



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

THURSDAY, FEBRUARY 19, 2015 - 6:00 P.M.

1. **APPROVAL OF MINUTES** - January 15, 2015
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
 1. B1/15 - Bonnefield LP III Inc. - East Part Lot 17, Concession 3 O.S. RP 7R 5543 Part 1
 2. B2/15 - Bonnefield LP III Inc. - East Part Lot 16, Concession 3 O.S.
4. **APPLICATION FOR MINOR VARIANCE**
5. **APPLICATIONS ON FILE**
 1. B12/14 - Julian McDowell - West Part Lot 13, Concession 1 O.S.
6. **DELEGATES**
7. **CORRESPONDENCE**
 1. Report from Jerry Jorden, RPP, Re: Approved Bonnefield Applications B1/14 and B2/14, West Part Lot 20, Concession 1 O.S. - County's requested change to an approval condition.
8. **ADJOURNMENT**



LAND USE PLANNING | PROJECT MANAGEMENT
2 Wagner Road, Nottawa, ON L0M 1P0

November 20 2014

Ms. Denise Holmes
CAO/Clerk Treasurer
Township of Melancton
157101 Highway 10
Melancton, Ontario
L9V 2E6

By email and hard copy to follow

Dear Ms. Holmes:

Re: Submission of Consents
Bonfield Canadian Farmland LP III
Proposed consents for Barton and Downey
Client: Bonfield Inc. (BON 09813)

We act as planners on behalf of Bonfield Inc. to provide planning services in connection with applications for consent with respect to the aforementioned properties. Please find enclosed two consent applications and sketches as follows:

1. Barton –

477384 Third Line, Township of Melancton
Legal Description: Part Lot 17, Concession 3 OS

Roll: **221900000119900**

221900000120400

221900000120450

221900000120500

221900000120300

221900000120600

221900000120700

221900000120200

221900000120750

221900000120800

221900000120950

221900000120970

221900000120960

221900000121000

221900000119800

Total Land Holding: 396.8 hectares (980.5 acres)

2. Peter Downey –

625237 15th Sideroad

Legal Description: East ½ Lot 16, Concession 3 OS

Roll: 221900000119800

Roll: ~~221900000119900~~

~~221900000119800~~

221900000120400

221900000120450

221900000120500

221900000120300

221900000120600

221900000120700

221900000120200

221900000120750

221900000120800

221900000120950

221900000120970

221900000120960

221900000121000

Total Land Holding: 388.9 hectares (960 acres)

As previously provided, Bonnefield Inc. was established in 2009, and is a leading farmland investment and property manager that actively invests in and manages farmland across Canada. Bonnefield Inc. has established a Canada-wide network of progressive farmers, farmland realtors and farm financial advisors to help procure and successfully invest nationally in farmland. Bonnefield's goal is to preserve farmland for farming. Through their farmland management practices, they work with farmland owners and operators to ensure they have the resources they need to enhance the value of the farmlands. With the farmer, Bonnefield carefully monitors multi-year agrology, crop rotation and fertilizer plans, identify opportunities for improving the physical maintenance and layout of farmlands. Bonnefield Inc. has experience in farm operations and ownership, operating farmland across Canada. Bonnefield Inc. incorporates principles of exemplary environmental stewardship as well as sustainable farming and agronomic practices, their goal is to become a long-term partner with farm operators.

Enclosed are two consent applications. The proposed severances as we will identify below, will allow the proposed owners to utilize the existing agriculturally related facilities which are of significant size and a critical part of the economic landscape within this Township.

The following are the proposed severances dealing with conveyance of lands for each of the applications. The following is a brief synopsis of the proposed consent applications:

1. Barton – 477384 Third Line (Melancthon)
The severed parcel which includes the residence and accessory building/shop measures approximately 7.9 hectares (19.5 acres) with a frontage of approximately 200 metres and a depth of 290 metres. The lands are of an odd shape with an existing residential lot that is not part of the land holding.
2. Peter Downey – 625237 15th Sideroad (Melancthon)

The severed parcel which includes a residence and accessory structure measures approximately 40.06 hectares (98.9 acres) with a frontage of approximately 610 metres and a depth of 671 metres. The lands are a mix of agricultural fields, woodland, stream and associated adjacent lands, and the residence.

The policy documents within the municipality designate and zone the lands as follows:

1. Barton lands are designated Agricultural and zoned General Agricultural (A1).
2. Downey lands are designated Agricultural and Natural Environment and zoned General Agricultural (A1) and Open Space (OS2).

Provincial Policy Statement

The lands would be considered Prime Agriculture. The Provincial Policy Statement identifies that Prime Agriculture areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

Section 2.3.3 entitled Permitted Uses identify the following permitted uses and activities as being: agricultural uses, agricultural related uses and on-farm diversified uses.

Proposed agricultural related uses and on farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, a set out in municipal documents, which achieve the same objectives.

The following are relevant sections of the PPS,

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

This is a large land holding – whereby Bonnefield is re-creating former existing lots in order to convey by real estate transaction these lands back to individual land owners. The Barton application proposed to sever a 7.9 hectare lot where the residence and accessory buildings are existing. The Downey consent proposed to sever a larger land holding, 40.06 hectares where the residence and accessory structures exist.

With respect to MDS, the following are two relevant Implementation Guidelines,

“Implementation Guideline 8: MDS and Consent Applications

MDS I is applied to a proposed lot, vacant or with existing structures.

Where a new lot is proposed with an existing dwelling, and that dwelling is already located on a lot separate from the subject livestock facility, MDS I is not applied as the potential odour conflict is already present between the neighbouring livestock facility and the existing dwelling. However, municipalities may choose to apply MDS I from the neighbouring livestock facility to a proposed lot with an existing dwelling. Direction to apply MDS I in these circumstances should be clearly indicated in the municipality's planning documents.

MDS I is applied to a proposed lot with an existing dwelling when the dwelling is presently located on the same lot as the subject livestock facility.

MDS II is not applicable.

Implementation Guideline 9: MDS and Zoning By-law Amendments

MDS I is applied when new development is proposed by way of a re-zoning in a zone where agriculture is a permitted use.

MDS II is not applicable.”

As such, we have confirmed that there are no livestock structures or residences on the subject lands. There are also no livestock structures in the immediate area. The local planning documents are silent on the implementation of MDS in this particular case/scenario.

In our opinion, the intent of the Provincial Policy Statement is to both limit lot creation within Prime Agricultural areas, but as well, to allow farm operators flexibility in disposing of lands or surplus farm dwellings.

It is our opinion that the proposal is consistent with the Provincial Policy Statement 2014.

Official Plan

The lands are designated Agricultural (Barton) and Agricultural and Natural Environment (Downey) within the Official Plan. As such the relevant sections include Section 3.4 Natural Environment and Section 5.2 Agricultural.

The following policies are the relevant policies.

