



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, FEBRUARY 17, 2022 - 6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/87939465462?pwd=SVg0L0xIUUNVOGMydXVON0ZsNld1Zz09>

Meeting ID: 879 3946 5462

Passcode: 081523

One tap mobile

+12042727920,,87939465462#,,,,*081523# Canada

+14388097799,,87939465462#,,,,*081523# Canada

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: 879 3946 5462

Passcode: 081523

AGENDA

- 1. CALL TO ORDER**
- 2. ADDITIONS/DELETIONS/APPROVAL OF AGENDA**
- 3. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4. APPROVAL OF MINUTES – January 13, 2022**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 1. B1-22 Part Lot 297 & 298, Concession 2 SW (Black/Vander Zaag)
 2. B2-22 Part Lots 275, 276 & 277, Concession 2 SW (2690044 Ont Inc)
- 7. APPLICATION FOR MINOR VARIANCE**
- 8. APPLICATION FOR VALIDATION OF TITLE**
- 9. CERTIFICATE OF CANCELLATION**

1. B3-22 Amalgamation of Properties – Part Lot 30, Concession 8 NETSR (Martin to Dundalk Leisurecraft Inc)

10. APPLICATIONS ON FILE

11. DELEGATES

12. CORRESPONDENCE

13. ADJOURNMENT

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. **B12/21**

Date of Meeting: Thursday February 17, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: Robert D. Black/Adam H. Vander Zaag Farms Ltd

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 297 & 298, Concession 2 SW
(Sever a Surplus Dwelling)**

Existing Use: Agriculture

Proposed Use: Residential

Road Frontage: 80 m (262.5 ft)

Depth: 182.5 m (598.8 ft)

Area: 1.46 ha (3.6 ac)

RETAINED PORTION: Part Lot 297 & 298, Concession 2 SW

Existing Use: Agriculture

Proposed Use: Agriculture

Road Frontage: 138.7 m (455.2 ft) + 192.3 m (630.8 ft)

Depth: 1186.7 m avg

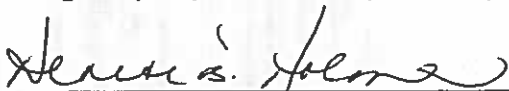
Area: 47.2 ha (116.7 ac)

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.

