



**TOWNSHIP OF MELANCTHON
COMMITTEE OF ADJUSTMENT HYBRID MEETING
THURSDAY, JULY 13TH, 2023 - 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.

AGENDA

Join Zoom Meeting

<https://us02web.zoom.us/j/89144286871?pwd=aFNWTTVENVNOSkp6VDIDTXpVZEp0dz09>

Meeting ID: 891 4428 6871

Passcode: 528484

One tap mobile

+16475580588,,89144286871#,,,,*528484# Canada

+17789072071,,89144286871#,,,,*528484# Canada

Dial by your location

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

Meeting ID: 891 4428 6871

Passcode: 528484

- 1. CALL TO ORDER**
- 2. ADDITIONS/DELETIONS/APPROVAL OF AGENDA**
- 3. DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**
- 4. APPROVAL OF MINUTES – March 16th, 2023**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. APPLICATION FOR CONSENT**
 1. B1/23, Part Lots 272 – 277, Con 2 SW (2690044 Ontario Inc C/O Gord Fox)
 2. B2/23, Part Lots 272 – 277, Con 2 SW (2690044 Ontario Inc C/O Gord Fox)
 1. Planning Report on B1/23 and B2/23
- 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. **B1/23**

Date of Meeting: Thursday July 13, 2023

Time: 6:00 p.m.

Name of Owner/Applicant: 2690044 Ontario Inc C/O Gord Fox

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

NOTE: This will be a Hybrid meeting. If you wish to attend the Meeting in Person you may come to the Township Office or if you wish to join virtually, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you are unable to attend the meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

PROPOSED SEVERANCE: Part Lots 272 – 275, Concession 2 SW

Existing Use: Agriculture & Wind Turbine

Proposed Use: Agriculture & Wind Turbine

Road Frontage: 796 m

Depth: 1173 m

Area: 94.9 ha.

RETAINED PORTION: Part Lots 276 and 277, Concession 2 SW

Existing Use: Cannabis Facility & Wind Turbine

Proposed Use: Cannabis Facility & Wind Turbine

Road Frontage: 420 m

Depth: 1173 m

Area: 48 ha.