Section 5.2.5

5.2.5 Consent Policies for Areas Designated Agricultural

(a) The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for agricultural uses, minimize the fragmentation of such land, protect agricultural operations, and minimize the intrusion of incompatible uses into prime agricultural areas.

(b) In addition to the general consent policies of section 7.2 and all other applicable policies of this Plan, the following consent related policies apply specifically to lands in the Agricultural designation. In such areas lot creation is discouraged and only the types of lot creation or lot line adjustments identified in the following policies may be permitted through the granting of consents.

i Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2(h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law.

ii Lots may be created for agriculture-related uses provided any such lot is limited to the minimum size needed to accommodate the use and appropriate on-site sewage and water services, and the lot is sited to avoid agricultural lands wherever possible.

iii The only type of new residential lot permitted is a lot which accommodates a residence surplus to a farming operation as a result of farm consolidation provided there is compliance with the following policies.

- The new lot for the existing residence will be limited to the minimum size needed to accommodate the use and any required individual onsite water service and individual on-site sewage service.
- Such lots are permitted only if the approval authority ensures that a new residence is prohibited on any remnant parcel created by the land division through the application of appropriate zoning controls or other equivalent measures.
- Where these residential lots would be located in close proximity to agricultural buildings on the property that is the subject of the consent application, MDS formulae shall be met or those buildings shall be removed as a condition of the granting of the consent for the land severance.

iv Lots may be created for infrastructure where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

v In accordance with the policies of section 7.2, consents may be granted for lot line adjustments for legal or technical reasons provided the consent does not result in the creation of a new building lot.

It is our opinion that both proposed consents are severing lots where there are existing residences, and following previously existing lot lines. The Barton consent is severing lands which are not of a typical farm size, and are slightly larger than a proposed surplus lot. However the lands do represent an acceptable lot configuration, where there are adjacent lots and existing residences. Further, the proposed lot is not taking agricultural fields out of agricultural – or splitting existing agricultural fields.

The Downey consent is a generally 40 hectare farm parcel, and as such would conform to the consent policies relating to farm creation Official Plan.

Zoning By-law

The subject lands for both parcels are zoned General Agriculture (A1) with the Downey consent having a portion of OS2 in the Township of Melancton Zoning By-law 12-1979 (as amended 12-1982). It is anticipated that a zoning by-law amendment will be required for the Barton lands in order to implement the consent.

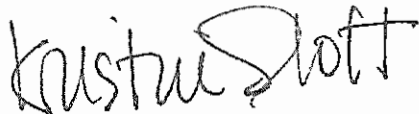
Conclusions

In conclusion and based upon the above reporting, it is our opinion that the proposed consent applications conform to the new Official Plan and to the Township of Melancton Zoning By-law and are consistent with the Provincial Policy Statement.

It is our opinion that the proposal for consents has merit and represents good planning.

Respectively,

LOFT Planning Inc.

A handwritten signature in black ink, appearing to read "Kristine Loft". The signature is fluid and cursive, with the first name "Kristine" and the last name "Loft" clearly distinguishable.

Kristine A. Loft, MCIP RPP
Principal

Roll numbers:

22-19-000-001-20400
22-19-000-001-20450
22-19-000-001-20500

RETAIN

22-19-000-001-20300
22-19-000-001-20600
22-19-000-001-20700

22-19-000-001-20200
22-19-000-001-20750
22-19-000-001-20800

22-19-000-001-19900
22-19-000-001-20950
22-19-000-001-20970
22-19-000-001-20960

22-19-000-001-21000
22-19-000-001-19800

Legal Descriptions:

LT 19, & PT LTS 17, 18, 20 & 21, CON 3 OS,
PT RD ALLOW BETW LTS 20 & 21, CON 3 OS
AS CLOSED BY MF131333, PT 5, 7R5973;
TOWNSHIP OF MELANCTHON

W 1/2 LT 17, CON 3 OS
EXCEPT PTS 1 & 2, 7R1173
AND PTS 1 & 2, 7R1222;
MELANCTHON

PT LT 17, CON 3 OS,
PT 2, 7R5543;
MELANCTHON;

PT LT 17, CON 3 OS,
PT 1, 7R5543;

To be severed

PT LT 17, CON 3 OS,
PT 1, 7R1173 & PT 2,
7R1222 EXCEPT
PTS 1, 2 & 3, 7R4184

E 1/2 LT 16, CON 3 OS

To be severed

PT LT 16, CON 3 OS
AS IN MF85471;
S/T INTEREST OF
THE CORPORATION OF
THE TOWNSHIP OF MELANCTHON ,
S/T MEL19106 MELANCTHON



Ph: (519) 925-5525
Fax: (519) 925-1110

TOWNSHIP OF MELANCTHON
Committee of Adjustment

157101 Highway 10
Melancthon, Ontario
L9V 2E6

NOTICE OF PUBLIC MEETING
Application for Consent

File No. **B1/15**

Date of Meeting: **Thursday, February 19, 2015** Time: **6:00 p.m.**

Name of Owner/Applicant: **Bonnefield LP III Inc.**

Location of Public Meeting: **Council Chambers, 157101 Highway 10, Melancthon, ON, L9V 2E6**

PROPOSED SEVERANCE: East Part Lot 17, Concession 3 O.S. RP 7R 5543 Part 1

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: 200 metres Depth: 290 metres

Area: 7.9 hectares

RETAINED PORTION: Lots 16 to 20, Concession 3 O.S.

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: 1330 metres Depth: 3030 metres

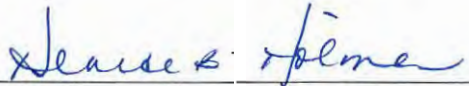
Area: 396.8 hectares

The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.



Denise B. Holmes, Secretary-Treasurer

**TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT**

NOTE TO APPLICANTS

One copy of this application form must be completed and filed for each parcel to be severed together with the sketch as required by the Schedule to Ontario Regulation 547/06, with the Secretary/Treasurer and be accompanied by a fee of \$800.00 + \$1000.00 deposit. Cheques made payable to the Township of Melancthon.

