



LOFT PLANNING

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TRANSMITTAL

DATE: April 19, 2021 **PAGES:** Submission **LPI FILE NO:** CHA.48521

TO: Ms. Tracey Atkinson, CAO/PLANNER, Township of Mulmur

FROM: Kristine Loft, MCIP RPP, Loft Planning Inc.

SUBJECT: Applications for Consent (Chaudhary/Chouhan)
CON 2 E E PT LOT 1 PCL 1; CON 2 E E PT LOT 1 PCL 2, CON 2 E E PT LOT 1 PCL 3, CON 2 E
E PT LOT 1 PCL 4, Highway 89, Township of Mulmur, Township of Clearview
(Roll # 22160000205702, 22160000205703, 22160000205704, 22160000205705)

Tracey:

Please find enclosed two applications for Consent pertaining to the aforementioned lands, including the applicable fees and supporting documents.

Should you have any questions regarding these applications, please do not hesitate to contact us at 705.446.1168.

Kristine Loft

Loft Planning Inc.
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April 16 2021

Ms. Tracey Atkinson
CAO/Planner/Acting Clerk
Township of Mulmur
758070 2nd Line E
Mulum ON
L9V 0G8

Dear Ms. Atkinson:

**RE: Planning Justification Letter
Two Proposed Consents
Lot 2 – PT LT 1, CON 2 EHS, AS IN MF171881; MULMUR
Lot 3 - PT LT 1, CON 2 EHS, AS IN MF198188; MULMUR
Lot 5 - PT LT 1 CON 2 EHS MULMUR AS IN MF193815 EXCEPT PT 4, 7R3700; MULMUR**

We have been retained by landowners Mona Choudhry, Kulvinder Kumar Chaudhary and Ritu Chouhan, owner of the above-noted lands, to act as planners for applications for Consent that will facilitate consents for conveyances. The purpose of these application is to reduce four deficient lots to three developable lots. This Planning Justification Letter is being submitted as part of a complete application in support of the planning applications.

1.0 Location & Description of Subject Lands

The Subject Lands are located on the north side of Highway 89 west of Airport Road between the 1st Line EHS and the 2nd Line EHS 10. The owners have purchased a series of lots with the intention of applying for consents for lot conveyances in order to create development parcels of land. Their intention is to construct single detached units.

The proposal includes the following,

Consent 1 – To merge Lot 2 and Lot 3.

Provisions	Lot 2	Lot 3	Merged Lot 2 and 3
Lot Frontage	21 m	21 m	42 m
Lot Area	1 400 sq m	1 400 sq m	2800 sq m



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Consent 2 - Lot 5 – To sever a portion of Lot 5 and convey to Lot 4.

Provisions	Severed	Retained	Enlarged
Lot Frontage	24.4 m	68 m	45.7 m
Lot Area	1700 sq m	4300 sq m	3200 sq m

The parcels currently are vacant, undeveloped land but have been maintained as separately conveyable parcels. The existing lots are considered legal non-conforming in view of the Township of Mulmur Zoning By-law 28-18. Lots 2, 3 and 4 do not meet the minimum lot frontage requirement of 45 m or lot area requirement of 0.4 ha of the Rural Residential (RR) Zone in which they are located. Lot 5 meets the Township's zoning by-law requirement.

2.0 Existing and Surrounding Uses

The Subject Lands comprise vacant scrubland with some vegetation in the form of trees around the boundary of the site. The property is located within a rural area that is largely comprised of agricultural and environmental lands with an aggregate operation to the north. The lands have frontage on Highway 89. The surrounding land uses are described as follows:

- **North:** Aggregate, Agricultural and environmental lands associated with Boyne Valley.
- **East:** Aggregate, Agricultural with some Residential along Highway 89.
- **South:** Agricultural and environmental lands.
- **West:** Aggregate, Agricultural, Residential and some highway commercial along Highway 89 at the intersection of Highway 10.

The Boyne Valley Provincial Park is located to the northwest of the property within the Niagara Escarpment Area that traverses the area northward from the southwest. The nearest communities include Violet Hill to the east and Primrose to the west at the intersection of Highway 10.