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

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

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

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



Denise B. Holmes, Secretary-Treasurer

Severance Sketch

117287 2nd Line West, Township of Melancthon

Plan of Survey of

Part of Lots 272, 273, 274, 275, 276 and 277

Concession 2

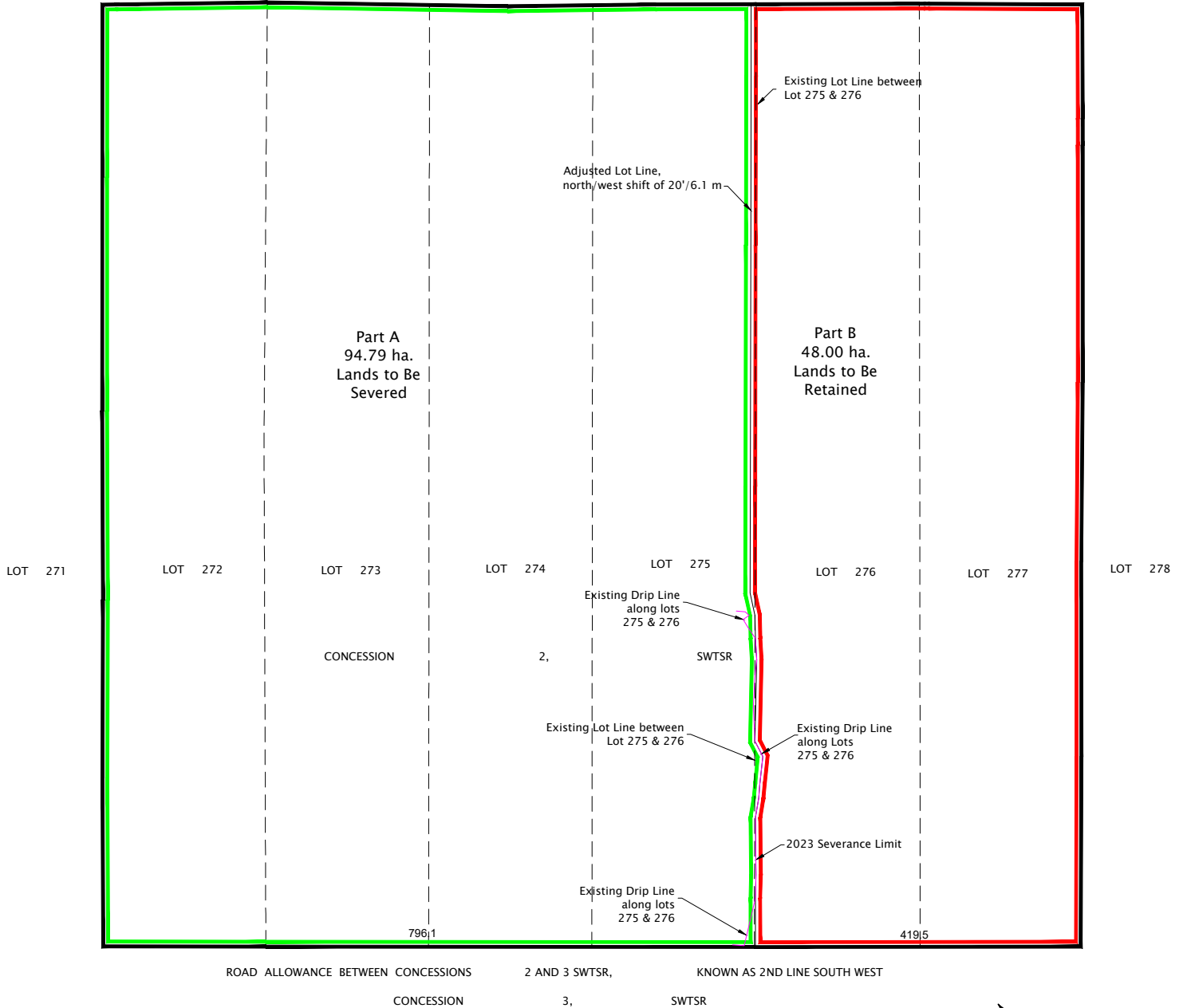
South West of the Toronto and Sydensham Road

Geographic Township of Melancthon

County of Dufferin

2023

CONCESSION 1, SWTSR



- Lands subject to Proposed Severance (142.79 ha.)
- Lands to be Severed (94.79 ha.) Part A
- Lands to be Retained (48.00 ha.) Part B



Severance Sketch (1:7500 – 8.5 x 11)	
Date Issued: JUNE 2, 2023	
Drawn By: m.c.r.	Checked By: RD
Drawing Name: FOX-21097-SS-6.dwg	

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. **B2/23**

Date of Meeting: Thursday July 13, 2023

Time: 6:00 p.m.

Name of Owner/Applicant: 2690044 Ontario Inc C/O Gord Fox

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

NOTE: This will be a Hybrid meeting. If you wish to attend the Meeting In-Person you may come to the Township Office or if you wish to join virtually, please call or e-mail the Township office prior to the day of the public meeting so you can be provided with a link to the meeting. If you are unable to attend the meeting, please provide written comments and a phone number where you can be reached to the Township Clerk prior to the public meeting.

PROPOSED SEVERANCE: Part of Lot 276, Concession 2 SW (For an Easement)

Existing Use: Agriculture & Access Driveway

Proposed Use: Agriculture & Access Driveway

Road Frontage: 15 m

Depth: 1173 m

Area: 1.79 ha.

RETAINED PORTION: Part of Lots 276 and 277, Concession 2 SW

Existing Use: Cannabis Facility & Wind Turbine

Proposed Use: Cannabis Facility & Wind Turbine

Road Frontage: 15 m

Depth: 1173 m

Area: 46.2 ha.