Completeness of the Application

The information that must be provided by the applicant is prescribed in the Schedule to Ontario Regulation 547/06 made under the Planning Act. If the mandatory information and fee are not provided, the Committee of Adjustment will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Committee of Adjustment and others in their planning evaluation of the Consent Application. To ensure the quickest and most complete review, this information should be submitted at the time of the application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

1. Registered Owner's Name : Bonnefield LP III Inc.
 Address: 141 Adelaide Street West, Suite 500, Toronto, ON, M5H 3L5
 E-mail Address: mmitchell@bonnefield.com
 Telephone Number: (Home) _____ (Work) 416.309.4477 (Fax) 416.884.8469

Applicant's Name : _____
 Address: _____
 E-mail Address: _____
 Telephone Number: (Home) _____ (Work) _____ (Fax) _____

Agent's Name: Kristine Loft, LOFT Planning Inc.
 Address: 2 Wagner Road, Nottawa ON L0M 1P0
 E-mail Address: kristine@loftplanning.com
 Telephone Number: (Home) _____ (Work) 705.446.1168 (Fax) 866.391.9771

Send Correspondence to? Owner () Applicant () Agent (X)

2. Date of Application: October 15, 2014

3. Type of Transaction: (e.g. a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title)

Lot creation

4. Name of person(s) to whom the land or interest in land is to be transferred, charged or leased:

To be determined

5. Legal Description of Property:

Municipality Melancthon

Lot (s) Part Lot 17 Concession 3 OS

Lot (s) ---- Registered Plan ----

Part (s) 1 Reference Plan 17R-5543

Street Address 477 384 3rd Line

Roll Number 22 19 000 001 19900 Survey Attached - Yes () No (X)

6. Are there any easements or restrictive covenants affecting the subject property? Yes _____ No X

7. If the answer to Section 6 is yes, a description of each easement or covenant and its effect.

8. (a) Description of lands to be SEVERED or EASEMENT/RIGHT-OF-WAY: (in metric units)

Frontage: 200 metres Area: 7.9 hectares

Depth: 290 metres

Existing Use: Agricultural Proposed Use: Agriculture

Existing and proposed buildings and structures on land to be severed:

Existing: Residence & accessory structure

Proposed: No new structures a this time

What type of access do the lands intended to be SEVERED have?

Provincial Highway _____ County Road _____

Year Round Municipal Road X Seasonal Municipal Road _____

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify _____

Services currently available, or to be available for the SEVERED parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	(X)	()	()	(X)
Proposed	()	()	(X)	()	()	(X)

(b) Description of lands to be **RETAINED**: (in metric units)

Frontage: 1330 m Area: 396.8 hectares

Depth: 3030 m

Existing Use: Agricultural Proposed Use: Agricultural

Existing and proposed buildings and structures on land to be retained:

Existing: Multiple lands (Agricultural structures & Residences)

Proposed: No new structures at this time

What type of access do the lands intended to be **RETAINED** have?

Provincial Highway _____ County Road _____

Year Round Municipal Road X Seasonal Municipal Road _____

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify 20th Sideroad, 3rd Line, 4th Line, 15th Sideroad

Services currently available, or to be available for the **RETAINED** parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	(X)	()	()	(X)
Proposed	()	()	(X)	()	()	(X)

9. (a) Present Official Plan designation of the land : Agricultural

(b) Present Zoning of the land: A1

10. Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 53 of the Planning Act? Yes _____ No X

If the answer is yes, the file number of the application and the status of the application.

11. Has any land been severed from the parcel originally acquired by the owner of the subject land? Yes

12. If the answer to Section 11 is "Yes", please indicate previous severance on the required sketch and supply the following information for each lot severed:

Grantee's Name: Bonnefield LP III Inc.

Relationship (if any) to owner: _____

Date of Parcel Created: Provisional Consent Use of Parcel: Agriculture

File Number : B10/2014

13. Is the subject land the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an approval of a plan of subdivision or a consent; No

If the answer is yes, the file number of the application and the status of the application: No

14. This application must be accompanied by a sketch showing the following, with any measurements shown in metric units:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;

(e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, bank of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,

- (i) are located on the subject land and on land that is adjacent to it, and
- (ii) in the applicant's opinion, may affect the application;

- (f) the current uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

15. Is the application consistent with policy statements issued under subsection 3(1) of the Act? Yes

16. Is the subject land within an area of land designated under any provincial plan or plans? Yes

17. If the answer to question 16 is yes, briefly explain how this application either conforms with or does not conflict with any applicable provincial plan or plans:

Places to Grow - See Attached

18. If this application involves the creation of a non-farm lot within approximately 500 metres of livestock facilities and/or permanent manure storage facilities, a completed MDS I calculation form must be submitted with this application. If this application involves a new or expanded livestock facility and/or permanent manure storage facility, a completed MDS II calculation form must be submitted with this consent application.

UPON SUBMISSION OF THIS APPLICATION THE APPLICANT AGREES:

1. That the fee submitted with this application covers only routine processing costs (i.e. review by municipality). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (i.e. planning, legal or engineering fees, OMB Hearing costs, agreements, special studies, other approvals or applications and any other related matters) will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.
2. To pay the application fee in full prior to the processing of this application.
3. To allow the Committee of Adjustment to site inspect the property in consideration for this application.

Affidavit or Sworn Declaration

I, Kristine A. Loft of the Township of Clearview
TOM EISENHAUER of CITY of TORONTO
in the COUNTY of SIMCOE
PROVINCE of ONTARIO solemnly declare that all the statements
contained in this application and all the information provided is true, and I make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and
by virtue of the CANADA EVIDENCE ACT.

Declared before me

Date: NOV 25, 2014

at the TOWN OF WASAGA BEACH

in the COUNTY OF SIMCOE

Signature of Applicant: [Signature]

this 25 day of November

2014

Kristine Loft

[Signature]
A Commissioner, etc. **PAMELA ANN ARCHDEKIN**, a Commissioner,
etc., Deputy Clerk, for the Corporation of the
Town of Wasaga Beach, County of Simcoe

Authorizations:

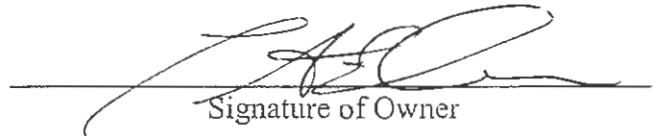
If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application on his/her behalf, must be included with this form or the authorization set out below must be completed.

Authorization of Owner for Agent to Make Application and for Agent to Provide Personal Information

I, Bonnefield LP III Inc., am the owner of the land that is the subject of this application for consent and I authorize LOFT Planning Inc. to act as my agent for the purpose of this application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize my agent to provide any of my personal information that will be included in this application or collected during the processing of this application.

Nov 10, 2014

Date


Signature of Owner

Consent of the Owner to the Use and Disclosure of Personal Information

I, Bonnefield LP III Inc., am the owner of the land that is the subject of this consent application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Nov 10, 2014

Date


Signature of Owner

SEVERED
(BARTON)



TOWNSHIP OF MELANCTHON

REPORT TO COMMITTEE OF ADJUSTMENT

TO: CHAIRMAN WHITE AND MEMBERS OF COMMITTEE OF ADJUSTMENT

FROM: JERRY JORDEN, RPP

DATE: JANUARY 16, 2015

**SUBJECT: BONNEFIELD INC. CONSENT APPLICATION, SEVERANCE IN PART OF
EAST ½ LOT 17, CONCESSION 3, O.S. (FILE NO. B1/15) (BARTON)**

1.0 RECOMMENDATION

In view of its compliance with the applicable planning policies and regulations, it is recommended that Consent Application B1/15 be approved with no planning related approval conditions.

