



The Corporation of **THE TOWNSHIP OF MELANCTHON**
157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Website: www.melancthontownship.ca

Fax No. - (519) 925-1110

Email: info@melancthontownship.ca

Meeting Date: June 20, 2024

To: Mayor White and Members of Council

From: Silva Yousif – Senior Planner

Subject: Part Lot 241, Concession 1 NE – Official Plan Amendment Recommendation

Recommendation:

THAT Staff Report "Part Lot 241, Concession 1 NE – Official Plan Amendment Recommendation" be received; and

THAT Part Lot 241, Concession 1 NE – Official Plan Amendment be approved; and

THAT the By-law to adopt Official Plan Amendment (OPA 4), be passed; and

THAT Council direct Staff to bring forward a By-law for approval by County Council.

Background:

On behalf of Independent Old Order Mennonite Church (the "Owners"), MHBC Planning has submitted applications to amend the Township Official Plan and Zoning By-law. These amendments aim to allow the construction of a proposed meeting house and cemetery on the lands legally known as Part of Lot 241, Concession 1 NE in the Township of Melancthon (the "subject property"). This property is situated on 240 Sideroad and is identified as Assessment Number: 221900000502150 (see Attachment A for the Context Map).

Proposed Amendment

The proposed Site-Specific Official Plan Amendment aims to expand non-agricultural uses on the subject lands through site-specific provisions, allowing the construction of a meeting house and cemetery. A subsequent Zoning By-Law Amendment will be necessary to establish this expanded use, and a Site Plan will be required to enable construction on the site.



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Overview of the Property

The property is located outside the Settlement Area of Dundalk in Grey County, with a south-east frontage off 240 Sideroad, east of Highway 10 and west of 2nd Line NE. It is accessible via a gravel driveway from 240 Sideroad. The property currently includes a mobile trailer and four accessory structures/sheds, with the remaining area used for a small crop. The subject property covers approximately 1.17 hectares (2.9 acres) and has approximately 60 meters of frontage on 240 Sideroad.

Most recently, the property has served as a temporary residence with a mobile trailer. A portion of the eastern property lies within the regulated area of the Grand River Conservation Authority (GRCA). The rear of the property is adjacent to provincially significant wetlands, with a small portion of the wetlands extending onto the rear property line. The surrounding area features a mix of rural, agricultural, and environmental characteristics.

Pre-Application Consultation

Staff received a Pre-Consultation request in March 2023 and a joint virtual meeting was scheduled on April 18, 2023 with County Staff, Township Staff, and Township Engineering Consultant. At the meeting, further requirements were identified with regards to traffic volumes and peak times generated due to the form of transportation vehicle used by the Mennonite Community to ensure road safety and sufficient parking.

Staff received supporting documents listed below along with a Rezoning Application on February 26, 2024.

- A copy of the signed Application for the Township Official Plan Amendment;
- A copy of the signed Application for a Township Zoning By-law Amendment;
- A cheque representing the Application Fees;
- The Planning Justification Report (which includes the Agricultural Impact Assessment and Traffic Impact Assessment), prepared by MHBC;
- Functional Servicing and Stormwater Management Report prepared by GM BluePlan;
- Hydrogeological Investigation prepared by GM BluePlan;
- Grading Plan prepared by GM BluePlan;
- Environmental Impact Study prepared by SAAR Environmental;



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- Archaeological Assessment prepared by Detritus Consulting; and
- Site Plan.

A complete application and notice of public meeting were issued and circulated in May 2024.

Analysis

The *Planning Act* & PPS 2020

The subject property is part of the broader provincial agricultural system. Land uses such as agriculture, agriculture-related activities, and on-farm diversified uses are allowed. Despite its current non-agricultural use and the impracticality of farming due to its small size, the Provincial Policy Statement (PPS) and provincial guidelines permit limited non-agricultural uses in prime agricultural areas.

The proposed use as a "Meeting House and Cemetery" is intended to support the surrounding agricultural community and sustain agricultural activities, particularly for the Mennonite Community. This Community relies on the agricultural system to maintain its way of life. Providing them with a dedicated space for practicing their cultural traditions within their residential and work area ensures the continued use and cultivation of the surrounding agricultural lands.

Provincial guidelines allow for Institutional uses in Prime Agricultural Areas to meet the specific needs of the Mennonite Community, which actively contributes to the agri-food network and local economy through their agricultural activities. The proposed use complies with the Minimum Distance Separation (MDS) formulae and does not involve removing active agricultural lands from the existing agricultural system.

The proposed amendment seeks to maintain current agricultural land use permissions while introducing site-specific provisions for the proposed practical community use. As a result, the proposal aligns with the agricultural system policies outlined in the Growth Plan.

Importantly, the proposed use, location, and intent of the property are not expected to create compatibility issues or negatively impact surrounding agricultural operations.



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The Growth Plan for the Greater Golden Horseshoe

The Growth Plan policies for the Natural Heritage System (Section 4.2.2) specify that no new development or site alteration is permitted within the Natural Heritage System unless it can be demonstrated that there will be no negative impacts. An Environmental Impact Study (EIS) conducted by SAAR Environmental, and peer-reviewed by R.J. Burnside and Associates, confirmed that the proposed development will not cause any negative impacts. The study recommended a 30-metre setback from the Natural Heritage Features, which has been incorporated into the site plan. As a result, no development is proposed within or directly adjacent to the wetland.

Therefore, the proposed use of the property adheres to the policies of the Growth Plan.

Funeral, Burial and Cremation Services Act, 2002

Establishing a Cemetery: Legislative Requirements

According to Policy 83(1), obtaining consent from both the Registrar and the Municipality is required before establishing, altering, or expanding a cemetery. Municipality approval must be secured prior to seeking consent from the Registrar. Additionally, Policy 84(1) mandates that a local Municipality should grant approval for a cemetery if it is considered to be in the public interest.

Application for Municipality Approval

This application seeks approval from the Municipality to establish a new cemetery. Once the Municipality grants approval, consent from the Registrar will be pursued.

Public Interest Consideration

Public interest is generally determined based on the specific context of the proposal. In this case, the proposed cemetery is deemed to be in the public interest. Its location is strategically chosen to benefit the Mennonite Community while minimizing and avoiding impacts on the surrounding area. The proposal is



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not expected to have adverse effects on the surrounding agricultural context, transportation network, traffic patterns, groundwater, or soil.

Therefore, the proposal is considered to be in the public interest and complies with the requirements of the Funeral, Burial and Cremation Services Act, 2002.

Dufferin County Official Plan, 2015

Countryside Area Policies (Section 4.0)

The County Official Plan's Section 4.0 outlines policies for the Countryside Area, focusing on lands outside settlement areas to preserve the County's rural landscape and character. These areas encompass prime agricultural land, rural lands, recreational and rural residential uses, as well as natural heritage features and resources.

Non-Agricultural Uses in Agricultural Areas (Policy 4.2.3.1)

Policy 4.2.3.1 provides guidelines for allowing non-agricultural uses, including non-residential uses, in Agricultural Areas. Such uses are permitted only if appropriate studies, like an agricultural impact assessment, are conducted. These studies must demonstrate the necessity of the proposed use without negatively impacting surrounding agricultural operations and lands. Additionally, an evaluation of alternative locations is required to show that new or expanding non-agricultural uses on surrounding agricultural lands will be minimized. A site-specific local Official Plan amendment is required to permit a non-agricultural use within the Agricultural Area, but an amendment to the County Official Plan is not necessary.

Servicing Policies (Section 7.3)

Section 7.3 addresses policies on servicing. In areas without municipal or communal services, private services may be used if site conditions are suitable for their long-term provision without negative impacts. Development not serviced by a stormwater management facility must maintain existing drainage patterns.



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Technical reports, including servicing and stormwater management reports, confirm that private water, sewage, and stormwater management can be adequately supported on the property, with runoff directed to existing ditches along 240 Sideroad. The proposed development will not significantly alter the existing stormwater management conditions. Conventional servicing is recommended, and the existing well on site is deemed suitable. The property's intermittent use will minimize demands on private servicing.

Natural Heritage System Policies (Section 5.0)

Section 5.0 outlines policies for the Natural Heritage System, encouraging the protection, restoration, and enhancement of natural heritage features and their functions. Development and site alteration are not permitted in wetlands. Land within 120 metres of a wetland is considered adjacent, and development or site alteration in this area is not permitted unless it can be shown that no negative impacts will occur. An Environmental Impact Study (EIS) is required for development within 120 metres of a wetland, in consultation with the conservation authority. For the subject property, which is within this range, an EIS has been completed and finds no issues with the proposed use. The study recommends a 30-metre setback from the wetland, which has been incorporated into the proposed development and reflected on the concept plan. Additional consultation with the Grand River Conservation Authority (GRCA) has been undertaken, and they have no objections to the proposal. Approval from the GRCA will be obtained before issuing the building permit.

In summary, the proposed development complies with the County Official Plan policies by ensuring that non-agricultural uses in Agricultural Areas are properly assessed and that private servicing and stormwater management are adequately addressed. Additionally, the protection of natural heritage features has been thoroughly considered, with appropriate setbacks and consultations in place.



