



TOWNSHIP OF MELANCTHON

COMMITTEE OF ADJUSTMENT

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

1. **APPROVAL OF MINUTES** - September 17, 2015
2. **BUSINESS ARISING FROM MINUTES**
3. **APPLICATION FOR CONSENT**
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. E-mail from Nathan D. Martin, Smith Valeriote Law Firm, re: Proposed Consent Application and Lot Line Adjustment for Derek Martin
 2. Pre-consultation comments submitted by Chris Jones, Municipal Planning Services Ltd. re: Proposed Application for Consent by Derek Martin
8. **ADJOURNMENT**

September 23, 2015

By Email: dholmes@melancthontownship.ca

Township of Melancthon
157101 Highway 10
Melancthon, Ontario
L9V 2E6
Attn: Ms. Denise B. Holmes

Re: Proposed Consent application and lot line adjustment for Derek Martin
Property: 197255 2nd Line NE
Our File: 67580-001

We are the solicitors for Mr. Derek Martin, the owner of the above noted property. I participated in a pre-consultation meeting with Mr. Chris Jones on September 3rd, 2015 to discuss a potential severance and lot line adjustment for the property. Mr. Jones suggested I provide the materials to your attention for review and comment. He also requested clarification with respect to the drainage ditch located on the property, which I have included herein.

Subject to your advice and approval, our intent is to submit a concurrent application regarding a surplus farm dwelling severance and a lot line adjustment for 197255 2nd Line NE.

Please find attached the following documents to assist in our pre-consultation.

Image A	GRCA overview of property
Image B	Overview with proposed Surplus Farm Dwelling Severance (Green)
Image C	Overview with proposed Lot Line Adjustment (Brown)
Image D	Plan 7R – 5339

Consent Application

Mr. Derek Martin has his farming operations based in the Township of Melancthon and owns the

Reply to: ☐
MAILING ADDRESS:
P.O. Box 1240, Guelph, ON N1H 6N6
ADDRESS:
105 Silvercreek Pkwy. N. Suite 100, Guelph, ON N1H 6S4
TF 800 746 0685 F 519 837 1611

Reply to: ☒
MAILING ADDRESS:
P.O. Box 128, Fergus, ON N1M 2W7
ADDRESS:
265 Bridge St., Fergus, ON N1M 1T7
TF 519 843 1960 F 519 843 6888

subject property and another agricultural property in close proximity.

He purchased the subject property on July 30, 2015. His intention upon purchasing the property was to sever a lot for the existing residential building (Image B). Mr. Martin does not intend to reside on the property and has no desire to be a landlord.

I have reviewed the requirements of a surplus farm dwelling severance with Mr. Martin and he is aware of and agreeable to the conditions that would be required to obtain consent. I have advised that the residential lot would be minimized to maximize the agricultural lands, that new residential lots would be prohibited on the agricultural parcel and that the lots would be subject to MDS formulae.

We intend to utilize Van Harten Surveying to provide a sketch for our application.

I welcome any comments you may have with respect to the above.

Lot Line Adjustment

You will note in the images a water course running east to west which dissects the property (best viewed as Part 3 on Plan 5339). This water course runs the entire length of the property, hindering access to the northern portions of the property. The watercourse is part of the McCue Drainage Works and is approximately 40 feet wide on the attached Reference Plan.

As you are likely aware, the McCue Drainage Works is a drain as defined under the Drainage Act and as such is maintained by the Township, with assistance from R.J. Burnside & Associates Limited.

Based on the difficulties associated with accessing and working this portion of the property, Mr. Martin seeks to complete a lot line adjustment. The proposed lot line adjustment would include Part 2 and Part 5 on Plan 5339.

Road access to this portion of the property is quite difficult. The damage that would be caused by crossing the Drainage Ditch prevents Mr. Martin from accessing this portion of the property with farming equipment. Additionally, at this point there exists no access from the road to the portion of the property north of the drainage ditch.

Mr. Martin has had discussions with the property owner to the north, and this neighbour is agreeable to expanding his property through the proposed lot line adjustment.

Concerns

Subject to comments from yourself and council, I am confident the parcel is eligible for a surplus farm dwelling severance.

During my discussion with Mr. Jones we discussed the fact that the lot line adjustment would create an agricultural parcel of approximately 37.5 acres. Mr. Jones did not believe this would be an issue with respect to the concurrent application, but suggested I contact you for any input you may have.

We believe the drainage ditch provides an appropriate and effective natural boundary for the lot line adjustment. Adjusting this lot line would facilitate access to the land as the access from the neighbouring property is unobstructed. Improving access to this portion of the property would maximize the workable agricultural acres in the area as the neighbour would be able to farm this portion of the property.

I welcome any comments you may have at this time and if you require further information, please do not hesitate to contact me at the information below.

I would happy to discuss the above over the phone or in person.

I thank you for your time.