2.0 PURPOSE

The purpose of this report is to provide planning related analysis and recommendations concerning a consent application for a land severance by LOFT Planning Inc. on behalf of the land owner, Bonnefield LP III Inc. The analysis provides an evaluation of the application in the context of the applicable Township and Provincial plans, policies and land use regulations.

3.0 SUBJECT PROPERTY, AREA AND PROPOSED SEVERANCE

The subject property consists of the majority of the lands in the Third Concession, O. S., between Sideroads 15 and 20 and includes all or parts of Lots 16 to 20 in that concession. It has a total area of 396.8 hectares and consists of primarily agricultural lands with a few small watercourses, woodlands and wetlands. The property contains multiple buildings, structures and residences, most of which appear to have been originally associated with the individual agricultural uses and properties that were consolidated into the large current land holding.

The consent application seeks the severance of 7.9 hectares in the eastern part of this large consolidated land holding. The proposed lot is part of the east half of Lot 17, Concession 3, O.S. It would have 200 metres of frontage on the 3rd Line, O.S. It has a somewhat irregular shape as a result of being located surrounding a rural residential lot that also fronts on the 3rd Line.

The consent application form indicates that agriculture is the existing and proposed use of the proposed severed lands. There is a house and barn in the southeast part of the lot adjacent to the above referenced rural residential lot. There is evidence of a small and shallow abandoned area of gravel extraction on the south central portion of the proposed lot with the remainder of these lands being cleared but not used for crop cultivation. No new buildings are proposed.

The application form also states that the large land holding forming the retained lands would continue to be used for agriculture with no new structures being proposed at present. The retained lands immediately behind the proposed severed lands are part of a large agriculturally used field extending west and north. There are five rural residential lots to the north of the severed lands and agricultural, rural and residential uses to the east on the opposite side of the 3rd Line.

4.0 BACKGROUND TO THE APPLICATION

The lands identified as the severed lands in the consent application follow the boundaries of an existing lot that was reconfigured in 2006 as a result of a Committee of Adjustment decision in 2005. That decision implemented an enlargement of an abutting agricultural property owned by Downey Farms. The western 12 hectares of a 20 hectare lot fronting on the west side of the 3rd Line was added to that abutting property. That lot enlargement reduced the area of the 20 hectare lot to its current size of 7.9 hectares. That is the lot that is the subject of the current application.

The Committee's 2005 decision approved a lot adjustment severance. It did not create a new lot but permitted the enlargement of a existing agricultural property to include lands already being used by that larger agricultural operation. The agricultural use of the reconfigured smaller property at the time of the severance has continued. In the years since the 2005 severance approval both of the involved properties have been included in a larger consolidation of agricultural properties. The owner of that land holding is now seeking the current land severance.

5.0 PURPOSE AND EFFECT OF THE APPLICATION

Under the provisions of the Planning Act, in an area outside a plan of subdivision a property that is in the same ownership as an abutting property cannot be conveyed without an approved consent. That appears to be the purpose of this consent application with the current owners of the large consolidated agricultural holding apparently intending to transfer the ownership of the reconfigured smaller property remaining from the 2006 property expansion.

This is a follow-up technical consent application resulting from the 2005 lot adjustment severance and the subsequent consolidation of the ownership of the properties involved in that severance. Like the 2005 decision, this application would not create a new lot, would not result in the loss of any actively farmed lands, and would not establish any new non-agricultural uses.

6.0 PROVINCIAL PLANS AND POLICIES

The subject land holding is included in a prime agricultural area under the terms of the Provincial Policy Statement (PPS). The applicable policies permit severances involving lot adjustments for “legal or technical reasons” and do not result in the creation of a new lot. As discussed in section 5 above, this application results from a technical requirement of the Planning Act. It would permit the owners to convey an existing lot that is currently under consolidated ownership.

Although the Growth Plan for the Greater Golden Horseshoe applies to this area, the higher level policies in that Plan do not specifically address these types of technical consent applications. However, the agricultural use of the subject lands will not be affected by the requested consent and that is a resource based use permitted by the Growth Plan’s policies.

7.0 OFFICIAL PLANS

7.1 Current Official Plan

In the Township’s current Official Plan the majority of the subject property, including part of the proposed severed lands, is designated primarily Rural. Part of the severed lands is also included in an Industrial designation, possibly to recognize the small gravel extraction

area that is no longer used. Some lands along the small watercourses and wetlands areas on the retained lands are included in the Environmental Protection Area High Hazard Land designation.

Agricultural uses are permitted in the Rural designation. Since there is no mineral aggregate related use on the lands proposed to be severed, these lands constitute an existing lot and no change in use will result from the approval of the consent application, there would be general conformity with the Official Plan including the policies relating to existing uses.

Like many Plans approved at the time of the approval of the current Official Plan, there are no specific policies in the current Plan relating to technical consents. However, the requested severance and the existing lot that is the subject of that severance conform with the general consent policies in section 7(c) of the Plan including the policy permitting severance approval where a plan of subdivision is not required for proper and orderly development.

7.2 Council Adopted New Official Plan

Although the proposed new Official Plan as adopted by Council is not yet in effect, it should be considered in evaluating the consent application. The policies of sections 7.2 and 5.2.5 permit consents for legal or technical reasons providing they do not result in the creation of a new building lot. As discussed in section 6 herein, the proposed severance would comply with this policy which is taken from the Provincial Policy Statement.

8.0 ZONING BY-LAW

The majority of the subject property, excluding the proposed severed lands, is zoned General Agricultural (A1) with areas primarily along two small watercourses being included in an Open Space Conservation (OS2) zone. There is a site specific General Agricultural Exception (A1-105) zone on the proposed severed lands. That zone permits the use of these lands for a farm and a detached dwelling, and recognizes the reduced lot size resulting from the 2005 agricultural lot enlargement severance. Based on the information provided in the application, the current technical consent would not require any further Zoning By-law amendments.

9.0 CONCLUSION

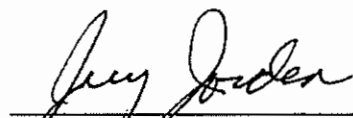
This is an application for a technical consent to enable the conveyance of a property that was reconfigured as a result of a 2005 decision approving a lot enlargement severance. The ownership of that reconfigured property was subsequently consolidated with that of the large abutting agricultural land holding. As a result of that consolidation of ownership, the current consent application is required under the provisions of the Planning Act to enable the conveyance of the subject lot. The provisions of the applicable planning policy documents permit the approval of consents such as these that are required for legal or technical reasons and do not result in the creation of a new lot. The existing and proposed uses of the subject lands would also conform with the applicable policies.

In view of the above referenced policy context, the consent application could be approved. Since the subject lots conform with the applicable lot size and frontage zone provisions and the existing and proposed uses are permitted in the Zoning By-law, there would be no need for any amendments to that By-law as a result of the approval of this application.

