

Denise Holmes

From: Doersam, Andrew (MAH) <Andrew.Doersam@ontario.ca>
Sent: March-13-15 2:58 PM
To: Denise Holmes (dholmes@melancthontownship.ca)
Cc: Christie, Mark (MAH); Daly, Laura (MAH); Von Kursell, Sybelle (MAH)
Subject: Township of Melancthon Official Plan Part 1 of 2
Attachments: Cover Letter.pdf; NoticeOfDecision.pdf

Hi Denise,

Please find attached the Notice of Decision on the Township of Melancthon Official Plan, approved by the Minister on March 9, 2015. As the Notice of Decision is dated today, the last date of appeal is April 2, 2015. We will advise the Township if any appeals are received. I will forward the Decision through a separate email today.

A paper copy of these materials will also be mailed to the Township today.

If you have any questions, please contact me 416-585-6451 or Mark Christie at 416-585-6063.

Regards,
Andy

Andrew Doersam
Senior Planner

Municipal Services Office - Central Ontario
Ministry of Municipal Affairs and Housing
777 Bay Street, 13th Floor
Toronto ON M5G 2E5
Tel: 416.585.6451
Fax: 416.585.6882



Please consider the environment before printing this email note.

Total Control Panel

[Login](#)

To: dholmes@melancthontownship.ca [Remove](#) this sender from my allow list
From: andrew.doersam@ontario.ca

You received this message because the sender is on your allow list.

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
Central Ontario
777 Bay Street, 13th Floor
Toronto ON M5G 2E5
Phone: 416 585-6226
Fax: 416 585-6882
Toll-Free: 1 800 668-0230

**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux municipalités
du Centre de l'Ontario
777, rue Bay, 13^{ème} étage
Toronto ON M5G 2E5
Téléphone : 416 585-6226
Télécopieur : 416 585-6882
Sans frais : 1 800-668-0230



March 13, 2015

Ms. Denise Holmes
CAO/Clerk - Treasurer
Township of Melancthon
R.R. #6,
Shelburne, ON
L0N 1S9

Dear Ms. Holmes:

Subject: Township of Melancthon Official Plan
MMAH File No. 22- OP-1432029

Please find attached a copy of the Notice of Decision and Decision regarding the above-mentioned Official Plan. Following the 20-day appeal period under the *Planning Act*, the Ministry of Municipal Affairs and Housing will notify you of whether any appeals were lodged.

If you have any questions, do not hesitate to contact Mark Christie, Manager, Community Planning and Development at 416-585-6063.

Yours truly,

Marcia Wallace, PhD, MCIP-RPP
Regional Director

File No.: 22-OP-143362
Municipality: Township of Melancthon
Subject Lands: Municipal-wide

Date of Decision: March 9, 2015
Date of Notice: March 13, 2015
Last Date of Appeal: April 2, 2015

NOTICE OF DECISION

With respect to an Official Plan
Subsection 17(35) of the Planning Act

A decision was made on the date noted above to approve, with modifications, the Official Plan for the Township of Melancthon as adopted by By-law No. 38-2014.

Purpose and Effect of the Official Plan

The new Township of Melancthon Official Plan was prepared and adopted to replace the outdated 1977 Official Plan, as amended. The new Official Plan will reflect conformity with the Growth Plan for the Greater Golden Horseshoe and will be consistent with the policy direction of the Provincial Policy Statement. The new Official Plan will provide an appropriate policy framework to comprehensively guide the implementation of land use planning in the Township to the year 2031.

When and How to File An Appeal

Any appeal to the Ontario Municipal Board must be filed with the Minister of Municipal Affairs and Housing no later than 20 days from the date of this notice as shown above as the last date of appeal.

The appeal should be sent to the attention of the Planner, at the address shown below and it must,

- (1) set out the specific part of the proposed official plan amendment to which the appeal applies,
- (2) set out the reasons for the request for the appeal, and
- (3) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the Ministry of Municipal Affairs and Housing to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal, unless before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The decision of the Minister of Municipal Affairs and Housing is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

Other Related Applications:

22-DP-0002-130001

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the Ministry of Municipal Affairs and Housing at the address noted below or from the Township of Melancthon.

