



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, APRIL 21, 2022 - 6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/82889595117?pwd=N1luY0VLY1R3YnVNQVY0bHJBN2VsUT09>

Meeting ID: 828 8959 5117

Passcode: 970009

One tap mobile

+12042727920,,82889595117#,,,,*970009# Canada

+14388097799,,82889595117#,,,,*970009# 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

+1 780 666 0144 Canada

Meeting ID: 828 8959 5117

Passcode: 970009

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** – March 17, 2022
- April 7, 2022 Special Meeting
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 1. B4/22 East Part Lot 16, Concession 2 OS (Baird Consulting & Design/Wade Mills)
 2. B5/22 & B6/22 Lots 5 & 6, Plan 332 and Lot 32 & Part of Lot 33, Plan 332 (Belford/Joel D. Farber)
 3. B7/22 & B8/22 West Part Lot 7, Part of Parcel 7, Concession 2 OS (Severance 5 on attached sketch) and West Part of Lot 7, Part of Parcel 8, Concession 2 OS (Severance 4 on attached sketch) (2577791 Ontario Inc – Ghotra)

- 7. APPLICATION FOR MINOR VARIANCE**
- 8. APPLICATION FOR VALIDATION OF TITLE**
- 9. CERTIFICATE OF CANCELLATION**
- 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. **B4/22**

Date of Meeting: Thursday April 21, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: Baird Consulting & Design/Wade R. Mills

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 Lot 16, Concession 2 OS

Existing Use: Residential

Proposed Use: Residential

Road Frontage: 141.984 m

Depth: 105.992 m

Area: 1.01 ha

RETAINED PORTION: East Part Lot 16, Concession 2 OS, Part 1

Existing Use: Vacant Land

Proposed Use: Residential

Road Frontage: 73.724 m

Depth: 105.992 m

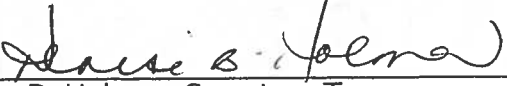
Area: 1.01 ha

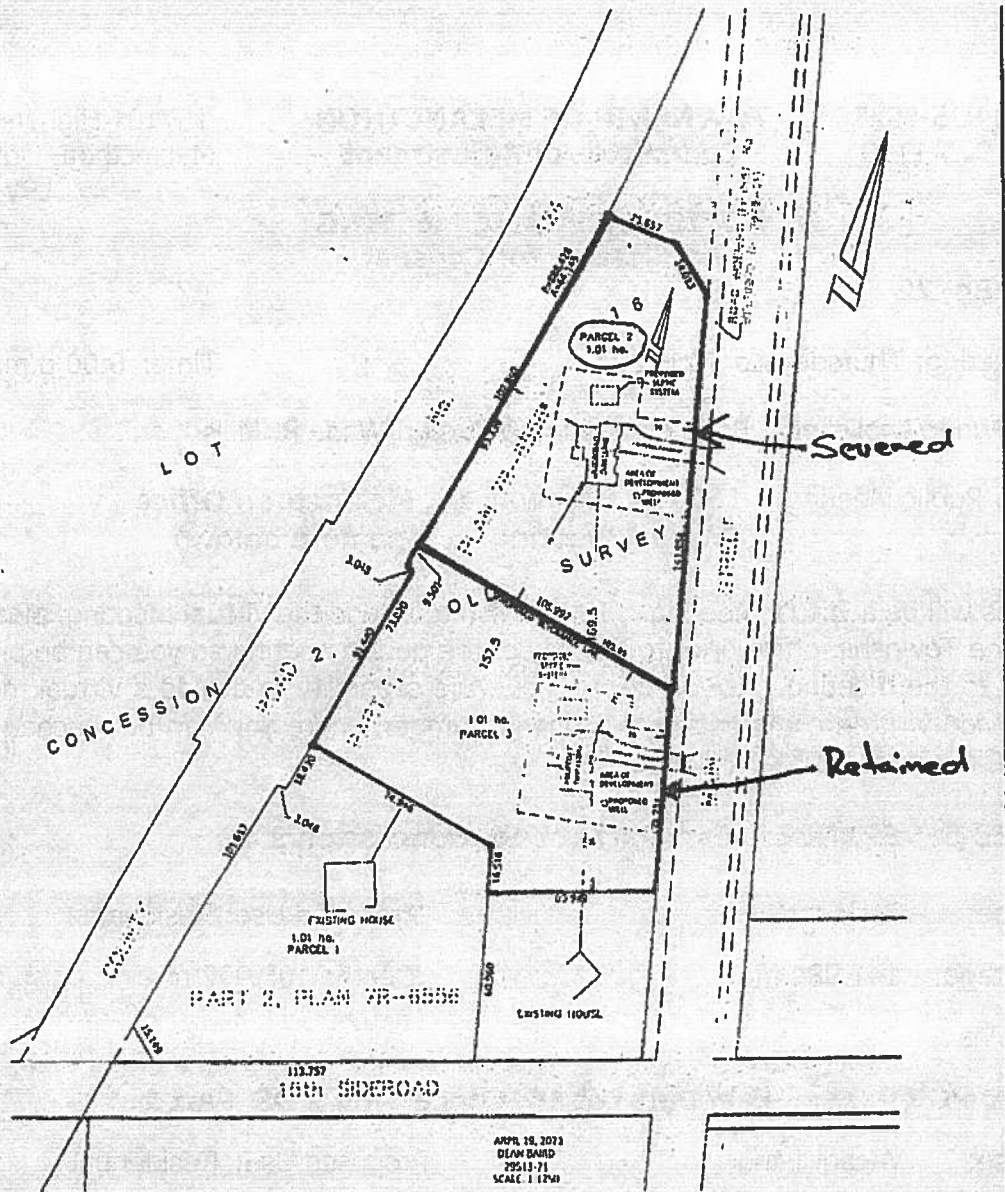
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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



The application would result in the creation of one new lot having a lot area of 1 hectare and a frontage on Main Street of 141 metres. The retained lot would also have a lot area of 1 hectare and a frontage on Main Street of approximately 74 metres.

GROWTH PLAN FOR THE GREATER GOLDEN HORSEHOE (GPGGH)

The subject lands are located in the Agricultural System as identified by the GPGGH. However, according to Section 4.2.6.8 of the GPGGH, the Agricultural System mapping is not applicable until the County of Dufferin updates its official plan to implement the GPGGH agricultural system mapping and in the meantime the land use designations in effect on July 1, 2017 shall apply.

PROVINCIAL POLICY STATEMENT (2020)

The lands subject to the application constitute "rural lands" as defined by the PPS.

