



**TOWNSHIP OF MELANCTHON - ELECTRONIC MEETING  
COMMITTEE OF ADJUSTMENT - THURSDAY, JULY 16, 2020 - 6:00 P.M.**

*(For information on how to join the meeting, please go to the Council Meetings page on the Township Website to find the link, meeting code and password)*

**1. APPROVAL OF MINUTES - June 18, 2020**

***Motion - that the minutes of the Committee of Adjustment Meeting held on June 18, 2020 be approved as circulated.***

**2. BUSINESS ARISING FROM MINUTES**

**3. APPLICATION FOR CONSENT**

1. B3/20 - Adam H. Vander Zaag Farms Ltd - Application for Consent - Part Lot 296 & 297, Concession 3 S.W.
2. B5/20 - Allen Clark - Application for Consent - Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636

***Motion to follow***

**4. APPLICATION FOR MINOR VARIANCE**

**5. APPLICATIONS ON FILE**

1. B1/19 & B2/19 - Angelo Carnevale - Applications for Consent - Part of the East Part Lot 13, Concession 2 O.S. & East Part Lot 13, Concession 2 O.S.  
Letter from Raymond Sawdy regarding Carnevale Applications

**6. DELEGATES**

**7. CORRESPONDENCE**

**8. ADJOURNMENT**

***Motion - That we adjourn Committee of Adjustment at \_\_\_\_\_ p.m. to meet again on Thursday, August 13, 2020 at 6:00 p.m. or at the call of the Chair.***

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. **B3/20**

Date of Meeting: **July 16, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Adam H. VanderZaag Farms Ltd. Agent: Planscape Inc.**

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

**NOTE:** If the Provincial State of Emergency is not lifted prior to the date of the public meeting, this will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the meeting.

**PROPOSED SEVERANCE: Part Lot 296 & 297, Concession 3 S.W.**

Existing Use: **Agriculture** Proposed Use: **Residential**

Road Frontage: **100 m.** Depth: **125 m.**

Area: **1.25 ha.**

**RETAINED PORTION: Part Lot 296 & 297, Concession 3 S.W.**

Existing Use: **Agriculture** Proposed Use: **Agriculture**

Road Frontage: **Irregular** Depth: **1196 m.**

Area: **44.4 ha.**

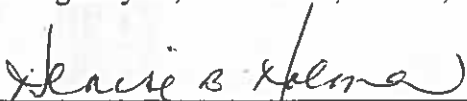
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The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

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



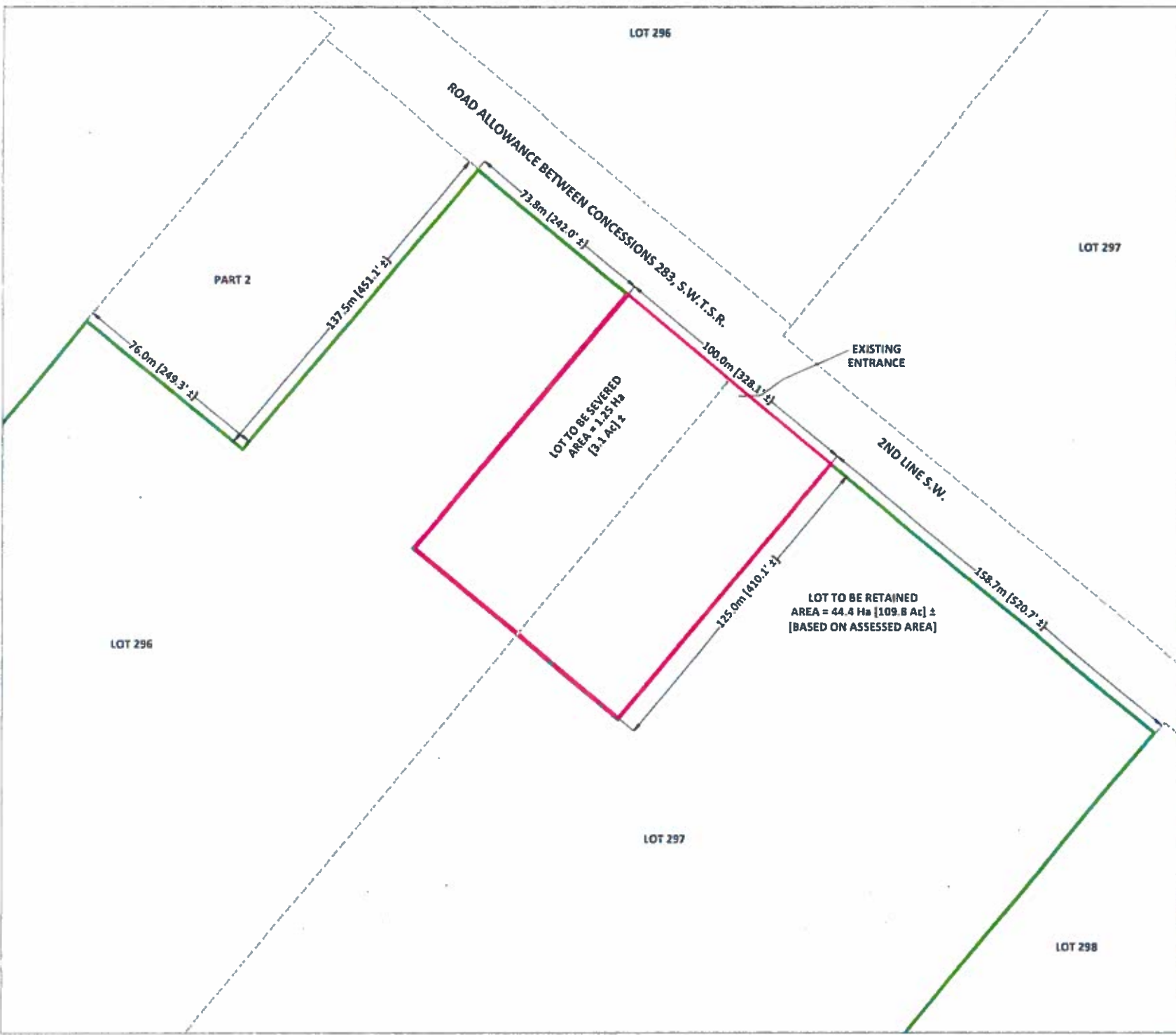
Denise B. Holmes, Secretary-Treasurer

**SEVERANCE SKETCH - ENLARGEMENT**

116258 2ND LINE S.W.  
S.W. PART LOT 296 & PART LOT 297,  
CONCESSION 3  
TOWNSHIP OF MELANCTHON  
COUNTY OF DUFFERIN

VANDER ZAAG

THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY.  
BASE MAPPING CREATED FROM DUFFERIN COUNTY  
ASSESSMENT LOT PARCEL MAPPING & 2018 AIR PHOTO BASE  
ALL INFORMATION CONTAINED WITHIN IS APPROXIMATE  
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE TREATED AS SUCH.



