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and Housing**

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January 9, 2025

Gabe Charles
Director, Planning Services – Planning and Development
Town of Oakville

Dear Gabe Charles,

**Re: Draft Midtown Oakville Official Plan Amendment – Town of Oakville
MMAH File: 24-OP-240846**

Thank you for providing the Ministry of Municipal Affairs and Housing (“MMAH”) staff with the opportunity to review and provide comments on the draft Midtown Oakville Official Plan Amendment (“Midtown Oakville OPA”).

Midtown Oakville OPA proposes to delineate the Midtown Oakville Protected Major Transit Station Area (“PMTSA”) as established in the MMAH approved Amendment 49 to the Region of Halton Official Plan (“ROPA 49”). The Midtown Oakville OPA is intended to update policies and schedules of the Liveable Oakville Plan (2009) in relation to Midtown Oakville, to respond to changes in the *Planning Act* and other provincial policies. Midtown Oakville OPA also includes changes to implement new policies to enable the use of a Community Planning Permit System (“CPPS”) in accordance with the *Planning Act* and its associated regulation, Ontario Regulation 173/16.

In light of the removal of the Region of Halton’s statutory land use planning role, effective July 1, 2024, this Official Plan Amendment is subject to approval by the Minister of Municipal Affairs and Housing. The Town of Oakville should ensure the proposed amendment satisfies the requirements of the *Planning Act* (e.g., notice, open house, etc.) with respect to an amendment under section 17.

It is our understanding that the Town of Oakville anticipates bringing the draft Midtown Oakville OPA to Council for consideration in the first quarter of 2025. Once adopted, in accordance with subsection 17 (31) of the *Planning Act*, a fee of \$14,065.00 for a non-exempt Official Plan Amendment that is not adopted in accordance with section 26 of the *Planning Act* is required, payable to Minister of Finance. The Minister or delegate can consider waiver or reduction of these fees, where requested.

As part of the One Window Provincial Planning Service, the draft Midtown Oakville OPA was circulated to staff at the Ministry of Transportation (“MTO”); Ministry of Environment, Conservation and Parks (“MECP”); Ministry of Natural Resources (“MNR”); Ministry of Infrastructure (“MOI”); and the

Local Growth and Housing Division within MMAH. Additionally, MMAH staff circulated the draft Midtown Oakville OPA to the Region of Halton.

The comments contained in this letter and the appended table are based on a review of the draft Midtown Oakville OPA in the context of consistency with the Provincial Planning Statement, 2024 (“PPS, 2024”) and conformity with provincial plans, such as the Greenbelt Plan, 2017 and legislative requirements under the *Planning Act*.

Provincial Planning Statement, 2024

The PPS, 2024 came into effect on October 20, 2024, replacing the Provincial Policy Statement, 2020 (“PPS, 2020”) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“APTG, 2019”). It is recommended that the draft Midtown Oakville OPA policies and schedules be reviewed to ensure consistency with the PPS, 2024 prior to finalizing the document, as outlined in the following comments.

Please note the PPS, 2024 includes new and revised definitions which are recommended to be included in Section 29.5 Glossary of the draft Midtown Oakville OPA, as noted in the appended comment table.

Revoking Halton Region Official Plan

We understand that the Town is moving to revoke the Region of Halton’s existing Official Plan in response to legislative changes made by Bill 23, the *More Homes Built Faster Act*, and Bill 185, the *Cutting Red Tape to Build More Homes Act*.

As of July 1, 2024 and pursuant to the *Planning Act*, the applicable parts of the Halton Region Official Plan are now deemed to be part of the Town of Oakville’s lower-tier Official Plan. The Town now has charge of those parts of the Halton Region Official Plan, in addition to their existing Official Plan. In light of this deeming, the Town has the authority to amend or revoke those policies from the former Halton Region Official Plan, in the same manner they would amend or revoke the policies in their existing Official Plan.

The Ministry encourages the Town to review the policies and mapping of the Halton Region Official Plan and integrate any applicable content directly into the Town’s Official Plan, while revoking any non-applicable content (resulting in one consolidated document). We look forward to learning more about the Town’s process and timing for the review of the Liveable Oakville Plan.