Section 1.1.5.2 of the PPS establishes that, "residential development, including lot creation, that is locally appropriate," is a permitted use for rural lands.

The PPS includes additional policies aimed at ensuring new development can be appropriately serviced and will not adversely impact natural features and functions.

TOWNSHIP OFFICIAL PLAN

The lands subject to the proposed severance are designated Rural.

Section 5.3.3 (e) of the Official Plan permits the creation of new lots through residential infilling providing the new lot is compliant with the policy definition of "residential infilling".

The salient aspect of the residential infill policy as it relates to this proposal is provided below:

...the creation of a new residential lot from parts of one or more similarly sized abutting residential lots containing dwellings that are a maximum of 200 metres apart and there is sufficient lot area for the severed and retained lots.

Section 7.2 of the Plan establishes a number of general criteria that apply in the consideration of consent applications. Criteria which have applicability to this application include:

- The severed and retained lot shall comply with the official plan and zoning by-law;
- That the soil and drainage conditions are suitable for development, an on-site sewage disposal system and water supply;
- Infilling is a preferred form of lot creation;
- Severed and retained lands have frontage on a public road built to municipal standards;

- The size and dimension of the lots should be suitable for the proposed use;
- The creation of new lots shall be prohibited in flooding and erosion hazard limits;
- Lot creation shall comply with the provision with the natural heritage and environmental conservation policies of the Plan.

PLANNING ACT

Section 51(24) of the Planning Act sets out the following criteria when considering a draft plan of subdivision, including the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*
- (d) *the suitability of the land for the purposes for which it is to be subdivided;*
- (d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*
- (e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*
- (f) *the dimensions and shapes of the proposed lots;*
- (g) *the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;*
- (h) *conservation of natural resources and flood control;*
- (i) *the adequacy of utilities and municipal services;*
- (j) *the adequacy of school sites;*
- (k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*
- (l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*
- (m) *the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

NIAGARA ESCARPMENT COMMISSION (NEC)

The lands are subject to the regulatory control of the NEC which requires a permit to create new lots by consent or plan of subdivision. On this basis, the applicant applied for and obtained NEC Development Permit Application M/R/2021-2022/591, which is attached at Appendix 1.

ANALYSIS

The severed and retained lots would have a lot area of approximately 1 hectare and the distance between the existing dwellings is approximately 170 metres, which addresses the official plan policy requirement.

RECOMMENDATION

If Council is in agreement with the analysis of this report, it is recommended that Council approve the application for consent subject to the standard conditions of approval.

Respectfully,



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. **B5/22**

Date of Meeting: Thursday April 21, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: Steven Belford/Joel D. Farber

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: Lots 5 & 6, Plan 332 (Vacant Land on 7th Line SW)

Existing Use: Vacant Land

Proposed Use: Residential

Road Frontage: 67.81 m

Depth: 73.97 m

Area: 1.174 acres (0.475 hectares)

RETAINED PORTION: Lots 3 & 4, Plan 332 (Vacant Land on 7th Line SW)

Existing Use: Vacant Land

Proposed Use: Residential

Road Frontage: 65.97 m

Depth: 73.97 m

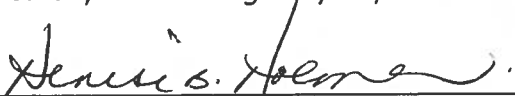
Area: 1.205 acres (0.487 hectares)

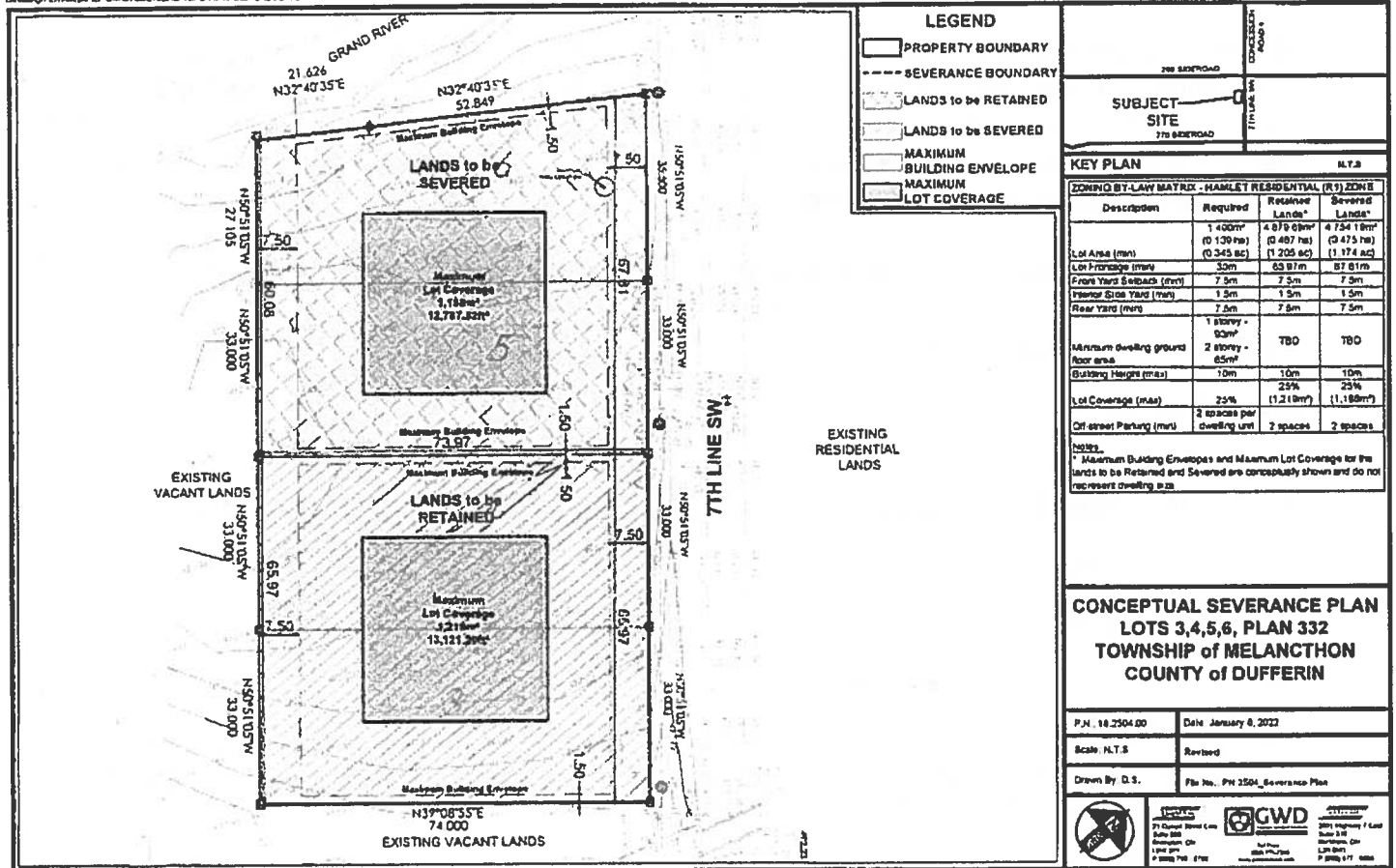
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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.

