



**TOWNSHIP OF MELANCTHON  
COMMITTEE OF ADJUSTMENT HYBRID MEETING  
THURSDAY, JANUARY 16<sup>TH</sup>, 2025 - 6:00 P.M.**

***Committee meetings are recorded and will be available on the Township website under Quick Links – Council Agendas and Minutes within 5 business days of the Council meeting.***

Join Zoom Meeting

<https://us02web.zoom.us/j/86181086979?pwd=gt3nPqb2uljn32IRkwSfOE7mNdmIlx.1>

Meeting ID: 861 8108 6979

Passcode: 689633

One tap mobile

+17806660144,,86181086979#,,,,\*689633# Canada

+12042727920,,86181086979#,,,,\*689633# Canada

Dial by your location

- +1 780 666 0144 Canada
- +1 204 272 7920 Canada
- +1 438 809 7799 Canada
- +1 587 328 1099 Canada
- +1 647 374 4685 Canada
- +1 647 558 0588 Canada
- +1 778 907 2071 Canada

Meeting ID: 861 8108 6979

Passcode: 689633

**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 –July 18<sup>th</sup>, 2024**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
  1. B1/24 – Manassa and Melinda Martin – Pt Lot 23, Lot 24, and Pt Lot 25, Con 7 SW – 078106 7<sup>th</sup> Line SW
    1. Notice of Public Meeting – 078106 7<sup>th</sup> Line SW
    2. Planning Report – B1/24 – 078106 7<sup>th</sup> Line SW Prepared by Liam Morgan, Development Planner
- 7. Application For Minor Variance**
- 8. Application For Validation of Title**
- 9. Certificate Of Cancellation**
- 10. Applications On File**
  1. B6/22 – Belford – Lots 32-34, Plan 332
- 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. **B1/24**

Date of Meeting: **Thursday, January 16<sup>th</sup>, 2025** Time: **6:00 p.m.**

Name of Owner/Applicant: **Manassa & Melinda Martin; Kristine Loft, Loft Planning Inc**

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

**NOTE:** This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, 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 are unable to attend the meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

**PROPOSED SEVERANCE: Lot 23 & 24, Concession 7 SW**

Existing Use: Agricultural

Proposed Use: Agricultural

Road Frontage: 406.3 m (1333 ft)

Depth: 1095 m (3592.52 ft)

Area: 28.3 ha (69.93 acres)

**RETAINED PORTION: Lot 25, Concession 7 SW**

Existing Use: Agricultural

Proposed Use: Agricultural

Road Frontage: 406.3 m (1333 ft)

Depth: 1352 m (4435.7 ft)

Area: 37.6 ha (92.91 acres)

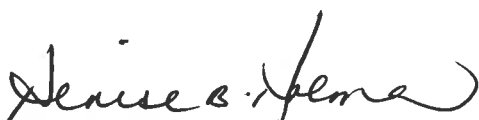
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If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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.

