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REPORT TITLE: **Ninth Line Lands Settlement Area Boundary Expansion, Regional Official Plan Amendment 33 (ROPA 33) Adoption**

FROM: Andrew Farr, Acting Commissioner of Public Works  
Adrian Smith, Acting Chief Planner and Director, Regional Planning and Growth Management

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## **RECOMMENDATION**

**That the Region of Peel Official Plan be amended to expand the Regional Urban Boundary by approximately 350 hectares to include the Ninth Line Lands;**

**And further, that Regional Official Plan Amendment (ROPA) 33, be declared to meet the requirements of Section 26(1)(a), (b) and (c) of the *Planning Act* as required by Section 26(7) of the *Planning Act*;**

**And further, that ROPA 33, attached as Appendix I to the report titled “Ninth Line Lands Settlement Area Boundary Expansion, Regional Official Plan Amendment 33 (ROPA 33) Adoption” be adopted in accordance with Section 17(22) of the *Planning Act*;**

**And further, that a by-law to amend the Regional Official Plan be presented for enactment;**

**And further, that notice of decision of Council’s adoption of ROPA 33 be given in accordance with Section 17(23) of the *Planning Act*;**

**And further, that a copy of the subject report be provided to the City of Brampton, Town of Caledon, and City of Mississauga;**

**And further, that a copy of the subject report and supporting materials be provided to the Minister of Municipal Affairs and Housing for review and approval, in accordance with Section 17(31) of the *Planning Act*.**

## **REPORT HIGHLIGHTS**

- The Ninth Line Lands Regional Official Plan Amendment 33 is proceeding as one of the phased amendments of the Region’s Municipal Comprehensive Review under Section 26 of the *Planning Act*.
- The amendment revises the Regional Official Plan Schedules to expand the Regional Urban Boundary by approximately 350 gross hectares to include the Ninth Line Lands and adds policies to establish a planning framework to implement compact, vibrant and complete communities that support healthy and active living.
- The amendment is consistent with provincial policy, conforms to provincial plans and represents good planning in the public interest.

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- ROPA 33 planned growth has already been accounted for in the previous ROPA 24 growth management amendment, addressing population and employment allocations to 2031.
- The effect of the amendment will be to include the Ninth Line Lands within Peel's Official Plan and is an important administrative step. This will enable the local planning process to allow development in accordance with the technical studies that have advanced under historical Halton Region Official Plan policies which remain in effect until these lands are incorporated in Peel's Official Plan.
- Regional staff recommend adoption of Regional Official Plan Amendment 33, attached as Appendix I, under Section 26 of the *Planning Act*.
- As a result of the statutory consultation process, 12 submissions were received and considered.
- Should Regional Council adopt ROPA 33, the amendment will be forwarded for consideration by the Minister of Municipal Affairs and Housing who is the approval authority for amendments implementing the Region's Municipal Comprehensive Review.

### **DISCUSSION**

#### **1. Background and Purpose of the Amendment**

The Ninth Line Lands are an area in the City of Mississauga bounded by Highway 407 to the west, Highway 401 to the north, Highway 403 to the south and Ninth Line to the east. The Ninth Line Lands are approximately 350 hectares in total area, approximately 110 hectares of which is developable.

This report provides a recommendation to Regional Council to adopt Regional Official Plan Amendment 33 (ROPA 33) to revise and add policies to the Regional Official Plan, including Schedule revisions, as part of the Region's Municipal Comprehensive Review (MCR). ROPA 33 expands the Regional Urban Boundary to include the Ninth Line Lands and establish a Peel planning framework that protects and enhances the natural heritage system and implements compact, vibrant and complete communities that support healthy, active living. ROPA 33 is attached as Appendix I to this report.

Recent direction from the Province has provided clarification that upper tier municipalities can undertake their MCR through phased amendments and as a result the Region is proceeding with ROPA 33. As required by the *Planning Act*, a statutory open house and public meeting were held for the Ninth Line Lands on October 19, 2017 and October 26, 2017, respectively.

ROPA 33 expands the Regional Urban Boundary to include the Ninth Line Lands to the east and completes the City of Mississauga's last planned greenfield community. This will result in an urban form that optimizes infrastructure and provides for a logical extension of development in a compact urban form. This includes a range of residential, employment and commercial uses, varying densities and built forms surrounding the proposed major transit station areas at Britannia Road and Derry Road, as well as parks and open spaces, resulting in the creation of a complete community. The policies and mapping will provide for implementation of comprehensive watershed planning work that will protect and enhance the natural heritage system.