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Denise B. Holmes, Secretary-Treasurer



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. **B6/22**

Date of Meeting: Thursday April 21, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: Steven Belford/Joel D. Farber

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: Lot 32 & Part of Lot 33, Plan 332 (Vacant Land on 260 Sideroad)

Existing Use: Vacant Land

Proposed Use: Residential

Road Frontage: 46.50 m

Depth: 74.00 m

Area: 0.850 acres (0.344 hectares)

RETAINED PORTION: Part of Lot 33 & Lot 34, Plan 332 (Vacant Land on 260 Sideroad)

Existing Use: Vacant Land

Proposed Use: Residential

Road Frontage: 46.50 m

Depth: 74.00 m

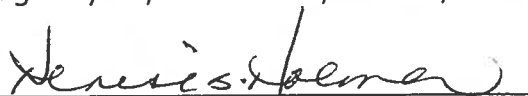
Area: 0.850 acres (0.344 hectares)

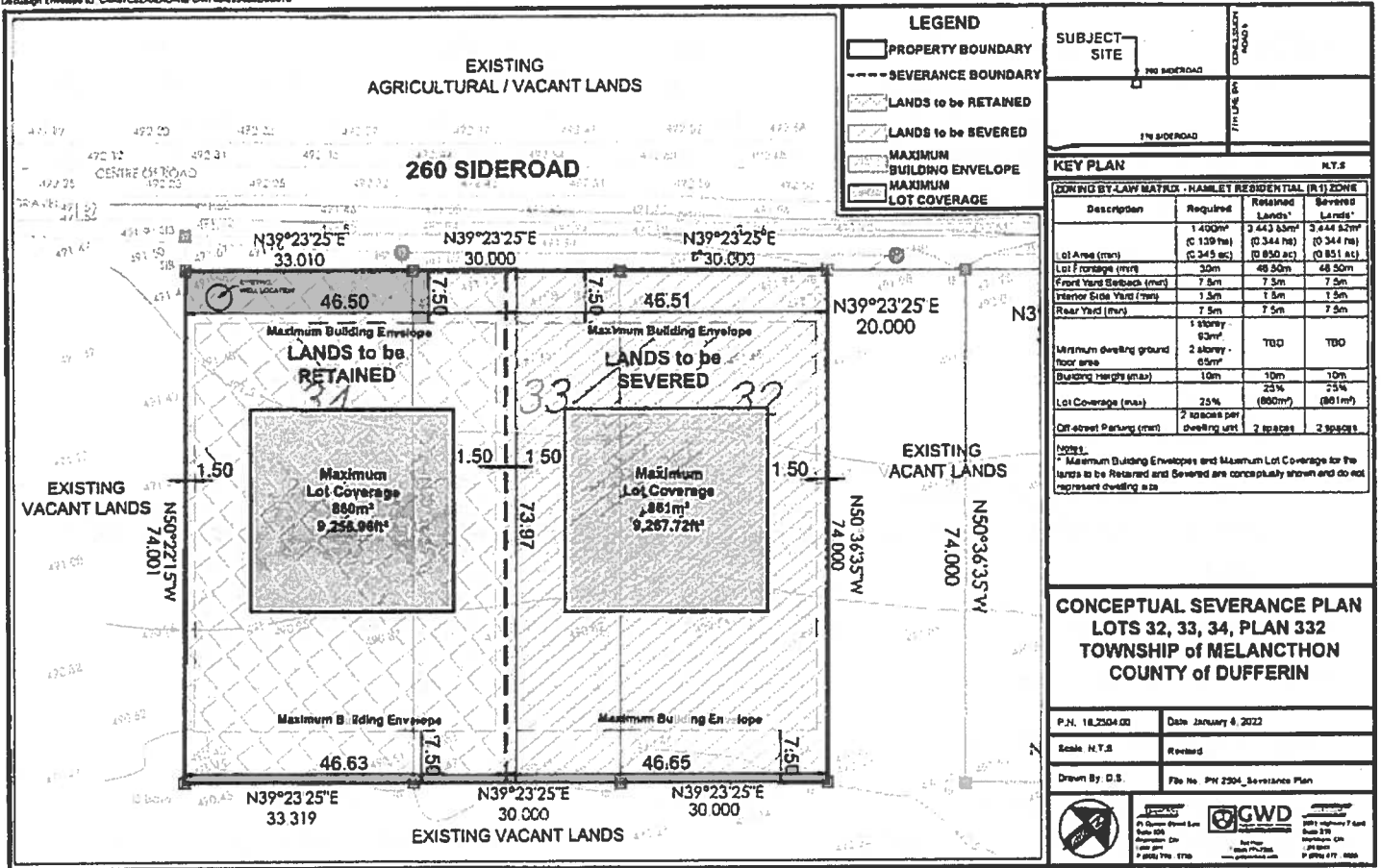
The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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.

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Denise B. Holmes, Secretary-Treasurer



• Municipal Planning Services Ltd. •

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: April 18, 2022
Re: Applications for Consent B5/22 and B6/22 (Belford)

BACKGROUND

The Township is in receipt of two applications for consent to create two new residential lots in the Riverview settlement area.