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

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

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

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



Denise B. Holmes, Secretary-Treasurer

Easement Sketch

117287 2nd Line West, Township of Melancthon

Plan of Survey of

Part of Lots 272, 273, 274, 275, 276 and 277

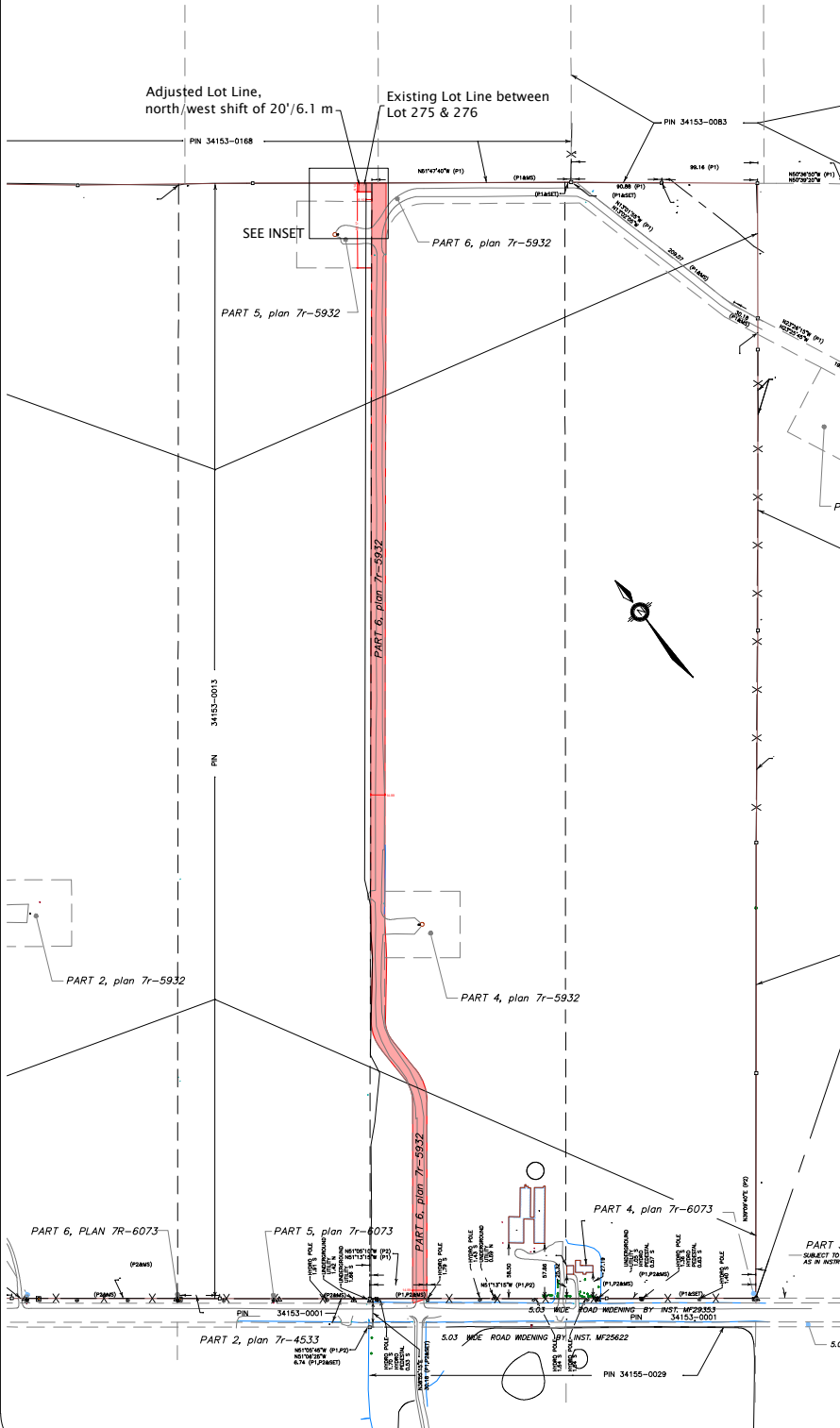
Concession 2

South West of the Toronto and Sydensham Road

Geographic Township of Melancthon

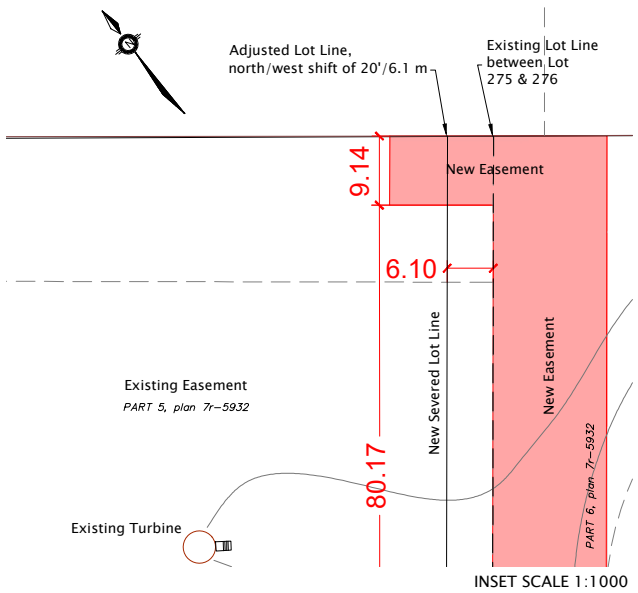
County of Dufferin

2023



SCALE 1:7500

INSET



INSET SCALE 1:1000

Proposed Access Easement (1.79 ha.)

