



**TOWNSHIP OF MELANCTHON  
COMMITTEE OF ADJUSTMENT HYBRID MEETING  
THURSDAY, MAY 16<sup>TH</sup>, 2024 - 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  
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Meeting ID: 862 3176 0599  
Passcode: 678727  
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Dial by your location  
• +1 587 328 1099 Canada  
• +1 647 374 4685 Canada  
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• +1 778 907 2071 Canada  
• +1 780 666 0144 Canada  
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• +1 438 809 7799 Canada  
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Passcode: 678727

**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 – February 15<sup>th</sup>, 2024**
- 5. Business Arising from Minutes**
- 6. Application For Consent**
  1. B8/21 – Anson Martin – Agent: Kristine Loft – Pt Lot 30, Con 9 NE
    1. Planning Report on Pt Lot 30, Con 9 NE
- 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**



**Subject: Planning Report – B8/2021 – 318469 8th Line NE**

**Department: Planning**

**Meeting Date: 2024-05-16**

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### **Recommendations**

That Planning Report – B8/2021 – 318469 8<sup>th</sup> Line NE be received;

And that Consent Application B8/2021, be **APPROVED**, subject to the following conditions:

- That an application for a Zoning By-law Amendment be submitted to establish the appropriate zones for the amalgamated parcel as supported by the Environmental Impact Study (EIS).

### **Introduction**

Legal Description: CON 9 NE PT LOT 30

Municipal Address: 318469 8<sup>th</sup> Line NE

Applicant(s): Kristine Loft (on behalf of Anson and Salinda Martin)

Official Plan Designation: Agricultural and Environmental Protection

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

Purpose: The applicant is applying for a consent to sever a portion of lands from the lands known as 318469 8<sup>th</sup> Line NE and merge them with lands known as 824396 Melancthon-Osprey Townline (Part 2 and 3).

### **Background**

The agent, Kristine Loft has submitted an application on behalf of the applicant (Anson and Salinda Martin) to sever a parcel of land, which has an approximate area of 44.71 hectares (100.49 acres). The subject lands are designated in the Township Official Plan as largely *Agricultural* with small portions of the lands also being designated as *Environmental Protection*. Under the Township of Melancthon Zoning By-law 12-1979,

the subject lands are zoned as predominately *General Agricultural (A1)* with a small portion at the rear of the property being zoned as *Open Space Conservation (OS2)*. The subject lands are adjacent to both 8<sup>th</sup> Line NE and Melancthon-Osprey Townline, and currently consist of an existing residential dwelling, agricultural fields, and agriculture-related buildings (see *Appendix A*).

The intent of this application is twofold in nature. The applicant first aims to sever a portion at the rear of the property known as 318469 8<sup>th</sup> Line NE. The severed lands, which will have an area of approximately 1.6 hectares and frontage of 167.5 metres, are then proposed to be merged with the lands known as 824396 Melancthon-Osprey Townline (Parts 2 and 3). This amalgamated lot, which will comprise of the severed lands and 824396 Melancthon-Osprey Townline (Parts 2 and 3), will have an area of 35.3 hectares and a lot frontage of 1062.5 metres. The retained lands will have an area of approximately 42.89 hectares and frontage of 410 metres onto 8<sup>th</sup> Line NE.

<i>Lot</i>	<i>Property Characteristics</i>	<i>Existing</i>	<i>Proposed</i>
Severed	Lot Frontage	410 metres (onto 8 <sup>th</sup> Line NE)	167.5 metres (onto Grey Road 9)
	Lot Area	44.71 ha	1.6 ha
Amalgamated	Lot Frontage	-	1062.5 metres
	Lot Area	-	35.3 ha
Retained	Lot Frontage	-	410 metres
	Lot Area	-	42.89 ha

As a final note, the proposed consent application is a resubmission of a consent application that was submitted in 2021. At the time of the first application, the Township Planner recommended that the application be deferred until such time that an Environmental Impact Study (EIS) focusing predominately on the wetland feature located on the subject lands be completed. This recommendation was accepted by the Committee of Adjustment during the first submission. The application at hand now includes the completed EIS and, thus, the application is once again being brought forward to the Committee of Adjustment for review and decision.

## **Planning Analysis**

### Provincial Policy Statement 2020 (PPS)

The subject lands are located in *Prime Agricultural* areas, as per the Provincial Policy Statement 2020 (PPS).