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Dufferin County Official Plan, 2023 as adopted

The Official Plan Amendment updated the terminology from 'Agricultural Areas' to 'Prime Agricultural Areas'. This change was purely terminological, and no significant policy alterations were made to the 'Prime Agricultural Areas'. The policies outlined in Section 4.2 of the 2017 County Official Plan remain unchanged. Similarly, the designation of agricultural areas and the natural heritage mapping for the subject property were not affected.

Since the amendments did not alter the policies relevant to the subject property, the proposal aligns with the Prime Agricultural land use policies and is a permitted use.

Township of Melancthon Official Plan, 2014

Agricultural Designation

Policy 5.2.4 outlines the guidelines for non-agricultural uses within the agricultural designation. The removal of agricultural lands is discouraged and only permitted through expansions to the settlement area via an amendment to the plan. To allow limited non-residential uses, the amendment must demonstrate compliance with specific criteria, which align with those in the Provincial Policy Statement (PPS) and the County of Dufferin OP.

The proposed use of the property as a Meeting House and Cemetery is not currently recognized in the Township Official Plan. To facilitate this use, an amendment to the Official Plan is required. This amendment will not remove agricultural lands; instead, it will maintain the existing Agriculture designation while adding a site-specific policy to permit a Meeting House and Cemetery. Similar amendments have been adopted in other rural or agricultural regions of Ontario, such as Woolwich Township (Policy 6.3.5.2), Grey County (Policy 5.2.1), and Bruce County (Policy 5.5.4.1).

The amendment will preserve the Agricultural land use designation while adding a site-specific policy allowing the proposed use, alongside existing permitted uses. The proposed policy will state:



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"In addition to the uses permitted by Section 5.2.4 of the Agricultural policies, a Meeting House and Cemetery shall also be permitted on these lands. This special policy has been created to respond to the needs of the local Community whose primary mode of transportation is horse-drawn carriage and whose lifestyle depends on agricultural activities."

The agricultural permissions of the property will be maintained for the long term. Thus, the proposed Official Plan Amendment will not remove agricultural lands but will add additional land use permissions to meet the growing needs of the Mennonite community. The proposal conforms to the agricultural policies of the Melancthon Official Plan.

Natural Environment

Section 5.4.1 outlines the Environmental Protection policies. These lands include environmental features such as wetlands and woodlands, or other significant natural heritage features. Development is not permitted in Environmental Protection areas. For lands adjacent to a provincially significant wetland, defined as within 120 metres, development may be permitted if an Environmental Impact Study (EIS) demonstrates that the wetland will not be impacted.

Section 5.5 details additional policies on Environmental Conservation, providing direction on managing and conserving natural heritage features. Given that the subject property is adjacent to identified Environmental Features, the policies of Section 5.5 apply. These policies identify adjacent lands for significant woodlands as within 120 metres. Similar to Policy 5.4.1, development on adjacent lands is permitted when it is shown that no negative impacts will occur.

An EIS has been completed, demonstrating that the wetland and woodland features will not be impacted by the proposed development. A 30-metre buffer from the developable area of the property to the Environmental Protection designation has been incorporated into the development plan and is reflected on the site plan. The proposed development conforms to the environmental policies of the Official Plan.



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Infrastructure

Roads: The subject property is located on 240 Sideroad, designated as a local road. According to Section 6.2.4, the purpose of local roads is to provide access to individual properties and connect them to the broader road network. Both 240 Sideroad and 2nd Line NE are narrow gravel roads with no shoulders, designated as 'other' in the County Official Plan and 'Local' in the Township Official Plan. These roads are intended to serve local traffic and discourage non-local traffic, with larger traffic volumes directed to Provincial Highways and County Roads, such as County Road 9 and Highway 10, which are paved and have shoulders.

The Old Order Mennonite Community prefers transportation via horse-drawn carriage. It is anticipated that the meeting house will be used once per month and occasionally for funerals, with a maximum occupancy of 600 people and parking for 140 carriages. Peak travel times are expected to be Sunday mornings from 9:00-9:45 a.m. and 11:30 a.m.- 12:45 p.m. On average, there will be about 90 horse-drawn carriages, with some members arriving by bus or van, which will temporarily park for drop-offs. Those arriving by bus or van will leave the property in another member's carriage, limiting motorized vehicular traffic to one trip.

Most traffic will be horse-drawn carriages, which tend to avoid heavily trafficked roads and use the local road network. Members living nearby will travel by horse-drawn carriage on gravel roads or the shoulders of busier roads when necessary. Those traveling from further away will likely use buses on County and Provincial roads. The proposed usage times are off-peak hours on weekend mornings, avoiding weekday rush hours. The anticipated use will be infrequent, consisting of community meetings and funeral services, similar to a traditional place of Worship. Given these circumstances, it is not expected that the traffic associated with the property will significantly impact agricultural traffic or other transportation forms. Further requirements might be introduced to ensure road safety at the time of the rezoning process



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The proposed use of the property will not adversely affect existing traffic conditions or road conditions.

Servicing

Section 6.3 of the Official Plan outlines servicing policies to ensure that development is appropriately serviced without impacting existing land uses or the environment. Currently, there are no municipal services in Melancthon. New development must use private water and sewage services, provided the lot size and site conditions are suitable. A hydrogeological report is required for some development proposals. Stormwater management and drainage must be addressed in all new development proposals, and a stormwater management report may also be required.

The proposed development will use private water and sewage systems. Supporting this, a functional servicing report, stormwater management report, and hydrogeological report have been prepared. These reports are summarized in Section 6.0 and conclude that the proposed development can be adequately serviced without adverse impacts on surrounding land uses or the environment. The proposed development meets the intent of the Official Plan policies, particularly the agricultural policies, as it does not remove agricultural lands but rather expands permitted uses. The amendment aims to recognize the needs of a community reliant on agricultural practices for their livelihood, ultimately conserving surrounding agricultural lands for the long term while allowing an undersized and unsuitable agricultural parcel to be used in a manner that supports the Community. This Community's lifestyle significantly contributes to the agricultural network and economy.

Furthermore, the proposal will not impact environmental features or the road network and can be adequately serviced via a private well and septic system. Therefore, we believe that the proposed amendment conforms with the policies of the Melancthon Official Plan.



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Comments and Considerations:

The proposed amendment for the property seems suitable for the below reasons:

- Staff recommends approval of the proposal, as revised, as it is consistent with the Provincial Policy Statement, conform with all applicable Provincial Plans, the County of Dufferin Official Plan, the Township of Melancthon Official Plan, have regard for matters of Provincial interest, and represents good planning.
- The proposed amendment will not result in removal of agricultural lands.
- It's also worth noting that the proposal complies with Grand River Conservation Authority (GRCA) requirements. The GRCA has also been consulted and has no issues with the proposal.

Financial Impact:

Additional fees will be required at the time of permitting, as this proposal is subject to Development Charges.

Summary/ Options:

Council may:

1. Take no further action.
2. Receive this Report for information and that Council direct Staff to take actions as per the Staff Report of Silva Yousif, Senior Planner
Recommendation
3. Direct Staff in another manner Council deems appropriate.

Conclusion:

Option #2 is recommended.



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Attachments:

Schedule A: Location Map

Schedule B: Application Documents

Schedule C: Concept Plan

Schedule D: Proposed Draft OPA By-law Amendment

Schedule E: Agencies Comments (Departments, Authorities and Peer Reviews)

Schedule F: Public Comments

Respectfully

Prepared By

Silva Yousif

Sr. Planner

A blue ink signature of Silva Yousif, consisting of stylized, overlapping loops.

Submitted By

Denise B. Holmes

CAO/Clerk

A black ink signature of Denise B. Holmes, written in a cursive style.



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Schedule A
Location Map (Part of Lot 241, Concession 1 NE)





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Schedule B **Application Documents**

- [Application Form - OPA.pdf](#)
- [Application Form - OPA.pdf](#)
- [Application Form - OPA.pdf](#)
- [Environmental Study.pdf](#)
- [Grading & Drainage Plan.pdf](#)
- [HydroG Investigation.pdf](#)
- [Planning Justification Report.pdf](#)
- [Septic Design.pdf](#)
- [Septic Design.pdf](#)
- [Stormwater Management Report.pdf](#)