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### **a) Ninth Line Lands Annexation**

On January 1, 2010, the Ninth Line Lands were brought into Peel Region and the City of Mississauga municipal boundaries with the support of Regional Council as expressed in Regional By-law 106-2009. These lands were previously part of the Region of Halton and the Town of Milton, and were protected for the development of the transitway, accessory infrastructure, transit related and supportive uses including medium and high density residential, office and employment uses, subject to further study. Since the Ninth Line Lands were incorporated into the Region of Peel and City of Mississauga municipal boundary after the last official plan review exercise was already substantially complete, it was not comprehensively incorporated into the Regional Official Plan during that review. Council approved placeholder policies in section 5.10 of the Peel Regional Official Plan that state an amendment to the Plan is needed to bring the lands into conformity with the Regional Official Plan. Until ROPA 33 is approved, the policies of the Region of Halton and Town of Milton Official Plans continue to apply to these lands, which designate the area as the “Ninth Line Corridor Policy Area” and “Greenlands A”.

In 2010, Regional staff was directed to extend current road names into the area and permit the provision of piped water and sanitary sewer systems to existing properties. Regional staff was also directed to work with City of Mississauga staff on the project, and to undertake work in support of a ROPA to include the Ninth Line lands as part of the Regional Official Plan. Regional staff provided status update reports to Regional Council on the Ninth Line Lands study October 25, 2012 and May 26, 2016.

### **b) Collaborative Planning Approach**

A Project Core Working Team, comprised of staff from the Region of Peel and City of Mississauga, worked collaboratively to jointly retain Macaulay Shiomi Howson Ltd. (MSH) in January 2014. MSH provided professional and technical services, including a planning justification report to bring the Ninth Line Lands into the Regional Official Plan, and undertake works towards required local municipal land use planning instruments. A Transitway study was also initiated by the Region and the City of Mississauga in consultation with the Ministry of Transportation to update and modernize the 1998 Transitway planning work.

The following documents provide detailed technical background work and analysis that demonstrate that policy requirements of the Growth Plan and Regional Official Plan have been met:

- Developable Lands Assumptions & Archaeological Context (April 2014 by AMEC Environmental and Infrastructure)
- Background Report (September 2015 by MSH)
- Agricultural Impact Assessment (September 2016 by AMEC Foster Wheeler and May 2018 by DBH Soil Services Inc. through the MCR Addendum)
- Highway 407 Transitway Corridor Assessment (October 12, 2016 by AMEC Foster Wheeler)
- Water and Wastewater Master Servicing Background Study (February 2017 by AMEC Environmental and Infrastructure)
- Scoped Subwatershed Study Phase 1: Background Report Study Area Characterization (January 2015, AMEC Foster Wheeler)
- Scoped Subwatershed Study Phase 2 (March 2017 by AMEC Foster Wheeler)

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- Transportation Assessment of Existing Conditions and Emerging Land Use Scenario (June 2017 by MMM Group)
- Growth Management Analysis (May 2017 by Hemson Consulting)
- Fiscal Impact Assessment (May 2017 by Hemson Consulting)
- MCR Justification Report (May 2017 by MSH)
- MCR Addendum (including Updated Growth Management Analysis and Updated Agricultural Impact Assessment) (May 2018 by MSH, Hemson Consulting and DBH Soil Services Inc.) (Appendix II)

Consultants undertook further review of technical studies against conformity to relevant policies of the Growth Plan, 2017 and their implications for the Ninth Line Lands. It is based on this additional technical input including additional growth analysis from Hemson Consulting Ltd. and agricultural impact assessment update from DBH Soil Services Inc., that ROPA 33 addresses Growth Plan, 2017 requirements.

### **c) Local City of Mississauga Plan**

The studies required as part of the ROPA process were completed concurrently with more detailed local planning studies undertaken by the City of Mississauga. The Mississauga studies led to a Local Official Plan Amendment and Zoning By-law adopted within the framework of the Halton Region Official Plan. The Local Official Plan Amendment was exempt from Region of Peel approval. The Mississauga Official Plan Amendment and Zoning By-law was brought forward to the City's Planning and Development Committee on June 18, 2018 for approval by Mississauga Council. On July 4, 2018 Mississauga Council adopted Official Plan Amendment 90 and enacted Zoning By-law.

Local plan of subdivision and zoning by-law amendments are underway that would implement the mapping and policies proposed under ROPA 33. A copy of the current land use concept is attached as Appendix III and includes the following elements:

- Residential uses (medium density);
- Mixed uses (with higher densities around the transitway station areas);
- Employment uses;
- Greenlands and Public Open Space;
- Parkway Belt West Area;
- Transitway Corridor and Station Areas; and,
- Natural Hazard Area.