Growth Forecasts

The draft Midtown Oakville OPA has set a density target of 200 residents and jobs combined per hectare by 2031. Based on PPS, 2024 policies 2.1.3 and 2.1.4, the Town could consider whether any adjustments to the densities and growth forecasts for the area are needed to better align with provincial direction related to maintaining a sufficient supply of designated residential lands and ensuring servicing capacity to meet both short-term and long-term housing needs, as well as providing an appropriate range and mix of housing options and densities to support current and future population growth.

Through the Town's update to its official plan, consideration could be provided particularly to the number of housing units based on the Town's ongoing housing needs assessment and population forecasts for 2051. Additionally, the Town may consider utilizing the population forecasts provided by the Ministry of Finance, in conformity with PPS, 2024 policy 2.1.1.

Community Planning Permit By-law, Inclusionary Zoning Framework and Affordable Housing

The draft Midtown Oakville OPA establishes a policy framework for implementing the Community Planning Permit System, in accordance with the *Planning Act* and its associated regulation, Ontario Regulation 173/16. We acknowledge that the Community Planning Permit (CPP) by-law will be introduced by the Town in the future.

The draft OPA currently does not contain a definition of affordable housing, nor does it provide details on specific requirements for providing affordable housing. Ministry staff understand that the Town will update related policies and definitions in the official plan, including the definition of affordable housing, at the completion of the housing needs assessment. The Ministry is interested in learning more about the provision of affordable housing once the assessment is undertaken.

Further to this, we recognize the Town's intent to potentially implement inclusionary zoning provisions, including affordable housing requirements, following the completion of the housing needs assessment.

Ministry staff look forward to further discussion with the Town regarding the development and implementation of the Community Planning Permit System, inclusionary zoning provisions, and forthcoming affordable housing provisions.

Transit Oriented Communities

We understand that the Town has been engaged with the Ministry of Infrastructure and Infrastructure Ontario regarding the Oakville Transit Oriented Communities (TOC) development proposal. A draft of the TOC proposal was shared with the Town for review and feedback. Additionally, the Province has initiated public engagement activities on the TOC proposal, including briefings for local Oakville municipal Councillors, Indigenous engagement, meetings of the Local Advisory Council, and open houses. The zoning process for the TOC lands and development is expected to be completed in the spring or summer of 2025.

The TOC proposal generally aligns with the land use and functional policies outlined in the draft Midtown Oakville OPA. However, it differs significantly from the draft OPA in terms of maximum density and height. The draft OPA sets a maximum density of 6 Floor Space Index (FSI) for the TOC lands, whereas the TOC proposal aims for an overall density of 10.8 FSI. Furthermore, while the draft OPA allows for a maximum building height of 20 storeys, the proposed building heights in the TOC lands range from 46 to 59 storeys.

We acknowledge the Town's intention to conduct further review on the TOC proposal, and we encourage the Town to continue collaborating with the Ministry of Infrastructure and Infrastructure Ontario to align the TOC development with the draft Midtown Oakville OPA, to the extent possible, without compromising program objectives.

Flood Plain Management

It is noted the draft Midtown Oakville OPA includes a policy proposing the potential application of a two-zone concept for flood hazard areas, an alternative to the one-zone approach currently permitted by the Official Plan. However, we understand that Conservation Halton has advised the Town that, due to the specific nature of the flood hazard in this area, the two-zone concept is not applicable. As such, Conservation Halton has recommended the removal of this proposed policy, along with the related glossary terms, from the draft Midtown Oakville OPA. We acknowledge that this change will be made in the final draft Midtown Oakville OPA.

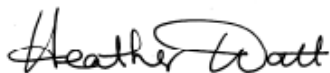
Green Building

Section 28.15.11 k) of the draft Midtown Oakville OPA includes "green buildings" as an example of facilities, services, and matters that may be requested in exchange for exceeding the maximum "as-of-right" development standards. Although the draft policy does not explicitly conflict with provincial regulations, we would like to highlight a potential issue regarding compliance with Ontario Regulation 173/16, section 10(10)(3)(iii), which restricts including conditions related to the "manner of construction and construction standards" in a CPP by-law. We recommend that the Town ensure future by-law or permit conditions do not contravene this provision.