The parcels subject to the applications are currently vacant and are former lots in a registered plan of subdivision which was originally approved in 1991 and was deemed by by-law in 2017 to no longer be a plan of subdivision. A summary of the existing and proposed lot areas and frontages that would result from the approval of applications B5/22 and B6/22 is provided below:

B5/22 – Lots 3,4,5 and 6 Plan 332

Lot area:	0.962 ha
Lot frontage:	133.78 m
Severed lot area:	0.475 ha
Severed lot frontage:	67.81 m
Retained lot area:	0.487 ha
Retained lot frontage:	65.97 m

B6/22 - Lots 32, 33 and 34, Plan 332

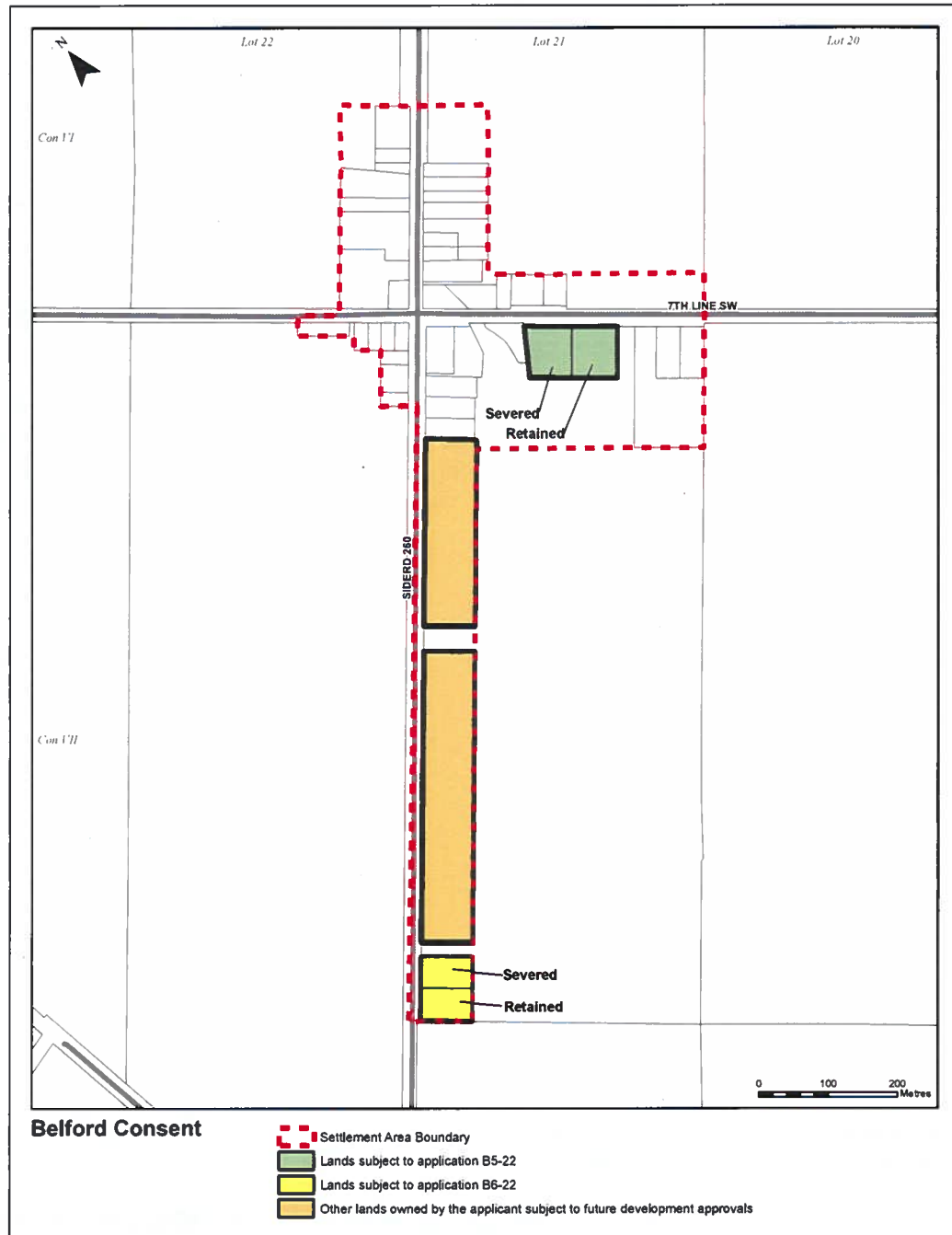
Lot area:	0.688 ha
Lot frontage:	93 m
Severed lot area:	0.344 ha
Severed lot frontage:	46.5 m
Retained lot area:	0.344 ha
Retained lot frontage:	46.5 m

The applicant also owns two other blocks of land on the 260 Sideroad which are also remnant parcels from the deemed plan of subdivision.

A map illustrating the location of the subject lands as well as the other lands owned by

the applicant is provided in Figure 1. In addition, sketches of the severed and retained lands are attached to this report at Appendix 1.

Figure 1 – Lands Subject to Consent Applications and Other Land Owned by the Applicant



PRE-CONSULTATION

I have had prior discussions and communication with the owner's representatives with respect to the development of the subject lands. The development proposal has gone through some iterations and has been reduced from an original proposal of 18 lots to 11 lots on the basis of a full build-out. In my pre-consultation memo to the applicant's planning consultant it was recommended that a site plan, a hydrogeological study, a flood line study and an environmental impact study should accompany applications to re-subdivide the lands on the basis of a full build-out.

Through a subsequent discussion with the owner, it was discussed that if they wish to proceed with preliminary consent applications for the smaller parcels, the more substantive technical studies would not be required and conditions of consent could be established to address technical issues. Notwithstanding, the more substantive technical studies would still be recommended as a complete application requirement at the time that consent applications are submitted for the larger development parcels.

The applications were accompanied by two planning justifications reports which concluded the applications conformed with governing planning documents, that the sites are ideal candidates for residential infill and are good planning.

GROWTH PLAN FOR THE GREATER GOLDEN HORSEHOE (GPGGH)

The subject lands are located in a "rural settlement" as defined by the GPGGH, which are defined in part as:

"Existing hamlets or similar existing small settlement areas that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth..."

Section 2.2.1 2 b) i) states, that "growth will be limited in settlement areas that are rural settlements".

PROVINCIAL POLICY STATEMENT (2020)

The lands proposed for residential lot creation are located in a "settlement area" as defined by the PPS.

Section 1.1.3.1 of the PPS establishes that, "Settlement areas shall be the focus of growth and development".

The PPS includes additional policies aimed at ensuring new development can be appropriately serviced and will not adversely impact natural features and functions.

OFFICIAL PLAN

The subject lands are designated Community in the Township's Official Plan. Section 5.7.1 (b) of the Official Plan permits "residential intensification" within the Community designation, which is defined to include "residential infilling" which is defined by the Official Plan as, "...within a Community designation, new housing or lot creation on vacant or underutilized land....

Section 3.1.2 of the Official Plan addresses growth accommodation and intensification in communities. Section 3.1.2 (a) indicates that Riverview will accommodate small amounts of new residential development.