9.0 FINANCIAL

There are no financial implications for the Township associated with the recommendation of this report.

Respectfully submitted,



Jerry Jorden, RPP

Ph: (519) 925-5525
Fax: (519) 925-1110

TOWNSHIP OF MELANCTHON
Committee of Adjustment

157101 Highway 10
Melancthon, Ontario
L9V 2E6

NOTICE OF PUBLIC MEETING
Application for Consent

File No. **B2/15**

Date of Meeting: **Thursday, February 19, 2015** Time: **6:00 p.m.**

Name of Owner/Applicant: **Bonnefield LP III Inc.**

Location of Public Meeting: **Council Chambers, 157101 Highway 10, Melancthon, ON, L9V 2E6**

PROPOSED SEVERANCE: East Part Lot 16, Concession 3 O.S.

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: 610 metres Depth: 671 metres

Area: 40.06 hectares

RETAINED PORTION: Lots 16 to 20, Concession 3 O.S.

Existing Use: Agricultural Proposed Use: Agricultural

Road Frontage: 1330 metres Depth: 3030 metres

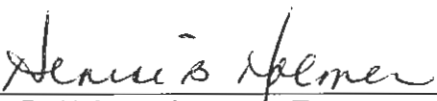
Area: 356.8 hectares

The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.


Denise B. Holmes, Secretary-Treasurer

SEVERED
(DOWNEY)



**TOWNSHIP OF MELANCTHON - COMMITTEE OF ADJUSTMENT
APPLICATION FOR CONSENT**

NOTE TO APPLICANTS

One copy of this application form must be completed and filed for each parcel to be severed together with the sketch as required by the Schedule to Ontario Regulation 547/06, with the Secretary/Treasurer and be accompanied by a fee of \$800.00 + \$1000.00 deposit. Cheques made payable to the Township of Melancthon.

Completeness of the Application

The information that must be provided by the applicant is prescribed in the Schedule to Ontario Regulation 547/06 made under the Planning Act. If the mandatory information and fee are not provided, the Committee of Adjustment will return the application or refuse to further consider the application until the information and fee have been provided.

The application form also sets out other information that will assist the Committee of Adjustment and others in their planning evaluation of the Consent Application. To ensure the quickest and most complete review, this information should be submitted at the time of the application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

1. Registered Owner's Name : Bonnefield LP III Inc.
 Address: 141 Adelaide Street West, Suite 500, Toronto, ON M5H 3L5
 E-mail Address: mmitchell@bonnefield.com
 Telephone Number: (Home) _____ (Work) 416.309.4477 (Fax) 416.884.8469

Applicant's Name : _____
 Address: _____
 E-mail Address: _____
 Telephone Number: (Home) _____ (Work) _____ (Fax) _____

Agent's Name: Kristine Loft, LOFT Planning Inc.
 Address: 2 Wagner Road, Nottawa ON L0M 1P0
 E-mail Address: kristine@loftplanning.com
 Telephone Number: (Home) _____ (Work) 705.446.1168 (Fax) 866.391.9771

Send Correspondence to? Owner () Applicant () Agent (X)

2. Date of Application: October 15, 2014

3. Type of Transaction: (e.g. a transfer for the creation of a new lot, a lot addition, an easement, a charge, a lease or a correction of title)

Lot creation

4. Name of person(s) to whom the land or interest in land is to be transferred, charged or leased:

To be determined

5. Legal Description of Property:

Municipality Melancthon

Lot (s) East Half Lot 16 Concession 3 OS

Lot (s) _____ Registered Plan _____

Part (s) _____ Reference Plan _____

Street Address _____

Roll Number 22 19 000 001 19800 Survey Attached - Yes () No (X)

6. Are there any easements or restrictive covenants affecting the subject property? Yes _____ No X

7. If the answer to Section 6 is yes, a description of each easement or covenant and its effect.

8. (a) Description of lands to be **SEVERED** or **EASEMENT/RIGHT-OF-WAY**: (in metric units)

Frontage: 610 metres Area: 40.06 hectares

Depth: 671 metres

Existing Use: Agricultural Proposed Use: Agricultural

Existing and proposed buildings and structures on land to be severed:

Existing: Residence

Proposed: No new structures

What type of access do the lands intended to be **SEVERED** have?

Provincial Highway _____ County Road _____

Year Round Municipal Road X Seasonal Municipal Road _____

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify _____

Services currently available, or to be available for the **SEVERED** parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	(X)	()	()	(X)
Proposed	()	()	(X)	()	()	(X)

(b) Description of lands to be **RETAINED**: (in metric units)

Frontage: 1330 m Area: 356.8 hectares

Depth: 3030 m

Existing Use: Agricultural Proposed Use: Agricultural

Existing and proposed buildings and structures on land to be retained:

Existing: Multiple lands (Agricultural structures & Residences)

Proposed: No new structures at this time

What type of access do the lands intended to be **RETAINED** have?

Provincial Highway _____ County Road _____

Year Round Municipal Road	X	Seasonal Municipal Road	
---------------------------	---	-------------------------	--

Unopen Road Allowance _____ Private Right-of-way _____

Other, please specify 20th Sideroad, 3rd Line, 4th Line, 15 Sideroad

Services currently available, or to be available for the **RETAINED** parcel:

	Municipal Water	Communal Water	Private Water	Municipal Sewers	Communal Sewers	Private Sewers
Existing	()	()	(X)	()	()	(X)
Proposed	()	()	(X)	()	()	(X)

9. (a) Present Official Plan designation of the land : Agricultural & Environmental Protection

(b) Present Zoning of the land: A1 & OS2

10. Has the subject land ever been the subject of an application for approval of a plan of subdivision under Section 53 of the Planning Act? Yes _____ No X

If the answer is yes, the file number of the application and the status of the application.

11. Has any land been severed from the parcel originally acquired by the owner of the subject land? Yes

12. If the answer to Section 11 is "Yes", please indicate previous severance on the required sketch and supply the following information for each lot severed:

Grantee's Name: Bonnefield LP III Inc.

Relationship (if any) to owner: _____ ----

Date of Parcel Created: Provisional Consent Use of Parcel: Agricultural

File Number : B10/2014

13. Is the subject land the subject of any other application under the Act, such as an application for an amendment to an official plan, a zoning by-law or a Minister's zoning order, an application for a minor variance or an approval of a plan of subdivision or a consent; No

If the answer is yes, the file number of the application and the status of the application: _____

14. This application must be accompanied by a sketch showing the following, with any measurements shown in **metric units**:

- (a) the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land;
- (b) the approximate distance between the subject land and the nearest township lot line or landmark such as a bridge or railway crossing;
- (c) the boundaries and dimensions of the subject land, the part that is intended to be severed and the part that is intended to be retained;
- (d) the location of all land previously severed from the parcel originally acquired by the current owner of the subject land;
- (e) the approximate location of all natural and artificial features (*for example, buildings, railways, roads, watercourses, drainage ditches, bank of rivers or streams, wetlands, wooded areas, wells and septic tanks*) that,
 - (i) are located on the subject land and on land that is adjacent to it, and
 - (ii) in the applicant's opinion, may affect the application;
- (f) the **current** uses of land that is adjacent to the subject land (for example, residential, agricultural or commercial);
- (g) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- (h) if access to the subject land will be by water only, the location of the parking and boat docking facilities to be used; and
- (i) the location and nature of any easement affecting the subject land.

