



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

Join Zoom Meeting

<https://us02web.zoom.us/j/89059325494?pwd=djZlL1I4eUJTUVNoWEI6MkFxaXdJUT09>

Meeting ID: 890 5932 5494

Passcode: 774834

One tap mobile

+15873281099,,89059325494#,,,,*774834# Canada

+16473744685,,89059325494#,,,,*774834# Canada

Dial by your location

+1 587 328 1099 Canada

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

Meeting ID: 890 5932 5494

Passcode: 774834

AGENDA

1. APPROVAL OF MINUTES - February 18, 2021

Motion - that the minutes of the Committee of Adjustment Meeting held on February 18, 2021 be approved as circulated.

2. BUSINESS ARISING FROM MINUTES

3. APPLICATION FOR CONSENT

1. B2/21 – 2312439 Ontario Inc./Applicant: David Martin – Application for Consent – Part Lot 17, Concession 7 S.W. & Lot 17, Concession 7 S.W.

4. APPLICATION FOR MINOR VARIANCE

5. APPLICATION FOR VALIDATION OF TITLE

6. APPLICATIONS ON FILE

7. DELEGATES

8. CORRESPONDENCE

1. Letter from Dufferin Federation of Agriculture Concerning Consent Application B7/20 – Wayne Nicholson

9. ADJOURNMENT

Motion - That we adjourn Committee of Adjustment at _____ p.m. to meet again on Thursday, April 15, 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. **B2/21**

Date of Meeting: **Thursday, March 18, 2021**

Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: 2312439 Ontario Inc./ Applicant: David Martin**

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 17, Concession 7 S.W

Existing Use:	Residential	Proposed Use:	Residential
Road Frontage:	67.1 m	Depth:	62.7 m
Area:	0.447 sq m		

RETAINED PORTION: Lot 17, Concession 7 S.W.

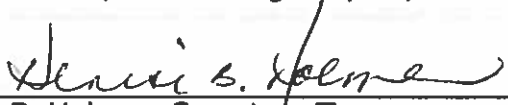
Existing Use:	Agricultural	Proposed Use:	Agricultural
Road Frontage:	743.3 m	Depth:	1278.5 m
Area:	92.229 hectares		

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.

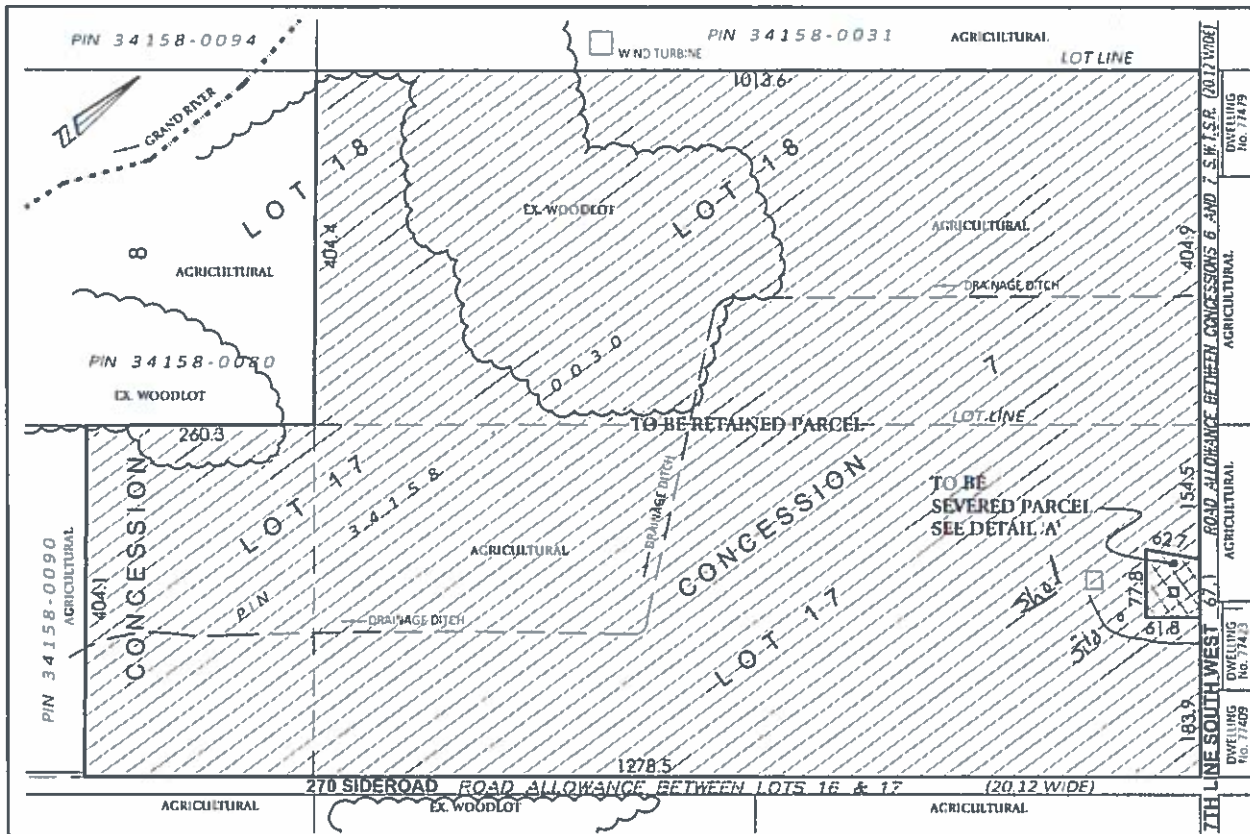
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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 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