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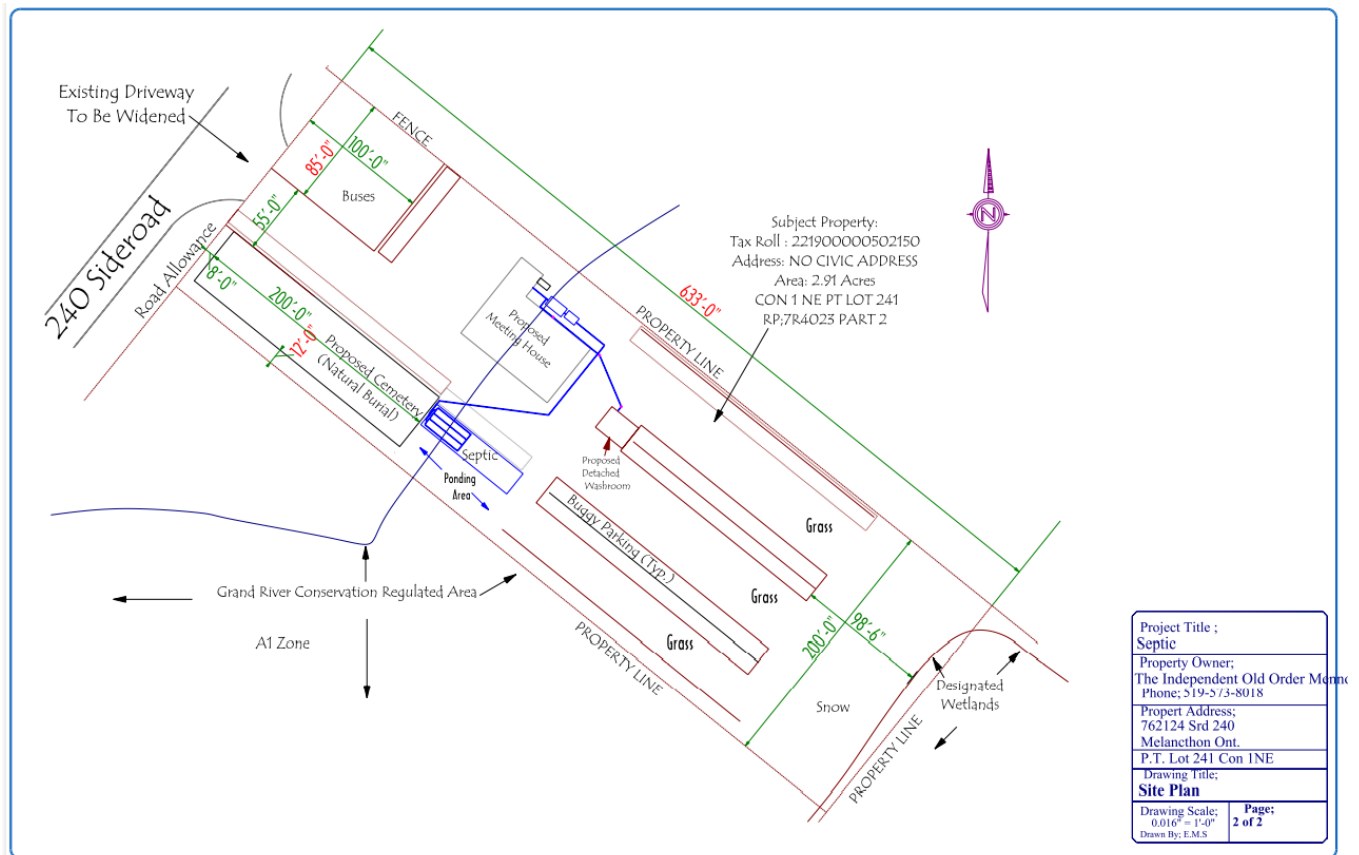
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Schedule C Concept Plan





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Schedule D
Proposed Draft Official Plan By-law Amendment

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____

Being a By-law to adopt an Official Plan Amendment 4 (OPA 4), to the Township of Melancthon Official Plan with respect to the lands legally known as Part of Lot 241, Concession 1 NE in the Township of Melancthon. (Subject Lands), as shown on attached Schedule “A”.

WHEREAS the Owner of the subject lands submitted an application to amend the Official Plan; and

WHEREAS the Council of the Corporation of the Township of Melancthon held a public meeting for the Official Plan Amendment in accordance with the provisions of the Planning Act;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P. 13, as amended, hereby enacts as follows:

- 1. That Official Plan Amendment 4 (OPA 4) to the Township of Melancthon Official Plan, being the attached text and Schedule “A”, is hereby adopted.
- 2. That the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the Official Plan Amendment for the Township of Melancthon and to provide such information as required by Section 17 (7) of the Planning Act, R.S.O., 1990, as amended.
- 3. That this By-law shall come into force and take effect upon approval by the Dufferin County subject to the appeal provisions under the Planning Act.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20TH DAY OF JUNE, 2024.

MAYOR

CLERK

Amendment No. 4

To the Township of Melancthon Official Plan

Introduction

Part A The Preamble does not constitute part of this Amendment.

Part B The Amendment consisting of the following text and Schedule A: Land Use and Road Plan constitutes Amendment No. 4 to the Township of Melancthon Official Plan.

Part A – The Preamble

PURPOSE

The purpose of the Official Plan Amendment is to expand Non-Agricultural Uses on the subject lands by form of site-specific provisions that will permit the construction of a meeting house and cemetery on the subject lands. The subject lands are currently designated Agricultural (A) through the Township of Melancthon Official Plan, an Official Plan Amendment is required to permit limited Non-Residential Uses in an area designated Agricultural to allow for a meeting house and cemetery. This will be a site specific policy and not a removal of the lands or a deletion of the policy.

LOCATION

The subject lands can be legally known as Part of Lot 241, Concession 1 NE in the Township of Melancthon, County of Dufferin. The subject property is located on 240 Sideroad and does not have a civic address, however, is identified as Assessment Number: 221900000502150. The subject property is approximately 1.17 hectares (2.9 acres) in area with approximately 60 metres of frontage on 240 Sideroad. The Owners of the subject property are part of the Mennonite Community. The subject property was most recently used as a temporary residence with a mobile trailer. A portion of the eastern property is within the regulated area of the Grand River Conservation Authority (GRCA). The rear of the property is adjacent to provincially significant wetlands, with a slight portion of the wetlands encroaching onto the rear property line.

BASIS

This Amendment proposes to provide a site specific policy to expand Non-Residential Uses on the subject lands and permit the construction of a meeting house and cemetery.

“Notwithstanding policy 5.2.4 (B), a meeting house and cemetery, shall be permitted.”

With the site-specific policy this Amendment would enable the construction of a meeting house and cemetery will be permitted.

Part B – The Amendment

The intention of this part of the document entitled Part B – The Amendment, which consists of the following text constitutes Amendment 4 to the Township of Melancthon Official Plan.

Details of the Amendment

The Official Plan is amended as follows:

“Notwithstanding policy 5.2.4 (B), In addition to the uses permitted by Section 5.2.4 of the Agricultural policies, a Meeting House and Cemetery shall also be permitted on these lands. This special policy has been created to respond to the needs of the local community whose primary mode of transportation is horse-drawn carriage and whose lifestyle depends on agricultural activities.”

Implementation

This Amendment shall be implemented in accordance with Section 7, Implementation Township of Melancthon Official Plan.

Interpretation

This Amendment shall be interpreted in accordance with Section 8, Interpretation of the Township of Melancthon Official Plan.

Schedule A to OPA 4
Part Lot 241, Concession 1 NE in the Township of Melancthon. (Subject Lands)





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Schedule E
Agencies Comments (Departments, Authorities and Peer Reviews)

Date: May 9, 2024

To: Township of Melancthon

Re: OPA-221900000502150-Sideroad 240

Dufferin County is in receipt of the Request for Comments for the above noted application, dated 2024-03-26. The request for comments was circulated to the following department(s):

1. [Building Services](#)
2. [Planning and Development](#)

The department(s) have reviewed the documents submitted with the request for comments against the applicable policies. The comments are on the following pages.

Please keep Dufferin County informed with respect to the status of the attached comments and the decision of the Council related to the subject application.

Should you have any questions pertaining to this letter, please do not hesitate to contact the undersigned.

Kind Regards,

Diksha Marwaha
Planning Coordinator
Phone: 519-941-2816 Ext. 2516
planner@dufferincounty.ca

Date: April 19, 2024

From: Building Services

- Provide a site plan stamped by an Architect registered in the province of Ontario.
- Submit the Ontario building code data matrix and firefighting access route design.

Sincerely,



Kristina Millar
Plans Examiner, Building Services
Phone: 519-941-2816 Ext. 2700
kmillar@dufferincounty.ca

Date: April 5, 2024

From: Planning Division

The County Planning division has the following comments:

- The subject lands are designated as *Prime Agricultural* under both the in-effect (2017) and Council adopted Official Plan (2024).
- The proposed development proposes non-agricultural uses on *Prime Agricultural* lands and, as such, policies under section 4.2.3.1 of the County Official Plan are applicable.
 - *Non-agricultural uses may only be permitted in agricultural areas for the extraction of minerals, petroleum resources and mineral aggregate resources, and for limited non-residential uses in accordance with the policies of this Plan.*
 - *Limited non-residential uses, including new or expanding recreational uses, may only be permitted in agricultural areas subject to the submission of appropriate studies, including an **Agricultural Impact Assessment**, provided that **all of the following** are demonstrated:*
 - i. there is a need within the planning horizon of this Plan for the proposed use;*
 - ii. the lands do not comprise a specialty crop area;*
 - iii. alternative locations have been evaluated and,*
 - a. there are clearly no other reasonable alternatives that are outside of prime agricultural areas; and*
 - b. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands;*
 - iv. the proposed use will not be located in an area that may have an impact on the efficient and logical expansion of nearby urban areas*
 - v. the proposed use complies with the required MDS I setback distances; and,*
 - vi. impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands will be minimized to the extent feasible.*
- Based on our review the policies under section 4.2.3.1 of the County Official Plan, specifically i.-vi., have been accounted for and addressed.
- The County requests that the applicant consult the Grand River Conservation Authority (GRCA), as the lands are located in a significant groundwater recharge area.