3.0 Policy Analysis

A review of the relevant planning documents must be undertaken to determine conformity of the applications to the Planning Act as well as the provincial and municipal planning documents. A review of the Consent Applications based on the applicable planning documents made the following conclusions:

1. **The Applications have Regard for Matters of Provincial Interest (Section 2) of the Planning Act, 1990.** The new lot configuration will result in developable building lots.



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2. **The Applications are consistent with the Provincial Policy Statement 2020 and conform to the Growth Plan for the Greater Golden Horseshoe.** The Provincial policies and plans permit residential uses in rural areas on lands already zoned for residential use and development that is compatible with the surrounding uses and can be sustained on rural service levels.
3. **The Applications conform to the Dufferin County and Township of Mulmur Official Plans.** The Dufferin County Official Plan and the Township of Mulmur Official Plan permit technical severances which do not result in the creation of a new lot.
4. **The Applications conform to the intent of the Township of Mulmur Zoning By-law.** The Subject Lands comprise pre-existing undersized lots and the new lot configuration will create developable lots that maintain the intent of the Zoning By-law.

A detailed review of the applicable planning documents is provided in the following sections.

3.1 Planning Act

The Planning Act provides the legislative framework for land use planning decisions in Ontario and must be considered by decision makers when reviewing development applications. Sections 2 (Provincial Interest), 3 (Provincial Plans) and 53 (Consents) of the Planning Act apply to the applications.

- Section 2 of the Planning Act requires the consideration of matters of "Provincial Interest" including protection of resources, orderly development of communities and the appropriate location of growth and development.

The applications propose the reconfiguration of existing residential lots to enable their development for single detached units. Given that the lots are designated and zoned for rural residential uses, the Subject Lands are considered an appropriate location for development and the proposed consent applications will facilitate the development of the lands for this purpose. While it is noted that an aggregate operation is located adjacent to the Subject Lands, the lots are existing and are not anticipated to hinder aggregate operations.

- Section 3 (5) (a) of the Planning Act requires that planning decisions be consistent with policy statements and conform to provincial plans that are issued under the Act.

The Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe apply to the applications. Both of these documents are addressed within this letter.

- Section 53 permits the approval of consents if a plan of subdivision is not necessary for the proper and orderly development of the municipality.

The applications propose technical consents and will not result in the creation of lots, in fact there is a net loss on one lot.

CONCLUSION: The proposed Consents meet the requirements of the Planning Act RSO.

3.2 Provincial Policy Statement (PPS)



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The Provincial Policy Statement (PPS) 2020 promotes efficient development patterns that support viable communities, facilitate economic growth and protect the environment and public health and safety. Viable and healthy rural areas are supported by promoting rural character and regeneration, accommodating a range of housing in settlement areas and using rural infrastructure efficiently (S. 1.1.4.1). Growth and development generally are directed to rural settlement areas, but locally appropriate residential development is permitted on rural lands (S. 1.1.5.2) and development that is compatible with the rural landscape and can be sustained by rural service levels is promoted (S. 1.1.5.3).

Section 2.5.2.4 protects mineral aggregate operations from development and activities that would preclude or hinder their operation or are incompatible based on public health and safety. Typically, residential uses would be discouraged from locating next to an aggregate operation. The Subject Lands are designated and zoned for rural residential uses. The lots are existing and in fact this proposal will reduce the net density of lots by one.

The proposed consents will not result in lot creation but rather will enable existing residential lots to be reduced in number and reconfigured to a size that will facilitate construction of residential dwellings. The proposed applications support the PPS policies by promoting rural residential development on lands identified for this use and based on the available rural infrastructure.

Conclusion: Consistency with the Provincial Policy Statement 2020 has been demonstrated.

3.3 Growth Plan for the Greater Golden Horseshoe

The Subject Lands are located within the Greater Golden Horseshoe and, therefore, the Growth Plan policies must be considered. The Growth Plan generally discourages growth and development outside of settlement areas, however, new multiple lots or units for residential development are permitted on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006 (S. 2.2.9). Accordingly, the development of the Subject Lands for residential purposes is permitted. The proposed Consents will facilitate the construction of new residential dwellings on lands already designated for this type of development.

