



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

Join Zoom Meeting

<https://us02web.zoom.us/j/84836417687?pwd=MCtRdjdrZUpxcmlFUNEFUWU51WFp5dz09>

Meeting ID: 848 3641 7687

Passcode: 087785

One tap mobile

+14388097799,,84836417687#,,,,\*087785# Canada

+15873281099,,84836417687#,,,,\*087785# Canada

Dial by your location

+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

+1 204 272 7920 Canada

Meeting ID: 848 3641 7687

Passcode: 087785

**AGENDA**

**APPROVAL OF MINUTES** – August 12, 2021  
- September 2, 2021 – Special Meeting

**Motion - that the minutes of the Committee of Adjustment Meeting held on August 12, 2021 be approved as circulated.**

**Motion - that the minutes of the Committee of Adjustment Meeting held on September 2, 2021 Special Meeting be approved as circulated.**

**1. BUSINESS ARISING FROM MINUTES**

**2. APPLICATION FOR CONSENT**

1. B4-21 – East Part of Lots 7 & 8, Concession 1 OS (Separate Golf Course from Agriculture) – Samuel E Young Golf Enterprises Limited
2. B5-21, B6-21, B7-21 – West Part Lot 8, Part of Parcel 12, Con 2 OS (Severance 1), West Part Lot 8, Part of Parcel 11, Con 2 OS (Severance 2), West Part Lot 7, Part of Parcel 10, Con 2 OS (Severance 3) – 2577791 Ont Inc (Ghotra)

**3. APPLICATION FOR MINOR VARIANCE**

4. APPLICATION FOR VALIDATION OF TITLE
5. APPLICATIONS ON FILE
6. DELEGATES
7. CORRESPONDENCE
8. ADJOURNMENT

**Motion - That we adjourn Committee of Adjustment at \_\_\_\_\_p.m. to meet again on Thursday, December 9, 2021 at 10:00 a.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. **B4-21**

Date of Meeting: November 18, 2021

Time: 6:00 p.m.

Name of Owner/Applicant: SAMUEL E YOUNG GOLF ENTERPRISES LIMITED

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: East Part of Lots 7 & 8, Concession 1 OS**

Existing Use: Agricultural & Residential

Proposed Use: Agricultural & Residential

Road Frontage: 855 meters

Depth: 200 to 673 metres

Area: 29.64 HA

**RETAINED PORTION: Parts of West and East Part of Lots 7 & 8, Concession 1 OS**

Existing Use: Golf Course

Proposed Use: Golf Course

Road Frontage: 465.7 meters

Depth: 1,140 meters

Area: 68.3 HA

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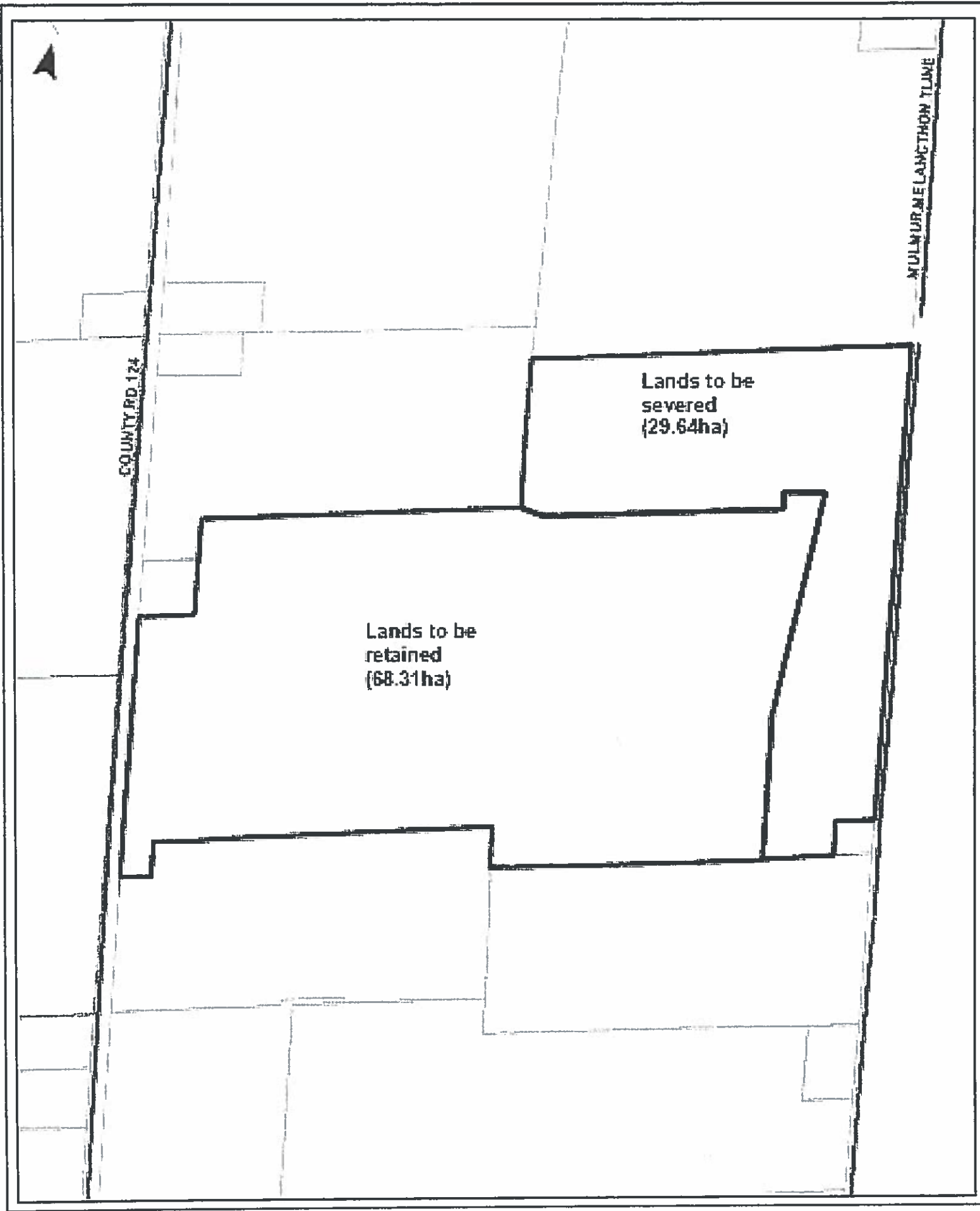
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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 Ontario Land 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



# • Municipal Planning Services Ltd. •

## MEMORANDUM

**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** November 11, 2021  
**Re:** Application for Consent – File B4/21 (Sam Young Golf Enterprises Ltd)

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## BACKGROUND

The Township is in receipt of an application for consent submitted by Sam Young Golf Enterprises Ltd. The purpose of the application is to sever lands located in Lots 7 and 8, Concession 1 O.S. The subject lands have a total lot area of approximately 98 hectares (242 acres) with frontages on County Road 124 and the Mulmur-Melancthon Townline.

The majority of the applicant's lands comprise the Shelburne Golf Club, however, a substantial portion of the holding is not utilized for golf operations and rather is utilized for agricultural uses and is also occupied by a detached dwelling. The purpose of the application is to sever the non-golf portion of the property away from the golf portion as is illustrated in Figure 1. The retained golf holding would have a lot area of 68.3 hectares (169 acres) and the severed non-golf/agricultural holding would have a lot area of 29.6 hectares (73 acres).

Figure 1 – Proposed Severance



## **GROWTH PLAN**

The subject lands form part of the Growth Plan's Prime Agricultural Land Area, which would not otherwise allow lot creation, however Section 4.2.6.8 of the Growth Plan has set aside the agricultural system mapping until such time that the County of Dufferin updates its Official Plan.