Easement Sketch (1:7500 – 8.5 x 11)	
Date Issued: JUNE 2, 2023	
Drawn By: m.c.r.	Checked By: RD
Drawing Name: FOX-21097-ES-5.dwg	



Subject: Planning Report – B1-2023 and B2-2023– 117287 2nd Line S.W.
Department: Planning
Meeting Date: 2023-07-13

Recommendations

That Planning Report – B1-2023 and B2-2023– 117287 2nd Line S.W. be received;

And that Consent Application B1-2023 and B2-2023, be approved, subject to the following conditions:

- That a registerable description (Deed) of the severed lot and any required rights-of-way be submitted to the Township/Treasurer, along with a registered copy of the reference plan;
- That the consent applications comply with the A1-106 Zone regulations;
- That a consent agreement be registered on title acknowledging the easement and the responsibility of each landowner to address matters related to maintenance and liability associated with the shared driveway;
- That an entrance permit be submitted to the Township to ensure that the proposed easement does not implicate existing services;
- That confirmation be received that the Grand River Conservation Authority is satisfied with the proposal and that any problems identified be corrected and/or any studies recommended be completed;
- That no buildings, structures, or site alteration are proposed as part of this consent application, and there will be no loss of significant woodland as part of this consent application; and,
- That the proposed lot line will avoid the significant woodland area.
- That the site plan agreement be amended, if the intent is for the severed lands to not be utilized and developed in the manner formalized through the registered site plan agreement.

Introduction

Legal Description:	Concession 2 S.W., Lots 272 to 277
Municipal Address:	117287 2nd Line S.W.
Applicant(s):	2690044 Ontario Inc.
Official Plan Designation:	Agricultural and Environmental Conservation
Zoning (By-law 12-1979):	General Agricultural Exception (A1-106) and Open Space Conservation (OS2) Zone
Purpose:	The applicant is applying for consent to sever a parcel of land to create one new agricultural lot and to grant right of way over a portion of the retained lot in favor of the severed lot.

Background

The applicant has submitted two applications, B1-2023 and B2-2023, for consent and to create a driveway easement on lands located at 117287 2nd Line, respectively. The subject property is zoned General Agricultural Exception (A1-106) and Open Space Conservation (OS2) Zone, according to the Township's Zoning By-law 12-1979, as amended. The subject lands are designated Agricultural and Environmental Conservation by the Township's Official Plan. The subject property is used for agricultural purposes and consists of wind turbines, barns, and a residential dwelling.

Application B1-2023 proposes to sever a portion of the subject lands to create a new agricultural lot in the manner illustrated in Figure 1. The proposed severed parcel has an approximate area of 94.9 hectares and an approximate lot frontage of 796 metres on 2nd Line S.W. The retained parcel has an approximate frontage of 420 metres on the 2nd Line S.W. and an approximate area of 48 hectares.

In 2022, the applicant submitted a consent application (B2/22) for the subject property, resulting in the granting of provisional consent. The applicant now wishes to withdraw the B2/22 application. The current consent application (2023) shares the same purpose as B2/22, except for an expansion in the lands intended for severance.

Table 1: Lot Creation Details

Property Characteristics	Retained Lot	Severed Lot	Requirement
Lot Area	48.00 ha	94.79 ha	40 ha.
Frontage	420 m	796 m	150 m

Please note lot area and frontage amount are approximate.

Application B2-2023 proposes to establish an easement over a portion of the retained lot in favor of the severed lot for vehicular access purposes as shown in Figure 2. The easement details are listed in Table 2.

Table 1: Easement Details

Easement Type	Dimensions and Area
Driveway access	15m x 1173m (1.79 ha.)