Conclusion: Conformity to the Growth Plan for the Greater Golden Horseshoe has been demonstrated.

3.4 Dufferin County Official Plan

The Subject Lands are identified as a "Countryside Area" on Schedule B Community Structure and Land Use and as being within an Aggregate Resource Area on Schedule D in the Dufferin County Official Plan. The Countryside Area policies in Section 4 and the policies that regulate aggregate uses in Section 4.4 are applicable to the applications. Policies that guide the review of consents are provided in Section 8.6.4.

- **Countryside Area**

The Countryside Area encompasses lands outside of settlement areas and includes rural lands and important resource areas such as mineral aggregate areas. The County supports a healthy and viable Countryside Area by maintaining the rural character and leveraging rural assets, protecting agriculture, directing growth to settlement areas, and promoting the efficient use of infrastructure and



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mineral and aggregate resources for their long-term use (S. 4.1). The Plan states that limited residential development of up to three lots is permitted on rural lands, and that specific permitted uses will be established in the local municipal plan and zoning by law (S. 4.3). The Subject Lands are designated as Rural in the Township of Mulmur Official Plan and are zoned Rural Residential in the Township's Zoning By-law and, therefore, the residential uses of which the proposed consent application will facilitate are permitted.

• **Aggregate Resource Policies**

Section 4.4 reflects the PPS by protecting existing pits and quarries from activities that could preclude or hinder their continued use. Recognition of the permissions for residential uses on the Subject Lands are pre-existing and, as indicated the proposal will reduce the number of lots by one. Accordingly, it is not expected that the rural residential uses will impact or hinder the aggregate operations on the adjacent lands.

• **Consent Policies**

The policies in Section 8.6.4 (Consent to Sever) address lot creation and do not specifically address technical severances such as proposed by the Consent Application. Nevertheless, this Section requires that consent applications be in conformity with local and County Official Plan as well as provincial policy. The proposed consents conform to Provincial, County and local planning policies.

Conclusion: Conformity to the Dufferin County Official Plan has been established.

3.5 Official Plan for the Township of Mulmur

The Subject Lands are designated as a "Rural" on Schedule A1 Community Structure and Land Use D in the Official Plan for the Township of Mulmur. Growth Management policies in Section 5.2 and Rural policies in Section 5.8 apply to the proposed Consents as well as Rural land use designation policies in Section 6.2.

• **Rural Policies**

Rural residential development is permitted on existing vacant lots provided the lot is large enough to sustain private sewage and water services and will not detract from the surrounding rural uses (S. 5.2). The Rural Areas policies in Section 5.8 also permit limited residential development and promote development that is compatible with the rural landscape and that can be sustained on rural service levels. Rural residential development is recognized as part of what makes up the rural character and smaller lot sizes, frontages and setbacks are not characteristic of the rural area (S. 5.26). The Plan encourages the Township to mitigate and minimize impacts on the rural character of the surrounding area and the Township in general. Finally, Section 6.2 identifies a variety of permitted uses in the Rural designation including single detached residential dwellings.

Residential uses are recognized as a permitted use by the Township's Official Plan and lot configurations that reflect the rural character of the area are supported. The proposed Consent will reduce the number of lots from four to three and will create larger lots that are more in keeping with the Rural Residential Zone regulations and that can support the development of single detached



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dwelling. The Consents will facilitate a lot configuration that better supports the rural policies of the Township's Official Plan.

- **Lot Creation**

Section 5.36 and 6.2.5 provide policies that guide lot creation in Mulmur Township. Section 5.36 provides land division policies that apply to all land use designations and guide the creation of new lots. The proposed Consents do not result in lot creation but rather in a reduction of the number of lots from four to three. Section 6.2.5 provides lot creation policies specific to the Rural designation. This section permits technical and boundary adjustment severances provided they do not create a new lot or re-divide a parcel of land that had merged in the past. The Plan defines technical reasons as meaning "severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot". The applications are considered technical as no new lots will be created but rather the boundaries will be adjusted to create developable parcels of land.

Finally, Section 6.2.5 identifies that the lots will be subject to the criteria and policies of the Ministry of Transportation given their frontage on Highway 89.