The subject lands are also partially located within the Growth Plan's Natural Heritage System mapping, although this mapping has similarly been set aside pending the County municipal comprehensive review.

Section 4.2.4 of the Growth Plan still requires evaluation and buffering from key hydrologic features, such as watercourses and wetlands, however in this case the application will not result in any new development or site alteration.

## **PROVINCIAL POLICY STATEMENT (PPS 2020)**

The subject lands are located in a rural land use designation which permits agricultural uses and rural land uses (such as golf courses). Subject to any comments or concerns from the NVCA concerning hazard lands or natural heritage features, the proposed consent is generally consistent with the PPS.

## **TOWNSHIP OFFICIAL PLAN**

The subject lands are designated Rural and also extensively covered by the Environmental Conservation designation.

It is also noted that Schedule F identifies that subject lands as being proximate to a floodplain area.

A summary of the implications of these land use designations is provided below:

### ***Rural Consent Policies***

Section 5.3.3 (d) of the Official Plan permits the creation of up to 3 lots from an original Township surveyed lot, provided the subject lands have not been utilized for agricultural purposes for a minimum of 10 years prior to the application for consent. In this case, the lands proposed to be severed have been consistently used for agricultural purposes for many years.

On this basis, the application proposes to sever the agricultural holding in its entirety from the golf course portion of the holding. While the agricultural holding would not be substantial in lot area, it would comply with the minimum lot area required by the Zoning By-law for agricultural use and it would not result in the creation of a "new building lot" as the lands are already occupied by a dwelling.

### **Environmental Conservation**

Section 3.4.2 (b) requires the proponent of any development approval for lands located in the Environmental Conservation designation to prepare an Environmental Impact Study (EIS) to assess the impact of proposed site alteration and development on natural features.

The requirement to submit an EIS with this application was paused pending comments from the NVCA. On balance, the proposed severance would not generate any new development or site alteration. It would merely separate two distinct lands uses.

### **Floodplain**

Section 5.5.3 establishes policies with respect to floodplains. Given that the subject lands are located within the jurisdiction of the Nottawasaga Valley Conservation Authority, the Conservation Authority has been consulted on this application and the applicability of the floodplain/hazard issue.

### **ZONING**

The subject lands are zoned General Agricultural (A1), Open Space Recreation (OS1) and Open Space Conservation (OS2). The OS1 and OS2 Zones permit a golf course, whereas the A1 zone does not. Upon review of the Township Zoning Schedule it does not appear the actual zone boundaries match the actual location of the golf course. In order to ensure the existing golf course is appropriately zoned and recognized by the zoning by-law, it will be recommended that severed and retained lands be the subject of a zoning amendment as a condition of consent.

### **NVCA COMMENTS**

In an email dated November 5, 2021, the NVCA provided a number of comments which are paraphrased below:

- The severed and retained lots will separate distinct land uses;
- All existing buildings are located outside of floodplain hazards;
- No comments with respect to natural heritage concerns; and,
- The existing east/west drain on the south side of the forested wetland should remain under single ownership.

### **ANALYSIS**

The subject lands represent a large land holding that is designated Rural that would otherwise be eligible for lot creation however a substantial portion of the holding is utilized for the golf course and the other substantive part of the holding is in active agricultural use. Although the proposed severance would not necessarily create a viable farm parcel, it would serve to separate two substantive land uses permitted in

the Rural land use designation.

It is also noted that when Section 4.2.6 of the Growth Plan for the Greater Golden Horseshoe is implemented by the County, the subject lands will become part of the Provincial Agricultural System and the existing golf course will become a legal non-conforming use. When this happens expansion of the course would not be permitted. On this basis, the separation of uses that would be facilitated by this application together with a zoning amendment to accurately zone the existing golf course as a legal use is considered to be prudent and good planning.

On the issue of the NVCA suggestion to alter the proposed lot line, the applicant has advised that the proposed lot line will ensure the watercourse will stay within the boundary of the golf course.

#### **RECOMMENDATION**

If Council is agreement with the analysis of this report, it is recommended that application B4/21 be approved subject to the following condition:

1. That the severed and retained lands be rezoned to appropriately reflect existing uses and natural features.

Respectfully,



---

Chris D. Jones MCIP, RPP





Shelburne GC Consent





**LONG ENVIRONMENTAL CONSULTANTS INC.**  
**ENVIRONMENTAL ENGINEERS & PLANNERS**  
326 Bailey Drive, Orangeville, Ontario L9W 4L9  
Tel: (519) 941-3540 Email: bob\_long@longenv.com

September 7, 2021

Delivered By Hand

Committee of Adjustment  
Township of Melancthon  
157101 Highway 10  
Melancthon ON L9V 2E6

**RE: SHELBURNE GOLF & COUNTRY CLUB APPLICATION FOR CONSENT**

Dear Chair and Members of the Committee:

Mr. Sam Young, a member of the Professional Golf Association (PGA) of Canada, bought the 19.4 hectare (48 acre), 9 hole Shelburne Golf Course in 1975, as Samuel E. Young Golf Enterprises Limited. Between 1985 and 2001, the Company acquired 5 additional, adjacent properties, for the current area of 97.9 hectares (242 acres). The golf course facility and infrastructure have been substantially expanded and enhanced to create a popular and professional 18 hole course, with full club house, banquet and maintenance facilities.

Mr. Young, the PGA of Canada Hall of Fame Head Professional has received a number of awards, particularly for his programs to teach and mentor junior golfers. Shelburne Golf and Country Club has developed as a family business, with Sam's wife Mary coordinating the food and beverage services, daughter Megan as General Manager and son Brooks as the club's Greenskeeper.

The golf course, buildings, parking and practice facilities currently comprise about 68.3 ha (169 acres). The remaining 29.6 ha (73.3 acres) include a 2.7 ha (6.8 acre) woodlot; 26.9 ha (66.5 acres) of agricultural fields; and a residential dwelling, with 855 metres frontage on the Melancthon – Mulmur Townline. The Company proposes to convey the 29.6 ha property to Sam and Mary Young. The woodlot will remain and the productive field areas will continue in agricultural production. The Application For Consent and a cheque for \$2,000 are respectfully attached