Section 5.7.2 (g) of the Official Plan allows for the creation of new lots for permitted uses within the built community by land severance up to a maximum of five new lots. The Official Plan also establishes a number of criteria for residential intensification proposals and the salient criteria applicable to this proposal include:

- Sufficient off-street parking and amenity areas;
- Intensification may occur in the form of land severances in the form of infilling; and,
- Shall be permitted only where the required servicing can be provided in compliance with the standards of all approval agencies.

Section 6.2 (b) of the Official Plan establishes that transportation and land use consideration shall be integrated throughout the planning process. Section 6.2.7 (f) indicates that development proposal will be circulated to the appropriate road approval authority prior to any decision being made on an application.

Section 7.2 of the Plan establishes a number of general criteria that apply in the consideration of consent applications. Criteria which have applicability to this application include:

- The severed and retained lot shall comply with the official plan and zoning by-law;
- That the soil and drainage conditions are suitable for development, an on-site sewage disposal system and water supply;
- Infilling is a preferred form of lot creation;
- Severed and retained lands have frontage on a public road built to municipal standards;
- The size and dimension of the lots should be suitable for the proposed use;
- The creation of new lots shall be prohibited in flooding and erosion hazard limits;
- Lot creation shall comply with the provision with the natural heritage and environmental conservation policies of the Plan.

PLANNING ACT

Section 51(24) of the Planning Act sets out the following criteria when considering a draft plan of subdivision, including the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

ZONING BY-LAW

The subject lands are currently zoned Hamlet Residential (R1) as per Zoning By-law Amendment 6-1991. The severed and retained lots would comply with the zone regulations of the R1 Zone.

ANALYSIS

The proposed consent applications are consistent with the GPGGH and the PPS.

In my opinion the applications for consent constitute residential infilling in the settlement of Riverview and therefore address this primary policy requirement of the Township's Official Plan.

With respect to the technical criteria noted in the official plan that relates to septic and water servicing, it is a standard condition of consent that the applicant obtain confirmation that the lot can support a septic system from the County of Dufferin Building Department. On the issue of a water supply a consent agreement can be utilized as a condition of consent that would require the installation of a drilled well compliant with Provincial standards prior to the issuance of a building permit. It will also be recommended that the consent agreement also require that a lot grading plan also be a submission requirement at the time of a future building permit.

On the issue of the suitability of the roads to support residential lot creation the proposal was previously circulated to the Township's Roads Sub-Committee who conducted a site visit of Sideroad 260 with the Roads Manager and determined that road upgrades and ditching would be necessary to accommodate better drainage, future entrances and traffic generated by new building lots. This recommendation was referred to the Township's engineering consultant who assessed the issue and prepared a technical memo attached at Appendix 2 summarizing recommended road and ditching work and cost-sharing for such work. It will be recommended that the recommended cost-share be collected as a condition of consent to address the severed and retained lots proposed on Sideroad 260 as well as future development.

CONCLUSION

1. The applications conform with Provincial Policy and the Township's Official Plan; and,
2. Conditions of consent can be established to address technical matters related to septic and water servicing, road upgrades, ditching and lot grading.

RECOMMENDATION

It is recommended that applications B5/22 and B6/22 be approved subject to the standard conditions and an additional condition which would require the owner to enter into a consent agreement requiring the installation of a well and the submission of a lot grading plan for review by the Municipality prior to the issuance of a building permit.

And furthermore the following additional conditions are recommended for application B6/22 to implement the recommendations of the Township's consulting engineer:

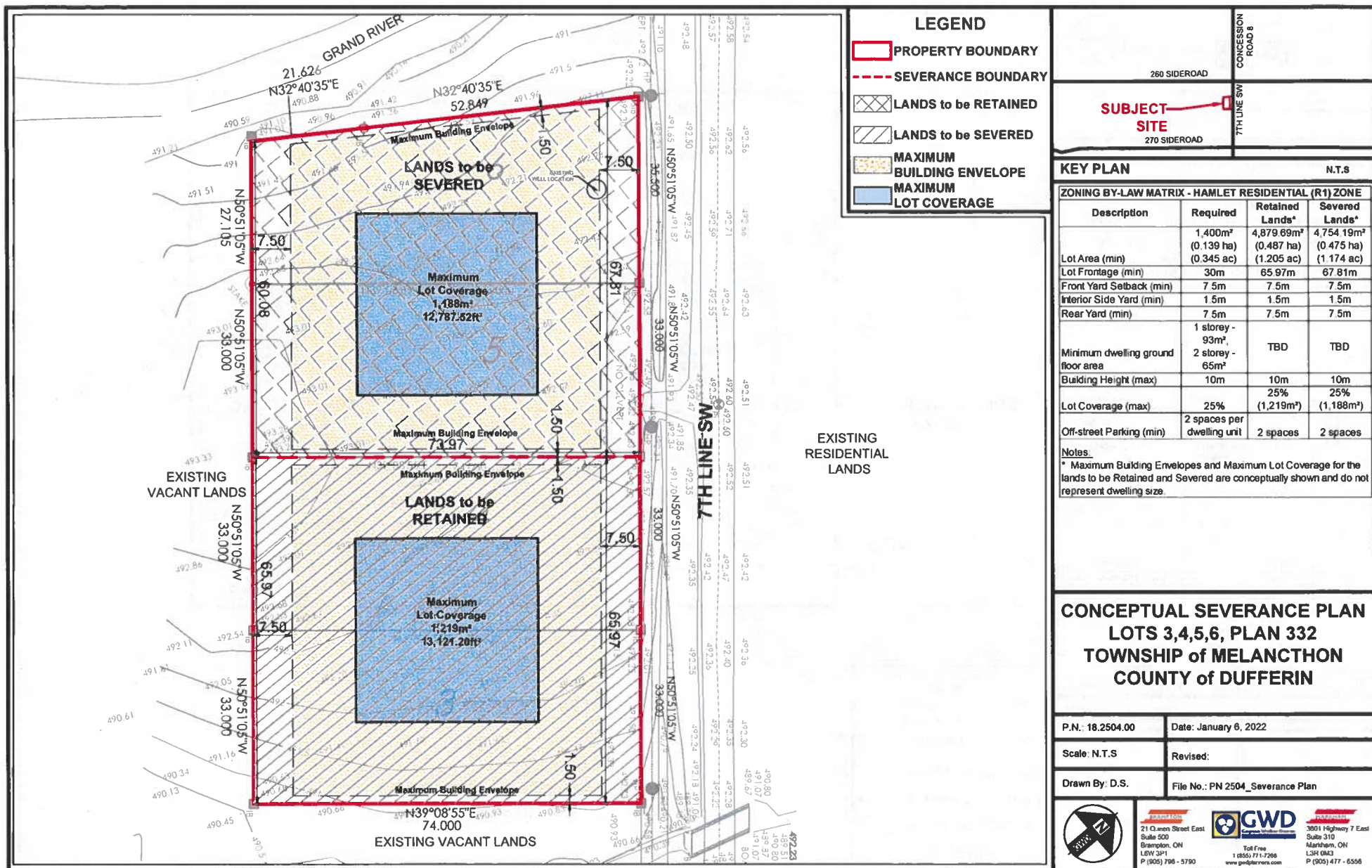
1. That the Township shall be paid a contribution toward required upgrades to the 260 Sideroad in the amount of \$100,000 CAD; and,
2. That the Township be paid an entrance fee of \$5,538 CAD for the severed lot and \$5.538 CAD for the retained lot.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Chris Jones', written over a faint, illegible stamp.

