



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING  
COMMITTEE OF ADJUSTMENT - THURSDAY, FEBRUARY 18, 2021  
6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/81477119988?pwd=NW1yYWVs1ckFESE03Yk5hZFhkQTY5Zz09>

Meeting ID: 814 7711 9988

Passcode: 991625

One tap mobile

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Dial by your location

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

Meeting ID: 814 7711 9988

Passcode: 991625

**AGENDA**

**1. APPROVAL OF MINUTES - January 14, 2021**

**Motion - that the minutes of the Committee of Adjustment Meeting held on January 14, 2021 be approved as circulated.**

**2. BUSINESS ARISING FROM MINUTES**

**3. APPLICATION FOR CONSENT**

1. B1/21 – John & Christine Fraser-Lee – Part Lot 37, Concession 3 N.E.  
(Lot enlargement to Part Lot 37, Concession 3 N.E. RP 7R3423 Part 1)

**4. APPLICATION FOR MINOR VARIANCE**

**5. APPLICATION FOR VALIDATION OF TITLE**

**6. APPLICATIONS ON FILE**

1. B1/19 & B2/19 - Angelo Carnevale - Applications for Consent - Part of the East Part Lot 13, Concession 2 O.S. & East Part Lot 13, Concession 2 O.S.

7. DELEGATES
8. CORRESPONDENCE
9. ADJOURNMENT

**Motion - That we adjourn Committee of Adjustment at \_\_\_\_\_a.m. to meet again on Thursday, March 18, 2021 at 6:00 p.m. or at the call of the Chair**

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. **B1/21**

Date of Meeting: **Thursday, February 18, 2021** Time: **6:00 p.m.**

Name of Owner/Applicant: **John & Christine Fraser-Lee**

Location of Public Meeting: **157101 Highway 10, Melancthon Office  
(Virtual Meeting - see note below)**

**NOTE:** This will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

**PROPOSED SEVERANCE: Part Lot 37, Concession 3 N.E.**

(Lot enlargement to Part Lot 37, Concession N.E. RP 7R3423 Part 1)

Existing Use: **Agricultural** Proposed Use: **Residential**

Road Frontage: **16.76 m** Depth: **20.12 m**

Area: **2.023 sq m**

**RETAINED PORTION: Part Lot 37, Concession 3 N.E.**

Existing Use: **Agricultural** Proposed Use: **Agricultural**

Road Frontage: **958.2 m** Depth: **463 m**

Area: **96.5 acres**


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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.

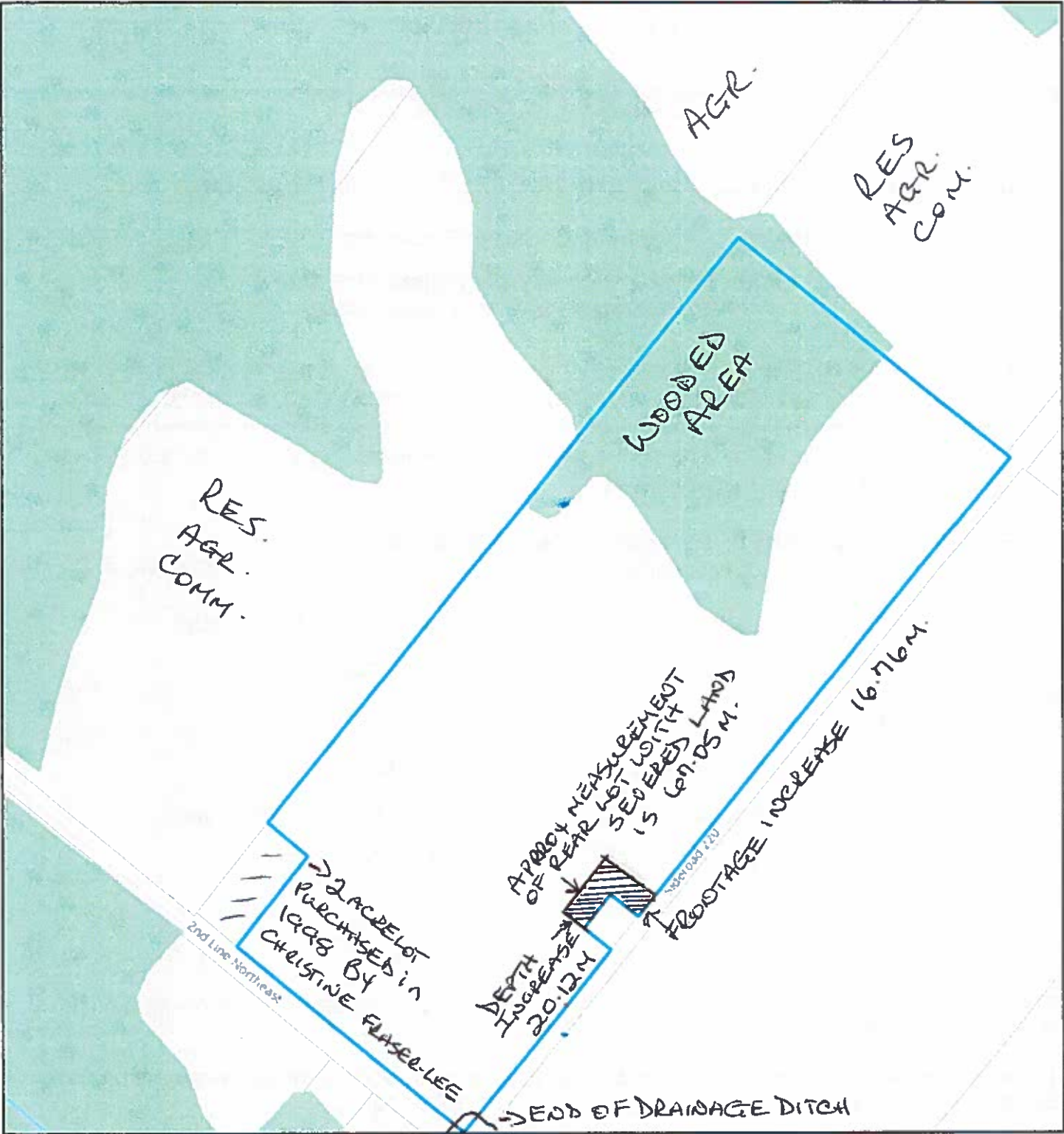
If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal 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

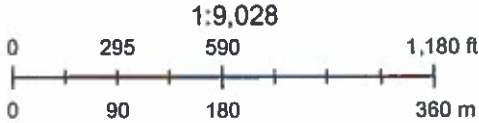
COA # 3  
FEB 18 2021

Dufferin County



2021-01-19, 1:55:51 PM

- Override 1
- Assessment Lot Parcels



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## MEMORANDUM

**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** February 12, 2021  
**Re:** Application for Consent B1/21 (Fraser-Lee)

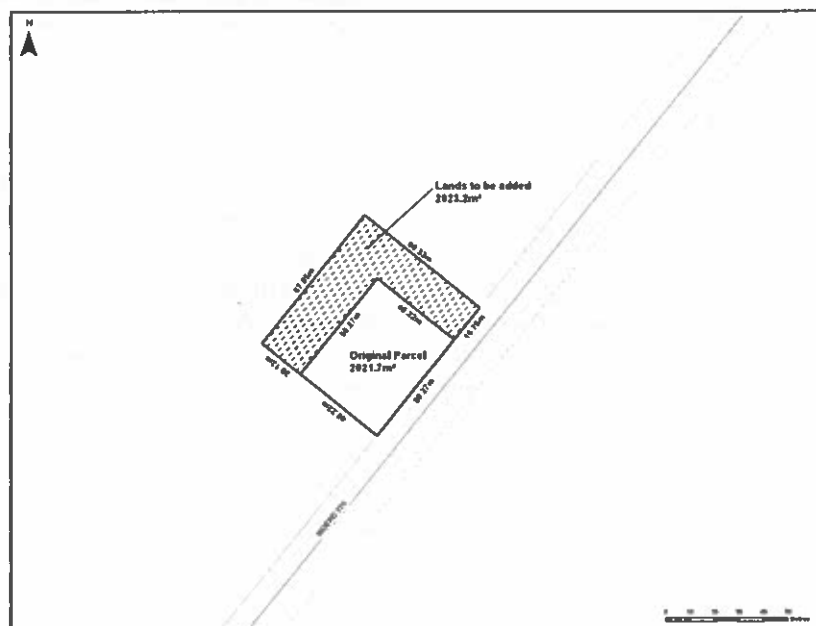
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## BACKGROUND

The Township is in receipt of an application for consent for a lot addition or boundary adjustment for lands located in Part of Lot 37, Concession 3 N.E. The purpose of the application is to enlarge an existing rural residential lot.