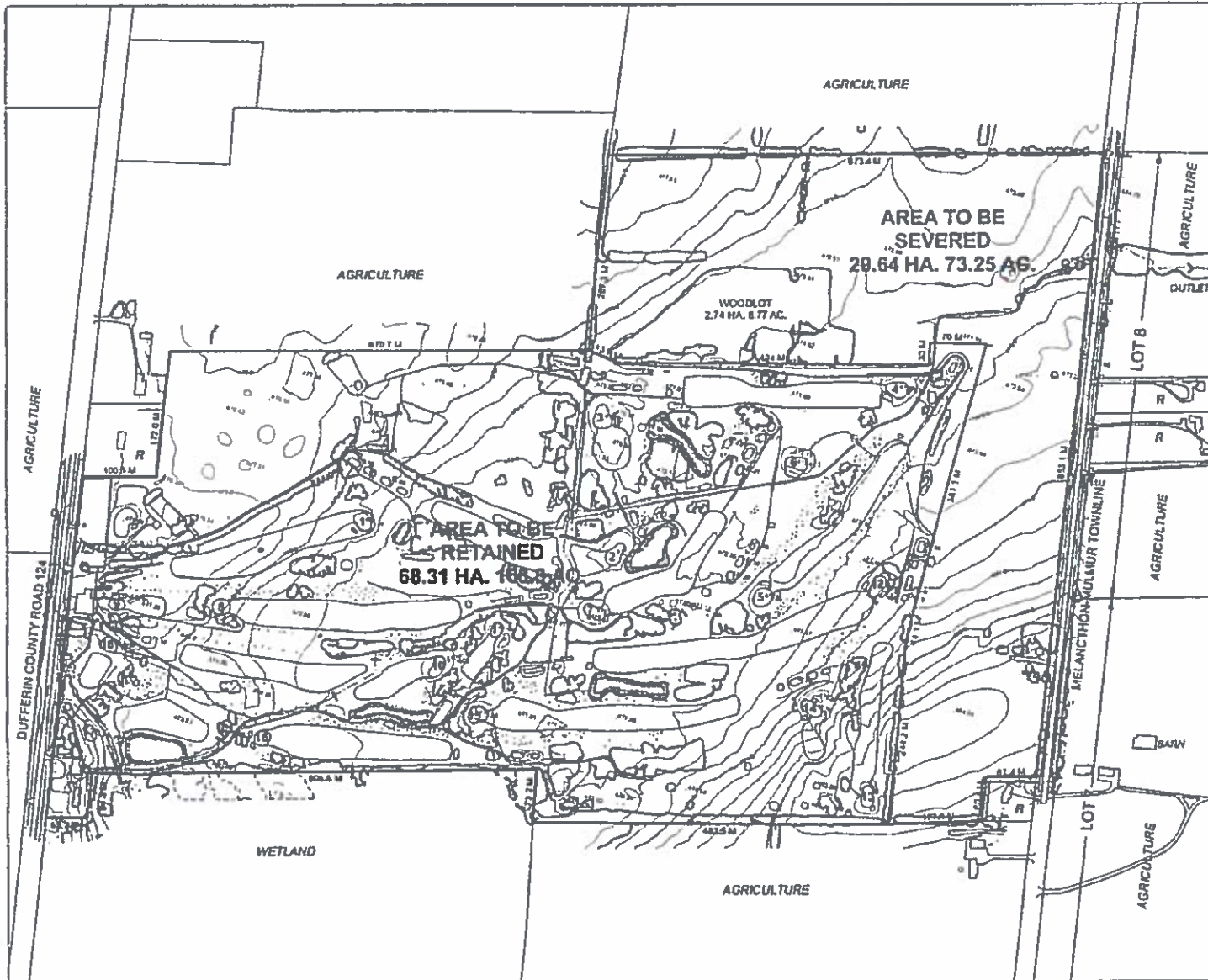
Yours very truly,

LONG ENVIRONMENTAL CONSULTANTS INC.

RJL  
c.c. Mr. S. E. Young

R. J. Long, P. Eng., RPP





**Shelburne Golf & Country Club**

Part Lot 7 and 8, Concession 1 O.S.  
Township of Melancthon, Dufferin County

## CONSENT SKETCH

September 03, 2021

### NOTES

1. PROPERTY BOUNDARIES FROM DEEDS, M.T. 69381, MARCH 1915, M.T. 130038, JULY 1985, M.T. 69183, MAY 1989. REFERENCE PLANS: M.3224, JULY 1989, M.4328, MAY 1988, AND M.4328, JULY 2001 AND FROM SURVEY PARCELS L & ADRIE.
2. TOPOGRAHY MAPTING @ 1:2,000 WITH 1:1 M CONTAINS BY FIRST MASA, SURVEYS FROM 1944 AND 1978 DATA FROM 1981 BY LEMMA ON PHOTOGRAPHIC.

### LEGEND

- R RESIDENTIAL
- 18 GOLF GREENS

PROJECT NO. 100 CLIENT: Shelburne Golf & Country Club PROJECT: Consent Sketch PREPARED BY: [Signature] REVIEWED BY: [Signature] DATE: 09/03/2021								
REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>09/03/2021</td> <td>Initial Design</td> </tr> </tbody> </table>			NO.	DATE	DESCRIPTION	1	09/03/2021	Initial Design
NO.	DATE	DESCRIPTION						
1	09/03/2021	Initial Design						



**LONG ENVIRONMENTAL CONSULTING INC.**  
ENVIRONMENTAL ENGINEERS & PLANNERS  
CHAMPLAIN, ONTARIO



**ROLLINGS HYLAND CONSULTING**  
Consultants: 1-800-361-1811

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. **B5-21**

Date of Meeting: November 18, 2021

Time: 6:00 p.m.

Name of Owner/Applicant: 2577791 Ontario Inc - Ghotra

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: West Part Lot 8, Part of Parcel 12, Con 2 OS (Severance 1)**

Existing Use: Vacant/Rural

Proposed Use: Rural Residential

Road Frontage: 61 meters

Depth: 183 meters

Area: 1.1 hectares

**RETAINED PORTION: West Part Lots 7 & 8, Con 2 OS**

Existing Use: Rural Residential/Vacant

Proposed Use: Rural Residential/Vacant

Road Frontage: 178 meters

Depth: 670 meters

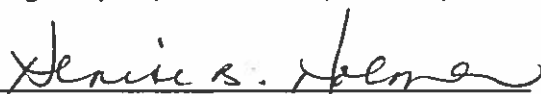
Area: 23.2 hectares

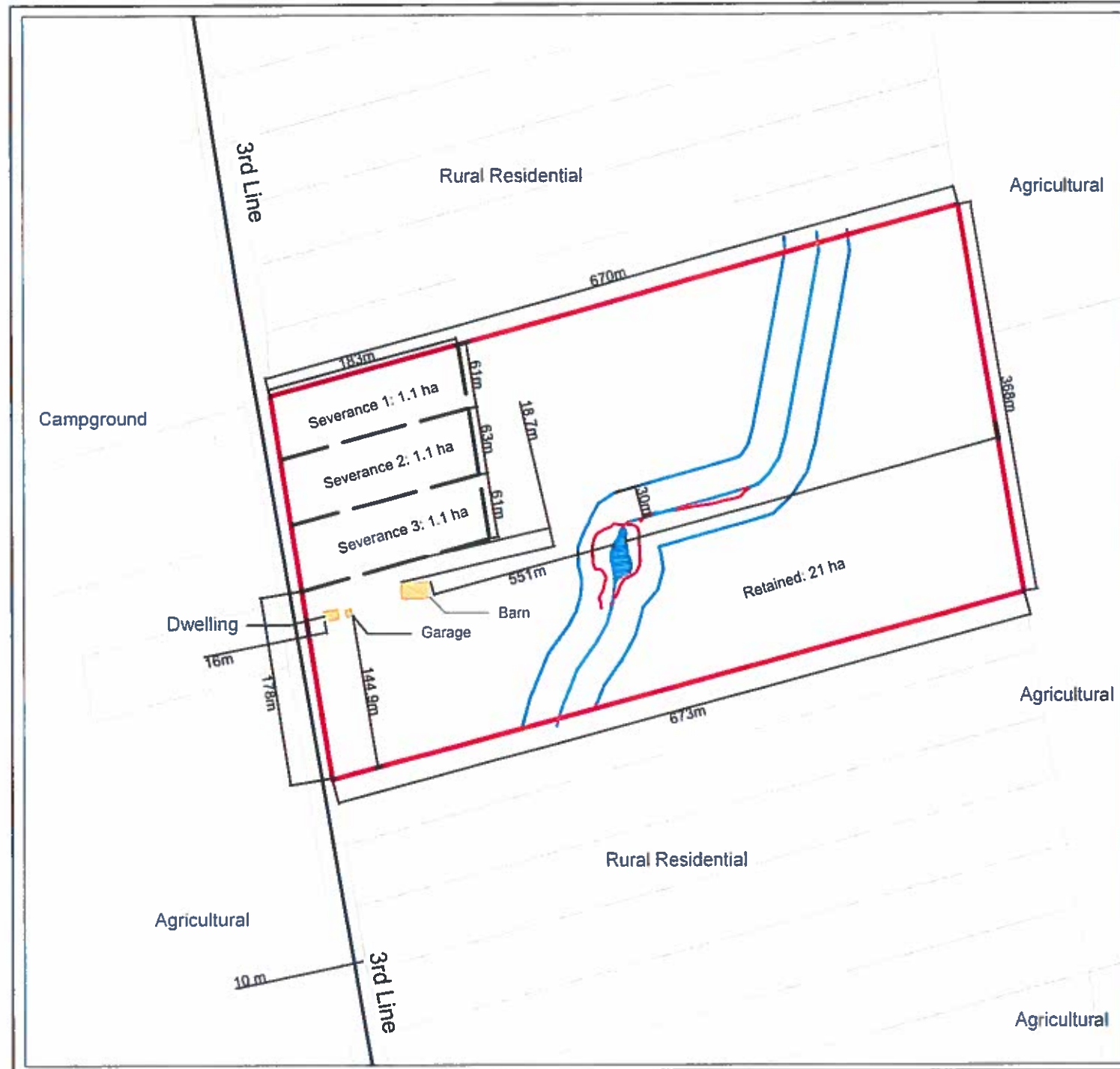
-----  
The subject lands were the subject of OPA 3, approved on August 17, 2021 by the Ontario Land Tribunal. This OPA authorized lot creation of the subject lands by the consent process.