15. Is the application consistent with policy statements issued under subsection 3(1) of the Act? Yes

16. Is the subject land within an area of land designated under any provincial plan or plans? Yes

17. If the answer to question 16 is yes, briefly explain how this application either conforms with or does not conflict with any applicable provincial plan or plans:

Places to Grow - See attached

18. If this application involves the creation of a non-farm lot within approximately 500 metres of livestock facilities and/or permanent manure storage facilities, a completed MDS I calculation form must be submitted with this application. If this application involves a new or expanded livestock facility and/or permanent manure storage facility, a completed MDS II calculation form must be submitted with this consent application.

UPON SUBMISSION OF THIS APPLICATION THE APPLICANT AGREES:

1. That the fee submitted with this application covers only routine processing costs (i.e. review by municipality). It is further understood and agreed that any additional costs or requirements with this application, including any additional information and processing requirements, or as may otherwise be required or incurred and charged to or by the municipality (i.e. planning, legal or engineering fees, OMB Hearing costs, agreements, special studies, other approvals or applications and any other related matters) will be my responsibility to provide to and/or reimburse the municipality for same. Failure to pay all associated costs may result in refusal of this application and/or collection by the municipality in like manner as municipal taxes, or any other means legally available to the municipality.
2. To pay the application fee in full prior to the processing of this application.
3. To allow the Committee of Adjustment to site inspect the property in consideration for this application.

Affidavit or Sworn Declaration

I, Kristine A. Loft of the Township of Clearview
TOM EISENHAUER of the CITY of TORONTO
in the COUNTY of BRIMLEY of ONTARIO solemnly declare that all the statements contained in this application and all the information provided is true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

Declared before me

Date: Nov 25, 2014

at the Town of WASAGA BEACH

in the COUNTY OF SIMCOE

this 25 day of Nov.

2014

Signature of Applicant:

[Signature]

Kristine A. Loft

[Signature]
A Commissioner, etc.
PAMELA ANN ARCHDEKIN, a Commissioner,
etc., Deputy Clerk, for the Corporation of the
Town of Wasaga Beach, County of Simcoe

Authorizations:

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application on his/her behalf, must be included with this form or the authorization set out below must be completed.

Authorization of Owner for Agent to Make Application and for Agent to Provide Personal Information

I, Bonnefield LP III Inc., am the owner of the land that is the subject of this application for consent and I authorize LOFT Planning Inc. to act as my agent for the purpose of this application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize my agent to provide any of my personal information that will be included in this application or collected during the processing of this application.

Nov 10, 2014

Date


Signature of Owner

Consent of the Owner to the Use and Disclosure of Personal Information

I, Bonnefield LP III Inc., am the owner of the land that is the subject of this consent application and for the purposes of the **Freedom of Information and Protection of Privacy Act**, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application.

Nov 10, 2014

Date


Signature of Owner

Roll numbers:

22-19-000-001-20400
22-19-000-001-20450
22-19-000-001-20500

RETAIN

22-19-000-001-20300
22-19-000-001-20600
22-19-000-001-20700

22-19-000-001-20200
22-19-000-001-20750
22-19-000-001-20800

22-19-000-001-19900
22-19-000-001-20950
22-19-000-001-20970
22-19-000-001-20960

22-19-000-001-21000
22-19-000-001-19800

Legal Descriptions:

LT 19, & PT LTS 17, 18, 20 & 21, CON 3 OS,
PT RD ALLOW BETW LTS 20 & 21, CON 3 OS
AS CLOSED BY MF131333, PT 5, 7R5973;
TOWNSHIP OF MELANCTHON

W 1/2 LT 17, CON 3 OS
EXCEPT PTS 1 & 2, 7R1173
AND PTS 1 & 2, 7R1222.
MELANCTHON

PT LT 17, CON 3 OS,
PT 2, 7R5543;
MELANCTHON;

PT LT 17, CON 3 OS,
PT 1, 7R5543;

To be severed

PT LT 17, CON 3 OS,
PT 1, 7R1173 & PT 2,
7R1222 EXCEPT
PTS 1, 2 & 3, 7R4184

E 1/2 LT 16, CON 3 OS

To be severed

PT LT 16, CON 3 OS
AS IN MF85471;
S/T INTEREST OF
THE CORPORATION OF
THE TOWNSHIP OF MELANCTHON .
S/T MEL19106 MELANCTHON



TOWNSHIP OF MELANCTHON

REPORT TO COMMITTEE OF ADJUSTMENT

TO: CHAIRMAN WHITE AND MEMBERS OF COMMITTEE OF ADJUSTMENT

FROM: JERRY JORDEN, RPP

DATE: JANUARY 14, 2015

**SUBJECT: BONNEFIELD INC. CONSENT APPLICATION, SEVERANCE IN EAST ½
LOT 16, CONCESSION 3, O.S. (FILE NO. B2/15) (PETER DOWNEY)**

1.0 RECOMMENDATION

In view of its compliance with the applicable planning policies and regulations, it is recommended that Consent Application B2/15 be approved with no planning related approval conditions.

2.0 PURPOSE

The purpose of this report is to provide planning related analysis and recommendations concerning a consent application for a land severance by LOFT Planning Inc. on behalf of the land owner, Bonnefield LP III Inc. The analysis provides an evaluation of the application in the context of the applicable Township and Provincial plans, policies and land use regulations.

3.0 SUBJECT PROPERTY, AREA AND PROPOSED SEVERANCE

The subject property consists of the majority of the lands in the Third Concession, O. S., between Sideroads 15 and 20 and includes all or parts of Lots 16 to 20 in that concession. It has a total area of 396.86 hectares and consists of primarily agricultural lands with a few small watercourses, woodlands and wetlands. The property contains multiple buildings, structures and residences, most of which appear to have been originally associated with the individual agricultural uses and properties that were consolidated into the large current land holding.

The consent application seeks the severance of 40.06 hectares in the southeast part of the land holding consisting of the east half of Lot 16, Concession 3, O.S. The proposed lot would have 610 metres of frontage on the 3rd Line, O.S., and would also abut Sideroad 15.

Much of the proposed severed lands is used for agriculture although there are woodland areas on the north side and along a stream flowing through the area from the northwest to the southeast. There is a dwelling and an accessory building on these lands with a 200 metre access driveway from Sideroad 15. A large pond has been created on the watercourse just to the northwest of those buildings.

