



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, APRIL 16TH, 2026 - 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/89203193795?pwd=5Ia0h9qmUT4rxHXxKJtBIk7AggTliL.1>

Meeting ID: 892 0319 3795

Passcode: 830546

One tap mobile

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+17806660144,,89203193795#,,,,*830546# Canada

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 – September 18th, 2025**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
 1. B1/26 – Wayne Nicholson - Part Lot 18, Concession 3 OS, RP 7R6690 Part 1 – 477450 3rd Line
 1. Notice of Public Meeting – 477450 3rd Line
 2. Planning Report – B1/26 – 477450 3rd Line prepared by Liam Morgan, Acting Planning Manager
- 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. **B1/26**

Date of Meeting: **Thursday, April 16th, 2026** Time: **6:00 p.m.**

Name of Owner/Applicant: **Wayne Nicholson**

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 see the below link to join. If you are unable to attend the meeting, and you wish to provide written comments on the application, please send them to the Secretary-Treasurer prior to the public meeting.

Join Zoom Meeting
<https://us02web.zoom.us/j/89203193795?pwd=5Ia0h9qmUT4rxHXxKJtBIk7AggTliL.1>

Meeting ID: 892 0319 3795
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**PROPOSED SEVERANCE: Part Lot 18, Concession 3 OS; RP 7R6690 Part 1
(477450 3rd Line)**

Existing Use:	Vacant Land	Proposed Use:	Residential
Road Frontage:	84.36 m (276.77 ft)	Depth:	121.76 m (400 ft)
Area:	0.96 ha (2.37 acres)		

**RETAINED PORTION: Part Lot 18, Concession 3 OS; RP 7R6690 Part 1
(477450 3rd Line)**

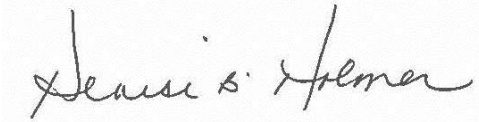
Existing Use:	Vacant Land	Proposed Use:	Residential
Road Frontage:	83.66 m (274.47 ft)	Depth:	146.05 m (479.17 ft)
Area:	1.07 ha (2.64 acres)		

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.

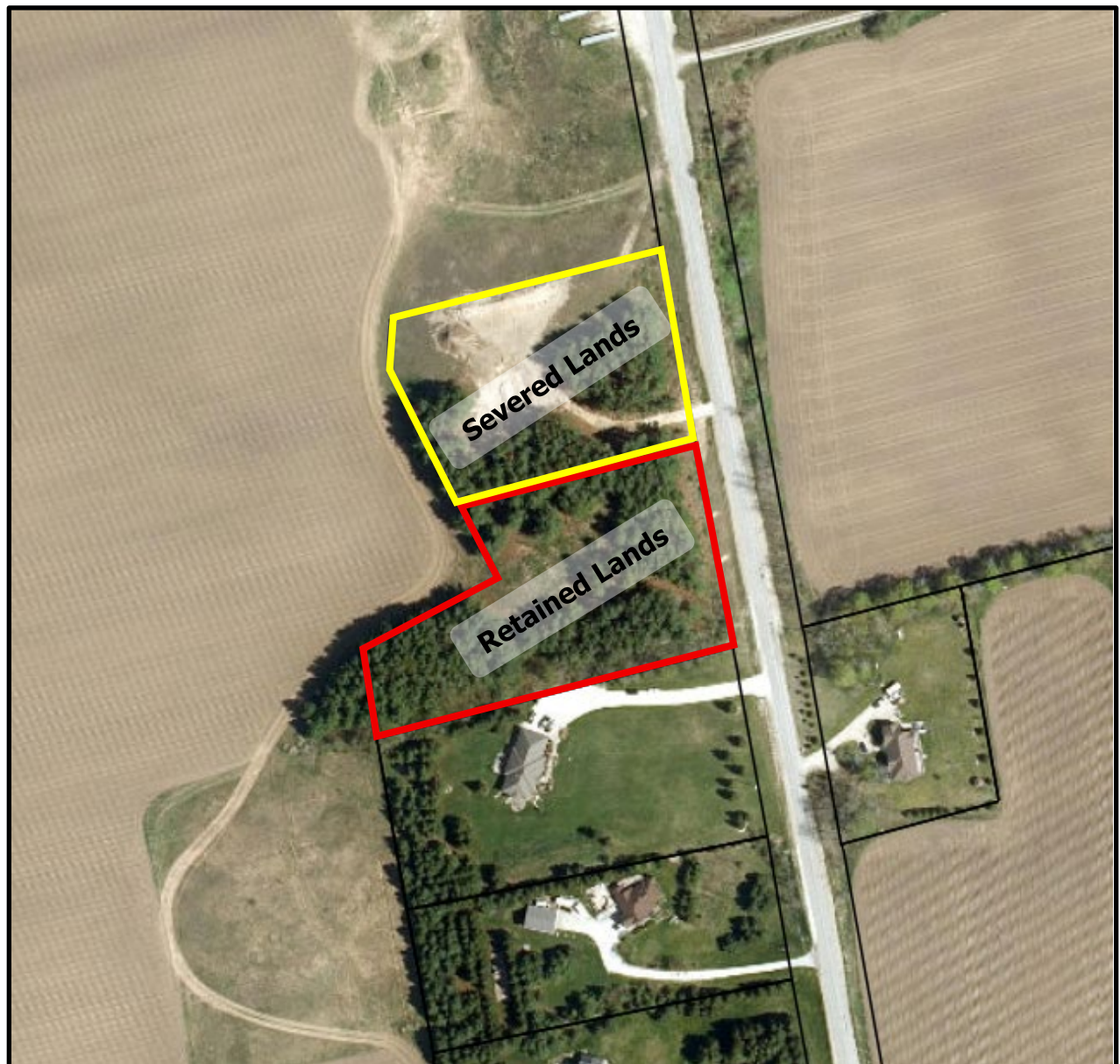
If you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Committee of Adjustment, Township of Melancthon, 157101 Highway 10, Melancthon, Ontario, L9V 2E6.

Date of this notice: March 13th, 2026



Denise B. Holmes, Secretary-Treasurer

Appendix 1 – Lands subject to Consent Application





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

MEMORANDUM

Meeting Date: April 16, 2026

To: Denise Holmes, Secretary-Treasurer, Committee of Adjustment

From: Liam Morgan, Acting Planning Manager

Report: P2026-05

Re: Application for Consent – B1-26 – 477450 3rd Line

Recommendation(s)

Be it resolved that the Committee of Adjustment receive Report P2026-05 as information.

And be it resolved that the Committee of Adjustment **refuse** Consent Application (B1-26) for the property municipally known as 477450 3rd Line, Melancthon and legally described as Part Lot 18, Concession 3 OS.

Background

On May 1st, 2025, the Township of Melancthon received a consent application from Wayne Nicholson ('applicant') for the lands municipally known as 477450 3rd Line and legally described as Part Lot 18, Concession 3 OS. The application was first deemed incomplete by planning staff on May 30th, 2025, as a result of the absence of three (3) technical reports – Planning Justification Report (PJR), Agricultural Impact Assessment (AIA), and Environmental Impact Study (EIS). In February of 2026, Township planning staff received all of the requested technical studies and, subsequently, deemed the application as complete on February 10th, 2026.

The purpose of the application is to sever the subject lands into two separate parcels that are to be developed for residential uses. The resulting parcel sizes are further described in *Table 1*.

Table 1: Severance Summary		
<i>Property Characteristics</i>	<i>Severed Lands</i>	<i>Retained Lands</i>
Lot Frontage	84.36 m (276.77 ft)	83.66 m (274.47 ft)
Lot Area	0.96 ha (2.37 ac)	1.07 ha (2.64 ac)
Lot Depth	121.76 m (400 ft)	146.05 m (479.17 ft)

It is the intent of this report to provide the Committee of Adjustment a recommendation on whether the proposed consent application should be approved, refused, or deferred. The following report will offer a comprehensive overview on the application, overarching land use policy, comments received, and, ultimately, whether planning staff can support the application. Using this report,