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

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

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Denise B. Holmes, Secretary-Treasurer



# **SITE PLAN - For discussion purposes (Map 1)**

**3rd Line, Township of Melancthon  
Dufferin County**

- CON 2 OS W PT LOT 8 PCL 12
- CON 2 OS W PT LOT 8 PCL 11
- CON 2 OS W PT LOT 7 PCL 10
- CON 2 OS W PT LOT 7 PCL 9
- CON 2 OS W PT LOT 7 PCL 8
- CON 2 OS W PT LOT 7 PCL 7

## **LEGEND**

- Lands to be severed
- .... Drainage Course
- Existing Buildings
- Enhancement plantings for wetland feature via registered agreement



Parcel Dimensions				
	Severed		Retained	
Severance 1 of LOT 8 PCL 12	Frontage: 61 m	Area: 1.1 ha	Frontage: 302 m	Area: 23.2 ha
Severance 2 of LOT 8 PCL 11	Frontage: 63 m	Area: 1.1 ha	Frontage: 239 m	Area: 22.1 ha
Severance 3 of LOT 7 PCL 10	Frontage: 61 m	Area: 1.1 ha	Frontage: 178 m	Area: 21 ha

**Cuesta** PLANNING CONSULTANTS INC.  
Urban and Rural Planning and Resource Management

578 First Avenue West  
Queen's University  
K1N 6N5  
(519) 372-6780  
Fax: (519) 372-6911  
t:400-493-7633  
e-mail: cuestas@cuestaplanning.com

Drawn By:	R. Kochuta	Date Prepared:	Oct 28 2020
File:	21827	Drawn By:	Ghotra

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. **B6-21**

Date of Meeting: November 18, 2021

Time: 6:00 p.m.

Name of Owner/Applicant: 2577791 Ontario Inc - Ghotra

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

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**PROPOSED SEVERANCE: West Part Lot 8, Part of Parcel 11, Con 2 OS (Severance 2)**

Existing Use: Vacant/Rural

Proposed Use: Rural Residential

Road Frontage: 63 meters

Depth: 183 meters

Area: 1.1 hectares

**RETAINED PORTION: West Part Lots 7 & 8, Con 2 OS**

Existing Use: Rural Residential/Vacant

Proposed Use: Rural Residential/Vacant

Road Frontage: 178 meters

Depth: 670 meters

Area: 22.1 hectares

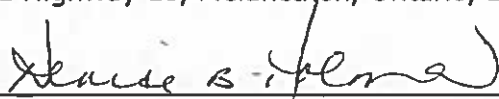
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The subject lands were the subject of OPA 3, approved on August 17, 2021 by the Ontario Land Tribunal. This OPA authorized lot creation of the subject lands by the consent process.

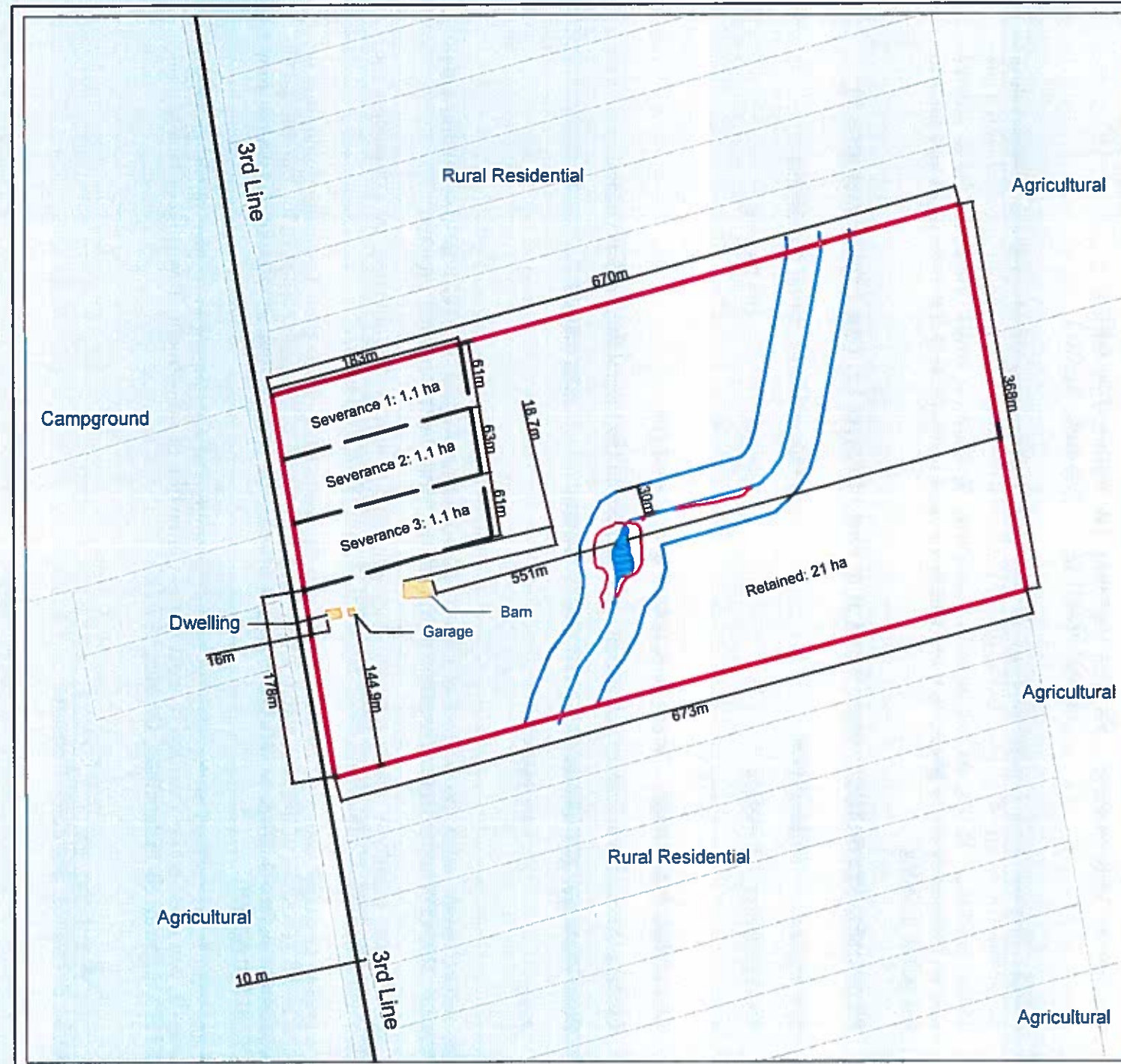
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Denise B. Holmes, Secretary-Treasurer