As it relates to lot creation in prime agricultural areas, though it is discouraged, there are permissible reasons for which lot creation can be proceeded with. These reasons are outlined under section 2.3.4.1 and 2.3.4.2 of the PPS and include the following:

#### Section 2.3.4.1

- 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.
- 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.
  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.
- d. infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

#### Section 2.3.4.2

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

Through correspondence with the applicant on January 31<sup>st</sup>, 2024, it was indicated to Planning staff that no residential dwellings are being proposed and that a new barn and shop are proposed to be built on the amalgamated lands. In addition to that, the applicant has also indicated in correspondence with Planning staff that both the retained and amalgamated lands will continue to be used for agricultural purposes. Based on the above, the consent application conforms with the policies of the PPS.

#### Nottawasaga Valley Conservation Authority (NVCA)

The subject lands fall under Nottawasaga Valley Conservation Authority (NVCA) jurisdiction. In comments provided by the NVCA on December 6<sup>th</sup>, 2021, it was indicated that there were two (2) natural heritage features – *wetlands* and *woodlands* – located on the subject lands. The NVCA asserted that the proposed boundary adjustment would not impact the existing natural heritage features on the property. In addition, the NVCA highlighted that the application is consistent with natural heritage and natural hazard policies in the PPS and is in conformity with provincial and NVCA policy.

#### The County of Dufferin Official Plan

The subject lands are designated as *Agricultural* area under the in-effect County Official Plan and *Prime Agricultural* under the Council adopted County Official Plan. Permitted

uses under both designations include, agricultural uses, agricultural related-uses, on-farm diversified uses, home occupations, home industries, residential dwellings, forestry, conservation, wildlife and fisheries management, passive recreational uses, watershed management, and flood and erosion control projects.

As it relates to lot creation, the County Official Plan provides the following policies and guidelines.

*Section 4.2.5(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.

*Section 4.2.5(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).

*Section 4.2.5(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.

*Section 4.2.5(e)*

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.

The consent application conforms with the permitted uses under the County Official Plan and overarching lot creation policies. As noted in the PPS conformity analysis, the applicant is seeking to maintain the agricultural intent of the subject lands, with the only proposed development being a barn and shop which can be viewed as *on-farm diversified uses*, a permitted use under both the *Agricultural* and *Prime Agricultural* designations.

Township of Melancthon Official Plan

The subject lands are designated as predominately *Agricultural* under the Township Official Plan; however, a small portion of the subject lands are designated as *Environmental Protection* (see *Appendix B*). Permitted uses under the *Agricultural* designation include, agricultural uses, agriculture-related uses, on-farm diversified uses, single detached dwelling, and wayside pits.

The Township Official Plan includes the following policies with respect to consents for areas designated as *Agricultural*.

*Section 5.2.5.b*

- i. 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.
- ii. Lots may be created 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 provided there is compliance with the following policies.
  - o 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*.
  - o 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.
  - o 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.
- iv. Lots may be created for infrastructure where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- v. In accordance with the policies of section 7.2, consents may be granted for lot line adjustments for *legal or technical reasons* provided the consent does not result in the creation of a new building lot.

The Township Official Plan also includes general policies for consents (section 7.2) within the Township. Some notable policies under this policy include the following:

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Section 7.2.a

- ii. *Where the severed or retained lots will involve new buildings, structures, wells or sewage disposal systems, it must be established that the subject lots have soil and drainage conditions suitable for the proper siting of buildings, structures and an on-site sewage disposal system, and that a sufficient supply of potable water is available or can be obtained.*
- iv. *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 reasons such as minor boundary adjustments, provided such consent does not result in the creation of a new building lot. Such consents shall not be counted in the maximums specified in this section or elsewhere in this Plan.*
- vii. *Consents shall be granted only when both the severed and retained lands have frontage on an open public road built to municipal standards.*

The consent application aligns with the intent of the Township Official Plan and all consent related policies are generally addressed either through the consent application or subsequent Zoning By-law Amendment.

Township of Melancthon Zoning By-law 12-1979, as amended

The subject lands are zoned as predominately *General Agricultural (A1)*; however, a small portion of the subject lands at the rear of the property are zoned as *Open Space Conservation (OS2)* (see *Appendix C*). Permitted uses under the *General Agricultural (A1)* zone include a farm, kennel, riding stable, nursery or commercial greenhouse, animal hospital, forestry or conservation uses, wayside pit, home occupation. Permitted uses under the *Open Space Conservation (OS2)* zone include conservation uses, public park, golf course, farm, horticultural nursery, and buildings or structures used for flood or erosion control purposes.