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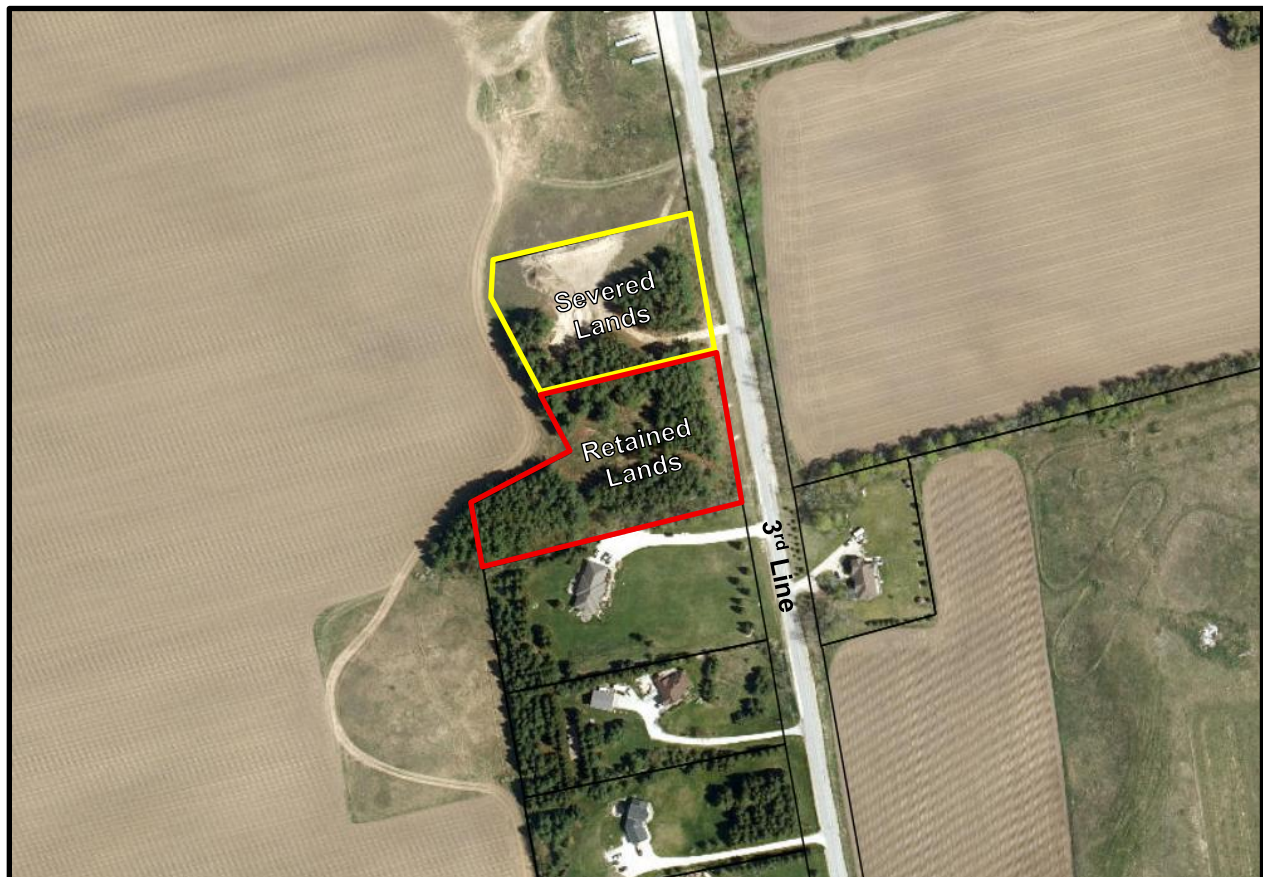
the Committee of Adjustment will be required to conclude whether a decision on the application, as it is currently presented, can be made.

Description of Subject Lands

The subject lands are currently 2.03 hectares (5.01 acres) in area and have a lot frontage of approximately 168.02 metres (551.24 feet). As indicated in the severance summary provided in *Table 1*, the lands are proposed to be severed into two relatively equal sized lots, with the retained lands being 0.11 hectares larger in size than the proposed severed lands. Currently the subject lands are vacant; however, they do consist of significant mature vegetation. Surrounding the property is largely rural residential dwellings and agriculture lands.

Under the County Official Plan, the subject lands are designated as *Prime Agricultural*. For Township planning policies, the Township Official Plan designates the subject lands as *Agricultural*. Zoning By-law 12-1979, as amended, zones the subject lands as *Rural Residential Exception 172 (RR-172)*.

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





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Policy Overview

Provincial Planning Statement, 2024

The *Provincial Planning Statement, 2024* ('PPS, 2024') is the province's guiding document for land use planning and development in Ontario. A revised version of the PPS, 2024 was implemented on October 20th, 2024, and replaced both the *Provincial Policy Statement, 2020* ('PPS, 2020') and *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019* ('Growth Plan'). All decisions relating to land use planning and development, as such, must be consistent with the policies provided in the PPS, 2024.

The PPS, 2024 designates the subject lands as *prime agricultural area*. Permitted uses for this area include agricultural uses, agricultural-related uses, on-farm diversified uses, and residential dwellings. In areas designated as *prime agricultural*, the PPS, 2024 asserts that all new land uses, which includes the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*, as per subsection 3) of section 4.3.2.

The PPS, 2024, also provides directive on lot creation and lot adjustments in *prime agricultural areas* through section 4.3.3. Generally, lot creation is discouraged in *prime agricultural areas*, but in some instances including for agricultural uses, agricultural-related uses, and residence surplus to a farming operation, lot creation would be permitted. Lot creation for the purposes of residential uses, however, is a strongly discouraged practice in the PPS, 2024. In fact, subsection 3) of section 4.3.3 explicitly states that "the creation of new residential lots in *prime agricultural areas* **shall not** be permitted, except in accordance with policy 4.3.3.1.c). For context, policy 4.3.3.1.c) pertains to residence surplus to a farming operation, which is not applicable to the current application being reviewed. What is also critical to note is that the language used in subsection c) is that of a positive directive given that it uses the term "shall not", instead of supportive language (i.e., "should", "promote"), which would allow for some discretion.

Given the presence of natural heritage features on the subject lands, PPS, 2024 policies regarding natural heritage were also reviewed by planning staff. At a high level, the PPS, 2024 directs that "natural features and areas shall be protected for the long term", as per subsection 1) of section 4.1. The PPS, 2024 also provides specific guidance for certain natural heritage features, such as *significant wetlands*, *significant valleylands*, *significant woodlands*, and *coastal wetlands*, to name a few. In the context of the current application, only *significant woodlands* are present on the subject lands, and, as such, the following policy of the PPS, 2024 is applicable.

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)1;



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- c) *Significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)1;*
- 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.

County of Dufferin Official Plan, 2025

The Dufferin County Official Plan, 2025 ('DCOP, 2025'), which has been recently updated through a Municipal Comprehensive Review ('MCR'), offers over-arching policy direction for land use and development matters in Dufferin County.

Similar to that of the PPS, 2024, the DCOP, 2025 designates the subject lands as *prime agricultural*. Permitted uses in *prime agricultural* areas, as per section 4.2.2, include agricultural uses, agricultural-related uses, on-farm diversified uses, residential dwellings, home occupations, home industries, forestry, conservation, wildlife and fisheries management, passive recreational uses, watershed management, and flood and erosion control projects. The DCOP, 2025, similarly echoes the PPS, 2024 in that it requires new lands uses, including lot creation and new or expanding livestock facilities, to comply with the *Minimum Distance Separation Formulae*, as per subsection b) of section 4.2.3.

Guidance is also provided by the DCOP, 2025 as it pertains to lot creation and adjustment in *prime agricultural* areas. Section 4.2.5 of the DCOP, 2025 asserts that lot creation and adjustment is generally a discouraged practice in *prime agricultural* areas; however, may be permitted for agricultural uses, agriculture-related uses, residence surplus to a farming operation, and lot adjustments for legal or technical reasons. Further to that, the DCOP, 2025, as per subsection g) of section 4.2.5, does not permit lot creation for the purposes of establishing a new residential lot. The language utilized in this subsection echoes that of PPS, 2024 in that it uses "shall not", which is positive directive that deters the ability for discretion to be used.

The DCOP, 2025, also offers directive on the protection of natural heritage features. As noted previously, the subject lands entail a *significant woodland*, which means that the following policies of the DCOP, 2025 are applicable.

Development and site alteration will not be permitted in

- i. *Significant woodlands;*
- ii. *Significant valleylands;*



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iii. Significant wildlife habitat; and,

iv. Significant areas of natural and scientific interest.

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

Policy 5.3.4 – 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 features or their ecological functions through the preparation of an EIS.

Township of Melancthon Official Plan

The Township of Melancthon Official Plan was approved on September 5th, 2017. The purpose of the Official Plan is to guide land use and infrastructure development in Melancthon to ensure the long-term vision of the Plan is maintained.

The Township Official Plan, as noted previously, designates the subject lands as *agricultural*. Permitted uses under the *agricultural* designation include agricultural uses, agriculture-related uses, on-farm diversified uses, single detached dwellings, wayside pits, and infrastructure. Under section 5.2.5 of the Township Official Plan, policies are provided that speak to severances for lands designated as *agriculture*. In large part, lot creation in *agricultural* areas is a generally discouraged practice, **except** in the following instances:

- i. 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,
- ii. For agriculture-related uses provided any such lot is limited to the minimum size needed to accommodate the use and appropriate on-site sewage and water services, and the lot is sited to avoid agricultural lands wherever possible.
- iii. The **only** type of new residential lot permitted is a lot which accommodates a *residence surplus to a farming operation* as a result of farm consolidation.
- iv. For infrastructure where the facility or corridor cannot be accommodated through easements or rights-of-way.
- v. For lot line adjustments for legal or technical reasons provided the consent does not result in the creation of a new building lot.



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Section 7.2 of the Official Plan gives additional policies relating to consent applications that are broader in nature. Policies in section 7.2 that are most applicable to the application include the following:

- 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.
- 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.
- xii. The creation of lots for non-farm purposes or for purposes that are not farm related in locations adjacent to agricultural uses is only permitted where the proposed use complies with the policies of the applicable land use designation and any other related policy of this Plan. All lots created through the consent process shall comply with all applicable policies and regulations relating to the protection of agricultural uses, including the applicable Minimum Distance Separation Formulae.

The subject lands, under the Township Official Plan, were not identified as containing a *significant woodland*, nor any other natural heritage feature. The natural heritage policies of the Township Official Plan were, therefore, deemed not applicable to the current application.

Township of Melancthon Zoning By-law

The subject lands are zoned as *Rural Residential Exception 172 (RR-172)* under Zoning By-law 12-1979, as amended. Permitted uses under the general *RR* zone include a single-family detached dwelling and accessory uses, and a home occupation.