At this point in time, the County Planning division has no additional comments.

Kind regards,



Liam Morgan
Development Planner
Phone: 519-941-2816 Ext. 2511
lmorgan@dufferincounty.ca



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

April 15, 2024
Via email

Grand River Conservation Authority Comments

Diksha Marwaha, Planning Coordinator
Township of Melancthon
157101 Highway 10
Melancthon, Ontario, L9V 2E6

Dear Ms. Marwaha,

Re: Official Plan Amendment Application
Concession 1 NE, Part Lot 241, Sideroad 240
Owner – The Independent Old Order Mennonite Church
Applicant/Agent – MHBC Planning Ltd. c/o Pierre Chauvin

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted application for an Official Plan Amendment to permit a meeting house and cemetery use in addition to the existing permitted uses.

Recommendation

The GRCA has no objection to the approval of this application.

Documents Reviewed by Staff

Staff have reviewed the following documents submitted with this application:

- OPA Application form
- Scoped Environmental Impact Study (SAAR Environmental Limited, October 28, 2023)
- Proposed Site Plan (GM BluePlan, October 23, 2023)
- Hydrological Investigation (GM BluePlan, June 16, 2023)
- Stormwater Management Report (GM BluePlan, October 2023)

The GRCA provided pre-consultation comments via email on December 8, 2023. These have been appended to this email.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information available at our office indicates that a portion of the property contains wetland and the regulated allowance to this feature. GRCA resource mapping has been enclosed with this letter. Proposed development or site alteration within areas regulated by the GRCA will require prior written permission from the GRCA in the form of a permit pursuant to Ontario Regulation 41/24.

Grand River Conservation Authority Comments

On April 1, 2024, Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits, came into force, replacing Ontario Regulation 150/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. In accordance with Ontario Regulation 41/24, the GRCA regulates land up to 30 metres from the limit of wetlands within our watershed. As all proposed development and alteration on the property occur at a distance greater than 30 metres from the wetland at the rear of the property, the GRCA has no further comment to provide on this application. In addition, as runoff from the site is proposed to drain overland to the road ditch on Sideroad 240, the GRCA defers review of stormwater management to the Municipality.

Consistent with GRCA's 2024 approved fee schedule, this application is considered a Minor Official Plan Amendment application and the applicant will be invoiced in the amount of \$465 for the GRCA's review.

Should you have any questions, please contact me at 519-621-2763 extension 2236 or by email at clorenz@grandriver.ca.

Sincerely,



Chris Lorenz, M.Sc.
Resource Planner
Grand River Conservation Authority

Enclosed: GRCA Resource Mapping
GRCA Pre-Consultation Comments

Copy: MHBC Planning Ltd. c/o Pierre Chauvin



Grand River Conservation
Authority

Date: Apr 15, 2024
Author: CL

Concession 1 NE, Pt Lot 241
Sideroad 240, Melancthon

Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
- Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)
 - Steep
 - Oversteep
 - Toe
- Slope Valley (GRCA)
 - Steep
 - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)

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Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. See [Sources and Citations](#) for details.

Scale 1:1,511

NAD83 UTM zone 17 (EPSG:26917)



Map Centre (X,Y): 551805.68, 4891362.64 | [Map Link](#)

This map is not to be used for navigation | 2020 Ortho (ON)

Grand River Conservation Authority Comments

From: Chris Lorenz
Sent: December 8, 2023 1:47 PM
To: Eli Sherk
Cc: pchauvin@mhbcplan.com; Gord.Feniak@rjburnside.com; Gillian Smith; Diksha Marwaha
Subject: RE: 240 Sideroad - Meeting House UPDATE OCT 7

Good afternoon Eli,

GRCA offer the following high-level comments prior to a full review upon formal submission:

1. The SWM report shows that a dry pond is proposed, however, this pond is not apparent in the Grading and Drainage plan. Please include on the drawings. The proposed outlet for the pond and pond spillway is also unclear. If the pond outlet is not directed to the wetland, GRCA comments with respect to the pond would be advisory.
2. Please include contours on the drainage delineation figures.
3. The provided Grading and Drainage plan (which appears to include ESC) will need to be stamped and signed by a qualified professional engineer.
4. Based on previous pre-consultation discussion, the groundwater was noted to be high on this property. Any impacts to the proposed dry pond with respect to the groundwater table should be reviewed. It would be helpful to include a cross-section through the pond showing the groundwater elevation with respect to the pond bottom.
5. Model schematics should be included ahead of the MIDUSS output to assist in review.
6. It should be specified in the EIS Terms of Reference that wetland boundaries will be determined using OWES protocols.
7. Wetland boundary confirmation with GRCA staff will be required at an appropriate time of year.
8. The impact assessment in the EIS should determine and justify suitable buffers for the wetland.
9. Distances of the proposed construction from confirmed wetland boundaries, along with setbacks, should be included on construction drawings at detailed design. It should be indicated on the drawing that these wetland boundaries have been confirmed with GRCA staff, and on which date.
10. Details on the following mitigations should be included in construction drawings and documents submitted for permitting:
 - a. An erosion and sediment control plan to protect the wetland;
 - b. Location of any required staging areas;
 - c. A contingency dewatering plan, with dewatering discharge being located a minimum of 30 m from the wetland in a well vegetated area.
11. The approved finalized Terms of Reference should be included in EIS appendices.

Thanks Eli. Please let me know if you have any questions.

Chris

Grand River Conservation Authority Comments

Chris Lorenz, M.Sc.

Resource Planner

Grand River Conservation Authority

519-621-2763 ext. 2236



April 16, 2024

Peer Review Comments-Scoped EIS

Via: Email

Silva Yousif, PMP, RPP, MCIP
Senior Planner
Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6

Dear Silva:

**Re: Peer Review Comments: Terms of Reference (Scoped EIS) - Sideroad 240
Project No.: 300056814.1000**

R.J. Burnside & Associates Limited (Burnside) have reviewed the Scoped EIS in support of a development application at 717624 Sideroad 240. Our comments are as follows:

1. The EIS is unusually organized, making it difficult to review and identify all relevant information. For future EIS submissions please include the following report headings:
 - Introduction- purpose of the application, type of application, general description of the proposed development.
 - Methodology- describe all background review data sources and the methodology, dates and times of all fieldwork.
 - Existing Conditions- include the findings of all field studies and review of existing databases as well as figures showing vegetation communities and locations of wildlife habitat features etc.
 - Evaluation of Significance- evaluate natural features in accordance with the PPS, Natural Heritage Reference Manual, Significant Wildlife Habitat Criteria Schedules, Provincial Plans, Official Plans etc. to identify any significant natural features on, or adjacent to, the site. Include a figure showing the boundaries of all natural features.
 - Description of Proposed Development- describe all proposed construction works, including grading limits, infrastructure and servicing, any existing structures to be demolished etc.
 - Impacts and Mitigation- include a table listing all significant natural features, how they may be affected by any or all of proposed works and how any impacts can be mitigated.
 - Conformity with applicable regulations and policies- demonstrate how the application conforms to all applicable natural heritage policies and regulations. List specific policies and how they have been addressed.
2. For future reference, please note that former GRCA regulations have been replaced with O. Reg 21/24 (in effect as of April 1, 2024).

Peer Review Comments-Scoped EIS

3. The site plan shows the buggy parking extending to the 30m setback limit from the woodland/wetland. Please confirm whether any grading will be required that would extend into the setback.
4. Tree removal should be completed outside of the bat roosting window (May 1 to October 31) in addition to the breeding bird window referenced in the EIS. Should any clearing be required during the breeding bird season, nest searches conducted by a qualified person must be completed within 48 hours prior to clearing activities. If nests are found, work within the area must cease until the nest has fledged, as per the federal Migratory Birds Convention Act. Bat roosting surveys would also be required in accordance with MECP guidelines.
5. Bobolink and Eastern Meadowlark, two provincially Threatened bird species, were noted as potentially being present based on existing records in the area. However, there is no further discussion in the EIS regarding whether suitable habitat exists for these species, whether any surveys were, or will be, carried out and whether there are any requirements under the Endangered species Act. Please confirm whether habitat exists and if any further work is required.
6. Appendix B includes a bat box design. The intent of this is unclear as there is no reference to it in the report. Erection of bat boxes is not a requirement for this development as no bat habitat is being removed.

Please reach out to the undersigned if you have any questions or need any clarification about these comments.

Yours truly,

R.J. Burnside & Associates Limited



Tricia Radburn, MCIP, RPP
Environmental Planner

Other than by the addressee, copying or distribution of this document, in whole or in part, is not permitted without the express written consent of R.J. Burnside & Associates Limited.