Chris Jones MCIP, RPP

•Appendix 1•



•Appendix 2•



April 8, 2022

Via: Email

Denise Holmes
Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

Dear Denise:

**Re: Riverview Development
Project No.: 300055207.0000**

The purpose of this letter is to provide discussion material to assess road upgrades that are needed to support the proposed development at Riverview. Currently the total expected lot yield remains unknown. The lands front onto both the 7th Line and 260 Sideroad, but the 7th Line is included in the Township's Development Charges while 260 Sideroad is not. This letter therefore focuses only on 260 Sideroad.

History - The subject lands advanced through the development process 30 years ago, reaching the stage of a signed subdivision agreement but never advancing to construction. There were 17 lots approved with frontage on 260 Sideroad. In signing the Subdivision Agreement the developer had agreed to upgrades on 260 Sideroad which including ditching, road reconstruction, paving, streetlighting and full reconstruction. The work was estimated to cost \$282,700. To find a rough indicator of present value I went to the internet and found that number would adjust to about \$500,000 in current dollars.

(<https://www.inflationtool.com/canadian-dollar/1991-to-present-value>)

Objective - The Township recognizes that the external road costs may have been a contributing factor to the historic subdivision not advancing. It also recognizes that the decline in lot yield not only reduces the stress on the Township Road system, but also reduces the ability to pay for improvements. Still, the condition of the sideroad is poor but tolerable because there are no houses fronting onto it. Any development of the site will bring new residents who are likely to demand road improvements. The Township Roads Committee has therefore asked for recommendations of a more modest road improvement that will bring the road up to a tolerable standard at a cost that is less than previously agreed upon.

Response - The Township's Public Works Superintendent monitored the road over the past few weeks to assess the spring thaw, where breakup is typically a problem. He met on site with Demmans Excavating Inc, who have worked on similar projects with the Township in the past. The scope of work was defined to include rebuilding the gravel road, but not paving. There were no streetlights or other upgrades included. The quotation included the following:

- Road work - \$89,900 to supply, place and compact gravel

- Contingency of \$1,550 per day for digging out bad spots. I think it is reasonable to assume 5 days for this, totaling \$7,750
- Cost could reduce if closer disposal site is found, but could increase if fuel prices go up
- Ditching - \$33,250
 - Cost could reduce if closer disposal site is found, but could increase if fuel prices go up
- Driveway Entrance and Culvert - \$5,538 per entrance
 - We note that driveway entrances are typically completed by the lot owner as a condition of severance. This quote was obtained for the possibility of having the developer install a driveway entrance at the same time as the ditching and roadworks are being done. This may provide efficiency and cost savings. Any authorization for driveway entrances to be constructed would involve the lot owner(s) making direct arrangements with the Township's contractor (Demman's Excavating).

We have reviewed these prices and found them to be reasonable. It should be noted that HST is not included.

The total cost of road work and ditching (excluding driveway entrances) is \$130,900. We note however that the length of road contained in the estimates is 1.3 kilometers, while the historic Subdivision Agreement only required a length of 1.0 kilometers. This is because the previous roadwork ended at the west end of the subdivision, while the current estimate extends beyond the development lands to the Southgate Townline. While there is some validity to new houses traveling west from time to time, the majority of traffic is expected to be easterly and it seems reasonable to limit the developer's contribution to a length of 1.0 kilometer, as previously established. This would limit the developers' contribution to \$100,000 and would oblige the Township to the remaining \$30,900. As noted on the estimates the Township has opportunity to contribute to the project by supplying trucking so that the Township's portion does not necessarily have to be paid as cash.

Recommendation - It is recommended that the developer be required to post \$100,000 with the Township as a contribution towards upgrading 260 Sideroad, making it suitable for lot frontages. In addition, the developer should pay \$5,538 for each entrance that can be constructed at the same time as the road works. Entrances constructed later will cost more. And the Township should make arrangements to pay approximately \$30,900 for the roadworks, either in cash or in the contribution of trucking.

Please let me know if further explanation is required.

Yours truly,

R.J. Burnside & Associates Limited



Gord Feniak

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. **B7/22**

Date of Meeting: Thursday April 21, 2022

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 7, Part of Parcel 7, Con 2 OS
(Severance 5 on attached sketch)

Existing Use:	Vacant/Rural	Proposed Use:	Rural Residential
Road Frontage:	60 m	Depth:	183 m
Area:	1.1 ha		

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

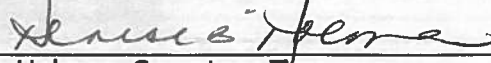
Existing Use:	Rural Residential/Vacant	Proposed Use:	Rural Residential/Vacant
Road Frontage:	56 m	Depth:	670 m
Area:	18.8 ha		

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. Severance 1 (B5/21), Severance 2 (B6/21) and Severance 3 (B7/21) as shown on the attached plan were previously approved on November 18, 2021.

