



## Committee of the Whole

---

**Meeting Date:** September 12, 2023

**Submitted by:** Durk Vanderwerff, Director of Planning and Development

**Subject:** Exemption for a Proposed Plan of Condominium; Oxbow Developments Limited; Middlesex Centre; File No. 39T-MC-CDM2301

---

### **BACKGROUND:**

The proposed plan of condominium would consist of 50 townhouse units to be developed on full municipal services on a two hectare property in Komoka. The subject lands have frontage on Oxbow Drive and access to Oxbow Drive through a shared driveway (with easement) with the abutting institutional use. The subject land also abuts existing and planned residential development. The development would include internal private roads and common areas.

The applicant is requesting that the County exempt this development from the full condominium approval process as set out in Section 51 of the Planning Act. Sections 9(6) and 9(10) of the Condominium Act authorizes the Approval Authority to grant an exemption when the Approval Authority believes it to be appropriate. Essentially, an exemption allows the owner to by-pass the draft plan approval process and proceed to final plan approval where the typical draft plan approval matters can be appropriately addressed by another land use planning process.

County Council is the Provincially delegated Approval Authority for plans of condominium. This report summarizes the planning policy context and provides a planning recommendation for Council from the perspective of the Approval Authority. More detailed local planning analysis, as provided to Middlesex Centre Council, is provided within the attached local planning report. A location map and the proposed plan are also appended to this report.

### **ANALYSIS:**

The County accepted the proposed plan of condominium as complete on July 5, 2023 and it was determined that an agency circulation was not necessary in this case. Council for the Municipality of Middlesex Centre supported the proposal at their August 16, 2023 meeting.

The Provincial Policy Statement (PPS) and the County Official Plan encourage new development and an appropriate range and mix of residential uses to occur in settlement areas, like Komoka, where full municipal services can be provided. The County Official Plan designates Komoka as an 'Urban Settlement Area'. The lands are located within the 'Residential' and 'Medium Density Residential' designation of the Middlesex Centre Official Plan and within a site specific 'Urban Residential Third Density exception 14 (UR3-14)' zone of the Middlesex Centre Comprehensive Zoning By-law. The attached local municipal planning report addresses the land use policy documents in further detail.

An exemption from the full condominium approval process is appropriate in cases where there are no outstanding matters respecting the development that impact outside agencies, there would be no benefit from undertaking additional public consultation, and the development is subject to an existing planning approval and agreement. In this case, there are no outstanding matters, the proposal was subject to a public planning process with the zoning by-law amendment, and the Municipality has indicated that their requirements are satisfied by the terms of a site plan development agreement.

In all, staff are satisfied that an exemption is appropriate in this case. However, it is noted that if Council grants the exemption, it is the County's practice that the signing of the final plans will not occur until a clearance is provided by the Municipality to ensure that there are no outstanding technical matters.


It is my opinion that this plan of condominium is consistent with the PPS, conforms to the County Official Plan policies that encourage new residential development to locate in settlement areas on full municipal services, and conforms to the policies of the Middlesex Centre Official Plan. It is also my opinion that it is appropriate to exempt this development from the full condominium approval process as set out in Section 51 of the Planning Act.

#### **FINANCIAL IMPLICATIONS:**

The budget expense related to the Provincially delegated Approval Authority responsibility for local official plans is offset, to an extent, through the collection of application fees. The approval of development and the accompanied community growth has indirect long-term financial implications.

#### **ALIGNMENT WITH STRATEGIC FOCUS:**

This report aligns with the following Strategic Focus, Goals, or Objectives:

Strategic Focus	Goals	Objectives
<p>Strengthening Our Economy</p> 	<p>Encourage a diverse and robust economic base throughout the county</p>	<ul style="list-style-type: none"> <li>• Create an environment that enables the attraction and retention of businesses, talent, and investments</li> <li>• Support the development and prosperity of downtown core areas in Middlesex County</li> </ul>

### RECOMMENDATION:

That the County of Middlesex exempt plan of condominium File No. 39T-MC-CDM2301 from the full condominium approval process.

Attachments