The proposed consent would sever lands having an area of approximately 2,023 m<sup>2</sup> (21,775 ft<sup>2</sup>) and a frontage of 16.76 metres (55 feet) and add it to the abutting residential lot as illustrated in Figures 1 and 2. The benefitting lot has a lot area of 2,021 m<sup>2</sup> (21,753 ft<sup>2</sup>) and a frontage of 50 m (164 feet). The resultant lot would have a lot area of 4,044 m<sup>2</sup> (43,529 ft<sup>2</sup>) and a frontage of 67 metres (220 feet). The retained lot would have an area of 39 hectares (96.5 acres) and a frontage of 958 metres (3,134 ft).

Figure 1 – Sketch of Proposed Boundary Adjustment



**Figure 2 – Sketch of Proposed Boundary Adjustment on Aerial**



## **OFFICIAL PLAN**

The subject lands are located in the Rural designation.

Section 7.2 (a) iv) of the Official Plan states:

*"Notwithstanding the policies of subsection (iii) above, or any other policy of this Plan, consents for land conveyances, or for conveyances of an interest in land may be granted for legal or technical reason such as minor boundary adjustments, provided such consent does not result in the creation of a new building lot..."*

## **ZONING BY-LAW**

The benefiting lands are currently zoned General Agricultural (A1). As an existing lot of record, Section 4.4 of the Zoning By-law recognizes such lots as legal residential lots, however, given that the resultant lot will be "new" in the eyes of the Zoning By-law and will not comply with the minimum lot area requirement of the A1 Zone, a zoning by-law amendment will be required as a condition of consent to zone the resultant lot to a Rural Residential (RR) exception zone. The RR exception is required because the lot does not comply with the RR minimum lot area requirement of 0.8 ha.

## **ANALYSIS**

The proposed consent is technical in nature and will add a modest additional lot area to a small lot of record.

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• Municipal Planning Services Ltd. •

Barrie, Ontario  
(705) 725-8133

**RECOMMENDATION**

It is recommended that Consent Application B1/21 be approved subject to the standard conditions of consent as well as the following condition:

1. That the resultant lot be rezoned to a Rural Residential (RR) Exception Zone to recognize the deficient lot area of the resultant lot.



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Chris Jones MCIP, 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. B1/19

**Re: NEC Decision #M/R/2019-2020/9144 & M/R/2019-2020/9145 - Dec 21, 2020**

Date of Meeting: **Thursday, February 18, 2021** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Angelo Carnevale Agent: Loft Planning Inc.**

Location of Public Meeting: **157101 Highway 10, Melancthon Office (Virtual Meeting - see below)**

**NOTE:** If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the meeting.

**PROPOSED SEVERANCE: East Part Lot 13, Concession 2 O.S,**

Existing Use: **Rural** Proposed Use: **Residential**

Road Frontage: **135 m** Depth: **180 m**

Area: **2.8 ha**

**RETAINED PORTION: Part of the East Part Lot 13, Concession 2 O.S.**

Existing Use: **Rural** Proposed Use: **Rural**

Road Frontage: **100 m** Depth: **Irregular**

Area: **10 ha**

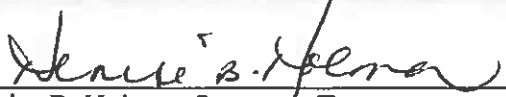
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The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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 Local Planning Appeal Tribunal 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

COA # 601  
FEB 18 2021



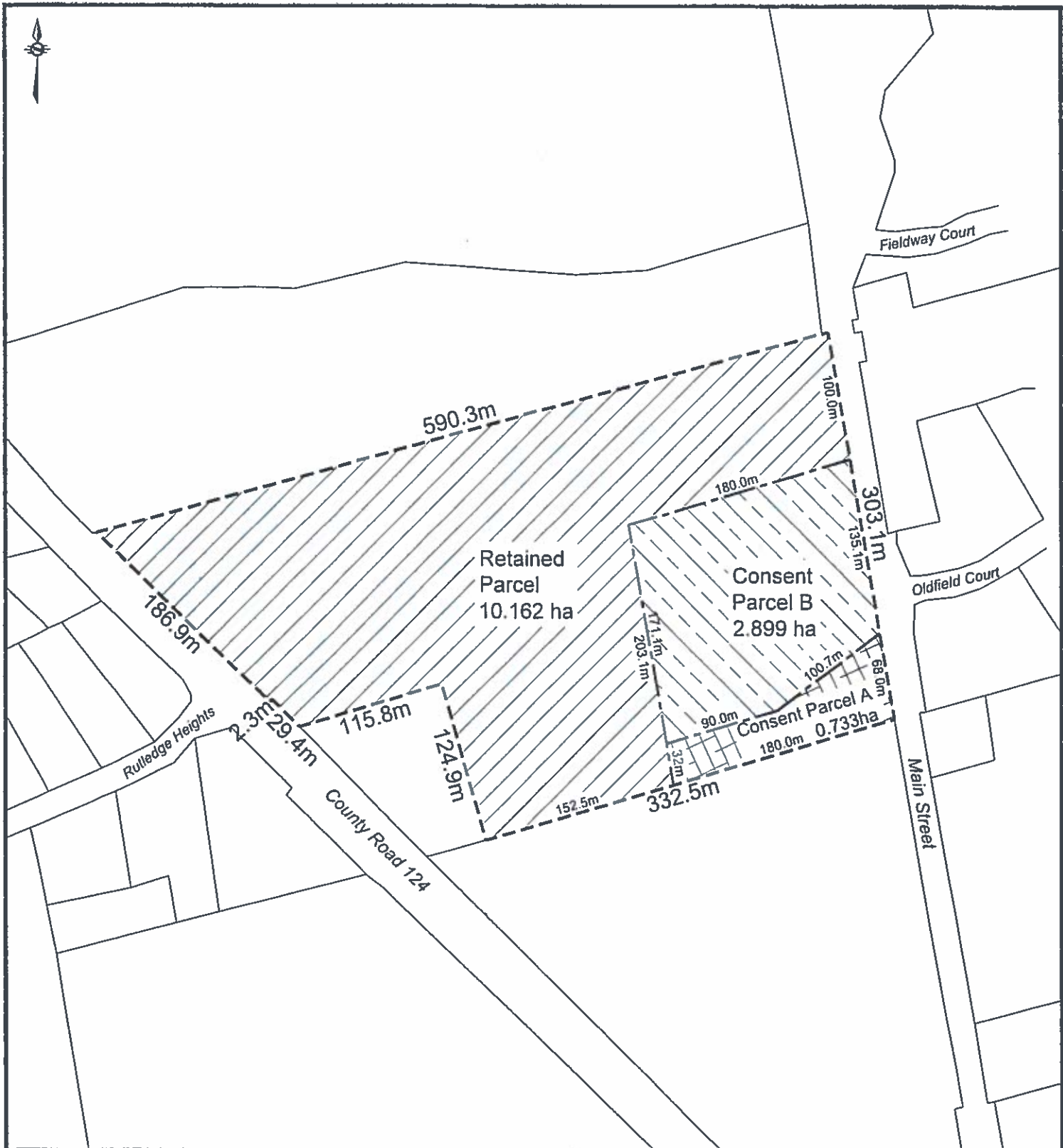


Figure 3 - Consent Sketch  
537080 Main Street,  
Melancton, (Hornings Mills)

Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.		
File#:	#CAR 27618	Sheet:	CS
Date:	December 09, 2018	Scale:	1:4,000

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. B2/19

Re: NEC Decision #M/R/2019-2020/9144 & M/R/2019-2020/9145 - Dec 21, 2020

Date of Meeting: Thursday, February 18, 2021 Time: 6:00 p.m.

Name of Owner/Applicant: Owner: Angelo Carnevale Agent: Loft Planning Inc.

Location of Public Meeting: 157101 Highway 10, Melancthon Office (Virtual Meeting - see below)

**NOTE:** If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the meeting.

**PROPOSED SEVERANCE:** East Part Lot 13, Concession 2 O.S,

Existing Use: Rural Proposed Use: Residential

Road Frontage: 68 m Depth: 180 m

Area: .733 ha

**RETAINED PORTION:** Part of the East Part Lot 13, Concession 2 O.S.

Existing Use: Rural Proposed Use: Rural

Road Frontage: 100 m Depth: Irregular

Area: 10.1 ha

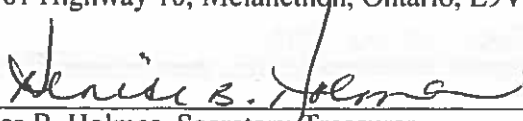
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The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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 Local Planning Appeal Tribunal 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