A zoning comparison chart has been provided below in *Table 2*, which outlines the current in-effect zoning regulations and whether both the retained and severed lots would maintain consistency with the in-effect zoning.

<i>RR-172 Regulation</i>	<i>Required</i>	<i>Retained Lands</i>	<i>Severed Lands</i>	<i>Conformity?</i>
Min. Lot Area (By-law 36-2021)	2 ha	1.07 ha	0.96 ha	x
Min. Lot Frontage (By-law 36-2021)	167 m	83.66 m	84.36 m	x
Min. Front Yard	25 m	Information not provided	Information not provided	Unable to determine
Min. Interior Side Yard	6 m	Information not provided	Information not provided	Unable to determine



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Min. Rear Yard	25 m	Information not provided	Information not provided	Unable to determine
Min. GFA (1-storey)	93 m ²	Information not provided	Information not provided	Unable to determine
Max. Building Height	10 m	Information not provided	Information not provided	Unable to determine
Max. Lot Coverage	10%	Information not provided	Information not provided	Unable to determine

What must be noted is that no building envelopes were provided as part of the application, which did not allow for planning staff to determine whether conformity was achieved with a significant majority of the zoning regulations. The current zoning exception on the property impacted the application’s ability to conform to the minimum lot area and lot frontage requirements. As such, if this application were to be approved by the Committee, a zoning by-law amendment would be required to be submitted to address those conformity issues.

Consultation and Communications

The consent application was circulated to the required agencies, and the public meeting was advertised in accordance with the *Planning Act*. Comments were received from the following prescribed agencies during the commenting period:

County of Dufferin

Comments were received on March 31st, 2026. The comments provided by the County consisted of commentary from three divisions – Building Services, Corporate Services – Information Technology, and Planning Division. While two of the divisions noted no concerns, the planning division did indicate that concerns were present given the applications non-conformity with severance policies of the County Official Plan. The planning division was, therefore, **not supportive** of the consent application.

Nottawasaga Valley Conservation Authority (NVCA)

This agency provided comments on March 24th, 2026. In their comments they indicated that the NVCA had no concerns with the application.

Beyond the comments provided by the prescribed agencies, Township planning staff also sought to retain peer reviewers to review two studies submitted as part of this application – Environmental Impact Assessment and Agricultural Impact Assessment. A high-level overview of the comments submitted by the Township’s retained peer reviewers is provided below, with their full reports being included in the appendices.



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Environmental Impact Assessment

The Township retained the services of Hutchinson Environmental Sciences Ltd. to complete a peer review of the Environmental Impact Assessment submitted as part of the consent application. In their review, the peer reviewer determined that the characterization of the woodlands as not significant was appropriate and generally supported the recommended approach to vegetation clearing. While the peer reviewer did offer a further recommendation on tree clearing, they noted that if that recommendation was implemented then no negative impacts to natural heritage features present are anticipated to occur. Ultimately, no significant concerns were noted by our peer reviewer.

Agricultural Impact Assessment

The Township retained the services of Reclaim Environmental to complete a peer review of the Agricultural Impact Assessment submitted as part of the consent application. In their review, several significant deficiencies were identified and have been provided below for reference:

1. Author Qualifications – The individual who wrote the report had a lapse in their Ontario Institute of Agriologists (OIA) membership in 2021.
2. Undisclosed Rehabilitated Pit – Through site photography the peer reviewer identifies what appears to be a rehabilitated aggregate extraction pit. The AIA does not disclose this and, in fact, attributes the sites rocky appearance to natural conditions rather than prior industrial land use.
3. Geological Mischaracterization – The rounded cobbles and gravel in the site photo are glaciofluvial outwash material, not native bedrock. Native Amabel Formation dolostone (Silurian) is angular and crystalline and would be encountered at depth (typically 20–40+ m), not at surface.
4. Unsupported Absolute Claim – The conclusion that cultivation is “impossible” is an unqualified professional assertion unsupported by systematic soil assessment and based on a single photo of a disturbed area.
5. Inadequate Site Assessment – No soil augering, test pits, or pedon descriptions were conducted. The site assessment does not meet OMAFRA AIA Guidance standards.
6. Policy Analysis Gaps – Critical policies pertaining to lot creation under the PPS, 2024, DCOP, 2025, and Township Official Plan have not been adequately addressed.
7. Application History – The AIA does not fully disclose or engage with the 2016 OPA refusal, 2016 consent refusal, or the substantive policy basis for the 2020 planning report’s recommendation for refusal.



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8. MDS Currency – The MDS submitted as part of the current application was prepared for a different application and different lot configuration. An updated MDS is required for the current proposal.

Comprehensive Analysis of All Findings

In reviewing the application, in accordance with the over-arching planning policies and comments provided by the respective agencies, planning staff are of the opinion that the application cannot be supported as presented. The basis for this determination largely stems from the lack of consistency with the PPS, 2024 and general non-conformity with both the County and Township Official Plans. Across all three (3) land use policies the directive on severances in agricultural areas, especially when it establishes new residential lots, is that this form of lot creation is not to be permitted. Given that the final use of the two parcels would be to construct residential dwellings, the application at its core does not remain consistent with the PPS, 2024, nor conform to the DCOP, 2025 and Township Official Plan. While planning staff can appreciate that certain attributes of the property (i.e., small lot size, existing built form) may lend themselves to the argument of severing the parcel into two lots, this is a rather shortsighted approach. For one, *prime agricultural* areas across all three (3) land use policies are to be protected and preserved, which, in planning staff's opinion, means not only for the short-term, but also long-term. Though the applicant may argue that the current state of the subject lands are not agriculturally relevant or viable, this does not mean that the lands could not be utilized for agricultural purposes in the future. Further, the proposed application, if approved, would likely set a precedent for 'similar' *prime agricultural* lots in the future. Agricultural lands that may seem undersized or be located in an area where there is a presence of existing rural residential lots, may now have a basis for bringing forth an application to sever their lands. This, in turn, would likely result in an increase in the fragmentation of farmland, a practice that all overarching planning policies provide directive on to protect against.

What planning staff also strongly considered in their review and, ultimately, final determination on whether the application could be supported, was the peer review on the Agricultural Impact Assessment. The conclusions that were determined by the Township's peer reviewer – Reclaim Environment – brought forth significant questions on the applicant's claim that the subject lands were not agriculturally viable. Most notable to planning staff's questioning of the applicant's determination was the geological mischaracterization of the material on-site and inadequate site assessment. Given the Township peer reviewers findings, planning staff are unable to confidently determine that the subject lands do not reflect an agriculturally viable parcel of land, which, when seeking to sever a *prime agricultural* parcel, is critical argument to establish from the perspective of planning staff.

As a final note, though planning staff are required to review each application independently and on the merits of the technical materials submitted, it is our belief that mention must be made to the previous planning files that were associated with the subject lands and broader area. Prior to



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this application, it is planning staff's understanding that two (2) applications were submitted, with the first occurring in 2016 and the second being presented to the Committee in 2020. Though the first application was ultimately refused in 2017 after it was brought back for reconsideration, the final application presented to the Committee in 2020 was approved, which was contrary to the recommendation of the planner at that time.

Based on a comprehensive review of the application, in accordance with all overarching planning policies and the comments provided by both prescribed agencies and retained peer reviewers, Township planning staff cannot support the application and, as such, recommend that the application be refused by the Committee.

Prepared By:

Liam Morgan

Liam Morgan

Acting Planning Manager, MCIP, RPP

List of Appendices:

- Appendix #1 – Agricultural Impact Assessment Peer Review
- Appendix #2 – County of Dufferin Comments
- Appendix #3 – Environmental Impact Assessment Peer Review
- Appendix #4 – Nottawasaga Valley Conservation Authority (NVCA) Comments

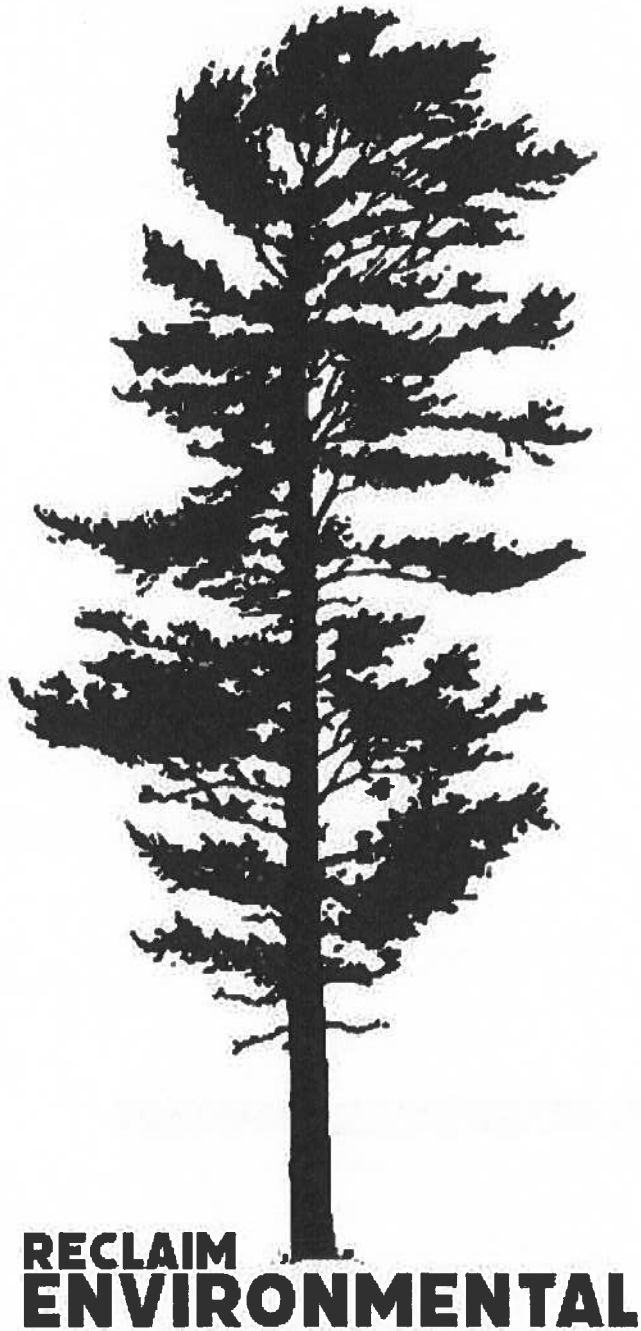


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Appendix #1 – Agricultural Impact Assessment Peer Review