The application form indicates that the existing and proposed use of the severed lands would be agricultural and would involve no new structures. That form also states that the retained lands would continue to be used for agriculture and that there are a number of agricultural structures and residences on these lands with no new structures being proposed at present.

The applicant's November 20th, 2014, letter relating to the consent application indicates that the requested severance would allow the proposed owner "to utilize the existing agriculturally related facilities which are of a significant size and a critical part of the economic landscape within this Township".

4.0 PROVINCIAL POLICY STATEMENT

The subject land holding is included in a prime agricultural area under the terms of the Provincial Policy Statement (PPS). The applicable policies permit lot creation for four types of land uses in such areas: agriculture, agriculture-related uses, a residence surplus to a farming operation and infrastructure. Severances involving "lot adjustments" which do not result in the creation of a new lot are also permitted.

In view of its size as well as its use, the proposed severed lot would be an agricultural property. That is the existing and proposed use specified on the application form and referenced in the applicant's related letter. In the PPS, lot creation for agricultural uses is permitted in prime agricultural areas provided that:

"such lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations".

With an area of 40 hectares, the proposed lot would be included within the Township's largest farm size grouping in the 2011 Canadian Census of Agriculture. That classification includes farms between 70 and 129 acres or approximately 28 to 52 hectares. Although the area has experienced farm consolidations that have had the effect of increasing the average farm size, farms of approximately the size of the proposed severance have been the most common for some time. The proposed agricultural severance would, therefore, be consistent with the applicable policies of the PPS.

The severance application could also be considered as a "lot adjustment" required for "legal or technical reasons" as permitted under section 2.3.4.2 of the PPS. The key consideration with such a severance is that it doesn't result in the creation of a new lot. The current severance is required to recognize and re-establish separate ownership for an existing lot that is presently in the same ownership as abutting lands. Under the provisions of the Planning Act it cannot be owned separately from those abutting lands without Committee of Adjustment approval.

5.0 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Section 2.2.2.1(i) of the Growth Plan permits "development related to the management or use of resources" in rural areas. Since the consent application involves agriculture, a resource based use, it would conform with the Growth Plan as it relates to this rural area.

6.0 OFFICIAL PLANS

6.1 Current Official Plan

In the Township's current Official Plan the subject property, including the lands proposed to be severed, is designated primarily Rural with two small Industrial designations on part of the east side of the retained lands. Some lands along the small watercourses and wetlands areas are included in the Environmental Protection Area High Hazard Land designation. There is a small area of the latter designation along part of the stream on the lands proposed to be severed with the remainder of those lands being designated Rural. Agriculture, the existing and proposed use for both the proposed severed and retained lands, is a permitted use in both designations. There would be conformity with this key Official Plan policy.

The general consent policies in section 7(c) of the Plan reference the preservation of good agricultural land for agricultural purposes and permit severances for agricultural uses outside built up areas. These policies also state that the size of the parcel created should be appropriate for the proposed use. As discussed above and in section 4, the proposed severance would conform with these policies.

6.2 Council Adopted New Official Plan

Although the proposed new Official Plan as adopted by Council is not yet in effect, it should be considered in evaluating the consent application. In that Plan the property including the proposed severed lands is included in primarily an Agricultural designation with some areas along watercourses and in wetlands and woodlands being included in the Environmental Conservation overlay designation. The majority of the proposed severed lands is included in the former designation with the woodlands and watercourse areas being placed in the latter designation.

Agriculture is a permitted use in these designations with additional environment related policies applying in the Environmental Conservation areas. The Plan's policies permit severances for agricultural uses in the Agriculture designation and are essentially identical to those of the PPS. As discussed in section 4 herein, the severance would conform with those policies. There is also compliance with the other policies relating to the Agricultural designation including those relating to conformity with the Minimum Distance Separation formulae. Also, nothing in the severance proposal would conflict with the policies relating to the Environmental Conservation overlay designation on parts of the proposed severed lands.

7.0 ZONING BY-LAW

In general, the zoning of the subject lands reflects the land use designations in the Official Plan. The majority of the property, including the proposed severed lot, is zoned General Agricultural (A1) with areas primarily along two small watercourses being included in an Open Space Conservation (OS2) zone. There are also two site specific A1 zones on parts of the subject property included in the retained lands in the consent application.

The lot configuration and land use of both the proposed retained and severed lands would comply with the applicable Zoning By-law provisions. Agricultural uses such as that existing and proposed on the subject property are permitted in the A1 zone. Both the

existing and proposed lot sizes and frontages would substantially exceed the By-law's minimum requirements of 18 hectares and 150 metres respectively.

8.0 ANALYSIS

While it is somewhat unusual to receive a consent application seeking the creation of a smaller agricultural land holding from part of a larger consolidated one, the proposal complies with the applicable planning policies, provincial and local plans and land use regulations. The application is consistent with the Provincial Policy Statement, complies with the Growth Plan for the Greater Golden Horseshoe, conforms to the Official Plan and would also conform to the new Official Plan if the relevant portions of that Plan are approved as adopted by Council. Both the new lot and the retained lands exceed the minimum lot area and frontage requirements of the Township's Zoning By-law and their use for agriculture is permitted.

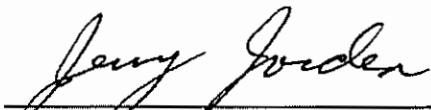
All of these are important considerations in the creation of a lot for agricultural use. As referenced in the associated planning policies, such lots must be appropriate for the use and consistent with such lots in the area. Retaining such lands and properties in agricultural use is a fundamental planning goal forming the basis of such policies.

In view of this evaluation of the subject proposal in terms of the applicable planning policies and regulations, it can be concluded that the proposed land severance could be approved. Since there is policy and zoning compliance, there is no requirement for planning related approval conditions. As this is not a surplus dwelling severance, there is no requirement for a residential use zoning prohibition on the retained lands.

9.0 FINANCIAL

There are no financial implications for the Township associated with the recommendation of this report.

Respectfully submitted,



Jerry Jorden, RPP

CORPORATION OF THE TOWNSHIP OF MELANCTHON

REPORT TO COMMITTEE OF ADJUSTMENT

TO: CHAIRMAN WHITE AND MEMBERS OF COMMITTEE OF ADJUSTMENT

FROM: JERRY JORDEN, RPP

DATE: FEBRUARY 9, 2015

SUBJECT: APPROVED BONNEFIELD APPLICATIONS B1/14 AND B2/14, WEST PART LOT 20, CONCESSION 1, O.S.: COUNTY'S REQUESTED CHANGE TO AN APPROVAL CONDITION

1.0 RECOMMENDATIONS

1. That the change to approval condition 6 for consent applications B1/14 and B2/14 as requested by the County of Dufferin be deemed to be minor.
2. That the change to approval condition 6 for consent applications B1/14 and B2/14 as requested by the County of Dufferin be approved.