Conclusion: Conformity to the Official Plan of the Township of Mulmur has been established.

3.5 Township of Mulmur Zoning By-law 28-18

The Subject Lands are zoned Rural Residential (RR) in the Township of Mulmur Zoning By-law. Section 4.2 provides the zone regulations for the Rural Residential Zone which permits a single detached dwelling as well as an additional single dwelling (ASD or attached accessory dwelling unit or habitable pool house). The Rural Residential Zone Requirements are as follows:

Rural Residential (RR)	Requirements	Proposed		
		Lot 2/3 Merged	Merged Lot 4	Retained Lot 5
Minimum Lot Area	0.4 ha	.28 ha	.32 ha	.43 ha
Minimum Lot Frontage	45 m	42.6 m	45.7 m	68.1 m

Section 3.10.2.3 which is entitled, *Existing Undersized Lots of Record*, indicates that, *Lots which have been increased in size following passing of this By-law to comply with the above minimum frontage and lot area standards may also be used in accordance with this provision.* This proposal does increase the lot sizes to more appropriately reflect the zoning provisions.



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4.0 Conclusions

This Planning Report has been prepared in support of the applications for technical Consents which will facilitate the re-configuration of existing lots on the Subject Lands into parcels that can support the development of single detached homes. The applications are in keeping with the Planning Act RSO 1990, are consistent with the Provincial Policy Statement, 2020, and conform to the Growth Plan for the Greater Golden Horseshoe, the Dufferin County Official Plan, the Official Plan of the Township of Mulmur and the Township of Mulmur Zoning By-law 28-18. Furthermore, it is our opinion that the applications represent good land use planning.

Yours truly,

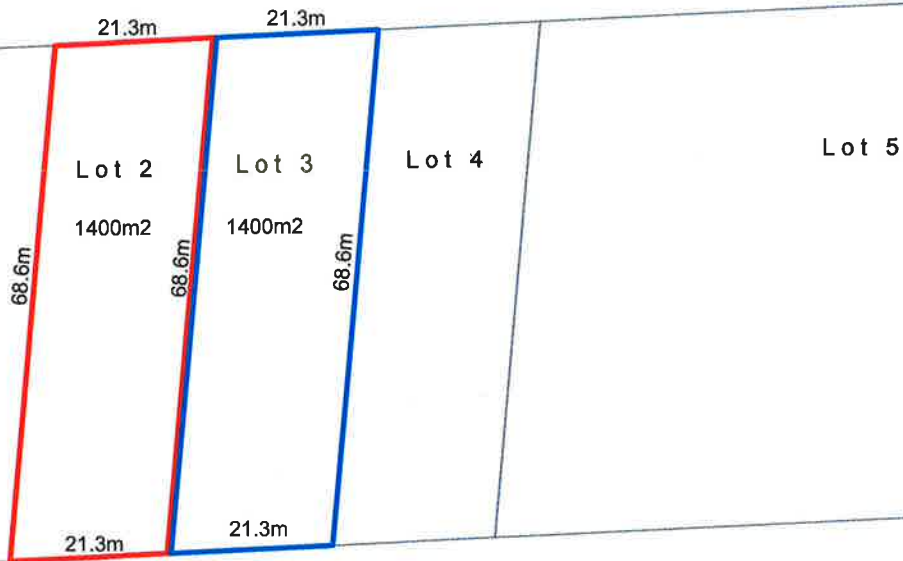
Kristine A. Loft BES BAA MCIP RPP
Principal

Attached: Consent Sketches

CON II

Township of Mulmur

Lot 1





HWY 89

Town of Mono

Consent Sketch
Kulvinder Chaudhary
(LPI File:CHA.48521)
Township of Mulmur
County of Dufferin

Legend

-  Benefitting Parcel (0.14ha)
-  Lands to be Transferred (0.14ha)

0 10 20 30 Metres



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February 21, 2021

N

Township of Mulmur

Lot 1

Lot 2

Lot 3

Lot 4

Lot 5

1500m²1700m²4300m²

68.6m

68.6m

68.7m

60.8m

21.3m

24.4m

67m

21.3m

24.4m

31.3m

36.8m

HWY 89

Town of Mono

0 10 20 30 Metres

Consent Sketch
Kulvinder Chaudhary
(LPI File:CHA.48521)
Township of Mulmur
County of Dufferin