Township Engineering Consultant Comments

May 6, 2024

Via: Email

Diksha Marwaha
Planning Coordinator
Township of Melancthon
157101 Highway 10
Melancthon ON L9V 2E6

Dear Diksha:

**Re: OPA Concession1 , NE Part Lot 241, Sideroad 240
Old Order Mennonite Meeting House
Project No.: 300056422.0000**

Further to your circulation of March 26, 2024 we have reviewed the attached material and are hereby providing our comments. We have no general objection to the proposed Official Plan Amendment but we have a number of comments on the submitted material that will need to be addressed.

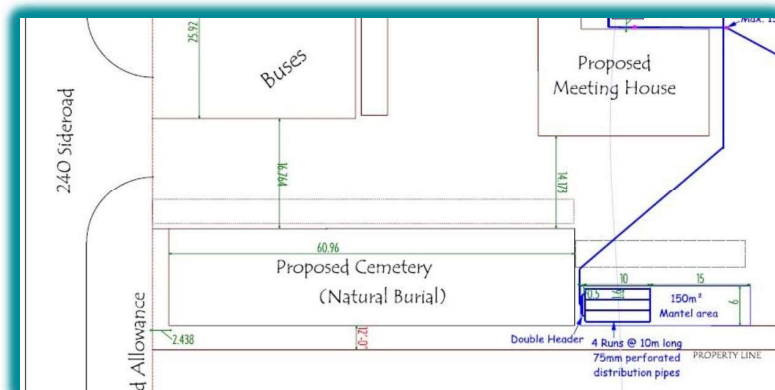
Inconsistencies in Submitted Material

There were numerous contradictions in the submitted reports. Ideally the reports would be revised to all show the same things as we found the material unreviewable in its current form.

For example:

Is the proposed cemetery to be located beside 240 Sideroad or further towards the rear of the property?

From the Planning Justification Report, Servicing Feasibility Assessment and Septic System Design, it is adjacent to the right of way:

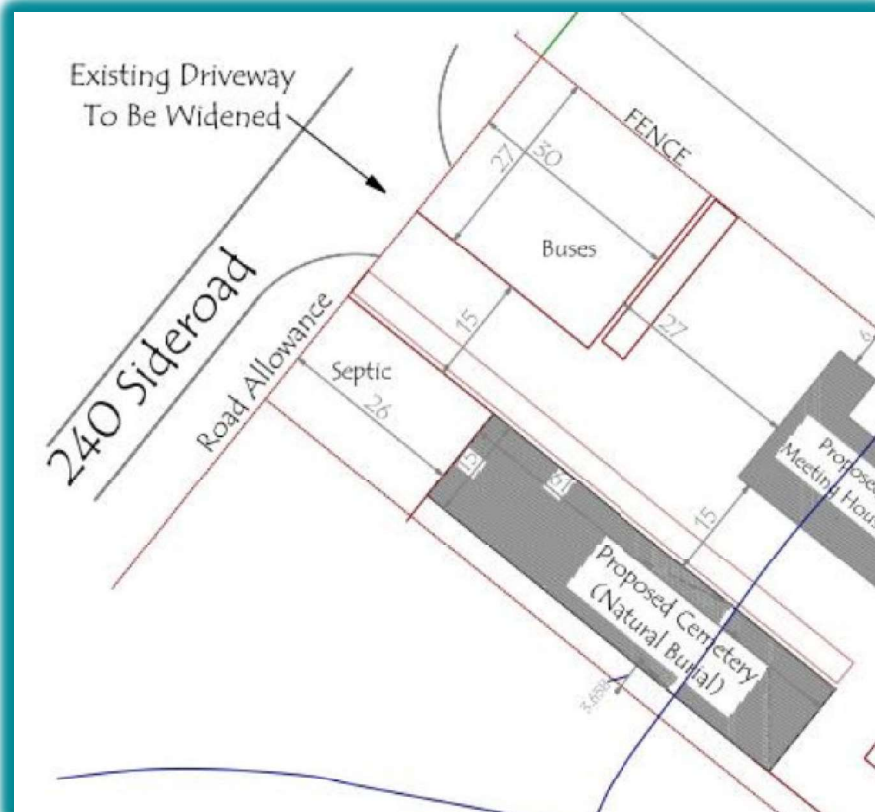


Township Engineering Consultant Comments

From the Hydrogeological Investigation it is spaced midway back on the lot:



From the Environmental Impact Study, the septic system is adjacent to the Right of Way:



Some of the reports show the stormwater ponding area between the septic system and the (south / west) property line. Others show it in the buggy parking area.

There are many descriptions of how water servicing will be provided to the site:

Township Engineering Consultant Comments

- GM BluePlan, Hydrogeological Investigation; *It was reported that water would be brought to the Site from a neighbouring property*” Presumably this refers to drawing tankers of water to the site? The same report indicates that *the Old order Mennonite Church is not expected to use the onsite well for water supply due to its proximity to the proposed onsite cemetery.*
- Eli Sherk & Heiner Phillip, Sewage Disposal System: *It is expected that the property will be serviced by a new drilled well.*
- GM BluePlan, Servicing Feasibility Assessment: *It is understood that the water supply for the proposed development will be provided from a neighbouring off-site well located on the westerly adjacent property (i.e. 762026 Sideroad 240).* Does this imply that a waterline will be installed in the Township Right of Way?

Before we can finalize our review of this material we need to know what configuration is the most current and exactly what is being proposed. The results of our current review are as follows:

GM BluePlan, Servicing Feasibility Assessment

- If the water supply is to be from the neighbouring property, as noted, please provide the details including any proposed usage of the Township right of way.
- Presumably the water system will be classified as a Small Drinking Water System, subject to Ontario Regulation 319/08. This should be confirmed and a short explanation of how compliance will be achieved should be included.
- Water supply for the buggy parking was not discussed. If it is to come from the same well that provides the domestic supply its capacity will need to be higher. Alternatively, if a separate source of water is proposed for the horses (such as the existing on-site well) it should be documented as such.

GM BluePlan, Hydrogeological Investigation

- There is a Limitation indicating that the information in the report is intended for the use of EMS Construction and / or the property owner. As such, the report is not useful to the municipality and does not achieve compliance with the required technical reporting needed to support the Official Plan amendment. The Township needs to rely on supporting technical documents.
- The report notes that the existing site well will not be used for water supply. It would therefore be appropriate to recommend its proper abandonment.

GM BluePlan, Grading and Drainage Plan

- The current application is for an Official Plan amendment and the submitted grading plan generally supports it. However, a number of revisions will be needed at the time of Site Plan approval. We have attached a markup showing our red lined comments.

MHBC, Planning Justification Report

This Planning Justification document contains a Site Plan that shows the limits of the Proposed Cemetery. Unless the Proposed Cemetery contains internal buffering that is not shown we have the following comments:

- A separation of 8 feet is shown from the burial ground to the edge of the municipal right of way. We presume that a gravesite could be located up to the boundary of the burial ground. What is the rationale for this setback number and is it far enough away from the road? We note that a standard road widening (which we understand the Township is not requesting at

Township Engineering Consultant Comments

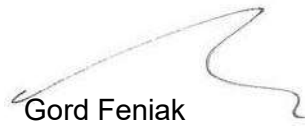
this time) is 3.0 m, which exceeds the proposed setback to burial ground. We also note that regulations under the Cemeteries Act prohibit buildings from being within 4.57 m (15 ft) from a grave and we wonder if the same setback would be appropriate for a municipal road.

- Should gravesites be allowed directly adjacent to the top of the retaining wall, or should a setback be in place to allow repairs to the wall without disturbing a grave?
- The Site Plan suggests that the burial ground will extend to the edge of the septic system, which seems inappropriate. Not only would repairs to the septic system have the potential to interfere with a gravesite, but septic effluent would potentially leach to the grave. The required setback from a septic system to a house is 5.0 m and the same setback would seem appropriate to a grave.

Please let me know if further explanation is required.