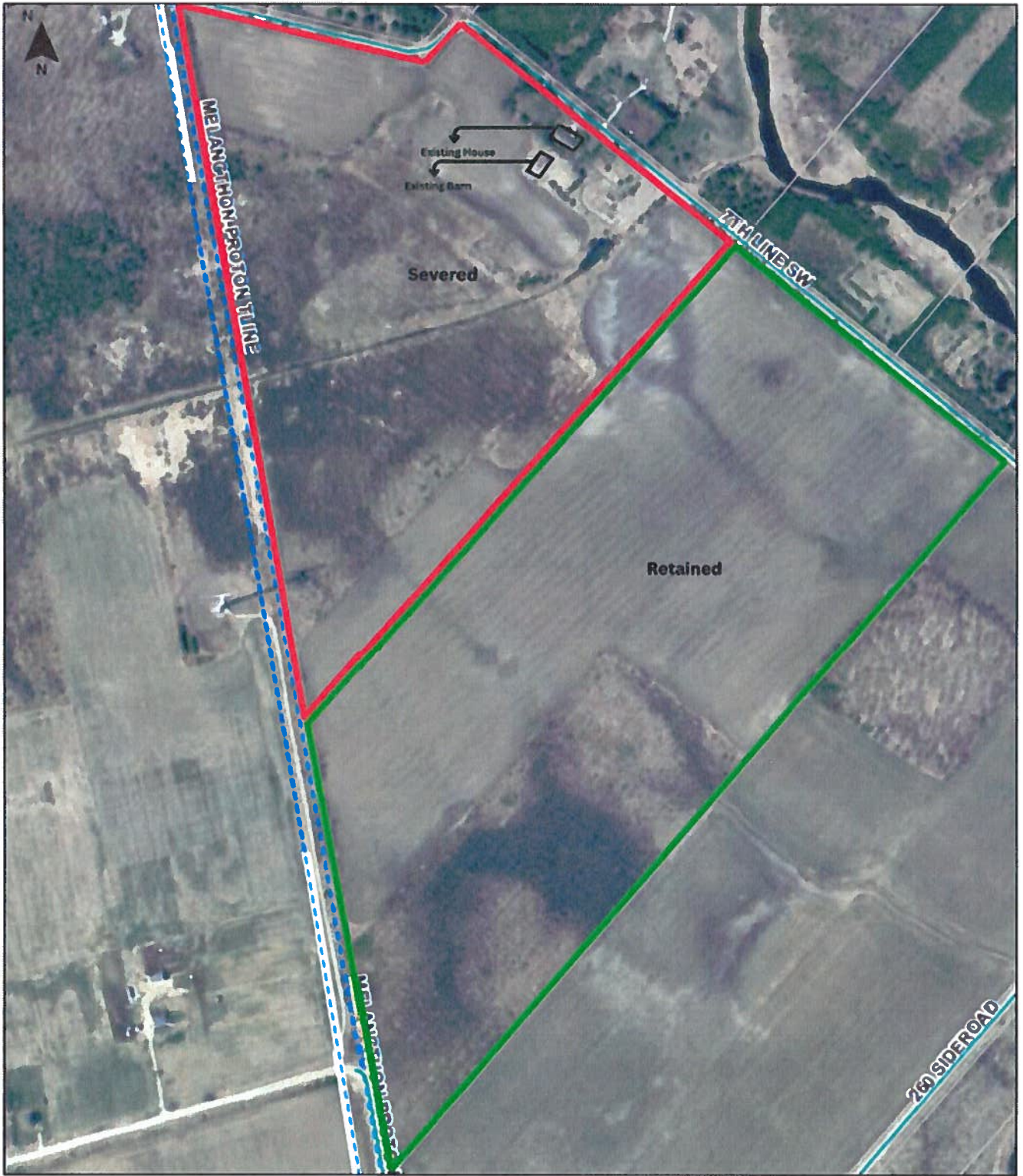
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.

Date of this notice: December 5<sup>th</sup>, 2024



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Denise B. Holmes, Secretary-Treasurer





**Subject:** Planning Report – B1-24 – 078106 7th Line SW

**Department:** Planning

**Meeting Date:** 2025-01-16

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## Recommendations

That Planning Report – B1/24 – 078106 8<sup>th</sup> Line SW be received;

And that Consent Application B1/24, be **DEFERRED**.

## Introduction

**Legal Description:** Concession 7 SW, Lot 24, Part Lot 23, Part Lot 25

**Municipal Address:** 078106 7<sup>th</sup> Line SW

**Applicant(s):** Kristine Loft (on behalf of Manassa and Melinda Martin)

**Official Plan Designation:** Agricultural and Environmental Protection

**Zoning (By-law 12-1979):** General Agricultural (A1) and Open Space Conservation (OS2)

**Purpose:** The applicant is applying for a consent to sever a portion of the lands known as 078106 8<sup>th</sup> Line SW to create two separate land parcels.

## Background

Kristine Loft (herein referred to as the 'agent') has submitted a consent to sever application on behalf of Manassa and Melinda Martin (herein referred to as the 'applicants'). The lands subject to this consent application have an approximate area of 65.9 hectares (162.8 acres) with a lot frontage of 812.6 metres. The subject lands are designated predominately as *Agricultural* under the Township Official Plan; however, there is a portion at the north end of the subject lands that is designated as *Environmental Protection*. Under the Township of Melancthon Zoning By-law 12-1979, the subject lands are largely zoned as *General Agricultural (A1)*, but there is a small portion of the lands that are zoned as *Open Space Conservation (OS2)*. The subject lands are adjacent to 7<sup>th</sup> Line SW and currently consist of an existing rural residential dwelling, accessory buildings, and agricultural lands (see *Appendix A*).