#3
MAR 18 2021

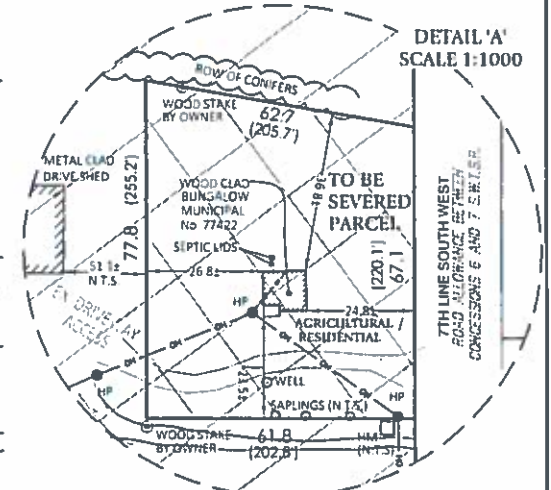


**SEVERANCE SKETCH OF
LOT 17 AND 18,
CONCESSION 7 S.W.T.S.R.
AND
PART OF LOT 17 CONCESSION 8 S.W.T.S.R.
GEOGRAPHIC TOWNSHIP OF MELANCTHON
TOWNSHIP OF MELANCTHON
COUNTY OF DUFFERIN**

SCALE 1 : 5000

0 25 50 100 200 300 meters

VAN HARTEN SURVEYING INC.



DENOTES TO BE SEVERED PARCEL AREA = 0.447 Ha± (1.1 acres)

DENOTES TO BE RETAINED PARCEL AREA = 92.229 Ha± (227.9 acres)

TOTAL AREA = 92.676 Ha± (229 acres)

LEGEND

● HP W/DRO #OLE

S.W.T.S.R SOUTH WEST OF THE TORONTO AND SYDENHAM ROAD

N.T.S. NOT TO SCALE

OH OVERHEAD HYDRO

□ HM HYDROMETER

NOTE:
THIS IS NOT A PLAN OF SURVEY
ALL DIMENSIONS AS SUBJECT TO FINAL SURVEY

BOUNDARY AND TIES SHOWN ON THIS PLAN ARE APPROXIMATE

EXISTING WOODLOTS AND WATERCOURSES DEPICTED ON THIS PLAN MANUALLY
DIGITIZED FROM ONLINE AERIAL MAPPING

1	FCF	10-5-20	INITIAL SUBMISSION
No	BY	DATE	REVISION
 Van Harten SURVEYING INC. LAND SURVEYORS and ENGINEERS			
Elmira Ph. 519-669-5070		Guelph Ph. 519-821-2763	Orangeville Ph. 519-940-4110
www.vanharten.com		info@vanharten.com	
DRAWN BY	FCF	CHECKED BY	KDJ
PROJECT NO. 28700-20			
Oct 08 10:20:10 43am			
L:\Melancthon\Con 7 SWTS\ACAD\SKETCH\1717 MARR\N\18700-20.dwg			