Mailing Address for Filing a Notice of Appeal

Ministry of Municipal Affairs and Housing
Municipal Services Office - Central Ontario
777 Bay St., 13th Floor
Toronto ON M5G 2E5

Submit notice of appeal to the attention of
Andrew Doersam

Tele: (416) 585-6451

Fax: (416) 585-6882

e-mail: andrew.doersam@ontario.ca

Please use the subject line of:

"Township of Melancthon Official Plan – appeal request"

DECISION
With respect to an Official Plan
Subsection 17(34) of the Planning Act

I hereby modify and approve all of the Township of Melancthon Official Plan, adopted by By-law No. 38-2014. The modifications to the official plan are as follows:

1. **Policy 1.3**, the 10th bullet is modified by replacing the year "2009" with the year "2014" and further, by replacing the word "Revised" with "Revision-2".
2. **Policy 2.2.5** is modified by adding a new subsection d), which states, "To encourage *mineral aggregate resources conservation*, wherever feasible, including through the use of accessory recycling facilities within operations."
3. **Policy 2.2.7(b)** is modified by adding the word, "agricultural," between the words, "environmental" and "land use".
4. **Policy 2.2.11(c)** is modified by deleting the word "livestock,".
5. **Policy 3.1.1** is modified by renaming subsections (j) and (k) to (k) and (l) respectively, and by adding a new subsection (j) which states, "The Township will encourage the provision of affordable and accessible housing in all new development in order to contribute to the achievement of the County's 20% housing affordability target and to support the implementation of the County's 10-Year Housing and Homelessness Plan (2013)."
6. **Policy 3.1.2(b)** is modified by deleting the last sentence.
7. **Policy 3.4.1(c)** is modified by adding a new subsection, "vi) fish habitat"
8. **Policy 3.4.2** is modified:
 - a. In subsection (d)(ii), by adding the words, "and assessment" after the word, "inventory"; and
 - b. In subsection (d), by adding the words, "County, the" before the word, "Province".
9. **Policy 3.5(d)** is modified by deleting "5.5.3(f)" and replacing it with "5.5.3(g)".
10. **Policy 3.7.2** is modified:
 - a. In subsection (a), by deleting the words "as telecommunications".
 - b. In subsection (e)(iii), by:
 - i. deleting the word "and" in the second bullet;
 - ii. deleting the words "that have soils with a lower agricultural capability rating" in the third bullet and replacing them with the word, "and"; and,

- iii. adding a fourth bullet which states, “impacts on surrounding agricultural operations and lands will be mitigated to the extent feasible.”

11. Policy 3.8(b) is modified by deleting the word, “may” after the word “Council” and adding the word “may” at the beginning of subsections (i), (ii), (iv), (v), and (vi); and further by adding the word “shall” to the beginning of subsection (iii).

12. Policy 3.12(c)(iv) is modified by deleting the word “but”.

13. Policy 3.17.1 is modified:

- a. In subsection (a), by deleting the words, “Bedrock Resource Area or a Primary Sand and Gravel Resource Area” and replacing it with, “Mineral Aggregate Resource Area”.
- b. In subsection (c), by adding the words, “mineral aggregate” after the word, “primary”.
- c. In subsection (e), by deleting the word, “referenced” in the last sentence and replacing it with the word “identified” and further, by adding the words “mineral aggregate” after the word, “primary”, also in the last sentence.
- d. In subsection (i), by:
 - i. adding the words “mineral aggregate” after the word, “primary” in the first sentence;
 - ii. deleting the word “four” and replacing it with the word, “three” in the second sentence;
 - iii. deleting subsection (i) in its entirety, and renumbering all subsequent subsections accordingly;
 - iv. adding the words, “or expanded” after the word “new” in the new subsection (i); and
 - v. adding the words “mineral aggregate” after the word, “primary” in the new subsection (iii).

14. Policy 3.17.2 is modified:

- a. In subsection (a), adding the words “mineral aggregate” after the word, “primary”, and by deleting the words, “as Primary Bedrock Resource Area or Primary Sand and Gravel Resource Area” in the first sentence;
- b. In subsection (b), deleting the words, “, only within the primary resource areas described in subsection 3.17.1(e) and shown on Schedule H,”;
- c. In subsection (d), adding the words “mineral aggregate” after the word, “primary”;

- d. In subsection (e), deleting the first sentence and replacing it with, "Agriculture and its associated uses remain the primary land use within those parts of the primary mineral aggregate resource areas designated Agricultural.", and further, deleting the words, "only as an interim use" in the second sentence;
- e. In subsection (f), adding the words "mineral aggregate" after the word, "primary" where it occurs in the first paragraph;
- f. In subsection (h), deleting the words, "add new primary resource areas as a result of" and replacing them with the word, "reflect"; and
- g. Deleting subsections (i) and (j) in their entirety.

15. Policy 3.18(b) is modified deleting the last sentence in its entirety.

16. Policy 3.20 is modified by adding a new subsection (c), which states, "This policy is not intended to preclude or hinder the expansion or establishment of existing or proposed agricultural operations."

17. Policy 4.2(a)(vi) is modified by deleting the word "approved" before the word "regional" and adding the words, "that have been approved in consultation with the Province" after the words, "studies or plans"; and further, by adding the words, "provincially-approved" before the words "drinking water".

18. Policy 4.3 is modified

- a. In subsection (e), by deleting the words, "shall be accompanied by" and replacing them with "may require", and further, by adding the words, "Where required by the Township," before the phrase, "A Hydrological evaluation shall:"; and
- b. In subsection (i), by adding the words, ", in consultation with the province," after the words, "policies of this Plan".