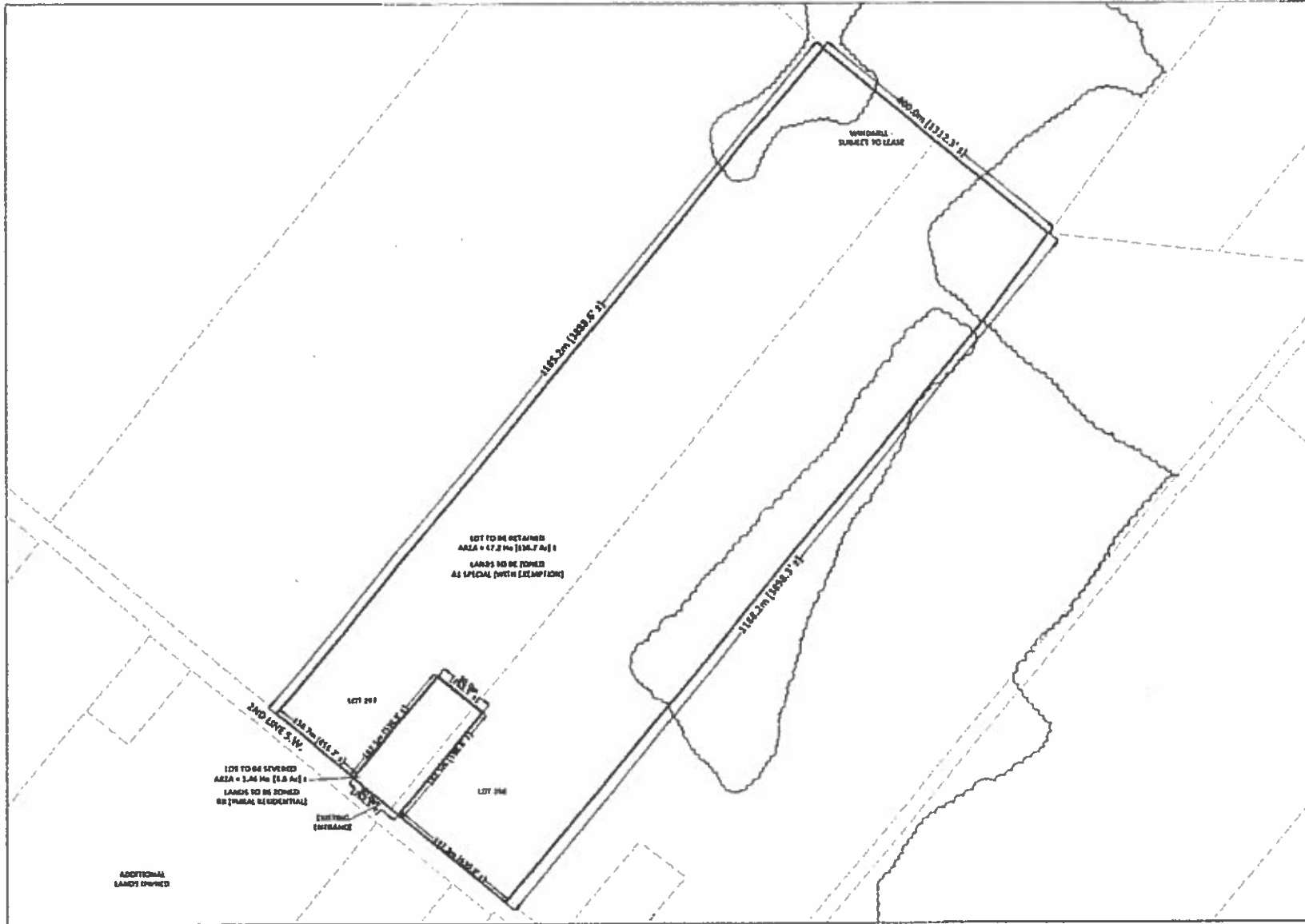
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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



**SCHEDULE 'A' -
ZONING AMENDMENT**

11439 2ND LINE SOUTHWEST
PART LOTS 207 & 208, COMMISSION 2
SOUTH WEST OF TORONTO AND
STONHAM ROAD
GEOGRAPHIC TOWNSHIP OF MILANCTON
COUNTY OF DUFFERIN

BLAKE & VANDERKAC

UNCLASSED

THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.
BASE MAPPING DERIVED FROM COUNTY OF DUFFERIN
GIS ASSESSMENT LOT PARCELS.

ALL INFORMATION CONTAINED WITHIN ARE
APPROXIMATE.

THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE
TREATED AS SUCH.

not to scale

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PLANSCAPE

SCALE	PROJECT NO.	DATE INITIATED	BY
1 : 5 000	457002	DECEMBER 16, 2021	PT

NO.	DATE	REVISIONS	BY
1.			
2.			
3.			
4.			

BASE MAP SOURCE:
COUNTY OF DUFFERIN ASSESSMENT LOT
PARCELS

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: February 11, 2022
Re: Application for Consent – File B12/21 (A. H. Vanderzaag Farms Ltd)