Figure 1: Severed and Retained Lands

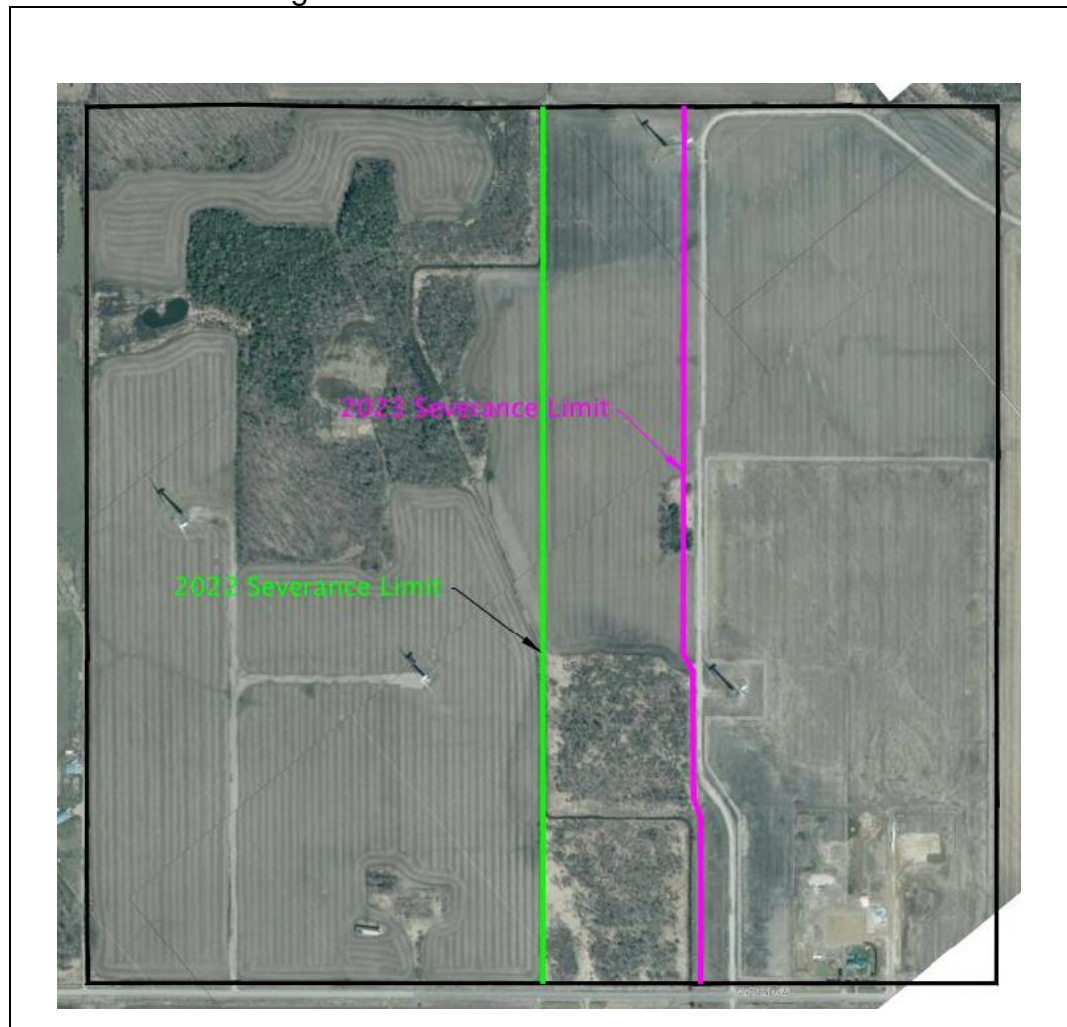