Peer Review - Agricultural Impact Assessment

**477450 3rd Line,
Melancthon Township,
County of Dufferin,
Ontario**

Date: March 30, 2026

Prepared For:
The Township of Melancthon
157101 Highway 10,
Melancthon, Ontario
L9V 2E6
Canada

Prepared By:
Reclaim Environmental Inc.
5-18 Ringwood Drive
Suite #325
Stouffville, Ontario
L4A 0N2
Canada

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Common Acronyms

Acronym	Full Form
ANSI	Area of Natural and Scientific Interest
ARU	Automated Recording Unit
COPC	Contaminant of potential concern
ECA	Environmental Compliance Approval
ha	Hectare
km	Kilometre
m	Metre(s)
MECP	Ontario Ministry of the Environment, Conservation and Parks
MNRF	Ministry of Natural Resources
DFO	Department of Fisheries and Oceans
O. Reg.	Ontario Regulation
SAR	Species at Risk
NHIC	Natural Heritage Information Center (Ontario)
PIN	Property identification number
ARA	Aggregate Resources Act



1.0 Introduction










Reclaim Environmental Inc. (REI) was retained by the Township of Melancthon to conduct an independent peer review of the Agricultural Impact Assessment (AIA) prepared by Orion Environmental Solutions Inc. (Orion), dated September 2, 2025 (File No. OEC 25-025), in support of a proposed second lot severance from the existing residential lot at 477450 3rd Line, Melancthon Township, County of Dufferin, Ontario.

The subject property is described as Part of E Pt Lot 18, Concession 3 O.S., Township of Melancthon. The existing residential lot has an area of approximately 2.94 hectares (7.3 acres). The proposed severance would create two new lots (Lot 1 at 477438 3rd Line, approximately 2.5 acres, and an additional parcel), both within the original residential holding that was previously severed from the broader agricultural landholding under Consent Application B7/20.

The purpose of this peer review is to determine whether the AIA: (a) adequately characterizes the agricultural capability and site conditions of the subject lands; (b) correctly identifies and applies the relevant provincial, county, and municipal planning policy frameworks; (c) meets the professional standards and qualifications expected for agricultural impact assessment work in Ontario; and (d) draws conclusions that are well-supported by field evidence and rigorous analysis. REI's review is based on the submitted documentation and does not include an independent site visit.

2.0 Documents Reviewed

The following documents were reviewed in preparation of this peer review:

-  Agricultural Impact Assessment for Lot Severance at 477450 3rd Line, Melancthon Township – Orion Environmental Solutions Inc. (OEC 25-025), September 2, 2025, including all appendices.
-  Minimum Distance Separation (MDS) Report – Van Harten Surveying Inc. (File No. 29336-21), prepared by Everett Lusk, C.S.T., dated May 26, 2021, for Consent Application B7/20, Part Lot 17, Con. 2, Township of Melancthon
-  Planning Report / Memorandum – Municipal Planning Services Ltd. (Chris Jones, MCIP, RPP), dated December 4, 2020, re: Consent Application B7/20 – Part Lot 18, Concession 3 O.S.
-  County of Dufferin Building Services – Site Septic Suitability Approval, Lot 1 (477438 3rd Line) and Lot 2, dated May 14, 2025, File No. B7/20
-  Consent Mapping and Site Mapping – 477450 3rd Line (as submitted)
-  OMAFRA AgMaps – Canada Land Inventory (CLI) Soil Capability for Agriculture mapping and CLI/Topographic overlay (as appended in AIA, map created August 2025)
-  Township of Melancthon Official Plan (Approved September 5, 2017), including Sections 2.2.4, 5.2, and 5.2.5
-  County of Dufferin Official Plan, including agricultural designation and lot creation policies
-  Provincial Planning Statement (PPS) 2024, Section 4.3 Agriculture



- ✚ Provincial Policy Statement (PPS) 2020, Section 2.3.4 (as applicable to planning history)
- ✚ OMAFRA Agricultural Impact Assessment Guidance Document (2024)
- ✚ OMAFRA Draft AIA Guidance Document (March 2018, as referenced in the AIA)
- ✚ Ontario Agrologists Act, 2013 (Ontario Statute PR13009)
- ✚ Ontario Institute of Agrologists By-Laws (June 2025) and Code of Ethics
- ✚ Ontario Aggregate Resources Inventory, Dufferin County (ARIP 163-Rev)

3.0 Regulations, Policies, and Guidance Reviewed

The following regulatory and policy framework was considered in this peer review:

- ✚ Planning Act, R.S.O. 1990, c. P.13, Section 3(5) – consistency with provincial policy statements; conformity with provincial plans
- ✚ Provincial Planning Statement (PPS) 2024, Section 4.3 – Agriculture; Section 4.3.1 General Policies; Section 4.3.2 Permitted Uses; Section 4.3.4 Lot Creation and Lot Adjustments
- ✚ Provincial Policy Statement (PPS) 2020, Section 2.3.4 – Lot Creation and Lot Adjustments in Prime Agricultural Areas (applicable to planning history)
- ✚ Growth Plan for the Greater Golden Horseshoe – Agricultural System mapping (relevant to planning history and context)
- ✚ OMAFRA Agricultural Impact Assessment Guidance Document (2024) – qualified professional requirements, methodology, and scope of assessment
- ✚ OMAFRA Draft AIA Guidance (March 2018) – as relied upon by the AIA author
- ✚ OMAFRA Implementation Procedures: Agricultural System in Ontario's Greater Golden Horseshoe (2018) – Sections 2.1.1 and 3.2.1
- ✚ Township of Melancthon Official Plan (2017), Section 2.2.4 – Agricultural Resources Objectives; Section 5.2 – Agricultural Designation; Section 5.2.5 – Lot Creation in the Agricultural Designation
- ✚ County of Dufferin Official Plan – Agricultural designation policies; lot creation restrictions in prime agricultural areas
- ✚ Minimum Distance Separation (MDS) Formulae and Guidelines
- ✚ Ontario Agrologists Act, 2013 (Ontario Statute PR13009)
- ✚ Aggregate Resources Act, R.S.O. 1990, c. A.8, and O. Reg. 244/97 – Progressive Rehabilitation Standards
- ✚ Canada Land Inventory (CLI) Soil Capability for Agriculture Classification System

4.0 Summary of the AIA Under Review

The AIA, prepared by Orion Environmental Solutions Inc., concludes that the subject lands at 477450 3rd Line are not prime agricultural land and that the proposed lot severance will have no adverse impact on the agricultural system. The AIA advances the following principal arguments:

- ✚ The subject property is mapped as CLI Class 6, which is defined as unsuited for cultivation but may provide some sustained grazing as permanent pasture.



- 📍 A single site photograph (August 2025) depicts a rocky substrate with a conifer plantation, which the AIA characterizes as making the land "impossible to cultivate for crop production."
- 📍 Review of 1954 aerial photography indicates the subject lands were not under cultivation even during the most intensive farming period, and that surrounding residential lots were also not cultivated.
- 📍 An OMAFRA AgMaps CLI and topographic overlay is provided, which the AIA uses to argue that the CLI Class 1 designation of surrounding lands reflects ridge topography and is therefore inaccurate.
- 📍 The AIA references past aggregate extraction activity at the adjacent property (477384 3rd Line) as supporting evidence for aggregate deposit presence.
- 📍 The AIA concludes that the proposed severance is compliant with the PPS 2024 MDS requirements, citing the 2021 Van Harten Surveying MDS report.
- 📍 The AIA concludes that the 2020 planning report was based on mapping and policy analysis without a site visit, and that site-specific conditions demonstrate the lands are not part of the prime agricultural land base.

REI's review identifies significant deficiencies in each of these areas. These are addressed in detail in Section 5 below.

5.0 REI Comments and Concerns

5.1 Qualifications of the AIA Author – Ontario Agrologists Act, 2013

REI has a concern regarding the professional qualifications of the AIA author. Paul Neals signs the report as "Paul Neals, B.Sc. Agr., Agrologist, Principal" of Orion Environmental Solutions Inc. The resume appended to the AIA, under the heading "Professional Affiliations, Certification and Training," explicitly states:

Ontario Institute of Agrologists (1982 – 1994, 2015 – 2021)

This disclosure confirms that Mr. Neals was a member of the Ontario Institute of Agrologists (OIA) from 1982 to 1994 and again from 2015 to 2021. His OIA membership therefore lapsed in 2021. As of the date of this review, Mr. Neals does not appear on the publicly accessible and verifiable OIA register as a current practising member.