BACKGROUND

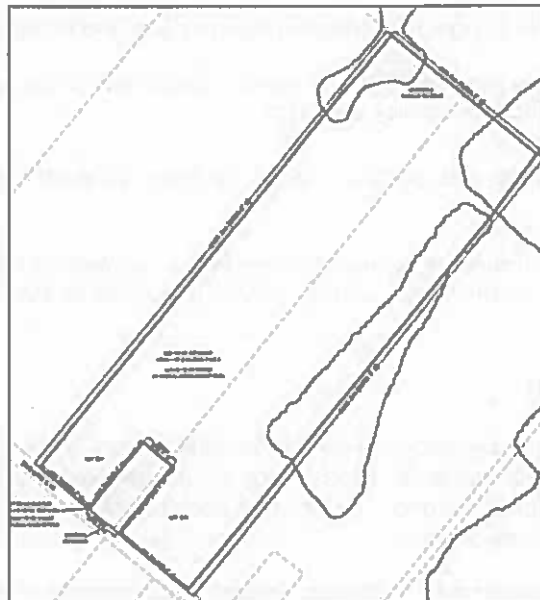
The Township is in receipt of an application for consent submitted by Adam H Vanderzaag Farms Ltd. The purpose of the application is to sever a surplus farm dwelling from lands located at 116239 Second Line SW and is located in Part Lots 297 and 298, Concession 2 S.W.

The farm that is the subject of the consent application is not currently owned by A.H Vanderzaag Farms Ltd but the farm operator has entered into a purchase agreement with the current owner, Robert Brown, to acquire the severed farm parcel.

The subject lands have a total lot area of approximately 48.66 hectares (120 acres) and are currently occupied by a dwelling and one accessory building.

Attached at Figure 1 is an illustration of the lands to be severed and retained:

Figure 1 – Sketch of Severed and Retained Lands



PURPOSE OF APPLICATION

The application seeks to sever a lot occupied by an existing dwelling from the farm parcel that would have an area of approximately 1.46 hectares (3.6 acres) and a frontage on 2nd Line S.W. of 80 m (262 feet). The retained agricultural holding would have an area of approximately 47.2 hectares (116 acres) with a split frontage of 331 metres (1,086 feet) combined.

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 primarily designated Agricultural, although it is noted the subjects lands are characterized by a narrow band of Environmental Conservation Overlay along the south-east lot line and outside of the lands proposed to be severed.

The 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.

Section 9 (k) defines "existing" as:

When used in reference to a building, structure, use or lot, any such building, structure, use or lot that was legally in existence at the time of approval of this Plan.

ZONING BY-LAW

The subject lands are zoned General Agricultural Exception (A1-98) which is a site-specific zone which authorized the installation of wind turbines on a number of farm parcels in 2005.

ANALYSIS

My analysis of the application will firstly consider the salient criteria of the Township's Official Plan and secondly will assess two questions that I believe Committee should take into consideration to assist in reconciling the definition of a surplus farm dwelling as articulated by Provincial and local planning policy.

The Official Plan Policy Criteria

1. **The new lot will be of a limited size needed to accommodate the use and septic system/water supply**

The proposed lot would be approximately 1.5 hectares in size which exceeds the minimum lot area required for the Rural Residential (RR) Zone and should be more than adequate to sustain a private septic and water system. The configuration and size of the lot is largely dictated by the location of the existing dwelling and accessory building.

2. The lot may be permitted provided a new residence is prohibited on the remnant parcel

The remnant farm parcel could be rezoned as a condition of consent for agricultural purposes only and prohibit a dwelling.

3. Minimum Distance Separation (MDS 1) for the creation of the new non-farm parcel shall be addressed

The planning report which accompanied the application indicated that there were no active or inactive livestock buildings proximate to the lot to be severed. It is noted that a prior consent approval for a surplus farm dwelling from an adjacent farm was accompanied by an MDS 1 calculation for an unoccupied livestock barn but that barn would be further away from the proposed lot and therefore the MDS Guideline does not appear to be an issue preventing the severance.

Two Questions

1. Does the application represent a 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 its operations in the Township?

Township MPAC data indicates that A.H Vanderzaag Farms Ltd owns one other farm parcel in the Township.

The farm that is the subject of this consent application is not currently owned by A.H Vanderzaag Farms Ltd, and therefore at the time of the application (and Council's consideration of the application), the farm that is the subject of the application has not been acquired by A.H Vanderzaag Farms Ltd.

