



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT ELECTRONIC MEETING
THURSDAY, SEPTEMBER 15, 2022 - 6:00 P.M.**

Join Zoom Meeting

<https://us02web.zoom.us/j/82350837807?pwd=Yk5sdDJ1aUE2Z21Fcy9SWGY4REcxZz09>

Meeting ID: 823 5083 7807

Passcode: 377446

One tap mobile

+12042727920,,82350837807#,,,,*377446# Canada

+14388097799,,82350837807#,,,,*377446# 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: 823 5083 7807

Passcode: 377446

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 – April 21, 2022**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 1. B9/22 Lot 1, Concession 4 OS, Parts 1 & 2 (Leo & Alice Blydorp)
- 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. **B9-2022**

Date of Meeting: September 15, 2022

Time: 6:00 p.m.

Name of Owner/Applicant: Leo & Alice Blydorp

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 Lot 1, Concession 4 OS, Part 1

Existing Use: Agriculture

Proposed Use: Agriculture

Road Frontage: 622.65 metres

Depth: 556.01 metres

Area: 91.17 Acres (36.8966 ha)

RETAINED PORTION: West Part of Lot 1, Concession 4 OS, Part 2

Existing Use: Agriculture

Proposed Use: Agriculture

Road Frontage: 738.95 metres

Depth: 556.01 metres

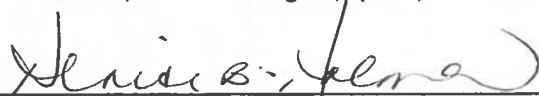
Area: 97.45 Acres (39.4365 ha)