Upon review of the application, in accordance with the permitted uses and provisions of the overarching zones for the subject lands, the retained parcel aligns with the in-effect zoning. While the severed, and subsequently amalgamated lands, do not outwardly contradict the in-effect zoning, a zoning by-law amendment has been brought forth by the applicant. The aim of this amendment is to redesignate existing agricultural areas on the severed lands as *General Agricultural (A1)* for their continued agricultural use, while also protecting the existing natural heritage features on the amalgamated lot.

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

## 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:

- The consent application complies with the policies of the PPS 2020, specifically those associated with the *prime agricultural* designation.
- The consent application conforms with the overarching Official Plan designations and associated polices under both the County and Township Official Plans.
- The consent application, and subsequent Zoning By-law Amendment application, aims to maintain the agricultural purpose of both the retained lands and proposed amalgamated lands. In addition, existing natural heritage features are maintained through the subsequent Zoning By-law amendment applications.
- Both the retained and amalgamated lands conform to the overarching setback, lot area, frontage, and all other regulations set out under the Township of Melancthon Zoning By-law 12-1979.

Prepared By

**Liam Morgan**

Development Planner, Township of Melancthon



Reviewed/Approved By

**Silva Yousif**

Senior Planner, Township of Melancthon



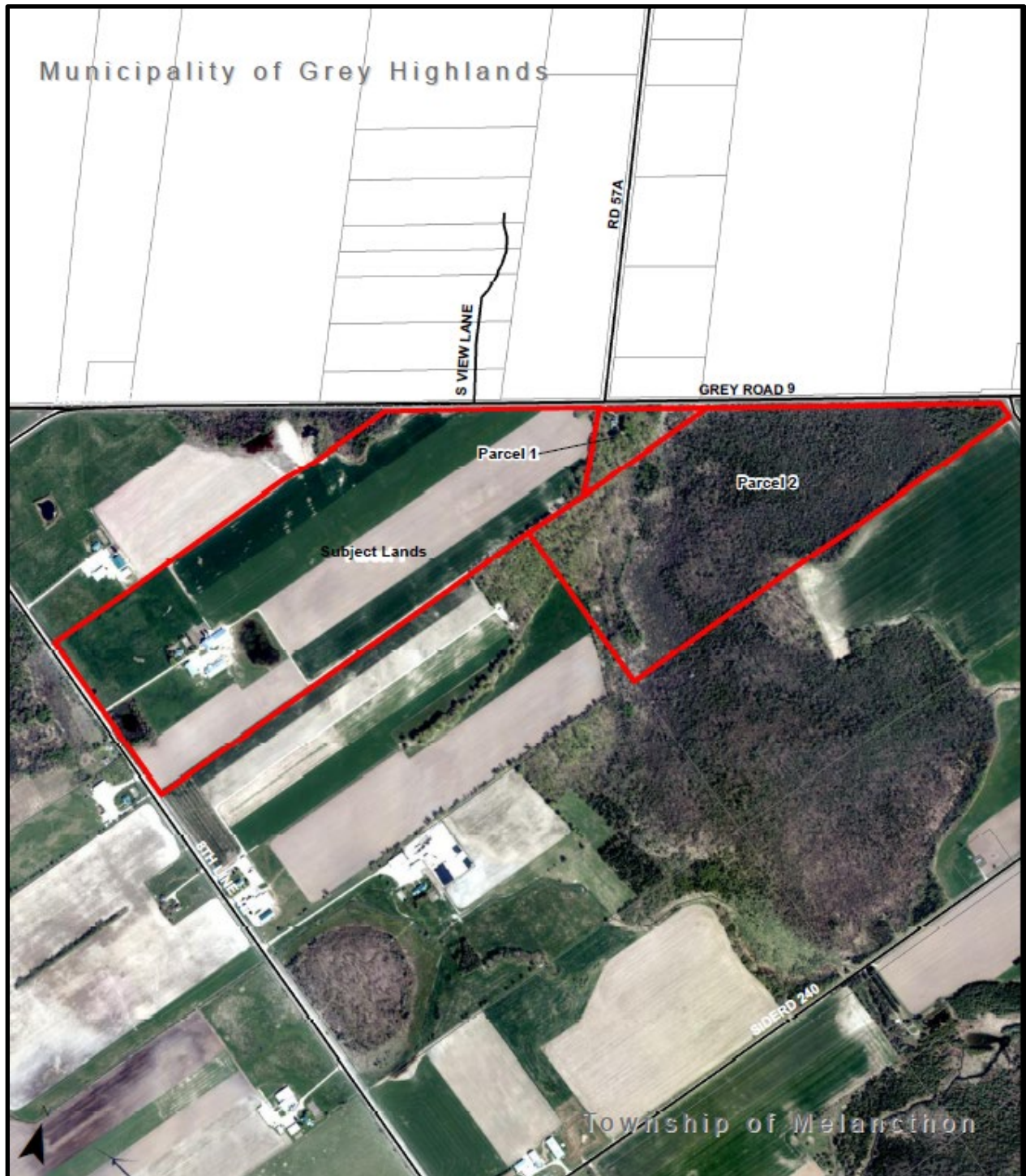
Reviewed/Approved By

**Denise Holmes**

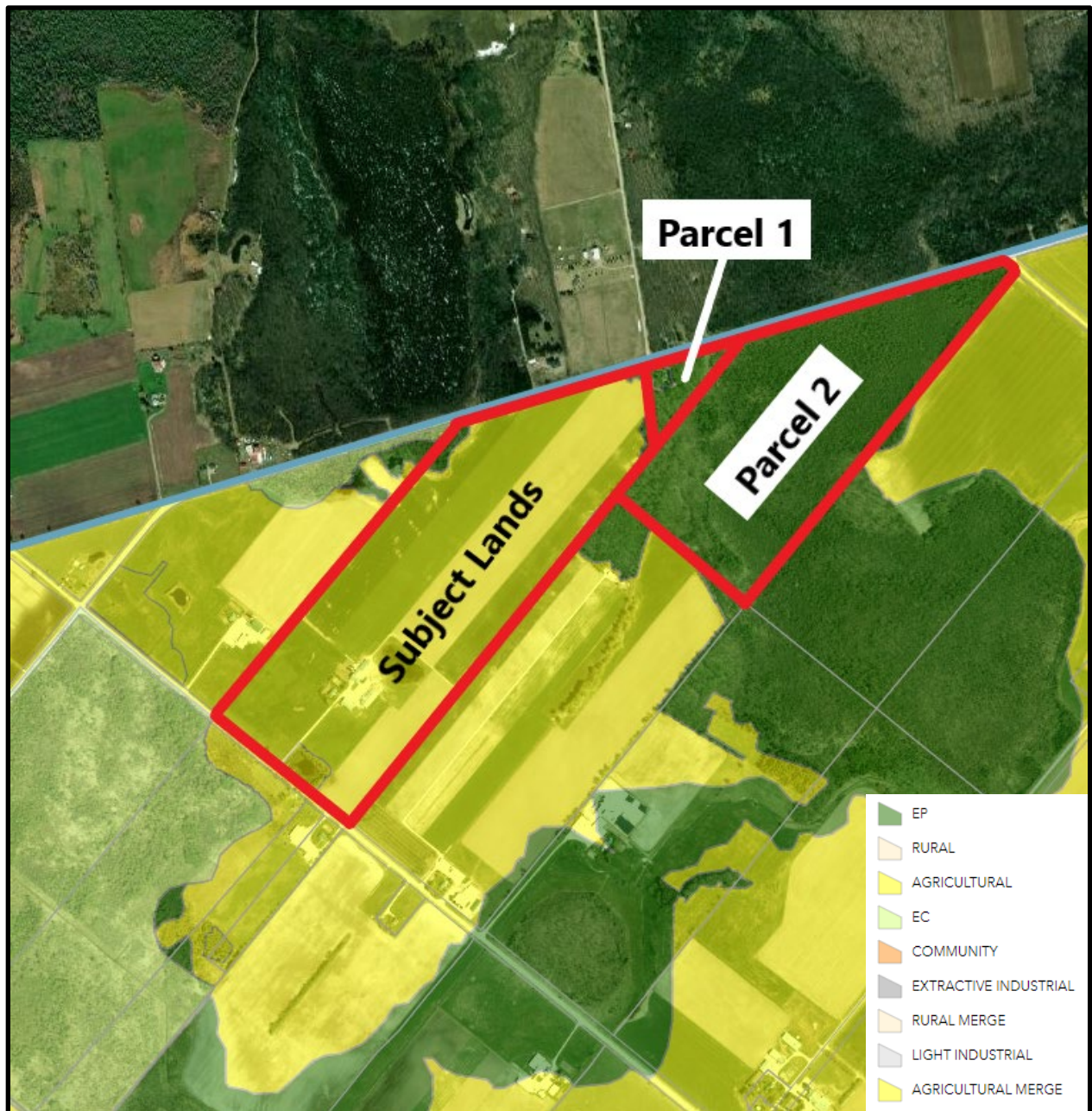
Chief Administrative Officer /Clerk, Township of Melancthon