• Municipal Planning Services Ltd. •

MEMORANDUM

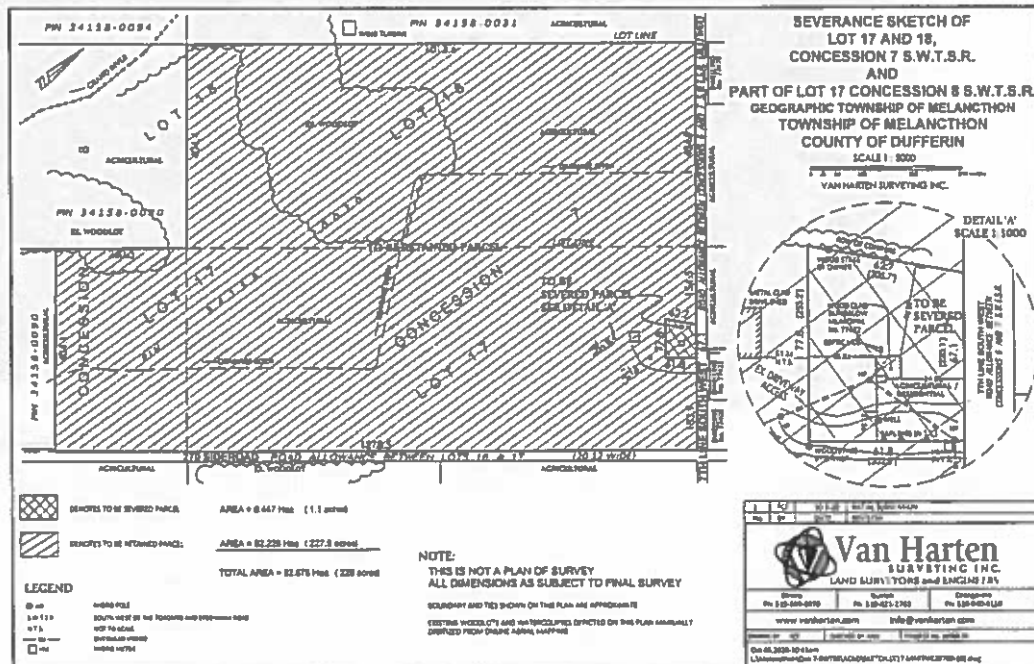
To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris D. Jones MCIP, RPP
Date: March 15, 2021
Re: Application for Consent – File B2/21 (2312439 Ont. Inc.)

BACKGROUND

The Township is in receipt of an application for consent submitted by an agent on behalf of 2312439 Ontario Inc. The purpose of the application is to sever a surplus farm dwelling from lands located in Lot 17 and 18, Concession 7 and Part Lot 17, Concession 8, S.W. The subject lands have a total lot area of approximately 92 hectares (228 acres) and are currently occupied by a detached dwelling, a barn and a silo.

The application seeks to sever a surplus farm dwelling having an area of 0.44 hectares (1.1 acres). Figure 1 illustrates the proposed severance.

Figure 1 – Proposed Severance



PROVINCIAL POLICY STATEMENT (PPS 2020)

Given that the subject lands are located in a prime agricultural area, Section 2.3.4 of the PPS is applicable to this application as new lot creation in prime agricultural areas is restricted.

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:
 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
 2. 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;

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

PPS 2020 defines "*residence surplus to a farming operation*" in the following manner:

Means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

TOWNSHIP OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Agricultural.

The salient Official Plan policy that addresses this application is found in Section 5.2.5 (b) 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 on-site 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.

Section 9 (jj) of the Official Plan defines "Residence Surplus to a Farm Operation" as:

An existing habitable farm residence that is rendered surplus as a result of a farm consolidation involving the acquisition of an additional farm parcel or parcels to be used as part of one farm operation which has its base of farm operations and principle farm buildings within the Township or within 1 kilometre of the Township.