2.0 PURPOSE

The purpose of this report is to provide information on a requested change to an approval condition applying to consent applications B1/14 and B2/14, to outline the applicable Planning Act requirements, to evaluate the requested change, and to provide recommendations concerning the request.

3.0 BACKGROUND

Since the two properties proposed to be severed and the larger retained parcel are all in the same ownership, under the provisions of the Planning Act, a consent approval is required in order to convey any of the three individual lots. The Committee granted conditional approval on July 4th, 2014. Since that time the applicant has been working toward fulfilling the approval conditions including preparing the required survey and completing studies on groundwater conditions and potential impacts.

All three involved properties have frontage on County Road 124. By way of a letter dated January 13, 2015, the County of Dufferin has now requested that the approval condition reflecting the original comments in their May 15, 2014, letter be replaced with a new condition for both applications. Copies of both letters are attached. The Committee must now make a decision on that request and on its significance.

4.0 REQUESTED APPROVAL CONDITION REPLACEMENT

Currently approval condition 6 for both applications reads as follows.

"Entrances to the severed and retained parcels are to be in accordance with the County of Dufferin Entrance Policy 5-3-17 as per the County's letter dated May 15, 2014."

The requested replacement approval condition is worded as follows.

"Any modification, improvement or reclassification of an existing entrance or application for a new entrance connecting to Dufferin Road 124 will be reviewed at the time of site plan application to the Town and or through application for an entrance permit to the County of Dufferin."

5.0 PLANNING ACT PROVISIONS

The following provides a summary of the Planning Act provisions concerning any change to a consent approval condition.

- a. The Committee may change the conditions of a provisional consent at any time before a consent is given.
- b. If such a change is made after the required notice of the approval of the provisional consent has been given, the Committee must ensure that written notice of the change is given within 15 days to:
 - i. the applicant,
 - ii. persons or public bodies that have made a written request for notification of such a change,

- iii. the Minister of Municipal Affairs and Housing if he or she has notified the Township that they want notification of such changes, and
 - iv. any other person or public body prescribed under the regulations.
- c. Any such person or public body may appeal within 20 days of the giving of notice of the change.
- d. If, in the Committee's opinion, the requested change to conditions is minor it is not required to give the written notice referenced in point b. above.

6.0 EVALUATION OF THE REQUESTED CHANGE

The effect of the requested change is to retain the access controls on the site that were in place prior to the consent applications. Any new or changed accesses would require a permit from the County. The current approval condition requires the closure of two of the three existing accesses to County Road 124.

In view of the following considerations, this appears to be a minor change in the approval conditions for the subject consent applications.

- a. It simply maintains the site's longstanding current access configuration which the County, as the responsible road authority, is indicating it is prepared to accept.
- b. It simply confirms and continues to apply the County's legislated approval authority to any future proposals to alter the existing access configuration.
- c. It does not adversely affect any Township road or other Township interest.
- d. It does not adversely affect existing or future owners of the subject lands.

Since it is a minor change in approval conditions relating strictly to matters over which the County has sole regulatory authority, there is a reasonable basis to approve the requested change in approval condition 6 for consent applications B1/14 and B2/14.

7.0 THE DECISION-MAKING PROCESS

The Committee must first determine if it considers the requested change in approval conditions to be minor. If it does decide that the new condition would be minor, the Committee can then proceed to approve the change. At least the applicant and the County should then be advised of the change in approval conditions.

Alternatively, if it is determined that the requested change is not minor, an immediate decision can still be made on the request. However, the required notice and the notification procedures under the Planning Act must then be implemented within 15 days of a decision being made to approve or deny the request. The decision can be appealed to the Ontario Municipal Board within 20 days of the giving of notice.

8.0 CONCLUSION

On the basis of the evaluation discussed herein, the requested change in the consent approval conditions can be categorized as being minor. The Committee must first make their decision on the status of the request and then decide whether or not to approve the change. If the requested change is approved and is not considered to be minor, the Planning Act's notification process would have to be implemented.

9.0 FINANCIAL

The Committee's decision on the requested replacement consent application approval condition would have no financial implications for the Township unless it resulted in an appeal, in which case there may be costs relating to any settlement or Ontario Municipal Board hearing.

Respectfully submitted,

G. W. JORDEN PLANNING CONSULTANTS LIMITED


Jerry Jorden, RPP



PUBLIC WORKS

January 13, 2015
Township of Melancthon
157101 Highway 10
Melancthon, Ontario
L9V 2E6

Attention: Denise Holmes
Township of Melancthon

Ms. Holmes,

Reference: Township of Melancthon – Proposed Severance
B1-14, and B2-14 West Part of Lot 20, Concession 1 O.S.
Applicant: Bonnefield GP III Inc.

As a revision to the County of Dufferin Public Works original conditions of severance as outlined within our letter dated May 15, 2014 The County would like to remove our original conditions and replace with the following.

Any modification, improvement or reclassification of an existing entrance or application for a new entrance connecting to Dufferin Road 124 will be reviewed at the time of site plan application to the Town and or through application for an entrance permit to the County of Dufferin.

Based on the above, the County of Dufferin Public Works Department has no objections at this time to the Township processing the above noted severance application.

Please contact the undersigned with any questions.

Regards,

A handwritten signature in black ink, appearing to read 'Mike Hooper', written over a horizontal line.

Mike Hooper
Manager of Engineering

COUNTY OF DUFFERIN

55 Zina Street, Orangeville, ON L9W 1E5 | 519.941.2816 ext. 2600 | dufferincounty.ca



2014-05-15

Township of Melancthon
157101 Highway 10
Melancthon, ON
L9V 2E6

Re: Proposed severance applications
B1-14, and B2-14 West Part Lot 20, Concession 1 O.S.
Applicant: Bonnefield GP III Inc.

The County of Dufferin Public Works Department have completed a review of the above noted severance applications and offer the following comments:

Access to property 1-02800 shall be gained exclusively from the existing site entrance on the 20th Sideroad. The existing entrance servicing the property from County Road 124 is to be decommissioned by the applicant and restored with topsoil and seed.

Only one entrance will be permitted connecting from property 1-02700 to County Road 124. This entrance is required to meet the requirements outlined within the County of Dufferin Entrance Policy 5-3-17 and will be subject to the County of Dufferin Entrance application process. All other entrances connecting to property 1-02700 are to be decommissioned by the applicant and restored with topsoil and seed.

No access will be permitted to property 1-02900 from County Road 124.

Should the Township require further clarification related to the above please contact the undersigned.

Yours truly,



Mike Hooper
Manager of Engineer

MH/dwf

COUNTY OF DUFFERIN

55 Zina Street, Orangeville, ON L9W 1E5 | 519.941.2816 ext. 2600 | dufferincounty.ca