Legend

- Benefitting Parcel (0.15ha)
- Lands to be Transferred (0.17ha)
- Retained Lands (0.43ha)



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 February 21, 2021

3. Purpose of this Application										
Proposed transaction (check appropriate box)										
<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Transfer <input type="checkbox"/> A charge </div> <div> <input checked="" type="checkbox"/> Creation of a new lot <input type="checkbox"/> A lease </div> <div> <input checked="" type="checkbox"/> Addition to a lot <input type="checkbox"/> A correction of title </div> <div> <input type="checkbox"/> An easement <input type="checkbox"/> Other </div> </div>										
Specify Purpose, ie. Building lot, farm severance, lot addition, etc. TO MERGE TWO INDIVIDUAL 1400m2 LOTS (LOT 2 AND LOT 3) IN ORDER TO CREATE ONE 2800m2 RURAL RESIDENTIAL LOT,										
Name of person(s) to whom land or interest in land is to be transferred, leased or charged TBD										
4. Description of Subject Land and Servicing Information										
Frontage (m)		Severed 21.3m + 21.3m				Merged and Retained 42.6m				
Depth (m)		68.6m + 68.6m				68.6m				
Area (m)		1400m2 + 1400m2				2800m2				
5. Land Use										
Date Property Acquired TBD										
Existing Use VACANT RESIDENTIAL						Proposed Use RESIDENTIAL				
Existing and Proposed buildings and Structures										
Type of Building or Structure		Set Backs (m)				Height (m)	Dimensions (m x m)	Area (m2)	Date of Construction / Proposed Construction	Time use has continued (for existing buildings & structures)
		Front	Rear	Side	Side					
N/A	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
Water <input type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other: _____		Sewage Disposal <input type="checkbox"/> Private Septic <input type="checkbox"/> Communal Septic <input type="checkbox"/> Other: _____				Storm Drainage <input type="checkbox"/> Sewer <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other: _____			Tile Drainage <input type="checkbox"/> No <input type="checkbox"/> Yes, please mark on site plan location of tile runs	

6. Zoning and Official Plan Information

Current Zoning Rural Residential (RR)	Current Official Plan Rural	
Related Applications under the Planning Act, if any including Official Plan, Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order (amendment), Consent or Plan of Subdivision:	Has subject lands even been subject of an application under the Planning Act? File #: _____ Status: _____	
Provide an explanation of how the application conforms to the Official Plan See Planning Justification Report		
Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified? Please check the appropriate boxes, if any apply.		
Use or Feature	On the Subject Land	Within 500 metres of Subject Land, unless otherwise specific (indicate approximate distance)
Agricultural buildings/structure or manure storage facilities	NO	NO
A Landfill	NO	NO
A provincially significant wetland (Class 1, 2 or 3 wetland)	NO	NO
A locally significant wetland	NO	NO
Flood Plain	NO	NO
A rehabilitated mine site	NO	NO
A non-operating mine site within 1 kilometre of the subject land	NO	NO
An active mine site	NO	(GRAVEL PIT)
An industrial or commercial use (specify uses)	NO	NO
Does the proposed development produce greater than 4500 litres of effluent per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, attach a servicing options report and hydro geological report		
Are the lands part of a Nutrient Management Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Please provide plan number _____ and date approved by OMAFRA _____		
Are there any livestock facilities within 500 metres of the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
If yes, provide a Farm Data Sheet completed by each livestock facility owner for each of the livestock facilities. http://mulmur.ca/departments/planning		

7. Consistency with Policy Documents

Does this application:
Alter the boundary of a settlement area? ☐ Yes ☒ No

Create a new settlement area? ☐ Yes ☒ No

Remove lands from an employment area? ☐ Yes ☒ No

If yes, provide details of any Official Plan or Official Plan Amendment on a separate submission

Are the subject lands in an area where conditional zoning may apply? ☐ Yes ☒ No

If yes, provide details of how this application conforms to Official Plan conditional zoning policies on a separate submission

Is the proposed application consistent with the Provincial Policy Statement and any other Policy Statements issued under subsection 3(1) of the Planning Act: ☒ Yes ☐ No

KRISTINE LOFT, LOFT PLANNING INC.