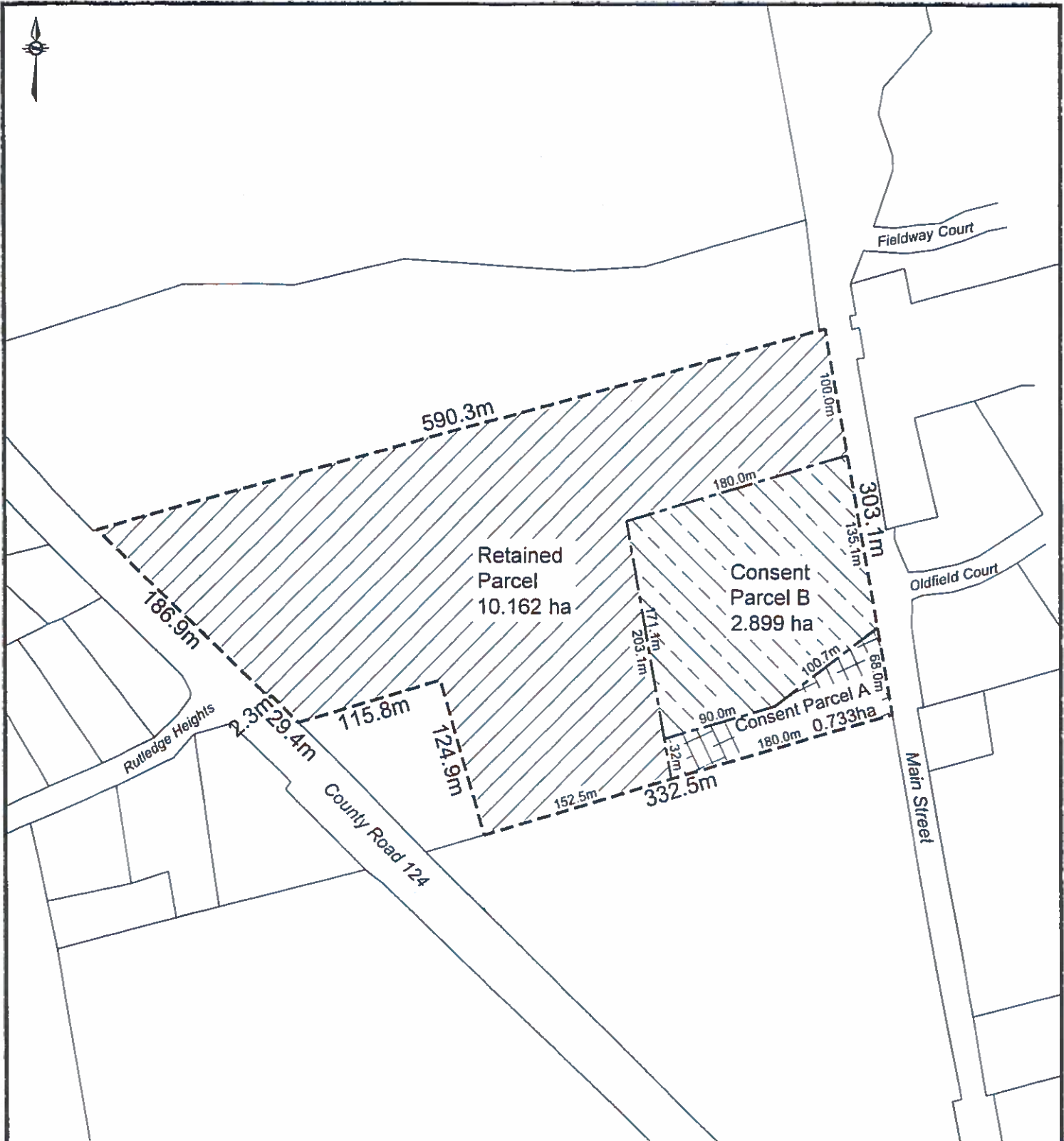


Figure 3 - Consent Sketch  
537080 Main Street,  
Melancton, (Hornings Mills)

Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.	
File#:	#CAR 27618	Sheet: CS
Date:	December 09, 2018	Scale: 1:4,000

December 21, 2020

To: Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies; Parties who requested Notice or are considered to have an interest in the Decision.

Re: **NOTICE OF DECISION**  
**Development Permit Application: M/R/2019-2020/9144 &**  
**M/R/2019-2020/9145**

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Attached is a **Notice of Decision** from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a copy of an Appeal Form or a written letter, **specifying your reasons for appeal, within 14 days** of the date of this letter.

An Appeal Form can be downloaded from [www.escarpment.org](http://www.escarpment.org). If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be submitted via **fax, email, courier or in person** to this office (address and fax # above) or sent by email to [necowensound@ontario.ca](mailto:necowensound@ontario.ca)

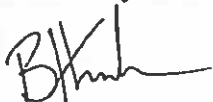
Please note that the last day that appeals may be received is: **January 4, 2020** (midnight).

The Commission's decision is confirmed if no appeal is received within the 14 days.

If the Commission's decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed, you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.

If you have questions about this process or about the details of the Development Permit application, please contact me at (289) 924-0272.

Yours truly,



Brandon Henderson  
Senior Planner

**NOTICE OF DECISION  
OF THE NIAGARA ESCARPMENT COMMISSION  
REGARDING**

**AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25  
OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,  
R.S.O. 1990, Chapter N.2**

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**FILE NUMBER:** M/R/2019-2020/9144

**LOCATION:** Part Lot 13, Concession 2 OS  
537080 County Road 124  
Township of Melancthon, County of Dufferin  
ARN 221900000116600

**PROPOSED DEVELOPMENT:**

**(M/R/2019-2020/9144):** To sever a  $\pm$  0.73 ha (1.81 ac) parcel and to establish a building envelope (Parcel A) from a 13.8 ha (34.1 ac) existing lot that supports an existing single dwelling, accessory building and accessory facilities.

**(M/R/2019-2020/9145):** To sever a 2.89 ha (7.15 ac) lot which supports a single dwelling, accessory building, and accessory facilities (Parcel B), from a vacant 10.16 ha (25.1 ac) retained lot (resulting from the creation of parcels A and B) and to establish a building envelope for a permitted use on the retained lot.

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**DECISION of the NIAGARA ESCARPMENT COMMISSION:**

The application for a Development Permit, as described above, has been:  
**CONDITIONALLY APPROVED.**

The **Conditions of Approval** are listed on the attached **APPENDIX**.

**DATE:** December 21, 2020

**SIGNED:**



Kim Peters, MCIP/RPP, Manager (A)

<p><b>THIS IS NOT A DEVELOPMENT PERMIT DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED</b></p>
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## APPENDIX

537080 County Road 124  
M/R/2019-2020/9144

### CONDITIONS of APPROVAL

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1. Development shall occur in accordance with the Site Plan, and Conditions as approved.
2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.
3. The landowner shall obtain a Consent to sever in accordance with this Development Permit and shall complete the transfer of title in accordance with the Development Permit.
4. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission, an accurate and detailed Final Site Plan shall be submitted for Niagara Escarpment Commission approval. The Plan shall include but not be limited to the following:**
  - a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well), and name of the relevant consultant;
  - b) Outline of the approved building envelope; and
  - c) Location of the approved building envelope showing setbacks from the property lines, watercourses, wooded areas, etc.
5. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 4 of this conditional approval shall be fulfilled before the expiry date.

#### Advisory Note

- a) This Development Permit does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, *Conservation Authorities Act*, *Endangered Species Act*, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
- b) The Niagara Escarpment Commission (NEC) advises that future development of the retained lot will require additional Development Permit Application(s) and may require additional studies (hydrogeological study, environmental impact study, transportation and traffic study, etc.) in order to ensure that the development is compatible with the site and surrounding area. Consultation shall occur with the NEC's partner agencies at the time of application to determine which information and studies shall be required.
- c) Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry

## APPENDIX

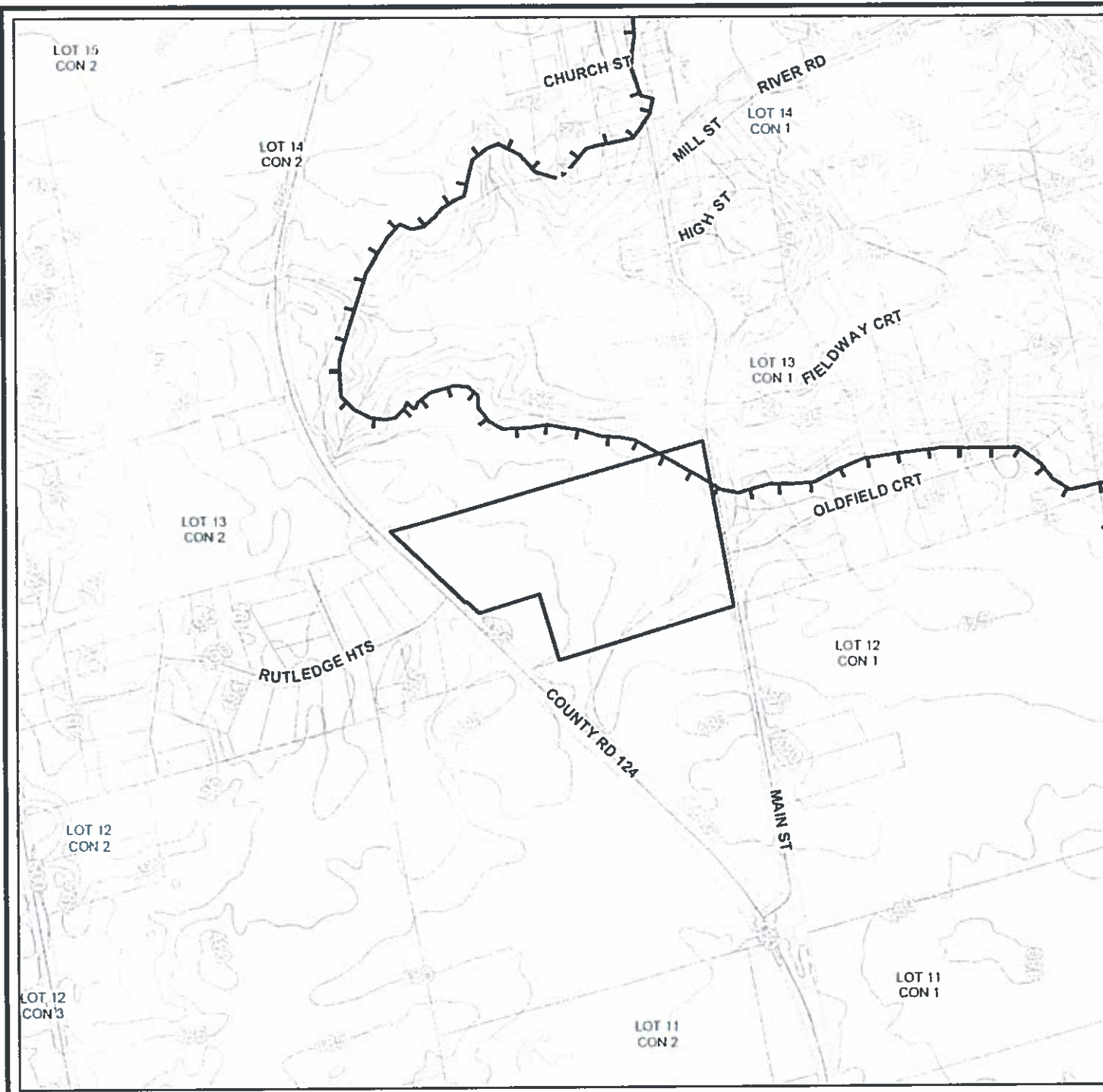
537080 County Road 124  
M/R/2019-2020/9144

### CONDITIONS of APPROVAL

of Heritage, Tourism, Sport, and Cultural Industries shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police.







## Map 2 Lot Configuration

File: M/R/2019-2020/9144 & 9145

537080 Main Street

- Subject Property
- Escarpment Brow
- Roads
- Waterbodies
- Watercourse
- Contour (5 metre intervals)
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary



Printed on Nov 30, 2019

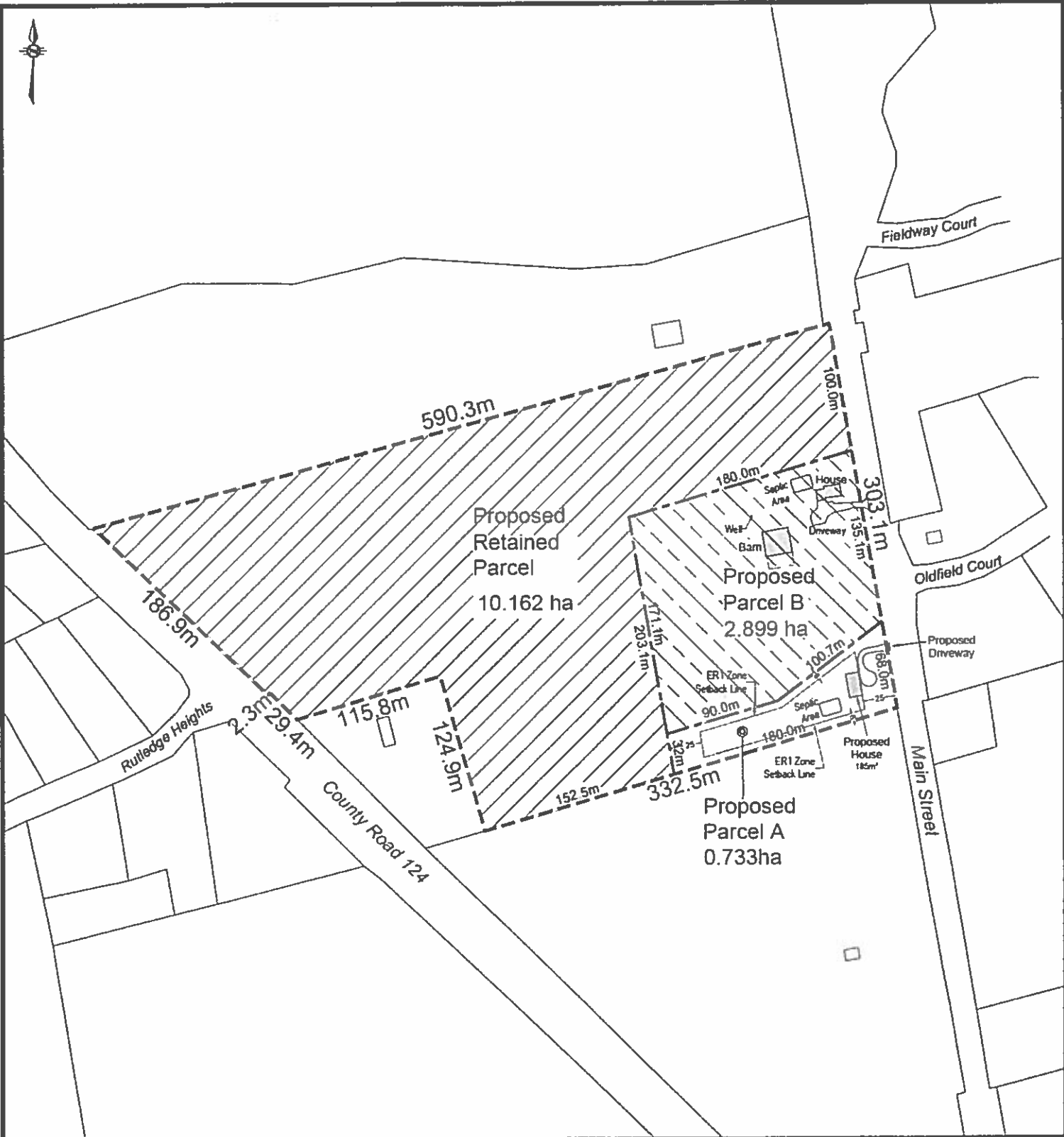
**THIS IS NOT A PLAN OF SURVEY**

This map is illustrative only. Do not rely on it as being a precise indicator of nature, location of features, nor as a guide to navigation. Data derived from various sources. Map compiled and produced by the Geographic Information Systems (GIS) Department of the Ministry of Natural Resources.



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Proposed Development 537080 Main Street, Melanchton (Hornings Mills)	Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.	
	File#:	#CAR 27618	Sheet:
	Date:	REV. December 3, 2019	Scale: 1:4,000

## MEMORANDUM

**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** October 11, 2019  
**Re:** Applications for Consent B1/19 and B2/19 (Carnivale)

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## BACKGROUND

The Township is in receipt of two applications for consent to create new residential lots in the settlement of Hornings Mills from lands located in the East Part of Lot 13, Concession 2 O.S with frontage on Main Street as well as Highway 124. The subject lands have a total lot area of approximately 14 hectares with a frontage on Main Street of approximately 300 metres. The location of the subject lands is shown in Figure 1.

**Figure 1 – Subject Lands**

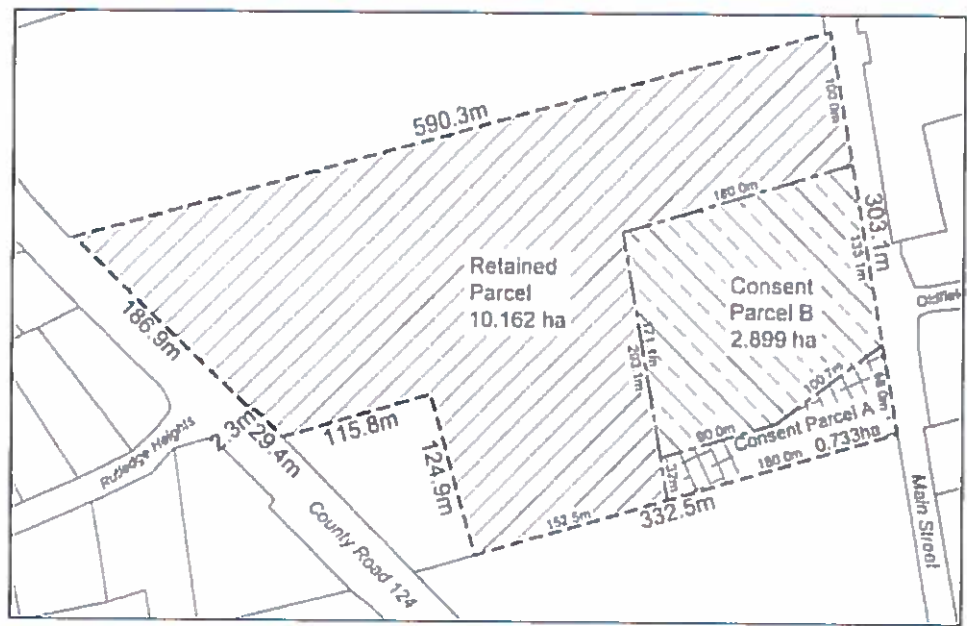


The applicant proposes to create two new lots having the following characteristics:

	<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Existing Buildings</u>
Lot A	0.73 ha	68 metres	None
Lot B	2.9 ha	135 metres	Dwelling and Storage Building

The retained lot would have a frontage of 100 metres on Main Street and 187 metres on Highway 124 and a lot area of 10.2 hectares. The severed and retained lots are illustrated in Figure 2.