LOT TO BE RETAINED  
AREA = 44.4 Ha [109.8 Ac] ±  
[BASED ON ASSESSED AREA]

This Plan is Formed by the  
No other design reference are in the plan  
as to the other plan or map for

SCALE	PROJECT NO.	DATE INITIATED	BY
1 : 2 000	457002	January 21, 2020	JT

NO.	DATE	REVISIONS	BY

BASE MAP SOURCE:  
DUFFERIN COUNTY - ASSESSMENT LOT PARCEL MAPPING  
2018 DUFFERIN COUNTY AIR PHOTO BASE



The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: [www.melancthontownship.ca](http://www.melancthontownship.ca)

Email: [info@melancthontownship.ca](mailto:info@melancthontownship.ca)

Denise B. Holmes, AMCT  
CAO/Clerk

April 2, 2020

## **PUBLIC MEETING CANCELLATION NOTICE - APRIL 16, 2020**

Application for Consent B3/20 - Adam H. VanderZaag Farms Ltd.

Please be advised that due to the COVID 19 outbreak and for the safety of the staff and public, the Public Meeting scheduled for Thursday, April 16, 2020 has been **CANCELLED** and will be rescheduled at a later date.

Please do not hesitate to contact the office should you have questions in this regard.

Sincerely,

A handwritten signature in cursive script that reads 'Denise B. Holmes'.

Denise B. Holmes, AMCT  
CAO/Clerk

DBH:wa

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. **B3/20**

Date of Meeting: **April 16, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Owner: Adam H. VanderZaag Farms Ltd. Agent: Planscape Inc.**

Location of Public Meeting: **Council Chambers, 157101 Highway 10, Melancthon, ON, L9V 2E6**

**PROPOSED SEVERANCE: Part Lot 296 & 297, Concession 3 S.W.**

Existing Use: **Agriculture** Proposed Use: **Residential**

Road Frontage: **100 m.** Depth: **125 m.**

Area: **1.25 ha.**

**RETAINED PORTION: Part Lot 296 & 297, Concession 3 S.W.**

Existing Use: **Agriculture** Proposed Use: **Agriculture**

Road Frontage: **Irregular** Depth: **1196 m.**

Area: **44.4 ha.**

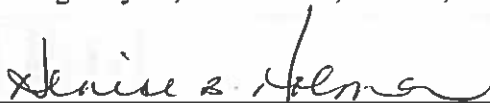
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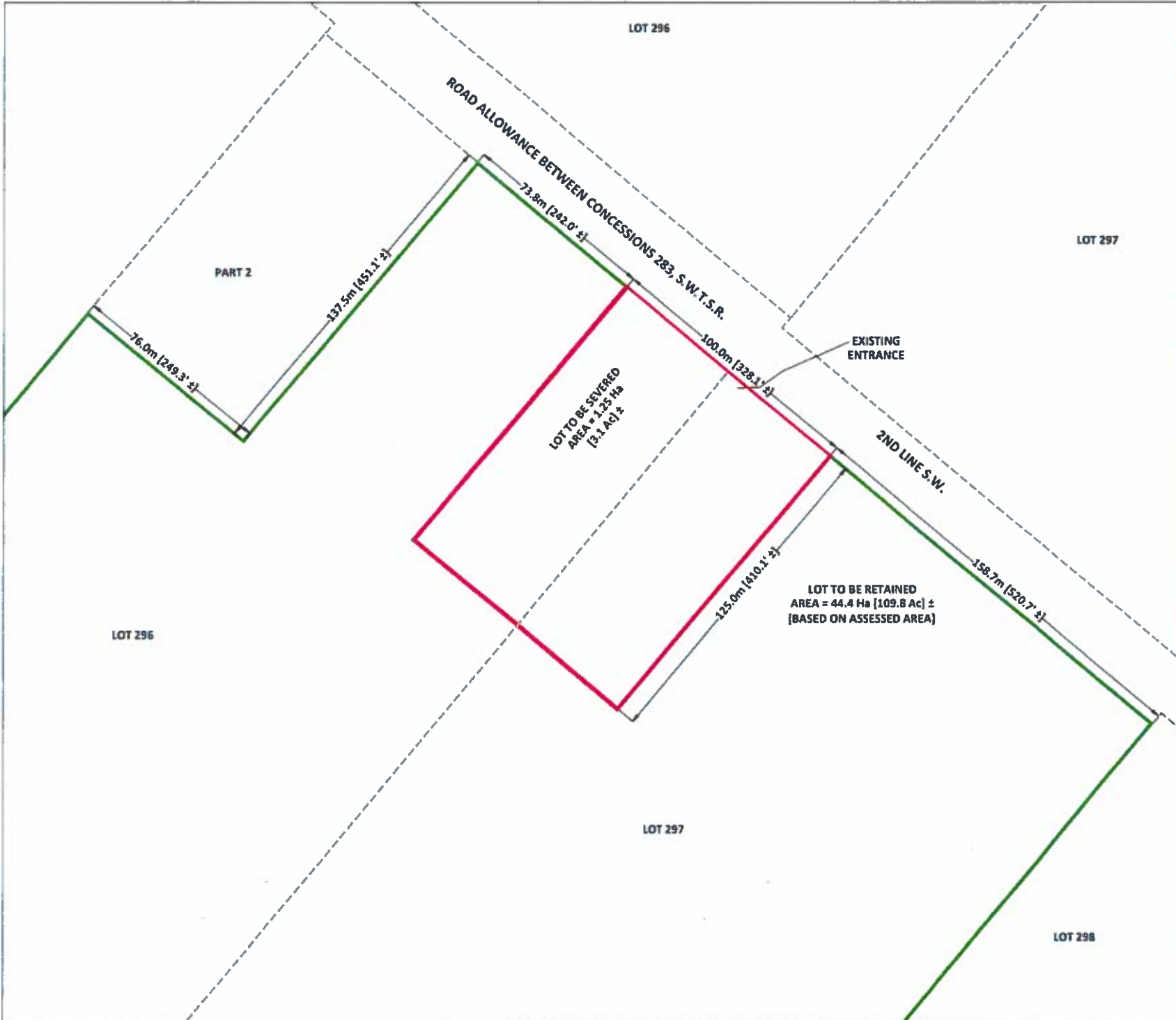
If you require additional information on this application, it may be obtained by contacting the Secretary-Treasurer at the above address during regular office hours.

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 Local Planning Appeal Tribunal may dismiss the appeal.

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



Denise B. Holmes, Secretary-Treasurer



**SEVERANCE SKETCH - ENLARGEMENT**

116258 2ND LINE S.W.  
 S.W. PART LOT 296 & PART LOT 297,  
 CONCESSION 3  
 TOWNSHIP OF MELANCTHON  
 COUNTY OF DUFFERIN  
 VANDER ZAAG

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 BASE MAPPING CREATED FROM DUFFERIN COUNTY  
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 No person or agency is permitted to use this plan or any part  
 or part or part thereof without the written consent of the author.