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

PLAN OF SURVEY OF
 PART OF LOT 1,
 CONCESSION 4, OLD SURVEY
 TOWNSHIP OF MELANCTHON
 COUNTY OF DUFFERIN

SCALE 1:2000
 GEOMETRIC DESIGN, O.L.S. - 1998

INST MF 18353

LOT 2, CONCESSION 4, OLD SURVEY

Retained

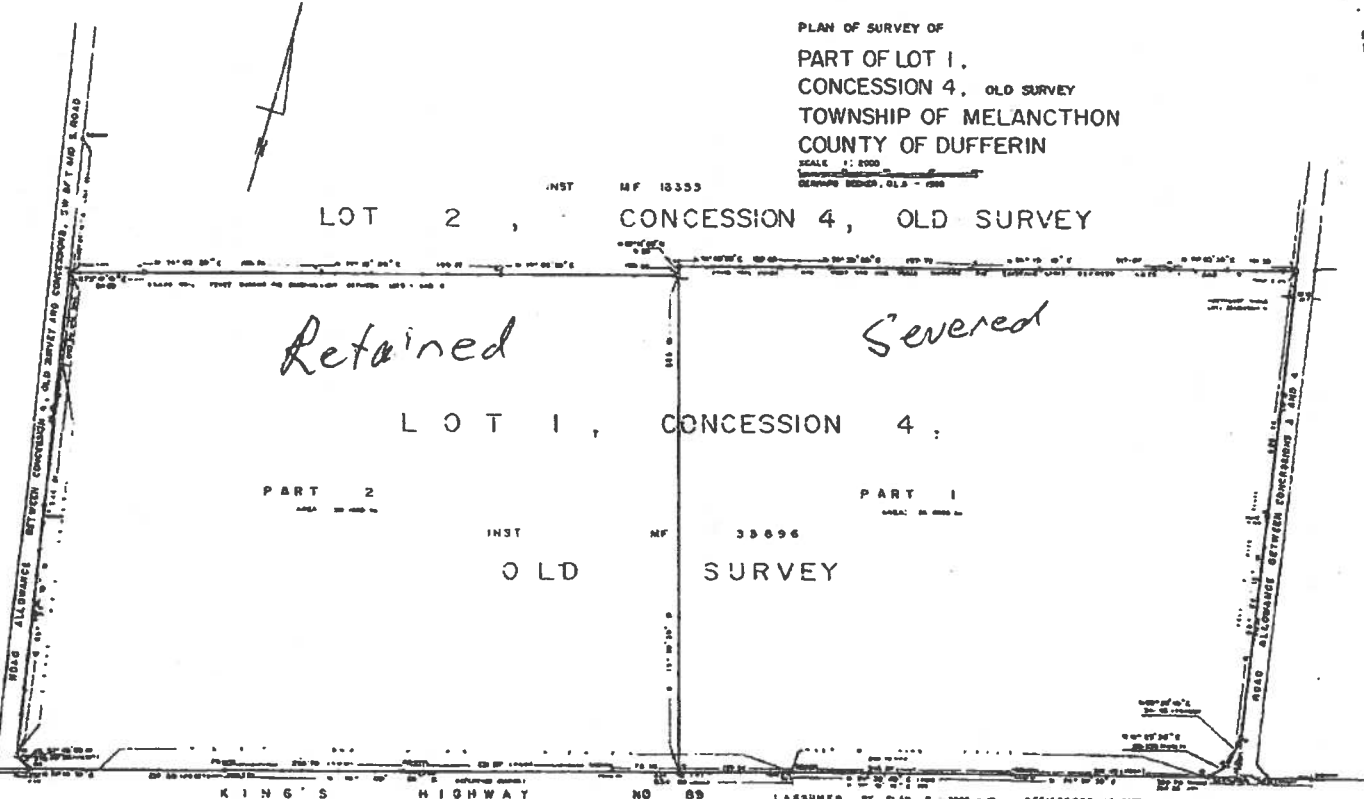
Severed

LOT 1, CONCESSION 4,

PART 2
 AREA: 10 140 14

PART 1
 AREA: 20 000 14

INST MF 35696
 OLD SURVEY



KING'S HIGHWAY NO 89 ASSUMED BY PLAN P 8006-10, REGISTERED AS INST MAP 13823

PROPERTY OF THE REGISTRAR'S OFFICE

PLAN 78-3817

DATE: 2004.04.14

PREPARED BY: O. Becker

REGISTERED BY: J. P. Hall

SCHEDULE OF FEES

NO.	DESCRIPTION	AMOUNT
1	PLAN	100.00
2	FIELD WORK	100.00

NOTE: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT

SURVEYOR'S CERTIFICATE

I, O. Becker, do hereby certify that this plan is a true and correct copy of the original plan as shown to me by the client and that the same has been registered in accordance with the provisions of the Act.

DATE: 2004.04.14

O. Becker
 SURVEYOR

NOTES

1. THE PLAN IS ASSUMED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS SHOWN TO ME BY THE CLIENT AND THAT THE SAME HAS BEEN REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF THE ACT.

2. THE PLAN IS ASSUMED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS SHOWN TO ME BY THE CLIENT AND THAT THE SAME HAS BEEN REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF THE ACT.

3. THE PLAN IS ASSUMED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PLAN AS SHOWN TO ME BY THE CLIENT AND THAT THE SAME HAS BEEN REGISTERED IN ACCORDANCE WITH THE PROVISIONS OF THE ACT.

GBS

O. BECKER SURVEYING LTD.

100 KING STREET WEST
 TORONTO, ONTARIO M5X 1C5
 TEL: (416) 593-1111
 FAX: (416) 593-1112
 WWW: www.obl.com



Subject: Planning Report – B9-2022 – 505083 Highway 89

Department: Planning

Meeting Date: 2022-09-01

Recommendations

That Planning Report – B9-2022 – 505083 Highway 89 be received;

And that Consent Application B9-2022, be approved, subject to the following conditions:

- That a registerable description (deed) of the Severed Lot and any required rights-of-way be submitted to the Township/Treasurer along with a registered copy of the reference plan;
- That confirmation be received that the Grand River Conservation Authority and Nottawasaga Valley Conservation Authority are satisfied with the proposal and that any problems identified be corrected and/or any studies recommended be completed; and
- That an application for an Official Plan Amendment be submitted if addressing the comments from the concerned authorities results in a parcel less than 40 hectares in size.

Introduction

Legal Description: Part of Lot 1, Concession 4, Parts 1 and 2, Plan 7R-2817

Municipal Address: 505083 Highway 89

Applicant(s): Lea Blydorp

Official Plan Designation: Agricultural and Environmental Protection

Zoning (By-law 12-1979): Agricultural (A1) Zone

Purpose: The applicant is applying for consent to sever a parcel of land to create one new lot abutting Provincial Highway 89.

Background

The applicant, Lea Blydorp has submitted an application to sever a parcel of land which has an approximate area of 76.3 hectares (188.54 acres). The subject property is zoned Agricultural (A1) Zone according to the Township’s Zoning By-law 12-1979, as amended. The subject lands are designated Agricultural and Environmental Protection in the Township’s Official Plan. The subject lands abut the Provincial Highway 89 and 4th Line and consist of a grain bin, grain dryer and an electrical building.