Yours truly,

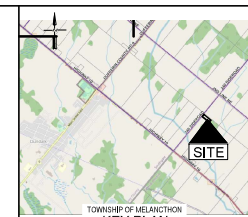
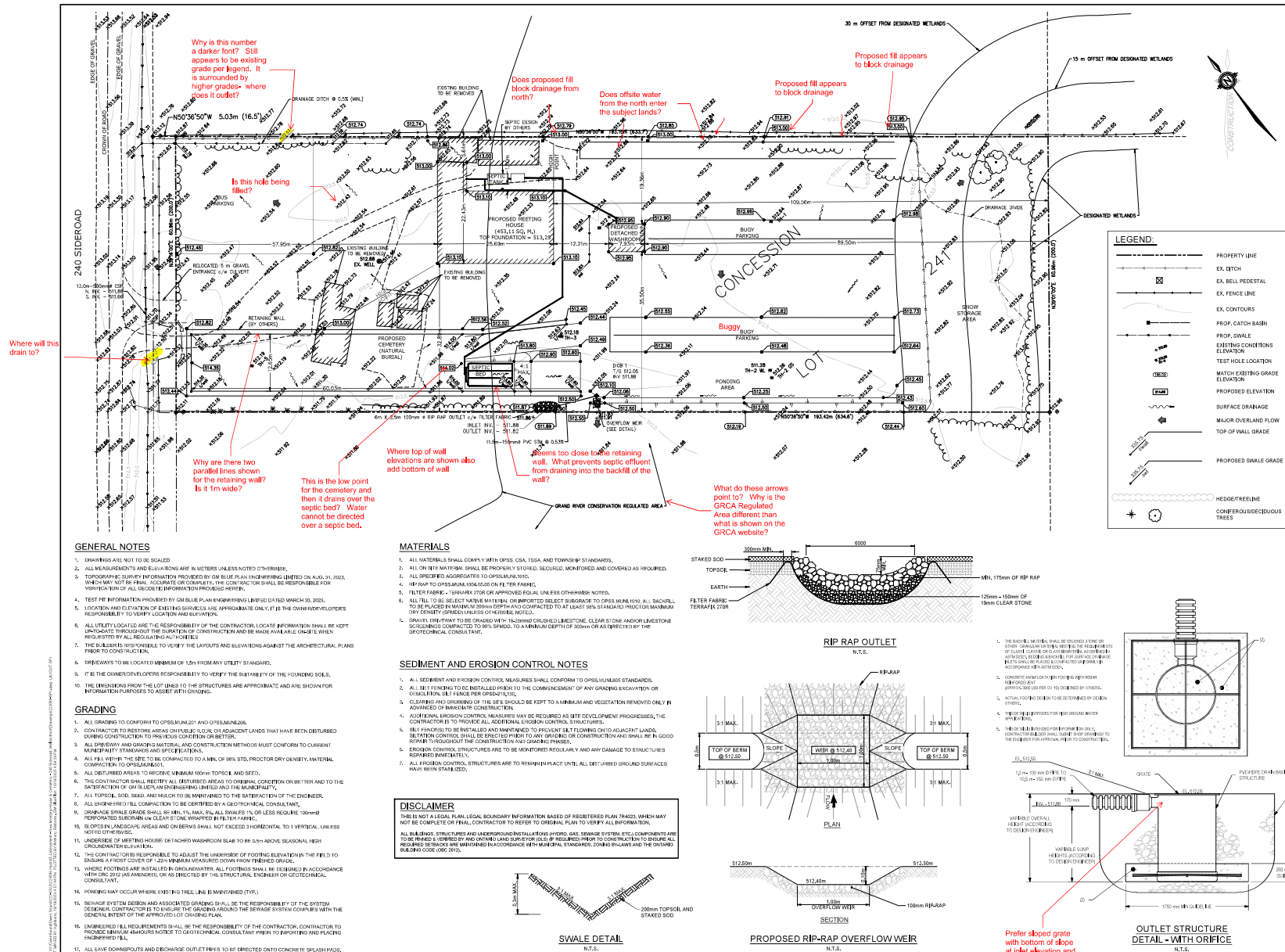
R.J. Burnside & Associates Limited



Gord Feniak
GF:js

056422 OOM Meeting House 240506.docx
06/05/2024 2:39 PM

Township Engineering Consultant Comments



LOT CALCULATIONS	
OVERALL LOT AREA	11,782.38 m ²
AREA OF HOUSE FOOTPRINT	453.11 m ²
AREA OF DETACHED WASHROOM	48.42 m ²
LOT COVERAGE IN PERCENTAGE	4.0%

#1 BENCHMARK ELEV. - ??? m	
777777	

THE PORTAL OF POLARIS, POWERED BY THE TOWNSHIP OF MELANCTHON, PROVIDES A PRELIMINARY VIEW OF THE PROPOSED DEVELOPMENT. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE TOWNSHIP OF MELANCTHON IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. BEFORE SIGNING ANY CONTRACT, THE CONTRACTOR SHALL OBTAIN A COPY OF THE DEVELOPMENT PLAN AND THE TOWNSHIP OF MELANCTHON'S POLARIS PORTAL.

PRELIMINARY

2	10/2/23	DESIGNED FOR SUBMITTAL	AJF
1	10/2/23	DESIGNED FOR CLIENT REVIEW	AJF
1	DATE	DESIGNED FOR SUBMITTAL	CHW



240 SIDEROAD, MELANCTHON

EMS CONSTRUCTION INC.

TOWNSHIP OF MELANCTHON

PROPOSED SITE PLAN

DRAWN BY	APPROVED BY	PROJECT NO.	DRAWING NO.
AJF	AJF	22398	SP1
DESIGNED BY	DATE	SCALE	
AJF	SEPT. 8, 2023	1:400	



*The Corporation of **THE TOWNSHIP OF MELANCTHON***
157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Website: www.melancthontownship.ca

Fax No. - (519) 925-1110

Email: info@melancthontownship.ca

Schedule F
Public Comments

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____

Being a By-law to adopt an Official Plan Amendment 4 (OPA 4), to the Township of Melancthon Official Plan with respect to the lands legally known as Part of Lot 241, Concession 1 NE in the Township of Melancthon. (Subject Lands), as shown on attached Schedule “A”.

WHEREAS the Owner of the subject lands submitted an application to amend the Official Plan; and

WHEREAS the Council of the Corporation of the Township of Melancthon held a public meeting for the Official Plan Amendment in accordance with the provisions of the Planning Act;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P. 13, as amended, hereby enacts as follows:

- 1. That Official Plan Amendment 4 (OPA 4) to the Township of Melancthon Official Plan, being the attached text and Schedule “A”, is hereby adopted.
- 2. That the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the Official Plan Amendment for the Township of Melancthon and to provide such information as required by Section 17 (7) of the Planning Act, R.S.O., 1990, as amended.
- 3. That this By-law shall come into force and take effect upon approval by the Dufferin County subject to the appeal provisions under the Planning Act.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20TH DAY OF JUNE, 2024.

MAYOR

CLERK

Amendment No. 4

To the Township of Melancthon Official Plan

Introduction

Part A The Preamble does not constitute part of this Amendment.

Part B The Amendment consisting of the following text and Schedule A: Land Use and Road Plan constitutes Amendment No. 4 to the Township of Melancthon Official Plan.

Part A – The Preamble

PURPOSE

The purpose of the Official Plan Amendment is to expand Non-Agricultural Uses on the subject lands by form of site-specific provisions that will permit the construction of a meeting house and cemetery on the subject lands. The subject lands are currently designated Agricultural (A) through the Township of Melancthon Official Plan, an Official Plan Amendment is required to permit limited Non-Residential Uses in an area designated Agricultural to allow for a meeting house and cemetery. This will be a site specific policy and not a removal of the lands or a deletion of the policy.

LOCATION

The subject lands can be legally known as Part of Lot 241, Concession 1 NE in the Township of Melancthon, County of Dufferin. The subject property is located on 240 Sideroad and does not have a civic address, however, is identified as Assessment Number: 221900000502150. The subject property is approximately 1.17 hectares (2.9 acres) in area with approximately 60 metres of frontage on 240 Sideroad. The Owners of the subject property are part of the Mennonite Community. The subject property was most recently used as a temporary residence with a mobile trailer. A portion of the eastern property is within the regulated area of the Grand River Conservation Authority (GRCA). The rear of the property is adjacent to provincially significant wetlands, with a slight portion of the wetlands encroaching onto the rear property line.

BASIS

This Amendment proposes to provide a site specific policy to expand Non-Residential Uses on the subject lands and permit the construction of a meeting house and cemetery.

“Notwithstanding policy 5.2.4 (B), a meeting house and cemetery, shall be permitted.”

With the site-specific policy this Amendment would enable the construction of a meeting house and cemetery will be permitted.

Part B – The Amendment

The intention of this part of the document entitled Part B – The Amendment, which consists of the following text constitutes Amendment 4 to the Township of Melancthon Official Plan.

Details of the Amendment

The Official Plan is amended as follows:

“Notwithstanding policy 5.2.4 (B), In addition to the uses permitted by Section 5.2.4 of the Agricultural policies, a Meeting House and Cemetery shall also be permitted on these lands. This special policy has been created to respond to the needs of the local community whose primary mode of transportation is horse-drawn carriage and whose lifestyle depends on agricultural activities.”

Implementation

This Amendment shall be implemented in accordance with Section 7, Implementation Township of Melancthon Official Plan.

Interpretation

This Amendment shall be interpreted in accordance with Section 8, Interpretation of the Township of Melancthon Official Plan.

Schedule A to OPA 4
Part Lot 241, Concession 1 NE in the Township of Melancthon. (Subject Lands)





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

MEMORANDUM

To: Mayor White and Members of Council
Copy: Ms. Denise Holmes, CAO/Clerk
From: Liam Morgan, Development Planner
Date: June 20th, 2024
Re: Planning Report – Zoning By-law Amendment – MPC23-702 – 478088 3rd Line

1.0 RECOMMENDATIONS

That Planning Report – Zoning By-law Amendment – MPC23-702 – 478088 3rd Line be received;
And that Zoning By-law Amendment Application MPC23-702 be **APPROVED**.