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Dufferin County**

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- ▶ CON 2 OS W PT LOT 7 PCL 8
- ▶ CON 2 OS W PT LOT 7 PCL 7

**LEGEND**

- Lands to be severed
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**Cuesta** PLANNING CONSULTANTS INC.  
Urban and Rural Planning and Resource Management

878 Ford Avenue West, Suite 100, Dufferin, Ontario N0B 1S0  
Tel: (519) 375-0780 Fax: (519) 375-0993  
E-mail: cuestas@comcast.ca

Drawn By:	Date Printed:
R. Kochuta	Oct 28 2020
File:	Draw No:
21827	Ghotra

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. **B7-21**

Date of Meeting: November 18, 2021

Time: 6:00 p.m.

Name of Owner/Applicant: 2577791 Ontario Inc - Ghotra

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

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**PROPOSED SEVERANCE: West Part Lot 7, Part of Parcel 10, Con 2 OS (Severance 3)**

Existing Use: Vacant/Rural

Proposed Use: Rural Residential

Road Frontage: 61 meters

Depth: 183 meters

Area: 1.1 hectares

**RETAINED PORTION: West Part Lots 7 & 8, Con 2 OS**

Existing Use: Rural Residential/Vacant

Proposed Use: Rural Residential/Vacant

Road Frontage: 178 meters

Depth: 670 meters

Area: 21 hectares

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The subject lands were the subject of OPA 3, approved on August 17, 2021 by the Ontario Land Tribunal. This OPA authorized lot creation of the subject lands by the consent process.

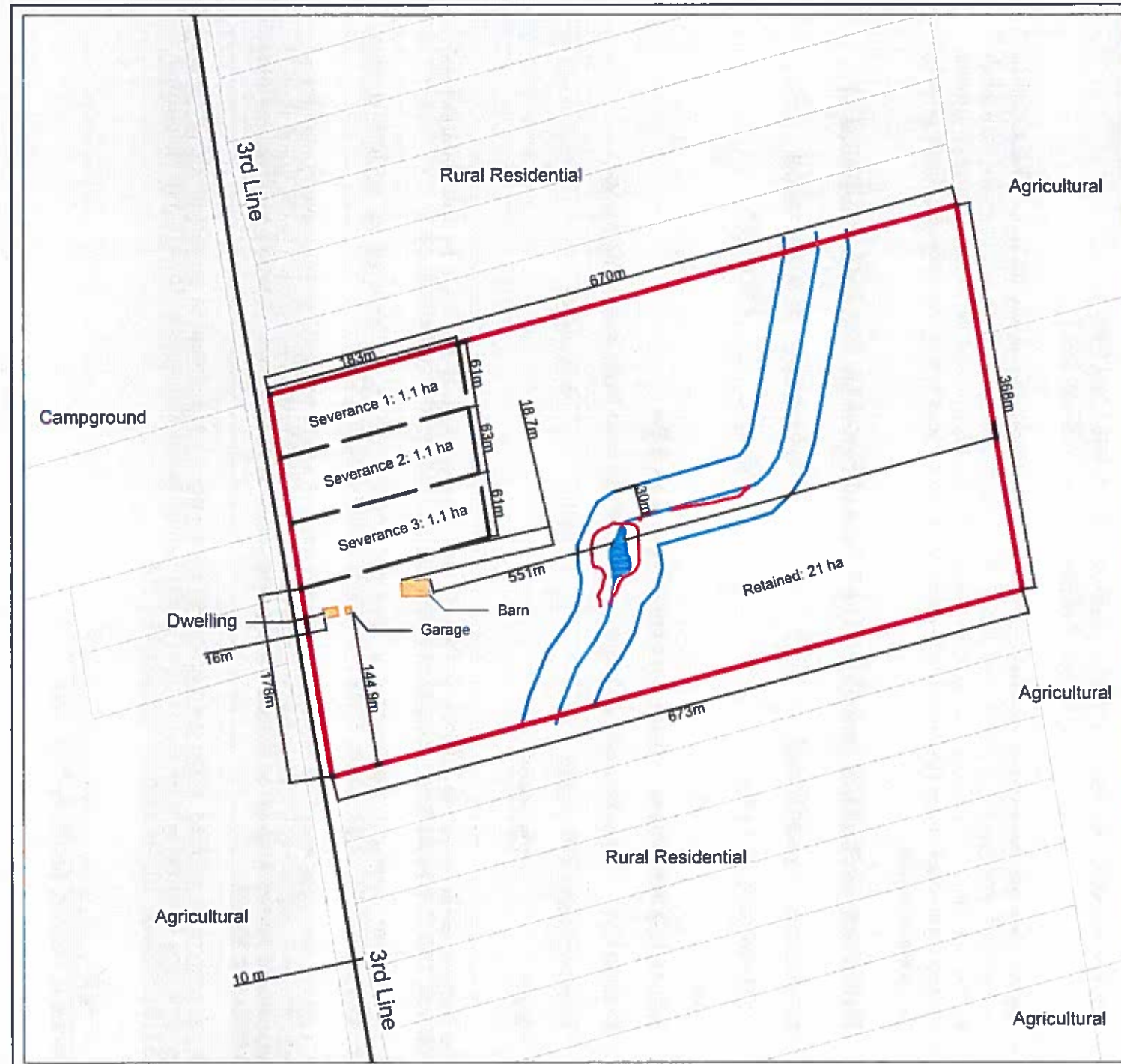
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Denise B. Holmes, Secretary-Treasurer





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Dufferin County**

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- ▶ CON 2 OS W PT LOT 7 PCL 7

**LEGEND**

- Lands to be severed
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**Cuesta** PLANNING CONSULTANTS INC.  
Urban and Rural Planning and Resource Management

978 First Avenue West  
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1-800-463-7502

Drawn By:	R. Kochuta	Date Printed:	Oct 28 2020
File:	21827	Drawn By:	Ghotra

## MEMORANDUM

**To:** Mayor White and Members of Council  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** November 11, 2021  
**Re:** Consent Applications B5, B6, B7/21 – West Part Lots 7 & 8, Concession 2 O.S.