19. Policy 4.4(d) is modified deleting the word, "co-operate" and replacing it with the word, "consult" in the first sentence and further by adding the words, "County, the" before the words, "appropriate Provincial ministries."

20. Policy 4.4.1(b) is modified by deleting the words "Schedule E" and replacing it with "Schedule G", and further by deleting "research undertaken by the Township in 2012" and replacing it with, "the applicable Source Protection Assessment Reports"

21. Policy 4.5 is modified

- a. In subsection (b), by deleting subsection (iii) in its entirety; and
- b. adding a new subsection (g), that states, "Policies in 4.5 shall not apply to water taking by agricultural uses employing *normal farm practices*."

22. Policy 4.8(a) is modified by adding the words, "protect fish habitat," after the words, "and related lands" in the first sentence.

23. Policy 5.2 is modified

- a. In subsection (a), by deleting the word “key”.
- b. In subsection (b) by deleting the second sentence in its entirety and replacing it with, “Additional associated areas of Classes 4 to 7 soils and areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture are also included.”

24. Policy 5.2.1(a) is modified by deleting the word “be” before the words, “normal farm practices” and replacing it with the word, “employ”.

25. Policy 5.2.2 is modified:

- a. In subsection (c)(iii), by deleting the word, “flood”; and further, by adding the word, “; and” after the word, “catastrophe”.
- b. In subsection (k), delete the policy and replace it with the following:
 - c. “Agriculture-related uses shall comply with all applicable policies of this Plan. Such uses shall be directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Agriculture-related uses shall also be limited in scale and compatible with, and shall not hinder agricultural uses. The implementing zoning by-law shall include detailed provisions for these uses in particular limiting the type, size and location of such uses.”
- d. In subsection (m), delete the policy and replace it with the following:
 - e. On-farm diversified uses, including those proposed or operating as on-farm business uses as described in section 5.2.3.(a) shall comply with the policies of section 5.2.3 and all other applicable policies of this Plan. Such uses shall be secondary to the principal agricultural use of the property. On-farm diversified uses shall also be limited in area and compatible with, and shall not hinder agricultural uses.
- f. In subsection (n), deleting the policy in its entirety, and renumbering the subsequent subsections accordingly.

26. Policy 5.2.3 is modified:

- a. In subsection (a), by adding the words, “or commercial” after the words “dry industrial”, and further by adding the word, “principal” before the words, “agricultural use”, and finally, by adding the words “and is limited in area. Additionally, the on-farm business use must be compatible with, and shall not hinder surrounding agricultural operations”, to the second sentence after the word, “dwelling”.

- b. In subsection (b), adding the word, "principal" after the words, "remain secondary to the".

27. **Policy 5.2.4** is modified:

- a. In subsection (a), by deleting the words, "or limited non-residential uses in compliance with the policies of section 5.2.4(b) below".
- b. In subsection (b)(v), by deleting the word, "can" and replacing it with the word, "are to".

28. **Policy 5.2.5(b)(i)** is modified by adding the following to the end of the policy, "and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser."

29. **Policy 5.2.6** is modified:

- a. In subsection (b)(i), delete the word, "/or".
- b. In subsection (b)(ii), delete the policy and replace it with the following:
- c. "a combination of farmers skilled in the production of specialty crops, and of long-term capital investment in one or more of the following: related crops, infrastructure, facilities and/or services to produce, store, or process specialty crops.
- d. In subsection (e), add the words, "suitably qualified" before the words, "soil scientist's", and
- e. In subsection (f), by splitting the policy into two separate subsections as follows:
 - "(f) Areas designated as provincially or locally significant specialty crop areas shall be shown on the schedules to this Plan, and
 - (g) Provincially *significant* specialty crop areas shall not be used for the expansion of settlement areas or identification of new settlement areas."

30. **Policy 5.3.1** is modified:

- a. In subsection (b), by deleting the following words from the end of the policy, "and other rural uses including those that promote tourism and other economic development opportunities."
- b. In subsection (g), by adding in the words, "resource-based" before the words, "tourist accommodation" and further, by deleting the words, "rural or resource oriented conference centres,"

31. **Policy 5.4.1(a)** is modified by adding the word, "Protection" after the word, "Environmental" in the first sentence.

32. Policy 5.5(b) is modified by moving the word, “and” from the end of subsection (iv) to the end of subsection (v), and further, by adding a new subsection, “(vi) fish habitat”.

33. Policy 5.5.1 is modified:

- a. In subsection (a)(viii), by deleting the words, “the required documentation has been prepared and the related approvals obtained”, and replacing it with the following, “the use is in compliance with Section 3.5 and 5.5.3.”
- b. In subsection (b), by deleting the words, “existing agricultural operations or other” in the first sentence.