2.0 BACKGROUND

The Township received an application from JDC Custom Homes and Janssen Design (herein referred to as the 'applicant') on behalf of Gordon and Amy Hicks (herein referred to as the 'Owner') seeking an amendment to the Township Zoning By-law 12-1979. The proposed amendment aims to implement a site-specific zoning policy for the subject lands that adjusts certain zoning regulations under the *General Agricultural (A1)* zone to allow for the construction of a new garage and adjoining additional residential unit (ARU).

Prior to Zoning By-law amendment application being submitted, a pre-consultation meeting was conducted on September 19th, 2023. Comments were received from the County of Dufferin, Township of Melancthon Engineering consultant, Nottawasaga Valley Conservation Authority (NVCA), and the Shelburne and District Fire Department. The Zoning By-law amendment application was submitted by the applicant on January 30th, 2024; however, a complete application was only finalized as of May 7th, 2024. A circulation of the submitted materials for comments by internal and external agencies was conducted by Township of Melancthon Planning staff on May 14th, 2024. To date, comments have been received from three agencies, which are further outlined in section 8.0.

The purpose of the following report is to provide Council with a recommendation on whether the proposed zoning by-law amendment application should be approved or denied. It is the



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

aim of this report to provide Council with a detailed analysis of the proposed application and determination on whether it in fact represents 'good planning'. Using this report Council will be tasked to conclude if the proposed application should be accepted or refused.

3.0 DESCRIPTION OF SUBJECT LANDS

The lands subject to the Zoning By-law amendment application are municipally known as 478088 3rd Line and legally described as the East Part of Lot 22, Concession 3 OS (Roll Number: 221900000207300).

Presently on the subject lands, which are approximately 1.80 hectares (4.7 acres) in size and have a lot frontage of approximately 300 metres, is a single-family detached home, an accessory workshop, and mature trees. Surrounding land uses include predominately agricultural and rural lands, as well as other single-family detached residential homes.

An aerial of the subject lands has been provided for reference below in Figure 1.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Figure 1: Aerial of Subject Lands



4.0 PROPONENT APPLICATION

The goal of the application is to construct an ARU and new garage that has been integrated into the design of the ARU. The ARU and garage will entail special needs/assisted living features that are critical to the functionality of the home for the both the occupant of the ARU (mother) and the occupant of the main dwelling (daughter). It is the intent of this development to provide the ARU occupant the ability to offer greater care and assistance to the main dwelling occupant.

An illustration of the site plan has been provided below in Figure 2.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Section 1.4.3(b.1) states that *"planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by permitting and facilitating all housing options required to meet the social, health, economic, and well-being requirement of current and future residents..."*.

Section 1.6.6.4 states that *"where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts"*.

Section 2.1.1 states that *"natural features and areas shall be protected for the long term"*.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (herein referred to as the 'Growth Plan') builds upon the policies set out under the PPS. Relevant policies that are applicable to the application at hand include:

Section 1.2.1 states that there is a need to support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

Section 2.2.6.1[a(i.)] states that *"upper-tier municipalities will support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as other policies of this Plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing..."*.

County of Dufferin Official Plan

The in-effect County Official Plan (2017) designates the subject lands as *Rural*. Permitted uses include the management or use of resources, resource-based recreational uses, limited residential development (includes no more than three new lots or units), home occupations



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

and home industries, cemeteries, agricultural uses, agricultural-related uses, on-farm diversified uses, and normal farm practices, and other similar rural land uses that cannot be located in settlement areas.

The in-effect County Official Plan also includes policies specifically related to secondary residential units. Section 3.7.4 states that the *"County supports the provision of second residential units and garden suites as a means to provide a greater diversity of housing types and housing affordability"*. Subsection (A) of section 3.7.4 asserts that The County generally encourages the permission of second residential units within single detached, semi-detached, and townhouse dwelling units where a residential unit is not permitted in an accessory structure to those housing types on the property. Local municipalities may permit the second residential unit to be located within a residential accessory structure, subject to the policies and regulations of the local municipal official plan and zoning by-law.

There are no notable natural heritage features on the subject lands under the in-effect County Official Plan.

The Council adopted County Official Plan (2024) designates the subject lands as *Prime Agricultural*. Permitted uses include agricultural uses, agriculture-related uses, on-farm diversified uses, home occupations, home industries, and residential dwellings (one per lot).

Policies relating to ARU's are also included in the Council adopted County Official Plan. Section 3.7.4. states that *"Additional residential units and garden suites are a means to provide a greater diversity of housing types, sizes and tenures, additional income, and housing affordability. An additional residential unit may take the form of a basement apartment, secondary suite, coach house dwelling, or other secondary residential dwelling unit located on the same lot as a primary residential dwelling"*. Subsection (A) of section 3.7.5 asserts that *"up to two additional residential units shall be permitted within single-detached house, semi-detached house, and townhouse"*. Further, subsection (B) of section 3.7.5 highlights that *"up to one Additional Residential Unit shall be permitted within an accessory structure secondary to a single-detached house, semi-detached house or townhouse provided there is no more than one Additional Residential Unit within the primary house"*.



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

There are no notable natural heritage features on the subject lands under the Council adopted County Official Plan.

Township of Melancthon Official Plan

The subject lands are designated as both *Environmental Protection* and *Rural* under the Township Official Plan. It must be noted, however, that the area where the proposed development is proposed to occur is strictly designated as *Rural* and, as such, those are the policies that will be applied. Permitted uses include, agricultural uses, agricultural-related uses, on-farm diversified uses, resource-based recreational activities, residential development (i.e., detached dwellings, secondary dwelling units within a detached dwelling, garden suites), and uses that cannot be located in settlement areas.

Specific policies related to secondary dwelling units are outlined in section 3.12 of the Official Plan. Applicable policies include:

Section 3.12(a) states that "*a second dwelling unit is permitted in specific types of residential uses through either:*

- i. *The use of two dwelling units in a detached dwelling or semi-detached dwelling if no building or structure accessory to the detached dwelling or semi-detached dwelling contains a dwelling unit*
- ii. *the use of a dwelling unit in a building or structure ancillary to a detached dwelling or semi-detached dwelling if the detached dwelling or semi-detached dwelling contains a single dwelling unit".*

Section 3.12.a(ii) states that "*a second dwelling unit is permitted in specific types of residential uses through the use of a dwelling unit in a building or structure ancillary to a detached dwelling or semi-detached dwelling if the detached dwelling or semi-detached dwelling contains a single dwelling unit".*

Section 3.12.c states that all second dwelling units shall meet the following criteria:



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- i. There is compliance with all applicable Zoning By-law provisions;
- ii. There is compliance with all Building Code and Fire Code provisions;
- iii. There is sufficient room on the subject property for any required services
- iv. Including individual on-site water and sewage services and all associated approvals have been obtained;
- v. The site is not within any area subject to natural hazards such as floodplains or erosion hazards and any permits required from a conservation authority have been obtained;
- vi. Sufficient on-site parking and amenity areas are provided;
- vii. No new vehicular access facility is required from the abutting public road; and,
- viii. There is no substantial alteration to the exterior appearance of the building as a detached or semi-detached dwelling.

Township of Melancthon Zoning By-law 12-1979

The subject lands are zoned as *General Agricultural (A1)* under Zoning By-law 12-1979. Permitted uses include a farm, kennel, riding stable, nursery or commercial greenhouse, animal hospital, forestry or conservation uses, wayside pit, home occupation, single family detached home, and accessory uses.

Under the *A1* zone the following provisions apply to the construction of detached dwellings.

Zoning Regulation	Requirement
Minimum Lot Area	1,800 m ²
Minimum Lot Frontage	30 m
Minimum Distance from any building to nearest lot line	8 m
Minimum dwelling ground floor area (1 storey dwelling)	93 m ²
Maximum Lot Coverage	15%
Maximum Building Height	10 m



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6.0 POLICY ANALYSIS

Township Planning staff have undertaken an extensive analysis of the overarching policy regulations associated with subject lands. Staff have determined the following findings as it relates to all overarching planning policies.

- The application not only complies with, but promotes, the policies set out under the PPS 2020 and the Growth Plan.
- The application conforms to both the in-effect (2017) and Council approved (2024) County Official Plans.
- The application is consistent with the policies under the Township Official Plan, especially as it relates to regulations related to secondary dwelling units.
- The application will be consistent with the zoning of the subject lands upon approval of the application at hand.

7.0 SUMMARY OF TECHNICAL REPORTS SUBMITTED

The planning consultant has submitted the following technical reports and information to the Township in support of the proposed Zoning By-law amendment:

1. Application Form – ZBA (*Consultant: JDC Custom Homes and Janssen Design*)
2. Planning Justification Letter (*Consultant: Van Harten Land Surveyors-Engineers*)
3. Preliminary Floor and Elevation Plans (*Consultant: Janssen Design*)
4. Preliminary Site Plan (*Consultant: Janssen Design*)
5. Septic Design (*Consultant: Van Harten Land Surveyors-Engineers*)
6. Septic Report (*Consultant: Van Harten Land Surveyors-Engineers*)
7. Servicing and Stormwater Management Brief (*Consultant: Van Harten Land Surveyors-Engineers*)



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8.0 SUMMARY OF COMMENTS RECEIVED

To date, comments have been provided by three (3) agencies. Those agencies, and a high-level summary of their respective comments, are further outlined below.