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## BACKGROUND

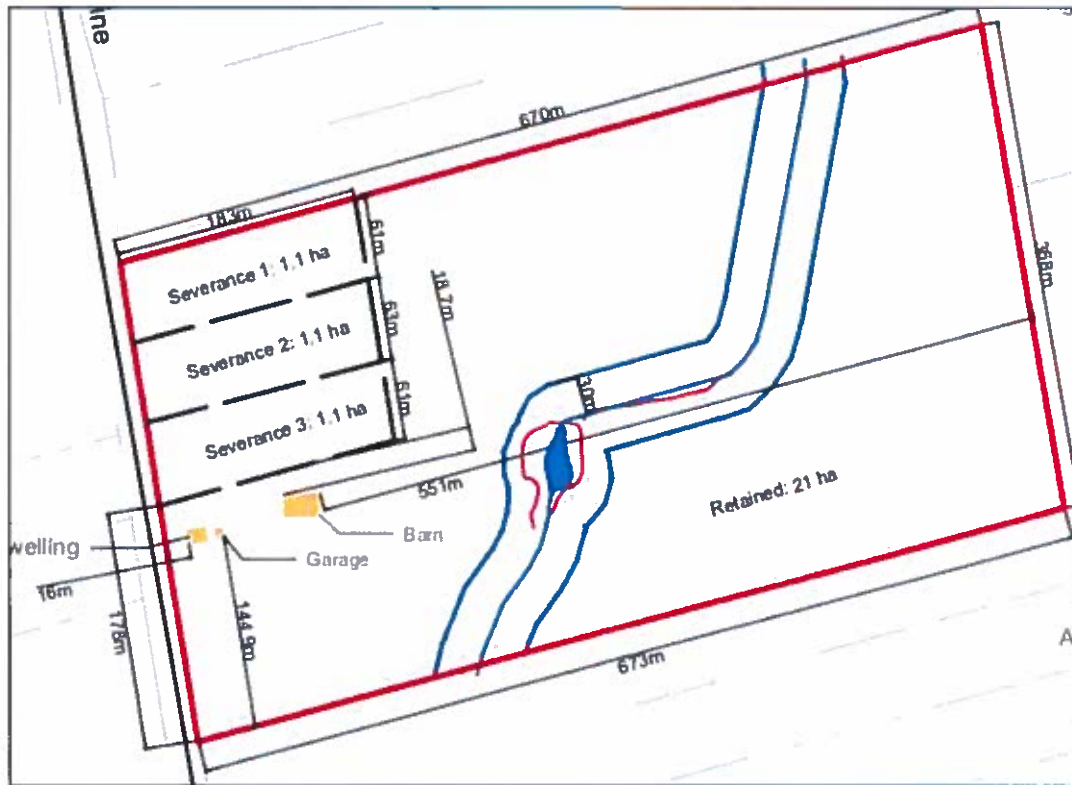
The Township is in receipt of three applications for consent for lands located in the West Part of Lots 7 and 8, Concession 2 O.S. The subject lands have a lot area of 24.3 hectares (60 acres), a road frontage of 363.7 metres (1,193 feet) and are currently occupied by a detached dwelling and several accessory buildings including a vacant barn and silo. The location of the subject lands is shown in Figure 1.

Figure 1 – Location of Subject Lands



The application proposes to create three rural residential lots in the manner illustrated in Figure 2. Each of the proposed lots would have a lot area of 1.1 ha (2.7 acres) and a frontage along 3<sup>rd</sup> Line of approximately 60 metres. The retained lot would have a lot area of 21 hectares (51.9 acres) and a road frontage of approximately 178 metres (584 feet).

Figure 2 – Lot Creation Proposal



## OFFICIAL PLAN

The lands are subject to a site-specific Official Plan policy (OPA 3), which was approved by the Ontario Land Tribunal (OLT) on August 17, 2021.

OPA 3 created an exception for lot creation in the Rural designation and was premised on the fact that the subject land had, for many years, existed as 6 separate lots that had inadvertently merged in title.

The policy established by OPA 3 is noted below:

- g) *Lands described legally as PCLs 7-12 and located in the West Part of Lots 7 and 8, Concession 2 O.S. as shown on Schedule A-1, attached hereto and forming part of this*

Amendment at one time existed as 6 separate lots that were inadvertently merged in title. Notwithstanding subsections a) through f), these lands may be severed by consent into no more than 6 lots.

The conditions of consent shall include but not be limited to the proponent of any such consent obtaining a zoning by-law amendment and entering into a consent agreement to implement applicable recommendations of the Environmental Impact Study that supported the re-creation of the lots. Subsequent to re-creation of up to 6 lots, the lands subject to this policy shall not be eligible for any further lot creation.

Furthermore, as part of a complete application for consent to sever, the Nottawasaga Valley Conservation Authority (NVCA) shall be provided with the following technical information and shall confirm to the Township that such technical information is satisfactory prior to approval of a provisional consent:

1. If lot creation is to occur within the NVCA regulated area associated with the adjacent watercourse, supporting documentation and calculations shall be provided to demonstrate that the uncontrolled Regulatory storm event can be safely conveyed through the site, taking into account any upstream drainage area.
2. A natural heritage constraint map prepared to the satisfaction of the Township and the NVCA, which confirms that the proposed lot lines do not encroach upon any natural heritage features or key natural hydrologic features or their associated buffers, or natural hazards (as applicable) and their access allowances. And furthermore, where the constraint map confirms the presence of such features, the lots to be severed shall be designed in such a manner that the feature together with any buffer area shall be fully located within one lot.

It is understood the applicant still intends to create two additional lots through subsequent consent applications but has chosen to proceed with three applications as a first step in order not to offend County of Dufferin Official Plan policy 4.3.2 c), which requires a plan of subdivision application for lot creation proposals exceeding 3 lots.

OPA 3 as amended and approved by the OLT was the subject of discussion with the NVCA in order to address NVCA concerns relating to flood concerns and encroachments on natural heritage features as noted in their comment letter of February 25, 2020.

In response to these issues the proponent submitted a hydrological assessment to confirm the contributing drainage area is less than 50 ha in area and the on-site watercourse is not associated with a larger floodplain or erosion hazard. In addition, the applicant revised the lot creation proposal in such a manner as to avoid lot creation into or through natural heritage or key hydrological features.

#### **INFORMATION ACCOMPANYING THE APPLICATIONS**

The following information originally accompanied the application for official plan amendment:

- Environmental Impact Study;
- Agricultural Impact Evaluation;
- Planning Justification Report;
- Minimum Distance Separation (MDS I) Assessment; and
- Supplemental Planning Memo to Address Policy Criteria 1 and 2 of OPA 3.

The applicant's environmental impact study suggested a number of mitigation measures including the protection of a pond and watercourse feature, vegetative enhancements around the pond, as well as a number of mitigations measures during construction. These recommendations can be implemented through a combination of zoning and site plan control.

## **GROWTH PLAN**

Pursuant to the Provincial Growth Plan, the Township of Melancthon is subject to the Provincial Ag. Lands System which applies to the entire Township, save and except settlement areas and the Provincial Natural Heritage System. However, the Provincial "system mapping" has been set aside as per Section 4.2.6.8 of the Growth Plan, pending the completion of a conformity exercise by the County of Dufferin. Given that the Provincial Ag. System mapping is not in effect, it allows the Township to consider planning applications under the lens of rural land use. Although the re-creation of inadvertently merged lands is not specifically authorized by the Growth Plan, I believe the proposed consents are consistent with Section 2.2.9 of the Growth Plan as the lot creation proposal applies to lands located in a rural land use designation and will result in development that is appropriate and compatible with the surrounding rural area.

Section 4.2.3 and Section 4.2.4 of the Growth Plan also prohibit new development in natural features or key hydrologic features and also require impact assessment for new development within 120 metres of such features.

## **PROVINCIAL POLICY STATEMENT (PPS 2020)**

The applicant's consultant planner prepared a planning justification report in support of the proposed consents and I am in agreement with the analysis of this report as it relates to consistency with the PPS. It is noted that the submitted planning justification report did not address Section 2.5.2.5 of the PPS which preclude development on the adjacent lands to a known deposit of mineral aggregate. In reconciling this PPS policy it would seem highly unlikely that future resource extraction would be feasible in this particular area of the Township given its highly fragmented and residential nature.

## **ZONING BY-LAW**

The subject lands are zoned General Agricultural (A1). The proposed lots would not conform with the minimum area requirement for the A1 Zone and therefore a zoning by-law amendment would be required as a condition of consent.

## ANALYSIS

The issue of inadvertent mergers is not uncommon and some municipalities that have encountered the issue with more frequency have elected to create official plan policies and criteria to address the issue on a Township-wide basis.