The Ontario Agrologists Act, 2013 (Statute PR13009) establishes the OIA as the self-regulatory body for professional agrologists in Ontario. The Act restricts the use of designated titles – including "Professional Agrologist (Ontario)" and the designation "P.Ag." – to registered members in good standing. The Act further prohibits any person from using words, names, titles, or designations that imply, suggest, or hold out that they are a registered member of the Institute when they are not.

The use of the title "Agrologist" in the context of a formal regulatory submission supporting a land use planning application is a representation of professional standing. The Code of Ethics of the OIA, to which practising members are bound, establishes obligations of competence, integrity, and ongoing professional development. These obligations and the accountability framework of the



Ontario Agrologists Act do not apply to lapsed or former members. The AIA is therefore presented under a professional credential that Mr. Neals does not currently hold.

The OMAFRA Agricultural Impact Assessment Guidance Document (2024) specifies that AIAs must be prepared by qualified professionals with demonstrated expertise in agricultural matters, whose credentials are commensurate with the scale and complexity of the proposal, and whose curriculum vitae is included in the final report. The inclusion of the resume in the AIA is consistent with this requirement; however, the resume itself discloses the lapse in professional registration, which directly undermines the AIA's standing as a work product of a currently registered professional agrologist.

REI Recommendation 1: The Township and the Committee of Adjustment should require that any revised or replacement AIA be prepared and/or co-signed by a currently registered Professional Agrologist (P.Ag.) in good standing with the Ontario Institute of Agrologists, with verifiable registration confirmed at ontarioagrologists.ca at the time of submission. The validity and professional accountability of the current AIA is materially compromised by the author's lapsed OIA membership.

5.2 Undisclosed Rehabilitated Aggregate Pit – Failure to Disclose Material Site Feature

The site condition photograph included in the AIA (labelled "Site Condition, August 2025") depicts a disturbed open area characterized by abundant rounded gravel and cobbles, exposed sandy/gravelly substrate, low mounded topography, and sparse pioneer vegetation including goldenrod, asters, and early shrub colonization. The conifer plantation visible at the rear of the image is consistent with post-extraction rehabilitation plantings commonly required under Ontario's Aggregate Resources Act.

These site characteristics – mounded and disturbed terrain, ubiquitous rounded gravel and cobble, exposed aggregate substrate, pioneer vegetation, and conifer plantation – are the hallmarks of a rehabilitated licensed aggregate extraction area, not a naturally rocky field. The Ontario Aggregate Resources Inventory for Dufferin County (ARIP 163-Rev) documents significant glaciofluvial aggregate deposits in northern Dufferin County. The AIA itself acknowledges "past aggregate extraction activity at 477384 3rd Line," the property immediately adjacent to the subject lands.

Critically, the AIA makes no disclosure that the subject property itself appears to contain a rehabilitated or partially rehabilitated aggregate pit area. This is a material omission; The consent mapping and site drawings submitted as part of the application package show site features consistent with an extraction footprint. Under the Aggregate Resources Act and O. Reg. 244/97, licensed pits are subject to progressive rehabilitation requirements, and the site's condition should be assessed against any applicable licensed pit area, site plan, or rehabilitation plan.

The failure to disclose and characterize this feature has significant implications for the AIA's conclusions. The disturbed substrate and aggregate material on the subject property are anthropogenic in origin – they reflect past industrial land use, not the inherent natural soil conditions of the site. Using the site condition of a formerly extracted and partially rehabilitated area as evidence that the land is "inherently" rocky and unsuitable for agriculture is fundamentally



misleading. The AIA must, at minimum, confirm: (a) whether any portion of the subject property was or is within a licensed aggregate extraction area; (b) the terms and status of any rehabilitation plan applicable to the site; and (c) what the natural soil profile and capability beneath the disturbed overburden actually are.

REI Recommendation 2: A revised AIA must fully investigate and disclose the history of aggregate extraction on the subject property. This should include a search of the Ontario Aggregate Resources Corporation (TOARC) licensed pit records, review of any applicable site plan or rehabilitation plan, and confirmation of the extent of the rehabilitated pit area. The absence of this disclosure is a fundamental deficiency that independently invalidates the AIA's conclusions regarding site suitability.

5.3 Geological Mischaracterization – Fluvial and Glaciofluvial Material vs. Native Bedrock

The AIA relies in significant part on the presence of rocky substrate at the site to support its conclusion that the land is inherently unsuitable for agricultural use. The site photograph depicts smooth, well-rounded cobbles and gravel – material that is unambiguously inconsistent with native bedrock outcrop.

The bedrock geology of Melancthon Township is dominated by the Amabel Formation, a Middle Silurian dolostone. Amabel Formation dolostone is a crystalline carbonate rock with the following identifying characteristics:

- ✦ White to blue-grey colouring, developing a yellowish to rusty weathering patina at exposed surfaces;
- ✦ Angular, sharp-edged fracture faces resulting from conchoidal and planar fracture patterns;
- ✦ Crystalline texture with visible dolomite rhombohedra and, in places, fossil crinoid ossicles;
- ✦ Thick to massive bedding structure, forming the resistant caprock of the Niagara Escarpment;
- ✦ Formation of angular talus blocks and rubble where frost-wedged or mechanically broken.

Significantly, typical overburden depths above bedrock in southern Ontario range from 20 to 40 metres, with locally variable depths depending on buried bedrock valleys and glacial erosion. Native Amabel Formation dolostone bedrock would not be expected to outcrop at surface across the subject property, and would not present as rounded, smooth cobbles if it did.

The rounded, water-worn cobbles and gravel visible in the AIA's site photograph are characteristic of glaciofluvial outwash deposits – sediments deposited by glacial meltwater rivers during and following the retreat of the Laurentide Ice Sheet. Glaciofluvial material is distinguished by:

- ✦ Well-rounded to sub-rounded clasts resulting from abrasion during water transport;
- ✦ Sorted grain sizes with coarser material proximal to the source;
- ✦ Cross-bedded, sorted stratification visible in section;
- ✦ Composition typically dominated by mixed lithologies (limestone, dolostone, quartzite, granite), reflecting the diversity of material transported by meltwater.

This interpretation is directly supported by the known aggregate resource context of the area. The Strada Aggregates operation in Melancthon Township, located nearby, explicitly operates in two



distinct stratigraphic layers: an upper glaciofluvial sand and gravel deposit, and consolidated Amabel/Goat Island dolostone bedrock at depth. The Ontario Aggregate Resources Inventory for Dufferin County documents eskers and outwash deposits across northern Dufferin County, confirming the prevalence of rounded glaciofluvial gravel in the surface and near-surface materials of this area.

The AIA's characterization of the rounded stone material as evidence of "rocky substrate" limiting agricultural potential is therefore geologically inaccurate. The material shown in the site photograph is not indicative of native bedrock. It is consistent with glaciofluvial outwash – the same class of material that has been commercially extracted from the adjacent property and from the broader Melancthon area for aggregate purposes. More critically, as discussed in Section 5.2, the disturbed, mounded, gravel-covered appearance of the site strongly suggests a rehabilitated aggregate extraction area, not a naturally rocky field.

REI Recommendation 3: A revised AIA must correctly characterize the geological context of the subject property, including the regional bedrock stratigraphy (Amabel Formation dolostone), typical overburden depths, and the nature of surface materials. The site photograph must not be presented as evidence of naturally limiting bedrock conditions. Subsurface soil assessment (augering or test pits to a minimum depth of 1.0 m, with pedon descriptions) is required to characterize natural soil conditions beneath any disturbed or rehabilitated areas.

5.4 Unsupported Absolute Claims – The Word "Impossible"

The AIA contains the following statement:

"The rock would make the site impossible to cultivate for crop production."

This is an absolute and unqualified conclusion drawn from a single site photograph of what appears to be a rehabilitated aggregate pit area. It is not supported by any systematic soil assessment, soil profile description, auger data, or test pit investigation. It does not reflect the natural soil conditions of the property as a whole and is based on material that REI has visually identified as being consistent with glaciofluvial outwash and/or imported aggregate rather than native bedrock, via the same site photograph provided in the appendix of the AIA.

Under the OMAFRA AIA Guidance, conclusions regarding soil capability must be grounded in a field assessment that includes, at minimum, an evaluation of soil composition and capability based on CLI data and site-specific observations, including subsurface investigation where surface conditions are atypical or ambiguous. A single photograph of one corner or area of a property – an area that shows clear evidence of prior disturbance – cannot support the categorical conclusion that the entire property is "impossible" to cultivate.

The OMAFRA CLI maps the subject property as Class 6 soils. CLI Class 6 is defined as soils unsuited for cultivation but capable of providing some sustained grazing as permanent pasture. This designation does not assert that cultivation is "impossible" – it reflects a capability limitation classification. Moreover, as the AIA itself acknowledges, CLI mapping at the provincial or county level is not intended for site-specific land use decisions, and the AIA does not provide the site-specific investigation necessary to substitute for or refine that mapping.



REI Recommendation 4: The AIA must remove or substantially revise the conclusion that cultivation is "impossible." Any conclusions regarding soil capability limitations must be supported by site-specific field evidence, including soil augering and pedon descriptions across the property, not only in the area of visible disturbance. The assessment methodology must meet OMAFRA AIA Guidance standards.

5.5 Inadequate Site-Specific Soil Assessment

The OMAFRA AIA Guidance (2024) requires that an AIA include a field assessment that addresses soil composition, the history and extent of agricultural operations, existing land use, and an evaluation of agricultural viability. This assessment must go beyond a review of secondary data sources and mapping and must include site-specific observations that substantiate the report's conclusions.