8.1. Township of Melancthon Engineer (RJ Burnside)

The Township Engineer provided comments on May 27th, 2024. In their comments they noted that no concerns with the application were present, and that, upon their review, the Servicing and Stormwater Management brief was satisfactory.

8.2. Nottawasaga Valley Conservation Authority (NVCA)

The NVCA submitted comments to Township Planning staff on June 6th, 2024. Upon their review of the application, they indicated that no objections or concerns with the proposed application were present. NVCA staff did note, however, should any development or site alteration occur in the regulated portions of the property a permit under the *Conservation Authorities Act* will be required.

8.3. Enbridge Gas

Comments were provided by Enbridge Gas on June 5th, 2024. This external agency indicated that they did not object to the proposed application; however, they do reserve the right to amend or remove development conditions.

9.0 RECOMMENDATION

If Council concurs with the conclusion of this report the following recommendation is provided for consideration:

1. *That the application for Zoning By-law Amendment submitted by JDC Custom Homes and Janssen Design be received together with this report and **APPROVED** by Township of Melancthon Council.*



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Prepared by:

A handwritten signature in black ink, consisting of the letters "LM" in a stylized, cursive font.

Liam Morgan

Development Planner

Township of Melancthon

Approved by:

A handwritten signature in blue ink, consisting of the letters "SY" in a stylized, cursive font.

Silva Yousif

Senior Planner

Township of Melancthon

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
BY-LAW NO. _____

Being a By-law to amend By-law No. 12-79, as amended, the Zoning By-law for the Township of Melancthon as it affects property known municipally as 478088 3rd Line, Melancthon Township and legally described as the East Part Lot 22, Concession 3 OS as shown on attached Schedule “A”.

WHEREAS the Council of the Corporation of the Township of Melancthon is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990, as amended;

AND WHEREAS the Council of the Corporation of the Township of Melancthon deems it advisable to amend By-Law 12-79, as amended;

NOW THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

- 1. By-law Number 12-79, as amended, is hereby further amended by changing the applicable zone on the lands denoted on Schedule ‘A’ attached, from General Agricultural (A1) to General Agricultural – Exception (A1-149).

- 2. Land zoned General Agricultural – Exception (A1-149) as denoted on Schedule “A” attached, shall be subject to the following:

Notwithstanding any other provision of this zoning by-law to the contrary, the following special provisions shall apply:

- i. An accessory dwelling unit of up to 110 m² in area is permitted (accessory to a single detached dwelling)

- ii. A minimum setback of 5.0 metres from the southerly side yard is permitted for buildings existing as of January 1, 2024

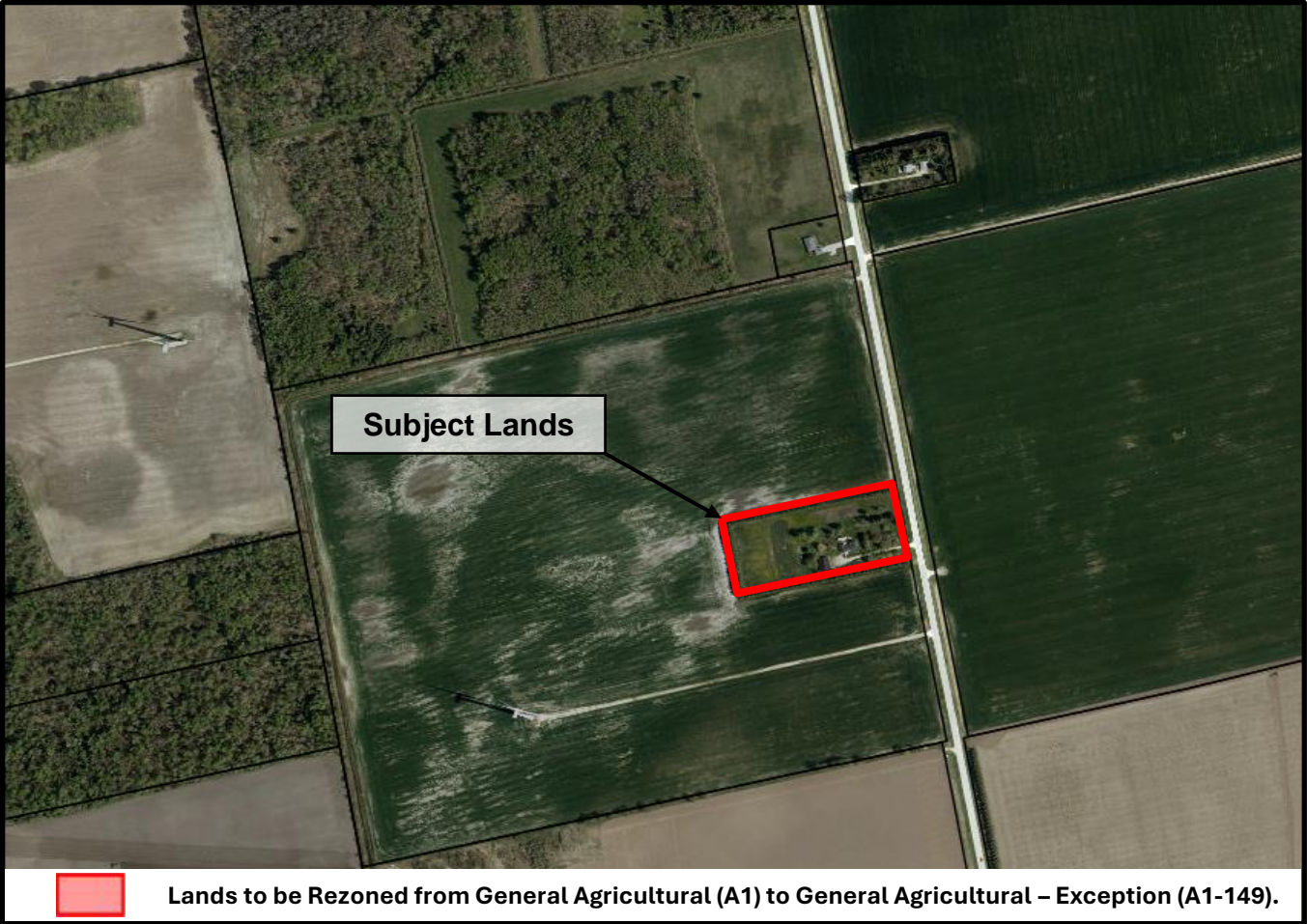
This By-law shall come into effect upon the date of passage hereof, subject to the provisions of Section 34 (30) and (31) of the Planning Act (Ontario), as amended.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 20TH DAY OF JUNE, 2024.

MAYOR

CLERK

SCHEDULE A – LANDS TO BE REZONED





Date: June 14, 2024

To: Niagara Escarpment Commission

Re: APP-2024-00047 – 517403 County Road 124

The Township of Melancthon is in receipt of the Request for Comments for the above noted application, dated 2024-05-14. The request for comments was circulated to the following department(s):

1. [Planning Division](#)

The department(s) have reviewed the documents submitted with the request for comments against the applicable policies. The comments are on the following pages.

Please keep the Township of Melancthon informed concerning the status of the attached comments and the decision of the Council related to the subject application.

Should you have any questions pertaining to this letter, please do not hesitate to contact the undersigned.

Kind Regards,

Liam Morgan

Development Planner

Phone: 519-941-2816 Ext. 2511

lmorgan@melancthontownship.ca

Date: June 13, 2024

From: Planning Division

The Township Planning division has the following comments on the NEC Development Permit Application.

- The subject lands are designated as both *Environmental Protection* and *Agricultural*; however, the proposed development is to occur solely in the area designated as *Agricultural*. Based on this, the policies of the *Agricultural* designation will prevail.
 - As per section 5.2.1 (d) of the Official Plan, the construction of a single detached dwelling is permitted on a lot of record that is vacant.
- The subject lands are zoned as *Development (D)* under the Township Official Plan.
 - Permitted uses include
 - a) existing uses and minor extensions
 - b) a farm, but not a specialized farm
 - c) the erection of 1 single family detached dwelling on a vacant lot existing at the date of approval of this By-law
 - d) home occupation and uses accessory to the above permitted uses
 - As per section 19.2 (c) of Zoning By-law 12-1979, the proposed use would be permitted.
- There are several natural heritage features located on or adjacent to the subject lands, as per Schedule's D and E of the Official Plan:
 - Provincially significant wetlands
 - Locally significant and unevaluated wetlands
 - Significant woodlands
- The subject lands are also located in a Floodplain area, as per Schedule F of the Official Plan.
- The subject lands are in an area with high aquifer vulnerability (Schedule G) and also located in a Significant Groundwater Recharge Area, as per Schedule G1 of the Official Plan.



Township Planning staff have no concerns with the proposed development and, therefore, are in favour of the NEC development permit application.

Kind regards,

A handwritten signature in black ink, consisting of the letters 'LM' in a stylized, cursive font.

Liam Morgan

Development Planner

Phone: 519-941-2816 Ext. 2511

lmorgan@dufferincounty.ca