In this case it appears the merger was inadvertent and the lands are located in the midst of an area which is highly fragmented making it unlikely that this area will ever become an efficient and/or viable agricultural area. On this basis, I am supportive of the proposed consents.

The applicant has submitted substantial and ample justification to support the proposed consents. On the basis of my review of this information I believe the application sufficiently conforms with Provincial Policy and the Township's Official Plan.

## RECOMMENDATION

If Council concurs with the findings and analyses of this report I would recommend approval of the applications on the basis that they conform with the lot creation policies of the Township's Official Plan. Further to the standard conditions of approval I would also recommend the following conditions:

1. That the barn and silo located on the retained lands be removed;
2. That the severed lots be rezoned to the Rural Residential (RR) Zone and the retained lot also be rezoned to reflect or address recommendations of the EIS; and,
3. A consent agreement between the Township and the applicant be required to implement applicable recommendations of the EIS.

Respectfully Submitted,




---

Chris Jones MCIP, RPP



Mr. Chris Jones  
Municipal Planner  
Township of Melancthon  
157101 Highway 10  
Melancthon, ON L9V 2E6

November 2, 2021.

**Subject :** *Implementation of Ontario Land Tribunal Order, dated August 17, 2021  
OLT Case no. PL210140 (OPA No. 3 as revised) via consents to sever at  
West Part of Lots 7 and 8, Conc. 2 O.S, Twp. of Melancthon, County of Dufferin.*

---

Dear Mr. Jones:

As per your recent request, please see below for a summary of the subject proposal which has been approved, as revised, by the Ontario Land Tribunal (OLT).

As the Township of Melancthon (Township) staff and Council are aware, on February 20, 2020 (i.e. the same evening as the public meeting), Council refused to adopt OPA 3 by way of a tied vote. Reasons for refusal were not provided at the time of decision.

Following the public meeting and refusal, comments were received from Nottawasaga Valley Conservation Authority (NVCA) staff on February 25, 2020. The NVCA identified concerns relating to natural hazards and natural heritage features on and/or adjacent to the site.

An appeal of the refusal was submitted March 19, 2020. Due to the global pandemic, the appeal was held in abeyance until July 6th, 2020, when a supplemental Notice of Decision was issued by the Township. The Notice of Decision identified the Township's commitment to the protection of natural heritage and agricultural resources as the reasons for refusal. The appeal was resubmitted on July 10, 2020. The covering memo to the appeal requested that the Township consider employing mediation which might allow for a settlement to be reached prior to a full hearing.

On July 23, 2020, the Township provided a letter to the LPAT indicating the Township's intention to mediate the matter. As a result, the appeal materials would therefore be held in abeyance for 75 days prior to forwarding to the LPAT in the hope that a settlement could be reached.

On September 22, 2020, a virtual meeting was held between staff of NVCA, Cuesta Planning Consultants Inc. (CPC), SAAR (the appellant's natural heritage consultant), the Township planner and the appellant where outstanding concerns were discussed. At this meeting, NVCA staff advised that their outstanding concerns would be generally satisfied by the following:

- a. Confirmation from an engineer that the on-site drainage course was not associated with a floodplain or erosion hazard; and

- b. Revision of the lot configuration to ensure that the lot lines did not encroach upon any natural heritage features or their associated buffers. This second requirement was most easily addressed by containing the features all on one lot.

The appellant retained GM BluePlan Engineering to conduct a Contributing Drainage Area Investigation (the "Investigation") which was finalized on October 30th, 2020. The investigation concluded that the contributing drainage area was less than 50 hectares and that the on-site drainage swale did not have a flood plain or erosion hazard associated with it.

CPC forwarded the Investigation to the Township planner and staff of the NVCA on November 2, 2020 along with revised lot configurations showing the natural heritage features as exclusively on one (1) lot as preferred by the NVCA.

Following receipt of the Investigation and revised site plan(s), the Township planner agreed to revise the wording of OPA 3 to incorporate the NVCA comments.


Revised wording for OPA 3 was circulated by the Township planner to staff of the NVCA and CPC in late 2020 and early 2021. Agreement relating to the wording of the OPA was informally reached on February 22, 2021 between the Township planner, CPC and NVCA. The NVCA also accepted the findings of GM BluePlan's Investigation which identified no concerns related to floodplain or erosion hazards affecting the development potential of the site.

The accepted revised wording of OPA 3 was approved by the OLT and formed the basis for its Order dated August 17<sup>th</sup>, 2021. OPA 3 establishes a site-specific policy that will permit a maximum of six (6) lots to be created at this location. As per the request of the County of Dufferin's planning consultant, the consents will proceed in two (2) phases. Three (3) new lots will be created in the first phase with the final two (2) new lots proceeding following registration of the first three (2) lots.

Please see the attached Figure (Site Plan) and Investigation which demonstrate that the proposed lots will entirely avoid the any natural heritage features and natural hazard associated with this site.

Thank you for the opportunity to provide details herein and if Township staff or Council or NVCA staff have any further comments or concerns, I am happy to address them.