Figure 2 – Proposed Lots (Severed and Retained)



**GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Township of Melancthon is subject to the policies of the Provincial Growth Plan.

The subject lands are considered to be a rural settlement area given that they form part of an area designated in the Township's Official Plan as "Community".

The Growth Plan also identifies a Natural Heritage System (NHS) and Section 4.2.2 establishes a number of policies designed to protect the NHS as the natural features that make up the NHS, however given that the subject lands are located within a designated settlement area, the policies of the NHS are not applicable. Instead,

Section 4.2.2.6 of the Growth Plan indicates that the policies of the Provincial Policy Statement (PPS) prevail with respect to natural heritage.

#### **PROVINCIAL POLICY STATEMENT (2014)**

Section 1.1.4.2 of the PPS states:

*In rural areas, rural settlement areas will be the focus of growth and development and their vitality and regeneration shall be promoted.*

Section 2.1.5 of the PPS restricts site alteration in: significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant ANSIs and coastal wetlands, unless it has been demonstrated that development will not cause negative impacts to the feature or its function.

Section 2.2.1 (d) of the PPS requires planning authorities to improve or restore the quality and quantity of water by (amongst other things):

*"maintaining linkages and related functions amongst ground water features, hydrologic functions, natural heritage features and areas and surface water features".*

In light of the above policies, the applicant retained a qualified biologist to conduct an assessment of the site in consultation with the NVCA.

#### **OFFICIAL PLAN**

The subject lands are designated Community in the Township's Official Plan. Section 5.7.2 (g) of the Community designation states:

*The creation of new lot for permitted uses within the built community may occur by land severance up to a maximum of five new lots on a property existing at the time of approval of this Plan or by Plans of Subdivision...*

The subject lands are also overlaid in part by an Environmental Conservation designation and Floodplain Boundary. These designations are primarily a reflection of a vegetated valleyland/watercourse feature located in the area of the proposed new lots. Section 5.5.1 viii) of the Plan (permitted uses in the Environmental Conservation designation) states:

*Uses permitted in the Environmental Conservation overlay designation include uses permitted in the underlying land use designation, provided that it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or their ecological functions and that in floodplains or other hazardous lands the use is in compliance with Section 3.5 and 5.5.3.*

---

• Municipal Planning Services Ltd. •

51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

Sections 3.5 and 5.5.3 are policies aimed at restricting development with areas prone to flooding.

In consideration of the above policies, the applicant has retained an environmental firm to assess the site in consultation with the NVCA.

#### **NIAGARA ESCARPMENT COMMISSION**

The subject lands are located in the NEC Development Control Area. In a letter dated October 10, 2019, the NEC has requested that the applicant apply for and obtain NEC Development Permits prior to the approval of the consent applications.

#### **NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**

The NVCA has reviewed the application and have confirmed in a letter dated October 1, 2019 that they have no concerns with respect to the applications. The NVCA letter is attached at Appendix 1.

#### **ANALYSIS**

The subject lands are located in the Community designation and therefore are eligible for residential lot creation.

The applicant has followed the policy direction of the Official Plan which requires a natural heritage assessment to confirm the extent/type of natural features as well as an impact assessment of the development proposal on such features or their functions. On the basis of this assessment, it has been determined that the setbacks and mitigation can be employed to ensure the protection of woodlot features and fish habitat related to the watercourse and connecting pond. The NVCA has reviewed the applicant's EIS report and concurs with its findings.

In my opinion the proposed consents will provide for the appropriate development of the subject lands in manner consistent with Provincial Policy and the Township's Official Plan. Furthermore, the proposed consents will not preclude or jeopardize the orderly development of the larger retained parcel at some point in the future by plan of subdivision.

#### **RECOMMENDATION**

Given the comments from the NEC requesting a deferral to allow for the issuance of development permits, it is recommended that Committee defer its decision on these applications until the NEC permits have been issued.

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• Municipal Planning Services Ltd. •

51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Chris Jones', written over a horizontal line.

Chris Jones MCIP, RPP

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• Municipal Planning Services Ltd. •

51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

•Appendix 1•

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**Nottawasaga Valley**  
Conservation Authority

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October 1, 2019

SENT BY EMAIL

Ms. Denise Holmes  
Secretary-Treasurer, Committee of Adjustment  
Township of Melancthon  
157101 Highway 10  
Melancthon, Ontario  
L9V 2E6

Dear Ms. Holmes;

**Re: Application for Consent B01-19**  
**Application for Consent B02-19**  
**537080 Main Street, Melancthon**  
**Township of Melancthon**  
**NVCA ID: 32031**

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the above noted applications in accordance with Natural Hazard policies established under the Provincial Policy Statement (PPS) and our Planning and Regulation Guidelines established under the Conservation Authorities Act. The consent applications propose to create two new residential lots. The retained parcel currently contains a residence and accessory structure and is to be a future subdivision.

Current mapping illustrates that the property falls partially within an area affected by Ontario Regulation 172/06 (the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) due to floodplain, slope and meander erosion hazards associated with a watercourse and a potential woodland located in the southeast portion of this property.

The NVCA confirms that the subject lands are located outside the Natural Heritage System and Growth Plan area thereby allowing for more opportunities for lot lines intersecting woodland features. Policies contained within the PPS prohibit development (including lot creation) and site alteration in significant woodland features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

NVCA technical staff had the opportunity to attend the site through a formal pre-consultation process with the applicant and found no evidence of a watercourse or swale but did contain a man-made pond. Further, the applicant provided an Environmental Site Evaluation Report in support of the applications.

Staff have reviewed the technical report and have no natural heritage concerns with the proposed consents based on the following considerations:

- All proposed lots are wholly located within the Horning's Mill settlement area;
- Based on results of field investigations, proposed lot lines do not bisect any watercourses;

**Nottawasaga Valley Conservation Authority**  
8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0  
T: 705-424-1479 F: 705-424-2115  
admin@nvca.on.ca • nvca.on.ca

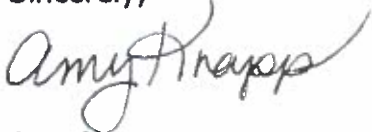
*A member of Conservation Ontario*

- The property is primarily in active agriculture and maintained residential space, with scattered naturalized features that are 'cultural' in nature, i.e. not particularly sensitive to disturbance.
- Although, the proposed lot lines do bisect a mapped significant woodland feature (as per Town OP); the feature will not be impacted by the severance, based on the EIS recommendation that any potential future development on the newly-created lot maintain a minimum 10m setback from the woodland feature.

In conclusion, for the reasons outlined above, the NVCA has no objection to the proposed consent applications.

Thank you for circulating these applications and please forward a copy of any decisions.

Sincerely,

A handwritten signature in cursive script, reading "Amy Knapp".

Amy Knapp  
Planner II

## MEMORANDUM

**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** February 12, 2021  
**Re:** Applications for Consent B1/19 and B2/19 (Carnivale)

---

## BACKGROUND

The Township held a public meeting on October 17, 2019 for two applications for consent to create new residential lots in the settlement of Hornings Mills from lands located in the East Part of Lot 13, Concession 2 O.S with frontage on Main Street as well as Highway 124. The subject lands have a total lot area of approximately 14 hectares with a frontage on Main Street of approximately 300 metres.

Attached to this report at Appendix 1 is my earlier report dated October 11, 2019.

The applications were deferred by Committee pending receipt of a Development Permit from the Niagara Escarpment Commission (NEC). On December 21, 2020, the NEC issued Development Permits M/R/2019-2020/9144 and M/R/2019-2020/9145 which authorized the proposed lot creation. The NEC approval is attached to this report at Appendix 2.

## ANALYSIS

The proposed consent applications are consistent with Provincial Policy and conform with the Township's Official Plan. The proposed consent applications have also been authorized by the NEC.

## RECOMMENDATION

It is recommended Committee approve Consent Applications B1/19 and B2/19 subject to the following conditions in addition to the standard conditions of approval:

- That the applicant enter into Consent Agreement with the Township for each of the severed lots to address mitigation measures recommended in the Environmental Impact Study dated July 16, 2019, prepared by Azimuth Environmental Consulting Inc.