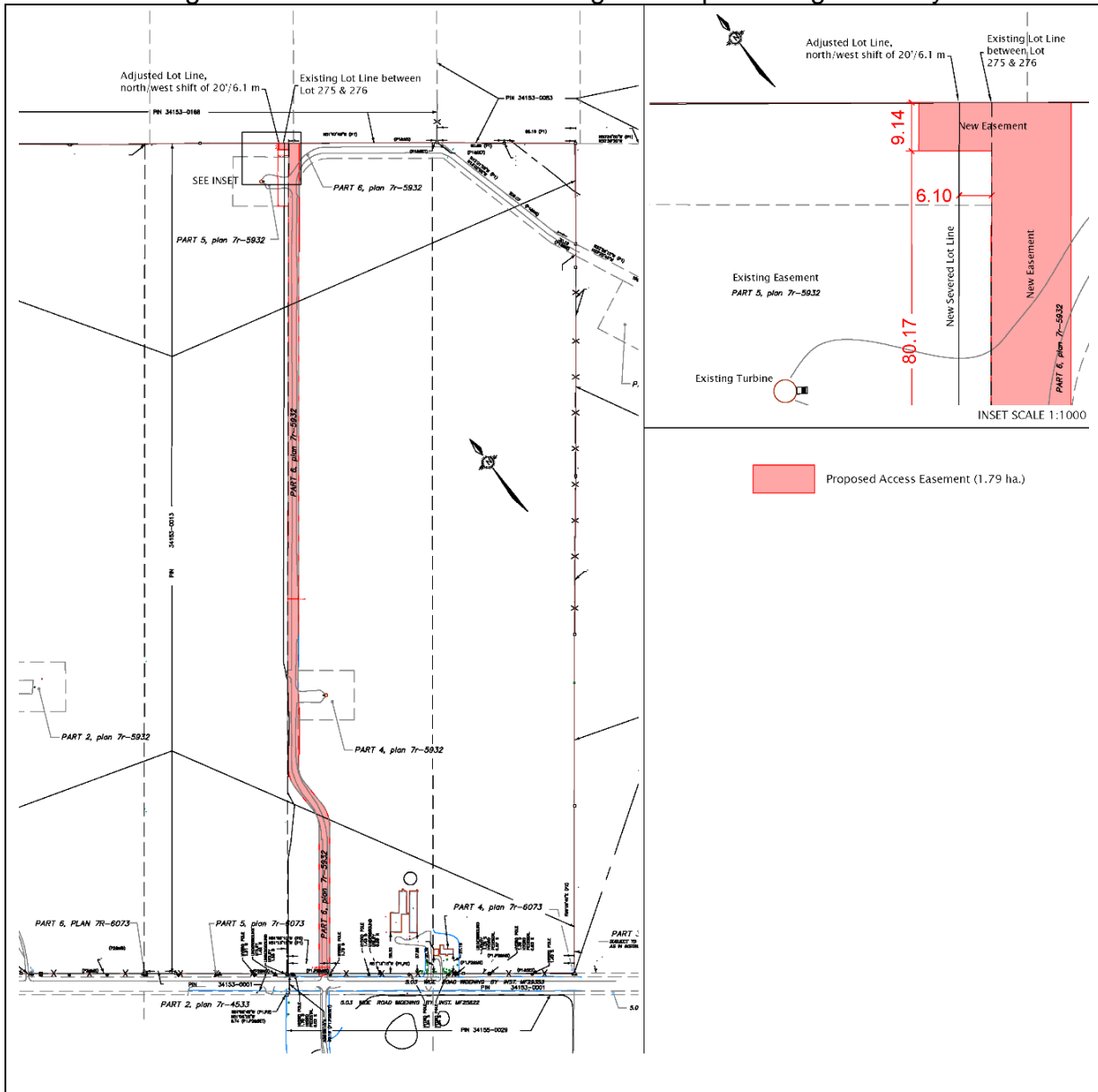