SCALE	PROJECT NO.	DATE INITIATED	BY
1 : 2 000	457002	January 21, 2020	JT

NO.	DATE	REVISIONS	BY

BASE MAP SOURCE:  
 DUFFERIN COUNTY - ASSESSMENT LOT PARCEL MAPPING  
 2018 DUFFERIN COUNTY AIR PHOTO BASE



February 14, 2020

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

Committee of Adjustment  
Attn: Secretary-Treasurer

Dear Ms. Holmes,

RE: Consent Application – Adam H. Vander Zaag Farms Ltd.  
Lots 296 & 297, Con. 3, Melancthon  
116258 Second Line SW

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PLANSCAPE is submitting this application for consent for property located at 116258 Second Line SW, Township of Melancthon, on behalf of A.H. Vander Zaag Farms Ltd. Enclosed in support of this application please find:

- Completed application for the parcel to be severed;
- A sketch as per Ontario Regulation 547/06;
- Authorization for PLANSCAPE to act as planning agent for A.H. Vander Zaag Farms Ltd.
- A cheque in the amount of \$2,000.00, to cover the \$1,000 application fee and the \$1,000 deposit.

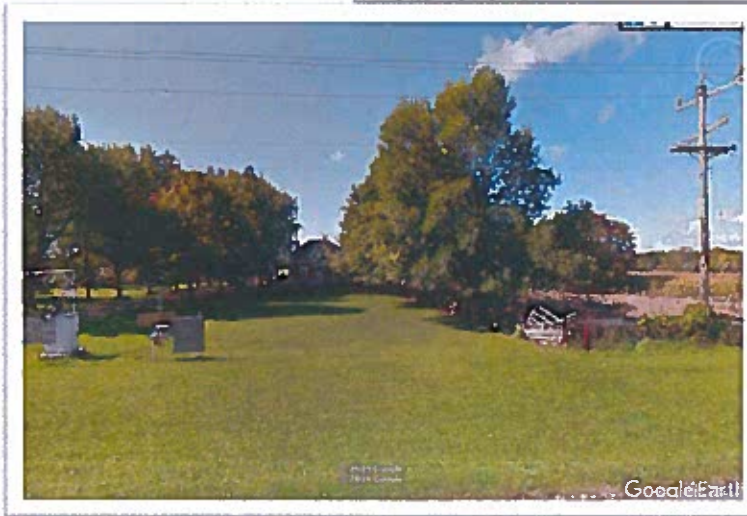
An application, and associated fee for a lot suitability inspection has been filed with the County of Dufferin Building Department.

**Site Characteristics**

This farm property is located at 116258 Second Line SW on Lots 296 and 297, Concession 3, of the Township of Melancthon. The property has a total area of approximately 45.7 hectares with 332.5 m of road frontage on the Second Line. At the time it was purchased, the property contained a barn, driving shed, some small sheds and two dwellings, the original brick farmstead and a mobile home.

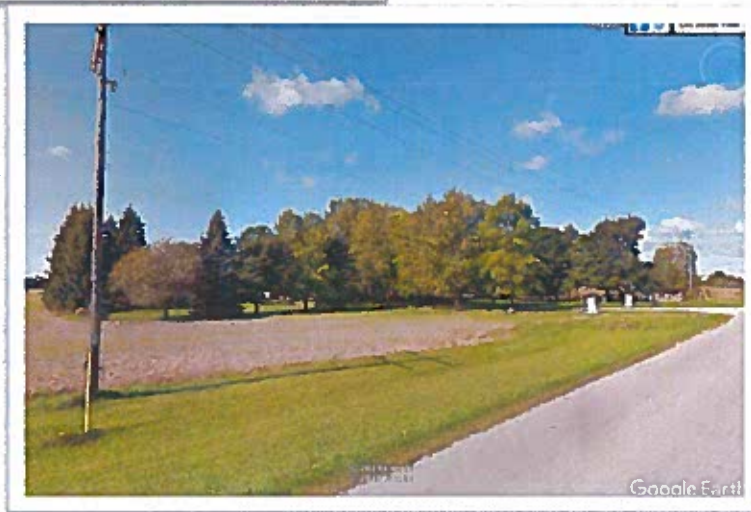


*Photo 1 – Layout of existing buildings on the property.*



*Photo 2 – View of original house from the road.*

*Photo 3 – Side view of area proposed to be severed where existing buildings are located.*





The entire property is generally level and most of it is cleared and actively cultivated with the exception of the treed areas surrounding the buildings and at the south east corner of the lot. There is a wind turbine located in the centre of the property with an associated access lane.

The property is generally designated Agricultural in the Township of Melancthon Official Plan (MOP). The small treed area in the south east corner of the lot is designated Environmental Conservation. The entire property is designated Agricultural in the County of Dufferin Official Plan (DOP).



*Photo 4 – Aerial photo showing entire farm property, outlining the parcel to be retained and proposed lot to be severed, showing forested area at rear of farm.*

### Surrounding Area

As shown on the aerial photo below, the property is located in a farming area with some interspersed rural residential uses on lots that were likely severed from the original farm parcels at some point in the past. There is a residential lot at the north west corner of Lot 296 fronting on the Second Line.



*Photo 5 – Aerial photo showing farm area interspersed with rural residential uses.*

### **Proposed Application**

The proposal is to sever off the area previously occupied by the dwellings with the accessory farm buildings and rezone it to the appropriate Rural Residential Zone. The retained parcel will maintain the existing agricultural Zone, except a site specific exemption will prohibit the construction of a new dwelling. The area of the severed lot has been minimized to a size that will accommodate the existing building cluster with enough area to accommodate a well and septic system as shown on the enclosed sketch.

LOT	FRONTAGE	AREA
SEVERED	100 metres	1.25 Ha
RETAINED	Split frontage of 158.7 metres 73.8 metres	44.4 H

### **Background**

The property at 116258 Second Line was purchased by A.H. Vander Zaag Farms in August 2018. Adam Vander Zaag, (director of A.H. Vander Zaag Farms), farms the subject property as well as other land throughout the municipality rented by the company. In addition, he is also responsible for managing

various aspects of another family farming business being D&G Farms; including actually farming several of the properties owned by D&G Farms.

Adam was raised on a farm in Melancthon and currently has his permanent residence at 518086 County Road 124, a farm property under the ownership of D&G Farms.

The applicant had originally purchased the subject farm with the intent to sever the dwelling and keep the land to expand their farming operations. Given that the Vander Zaags have existing housing on other properties in the Township, the dwelling was surplus to the operation. This is simply a surplus farm dwelling situation.