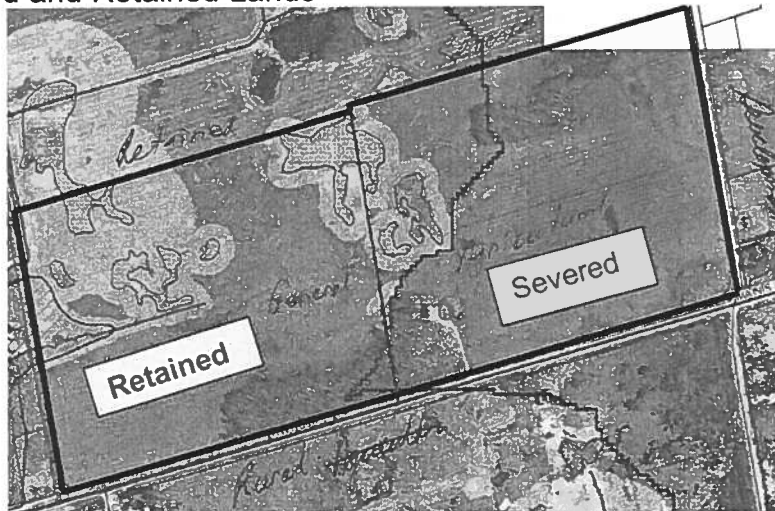
The purpose of the application is to sever the subject lands in the manner illustrated in Figure 1. The proposed severed parcel has an approximate area of 36.9 hectares and an approximate lot frontage on Provincial Highway 89 of 622.65 metres. The retained parcel of land has a frontage on Provincial Highway 89 of 738.96 m metres and an approximate area of 39.43 hectares

Table 1: Lot Creation Details

Lot	Property Characteristics	Existing	Resultant	Requirement
Severed	Lot Frontage	1361.6 m ¹	622.65 m	150 m - (Township Zoning By-law 12-1979, as amended)
	Lot Area	76.3	36.9 ha.	
Retained	Lot Frontage	-	738.96 m	40 ha. – (Township Official Plan)
	Lot Area	-	39.43 ha.	

¹Please note frontage amount are approximate.

Figure 1: Severd and Retained Lands



Planning Analysis

Provincial Policy Statement 2020 (PPS)

The subject lands are located in the prime agricultural areas.

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.

The proposed consent application is generally consistent with the policies of the Provincial Policy Statement 2020.

Growth Plan for the Greater Golden Horseshoe

The western portion of the subject lands is within the Growth Plan for the Greater Golden Horseshoe. Section 4.2.3 of the Growth Plan for the Greater Golden Horseshoe states:

Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System for the Growth Plan or in key hydrologic features, except for.

- a) *forest, fish, and wildlife management;*
- b) *conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternatives have been considered;*
- c) *activities that create or maintain infrastructure authorized under an environmental assessment process;*
- d) *mineral aggregate operations and wayside pits and quarries;*
- e) *expansions to existing buildings and structures, accessory structures and uses, and conversions of legally existing uses which bring the use more into conformity with this Plan, subject to demonstration that the use does not expand into the key hydrologic feature or key natural heritage feature or vegetative protection zone unless there is no other alternative, in which case any expansion will be limited in scope and kept within close geographical proximity to the existing structure;*

The proposed consent application is generally generally conforms to the Growth Plan.

Nottawasaga Valley Conservation Authority (NVCA) and Grand River Conservation Authority (GRCA)

A portion of the subject lands is within the regulatory limits of NVCA and GRCA. The subject land is identified as being within the Provincially Significant Wetlands / Locally Significant and Unevaluated Wetlands. The Conservation Authorities act as the commenting agencies on consent applications with respect to Provincial interests. At the time of writing, comments from the Conservation Authorities were forthcoming, any comments received should be addressed.

The County Official Plan

The subject lands are designated prime agricultural areas. The County Official Plan identifies woodlands on the property and unevaluated wetlands adjacent to the property.

Section 4.2.5 (a) states:

Lot creation in the Agricultural Area will generally be discouraged and only permitted in accordance with provincial policy and the policies of the local municipal official plan. The minimum lot area of both the retained and severed lots will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.

Section 4.2.5 (b) states:

For 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 enough to maintain flexibility for future changes in the type or size of agricultural operations. For prime agricultural areas within the Greenbelt Plan Protected Countryside, the minimum lot size will be 40 hectares (100 acres).

Section 4.2.5 (d) states:

For agriculture-related uses, the lot created will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

Section 5.3.4 states:

Development and site alteration will not be permitted within or adjacent to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

Section 5.3.6 states:

Prior to development or site alteration within or adjacent to any unevaluated wetland an evaluation will be required to determine its significance. Development and site alteration will not be permitted within any unevaluated wetland or locally

or regionally significant wetland or adjacent land unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

The proposed consent application generally aligns with the stated objectives of the agricultural designation in the County Official Plan.