Instead, A.H Vanderzaag Farms Ltd, has entered into a purchase agreement with the owner, Mr. Black. The purchase agreement includes a condition requiring the approval of the consent.

I have asked the Township solicitor if a purchase agreement constitutes "acquisition" and he is of the opinion that it does not.

2. Is the dwelling proposed to be severed an "existing, habitable farm residence"?

The Official Plan defines "existing" as a structure that was in place on the day the Official Plan was approved. The Official Plan was approved on March 9, 2015. MPAC data suggests the dwelling on the subject lands has been in place for over 100 years.

The dwelling to be severed is also required to be habitable. The planning report that accompanied the application provided no photos of the existing dwelling and at the time this report was prepared I was not able to see the site. Council is aware that other applicants have been requested to submit a home inspection to confirm that a structure is habitable and has a potable water supply and functioning septic system.

CONCLUSION

It is a policy requirement that the farm that is the subject of the surplus farm severance be acquired by the farmer. The Township's solicitor advises that a purchase agreement does not constitute an acquisition.

It is also a policy requirement that the surplus dwelling that is under consideration in the application is "habitable". There was no evidence in the applicant's submission that the dwelling is habitable.

RECOMMENDATION

If Committee is in agreement with the analysis of this report, it is recommended that application B12/21 be denied on the basis that the application is not consistent with the Provincial Policy Statement or the Township of Melancthon Official Plan.

If Committee wishes to consider granting Provisional Consent it is recommended that the applicant submit evidence to confirm the habitable nature of the dwelling and that staff be requested to prepare a draft resolution with conditions for Committee's consideration.

Respectfully submitted,



Chris D. 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. **B2/22**

Date of Meeting: Thursday February 17, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: 2690044 Ontario Inc c/o Ramiro Vazquez

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 Lots 272, 273 & 274 Concession 2 SW

Existing Use: Agriculture & Wind Turbine

Proposed Use: Agriculture & Wind Turbine

Road Frontage: 607.7 m

Depth: 1171.4 m

Area: 71.4 ha

RETAINED PORTION: Part Lots 275, 276 & 277, Concession 2 SW

Existing Use: Cannabis Facility & Wind Turbine

Proposed Use: Cannabis Facility & Wind Turbine

Road Frontage: 607.9 m

Depth: 1171.4 m


Area: 71.37 ha

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. The lands are currently the subject of a site plan agreement.