Chris Jones MCIP, RPP

•Appendix 1•

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## MEMORANDUM

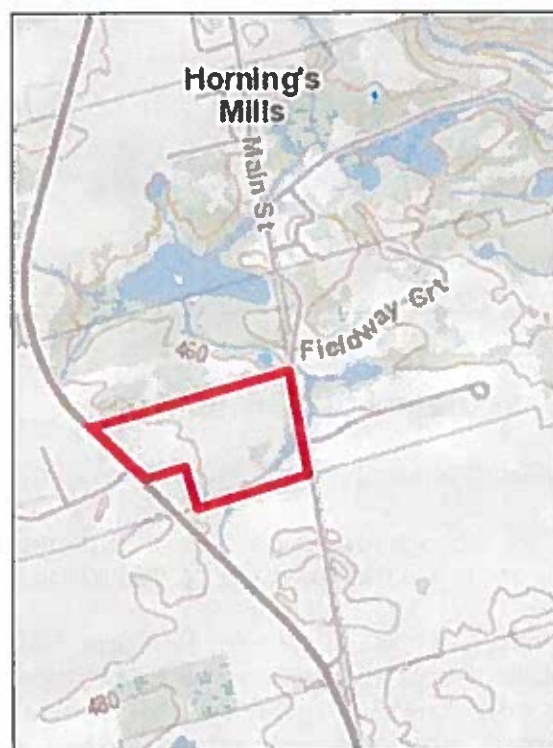
**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** October 11, 2019  
**Re:** Applications for Consent B1/19 and B2/19 (Carnivale)

---

## BACKGROUND

The Township is in receipt of two applications for consent to create new residential lots in the settlement of Hornings Mills from lands located in the East Part of Lot 13, Concession 2 O.S with frontage on Main Street as well as Highway 124. The subject lands have a total lot area of approximately 14 hectares with a frontage on Main Street of approximately 300 metres. The location of the subject lands is shown in Figure 1.

**Figure 1 – Subject Lands**

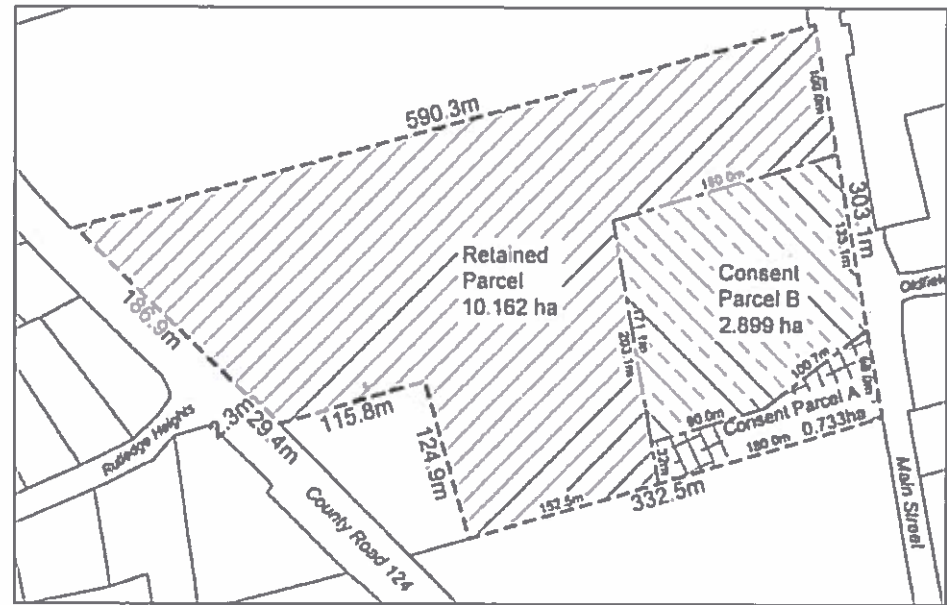


The applicant proposes to create two new lots having the following characteristics:

	<u>Lot Area</u>	<u>Lot Frontage</u>	<u>Existing Buildings</u>
Lot A	0.73 ha	68 metres	None
Lot B	2.9 ha	135 metres	Dwelling and Storage Building

The retained lot would have a frontage of 100 metres on Main Street and 187 metres on Highway 124 and a lot area of 10.2 hectares. The severed and retained lots are illustrated in Figure 2.

Figure 2 – Proposed Lots (Severed and Retained)



**GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

The Township of Melancthon is subject to the policies of the Provincial Growth Plan.

The subject lands are considered to be a rural settlement area given that they form part of an area designated in the Township’s Official Plan as “Community”.

The Growth Plan also identifies a Natural Heritage System (NHS) and Section 4.2.2 establishes a number of policies designed to protect the NHS as the natural features that make up the NHS, however given that the subject lands are located within a designated settlement area, the policies of the NHS are not applicable. Instead,

Section 4.2.2.6 of the Growth Plan indicates that the policies of the Provincial Policy Statement (PPS) prevail with respect to natural heritage.

#### **PROVINCIAL POLICY STATEMENT (2014)**

Section 1.1.4.2 of the PPS states:

*In rural areas, rural settlement areas will be the focus of growth and development and their vitality and regeneration shall be promoted.*

Section 2.1.5 of the PPS restricts site alteration in: significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, significant ANSIs and coastal wetlands, unless it has been demonstrated that development will not cause negative impacts to the feature or its function.

Section 2.2.1 (d) of the PPS requires planning authorities to improve or restore the quality and quantity of water by (amongst other things):

*"maintaining linkages and related functions amongst ground water features, hydrologic functions, natural heritage features and areas and surface water features".*

In light of the above policies, the applicant retained a qualified biologist to conduct an assessment of the site in consultation with the NVCA.

#### **OFFICIAL PLAN**

The subject lands are designated Community in the Township's Official Plan. Section 5.7.2 (g) of the Community designation states:

*The creation of new lot for permitted uses within the built community may occur by land severance up to a maximum of five new lots on a property existing at the time of approval of this Plan or by Plans of Subdivision...*

The subject lands are also overlaid in part by an Environmental Conservation designation and Floodplain Boundary. These designations are primarily a reflection of a vegetated valleyland/watercourse feature located in the area of the proposed new lots. Section 5.5.1 viii) of the Plan (permitted uses in the Environmental Conservation designation) states:

*Uses permitted in the Environmental Conservation overlay designation include uses permitted in the underlying land use designation, provided that it has been demonstrated that there will be no negative impacts on the natural heritage features and areas or their ecological functions and that in floodplains or other hazardous lands the use is in compliance with Section 3.5 and 5.5.3.*

---

• Municipal Planning Services Ltd. •

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(705) 725-8133

Sections 3.5 and 5.5.3 are policies aimed at restricting development with areas prone to flooding.

In consideration of the above policies, the applicant has retained an environmental firm to assess the site in consultation with the NVCA.

#### **NIAGARA ESCARPMENT COMMISSION**

The subject lands are located in the NEC Development Control Area. In a letter dated October 10, 2019, the NEC has requested that the applicant apply for and obtain NEC Development Permits prior to the approval of the consent applications.

#### **NOTTAWASAGA VALLEY CONSERVATION AUTHORITY**

The NVCA has reviewed the application and have confirmed in a letter dated October 1, 2019 that they have no concerns with respect to the applications. The NVCA letter is attached at Appendix 1.

#### **ANALYSIS**

The subject lands are located in the Community designation and therefore are eligible for residential lot creation.

The applicant has followed the policy direction of the Official Plan which requires an natural heritage assessment to confirm the extent/type of natural features as well as an impact assessment of the development proposal on such features or their functions. On the basis of this assessment, it has been determined that the setbacks and mitigation can be employed to ensure the protection of woodlot features and fish habitat related to the watercourse and connecting pond. The NVCA has reviewed the applicant's EIS report and concurs with its findings.

In my opinion the proposed consents will provide for the appropriate development of the subject lands in manner consistent with Provincial Policy and the Township's Official Plan. Furthermore, the proposed consents will not preclude or jeopardize the orderly development of the larger retained parcel at some point in the future by plan of subdivision.

#### **RECOMMENDATION**

Given the comments from the NEC requesting a deferral to allow for the issuance of development permits, it is recommended that Committee defer its decision on these applications until the NEC permits have been issued.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Chris Jones', written over a horizontal line.

Chris Jones MCIP, RPP

## •Appendix 2•

December 21, 2020

To: Applicant/Agent/Owner; Assessed owners of land within 120 m of the subject property; Consulted Agencies; Parties who requested Notice or are considered to have an interest in the Decision.

Re: **NOTICE OF DECISION**  
**Development Permit Application: M/R/2019-2020/9144 &**  
**M/R/2019-2020/9145**

---

Attached is a **Notice of Decision** from the Niagara Escarpment Commission regarding an application for a Niagara Escarpment Development Permit.

You have the right to appeal this decision. If you have reason to appeal, you must submit a copy of an Appeal Form or a written letter, **specifying your reasons for appeal, within 14 days** of the date of this letter.

An Appeal Form can be downloaded from [www.escarpment.org](http://www.escarpment.org). If you submit a written letter of appeal, please include your name, address, daytime phone number, e-mail address and your fax number. The completed Appeal Form or the letter of appeal must be submitted via **fax, email, courier or in person** to this office (address and fax # above) or sent by email to [necowensound@ontario.ca](mailto:necowensound@ontario.ca)

Please note that the last day that appeals may be received is: **January 4, 2020** (midnight).