The AIA's site assessment consists of: (a) a single photograph taken in August 2025; (b) a review of OMAFRA AgMaps CLI mapping; and (c) a review of 1954 aerial photography. No soil auger data, test pit logs, or pedon descriptions are provided. No transect-based field assessment is described. No soil profile was described to characterize the subsurface conditions beyond the surface visual observation.

This is particularly inadequate given that the site photograph depicts a visibly disturbed and potentially rehabilitated aggregate extraction area, where surface conditions are not representative of the natural soil profile. The standard practice for agronomic assessment of disturbed or atypical sites requires subsurface investigation to characterize conditions beneath the disturbed overburden. The AIA's reliance on surface observation in a disturbed area as the basis for a conclusion about the inherent soil capability of the entire property does not meet acceptable professional standards.

Furthermore, the 1954 aerial photography shows the subject property and adjacent residential lots as uncultivated. While this is relevant context, the AIA does not account for the possibility that the land may have been subject to aggregate extraction since 1954, which could independently explain the absence of cultivation and the current disturbed site conditions. The historical record must be interpreted in the context of the full land use history of the property.

REI Recommendation 5: A revised AIA must include a rigorous site-specific soil assessment meeting OMAFRA AIA Guidance requirements. This must include: (a) a minimum of three to five auger holes or test pits distributed across the subject property, with full pedon descriptions to 1.0 m depth or refusal; (b) photographic documentation of each soil observation point; (c) a soil capability assessment by a currently registered P.Ag.; and (d) a soil assessment that distinguishes between the natural soil profile and any disturbed or fill material associated with aggregate extraction.

5.6 Township and County Official Plan Policy Analysis

Township of Melancthon Official Plan

The subject lands are designated Agricultural in the Township of Melancthon Official Plan (2017). Section 5.2 of the Official Plan establishes the Agricultural designation, and its principal planning objective, as stated in Section 5.2, is:

"The principle planning objective of the Agricultural designation is to protect prime agricultural areas for long term use for agriculture."



Section 2.2.4 of the Official Plan sets out the following Agricultural Resources Objectives, which are directly applicable to this application:

- ✚ (a) *To protect prime agricultural areas for long term use for agriculture.*
- ✚ (b) *To preserve and protect agricultural uses and normal farm practices in accordance with Provincial Standards.*
- ✚ (c) *To identify and protect prime agricultural areas so that farm operations are not hindered by conflicting development.*
- ✚ (d) *To permit in prime agricultural areas only agricultural uses, on-farm diversified uses, agriculture-related uses and, where there is compliance with the polices of this Plan and the Province, some forms of public service uses and infrastructure and the extraction of mineral aggregate resources only as a use that is interim in nature and is limited or regulated accordingly.*
- ✚ (e) *To limit residential lot creation in prime agricultural areas to lots for a residence surplus to a farming operation.*
- ✚ (f) *To identify secondary agricultural areas having agricultural capability but not containing predominantly prime agricultural soils and to permit agriculture as the dominant use in such areas while also allowing a range of other rural uses.*

Section 5.2.5 of the Official Plan addresses lot creation in the Agricultural designation. Lot creation in the Agricultural designation is discouraged. The only permitted forms of lot creation, as derived from PPS policy, are: lots for agricultural uses of appropriate size; lots for agriculture-related uses limited to minimum size; and lots for a residence surplus to a farming operation resulting from farm consolidation. The creation of a new residential lot from an existing approved residential lot – which is itself not a farming operation – does not fall within any of these categories.

The AIA acknowledges the Official Plan agricultural objectives but concludes, without adequate policy analysis, that the proposed severance is “in full compliance.” This conclusion is not supportable. The Official Plan clearly does not contemplate the sub-division of an existing residential lot within the Agricultural designation to create an additional residential lot. The fact that the parent lot was previously approved as a residential severance does not bring subsequent lot creation within the scope of permitted uses.

County of Dufferin Official Plan

The County of Dufferin Official Plan designates approximately 70% of the County as Prime Agricultural Land, forming large contiguous blocks essential to the long-term viability of agricultural production in the County. The County’s agricultural policies are consistent with and implement PPS requirements. Lot creation in prime agricultural areas under the County OP is restricted to the same categories as under the PPS: agricultural uses, agriculture-related uses, and surplus residence to farming operation severances.

The AIA does not contain a thorough analysis of the County of Dufferin Official Plan. This is a significant deficiency. The Township’s Official Plan must conform with the County OP, and any severance application must demonstrate conformity with both. The County’s refined Prime Agricultural Lands mapping, updated through Official Plan Amendment No. 3 (approved October 9,



2024), must also be addressed. The AIA was prepared in September 2025 but does not reference OPA No. 3, which represents the most current expression of the County's agricultural land base delineation.

REI Recommendation 6: A revised AIA must include a complete analysis of both the Melancthon Township Official Plan (including Sections 2.2.4, 5.2, and 5.2.5) and the County of Dufferin Official Plan (including all applicable agricultural policies and the refined Prime Agricultural Lands mapping under OPA No. 3, approved October 2024). The AIA must demonstrate how the proposed severance either conforms with these policy frameworks or falls within a recognized policy exception.

5.7 Provincial Planning Statement (PPS) 2024 – Policy Analysis

The AIA engages with the PPS 2024, Section 4.3, but the analysis contains material gaps. Section 4.3.4 of the PPS 2024 governs lot creation and lot adjustments in prime agricultural areas and is directly applicable to this application. The relevant provisions provide that lot creation in prime agricultural areas is discouraged and may only be permitted for: (a) agricultural uses; (b) agriculture-related uses; and (c) a residence surplus to a farming operation as a result of farm consolidation.

The proposed severance does not fit within any of these categories. The subject property is an existing residential lot, not a farming operation. The proposed severance is not a surplus residence to a farm consolidation; it is the creation of an additional residential lot from an existing non-farm residential holding. This directly falls within the class of lot creation that PPS 4.3.4 discourages and restricts.

The AIA's argument that the lands are not prime agricultural land because the soils are CLI Class 6 does not resolve this issue. The PPS defines "prime agricultural area" as including prime agricultural lands (CLI Classes 1, 2, 3, and associated Classes 4–7) as well as areas where prime agricultural lands predominate. The subject property, even if the soils are accurately characterized as Class 6, is located within a landscape context where prime agricultural lands predominate, as confirmed by both the CLI mapping and the County's Official Plan designation. The AIA does not adequately distinguish between "prime agricultural land" (a soil capability designation) and "prime agricultural area" (a planning designation), which are distinct concepts under the PPS.

Furthermore, PPS 4.3.2(5) permits a residential dwelling in a prime agricultural area as a permitted use only where it complies with MDS, is compatible with and does not hinder surrounding agricultural operations, and minimizes land taken out of production. The AIA relies on this provision but does not adequately address the "minimizes land taken out of production" criterion, nor does it engage with the cumulative fragmentation implications of creating a second residential lot from a property that already exists as a non-farm residential severance within the agricultural designation.

REI Recommendation 7: A revised AIA must include a thorough and complete policy analysis under PPS 2024 Section 4.3, with particular attention to: (a) the distinction between "prime agricultural land" and "prime agricultural area"; (b) the Section 4.3.4 lot creation provisions and whether the proposal is captured by a permitted exception; and (c) the cumulative fragmentation implications of successive residential lot creation within the Agricultural designation.



5.8 Application History and Pattern of Refusals

The application history for this property reflects a consistent pattern of concerns about the appropriateness of residential lot creation at this location. REI notes the following planning history, which the AIA significantly understates:

- ✚ 2016: An application for an Official Plan Amendment to redesignate the subject lands from Agricultural to Rural was submitted and refused by the Township of Melancthon. The same applicant submitted a subsequent consent application in the same year, which was also refused.
- ✚ 2020: Consent Application B7/20 was submitted for the creation of a new residential lot (approximately 1.74 ha / 4.3 acres) from the then-40-hectare agricultural landholding. Municipal Planning Services Ltd. (Chris Jones, MCIP, RPP) prepared a planning report recommending refusal, concluding that the application was not consistent with the Growth Plan for the Greater Golden Horseshoe, the Provincial Policy Statement 2020, and did not conform with either the County of Dufferin or Township of Melancthon Official Plans. The report's conclusion stated: "The proposed consent is not consistent with the Growth Plan, the Provincial Policy Statement and does not confirm [sic] with the County or the Township's Official Plan."
- ✚ Current Application: The present application proposes to sever not one but two additional lots (Lot 1 at 477438 3rd Line, approximately 2.5 acres, and a second parcel) from the residential lot that was approved as part of Consent Application B7/20. This represents a third attempt at residential lot creation from this agricultural landholding in approximately a decade.

The AIA acknowledges the 2020 planning report and attempts to rebut it but frames the history narrowly. It does not acknowledge the 2016 refusals, nor does it engage with the fundamental policy concern raised repeatedly by the Township's planning staff: that the simplistic argument that non-productive land within a prime agricultural area is exempt from agricultural land protection policies, if accepted, would create a precedent that could be used to justify residential lot creation throughout prime agricultural areas in Ontario.

Each prior refusal was grounded in a consistent and principled policy position. The AIA does not demonstrate any material change in the policy framework, the site conditions, or the nature of the application that would warrant a different outcome. The current application is not for a surplus residence to a farm consolidation. It is for additional residential lot creation within the Agricultural designation, advancing the fragmentation of a property that has already been the subject of multiple planning refusals.