Figure 2: Easement Sketch showing the Proposed Right-of-Way



Planning Analysis

Provincial Policy Statement 2020 (PPS)

The subject lands are located in the prime agricultural areas.

Section 1.1.4 of the PPS provides policies that guide land use decisions in Rural Areas in Municipalities which include rural settlement areas, prime agricultural lands, natural heritage areas and resources areas. Policies support healthy, integrated, and viable rural areas by appropriately directing growth and development in Rural Areas.

Section 2.3.4.1 a) of the PPS, referenced below permits the creation of new lots for agricultural purposes.

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

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

2.3.4.2 states:

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

The proposed consent applications (B1-2023 and B2-2023) are generally consistent with the policies of the Provincial Policy Statement 2020.

Grand River Conservation Authority (GRCA)

A portion of the subject lands is within the regulatory limits of GRCA. The subject land is identified as being within the Significant Woodlands (Primarily 20+ Hectares) and Locally Significant and Unevaluated Wetlands. At the time of writing, comments from the Conservation Authorities were forthcoming, any comments received should be addressed.

The County Official Plan

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

Section 4.2.5 (a) states:

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

will be established in the local municipal official plans in accordance with the lot creation policies for the uses set out below.

Section 4.2.5 (b) states:

For agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations. For prime agricultural areas within the Greenbelt Plan Protected Countryside, the minimum lot size will be 40 hectares (100 acres).

Section 4.2.5 (d) states:

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

Section 4.2.5 (e) states:

Lot adjustments in the 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.

Section 5.3.4 states:

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

Section 5.3.6 states:

Prior to development or site alteration within or adjacent to any unevaluated wetland an evaluation will be required to determine its significance. Development and site alteration will not be permitted within any unevaluated wetland or locally or regionally significant wetland or adjacent land unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

The proposed consent applications (B1-2023 and B2-2023) generally align with the stated objectives of the agricultural designation in the County Official Plan.

Township Official Plan

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

Section 5.2.5 (b) (i) states:

Lots may be created for agricultural uses, provided such lots are of a size appropriate for the type of agricultural uses that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2(h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law and new lots for agricultural uses shall be approximately 40 hectares or the original survey lot size, whichever is lesser.

Section 5.2.5 (l) states:

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

Section 7.2 (a) (xiv) states:

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

Section 3.4.2 (i) states:

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

Section 7.2 (a) iv) states:

Notwithstanding the policies of subsection (iii) above, or any other policy of this Plan, consents for land conveyances, or for conveyances of an interest in land may be granted for legal or technical reason such as minor boundary adjustments, provided such consent does not result in the creation of a new building lot.

The proposed consent applications (B1-2023 and B2-2023) generally confirm with the lot creation policies of Township's Official Plan.

Township Zoning By-law 12-1979, as amended.

The property is zoned General Agricultural Exception (A1-106) and Open Space Conservation (OS2) as per By-law 19-2007.

The A1-106 Zone was established to create zone permissions and regulations for wind turbines and accessory uses thereto in the manner summarized below:

- A 400-metre setback from institutional uses, a vacant lot with an area of 4 ha or less or any lot zoned R1 or ER1.
- A 0-metre setback from the lot lines of parcels zoned to permit wind turbines.
- A setback of the length of the turbine blade plus 5-metres from any lands not zoned to permit wind turbines (AI-98, AI-61, AI-77, AI-106).
- A 120-metre setback from a highway; and
- A minimum 8-metre setback from all lot lines.

The subject lands are occupied by 4 wind turbines. Based on information that was available at the time this report was prepared it was not confirmed the turbines located on the subject lands are compliant with the A1-106 Zone regulations. On this basis it will be recommended that one of the conditions of consent requires confirmation of compliance.

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

Site Plan Agreement

The severed and retained lands are subject to a site plan agreement with respect to the cannabis production facility currently in operation. If the intent is for the severed lands to not be utilized and developed in the manner formalized through the site plan agreement, it will be recommended that the agreement be amended as a condition of consent.

Comments:

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

GENERAL ANALYSIS AND COMMENTS:

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

- This consent application generally complies with the policies of PPS 2020.

- The severed and retained lands are approximately 94.79 ha and 48.00 ha, respectively in lot area. They are large enough to support farm operations, and therefore the application conforms with the salient consent policies in the Township's Official Plan regarding lot creation in the Agricultural designation
- The subject lands contain Significant Woodlands (primarily 20+ hectares) and Locally Significant and Unevaluated Wetlands. Staff have included standard conditions of consent to address this consideration. A scoped Environmental Impact Statement (EIS) prepared by Burgess Gleason Environmental was submitted to the Township by the applicants on June 2, 2023.
- Staff understand that the severed lot benefits from the driveway easement over portions of the retained property. The proposed easement will establish a shared driveway for both severed lot and retained lots. A condition of consent approval has been recommended that the landowners acknowledge their responsibility for the shared driveway which includes issues such as maintenance and liability. The retained land also has its own driveway for providing access to their property.

Prepared By

Diksha Marwaha

Planning Coordinator, Township of Melancthon

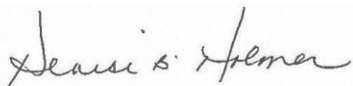
Reviewed By

Silva Yousif

Senior Planner, Township of Melancthon



Approved By



Denise B. Holmes, AMCT

Chief Administrative Officer/Clerk, Township of Melancthon