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

Severance Sketch

Plan of Survey of

Part of Lots 272, 273, 274, 275, 276 and 277

Concession 2

South West of the Toronto and Sydensham Road

Geographic Township of Melancthon

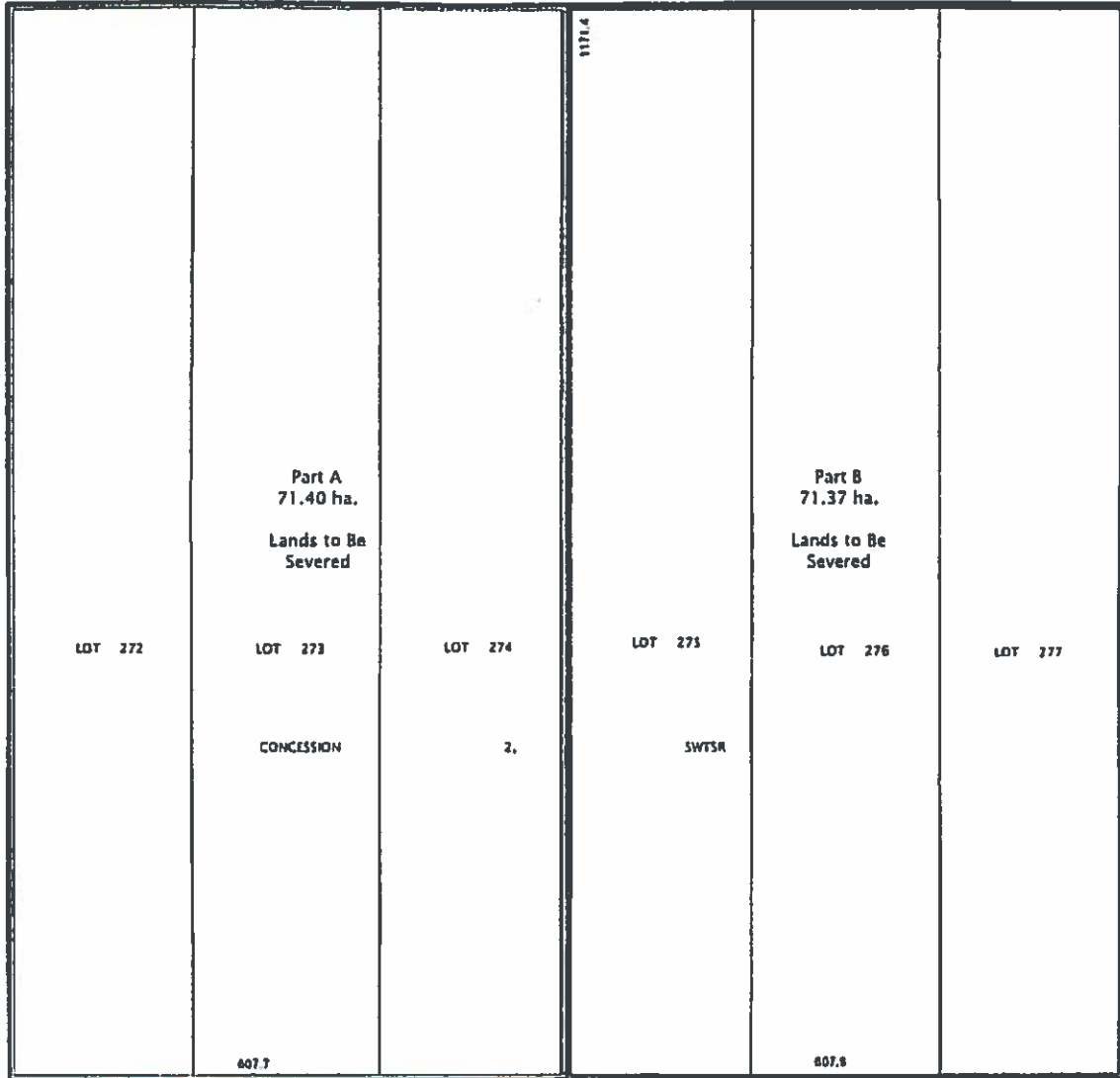
County of Dufferin

2022

CONCESSION

1,




SWTSA



ROAD ALLOWANCE BETWEEN CONCESSIONS
CONCESSION

2 AND 3 SWTSA,
3,

KNOWN AS 2ND LINE SOUTH WEST
SWTSA

- 
Lands Subject to Severance Sketch
 (1427773.28 m² / 142.77 ha.)
- 
Lands to be Severed
 (714027.88 m² / 71.40 ha.)
- 
Lands to Be Retained
 (713745.40 m² / 71.37 ha.)



Severance Sketch	
(1:7500 = 6.5 x 11)	
Date Issued:	JAN, 11, 2022
Drawn By:	m.c.s. Checked By: RD
Drawing Name:	FOX-21097-SS.dwg

• *Municipal Planning Services Ltd.* •

MEMORANDUM

To: Chairman White and Members of Committee
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: February 11, 2022
Re: Application for Consent – File B2/22 (2690044 Ontario Inc.)

BACKGROUND

The Township is in receipt of an application for consent submitted by 2690044 Ontario Inc. The purpose of the application is to sever a farm parcel from lands located in Lots 272, 273, 274, 275, 276, and 277, Concession 2 S.W. The subject lands have a total lot area of approximately 143 hectares (353.4 acres) and a road frontage of approximately 1,200 metres (3,937 feet). The subject lands are currently utilized for cannabis production.