ANALYSIS

The subject lands are predominantly located in the Agricultural designation of the Official Plan and therefore the only consent approval for a residential lot that can be granted is a consent to sever a surplus farm dwelling.

In reviewing applications to sever a surplus farm dwelling there are a number of individual criteria to consider and these are discussed below:

Is the proposed lot limited in lot area?

Yes, the proposed lot is limited in size at 1.1 acres and according to information provided by the applicant the existing septic system is in working order.

Will a new dwelling be prohibited on the retained farmland?

If the application is approved the retained lands can be rezoned in such a manner as to prohibit a new dwelling.

Is the proposed lot compliant with MDS Guidelines?

Based on a review of the aerial photo there does not appear to be an active livestock building proximate to the proposed lot with the exception of a barn and silo on the retained lot. If the severance were to be approved it would be recommended that these structures be removed.

Is the dwelling on the lot to be severed existing and habitable?

The applicant has provided information which suggests the existing dwelling is habitable by virtue of a functioning septic system and heating system.

Does the farm have its base of operations and principle farm buildings within the Township or within 1 kilometre of the Township?

It is understood the applicant has owned the subject lands since 2012. It is also understood the owner does not reside in Melancthon and the subject lands are rented for crop production.

Although the owner is not a farm resident of the Township it appears that the intent of the owner is to maintain their land holdings, which are in excess of 500 acres, for productive agricultural

purposes. On this basis, and on the basis the proposed consent would consolidate and prohibit a future severance and the construction of dwellings on over 200 acres of the holding, the application seems to have merit and seems to address one of the underlying policy objectives of the plan to prevent the intrusion of non-compatible land uses into the prime agricultural area.

RECOMMENDATION

If Council is agreement with the analysis of this report, it is recommended that application B2/21 be approved subject to the following conditions:

1. That the severed lot be rezoned to a Rural Residential Exception (RR) Zone and that the retained lands be rezoned to an Agricultural Exception (A1) Zone;
2. That the existing barn and silo on the retained land be removed;
3. That a draft reference plan be provided to the Clerk for review prior to registration an that the survey provide the location of all structures, the well and septic system to confirm compliance with the Zoning By-law and the Ontario Building Code; and,
4. That the applicant enter into a consent agreement with the Township to acknowledge and confirm that the retained lands will be maintained as one lot for agricultural purposes.

Respectfully,



Chris D. Jones MCIP, RPP

Denise Holmes

From: Sherri Gray <sherri.dfa@hotmail.com>
Sent: Thursday, February 25, 2021 1:55 PM
To: Darren White
Cc: Denise Holmes; Jenny Li; Tyler.Shantz@ontario.ca; Sarah.Kielek-Caster@ontario.ca
Subject: Nicholon Delegation - January 28th
Attachments: DFA - Nicholson B7 20 Melancthon.pdf

Good afternoon Warden White,

Please see the attached letter from the Dufferin Federation of Agriculture concerning the Consent Application B7-20 – Melancthon, Nicholson Delegation.

Thank you,

Sherri Gray
Dufferin Federation of Agriculture
sherri.dfa@hotmail.com

February 12, 2021

Darren White, Warden
and County Council
County of Dufferin
55 Zina Street
Orangeville ON, L9W 1E5

Re: Consent Application B7-20 – Melancthon, Nicholson Delegation

Dear Warden White and Council

The Dufferin Federation of Agriculture would like to clarify some remarks made at a recent Special Meeting held on January 28, 2021 to consider Consent Application B7/20.

The remarks pertained to a severance of a property zoned Agricultural. The proposal would have a portion of the property severed to allow for residential development. The low agronomic value of the severed piece is evident. Gord Grant, OFA and I visited the site with Wayne Nicholson in 2017. We agreed that the agronomic value of the proposed severance was, indeed, very low. As well, several residential severances had already occurred adjacent to the proposed severance. Future farm enterprises were clearly already compromised by Minimum Distance Separation formula (MDS.) At the time we agreed to discuss the proposal with the DFA Board and Gord Grant was to seek an opinion from OFA Senior Researcher Peter Jeffery.