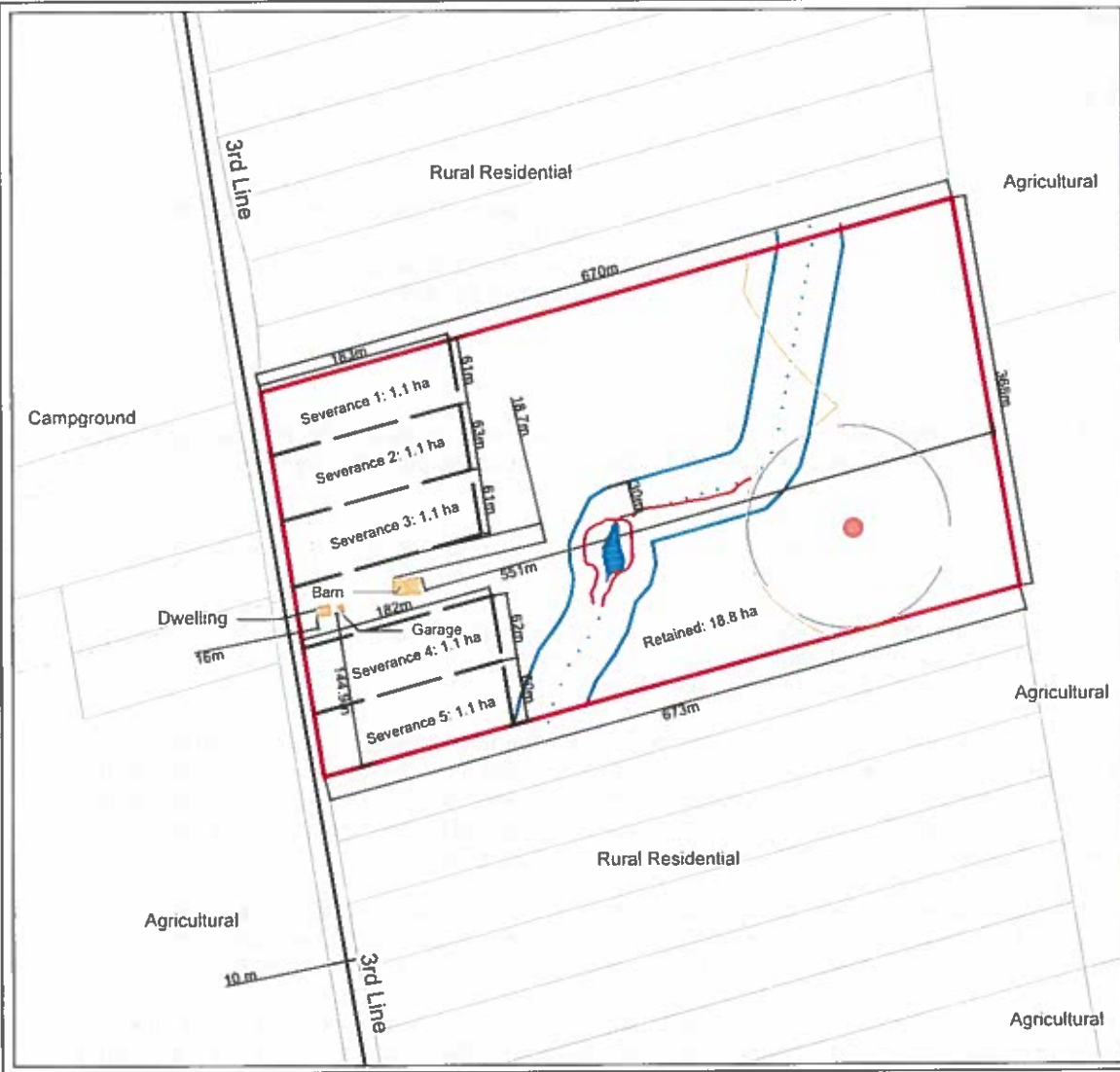
Yours truly,



Genevieve Scott  
Cuesta Planning Consultants Inc.

Cc: L. Ghotra (via email)  
File no. 21827





**SITE PLAN**

3rd Line, Township of Melancthon  
Dufferin County

- CON 2 OS WPT LOT 8 PCL 12
- CON 2 OS WPT LOT 8 PCL 11
- CON 2 OS WPT LOT 7 PCL 10
- CON 2 OS WPT LOT 7 PCL 9
- CON 2 OS WPT LOT 7 PCL 8
- CON 2 OS WPT LOT 7 PCL 7

**LEGEND**

- Lands to be severed
- Drainage Course
- Existing Buildings
- Enhancement plantings for wetland feature via registered agreement
- Eastern Meadowlark Foraging Area
- Boblink Nest
- 50m Boblink Nest Buffer



**Parcel Dimensions**

	Severed		Retained	
	Portage	Area	Portage	Area
Severance 1 of LOT 8 PCL 12	61 m	1.1 ha	362 m	22.2 ha
Severance 2 of LOT 8 PCL 11	63 m	1.1 ha	236 m	22.1 ha
Severance 3 of LOT 7 PCL 10	61 m	1.1 ha	175 m	21 ha
Severance 4 of LOT 7 PCL 9	62 m	1.1 ha	116 m	19.3 ha
Severance 5 of LOT 7 PCL 7	68 m	1.1 ha	56 m	14.8 ha



Drawn by	V. Muhunthan	Date Printed	Nov 02 2021
File No.	21827	Drawn by	Ghotra

October 30, 2020  
Our File: 220318

Via Email: [cuesta@cuestaplanning.com](mailto:cuesta@cuestaplanning.com)

Mr. Lahkvir Ghotra  
c/o Cuesta Planning Consultants Inc.  
978 1<sup>st</sup> Avenue West  
Owen Sound, ON N4K 4K5

Re: Contributing Drainage Area Investigation  
476407 3<sup>rd</sup> Line  
Township of Melancthon, ON  
NVCA ID #38903

Dear Lahkvir,

This letter and its attachments have been prepared to satisfy the following comment provided by the Nottawasaga Valley Conservation Authority (SVCA) as it relates to the existing watercourse located on the property identified as 476407 3<sup>rd</sup> Line in the Township of Melancthon, ON:

1. *Please identify and provide a drainage area plan outlining the contributing drainage area and specifying the size (in Hectares) to the watercourse.*

*If the contributing drainage area is determined to be less than 50 Ha than the following applies:*

- *The watercourse is classified as a watercourse not having a floodplain*
- *There is no erosion hazard associated with the watercourse*

The conclusions of this letter were determined as a desktop study with supplemental information made available through field notes provided by SAAR Environmental Ltd. Accordingly, this letter considers the general delineation of the contributing drainage area through various conservative considerations; determination of the exact drainage boundaries would require further verification. However, the investigation documented by this letter demonstrates that the contributing drainage area of the existing watercourse is reasonably expected to be less than 50 ha.

The attached Figure No. 1, which includes mapping made available by the Ministry of Natural Resources and Forestry (MNRF) with annotations added by the undersigned, shows the location of the subject property in addition to notable existing drainage features. For the purposes of this letter, 3<sup>rd</sup> Line is assumed to travel in a north-south direction.

The area shown as the 'central wet area' on Figure No. 1, appears to be a locally depressed area which lacks an immediate outlet for positive drainage. Runoff is expected to ultimately drain from the 'central wet area' via the existing watercourse.

The existing "watercourse" appears to be a manmade swale constructed for agricultural drainage purposes. The watercourse extends approximately 135 m westerly of the central wet area and then approximately 235 m northeasterly to the northerly adjacent property. Field observations indicate that the grade of the watercourse is relatively flat. Topographic mapping of the area and the limits of the NVCA's Regulated Area indicate that this watercourse would be expected to drain towards the northerly adjacent property.

At the northerly adjacent property, the subject watercourse's flow path appears to become less defined but, based on publicly available aerial imagery and topographic mapping, is expected to continue as overland flow generally draining northeasterly to a tributary of the Boyne River. For conservative consideration, the contributing drainage area of the on-site watercourse is considered at its off-site outlet to the tributary of the Boyne River.

The Ontario Flow Assessment Tool (OFAT), made available by the MNRF, can be used to automatically delineate contributing drainage areas to user-defined locations along watercourses by interpolating topographic contour data. The OFAT was used to determine the contributing drainage areas of the tributary of the Boyne River approximately 100 m upstream and downstream of the location of the subject watercourse's outlet to it. The difference in watershed areas between these two locations southerly of the tributary of the Boyne River, was measured to be approximately 29.60 ha, as shown on Figures No. 2A and 2B.

To be further conservative, the delineation provided by the OFAT was expanded to assume the following:

- The entirety of the subject property is assumed to drain to watercourse. In reality, the easterly portion of the subject property appears to drain to the existing easterly roadside ditch of 3<sup>rd</sup> Line.
- The rear-yard areas of several of the northerly adjacent residential properties are able to drain to the off-site portion of the watercourse prior to its outlet at the tributary of the Boyne River.
- A majority of southerly adjacent residential property's rear-yard area drains to the watercourse.

With consideration of the conservative assumptions outlined above, the total contributing drainage area to the watercourse upstream of its outlet at the tributary of the Boyne River, was measured to be approximately 40.34 ha as shown on Figure No. 3.

Therefore, the contributing drainage area of the existing watercourse is reasonably expected to be less than 50 ha, as it was measured to be approximately 20% less than this value when applying conservative assumptions in its delineation. The exact delineation of the contributing area would require an on-site topographic survey which is beyond the scope of this letter. However, I trust that the conclusions of this letter sufficiently address the above-noted comment of the NVCA.

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED

Per:



Alex Wilkinson, P.Eng.  
AW/mr

Encl.



cc: GM BluePlan Engineering Ltd.: Matthew Nelson, P.Eng. P.Geo., via email – [matthew.nelson@gmblueplan.ca](mailto:matthew.nelson@gmblueplan.ca)  
File No. 220318

## FIGURES





Legend



Scale: 1 : 6,481

Projection: Web Mercator



The Ontario Ministry of Natural Resources and Forestry shall not be liable in any way for the use of, or reliance upon, this map or any information on this map. This map should not be used for: navigation, a plan of survey, routes, nor locations.

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