When the subject property was purchased in 2018, the original house was in serious disrepair and it was determined that the second dwelling was not in compliance with Township regulations. To address this, and without understanding the implications of their actions, the Vander Zaags removed the mobile home and bulldozed the house leaving a building site for the reconstruction of a residence. They then inquired about the process of applying for a severance and were advised that by removing the house, they had rendered themselves ineligible for a severance.

As a result, the owners retained PLANSCAPE Inc. to assist them in addressing this dilemma.



*Photos 6 & 7 – House and mobile home on the property when purchased.*

### **Planning Justification**

There are policies addressing severances in prime agricultural areas at the Provincial, County and Township level. These policies are designed to protect the integrity of agricultural areas, prevent the fragmentation and introduction of conflicting uses in agricultural areas, and support profitability for farmers. At each level, provincial, regional and municipal, there is permission in the policies for severance of a dwelling that is rendered surplus by the acquisition of a property that is to be operated as part of a larger farm operation where the main farm dwelling is located elsewhere.



These policies respond to changes in farming whereby advanced technology and production practices allow farmers to farm increasingly larger land areas. This in turn increases profitability. By producing larger volumes on larger land areas, farmers can offset increasing costs and variable commodity prices.

This change in farm size has implications for land use planning. Where farms used to be a standard 100 acres in area under one ownership with the farm buildings and house clustered on that lot, today's farms are often comprised of numbers of diverse holdings with buildings and housing scattered throughout. Farm size has also increased significantly, where the average farm size (in 2016) in Ontario is 249 acres. As a result, the main farm dwelling may be located on one of the farm properties or on a separate property altogether.

As farm properties are assembled, the houses on them become surplus. One operator does not need multiple houses. Farmers may be reluctant to rent the houses out and become landlords; some need to sell the houses to fund the purchase of the farmland.

The Province has recognized this issue and implemented policies to protect the agricultural land base while allowing the disposition of surplus housing.

#### **Provincial Policy Statement 2014**

The Provincial Policy Statement (PPS) is issued under the authority of the Planning Act and is intended to provide policy direction on matters of provincial interest related to land use planning.

The subject lands are located in the rural area as defined by the PPS. The wise use of resources is a priority on rural lands. A primary resource addressed under the PPS is agricultural land. Management of this resource is addressed in Section 2.3 in which the surplus farm dwelling issue is specifically addressed.

Surplus farm dwellings are defined in the PPS.

*Residence surplus to a farming operation means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).*

Policies to address them are contained in Section 2.3.4.1.

#### **2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:**

- a. *A residence surplus to a farming operation as a result of farm consolidation, provided that:*
  1. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
  2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; ...*

The effect of this policy is to prevent an increase in the number of residences in the agricultural area, address the issue of surplus dwellings and preserve the land base for production.

Potential conflicts over odour from livestock are addressed in Section 2.3.3.3 of the PPS through the application of the MDS formulae.

*New land uses including the creation of lots and new or expanding livestock facilities shall comply with the "minimum distance separation formulae".*

Minimum distance separation formulae are defined as:

*(...) formulae and guidelines developed by the Province as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock.*

#### **County of Dufferin Official Plan**

The County of Dufferin policies regarding surplus farm dwellings are consistent with the PPS. Specific details regarding severances and lot sizes are to be address in the local official plan.

##### **4.5.5 Agricultural Area Lot Creation and Adjustment**

*It is recognized that within the County, there are a variety of agricultural land circumstances that influence official plan policies related to minimum agricultural lot sizes at the local level. As such, the County encourages local municipalities to establish minimum agricultural lot sizes within their official plans which seek to minimize the fragmentation of agricultural areas while accommodating a broad range of agricultural and farming operations. The following policies will apply with respect to lot creation in the Agricultural Areas: County of Dufferin Official Plan*

- a) Lot creation in the Agricultural Area will generally be discouraged and only permitted in accordance with provincial policy and the policies of the local municipal official plan. The minimum lot area of both the retained and severed lots will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.*
- 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 / setback provisions, and be zoned to recognize the non-farm residential use, as required.*

## **Township of Melancthon Official Plan**

The Township of Melancthon Official Plan implements Provincial and County policy. It contemplates and allows for surplus farm dwelling severances and for the construction of dwellings on lots of record in specific situations.

### **2.2 Planning and Development Policies**

- n) A single detached dwelling may be erected in compliance with the implementing zoning by-law on any lot of record that is vacant or contains only farm buildings provided the lot is not a remnant parcel created by a surplus farm residence severance under the provisions of subsection 5.2.5(b)(iii) and there is sufficient suitable area on the lot for the siting of a dwelling, accessory uses, a well and a sewage disposal system. The MDS related policies of subsection 5.2.2(c) apply to the siting of a dwelling on such lots.

### **5.2.5 Consent Policies for Areas Designated Agricultural**

- 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 provided there is compliance with the following policies.
  - The new lot for the existing residence will be limited to the minimum size needed to accommodate the use and any required *individual onsite water service* and *individual on-site sewage service*.
  - Such lots are permitted only if the approval authority ensures that a new residence is prohibited on any remnant parcel created by the land division through the application of appropriate zoning controls or other equivalent measures.
  - Where these residential lots would be located in close proximity to agricultural buildings on the property that is the subject of the consent application, MDS formulae shall be met or those buildings shall be removed as a condition of the granting of the consent for the land severance.

## **Planning Principles**

The principle of allowing the severance of a surplus farm dwelling is well established in Melancthon and when it was purchased in August of 2018, the Vander Zaag property satisfied all the criteria to qualify for a surplus farm dwelling severance. Adam Vander Zaag is part of an existing farm operation in the Township. This property was to be farmed as part of that larger farm operation. A house existed and was inhabited. By removing the house because of its state of disrepair, these conditions changed. However, what has not changed is compliance with the intent of the policy.

The surplus farm dwelling policies are intended to protect the integrity of the agricultural area by limiting the number of residential uses to what currently is permitted. There was a house on the Vander Zaag property. With the house removed, a building permit could be obtained to rebuild a house on the property after which a severance could be obtained. What is being applied for will change the sequence of events but not the final result. The house will be constructed after the severance occurs and the retained parcel will be rezoned to prohibit the construction of a new dwelling, as per the policy requirements. Under each scenario one house is permitted. The intent of the policies, not to increase the number of residential uses, will be met.

Mr. Vander Zaag would prefer not to have to build a house he does not want or need, just to meet the letter of the policy. He is a young farmer, recently graduated from Guelph and just starting out. His resources are limited, and he wishes to sell the lot to fund his future.