The Commission's decision is confirmed if no appeal is received within the 14 days.

If the Commission's decision is appealed, a Hearing Officer will be appointed by the Minister of Natural Resources and Forestry to conduct a Hearing. The Hearing Office may contact you for additional information regarding your appeal, and all parties will be notified by mail of the time and location of the Hearing. If you appealed, you are expected to attend the Hearing to present your reasons for appeal. If the appeal is withdrawn or the appellant fails to appear at the Hearing, the Commission's decision is confirmed.

If you have questions about this process or about the details of the Development Permit application, please contact me at (289) 924-0272.

Yours truly,



Brandon Henderson  
Senior Planner

**NOTICE OF DECISION  
OF THE NIAGARA ESCARPMENT COMMISSION  
REGARDING**

**AN APPLICATION FOR A DEVELOPMENT PERMIT UNDER SECTION 25  
OF THE NIAGARA ESCARPMENT PLANNING AND DEVELOPMENT ACT,  
R.S.O. 1990, Chapter N.2**

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**FILE NUMBER:** M/R/2019-2020/9144

**LOCATION:** Part Lot 13, Concession 2 OS  
537080 County Road 124  
Township of Melancthon, County of Dufferin  
ARN 221900000116600

**PROPOSED DEVELOPMENT:**

**(M/R/2019-2020/9144):** To sever a  $\pm$  0.73 ha (1.81 ac) parcel and to establish a building envelope (Parcel A) from a 13.8 ha (34.1 ac) existing lot that supports an existing single dwelling, accessory building and accessory facilities.

**(M/R/2019-2020/9145):** To sever a 2.89 ha (7.15 ac) lot which supports a single dwelling, accessory building, and accessory facilities (Parcel B), from a vacant 10.16 ha (25.1 ac) retained lot (resulting from the creation of parcels A and B) and to establish a building envelope for a permitted use on the retained lot.

---

**DECISION of the NIAGARA ESCARPMENT COMMISSION:**

The application for a Development Permit, as described above, has been:  
**CONDITIONALLY APPROVED.**

The **Conditions of Approval** are listed on the attached **APPENDIX**.

**DATE:** December 21, 2020

**SIGNED:**



Kim Peters, MCIP/RPP, Manager (A)

<p><b>THIS IS NOT A DEVELOPMENT PERMIT DEVELOPMENT IS NOT TO COMMENCE UNTIL THE DEVELOPMENT PERMIT HAS BEEN ISSUED</b></p>
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## APPENDIX

537080 County Road 124  
M/R/2019-2020/9144

### CONDITIONS of APPROVAL

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1. Development shall occur in accordance with the Site Plan, and Conditions as approved.
2. The Development Permit shall expire three years from its date of issuance unless the development has been completed in accordance with the Development Permit.
3. The landowner shall obtain a Consent to sever in accordance with this Development Permit and shall complete the transfer of title in accordance with the Development Permit.
4. **Prior to the issuance of a Development Permit by the Niagara Escarpment Commission**, an accurate and detailed **Final Site Plan** shall be submitted for Niagara Escarpment Commission approval. The Plan shall include but not be limited to the following:
  - a) All drawings submitted must be drawn to scale (bar scale shown), reference the application number and address of the proposal, be dated (revisions as well), and name of the relevant consultant;
  - b) Outline of the approved building envelope; and
  - c) Location of the approved building envelope showing setbacks from the property lines, watercourses, wooded areas, etc.
5. This conditional approval expires one (1) year from the date of confirmation of the decision to approve the Development Permit application. Conditions # 4 of this conditional approval shall be fulfilled before the expiry date.

#### Advisory Note

- a) This Development Permit does not limit the need for or the requirements of any other applicable approval, licence or certificate under any statute (e.g., Ontario Building Code, *Conservation Authorities Act*, *Endangered Species Act*, etc.). The Niagara Escarpment Commission Development Permit is required prior to the issuance of any other applicable approval, licence or certificate.
- b) The Niagara Escarpment Commission (NEC) advises that future development of the retained lot will require additional Development Permit Application(s) and may require additional studies (hydrogeological study, environmental impact study, transportation and traffic study, etc.) in order to ensure that the development is compatible with the site and surrounding area. Consultation shall occur with the NEC's partner agencies at the time of application to determine which information and studies shall be required.
- c) Should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of the Ontario Ministry

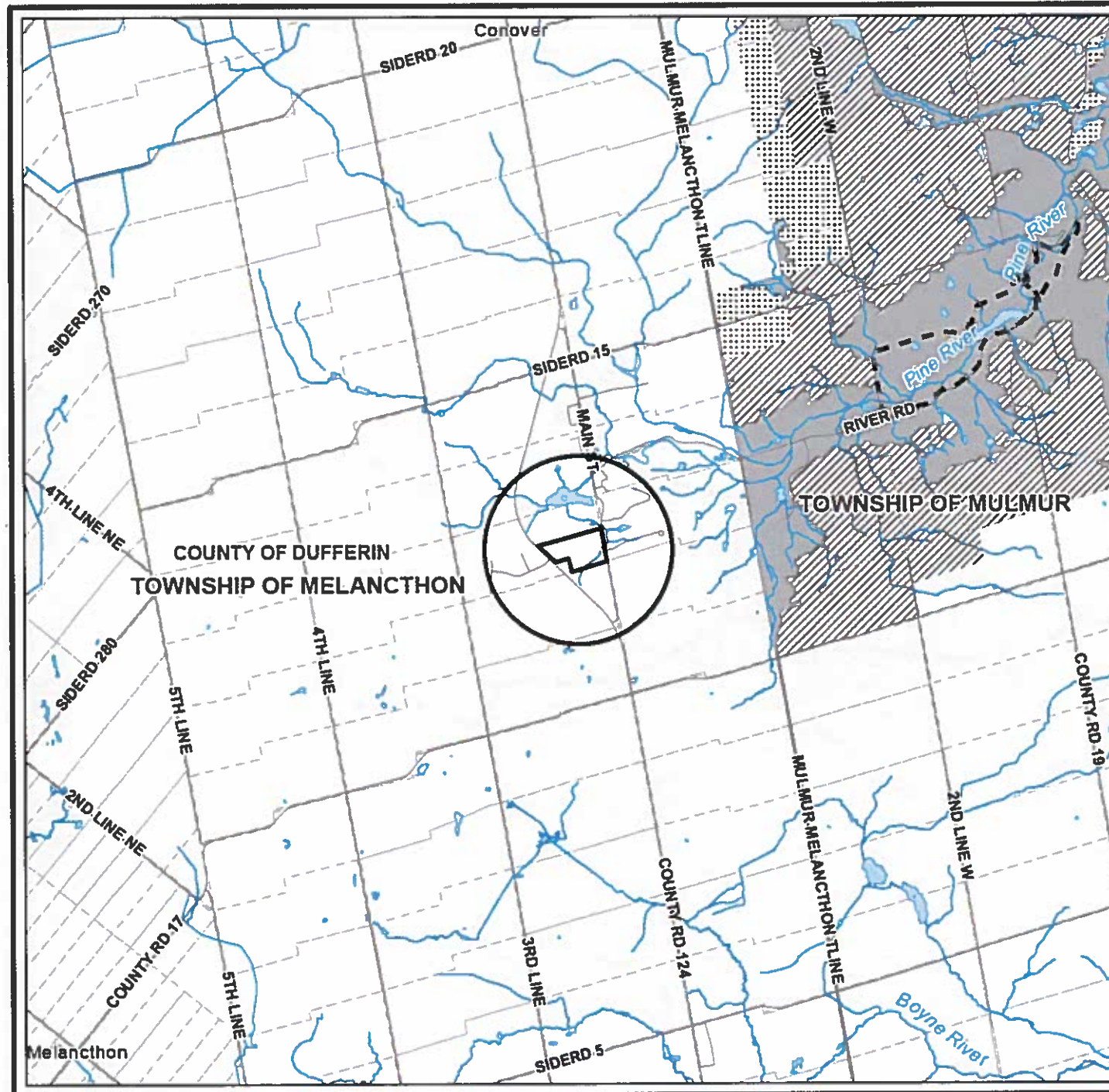
## APPENDIX

### CONDITIONS of APPROVAL

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537080 County Road 124  
M/R/2019-2020/9144

of Heritage, Tourism, Sport, and Cultural Industries shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police.



# Map 1A Niagara Escarpment Plan

File: M/R/2019-2020/9144 & 9145

537080 Main Street

- Subject Property
- Geographic Named Extent Layer
- Plan Designations**
  - Escarpment Natural Area
  - Escarpment Protection Area
  - Escarpment Rural Area
  - Public Land (In Parks and Open Space System)
  - Roads
  - Waterbodies
  - Watercourse
  - Upper Tier Municipality
  - Lower/Single Tier Municipality
  - Lot and Concession Boundary

NOTE: The Niagara Escarpment Plan Designation boundaries shown on this map are approximate and subject to confirmation through the inspection and the application of the Interpretation of Boundaries section of the Niagara Escarpment Plan.