34. Policy 5.5.2 is modified

- a. In subsection (g), by deleting “50 metres” for “significant areas of natural or scientific interest” and replacing it with “120 metres”, and further by adding the following new sub-category, “fish habitat... 120 metres”;
- b. In subsection (l), deleting the word, “existing”;
- c. In subsection (y), adding the words, “Earth Science” before the acronym, “ANSI”, and by adding the words, “or within 120 metres of a Life Science ANSI” after the acronym, “ANSI”.
- d. By adding a new subtitle, called “Fish Habitat” at the end of 5.5.2, and the following new subsections:
 - “(cc) *Fish habitat* may be present within the watercourses identified within the Environmental Conservation designation.
 - (dd) *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.
 - (ee) *Development* and *site alteration* shall not be permitted on adjacent lands to *fish habitat* unless it has been demonstrated through an Environmental Impact Study or site assessment in accordance with the policies of section 3.4.2 that there will be no *negative impacts* on the habitat or its ecological function.”

35. Policy 5.5.3 is modified:

- a. In subsection (b), by adding the words, “protect fish habitat,” after the words, “related lands”.
- b. By renumbering subsections “(d) through (h)” to “(e) through (i)”, respectively.

- c. By adding a new subsection (c), which states, "Where the extent of the floodplain has been confirmed by the Conservation Authority, development and site alteration shall not be permitted within the floodplain.
- d. In subsection (d), by deleting the references to "(e) and (f)" in the last sentence to "(f) and (g)".

36. **Policy 5.6.1** is modified by adding the following words "*mineral aggregate resources conservation,*" after the words, "*mineral aggregate operations,*".

37. **Policy 5.6.2** is modified:

- a. In subsection (d), by deleting the first sentence and replacing it with the following, "Prior to the submission of an application for the required amendments relating to a new or expanded mineral aggregate operation, the municipality will require a meeting with the applicant, the County, provincial representatives and any other affected agency, such as the conservation authority, having jurisdiction.
- b. In subsection (g), by deleting the second sentence in its entirety.
- c. In subsection (k), by deleting the policy in its entirety and replacing it with the following:

"Where a new or expanded mineral aggregate operation is proposed for a site within the Agricultural designation, such use may be permitted only if documentation has been provided demonstrating to Council's satisfaction that there is conformity with the following criteria and policies, in addition to all other applicable policies of this Plan.

- i) The use shall be interim in nature.
- ii) The site will be progressively rehabilitated to an *agricultural condition*.
- iii) Complete rehabilitation to an agricultural condition is not required if:
 - outside of a specialty crop area, there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
 - in a specialty crop area, there is a substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
 - other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as settlement areas, and resources on

prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Class 1, 2 and 3 land; and

- agricultural rehabilitation in remaining areas is maximized.
- iv) Impacts on surrounding agricultural operations and lands are to be mitigated to the extent feasible.
- d. By deleting subsection (m) in its entirety, and renumbering subsequent subsections accordingly.
- e. In the new subsection (n)(v), delete the words, “or any other agency having jurisdiction, with the results of any such monitoring undertaken for other agencies to be provided to the municipality.”
- f. In the new subsection (n)(ix), delete the policy in its entirety and replace with the following, “That dust and other air emissions will be mitigated on-site to the extent feasible, through land use planning, such as the implementation of required setbacks through the Zoning By-law, being acceptable to the municipality;”
- g. In the new subsection (n)(xii), delete the words, “proposed site and operational plans” and replace them with the word, “proposed”.
- h. In the new subsection (n)(xiii), delete the words, “and Provincial” and “and all approved authorities”.
- i. In the new subsection (u), delete the words, “to be permitted only” and replace them with, “generally recognized”.
- j. In the new subsection (v), delete the words, “or agriculturally used land originally within the Rural designation”.
- k. In the new subsection (y), delete subsection (iii) in its entirety and renumber all subsequent subsections accordingly.
38. **Policy 5.7.2** is modified by adding a new subsection (m) that states, “Lands within a floodplain boundary, as shown on Schedules B, C, and C-2, are also subject to policies 3.5 and 5.5.3 of this Plan.”
39. **Policy 6.2.5(b)** is modified by deleting the word, “confined” and replacing it with the words, “generally directed”.
40. **Policy 7.2** is modified:
- a. In subsection (a), by deleting the words, “and more than three lots in any other area” in the first sentence; and

- b. In subsection (a)(xiv), by deleting the word, "significant" before the words "habitat of endangered species and threatened species".

41. **Policy 7.3** is modified by deleting subsections (e) and (f) in their entirety, and renumbering subsection (g) to (e).

42. **Section 9.0** is modified:

- a. By adding a new definition after "**Adjacent lands**", and renumbering all subsequent subsections accordingly:

"(b) Agricultural condition means:

- i) In regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- ii) In regard to land within the Agricultural designation, outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored."