Residential development on prime agricultural land presents numerous problems for the community:

- Low-density residential development increases the cost of municipal servicing e.g. garbage pickup at a handful of households per km in the countryside versus hundreds per km in town.
- Increased potential for commuter traffic traveling at commuter speeds encountering slow-moving farm equipment on narrow roads.
- Conflicts between rural non-farm residences and farm operations is why the Farm and Food Production Protection Act (1998) and the resulting Farm Practises Tribunal became necessary.
- Future expansion of livestock operations become hindered by Minimum Distance Separation formula. Each time a non-farm residence is constructed, restrictions to farming are created within a prescribe distance of that house. Some farming areas of the province are so peppered with residential development that future expansion of livestock facilities is no longer possible.

Non-farm residences scattered about farmland creates conflict. As a result there has been a strengthening of land use policies to prohibit non-farm residences in prime agricultural areas since the 1990s with the intent of preventing future conflict. This was made clear to us in Peter Jeffery's reply regarding the Nicholson proposed severance.

From: Gord Grant
Sent: October 12, 2017 9:57 AM
To: wayne@shelburnehh.com
Subject: FW: Severance on Ag - closing the gate after the horse is long gone?

Hi Wayne,
See Peter Jeffery's response below. Peter is a Senior Policy Researcher for OFA
Thanks
Gord

From: Peter Jeffery
Sent: September-25-17 11:54 AM

Gord;

I've pasted in what I see are the key sections and definitions from the 2014 PPS, as well as a link to OFA's Consolidated Land Use Policy Statement.

Firstly, looking at the definition of "prime agricultural areas", note that by definition, prime agricultural areas encompass not only areas where Class 1-3 soils predominate, but also include those areas of Class 4-7 soils found within larger, contiguous areas of Class 1-3 soils.

The key point, that in my opinion, trumps all the others is #4. The entire area is designated as Agricultural. As such, the Agricultural or Prime agricultural policies of the PPS and the Growth Plan apply. That this small area is treed and has never been farmed is irrelevant. The larger area is deemed to be "prime" by virtue of it being designated for agriculture.

Within a Prime agricultural area, the lot creation policies in the PPS and Growth plan apply. I've only pasted in the PPS policies. The 2014 PPS does not permit (see the words "shall not" in 2.3.4.3. Shall and shall not in this context convey a command. Shall not conveys that lot creation for residential purposes simply is not permitted. The one and only circumstance where it might be permitted, at the discretion of the municipality, is for the severance and sale of a "residence surplus to a farming operation". In this one instance, we're talking about an existing dwelling, not a future one.

Points 3 (other severances/houses in the vicinity) and 5 (residences removed) are, in my opinion, likewise irrelevant. The PPS dropped the "infill"



Peter Jeffery recently retired from OFA, after a career that spanned over three decades. As Senior Farm Policy Researcher, Peter had assisted the OFA Board in their development of good land use policy. Peter was always the consummate diplomat in his role, so I understand from Gord Grant that the strict tone of Peter's response was his equivalent of taking us to the woodshed. **Thou shall not create a residential lot in a large block of prime agricultural land.** The overarching document that guides all official plans says so – the Provincial Policy Statement.

Wayne Nicholson was provided with the official OFA response. The DFA Board was made aware of the proposal and advised of the OFA policy. Given the clear policy direction there was no need for the DFA Board to discuss the proposal at length. No recommendation supporting the Nicholson proposal was forthcoming. The argument of poor agronomic value is "irrelevant."

Ontario loses an estimated 175 acres of farmland every day. Dufferin loses 9.3 acres per day. In comparison during the same period, Waterloo lost 1.7 acres per day. The Region of Waterloo with far more pressure from developers has been resolute in protecting its farmland and statistics prove that out. Dufferin needs to show the same commitment to Official Plans at the Township and County level if there is any interest in preserving the potential for food production for future generations.

In the future should either I or Gord Grant be quoted and should that quote cause confusion, please don't hesitate to contact us and confirm our statements.

Respectfully,

Original copy signed

Bill McCutcheon, President
Dufferin Federation of Agriculture

Copy to:
Township of Melancthon Council
Jenny Li, Planning Coordinator, County of Dufferin
Sarah Kielek-Caster, Rural Planner, Ontario Ministry of Agriculture, Food and Rural Affairs
Tyler Shantz, Planner, Ministry of Municipal Affairs and Housing