

Town of Oakville
Planning and Development
1225 Trafalgar Road
Oakville, ON
L6H 0H3

October 15, 2024
File 11999

Attn: Town of Oakville Clerk's Office

**Re: Public Meeting and Recommendation Report
Town-initiated Official Plan Amendments to preserve the town's protected employment areas
per subsections 1 (1.1) and (1.2) of the Planning Act (File No. 52.57.03)
Planning and Development Council Agenda Items 6.2**

Weston Consulting has been retained by 1315 North Service Nominee Inc., to provide professional planning services for the lands municipally known as 1315-1325 North Service Road East in the Town of Oakville (the "Subject Property"). We are pleased to submit the following correspondence with respect to the town-initiated Official Plan Amendments (OPA) to preserve protected employment areas, specifically proposed OPA 68 to the Livable Oakville Official Plan and the proposed transition policies that permit the continuation of uses that were lawfully established on or before October 19, 2024.

Description of Subject Property

The Subject Property is located on the west side of North Service Road East and the Queen Elizabeth Highway (QEW) and is approximately 1.24 hectares (3.06 acres) in size with approximately 284 metres of frontage along North Service Road. A seven-storey commercial office building with associated surface parking currently occupies the Subject Property (**Figure 1**).

The Subject Property is designated *Business Employment* according to Schedule J (East Land Use) of the Livable Oakville Official Plan (2009 Town of Oakville Official Plan). According to policy 14.4.1 (Permitted Uses) of the Livable Oakville Official Plan:

- a) *Uses permitted within the Business Employment designation may include offices and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls, indoor sports facilities, and training facilities and commercial schools may also be permitted.*
- b) *Existing major office shall be permitted and new major office may be considered at locations providing high visibility and excellent accessibility*



Figure 1: Aerial Photo of Subject Property

On April 6, 2023, the province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act* which repealed the definition of “area of employment” and replaced it with the following:

“area of employment” means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. *The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:*
 - i. *Manufacturing uses.*
 - ii. *Uses related to research and development in connection with manufacturing anything.*
 - iii. *Warehousing uses, including uses related to the movement of goods.*
 - iv. *Retail uses and office uses that are associated with uses mentioned in subparagraphs i to ii.*
 - v. *Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.*
 - vi. *Any other prescribed business and economic uses.*

2. *The uses are not any of the following uses:*
 - i. *Institutional uses.*
 - ii. *Commercial uses, including retail and office uses not referred to in subparagraph 1 iv;*

The new definition focuses on traditional employment uses such as manufacturing and warehousing, while excluding certain uses such as institutional and commercial uses, including office and retail uses. Bill 97 also introduced new transition provisions under subsections 1 (1.1) and (1.2) of the *Planning Act* that allows municipalities to authorize the continuation of lands that are occupied by uses excluded under the new definition. The transition policies apply to parcels of lands within employment areas that are occupied by a use that is excluded from the new definition if the use was lawfully established on the parcel of land before the effective date. The new definition and transition policies come into force and effect on October 20, 2024.

Town-initiated OPAs are being proposed to amend the town's three official plans: the Livable Oakville Plan, the North Oakville East Secondary Plan (1984 Oakville Official Plan), and the North Oakville West Secondary Plan (1984 Oakville Official Plan). The purpose of the OPAs is to preserve the town's protected employment areas pending completion of an employment area review that will inform how the town will implement the provincial direction regarding employment. The OPAs introduce policies that restrict uses that are excluded from the new definition for "area of employment" after the effective date and authorize lands occupied by uses excluded from the new definition to continue to be considered an "area of employment" so long as they were lawfully established prior to the effective date.

The Subject Property is designated *Business Employment* according to the Livable Oakville Official Plan (2009 Town of Oakville Official Plan) and is therefore subject to proposed OPA 68, which applies to all the lands designated *Office Employment*, *Business Employment*, *Industrial* and *Business Commercial* in the Livable Oakville Plan. The Employment Area designated lands are situated north and south of the Q.E.W., east and west of Highway 403 and north and south of Royal Windsor Drive. OPA 68 proposed the following new subsection to policy 14.1.1:

It is anticipated that all of the lands designated for employment purposes will be needed to make the town a balanced and complete community.

- a) *Notwithstanding sections 3.7 and 29.5, and policies under sections 14.1, 14.2, 14.3, 14.4, 14.5, and 14.6, after October 19, 2024, new institutional and commercial uses, including retail and office uses, not referred to in paragraph 1 of subsection 1 (1) of the Planning Act shall not be permitted within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial.*
- b) *Notwithstanding 14.1.1. a), parcels of land within the Employment Area designations of Office Employment, Business Employment, Industrial and Business Commercial that were used for uses excluded from the definition "area of employment" in paragraph 2 of subsection 1 (1) of the Planning Act, that were lawfully established on or before October 19, 2024, may continue to be used for such purposes pursuant to subsections 1 (1.1) and (1.2) of the Planning Act*

The Subject Property is currently occupied by a commercial office building and is therefore subject to the transition policies under subsections 1 (1.1) and (1.2) of the *Planning Act* and OPA 68. In July 2024, a Pre-Consultation Meeting was held with the Town of Oakville to discuss a proposed site plan application that contemplates six warehouse buildings on the Subject Property while retaining the existing commercial office building. We anticipate a formal submission will be made in Q2 2025. Based on the transition provisions under subsections 1 (1.1) and (1.2) of the *Planning Act* of and proposed policy 14.1.1(b) of OPA 68, the Subject Property can still be used as a commercial office building.

Weston Consulting and our client reserve the right to provide further comments on town-initiated OPAs, specifically OPA 68, as it relates to the future development of the Subject Property and respectfully request to be notified of any future reports, public meetings and decisions with respect to this matter. If you have any questions or comments or require any additional information, please do not hesitate to contact the undersigned at ext. 329 or Sarah Burjaw at ext. 374.

Yours truly,

Weston Consulting
Per:



Darrin Cohen MCIP, RPP
Senior Planner

C. 1315 North Service Nominee Inc