To ensure that the intent of the policies is met, we respectfully request that consent to sever be conditionally granted. In compliance with the policies, in addition to the standard condition of consent, the following conditions should be considered:

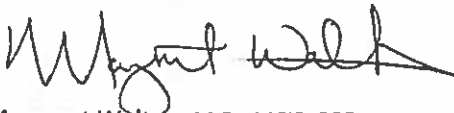
- the retained lot be zoned to prohibit a residence;
- the minimum lot size for the retained parcel be fixed as the size as of the date of the rezoning;
- the severed lot be zoned Rural Residential or small Estate Residential with a requirement that a new house be constructed in the general area of the previous house;
- confirmation be given that the development will comply with minimum distance separation formulae;
- the existing barn which would be on the severed lot be removed or renovated so it cannot contain livestock; and,
- consolidation of the retained lot with an existing farm operation in the Township.

Allowing the consent to sever and imposing these conditions will conform to the intent of the policies noted above.

Thank you for your consideration of this matter.

Respectfully submitted

**PLANSCAPE INC.**



Margaret Walton, M.Pl, MCIP, RPP  
Planning Consultant

Encls.



• *Municipal Planning Services Ltd.* •

**MEMORANDUM**

**To:** Mayor White and Members of Council  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** July 10, 2020  
**Re:** Application for Consent – File B3/20 (A. H. Vanderzaag Farms Ltd)

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**BACKGROUND**

The Township is in receipt of an application for consent submitted by Adam H Vanderzaag Farms Ltd. The purpose of the application is to sever a surplus farm dwelling from lands located in the Part Lots 296 and 297, Concession 3, S.W. It is understood the farm was acquired by the applicant on July 18, 2018.

The subject lands have a total lot area of approximately 45.6 hectares (112.6 acres) and are currently occupied by several aging agricultural buildings. It is noted that the lands were previously occupied by a trailer and a dwelling, which were both demolished in 2018 subsequent to the issuance of County of Dufferin Permit A-032-18-0286 on July 11, 2018. In conjunction with ongoing pre-consultation discussions with the applicant's planning consultant, I walked the site in 2018 to see the condition of the dwelling. Attached at Figure 1 is a photo of the dwelling subject to this application. Other photos are attached at Appendix 1.

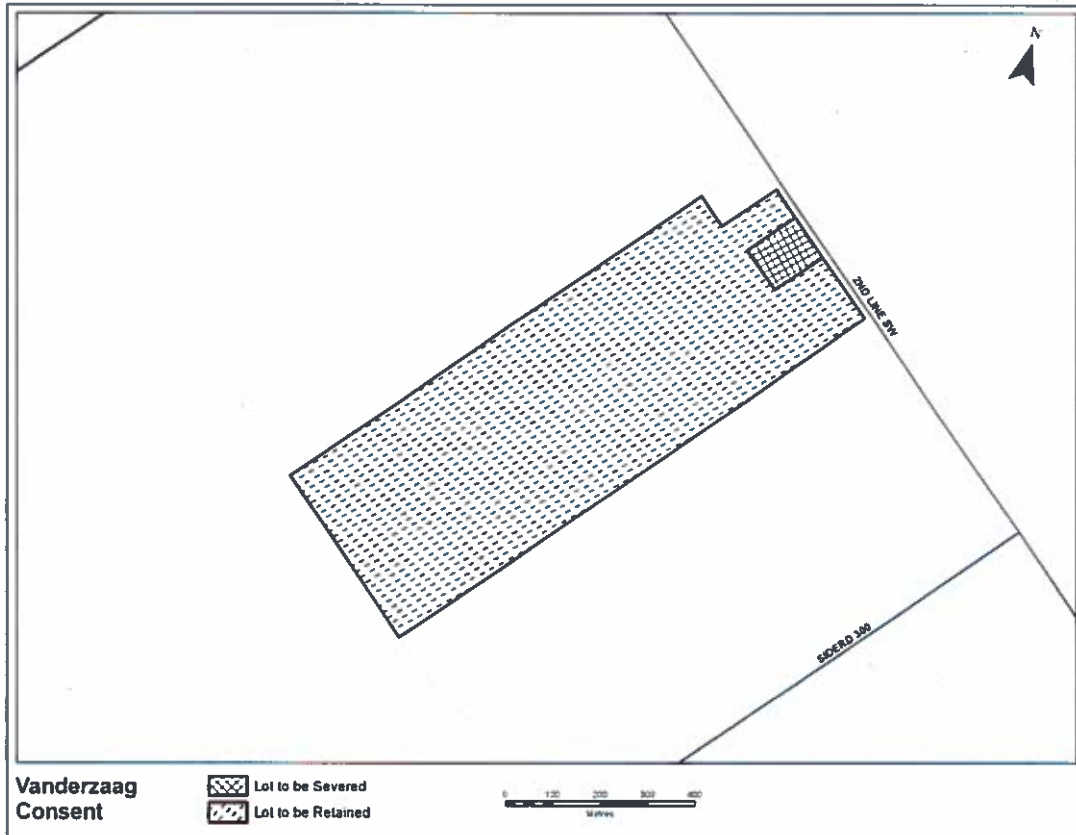
**Figure 1 – Photo of Dwelling Subject to Application (November 21, 2018)**



## PURPOSE OF APPLICATION

The application seeks to sever lands formerly occupied by the farm dwelling having an area of approximately 1.2 hectares (3 acres) and a frontage on 2<sup>nd</sup> Line S.W. of 100 m (328 feet). The retained agricultural holding would have an area of approximately 44.4 hectares (109 acres). Figure 2 illustrates the nature of the severed and retained land.

Figure 2 – Severed and Retained Land



## PROVINCIAL POLICY STATEMENT (PPS 2020)

Given that the subject lands are located in a prime agricultural area, Section 2.3.4 of the PPS is applicable to this application as new lot creation in prime agricultural areas is restricted.

### 2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective;

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

PPS 2020 defines "*residence surplus to a farming operation*" in the following manner:

*Means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).*

#### **TOWNSHIP OFFICIAL PLAN**

The lands subject to the proposed severance are currently designated Agricultural.

The salient Official Plan policy that addresses this application is found in Section 5.2.5 (b) 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 provided there is compliance with the following policies.

- The new lot for the existing residence will be limited to the minimum size needed to accommodate the use and any required individual on-site water service and individual on-site sewage service.
- Such lots are permitted only if the approval authority ensures that a new residence is prohibited on any remnant parcel created by the land division through the application of appropriate zoning controls or other equivalent measures.
- Where these residential lots would be located in close proximity to agricultural buildings on the property that is the subject of the consent application, MDS formulae shall be met or those buildings shall be removed as a condition of the granting of the consent for the land severance.

Section 9 (jj) of the Official Plan defines "*Residence Surplus to a Farm Operation*" as:

*An existing habitable farm residence that is rendered surplus as a result of a farm consolidation involving the acquisition of an additional farm parcel or parcels to be used as part of one farm operation which has its base of farm operations and principle farm buildings within the Township or within 1 kilometre of the Township.*

---

• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

Section 9 (k) defines "existing" as:

*When used in reference to a building, structure, use or lot, any such building, structure, use or lot that was legally in existence at the time of approval of this Plan.*

## **ANALYSIS**

My analysis of the application will firstly consider the salient criteria of the Township's Official Plan and secondly will assess two questions that I believe Committee should take into consideration to assist in reconciling the definition of a surplus farm dwelling as articulated by Provincial and local planning policy.