Conclusion

Thank you again for providing the early opportunity to review and comment on the draft Midtown Oakville OPA. We look forward to continuing to work with the Town of Oakville as it moves forward with the public consultation and adoption of the draft Midtown Oakville OPA. Should you have any questions or wish to discuss the comments in more detail, please contact me directly at Heather.Watt@ontario.ca or alternatively, you may contact Tahereh Granpayeh, Team Lead at Tahereh.Granpayeh@ontario.ca.

Thank you,



Heather Watt
Manager, Municipal Services Division – Central Region (West)

cc. Sybelle Von Kursell, Manager, Midtown Oakville and Special Programs
Kirk Biggar, Manager, Policy Planning and Heritage
Geoff Abma, Senior Policy Planner, Planning Services

Revisions Suggested to Implement the <i>Planning Act</i> , Provincial Planning Statement, 2024 and Provincial Plans					
Item	OPA Policy Number/ Schedule Reference	Comments/Concerns	Related Provincial Ministries	Reference to <i>Planning Act</i> , PPS, 2024 or Provincial Plan Section or Policy	Requests for Additional Information and Recommended Policy Revisions
Midtown Oakville Specific Policies Section 20.4.1: General					
1	20.4.1	MTO has an obligation to maintain and repair highways, and the jurisdiction to control access points to highways within 800 m of any provincially owned highway.	MTO	MTO Highway Corridor Management Manual ; <i>Public Transportation and Highway Improvement Act (PTHIA)</i>	Please add text indicating that development of the Major Transit Station Areas (MTSAs) will be in consultation with MTO.
Midtown Oakville Specific Policies Section 20.5.2: Mobility					
2	20.5.2 b) iv	The Town is encouraged to acknowledge the Province-Wide Cycling Network (PWCN) (which can be found here) in the proposed OPA policies so as to ensure that local municipal segments of the network are promoted and considered in future planning.	MTO	PPS 2.9.1 d), 3.9.1 a); Province Wide Cycling Network	Please modify the policy in section 20.5.2 b) iv as follows: “Pedestrian and cycling infrastructure should contribute to a continuous and comprehensive network throughout Midtown Oakville and connect with the broader townwide network and local municipal segments of the Province-Wide Cycling Network. ”
Townwide Policies Section 28.15.11: Community Planning Permit System					

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3	28.15.11 k)	Green buildings as a service/ facility that may be provided through the CPP by-law.	MMAH	O. Reg. 173/16, section 10(10)(3)(iii)	Although the province would not approve the CPP by-law and the draft OPA policy does not explicitly conflict with provincial regulations, please ensure future by-law or permit conditions do not contravene Ontario Regulation 173/16, section 10(10)(3)(iii), which restricts including conditions related to the "manner of construction and construction standards" in a CPP by-law.
Townwide Policies Section 28.19.3: Transportation Demand Management					
4	28.19.3 (j) ii	MTO recommends acknowledging Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe and its policies and near-term actions that support cycling, active transportation, and transportation demand management (TDM) in general.	MTO	PPS 3.2.2; Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe 4.1, 5.3 and 5.5	Please modify the following policy in section 28.19.3 (j) ii as follows: "The development of site-specific Transportation Demand Management (TDM) strategies shall consider relevant Town Parking Strategy(ies), Halton Region's Mobility Management Strategy, Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe , other relevant strategies that the Town and/or Region are a party to, and relevant by-laws that may authorize, permit or preclude proposed strategies."
Townwide Policies Section 29.5: Glossary					
5	29.5; Throughout the OPA	Please note the PPS, 2024 includes new and revised definitions which are recommended to be included in the Glossary section of the Midtown Oakville OPA.	MMAH	PPS 8	To ensure alignment with the PPS, 2024, please replace all references to "special needs housing" with "additional needs housing" throughout the OPA.