- b. In new subsection (c), **Agricultural use**, add the words, "full-time" before the words, "farm labour".
- c. In new subsection (h), **Cultural heritage landscape**, delete the word "as" and replace it with the words, "may have".
- d. By adding a new definition after "**Mineral aggregates resources**" as follows, and renumbering all subsequent subsections accordingly:

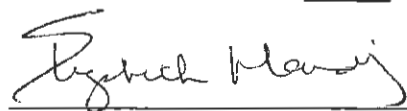
"(w) Mineral aggregate resources conservation means:

- i) The recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- ii) The wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring."

- e. In new subsection (x), **Minimum Distance Separation Formulae**, add the words, "and guidelines" after the words, "means formulae".
- f. In the new subsection (aa), **Natural heritage features and areas**, delete the word, "significant" before the words "habitat of endangered species and threatened species"

- g. In the new subsection (bb), **Negative impacts**, delete the words “important or unusual or” in subsection (iv).
 - h. In the new subsection (jj), **Residence Surplus to a farming operation**, add the word, “habitable” before the words “farm residence”.
 - i. In the new subsection (oo), **Significant or significance**, delete the words, “and modified where necessary to reflect local conditions and features.” at the end of subsection (ii).
- 43.** All references to Provincial Ministries shall be updated in the Official Plan to reflect their current name.
- 44. Schedule “E”** to the Official Plan is modified, as shown in Appendix A, by adding a new item to the legend called “Watercourses”, and adding a corresponding graphic which reflects the watercourses shown on the Schedule.
- 45. Schedule “D”** to the Official Plan is modified, as shown in Appendix B”, by deleting an area of land from the Provincially Significant Wetland category.
- 46. Schedule “G”** to the Official Plan is deleted and replaced with a new schedule which identifies:
- a. significant groundwater recharge areas identified in the Lake Erie and South Georgian Bay-Lake Simcoe Assessment Reports, as depicted in Appendix C-1 and C-2.
 - b. aquifer vulnerability areas as identified in the Lake Erie and South Georgian Bay-Lake Simcoe Assessment Reports, as shown in Appendix D-1 and D-2.
- 47. Schedule “H”** is modified, as shown Appendix E:
- a. by adding the word “Mineral” after the word “Primary” in the title;
 - b. by deleting the word “primary” from the “Sand & Gravel Resource Area – Primary” legend item; and
 - c. deleting the “Bedrock Resource Area – Primary” legend item and the corresponding hatched area identified on the Schedule and replacing it with the solid blue colour that corresponds to “Bedrock Resource Area – Within 8m of Surface”.

Dated at Toronto this 9 of March, 2015.



Elizabeth Harding
Assistant Deputy Minister
Municipal Services Division
Ministry of Municipal Affairs and Housing