### **d) Consultation and Comments Received**

On June 22, 2017, Regional Council authorized staff to schedule a statutory open house and public meeting in accordance with Section 17(16) and 17(15)(d) of the *Planning Act* and to invite the public to comment on draft ROPA 33. Public notices were posted in local municipal newspapers on October 5, 2017. A statutory open house was held on October 19, 2017 at Churchill Meadows Library in Mississauga between 6:00pm and 9:00pm. The public meeting was held on October 26, 2017 at the Region of Peel Administrative Headquarters at 9:00am. Regional staff gave a presentation at the public meeting outlining the purpose and effect of the ROPA, background studies and the proposed amendment. The minutes of the public meeting are attached as Appendix IV.

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Regional staff received a total of 12 comments during the consultation phase of draft ROPA 33. All comments received have been reviewed and considered in preparing ROPA 33. Notification was provided to prescribed bodies in accordance with Section 17(17) of the *Planning Act*. In addition, notice was provided by mail to property owners within 120 meters of the subject lands and posted on the Region of Peel's website. Staff have also responded to comments and concerns raised by engaged residents in the area. Appendix V includes the submissions received and a summary of Regional staff responses.

In response to the comments received, Regional staff made changes to the recommended amendment with minor changes to address comments respecting planning for the GTA West Corridor and streamlined health assessment policies to address in-effect Healthy Communities and Built Environment policies in the Regional Official Plan. Additional technical work was completed to address floodplain comments and an addendum was made to the Planning Justification report to address conformity to the Growth Plan, 2017.

### **2. Recommended Regional Official Plan Amendment**

There have been some changes made to ROPA 33 from the version presented at the open house and public meeting. Revisions have been made to the preamble to make reference to the current Peel 2041: Official Plan Review and MCR process and requirements for settlement area boundary expansions. Other preamble sections have been condensed for clarity purposes, minor changes were made to reflect the final land use concept, and to reflect minor changes in the overall designated greenfield area density in Mississauga due to changes in calculations of the Growth Plan target. The Provincial consistency and conformity sections have been updated to reflect the latest Provincial plans and policies.

The following are the main changes identified by Regional staff in response to comments received on the draft ROPA that was circulated for statutory public consultation. Recommended ROPA 33 now includes:

- A simplified policy reference to now in-effect policies on Healthy Communities and Built Environments in section 7.4 of the Regional Official Plan, which were approved as ROPA 27 and came into effect on September 8, 2017.
- A new policy to ensure development applications will not predetermine or preclude the development planning and/or implementation of the GTA West Corridor Study which apply to a very small area at the very northern edge of the lands (see Appendix VI).

### **3. Policy Framework**

#### **a) A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019**

The Province's Growth Plan, 2019 came into effect May 16, 2019 and provides planning policy direction for upper and single tier municipalities within the Greater Golden Horseshoe. The Growth Plan states that an upper or single tier municipality must undertake an MCR under Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan. The Province released correspondence

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on November 12, 2019 noting that Regional Official Plan Reviews can be phased, should a municipality choose to do so, in accordance with A Place to Grow, 2019. As a result of the unique planning history on the subject lands, staff are recommending that ROPA 33 be advanced as one of the phased amendments of the Region's MCR under Section 26 of the *Planning Act*.

Section 2.2.8 of the Growth Plan provides the Provincial policy framework for settlement area boundary expansions and outlines criteria to be met for settlement area boundary expansions to occur. Since Draft ROPA 33 was consulted on in 2017, Regional staff has undertaken the necessary steps to address the Growth Plan requirements for settlement area boundary expansion. Technical studies have been updated to reflect revised Provincial MCR requirements for settlement boundary expansions, including an addendum to the requirements for settlement boundary expansions under the Growth Plan, 2017 in May 2018 by MSH, Hemson Consulting and DBH Soil Services Inc. (Appendix II). A summary of the key conclusions of all the technical studies undertaken to support ROPA 33 are provided in Appendix VII.

ROPA 33 would accommodate approximately 3,500 housing units, 8,500 people and 500 jobs by 2031. The development form supports walking, cycling and transit services. The plan supports diverse land uses such as medium density housing comprising of row houses and apartments, business employment in proximity to 400-series highways, and public open spaces. The plan also anticipates the arrival of the proposed 407 Transitway, protects and enhances natural heritage features including wildlife and woodlands significant to the area, and mitigates the effects of growth on natural heritage.

The Ninth Line Lands density of population and jobs per hectare significantly exceeds the Growth Plan, 2019 minimum target of 50 people and jobs for new Designated Greenfield Areas (DGA). While the new Growth Plan, 2019 reduces the Regional DGA density target from 80 to 50 people and jobs per hectare, the higher density development form for the Ninth Line Lands remains appropriate for this area. The Ninth Line Lands are unique in terms of growth management planning as they are planned to include two major transit station areas with higher density development form compared to other new DGAs. This leads to a small increase in the overall City of Mississauga DGA density from 77 to 79, while also allowing the Region to continue to exceed the overall current DGA requirement of 50 persons and jobs per hectare in the Region of Peel Official Plan and Growth Plan, 2019. The overall planned DGA density for the Ninth Line area is over 82 people and jobs per gross hectare by 2031 based on the Growth Plan, 2019 density calculation requirements.