The purpose of the application is to sever the subject lands in the manner illustrated in Figure 1 to create two farm parcels, with each parcel having a lot area of approximately 71.4 ha (176.4 acres) and a frontage of 607 metres (1,991.5 feet).

Figure 1 – Severed and Retained Lands



PROVINCIAL POLICY STATEMENT (2020)

The subject lands are located in a prime agricultural area.

Section 2.3.4.1 a) of the PPS, referenced below, permits the creation of new lots for agricultural purposes:

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.

OFFICIAL PLAN

The lands subject to the proposed severance are currently designated Agricultural. Section 5.2.5 (b) i) is the salient consent policy applicable to the application, it states:

Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2 (h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser.

Section 5.2.2 (h), referenced in the above-mentioned policy states:

Farm parcel size shall be sufficiently large to facilitate strong and flexible farm operations on a long-term basis. The fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations shall not be permitted. All new lots must remain sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations. The implementing zoning by-law shall set minimum agricultural lot sizes.

ZONING BY-LAW

The subject lands are zoned General Agricultural Exception (A1-106) as per By-law 19-2007.

The A1-106 Zone was established to create zone permissions and regulations for wind turbines and accessory uses thereto in the manner summarized below:

- A 400-metre setback from institutional uses, a vacant lot with an area of 4 ha or less or any lot zoned R1 or ER1;
- A 0-metre setback from the lot lines of parcels zoned to permit wind turbines;
- a setback of the length of the turbine blade plus 5-metres from any lands not zoned to permit wind turbines (A1-98, A1-61, A1-77, A1-106);

- a 120-metre setback from a highway; and,
- a minimum 8-metre setback from all lot lines.

The subject lands are occupied by 4 wind turbines.

Based on information that was available at the time this report was prepared I was not able to confirm if the turbines located on the subject lands are compliant with the A1-106 Zone regulations. On this basis it will be recommended that the one of the conditions of consent require confirmation of compliance.

SITE PLAN AGREEMENT

The severed and retained lands are subject to a site plan agreement with respect to the cannabis production facility currently in operation on Lots 275, 276 and 277, Concession 2 S.W.

If the intent is for the severed lands to not be utilized and developed in the manner formalized through the site plan agreement, it will be recommended that the agreement be amended as a condition of consent.

ANALYSIS

The severed and retained lands are approximately 70 hectares in lot area and are large enough to support farm operations and therefore the application conforms with the salient consent policies in the Township's Official Plan regarding lot creation in the Agricultural designation.

RECOMMENDATION

The application conforms with the lot creation policies of the PPS and the Township Official Plan as they relate to the creation of new farm parcels in a prime agricultural area. It is recommended that application B2/22 be approved subject to the standard conditions of approval as well as a condition that requires confirmation of compliance with the A1-106 Zone regulations.