### **The Official Plan Policy Criteria**

- 1. The new lot will be of a limited size needed to accommodate the use and septic system/water supply**

The proposed lot would be approximately 3 acres in size which exceeds the minimum lot area required for the Rural Residential (RR) Zone and should be more than adequate to sustain a private septic and water system. It is noted that the proposed lot appears to include remnant farm buildings and structures which have generally not been supported by the Township and such structures are typically required to be demolished as a condition of consent.

- 2. The lot may be permitted provided a new residence is prohibited on the remnant parcel**

The remnant farm parcel could be rezoned as a condition of consent for agricultural purposes only and prohibit a dwelling.

- 3. Minimum Distance Separation (MDS 1) for the creation of the new non-farm parcel shall be addressed**

Insight and/or an MDS calculation has not been provided as part of the submission by the applicant's planner. A scan of the aerial photo and my site visit of 2018 suggest that the nearest existing livestock barn is approximately 700 metres from the proposed lot.

### **Two Questions**

- 1. Does the application represent a consolidation involving the acquisition of an additional farm parcel or parcels to be used as part of one farm operation which has its base of its operations in the Township?**

Attached at Appendix 2 are other land holdings held by Vanderzaag Farms. This map confirms that Vanderzaag Farms has a base of operations in the Township of Melancthon. It is noted the subject lands are owned by Adam H. Vanderzaag Farm Limited and this is the only farm holding currently owned by this entity. While I do not doubt that this holding will be farmed in conjunction with other farm holdings held by the family, Committee will need to be mindful there are other farm businesses in the Township held by common family names and corporate derivatives, so a decision to approve the consent should be reconciled with the reality that a similar application brought forward by a new landowner who is related to an existing established farm family would expect the same consideration.

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• Municipal Planning Services Ltd. •

Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

**2. Is the dwelling proposed to be severed an "existing, habitable farm residence"?**

The Official Plan defines "existing" as a structure that was in place on the day the Official Plan was approved. The Official Plan was approved on March 9, 2015. Given that the dwelling was authorized for demolition on July 11, 2018, the dwelling was "existing" as of the day of Official Plan approval.

The next requirement under Provincial and local planning policy is that the structure is habitable. Neither the PPS nor the local Plan define habitable, but it stands to reason that if the structure was habitable and worthy of preservation as a dwelling unit, the owner would not have demolished the structure. On this basis I have difficulty concluding the former dwelling meets the test of being a habitable farm dwelling.

As an aside, Committee will be aware of several derelict dwellings in the Township, the owners of which were required to remove the structures in accordance with the Township's Property Standards By-law. Theoretically these dwellings would also meet the definition of "existing" but were not likely "habitable". On this basis, Committee should be cognizant that if a farm operator acquired lands occupied by these structures they would reasonably expect the same consideration to sever the former dwelling if this application is approved.

**CONCLUSION**

It is a Provincial requirement that a surplus farm dwelling be an "existing, habitable farm dwelling". If the dwelling in question is not "existing" and "habitable" the approval of the application would not be consistent with Provincial Policy as is required by Section 3 (5) of the Planning Act.

In the case of the subject application, I cannot conclude the dwelling that is under consideration through this application is "habitable" and therefore the application, in my opinion, is not consistent with the PPS.

**RECOMMENDATION**

If Committee is in agreement with the analysis of this report, it is recommended that application B3/20 be denied on the basis that the application is not consistent with the Provincial Policy Statement or the Township of Melancthon Official Plan.

Respectfully,



Chris D. Jones MCIP, RPP

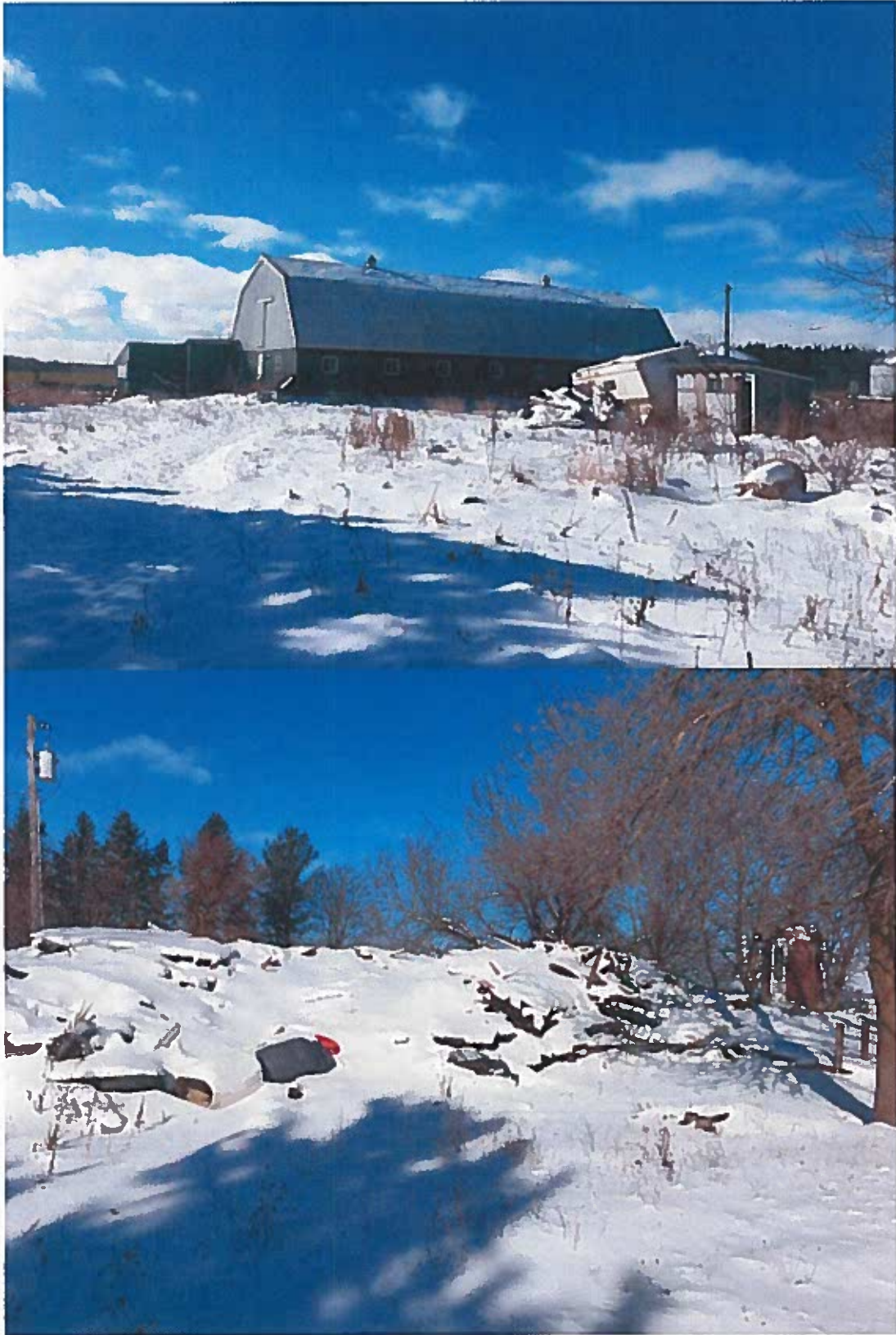
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Chris D. Jones BES, MCIP, RPP  
51 Churchill Drive  
Barrie, Ontario  
(705) 725-8133