The work completed continues to conform to the new Growth Plan, 2019 and results in good planning through the efficient use of existing infrastructure, compact development form, and a vibrant community vision that represents a complete community.

### **b) Region of Peel Official Plan**

The Region of Peel Official Plan requires that settlement area boundaries be designated on the basis of evaluation criteria set out in the plan. The Regional Official Plan includes policies that outline the technical requirements that need to be undertaken to support a settlement area boundary expansion. Staff are satisfied that the required technical studies, the key recommendations of which are outlined in Appendix V, satisfy the policy requirements in the Regional Official Plan.

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The Regional Official Plan currently includes policies that refer the Ninth Line policy area to the Region of Halton and Town of Milton Official Plans. The current Region of Peel Official Plan policies do not apply to these lands. ROPA 33 would bring these lands into conformity with the Region of Peel Official Plan and guide the future development of the Ninth Line Lands.

ROPA 33 forecasted growth has already been accounted for in ROPA 24 (previous amendment dealing with growth management in Peel for the 2031 planning horizon) with appropriate population and employment allocations to 2031. This amendment is being advanced as one of the phased amendments of the Region's MCR under Section 26 of the *Planning Act*.

### **4. Implementation of ROPA 33**

Upon adoption of ROPA 33 by Regional Council, notice of adoption of the amendment will be sent to all those who requested such notice, in accordance with the *Planning Act* and persons and bodies prescribed to receive notice under the *Planning Act* and Ontario Regulation 543/06. ROPA 33 will be submitted to the Minister of Municipal Affairs and Housing for Provincial review and approval, under Section 17(31) of the *Planning Act*. If approved, the amendment will come into effect and will be incorporated into the Regional Official Plan. The *Planning Act* provides a timeline of 120 days for the Minister to give notice of a decision. If the Minister does not give notice of a decision (to approve, modify and approve as modified or refuse) within that timeline, ROPA 33 may be appealed to the Local Planning Appeal Tribunal (LPAT) but only by the municipality that adopted the plan, in this case only by the Region of Peel (there are no third party appeals to Council's decision to adopt this Amendment or to the Minister's approval).

### **RISK CONSIDERATIONS**

In support of ROPA 33, a number of technical studies were prepared on a range of matters some of which include servicing, transportation, fiscal impact and the natural environment. Through the results of these studies, no concerns were raised that would result in risk to the Region. If ROPA 33 is not approved, any local planning processes and related appeals would occur under the jurisdiction of the historical Region of Halton Official Plan policies that currently continue to apply and there would be a risk that the Region of Peel's interests could be detrimentally affected.

### **FINANCIAL IMPLICATIONS**

A fiscal impact assessment was undertaken which concludes that the development is financially sustainable from a capital and operating perspective.

### **CONCLUSION**

Based on the study findings and input received from stakeholders, it is recommended that the Region of Peel Official Plan be amended to expand the 2031 Regional Urban Boundary to include the Ninth Line Lands. Regional staff is satisfied that the Municipal Comprehensive Review process for settlement boundary expansion to include Ninth Line Lands into the 2031 Regional Urban Boundary is complete. Comments received on draft ROPA 33 during statutory

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public consultation were considered and revisions were made to draft ROPA 33. Regional staff recommends that ROPA 33 be adopted by Regional Council to support the Regional Urban Boundary expansion, and to establish a planning framework to achieve the vision of complete and compact communities.

### **APPENDICES**

Appendix I – Ninth Line Lands Regional Official Plan Amendment 33 (ROPA 33)  
Appendix II – Addendum to Ninth Line Lands Municipal Comprehensive Review (Including Growth Management and Agricultural Impact Assessment)  
Appendix III – Ninth Line Land Use Plan  
Appendix IV – Statutory Public Meeting Minutes  
Appendix V – Copy of Submissions Received & Regional Staff's Response  
Appendix VI – GTA West Study Area in Ninth Line Lands  
Appendix VII – Technical Study Requirement Summary

*For further information regarding this report, please contact Adrian Smith, Acting Chief Planner and Director of Regional Planning and Growth Management, Ext. 4047, [Adrian.smith@peelregion.ca](mailto:Adrian.smith@peelregion.ca).*

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*Reviewed and/or approved in workflow by:*

Department Commissioner, Division Director and Legal Services.

Final approval is by the Chief Administrative Officer.



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N. Polsinelli, Interim Chief Administrative Officer