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		For example, the PPS, 2024 defines and uses “additional needs housing” instead of “special needs housing”.			In addition, please add new and revised definitions in accordance with the PPS, 2024, such as “additional needs housing”, and integrate the new definitions into the OPA, where applicable.
Schedules, Figures and Appendix					
6	All Schedules	The designation of the entire GO area as “Utility” may not align with Metrolinx’s use of certain properties (i.e. transit related infrastructure/ facilities) or long-term goals of transit-oriented development and maximizing the use of land around transit stations.	MTO		<p>Metrolinx is the owner of several developable properties at Oakville GO (PINs as follows: 248160102; 248160103; 248160104; 248160105; 248160072; 248160059; 248160057; 248060009; 248060011. These properties currently contain various forms of transit related infrastructure/ facilities that support the function of the GO Station.</p> <p>Rather than designate as ‘Utility Zones’ which are typically associated with infrastructure such as powerlines, water mains, etc. the Town could consider designating these lands surrounding the GO station as “transitional lands” or “mixed-use”, which would allow for residential, commercial, recreational, etc. This is in line with Metrolinx’s goal of creating integrated, accessible, and sustainable communities around transit stations.</p>
7	Schedule L1 - Land Use	Section 20.3.1 states that the Transit Hub Precinct includes all lands designated “Utility”. Yet, the Utility designation appears to be within the	MMAH		Please modify section 20.3.1/Schedule L1 to avoid inconsistency between the policy text and mapping.

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		<p>Lyons and Trafalgar Precincts in Schedule L1.</p> <p>Additionally, the Schedule mapping does not show “Urban Centre”, which is” listed in the legend.</p>			Please also ensure that the Schedule mapping and legend are consistent, and remove any designations from the legend that do not exist in the mapping.
8	<p>Schedule L3 - Maximum Density;</p> <p>Schedule L4 - Building Height Thresholds</p>	Infrastructure Ontario’s TOC proposal	MOI		<p>The draft OPA sets a maximum density of 6 Floor Space Index (FSI) and a maximum building height of 20 storeys, which differs from what is outlined in the TOC proposal.</p> <p>We encourage the Town to continue collaborating with the Ministry of Infrastructure and Infrastructure Ontario to align the TOC development with the draft Midtown Oakville OPA, to the extent possible, and without compromising program objectives.</p>
9	Schedule L3 - Maximum Density	<p>Metrolinx properties are subject to maximum densities of between 4 and 5 FSI.</p> <p>These properties should have the greatest densities within Midtown Oakville, given their direct access to the GO Station.</p>	MTO	PPS 2.2.1.d), 2.3.1.2, 2.4.2.3	To maximize transit-supportive development, Metrolinx requests that its properties be subject to the greatest maximum density in Midtown Oakville.

Revisions Suggested to Implement the <i>Planning Act</i> , Provincial Planning Statement, 2024 and Provincial Plans					
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10	Schedule L4 - Building Height Thresholds	<p>Metrolinx properties on the south side of the rail corridor (PINs 248160102, 248160103, 248160104, 248160105) are subject to a building height threshold of 5 to 12 storeys.</p> <p>These properties should have the greatest heights within Midtown Oakville, given their direct access to the GO Station.</p>	MTO	PPS 2.2.1.d), 2.3.1.2, 2.4.2.3	To maximize transit-supportive development, Metrolinx requests that its properties on the south side of the rail corridor (PINs 248160102, 248160103, 248160104, 248160105) be subject to a building height threshold of 5 to 20 storeys.
11	Schedule L5 - Transportation Network	<p>Segments of the Strategic Goods Movement Network (SGMN) occur locally within the Midtown Oakville Plan Area, specifically along Trafalgar Road, north of Cornwall Road, as well as Cornwall Road.</p> <p>MTO recommends that the Midtown Oakville OPA explicitly acknowledges and plans for goods movement along these local segments by mapping them in Schedule L5.</p>	MTO	PPS 3.3.2; Connecting the GGH: A Transportation Plan for the Greater Golden Horseshoe Map 6	Please depict local segments of the Strategic Goods Movement Network (Trafalgar Road and Cornwall Road) on Schedule L5.
12	Schedule L6 - Active Transportation	Segments of the Province-Wide Cycling Network occur locally within the Midtown Oakville Plan Area,	MTO	PPS 2.9.1 d), 3.9.1 a);	Please depict local segments of the Province-Wide Cycling Network along Trafalgar Road between Cross Avenue and Cornwall Road;

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		<p>specifically along Trafalgar Road between Cross Road and Cornwall Road; Cornwall Road, west of Trafalgar Road; and Lyons Lane.</p> <p>MTO recommends that the Midtown Oakville OPA explicitly acknowledges and plans for active transportation along these local segments by mapping them in Schedule L5.</p>		Province Wide Cycling Network	Cornwall Road, west of Trafalgar Road; and Lyons Lane on Schedule L6.