Appendix A – Aerial Photo

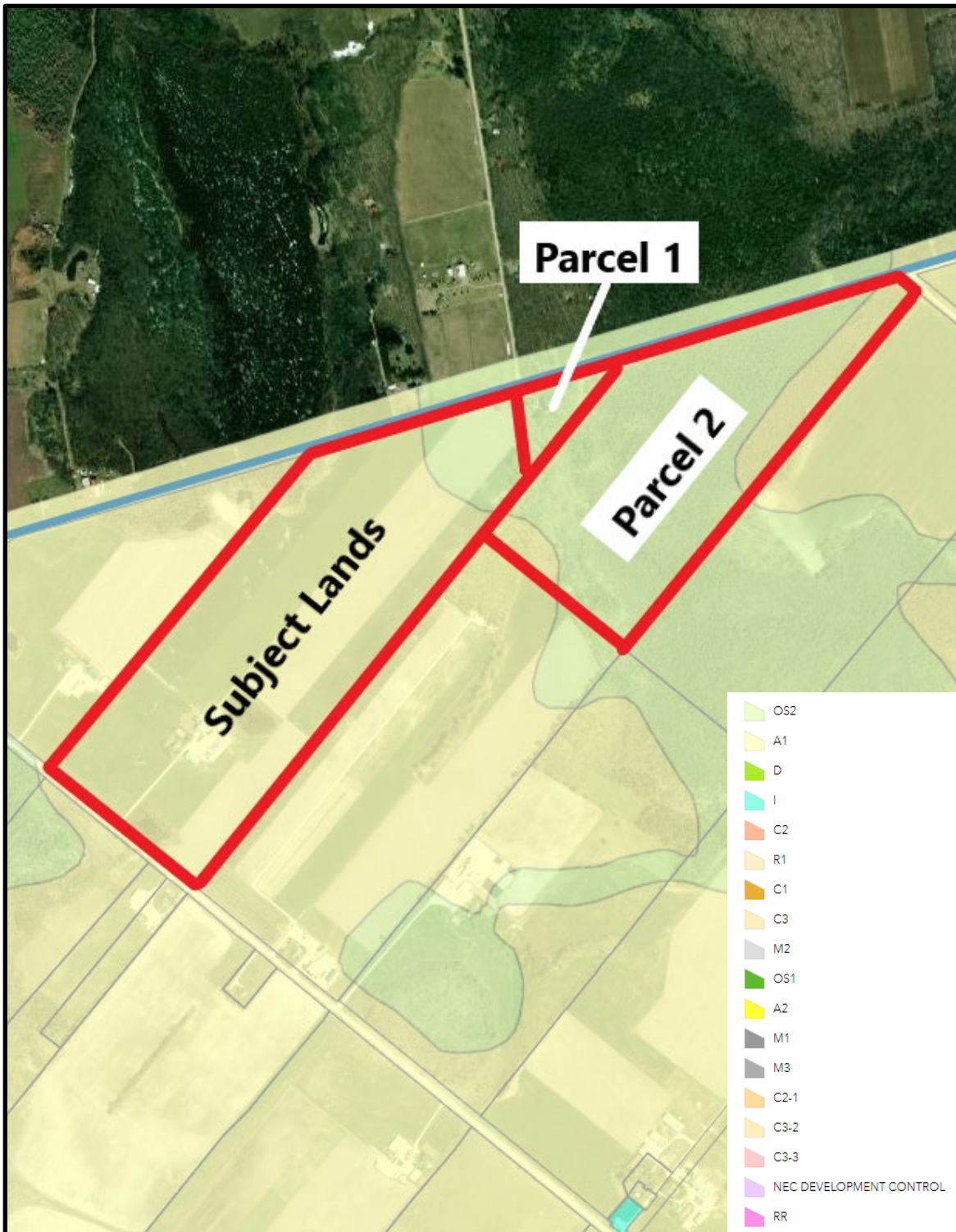


Appendix B – Township Official Plan Designations





Appendix C – Township Zoning By-law Zones



Appendix D – Consent Application Proposal