Respectfully,



Chris D. Jones MCIP, RPP

• Municipal Planning Services Ltd. •

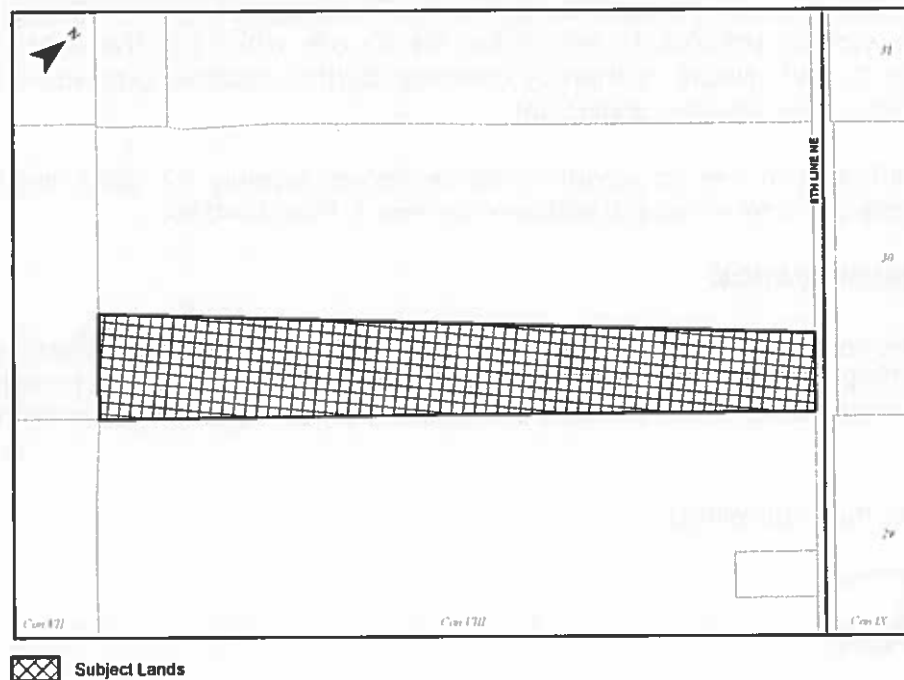
MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: February 11, 2022
Re: Cancellation Certificate for Part Lot 30, Concession 8, N.E. (Dundalk Leisure Craft)

BACKGROUND

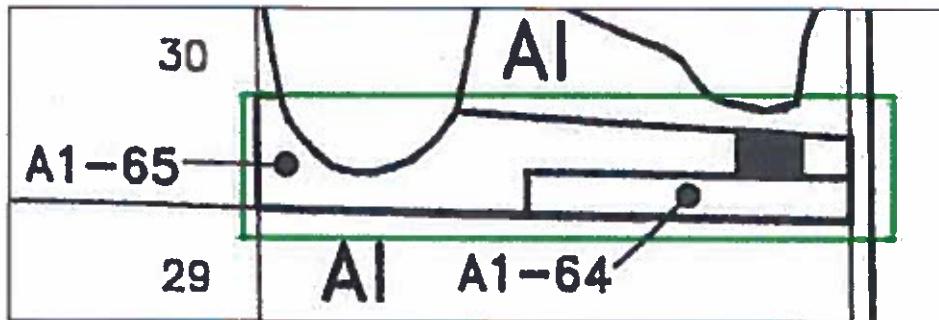
On November 18, 2021, Council held a public meeting for a zoning by-law amendment for two existing lots located in Part of the East Half of Lot 30, Concession 8, N.E. on the 8th Line. The location of the applicant's lands is illustrated in Figure 1.

Figure 1 – Location of Subject Lands



The purpose of the zoning by-law amendment was to create consistent zoning over the lands illustrated in Figure 2 to enable the owner to construct an addition onto an existing workshop. The two lots are currently zoned A1-64, A1-65 and A1-113.

Figure 2 – Current Zoning



In order to proceed with the zoning amendment, the Township required confirmation that the applicant's two parcels were registered as a single parcel. However, in order to merge the subject lands, one of the lots required a consent to be broken, under the "once a severance always a severance rule."

CANCELLATION CERTIFICATE

As a result of a recent amendment to the Planning Act, Section 53 (45) now permits a landowner to apply for a Cancellation Certificate, which has the effect of cancelling a historic consent approval thereby allowing abutting parcels to merge without the need to break or change the original lot.

In a letter from the applicant's solicitor dated January 22, 2022, the landowner has requested a Cancellation Certificate for Part 1, Plan 7R-4530.

RECOMMENDATION

It is recommended the Cancellation Certificate for lands described legally as Part 1, Plan 7R-4530 located in Part of Lot 30, Concession 8, N.E. be approved by Committee to enable the lot to be merged in title with Part 2, Plan 7R-789, Except Part 1, Plan 7R-4530.

Respectfully Submitted,

Chris Jones MCIP, RPP