Name of individual having knowledge of the policy statements. A report may be required to accompany this application and support the above statement of consistency.

Signature

Are the subject lands within the Niagara Escarpment Greenbelt Plan area? ☐ Yes ☒ No

Are the subject lands within the Greater Golden Horseshoe Growth Plan area? ☒ Yes ☐ No

Does the proposed application conform to or does not conflict with the Provincial Plans, including the Greenbelt Plan and Growth Plan: ☒ Yes ☐ No

KRISTINE LOFT, LOFT PLANNING INC.

Name of individual having knowledge of the policy statements. A report may be required to accompany this application and support the above statement of consistency.

Signature

8. History of the Subject Land

Has the subject land ever been the subject of an application for approval of a plan of subdivision or consent under the Planning Act? ☐ Yes ☒ No ☐ Unknown

If yes, and if known, provide the file number and the decision made on the application: _____

If this application is a re-submission of a previous consent application, describe how it has been changed from the original application

Has any land been severed from the parcel originally acquired by the owner of the subject land? ☐ Yes ☒ No

If yes, provide for each parcel severed, the date of transfer, the name of transferee and the land use:

Has any land been severed from the original, 40 hectare (approx.) parcel

☐ Yes

☒ No

If yes, provide details:

9. Other Information

Please provide any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authority, etc.

10. Sketch (please use metric units)

The application shall be accompanied by a sketch showing the following:

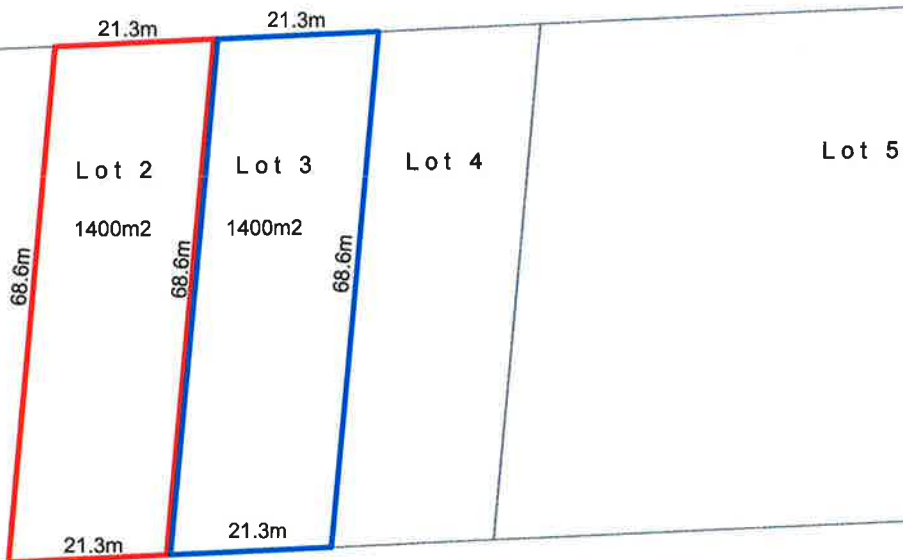
- ☒ The boundaries and dimensions of the subject land, the part that is to be severed and the part that is to be retained
- ☒ The boundaries and dimensions of any land owned by the owner of the subject land and that abuts the subject land
- ☒ The distance between the subject land and the nearest Township lot line or landmark, such as a railway crossing or bridge
- ☒ The location of all land previously severed from the original approximate 40 hectare parcel
- ☒ The approximate location of all natural and artificial features on the subject land and adjacent lands that in the opinion of the applicant may affect the application, such as buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks
- ☒ The existing uses on adjacent lands
- ☒ The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or right of way
- ☒ The location and nature of any easement affecting the subject land

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N

Township of Mulmur

Lot 1





HWY 89

Town of Mono

Consent Sketch
Kulvinder Chaudhary
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