In Good Faith,
SMITHVALERIOTE LAW FIRM LLP
Per:



Nathan D. Martin, B.A., J.D.

direct line: 519-821-2159
email: nmartin@smithvaleriotelaw.com

Encl: Images A, B, C and D.

CC: Mr. Chris Jones



Grand River
Conservation Authority

Map created: August 31, 2015

Close.Up

LEGEND

- BUILDING - SYMBOLIZED (GRCA)
- BUILDING - TO SCALE (GRCA)
- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- PARKS (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)

Image A

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grins.grandriver.ca/docs/SourcesCitations2.htm>

0 85 170 255 340 m

NAD 1983, UTM Zone 17 Scale 1:7,278



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Image B

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Image C

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NAD 1983 UTM Zone 17 Scale 1:7278

MEMORANDUM

To: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: October 29, 2015
Re: Pre-consultation Comments on a Proposed Application for Consent
(Derek Martin)

BACKGROUND

On September 3, 2015, an in-house consultation meeting was held with Mr. Nathan Martin, who is a solicitor retained by Mr. Derek Martin. The purpose of the meeting was to discuss two proposed applications for consent for lands located in Part Lot 277 and 278, Concession 2, N.E. The subject lands have a total lot area of approximately 18.2 hectares (45 acres) and are currently occupied by a detached dwelling.

The proposal would involve two applications for consent, described below:

1. To sever the existing residential dwelling leaving a retained agricultural parcel of approximately 17.4 hectares (43 acres); and,
2. To further sever the retained agricultural parcel along the boundary of a current drainage easement known as the McCue Drainage Works 1989. The severed portion north of the drainage easement would be conveyed to the abutting farmer to the north and the retained lot, with a resultant lot area of approximately 13.75 hectares (34 acres) would be maintained by Mr. Martin and used for "agriculture purposes only (APO)".

The attached sketches prepared by Mr. Martin illustrate the objectives of the proposed severances.

OFFICIAL PLAN

The lands subject to the proposed severances are located primarily in the Agricultural designation of the Official Plan. Generally speaking, both the Provincial Policy Statement (2014) and the Township's Official Plan discourage lot creation and fragmentation within prime agricultural areas.

There are several operative Official Plan policies that relate to this proposal that require consideration, these policies are paraphrased on the following page:

1. Section 5.2.2 (g) requires farm parcels to be sufficiently large and does not permit the fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations.
2. Section 5.2.5 (b) (i) of the Official Plan permits the creation of new lots for "agricultural uses". The policy requires that new parcels are "sufficiently large to maintain flexibility for future changes in the type and size of agricultural operations". The policy also states that new lots for agricultural uses shall be approximately 40 hectares in area.
3. Section 5.2.5 (b) (iii) of the Official Plan permits the creation of a residential lot for the sole purpose of severing a surplus dwelling from an existing farm consolidated with a another existing farm business. In doing so, the resultant farm parcel is to be zoned in a manner that restricts future construction of a dwelling and furthermore, the owner seeking the severance is required to own land within the Township or within 1 kilometre of the municipal boundary.
4. Section 5.2.5 (b) (v) permits the granting of consents for "legal or technical reasons" provided the consent does not permit the creation of new building lot.

ZONING BY-LAW

The minimum lot area for an agricultural lot in the General Agricultural (A1) Zone is 18 hectares. The resultant "APO" lot would therefore not be compliant with this minimum requirement.

ANALYSIS

In our opinion, the removal of a surplus farm dwelling and the removal/merger of lands north of the municipal drain from the existing parcel would result in the creation of a small agricultural parcel by Township standards.

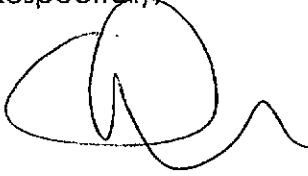
In reviewing the Provincial Policy Statement and local Official Plan policies with respect to lot creation in prime agricultural areas we believe the underlying tenet of these policies is to minimize fragmentation of agricultural lands. Although this proposal resonates with some aspects of provincial and local planning policy, we find it to be at odds with other aspects of these policies.

Given that the applicant is the owner of an abutting farm parcel to the lot subject to this proposal, located in Part Lot 278, Concession 1, N.E, if the proposed consent applications were to proceed, it would be recommended that the resultant farm parcel be consolidated or merged in title with this abutting farm parcel. In our opinion this would fulfill all of the primary policy objectives of the Official Plan, by allowing the severance of a surplus dwelling as well as a boundary adjustment, while at the same

time consolidating the residual farm parcel with another farm parcel to ensure the resultant agricultural parcel remains large enough to accommodate a full range of future agricultural uses.

If you have any comments with respect to this memo, please do not hesitate to call me. I would recommend that you forward this memo in the interest of pre-consultation to the applicant's agent and also provide a copy to Council for information purposes.

Respectfully,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a wavy line.

Chris D. Jones MCIP, RPP