SCHEDULE D NATURAL HERITAGE 1 WETLANDS

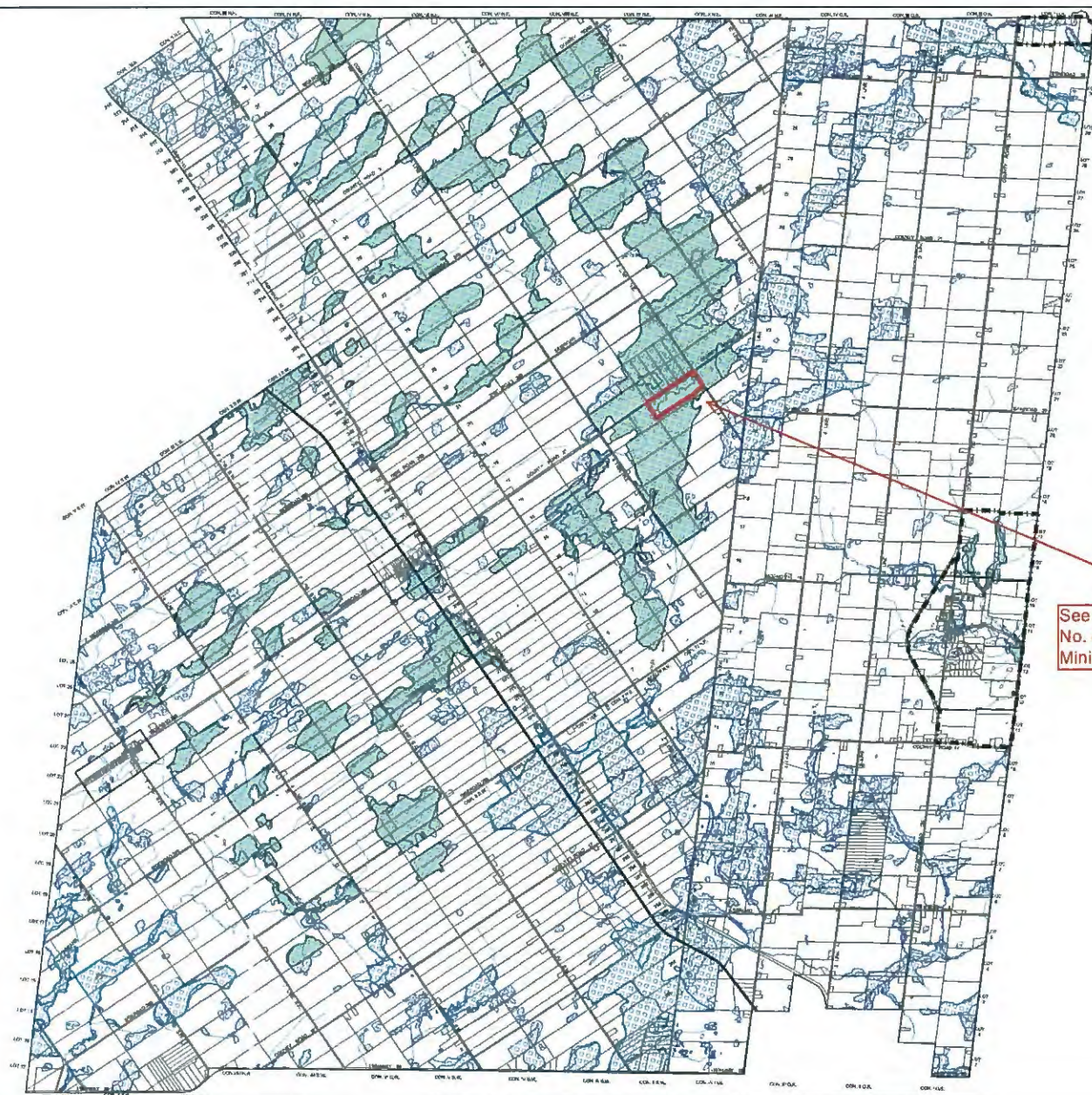
OFFICIAL PLAN
FOR
TOWNSHIP OF
MELANCTHON



- PROVINCIAL SIGNIFICANT WETLANDS