REI Recommendation 8: A revised AIA must provide a complete and transparent account of the planning history of the subject property, including the 2016 OPA refusal, the 2016 consent refusal, and the basis for the 2020 planning report's recommendation for refusal. The AIA must demonstrate how the current application substantively addresses the policy concerns that led to those refusals, or acknowledge that the policy basis for refusal continues to apply.

5.9 Currency of the Minimum Distance Separation Assessment

The AIA relies on a Minimum Distance Separation (MDS) report prepared by Van Harten Surveying Inc. (Everett Lusk, C.S.T.) and dated May 26, 2021 – more than four years prior to the submission of the current AIA in September 2025. The MDS was prepared for the original Consent Application



B7/20, which proposed a single residential lot severance from the then-40-hectare agricultural landholding.

The current application is materially different from the 2021 application: it proposes the creation of two additional lots from the already-reduced residential parcel, with different configurations, lot areas, and locations than the lot evaluated in 2021. The MDS Worksheet 1 in the 2021 report identifies the subject farm as located at 477399 3rd Line, with a 3,000 square foot barn then reportedly empty and in poor condition. The notes on the MDS form indicate the barn “was once used for cattle operation” and that the foundation is “in bad shape.”

Given the passage of time and the material change in the application configuration, the Township should require an updated MDS assessment prepared specifically for the current lot configurations as proposed. Agricultural operations in the area may have changed since 2021. The barn condition and potential livestock use should be re-evaluated. The 2021 MDS should not be treated as current for the purposes of this application without confirmation that no material changes have occurred.

REI Recommendation 9: The Township should require a new or updated MDS assessment prepared specifically for the proposed lot configurations in the current application. The 2021 Van Harten Surveying MDS, prepared for a different application and a different lot configuration, should not be accepted as satisfying the current MDS requirements without re-evaluation.



6.0 Summary and Recommendations

6.1 Summary of Findings

REI's peer review of the AIA prepared by Orion Environmental Solutions Inc. has identified the following principal deficiencies, each of which independently and collectively undermine the reliability and professional standing of the AIA:

#	Issue	Finding
1	Author Qualifications	Paul Neals' OIA membership lapsed in 2021. He is not a currently registered practising P.Ag. The AIA is presented under a professional credential the author does not hold.
2	Undisclosed Rehabilitated Pit	The site photograph depicts what appears to be a rehabilitated aggregate extraction area. The AIA makes no disclosure of this, attributing the site's rocky appearance to natural conditions rather than prior industrial land use.
3	Geological Mischaracterization	The rounded cobbles and gravel in the site photo are glaciofluvial outwash material, not native bedrock. Native Amabel Formation dolostone (Silurian) is angular and crystalline and would be encountered at depth (typically 20–40+ m), not at surface.
4	Unsupported Absolute Claim	The conclusion that cultivation is "impossible" is an unqualified professional assertion unsupported by systematic soil assessment and based on a single photo of a disturbed area.
5	Inadequate Site Assessment	No soil augering, test pits, or pedon descriptions were conducted. The site assessment does not meet OMAFRA AIA Guidance standards.
6	Policy Analysis Gaps	The AIA does not adequately address the Township OP (Sections 2.2.4, 5.2, 5.2.5), the County of Dufferin OP (including OPA No. 3, 2024), or the full scope of PPS 2024 Section 4.3 lot creation restrictions.
7	Application History	The AIA does not fully disclose or engage with the 2016 OPA refusal, 2016 consent refusal, or the substantive policy basis for the 2020 planning report's recommendation for refusal.
8	MDS Currency	The 2021 Van Harten MDS was prepared for a different application and different lot configuration. An updated MDS is required for the current proposal.

6.2 Overall Conclusion

In REI's professional opinion, the AIA prepared by Orion Environmental Solutions Inc. (OEC 25-025, September 2, 2025) does not meet the professional standards, evidentiary requirements, or policy analysis depth expected of an Agricultural Impact Assessment in the Province of Ontario. The report was prepared by an individual whose OIA membership lapsed in 2021, whose site assessment is based on a single photograph of what appears to be a rehabilitated aggregate pit area, and who's geological and policy analysis contains material errors and omissions.



The AIA's central conclusion – that the subject lands are not part of the prime agricultural land base and that the proposed severance will have no adverse agricultural impact – is not adequately supported by evidence. The Township of Melancthon, the County of Dufferin, and the Province of Ontario have consistently maintained through policy and, in this case, through prior planning decisions, that the creation of residential lots within the prime agricultural designation must meet a high evidentiary and policy bar; the AIA does not meet that bar.

6.3 Recommendations

REI makes the following recommendations to the Township of Melancthon and the Committee of Adjustment:

- ✚ That the AIA prepared by Orion Environmental Solutions Inc. (OEC 25-025, September 2, 2025) not be accepted as adequate to satisfy the AIA requirement for this application, on the grounds of inadequate professional qualifications, inadequate site assessment methodology, geological mischaracterization, undisclosed material site features, and deficient policy analysis.
- ✚ That any revised or replacement AIA be required to be prepared and/or co-signed by a currently registered Professional Agrologist (P.Ag.) in good standing with the Ontario Institute of Agrologists, with OIA registration verified at the time of submission.
- ✚ That a revised AIA include a complete disclosure of the land use and aggregate extraction history of the subject property, including a search of TOARC licensed pit records and review of any applicable rehabilitation plan.
- ✚ That a revised AIA include a rigorous, site-specific soil assessment including a minimum of three to five soil auger holes or test pits with full pedon descriptions, distributed across the subject property including areas beyond any identified disturbance.
- ✚ That a revised AIA include a complete and accurate geological characterization of the subject property, distinguishing between glaciofluvial surface materials, any imported or disturbed fill, and native bedrock (Amabel Formation dolostone, Silurian age).
- ✚ That a revised AIA include a thorough policy analysis addressing the Township of Melancthon Official Plan (Sections 2.2.4, 5.2, and 5.2.5), the County of Dufferin Official Plan (including OPA No. 3, 2024), and the PPS 2024 Section 4.3 lot creation provisions.
- ✚ That a new MDS assessment be prepared specifically for the proposed lot configurations in the current application.
- ✚ That the full planning history of the subject property, including the 2016 OPA and consent refusals, be considered in the evaluation of the current application.



7.0 Limitations

This peer review has been prepared by REI for the sole use of the Township of Melancthon in evaluating the adequacy of the AIA submitted in support of the proposed severance at 477450 3rd Line. REI relied on the materials provided as part of the application submission and on publicly available policy and regulatory documentation. It is assumed that all submitted documentation is factual and accurate; REI is not responsible for errors, omissions, or misrepresentations arising from the submitted materials.

This review is based solely on the submitted documentation and does not include an independent site visit, independent soil assessment, or independent review of municipal files. The conclusions presented herein are accordingly limited to the accuracy and completeness of the documentation provided. The identification of a potential rehabilitated aggregate pit on the subject property is based on photographic interpretation and contextual evidence; this interpretation should be confirmed through the records search recommended in Section 5.2.

REI's peer review does not constitute a determination of the planning merits of the proposed severance. That determination remains within the jurisdiction of the Township's Committee of Adjustment and Council. REI's role is limited to providing a professional assessment of whether the AIA, as submitted, meets applicable professional and methodological standards and provides adequate information for the Township's decision.

Yours Truly,
Reclaim Environmental Inc.


Kaitlin Cocks (Mar 31, 2026 09:05:35 EDT)

Kaitlin Cocks, A. Ag (T) CAN-CISEC, T. FWC
Project Manager/Ecologist



Jose Haig, M.NRES, P.Ag, Cert. Urban Ecologies
Principal Consultant





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Appendix #2 – County of Dufferin Comments



Date: March 31, 2026

To: Township of Melancthon

Re: County of Dufferin Comments – B1/26 – 477450 3rd Line

The County of Dufferin is in receipt of the Request for Comments for the above noted application, dated 2026-03-13. The request for comments was circulated to the following department(s):

1. [Building Services](#)
2. [Corporate Services – Information Technology](#)
3. [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 Dufferin County informed with respect to the status of the attached comments and the decision related to the subject application.

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

Kind regards,

AS

Aneil Sihota, RPP Candidate, MPI.
Junior Planner, County of Dufferin
Phone +1 (519) 939-3453
asihota@dufferincounty.ca



Date: March 27, 2026

From: Building Services

Building Services has no comments or objections pertaining to this application.

Regards,

A handwritten signature in black ink, appearing to read 'Km'.