The intent of this application is to sever the subject lands to create two separate agricultural land parcels (see *Appendix B*). The severed lands will have a lot area of approximately 28.3 hectares (69.93 acres) with a frontage of approximately 406 metres abutting 7<sup>th</sup> Line SW. The retained

lands will have a lot area of approximately 37.6 hectares (92.91 acres) and frontage of 406 metres onto 7<sup>th</sup> Line SW.

<i>Property Characteristics</i>	<i>Existing Lands</i>	<i>Lot</i>	<i>Property Characteristics</i>	<i>Proposed</i>
Lot Frontage	812.6 m	Severed	Lot Frontage	406 m
			Lot Area	28.3 ha
Lot Area	65.9 ha	Retained	Lot Frontage	37.6 ha
			Lot Area	406 m

## **Planning Analysis**

### Provincial Planning Statement, 2024

The subject lands are located in a *Prime Agricultural* area, as per the Provincial Planning Statement 2024 (herein referred to as the 'PPS'). Section 4.3.2 of the PPS provides an overview of permitted uses in *Prime Agricultural* areas, which includes the following:

1. Agricultural uses, agricultural-related uses, and on-farm diversified uses based on provincial guidance.
2. All types, sizes, and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
3. New land uses in prime agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.
4. A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c).
5. Where a residential dwelling is permitted on a lot in a prime agricultural area, up to two additional residential units shall be permitted in accordance with provincial guidance, provided that, where two additional residential units are proposed, at least one of these additional residential units is located within or attached to the principal dwelling, and any additional residential units:
  - a. comply with the minimum distance separation formulae.
  - b. are compatible with, and would not hinder, surrounding agricultural operations.
  - c. have appropriate sewage and water services.
  - d. address any public health and safety concerns.
  - e. are of limited scale and are located within, attached, or in close proximity to the principal dwelling or farm building cluster; and
  - f. minimize land taken out of agricultural production.

6. For greater certainty, the two additional residential units that are permitted on a lot in a prime agricultural area in accordance with policy 4.3.2.5 are in addition to farm worker housing permitted as an agricultural use.

Generally, lot creation in *Prime Agricultural* areas is a discouraged practice; however, the PPS does permit this practice in *Prime Agricultural* areas for uses that are agricultural in nature. Section 4.3.3.1(a), specifically, states the following:

1. *Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance 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 subject lands also entail several natural heritage features. Under section 4.1.1 of the PPS, it is stated that *natural features and areas shall be protected for the long term*. In addition, section 4.1.5 and 4.1.8 state the following:

5. Development and site alteration shall not be permitted in:
  - a. *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E1.
  - b. *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River).
  - c. *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River).
  - d. *significant wildlife habitat*.
  - e. *significant areas of natural and scientific interest*, and
  - f. *coastal wetlands* in Ecoregions 5E, 6E and 7E1 that are not subject to policy 4.1.4.b).

unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

8. Development and site alteration shall not be permitted on adjacent lands to the natural heritage features identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

In reviewing the application in accordance with the PPS, it was determined that **conformity was achieved**. The severed parcel is still to be utilized as an agricultural use and the future proposed development of a residential dwelling and accessory structure is permitted in the *Prime Agricultural* area. Though natural heritage features are located on or adjacent to the subject lands, an Environmental Impact Study (EIS) was submitted as part of the application. The EIS indicated that no significant negative impacts are to arise to the natural heritage features present on and adjacent to the subject lands if the recommended mitigative actions are implemented.

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### County of Dufferin Official Plan, 2024

The subject lands are designated as *Prime Agricultural* under the County Official Plan (2024). Permitted uses in the *Prime Agricultural* area include, agricultural uses, normal farm practices, residential dwellings, agricultural related-uses, on-farm diversified uses, home occupations, home industries, forestry, conservation, wildlife and fisheries management, passive recreational uses, watershed management, and flood and erosion control projects.