•Appendix 1•







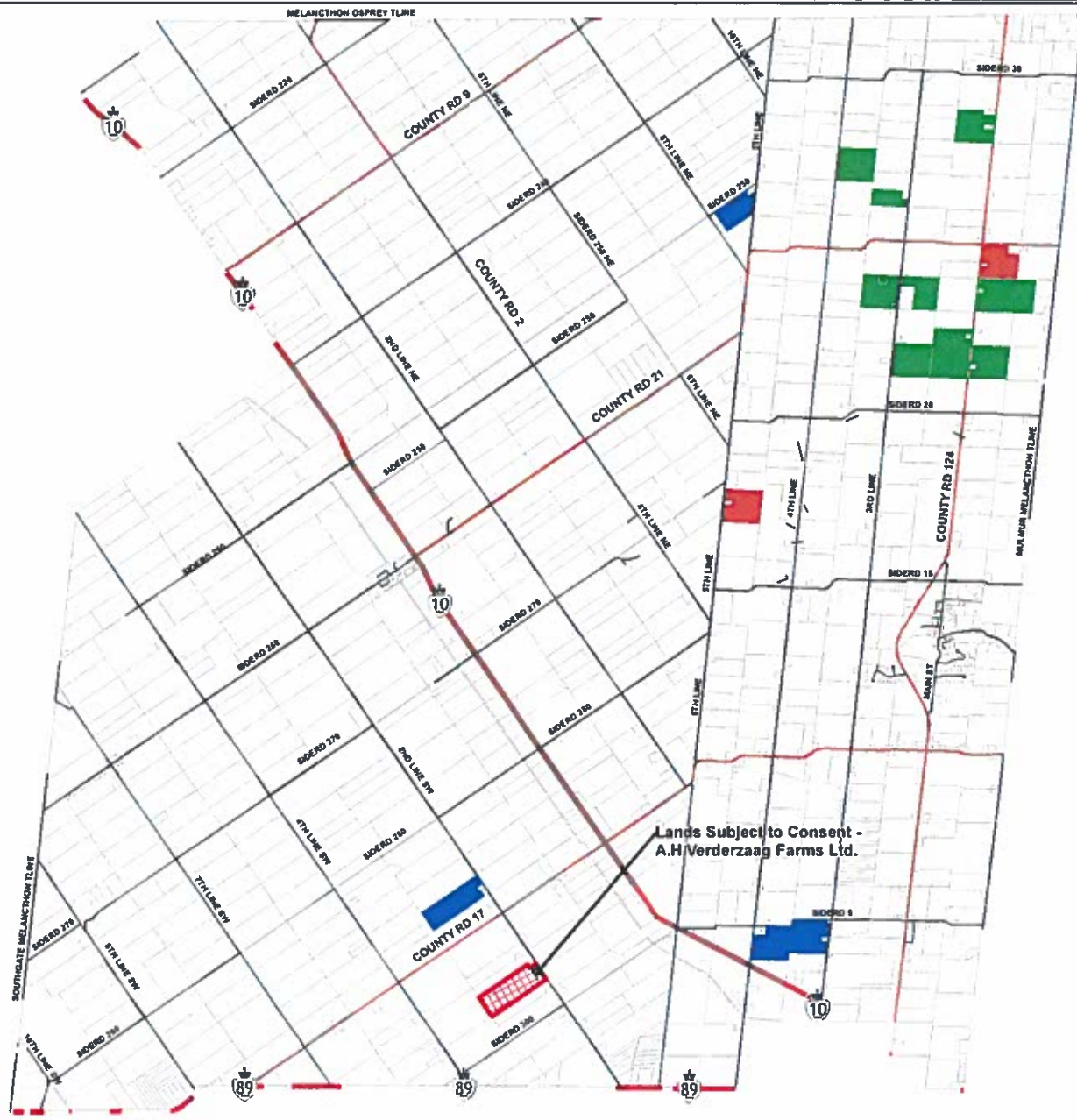


# • Appendix 2 •

# Vanderzaag Consent

## Legend

- D & C VANDERZAAG FARMS
- D & C VANDERZAAG FARMS LTD
- D & G FERGUSON FARMS LIMITED
- ADAM H. VANDERZAAG FARMS LTD



July 10, 2020

Ph: (519) 925-5525  
Fax: (519) 925-1110

**TOWNSHIP OF MELANCTHON  
Committee of Adjustment**

157101 Highway 10  
Melancthon, Ontario  
L9V 2E6

**NOTICE OF PUBLIC MEETING  
Application for Consent**

File No. **B5/20**

Date of Meeting: **July 16, 2020** Time: **6:00 p.m.**

Name of Owner/Applicant: **Allen Clark**

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

**NOTE:** If the Provincial State of Emergency is not lifted prior to the date of the public meeting, this will be a virtual meeting. If you wish to attend the virtual meeting, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you do not have the capability to attend a virtual meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

**PROPOSED SEVERANCE: Part of East Part of Lot 2, Concession 1 O.S., Part 1, RP 7R-6636**

Existing Use: **Rural Residential**

Proposed Use: **Rural Residential**

Road Frontage: **152.4 m**

Depth: **240.83 m**

Area: **36,519 m<sup>2</sup>**

**RETAINED PORTION: Part of East Part of Lot 2, Concession 1 O.S.**

Existing Use: **Rural Residential**

Proposed Use: **Rural Residential**

Road Frontage: **152.4 m**

Depth: **240.83 m**

Area: **36,519 m<sup>2</sup>**

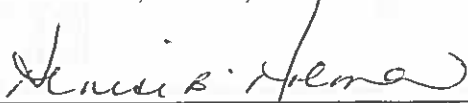
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The land is not the subject of an application under the Act for an Official Plan Amendment, Zoning By-law Amendment, or Minor Variance application.

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

If a person or public body that files an appeal of a decision of the Melancthon Township Committee of Adjustment in respect of the proposed consent does not make a written submission to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal.