- LOCALLY SIGNIFICANT AND UNEVALUATED WETLANDS

- NIAGARA ESCARPMENT DEVELOPMENT CONTROL AREA

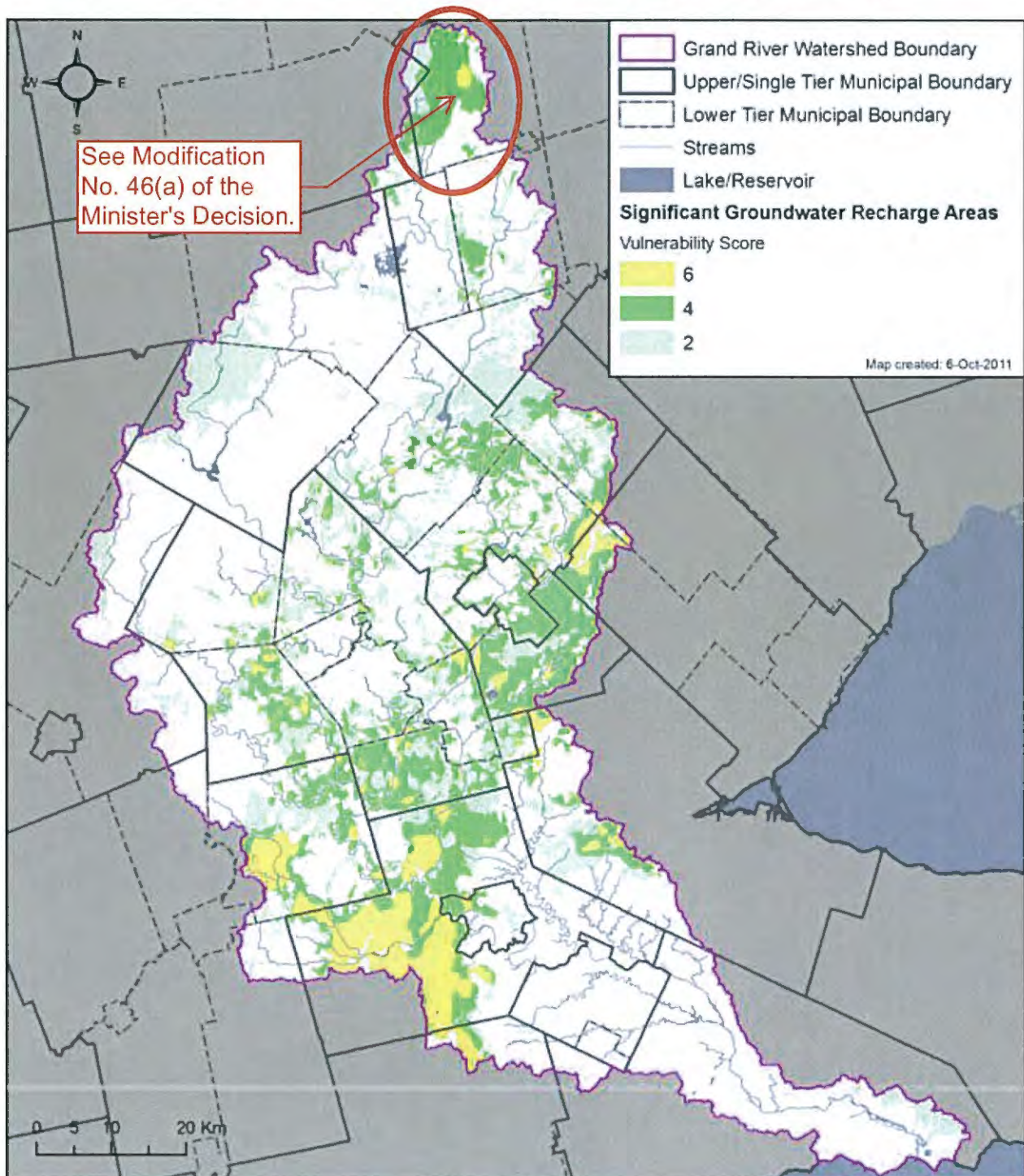
See Modification
No. 45 of the
Minister's Decision.