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



SITE PLAN

**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



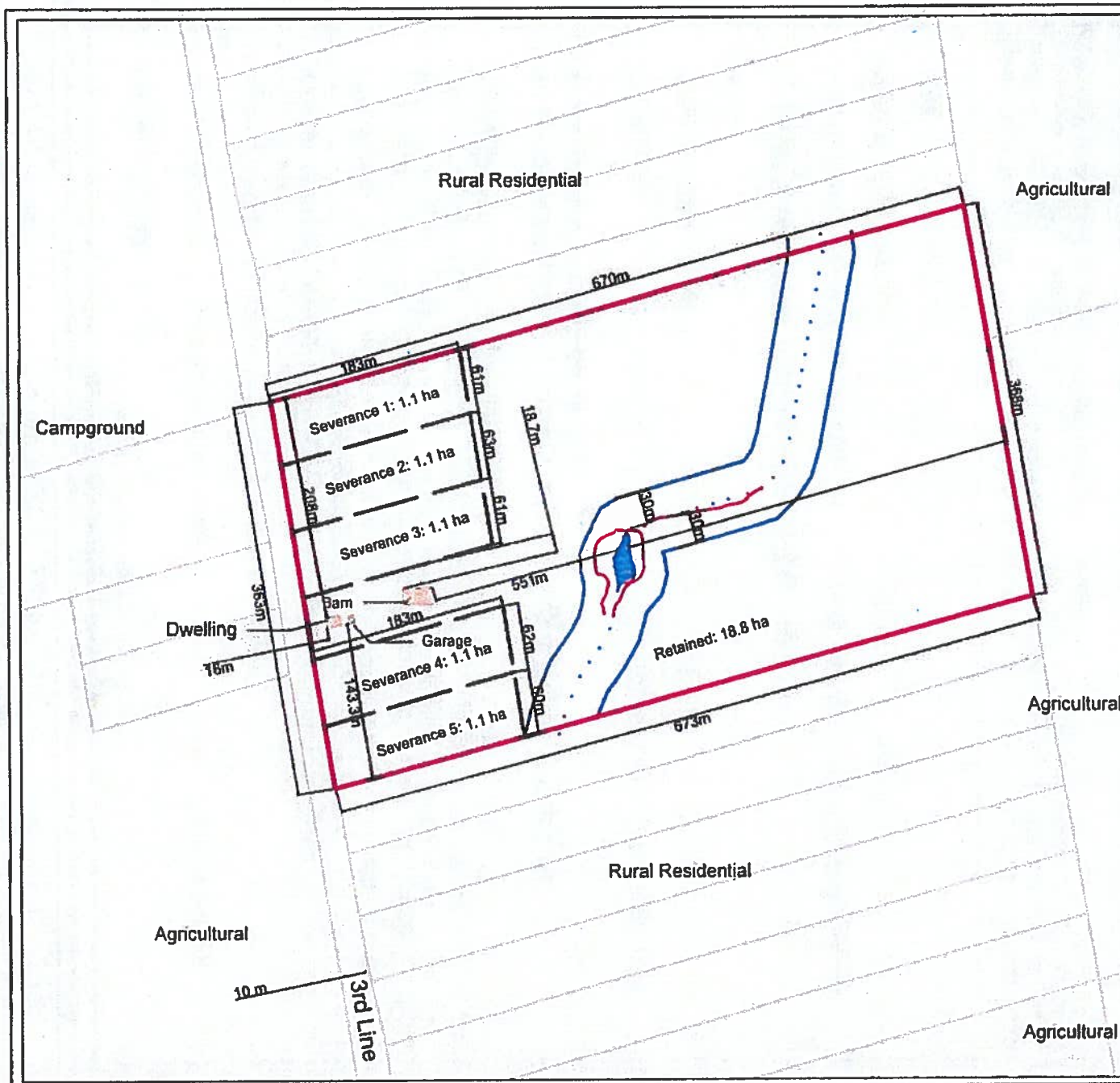
Parcel Dimensions

	Severed		Retained	
Severance 1 of LOT 8 PCL 12	Footage: 61 m	Area: 1.1 ha	Footage: 202 m	Area: 23.3 ha
Severance 2 of LOT 8 PCL 11	Footage: 63 m	Area: 1.1 ha	Footage: 238 m	Area: 23.1 ha
Severance 3 of LOT 7 PCL 10	Footage: 61 m	Area: 1.1 ha	Footage: 176 m	Area: 21 ha
Severance 4 of LOT 7 PCL 9	Footage: 63 m	Area: 1.1 ha	Footage: 116 m	Area: 19.9 ha
Severance 5 of LOT 7 PCL 7	Footage: 60 m	Area: 1.1 ha	Footage: 98 m	Area: 18.8 ha



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Drawn By:	V. Muhunthan	Date Printed:	March 4, 2022
File No:	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. **B8/22**

Date of Meeting: Thursday April 21, 2022

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 8, Con 2 OS
(Severance 4 on attached sketch)

Existing Use: Vacant/Rural

Proposed Use: Rural Residential

Road Frontage: 62 m

Depth: 183 m

Area: 1.1 ha

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

Existing Use: Rural Residential/Vacant

Proposed Use: Rural Residential/Vacant

Road Frontage: 56 m

Depth: 670 m


Area: 19.9 ha

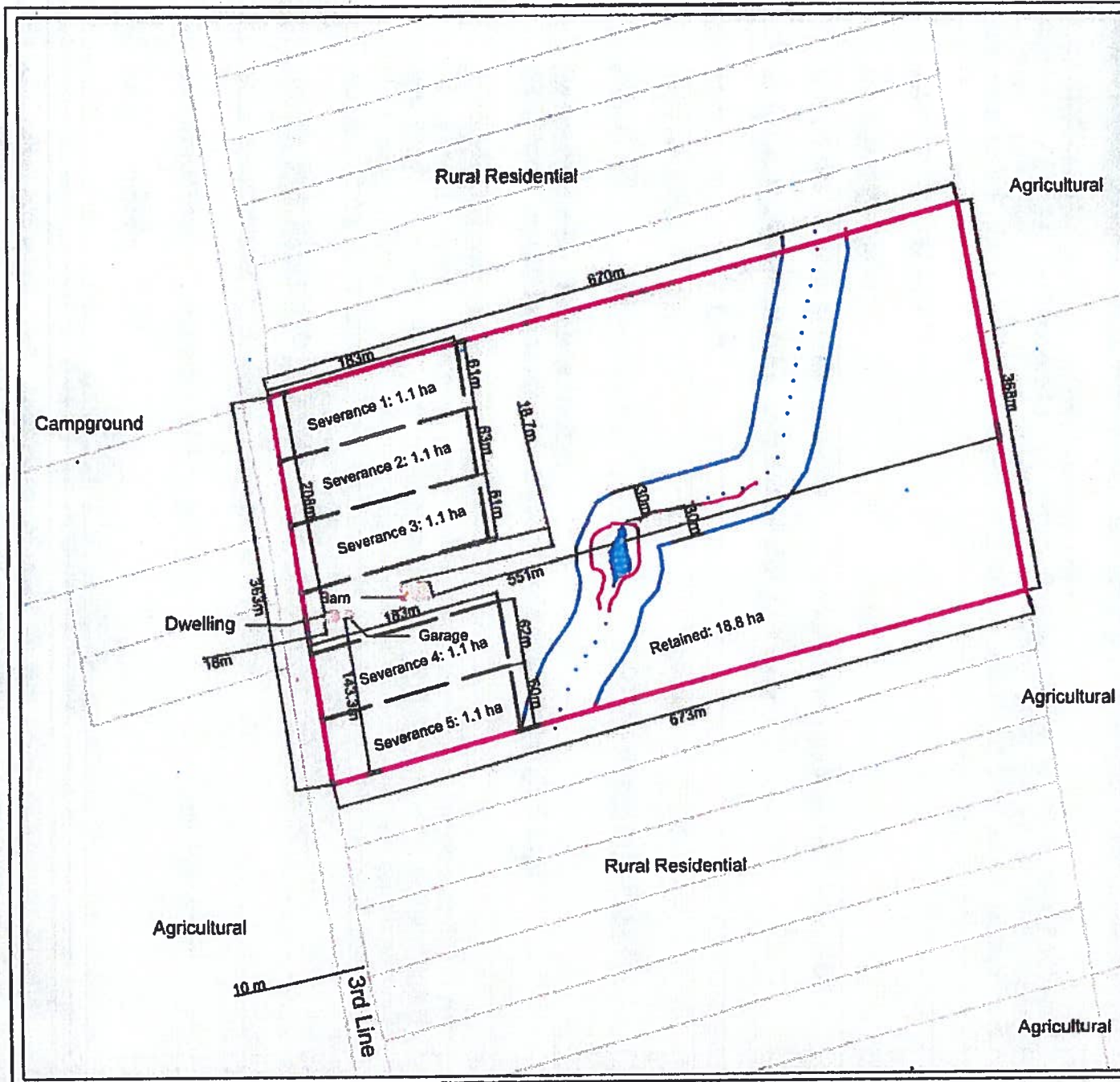
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Denise B. Holmes, Secretary-Treasurer