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



Denise B. Holmes, Secretary-Treasurer



**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0)  
 CERTAINLY TO URBAN ACCURACY PER SECTION 14 (2) OF O REG 218/10

POINT ID	EASTING	NORTHING
ORP (A)	566745.54	4882508.17
ORP (B)	566098.21	4883759.31

COORDINATES (X, Y) IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**NOTES**

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010.0)


DISTANCES ARE OBTAINED AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9999585


**SCHEDULE**

PART	LOT	CONCESSION	PIN	AREA
1	PART OF 2	1. OLD SURVEY	34128 - 0013 (N)	367.18 m <sup>2</sup>

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT

PLAN 7R-6636  
 RECEIVED AND DEPOSITED

DATE May 29 - 2020  
  
 LEO LI  
 ONTARIO LAND SURVEYOR

DATE June 2, 2020  
  
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE REGISTRY DIVISION OF DUFFERIN (No. 7)

LOT 3

PART 1, PLAN 7R-2923 PIN 34128 - 0016 (L)

PART 1, PLAN 7R-6495  
 PIN 34128 - 0013 (N)

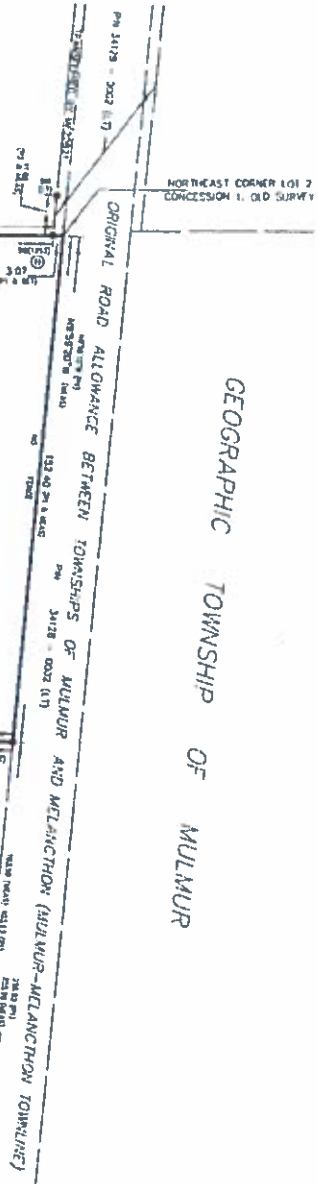
PART 1

PIN 34128 - 0013 (N)

LOT 2

PART 1, PLAN 7R-6495  
 PIN 34128 - 0013 (N)

CONCESSION 1, OLD SURVEY



**PLAN OF SURVEY**  
 OF PART OF  
**LOT 2, CONCESSION 1**  
**OLD SURVEY**  
**TOWNSHIP OF MELANCTHON**  
**COUNTY OF DUFFERIN**

Black Shoemaker Robinson and Donclayson Ltd.  
 Ontario Land Surveyor 2020

SCALE: 1 : 1000



**METRIC** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**LEGEND**


- M DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SCB DENOTES SHORT STANDARD IRON BAR
- B DENOTES IRON BAR
- W1 DENOTES WITNESS
- MEAS DENOTES MEASURED
- JLD DENOTES JLD SURVANCE LIMITED
- 1082 DENOTES MCF SURVEYING SERVICES
- 1233 DENOTES D.J. GULLEN, O.L.S.
- L1 DENOTES L. THOMPSON, O.L.S.
- P1 DENOTES DEPOSITED PLAN 7R-6495
- P2 DENOTES DEPOSITED PLAN 7R-2923

**SURVEYOR'S CERTIFICATE**

1. I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE REGISTRY ACT AND THE REGULATORY MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON 18th DAY OF MAY, 2020

DATE May 29 - 2020

  
 LEO LI  
 ONTARIO LAND SURVEYOR



**BSRD** ONTARIO LAND SURVEYORS  
 URBAN & RURAL PLANNERS

257 WINDHAM ROAD WEST #101, GUELPH, ON N1H 6Z1  
 T 519 822 4633 F 519 822 1250 www.bsrds.com

DRAWN BY: MS	CHECKED BY: LL	REFERENCE NO: 20 14 149 100 4
DATE: 0 20 18 149 100 4		DATE: MAY 29, 2020

• Municipal Planning Services Ltd. •

**MEMORANDUM**

**To:** Chairman White and Members of Committee  
**Copy:** Ms. Denise Holmes, CAO  
**From:** Chris Jones MCIP, RPP  
**Date:** July 10, 2020  
**Re:** Application for Consent B5/20 (Clark)

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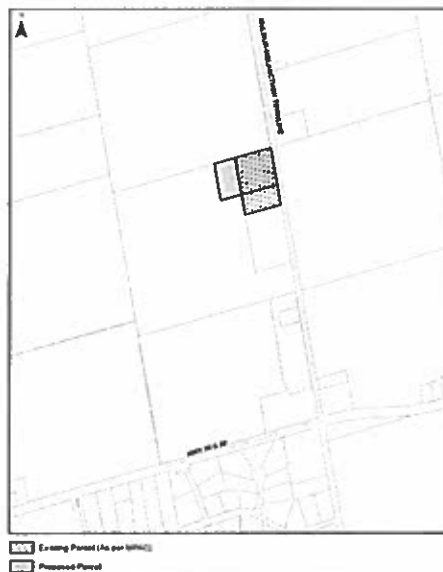
**BACKGROUND**

The Township is in receipt of an application for consent to create a lot on lands located in Part of East Half of Lot 2, Concession 1 O.S. with frontage on the Mulmur-Melancthon Townline.

According to the application the purpose of the consent is to "correct a mis-description/overlapping description" of an existing lot that is understood to be the subject of a transfer and is intended to be converted from the Registry System to the Land Titles System.

An illustration of the effect of the proposed consent is illustrated in Figure 1, based on my understanding of the application:

**Figure 1 – Illustration of Existing and Proposed Lot**



## ANALYSIS

At the time this report was prepared I did not understand the intent of the application despite communications with the applicant's solicitor. The Township's solicitor has also been engaged in discussions.

It is noted that Section 7.2 (a) iv) allows Committee to grant consents for "legal or technical reasons", which is defined in the Official Plan as:

*Severances for purposes such as easements, deed corrections, quit claims and minor boundary adjustments that do not result in the creation of a new lot".*

It is incumbent on the applicant to provide a fulsome background and justification for the consent application in order for the application to be understood and properly assessed.

It is also noted that Section 57 of the Planning Act, provides Committee with the authority to issue a "Validation Certificate" the purpose of which is to address a contravention of the Planning Act. Perhaps this is a remedy to the matter at hand.

At the time of writing this memo, Mr. Christie was continuing communications with the applicant's solicitor and if a better understanding of the history and rationale for this application can be garnered it will be presented to Committee at the hearing.

## RECOMMENDATION

At this time it is recommended Application B5/20 be deferred.



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Chris Jones MCIP, RPP