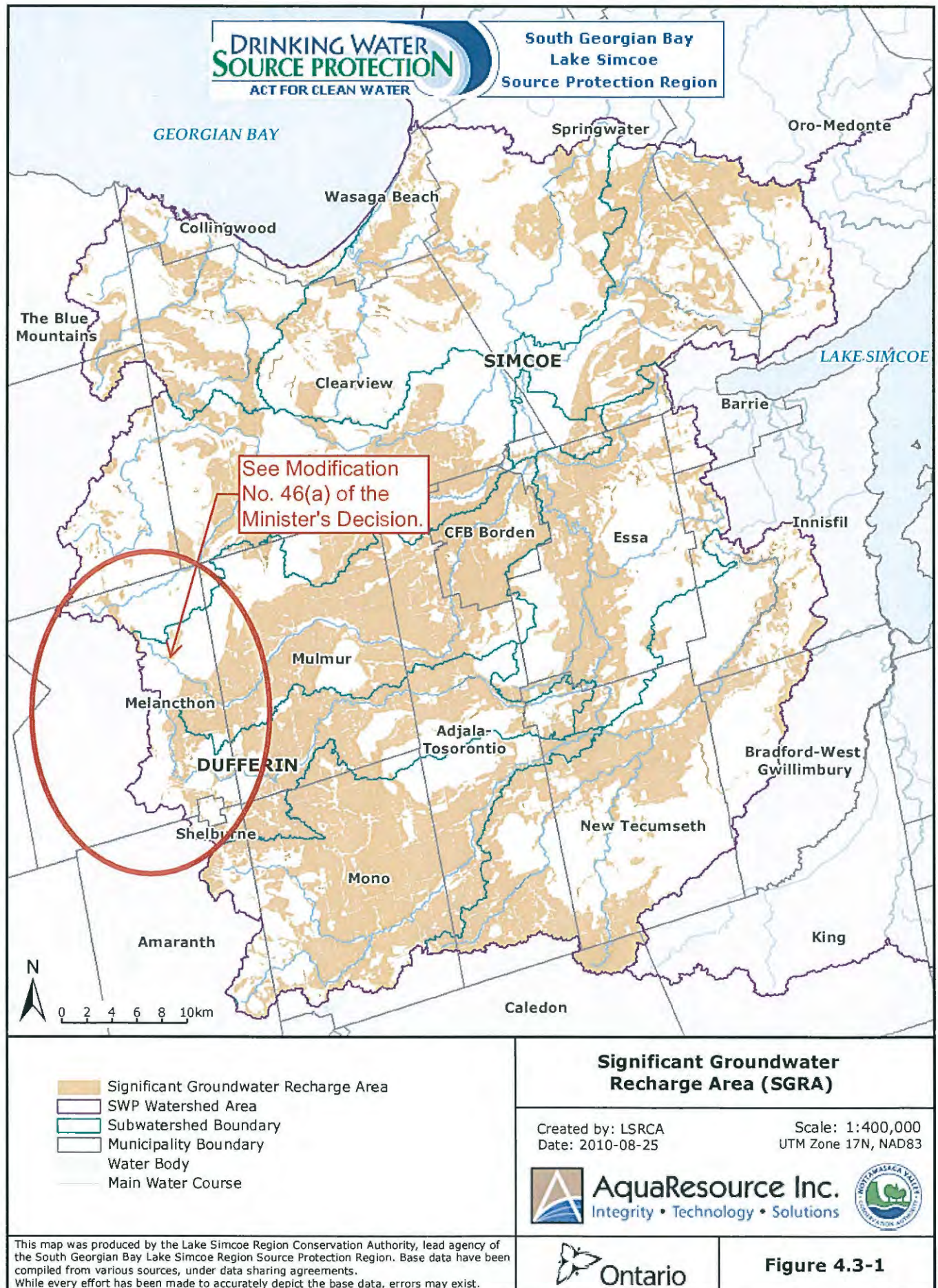
AUGUST, 2014



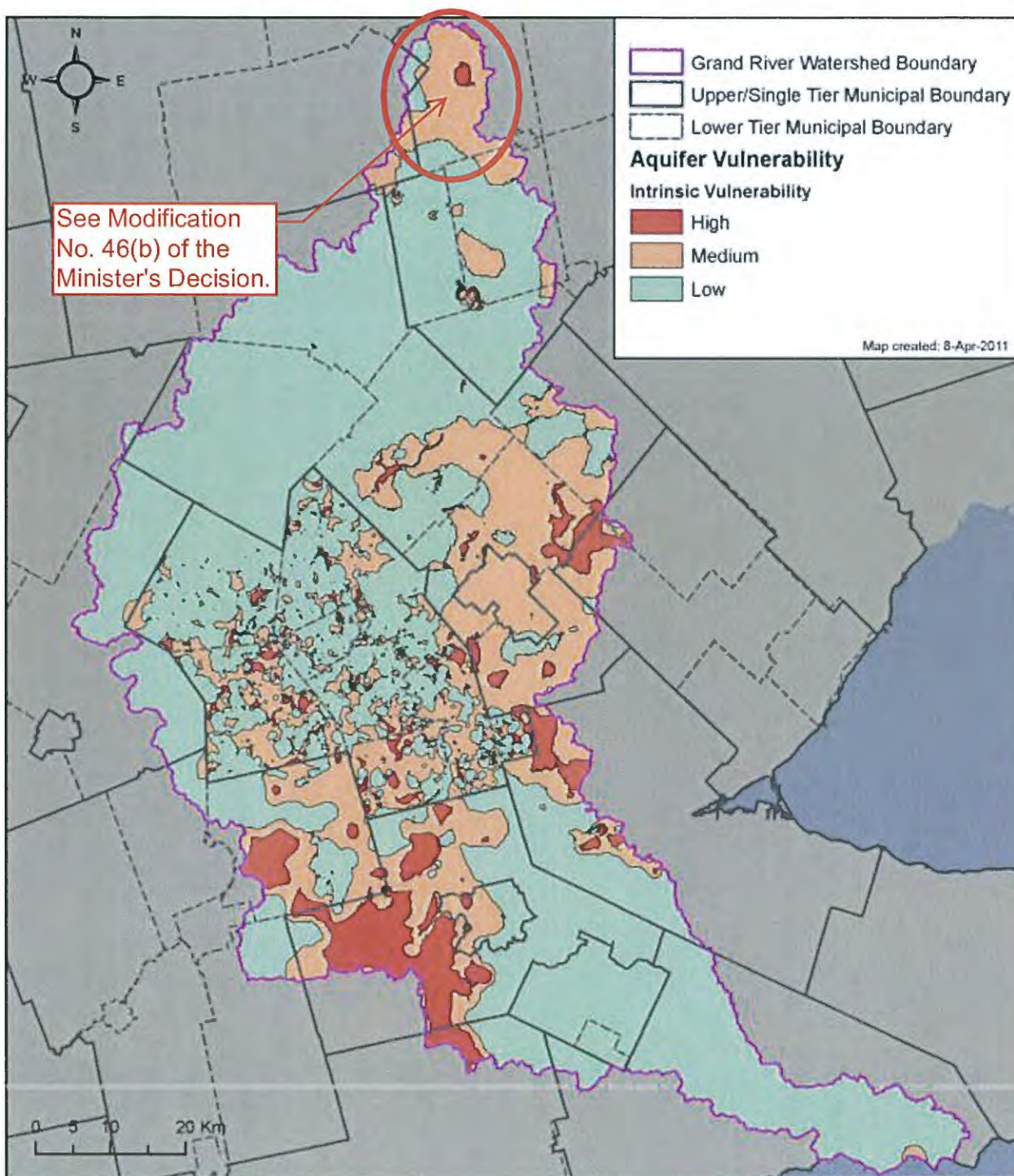
Map 4-6: Significant Groundwater Recharge Areas with Vulnerability Scoring



Publicly available Web-GIS mapping of vulnerable areas including vulnerability has been developed and is available through www.sourcewater.ca.



Map 4-1: Aquifer Vulnerability



Publicly available Web-GIS mapping of vulnerable areas including vulnerability has been developed and is available through www.sourcewater.ca.