Scale 1:50,000

0 380 760 1140 1520

Metres

Printed on May 01, 2019

THIS IS NOT A PLAN OF SURVEY.  
This map is illustrative only. Do not rely on it as being a precise indicator of rights, location of features, nor as a guide to easements. Data derived from various sources. May contain errors and omissions. The Department of the Niagara Escarpment Commission, Ministry of Natural Resources.

Ontario

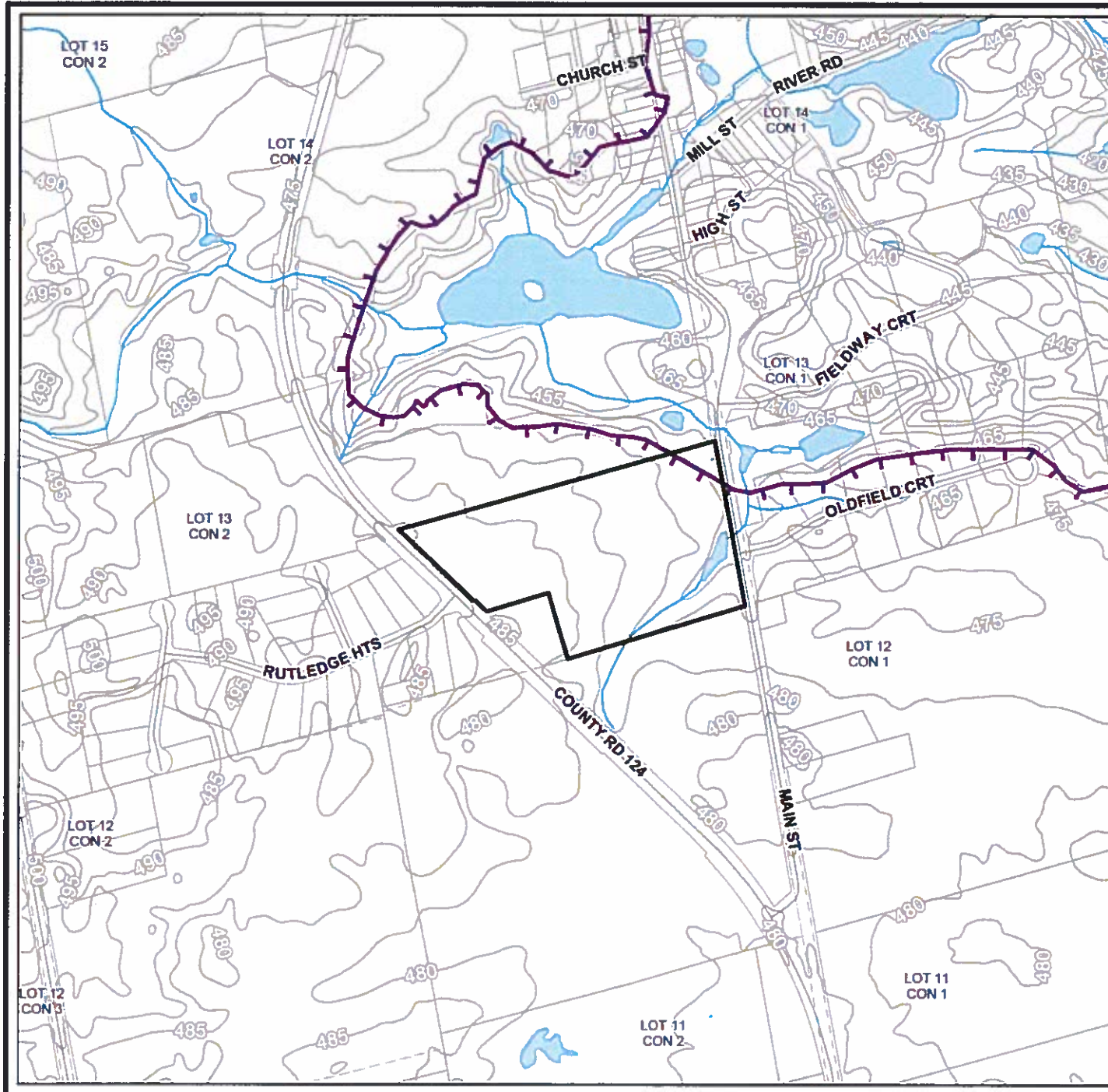
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## Map 2 Lot Configuration

File: M/R/2019-2020/9144 & 9145

537080 Main Street



- Subject Property
- Escarpment Brow
- Roads
- Waterbodies
- Watercourse
- Contour (5 metre intervals)
- Upper Tier Municipality
- Lower/Single Tier Municipality
- Lot and Concession Boundary
- Parcel Boundary

Scale 1:10,000



Metres

Printed on Nov 01, 2019

THIS IS NOT A PLAN OF SURVEY.

This map is illustrative only. Do not rely on it as being a precise indicator of shape, location of features, nor as a guide to navigation. Data derived from various sources. Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources.

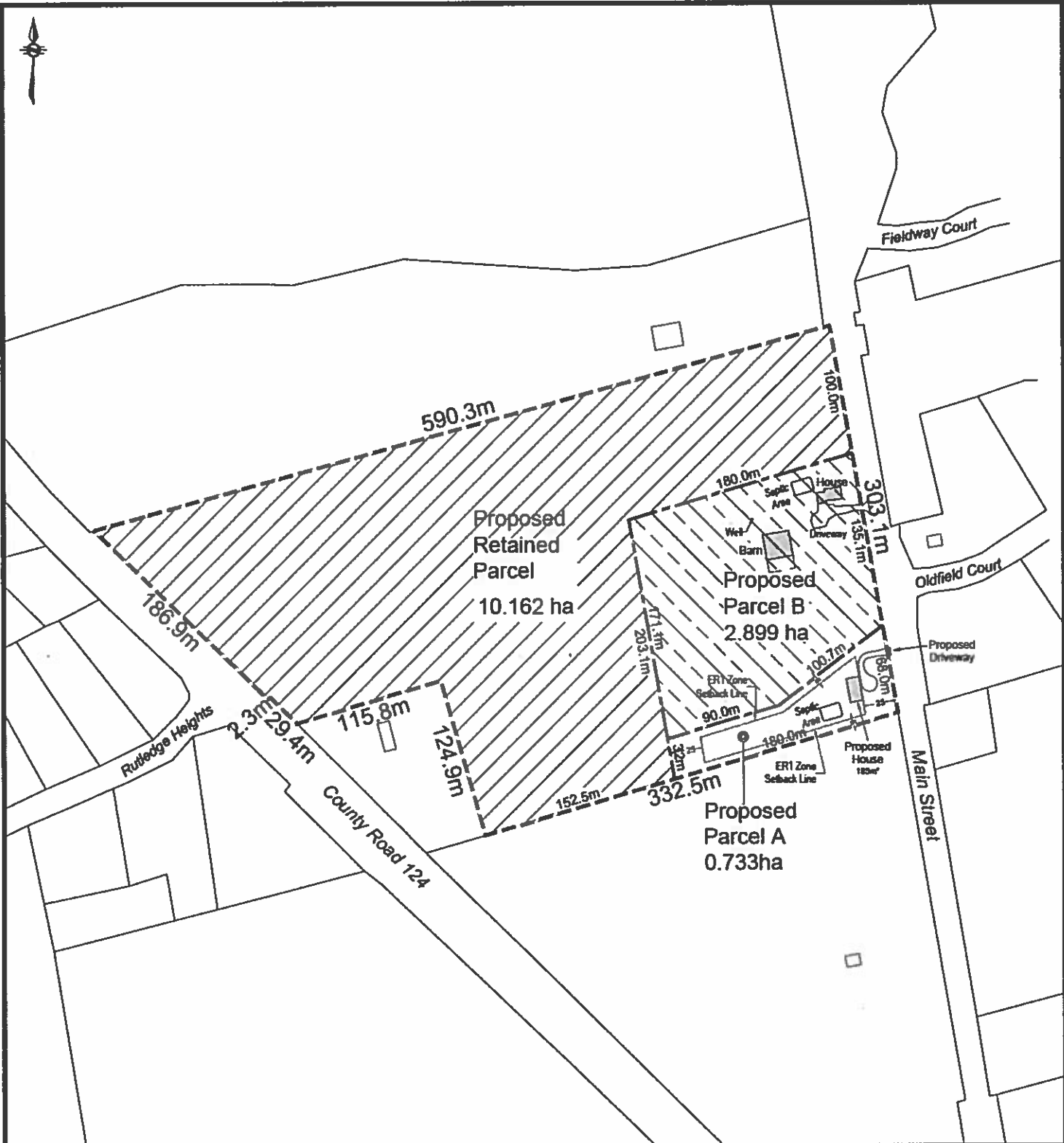
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Proposed Development  
537080 Main Street,  
Melancton (Hornings Mills)

Agent:	Kristine Loft, MCIP RPP, Loft Planning Inc.	
File#:	#CAR 27618	Sheet:
Date:	REV. December 3, 2019	Scale: 1:4,000