Similar to that of the PPS, lot creation in the *Prime Agricultural* area is generally discouraged in the County Official Plan. Lot creation is permitted in the *Prime Agricultural* area for uses that are agricultural in nature. Specifically, section 4.2.5(b) states that lot creation is permitted *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)*. The subject lands do not fall under the Greenbelt Plan Protected Countryside and, as such, the latter portion of section 4.2.5(b) is not applicable.

The subject lands also entail natural heritage features in the form of *woodlands* and *watercourses*. Section 5.3.4 and 5.3.8 state the following as it relates to the aforementioned natural heritage features:

#### **Section 5.3.4 (Woodlands)**

*The intent of this Plan is to conserve existing woodlands and vegetation and prohibit incompatible land uses that deter their long-term benefits. Woodlands are illustrated on Schedule E. Some areas may not be identified since the exact boundaries of mapped areas may change over time. 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 heritage features or their ecological functions through the preparation of an EIS.*

#### **Section 5.3.8 (Watercourses)**

*It is the intent of this Plan to protect natural watercourses from incompatible development to minimize the impacts of such development on their function.*

Further, the subject lands also are in the Grand River Conservation Authority's (herein referred to as the 'GRCA') significant groundwater recharge area. In comments provided by the GRCA on December 12<sup>th</sup>, 2024, it was indicated that there was no objection to the consent application. The GRCA did note that should any of the proposed development occur within land regulated by the GRCA, a permit will be required as per Ontario Regulation 41/24. In addition, the GRCA also asserted that they will not support any built development in the flooding hazard area outlined in the map attached to their comments.

Upon review of the County Official Plan, in combination with the comments provided by the GRCA, it was found that the consent application **conforms to** the County Official Plan. The proposed use still maintains the agricultural intent of the lands and proposes the future development of a residential dwelling, which is permitted under the *Prime Agricultural* designation.

#### Township of Melancthon Official Plan

The subject lands are designated as both *Agricultural* and *Environmental Protection* under the Township Official Plan. Permitted uses under the *Agricultural* designation include agricultural uses, agriculture-related uses, on-farm diversified uses (i.e., farm related tourism), single detached dwelling, and wayside pits. For the *Environmental Protection* designation, permitted uses include legally existing uses, low impact and passive recreation, forest, wildlife, and fisheries management, essential public watershed management and flood or erosion control works, and essential transportation and utility facilities.

Both the *Agricultural* and *Environmental Protection* designations include policies relating to lot creation. Those policies are outlined below.

#### **Section 5.2.5.a (Agricultural)**

*The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for agricultural uses, minimize the fragmentation of such land, protect agricultural operations, and minimize the intrusion of incompatible uses into prime agricultural areas.*

#### **Section 5.2.5.b(i) (Agricultural)**

*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 5.4.2.h (Environmental Protection)**

*New lots shall generally not be permitted within the Environmental Protection designation except through acquisition by a public body. Severance may be permitted only for the purpose of correcting title or enlarging existing lots.*

The Township Official Plan also provides general consent policies under section 7.2. Policies under that section are further discussed below.

#### **Section 7.2.a(i)**

*The use of both the proposed severed and retained lots shall comply with the policies of the applicable land use designation and with the provisions of the zoning by-law.*



**Section 7.2.a(ii)**

*Where the severed or retained lots will involve new buildings, structures, wells or sewage disposal systems, it must be established that the subject lots have soil and drainage conditions suitable for the proper siting of buildings, structures and an on-site sewage disposal system, and that a sufficient supply of potable water is available or can be obtained.*

**Section 7.2.a(vii)**

*Consents shall be granted only when both the severed and retained lands have frontage on an open public road built to municipal standards.*

**Section 7.2.a(x)**

*The size and dimensions of any lot created by a consent approval should be appropriate for the use proposed and no lot shall be created which does not comply with the provisions of the zoning by-law and the requirements of any agency having jurisdiction.*