SITE PLAN

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
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Parcel Dimensions

	Severed		Retained	
	Perimeter	Area	Perimeter	Area
Severance 1 of LOT 8 PCL 12	61 m	1.1 ha	355 m	22.2 ha
Severance 2 of LOT 8 PCL 11	63 m	1.1 ha	357 m	22.1 ha
Severance 3 of LOT 7 PCL 10	61 m	1.1 ha	355 m	21 ha
Severance 4 of LOT 7 PCL 9	62 m	1.1 ha	356 m	21.9 ha
Severance 5 of LOT 7 PCL 7	60 m	1.1 ha	354 m	20.8 ha

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

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Drawn By:	V. Muhunthan	Drawn By:	March 4, 2022
Drawn No.:	21827	Drawn No.:	Gholra

• Municipal Planning Services Ltd. •

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO
From: Chris Jones MCIP, RPP
Date: April 18, 2022
Re: Consent Applications B7 and B8/22 – West Part Lots 7 & 8, Concession 2 O.S.

BACKGROUND

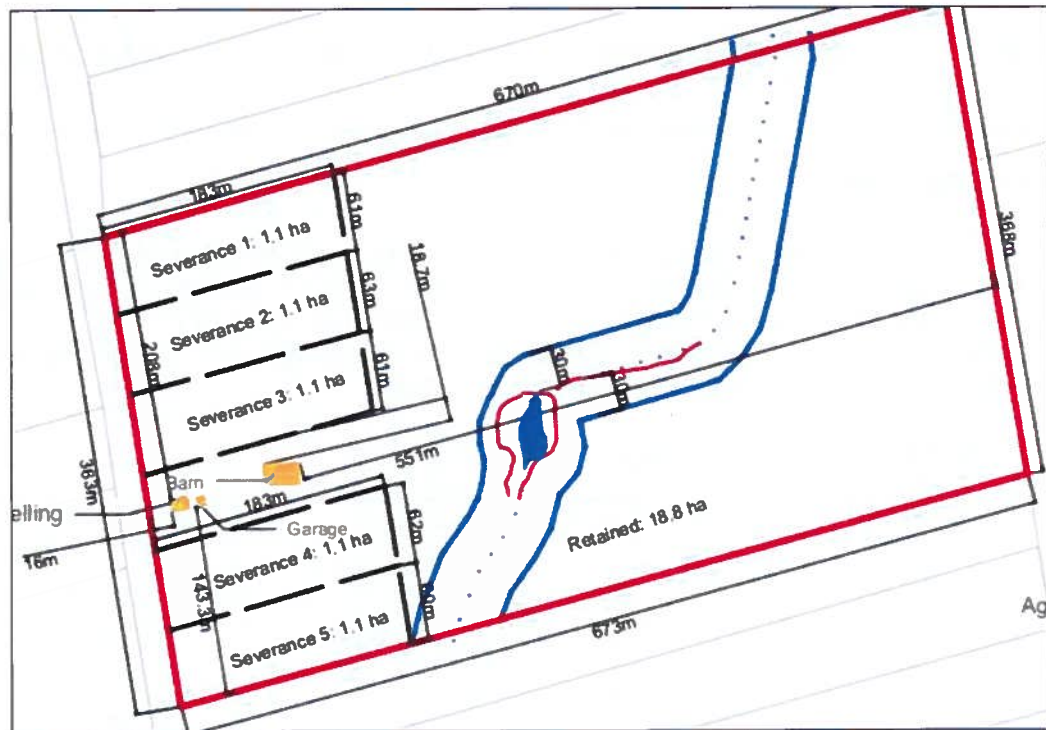
The Township is in receipt of two applications for consent for lands located in the West Part of Lots 7 and 8, Concession 2 O.S. The subject lands have a lot area of 21 hectares (52 acres), a road frontage of 210 metres (689 feet) and are currently occupied by a detached dwelling and several accessory 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 two rural residential lots identified in Figure 2 as Severance 4 and 5. Each of the proposed lots would have a lot area of 1.1 ha (2.7 acres) and a frontage along 3rd Line of approximately 70 metres. The retained lot would have a lot area of 18.8 hectares (46.5 acres) and a road frontage of approximately 70 metres.

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.*

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.

As Council is aware, the applicant has previously submitted applications for lots 1, 2 and 3 as illustrated on Figure 2 and these were approved in 2021.

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 precludes 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.

PLANNING ACT

Section 51(24) of the Planning Act sets out the following criteria when considering a draft plan of subdivision, including the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;*
- (c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

- (d) the suitability of the land for the purposes for which it is to be subdivided;
- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- (e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) the dimensions and shapes of the proposed lots;
- (g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;
- (j) the adequacy of school sites;
- (k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

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 it is noted that the Planning Act was recently amended to allow the recreation of lands which inadvertently merge in title.

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