clarify the treatment of existing agricultural uses within the Greenlands System (see Appendix I, Items 17 and 19). The proposed policies allow the continuation of existing agricultural uses; the expansion of existing agricultural buildings and structures; and new accessory agricultural and residential buildings and structures within the Greenlands System. This policy flexibility is consistent with similar policy direction in the Oak Ridges Moraine Conservation Plan and Greenbelt Plan. The exemptions are allowed provided impacts are avoided or mitigated to the greatest extent possible.

The policy option to add new agricultural buildings and structures that are not accessory to an existing use as a permitted exception within Core Greenlands is not supported by Regional staff. It is Regional staff's opinion that the establishment of an entirely new agricultural use, building or structure in Core Greenlands is not in keeping with the intent of the ROP and is inconsistent with the PPS.

Prematurity of ROPA 21 Related to North West Brampton and Bram West

Regional staff does not recommend delaying adoption of ROPA 21 until completion of the studies and secondary plan for the Mount Pleasant Secondary Plan Area. The Regional policies will guide and inform future planning approvals in Mount Pleasant and other secondary plan areas in all three area municipalities so that policy direction is consistent on a Regional and area municipal-wide basis. Updated policies in ROPA 21 are intended to achieve consistency with provincial policy and the Region is required under the *Planning Act* to bring the ROP into conformity with provincial policy as part of the current five year review of the Plan.

Mapping Revisions

Updated mapping of the Core Areas of the Greenlands System shown on Schedule A is included in ROPA 21 based on more recent and accurate mapping data, new criteria for Core woodlands and new criteria for Core valleylands. The mapping revisions were compared with the natural heritage features mapping in the area municipal official plans and revisions to Schedule A have been included in the recommended amendment based on input from area municipal staff. Mapping revisions to the Core Areas adopted by Council in 2005 through ROPA 13 are also included in ROPA 21.

ii) Agriculture

Comments received at the stakeholder workshops state that urban settlement area expansions should not impact agricultural operations located outside the settlement area. Regional staff has included wording in policy 7.9.2.8 requiring that impacts to agricultural operations be addressed at the time of settlement area boundary expansions. Policies will also direct staff to continue research on challenges and opportunities related to near urban agriculture, support agriculture innovation and diversity, promote local food production, investigate financial incentives and review the application of the MDS formulae in Peel.

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iii) Air Quality

The development of an air quality tool to assess implications of development on air quality requires further research which will be used to inform the development of tool(s) and a reporting protocol. As part of this process, the Region will consult with the area municipalities, key stakeholders, the Province and general public. A proposal based on further research will be brought back to Council.

In response to the air quality monitoring and modeling comments, the purpose of the Region's monitoring and modeling would be to supplement the provincial data by providing more detailed data. Additional air quality monitoring and modeling will allow the Region to better assess the air quality in Peel Region in order to make informed decisions regarding development and air quality.

iv) Integrated Waste Management

Regional staff is recommending that development should be required to comply with the Waste Collection Design Standards Manual (WCDSM) through consultation with area municipal staff so that a standard base level of waste management services can support diversion (recycling).

References to energy from waste in policy 6.4.2.4 were removed in response to Mississauga staff comments and a new policy 6.4.2.13 was developed to encourage the area municipalities to develop guidelines to permit energy from waste facilities in appropriate locations.

Regional staff agrees to revise the policies regarding the use of materials from waste diversion programs in construction projects and diverting materials from construction and demolition projects. The policy wording is changed from "direct" to "encourage" for both policies 6.4.2.8 and 6.4.2.13 as the legal authority for municipalities to require this through planning approvals is limited in the *Planning Act, Municipal Act, and Building Code*.

5. The Amendment

The final recommended amendment attached as Appendix I has been refined by Regional staff in order to respond to oral and written comments received.

The changes from the draft amendment to the final recommended version are refinements and are not considered to be substantive changes. In general, ROPA 21 maintains the same purpose and intent as initially outlined in the draft amendment that was circulated for consultation in March 2009. A few minor changes of an editorial nature, not listed in Appendix II, were also made by Regional staff. Therefore, no further public meeting is required. Minutes of the public meeting are attached as Appendix V and copies of all written comments received are available in the Clerk's office.

The final recommended amendment proposes to amend the existing ROP's goals, objectives, policies, schedules, figures, tables and glossary in various sections of the plan as indicated in Appendix I.

The recommended ROPA 21, attached as Appendix I, represents good planning for the Region of Peel and appropriately implements Provincial policy with respect to natural

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heritage, agriculture, air quality and integrated waste management as established by the *Planning Act, Provincial Places to Grow Plan and the Provincial Policy Statement*.

6. Next Steps

Upon adoption of the amendment by Regional Council, notice of adoption will be sent to all those requesting such notice as per the *Planning Act* and to the Ministry of Municipal Affairs and Housing.

The amendment will be submitted for provincial approval by MMAH. If there are no appeals to the Minister's proposed decision, the amendment will be approved by the Province and will be incorporated into the Region of Peel's Official Plan. A new consolidation of the ROP will be prepared after PROPR is completed, but copies of the amendment and a working draft office consolidation of the ROP will be made available until such time as a new consolidated ROP is prepared.

CONCLUSION

The Region of Peel must bring the ROP into conformity with Provincial policies, plans and legislation. The adoption of this amendment fulfils the statutory requirement with respect to the ROP's natural heritage, agriculture, air quality and integrated waste management policies.

Regional staff has completed background research and policy development for ROPA 21 through extensive public consultation, nine major stakeholder consultations, three open houses and a public meeting. The amendment has incorporated mapping and policy revisions, as appropriate, based on comments received. Given the above, staff recommends that Regional Official Plan Amendment 21 be adopted by Regional Council.

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Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Janette Smith
Commissioner of Health Services

David Mowat, MBCHB, MPH, FRCPC
Medical Officer of Health

Approved for Submission:

D. Szwarc, Chief Administrative Officer

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

Authored By: Mark Head/David Wright/Kiran Ghai/Louise Aubin/John Yeh

c. Legislative Services

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Appendix I

Regional Official Plan Amendment 21 – Natural Heritage, Agriculture, Air Quality and Integrated Waste Management

Appendix II

Analysis of Comments Received and Regional Responses

Appendix III

Additional Revisions Recommended by Regional Staff

Appendix IV

Mapping Revisions to Schedule A

Appendix V

Minutes of Public Meeting