Township Official Plan

The lands subject to the proposed severance are currently designated Agricultural and Environmental Protection. The following policy excerpts from the Official Plan are especially relevant to this application:

Section 5.2.5 (b) (i) 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 help accommodation may be provided by a second dwelling unit within a detached dwelling as permitted under the policies of sections 5.2.1(c) and 3.12. Farm help accommodation may also be provided in a permanent bunkhouse type building within the farm building cluster but such building shall not be used as a permanent residence and the use shall be subject to the applicable sewage disposal and water supply regulations.

Section 5.2.5 (l) states:

Agricultural uses may continue within locally significant and unevaluated wetlands and such uses shall be encouraged to employ best management practices to protect and enhance wetland features.

Section 5.5.2 (g) (i) states:

Development, including the creation of new lots, may be permitted on adjacent lands (50m of unevaluated wetland) only if it will not have any negative impacts on the nearby natural heritage features and areas recognized by the application of the Environmental Conservation overlay designation, or their ecological function.

Section 5.5.2 (k) states:

Unevaluated wetlands shall be assessed for significance and for boundary delineation at the time of application for planning or building approvals involving such wetlands. The determination of the appropriate policies relating to development and site alteration will be based on the wetland's identified level of significance. A similar approach will be taken with regard to development on adjacent lands to unevaluated wetlands.

Section 7.2 (a) (xiv) states:

Lot creation is prohibited in provincially significant wetlands or the habitat of endangered species and threatened species. Lot creation in other natural heritage features and areas shall comply with the provisions of section 3.4.2 concerning the assessment of environmental impact to confirm that there will be no negative impacts on those features or areas.

Section 7.2 (a) (Viii) states:

Where it is proposed that a lot be created fronting on a provincial highway or County Road, approval will be considered only if the agency having jurisdiction over the road provides written confirmation that an access permit will be issued if approval is granted.

Section 3.4.2 (i) states:

Either a full or a scoped Environmental Impact Study will be required for developments or site alterations involving sites in and most sites adjacent to the Environmental Protection or environmental Conservation overlay designation, for new subdivisions in a Community designation, and for most developments in wellhead protection areas, in the vicinity of watercourses or in or near areas of high aquifer vulnerability as shown on Schedule E.

The proposed consent application generally confirms with the lot creation policies of Township's Official Plan.

Township Zoning By-law 12-1979, as amended

The property is zoned Agricultural (A1) Zone in the Township's Zoning By-law No. 12-1979, as amended. The A1 Zone permits a range of agricultural uses. The proposed consent will result in a new agricultural lot. No new buildings and structures are proposed at this time.

The proposed consent application, therefore, generally complies with the Township's Zoning By-law.

Cash-in-lieu of Parkland

Parkland dedication and the provisions of the Planning Act does not apply to this application.

Comments:

As of the date of writing this report, the Township awaits comments from the GRCA, NVCA, and other departments.

GENERAL ANALYSIS AND COMMENTS:

Township staff have no concerns with the approval of the application, subject to the recommended conditions of consent. In making this determination, staff have considered the following:

- This consent application generally complies with the policies of PPS 2020.
- The subject lands contain woodlands within and adjacent to the property. The lands are also identified to be within provincially Significant Wetlands / Locally Significant and Unevaluated Wetlands, Groundwater Recharge, and Low and Medium Aquifer Vulnerability. At the time of writing, the impact of the proposed severance on the natural features is not confirmed. A condition of consent approval has been recommended that the comments from the conservation authorities be addressed to ensure that there are no negative impacts on the natural features or areas.
- The Severed and Retained Lots are approximately the original survey lot size. The proposed severed parcel has an approximate area of 36.9 hectares. The resultant retained parcel of land has an approximate area of 39.43 hectares. The proposed lots appear to be large enough to support farm operations. However, if addressing the comments from the concerned authorities result in a parcel that is a bit less than 40 hectares, the application for an Official Plan Amendment be submitted to get relief from policies of Section 5.2.5 (b) of the Township Official Plan.
- Based on the information provided at the time of writing, there are two entrances from the highway into the subject lands. These entrances will provide access to both the retained and severed parcels.

Prepared By

Diksha Marwaha
Planning Coordinator, Township of Melancthon

Reviewd By

Silva Yousif
Planner, Township of Melancthon

Approved By

xxxxxxx
yyyyyyy, Township of Melancthon