Kristina Millar, Plans Examiner, CBCO,
Development and Tourism, County of Dufferin

Phone: 519.941.2816 x 2710
kmillar@dufferincounty.ca



Date: March 27, 2026

From: Corporate Services – Information Technology

If the severance(s) is granted, we request that an Emergency Number be assigned for each new entrance by Dufferin County. The Emergency Number(s) should be posted at each entrance location that does not have an Emergency Number posted for Emergency Services response purposes. Please see link below for instructions:

<https://www.dufferincounty.ca/county-services/roads-infrastructure/addressing/>

Regards,

**Eric Carr, HBA, GIS-AS, GISP | GIS Technician | Information Technology
(Corporate Services) County of Dufferin**

Phone: 519-941-2816 Ext. 8007 | ecarr@dufferincounty.ca |

Date: March 17, 2026

From: Planning Division

The planning division has reviewed the consent application and has the following comments:

- The subject lands are designated as *prime agricultural* under the County Official Plan. The following is a list of applicable policies that speak to lot creation in *prime agricultural areas*, which can be found under section 4.2.5 of the County Official Plan.
 - a) Lot creation in the *prime agricultural area* will generally be discouraged and only permitted in accordance with provincial policy and the policies of the local municipal official plan. The minimum lot area of both the retained and severed *lots* will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.
 - b) 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).
 - c) Where a previous or current farm acquisition has rendered a residence surplus to a farming operation, a consent may be permitted subject to the following conditions:
 - i. The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
 - ii. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and,
 - iii. The surplus dwelling parcel will be subject to Minimum Distance Separation I setback provisions, and be zoned to recognize the non-farm residential use, as required.
 - d) For agriculture-related uses, the lot created will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.
 - e) Lot adjustments in the *prime agricultural area* may be permitted for legal or technical reasons. Lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels.
 - f) For the creation of a lot to permit new infrastructure uses where the facility or corridor cannot be accommodated through the use of easements or rights-of way.
 - g) The creation of new residential lots in the prime agricultural area **shall not be permitted** except in accordance with policy 4.2.5 (c).

- The subject lands also entail a natural heritage feature – *woodlands*. Notable policies relating to this natural heritage feature include the following:
 - **Woodlands (section 5.3.4)** – Development and site alteration will not be permitted within or adjacent to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

The planning division concludes that this application in its current form has multiple policy constraints. The subject lands are designated as *prime agricultural* where lot creation is generally discouraged and only permitted under limited and specific circumstances; primarily for agricultural purposes, surplus farm dwellings, or certain infrastructure uses. New residential lots are prohibited unless they meet the criteria of subsection c) in section 4.2.5 of the County Official Plan. In addition, the presence of the *woodlands* natural heritage feature proposes further restrictions, requiring that the Environmental Impact Study (EIS) will show no negative ecological impacts. It is our understanding that the Township has retained and received a completed peer review of the submitted EIS and, as such, will defer to the Township peer reviewer for further commenting. Given these concerns, the County does **not support** the application at this time.

Best regards,

AS

Aneil Sihota, RPP Candidate, MPI.
Junior Planner, County of Dufferin
Phone +1 (519) 939-3453
asihota@dufferincounty.ca



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157101 Highway 10, Melancthon, Ontario, L9V 2E6

Appendix #3 – Environmental Impact Assessment Peer Review



March 19, 2026

Project No. 260054

Liam Morgan, MCIP, RPP
Acting Planning Manager
Township of Melancthon
157101 Highway 10
Melancthon, ON L9V 2E6
Via email: lmorgan@melancthontownship.ca

Dear Mr. Morgan:

**Re: Peer Review of the Scoped Environmental Impact Assessment for 477450 3rd Line,
Township of Melancthon**

Hutchinson Environmental Sciences Ltd. (HESL) was retained by the Township of Melancthon (the Township) to provide a peer review of the Scoped Environmental Impact Assessment (EIA) submitted to the Township as part of a consent application for 477450 3rd Line, Melancthon. The Scoped EIA was prepared by Roots Environmental on November 10, 2025.

In this letter, we provide our peer review of the Scoped EIA.

1. Background

We reviewed the Scoped EIA to determine whether it

- provides sufficient information on the natural environment of the study area, to fully characterize the ecological setting, including detailed documentation of natural features, ecological functions, environmental sensitivities and constraints,
- uses the correct methodologies to gather and analyse the information, following industry standards, protocols and best practices, and applying appropriate scientific approaches,
- identifies and evaluate any negative impacts of the proposed development on the natural features and their ecological functions, and
- makes sound conclusions and recommendations based on the best available information, to identify mitigation measures so that the development proposal avoids or sufficiently minimizes negative impacts on significant natural heritage features and their ecological functions and conforms with applicable environmental policies and legislation.

2. Summary of the Scoped EIA and Proposed Development

The Scoped EIA was prepared to support a proposed lot severance to create a single residential lot. The subject property is approximately 2 ha, and the severance would create a new lot of approximately 0.96 ha.

A site visit was conducted on October 8, 2025 to document existing conditions. A White Pine Coniferous Plantation (CUP3-2) was documented over most of the property, with Dry – Moist Old Field Meadow (CUM1-1) along the property boundary and in the central part of the site.

No significant natural heritage features were previously identified or found on or adjacent to the property during the site visit. Although woodland is mapped on the property, Roots Environmental did not find that it met the size criterion for significance.

The Scoped EIA recommended that no vegetation clearing occur between April 1 and August 31 to avoid disturbance to breeding birds.

3. Comments

In general, we found that the Scoped EIA provided a reasonable characterization of natural heritage features, impact assessment of the proposed development, and demonstration of conformity with applicable legislation and policy. We support the recommendation to schedule vegetation clearing outside the peak bird breeding period. We would further recommend that any tree clearing be scheduled outside the bat active season. Although White Pine plantations may not be preferred habitat for bats, they still may provide roosting habitat. Thus, tree clearing during the active season (i.e., April 1 to November 30) should be avoided.

4. Conclusions

In our opinion, if the timing recommendations for birds and bats are followed no negative impacts to natural heritage from the proposed severance are anticipated. Once the requested revisions have been made, the Scoped EIA will be complete.

We thank you for the opportunity to conduct this peer review.

Sincerely,
per. Hutchinson Environmental Sciences Ltd.



Andrea L. Smith, Ph. D.
Senior Ecologist
andrea.smith@environmentalsciences.ca





The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Appendix #4 – Nottawasaga Valley Conservation Authority (NVCA) Comments

From: [Kaitlin Dinnick](#)
To: [Liam Morgan](#); [Denise Holmes](#)
Subject: FW: Notice of Public Meeting - Consent Application B1/26 - 477450 3rd Line
Date: Wednesday, March 25, 2026 9:41:34 AM

FYI



Kaitlin Dinnick | Deputy Clerk/Planning Coordinator | Township of Melancthon | kdinnick@melancthontownship.ca | PH: 519-925-5525 ext 103 | FX: 519-925-1110 | www.melancthontownship.ca | before printing this e-mail. This message (including attachments, if any) is intended to be confidential and solely for the addressee. If you received this e-mail in error, please delete it and advise me immediately. E-mail transmission cannot be guaranteed to be secure or error-free and the sender does not accept liability for errors or omissions.

From: Planning Dept <Planning@nvca.on.ca>
Sent: Tuesday, March 24, 2026 5:47 PM
To: Kaitlin Dinnick <kdinnick@melancthontownship.ca>
Cc: Michelle Schaeffle <mschaeffle@nvca.on.ca>
Subject: RE: Notice of Public Meeting - Consent Application B1/26 - 477450 3rd Line

Good afternoon,

Thank you for the opportunity to provide comments on the proposed Consent application B1/26 on the property located at 477450 3rd Line in the Township of Melancthon.

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the proposed severance. Based upon our mandate and policies, we have no objection to the approval of this application.

Please feel free to contact planning@nvca.on.ca should you require any further information or clarification on any matters contained herein. NVCA staff appreciates the opportunity to comment at this stage in the process.

Kindly,

Pearl Gill | Planner I

Nottawasaga Valley Conservation Authority
8195 8th Line, Utopia, ON L0M 1T0
T 705-424-1479 ext.288
pgill@nvca.on.ca | nvca.on.ca

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From: Kaitlin Dinnick <kdinnick@melancthontownship.ca>

Sent: Friday, March 13, 2026 4:02 PM

To: Howard, Dellarue (MMAH) <dellarue.howard@ontario.ca>; Planner <planner@dufferincounty.ca>; lpiconsents@mpac.ca; Planning Dept <Planning@nvca.on.ca>; Six Nations of the Grand River <lonnybomberry@sixnations.ca>; Tayler Hill <tayler.hill@sixnations.ca>; LANDUSEPLANNING <landuseplanning@hydroone.com>; planninganddevelopment <planninganddevelopment@bell.ca>; Consultations <consultations@metisnation.org>; contactus <contactus@metisnation.org>; Chief Sherri-Lyn Hill <sngr.chief@sixnations.ca>; Haudenosaunee <info@hdi.land>; Amber Debassige <execassist.ri@saugeenojibwaynation.ca>; sfn@saugeen.org; manager.ri@saugeenojibwaynation.ca; DOCA <doca@mncfn.ca>; Abby LaForme <abby.laforme@mncfn.ca>; mwaterfield@mulmur.ca; Community Planning <community.planning@wdgpublichealth.ca>; - OFA <lisa.hern@ofa.on.ca>; Sherri Gray <sherri.dfa@hotmail.com>

Cc: Denise Holmes <dholmes@melancthontownship.ca>; Liam Morgan <lmorgan@melancthontownship.ca>

Subject: Notice of Public Meeting - Consent Application B1/26 - 477450 3rd Line

Good Afternoon,

Please see attached the Notice of Public Meeting for a consent application at 477450 3rd Line.

Please provide comments **by Thursday April 2nd, 2026** to kdinnick@melancthontownship.ca & lmorgan@melancthontownship.ca

Thank you.

Kaitlin Dinnick



Kaitlin Dinnick | Deputy Clerk/Planning Coordinator | Township of Melancthon | kdinnick@melancthontownship.ca | PH: 519-925-5525 ext 103 | FX: 519-925-1110 | www.melancthontownship.ca |

The Administration Office will be open to the public Monday to Friday from 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. There will be no public access between 12:00 p.m. to 1:00 p.m. as the Office will be closed.

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