**Section 7.2.a(xiv)**

*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.*

In reviewing the application there is no conformity issue in terms of the permitted uses under the *Agricultural* and *Environmental Protection* designations and the uses proposed as part of the consent application. What was determined, however, is that there seems to be a **conformity issue** for certain consent and lot creation policies outlined under both the *Agricultural* and *Environmental Protection* designation, specifically that of section 5.2.5.b(i) and section 5.4.2.h. As it relates to section 5.2.5.b(i), it is distinctly stated that “new lots for agricultural uses shall be **approximately 40 hectares** or the original survey lot size, whichever is lesser”. While the retained lands provide a lot area of 37.6 hectares, which would be sufficient to address the 40-hectare condition, the severed lands only provide a lot area of 28.3 hectares. The difference between 28.3 hectares and 40 hectares, in the opinion of Planning staff, seems quite significant and a component that should be further discussed by Planning staff and the agent. Further, section 5.4.2.h of the *Environmental Protection* designation indicates that “...severance may be permitted only for the purpose of correcting title or enlarging lots”. Though only a small portion of the severance entails lands designated as *Environmental Protection*, this policy would still be applicable and, as such, must be conformed to by the applicant. It is the belief of Planning staff that further discussions on this application between the Township and the applicant’s agent should be undertaken to address these conformity concerns.

### Township of Melancthon Zoning By-law 12-1979

The subject lands are zoned as largely *General Agricultural (A1)*; however, there is a small portion running through the centre of the lands that is zoned as *Open Space Conservation (OS2)*. Lands zoned as *A1* are permitted the following uses: farm, kennel, riding stable, nursery or commercial greenhouse, animal hospital, forestry or conservation uses, wayside pit, home occupation, and single detached dwellings. For the *OS2* zone, permitted uses include conservation uses (i.e., forestry, reforestation), public park, golf course, farm, horticultural nursery, and building or structures to be used for flood or erosion control purposes.

Both the retained and severed parcels do not propose any development in the area zoned as *OS2* and, as such, those policies are not applicable. Instead, the policies and regulations of the *A1* zone are applicable and were used in the review of the consent application (see comparison in Table 2 below).

<i>Regulation</i>	<i>Required</i>	<i>Severed Lands</i>	<i>Retained Lands</i>
Min. Lot Area	18 ha	28.3 ha	37.6 ha
Min. Lot Frontage	150 m	406 m	406 m
Min. Dwelling GFA	1-storey = 93 m <sup>2</sup> 2-storey = 65 m <sup>2</sup>	Existing	Indicated by agent that it is <b>to be met.</b>
Min. Distance from any building to the nearest lot line	15 m	206 m and 167 m	~162 m and ~603 m
Max. Building Height	15 m	Existing	Indicated by agent that it is <b>to be met.</b>

Given that no technical information (i.e., building height, Gross Floor Area) regarding the proposed residential dwelling and accessory building on the retained lands was provided, a definitive determination on zoning compliance cannot be established. However, what must be noted is that the severed lands meet all zoning regulations under the *A1* zone and the retained lands meet all of the zoning regulations related to the physical nature of the land. In addition, the agent has indicated that all zoning regulations related to buildings and structures are to be met, a fact that will be confirmed upon submission of a future building permit. Based on the information available to Township Planning staff, a **general conformity** to the *A1* zone can be established.

### **General Analysis and Comments**

Township Planning staff have reviewed the application in its entirety, in accordance with overarching planning policies and comments provided by circulated internal and external stakeholders. Based on Township Planning staff's review there are some conformity issues, specifically with consent policies under the *Agricultural* and *Environmental Protection* designations of the Township Official Plan. Though all other overarching policies, such as the PPS, County Official Plan, and Township Zoning By-law 12-1979, have been aligned with, it is pertinent that all applicable planning policies are conformed to. Therefore, Township Planning staff recommend that this application be **deferred** in order for further discussions between the Township and the applicant's agent to be undertaken.

Prepared By

**Liam Morgan**

Development Planner, Township of Melancthon

Handwritten signature of Liam Morgan in black ink, consisting of the letters 'LM' in a stylized, cursive font.

Reviewed/Approved By

**Denise Holmes**

Chief Administrative Officer /Clerk, Township of Melancthon

Appendix A – Aerial Photo



Appendix B – Consent Application Proposal

