



D & C RUTLEDGE LTD.
558280 MULMUR-MELANCTHON TOWN LINE
MELANCTHON, ONTARIO L9V 1W9

RBC ROYAL BANK
123 OWEN SOUND STREET
SHELburne, ONTARIO L9V 3L1

29686

CHEQUE NO.

29686

DATE

2 9 0 1 2 0 2 1
D D M M Y Y Y Y

PAY **Five Thousand and 00/100

\$**5,000.00

TO
THE
ORDER
OF

Township Of Mulmur,
75870 2nd Line East
Mulmur, Ontario, L9V 0G8



D & C RUTLEDGE LTD.



PER

Paul Rutledge

⑈0029686⑈ ⑆04642⑈003⑆ 118⑈886⑈1⑈

D & C RUTLEDGE LTD.

Township Of Mulmur,

01/29/2021

CHEQUE

29686

29686

amend-official plan..... 5,000.00

Total

5,000.00



**Application for Amendment
to Township Official Plan**
Under Section 22(4)(5) of the Planning Act

DATE RECEIVED: Feb 24/2021

Property Roll Number 2216 000 006 19825 & 2216 000 003 18400

Fees Received: \$5000 ~~cheque~~ cheque 29686

Completeness of the Application

The information in this form **must** be provided by the applicant with the appropriate fee. If the information and fee are not provided, the application will be returned or refused for further consideration until the information and fee have been provided. This information is prescribed in the schedule to Ontario Regulation 435/06 made under the Planning Act and Township By-Law.

The application form also sets out other information that will assist in the planning evaluation of the application. To ensure the quickest and most complete review, this information should be submitted at the time of application. In the absence of this information, it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

SUMMARY OF FEES

Costs will be invoiced as received (plus a 10% Administration charge) and are required to be paid in full and will not be drawn from the security deposit.

NON REFUNDABLE FEE: \$5000
SECURITY DEPOSIT: Estimated by staff

*NVCA FEE IF IN REGULATED OR NHS AREA

Submission of the Application

- ☒ One application form
- ☒ **Application Fee**
- ☒ 1 copy of the completed application form and 1 copy of the sketch are required by the Township.
- ☒ Measurements are to be in metric units.
- ☒ Affidavit signed in front of a commissioner
- ☒ Agent Authorization
- ☐ Pre-consultation with NVCA
- ☐ Pre-consultation with NEC
- ☐ Pre-consultation with Road authority
- ☒ Pre-consultation with the approval authority

Please Print and Complete or (X) Appropriate Boxes

1. Applicant and Ownership Information			
1.1	Name of Applicant Same as Owners	Home Telephone No.	Business Telephone No.
Address		Postal Code	
Email			
1.2	Name of Owner(s) If different from the applicant an owner's authorization is required in Section 7.1, if the applicant is not the owner. Stanley Michael Coe and D & C Rutledge Ltd.		
	558280 Mulmur Melancthon Townline, Ontario, L9V 1W9 (Rutledge) Address 478449 3rd Line, Melancthon, Ontario L9V 1T8 (Coe)	Home Telephone No. 519.925.0996 (Coe)	Business Telephone No. 519.925.6596 (Rutledge)
1.3	Name of the person who is to be contacted about the application, if different than the applicant (this may be a person or firm acting on behalf of the applicant).		
	Name of Contact Person Kristine Loft, Loft Planning Inc.	Home Telephone No.	Business Telephone No. 705.446.1168
	Address 25 Maple Street, Collingwood, Ontario	Postal code L9Y 2P7	Fax No.
1.4	Any Mortgages, Charges, or other encumbrances in respect of the subject land: Coe - Nil Rutledge - Yes		

Name Royal Bank of Canada	Address Fergus
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2. Location and Description of the Subject Land			
2.1 County: Dufferin	Municipality Township of Mulmur		
Concession Number 3 WHS (Coe) 2 WHS (Rutledge)	Lot 31 (Coe) 10 (Rutledge)	Registered Plan/Lot(s) / Block(s) RP 7R5552 (Coe)	
Reference Plan No.	Part Number (s)	Street/Road: City Rd 17 & 19 (Rutledge) 30 Sideroad (Coe)	Street/Emergency No. 636592 (Rutledge) & 746029 (Coe)
20 m Width of street/road	<input checked="" type="checkbox"/> Municipal year round maintained road <input checked="" type="checkbox"/> County Road <input type="checkbox"/> Seasonal or private road		
Frontage (m)	Entire Property 540 (Coe) & 600 (Rutledge)	Affected Area (if amendment does not affect entire property) 65 (Coe) & 86 m (Rutledge)	
Depth (m)	600 (Coe) & 153 (Rutledge)	130 (Coe) & 153 (Rutledge)	
Area (hectares)	29 (Coe) & 37 (Rutledge)	0.8 ha (Coe) & 1.3 ha (Rutledge)	

3. Zoning and Official Plan Information	
3.1 Current zoning of the subject lands: Countryside Area (A) & Environmental Protection (EP) (Coe) & Countryside Area (Rutledge)	
3.3 Related Applications under the Planning Act, if any: ZBA and Consents	3.4 Has subject lands ever been subject of an Application under the Planning Act? File # B07.2020 Status: Provisionally Approved File # Status:
3.5 PURPOSE: Identify policy and give purpose of proposed amendment, if applicable. <input type="checkbox"/> CHANGE <input type="checkbox"/> REPLACEMENT <input type="checkbox"/> DELETION <input checked="" type="checkbox"/> ADDITION	
To permit a surplus farm lot on each of the site specific lots as noted above by exempting these site specific lots from the requirements of a surplus farm severance being only permitted where no previous lots exist.	
3.6 Current Official Plan Designation: Agricultural & Natural Area (Coe) & Agricultural (Rutledge)	
3.7 Proposed Official Plan Designation: Same - Site Specific Amendment	
3.8 Are there any easements or restrictive covenants affecting the subject lands? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please describe	
3.9 The land uses which would be authorized by the proposed official plan amendment. Agricultural uses; Agriculture-related uses; Secondary uses; A single-detached dwelling;	

3.10 the subject land, or lands within 120 metres of the subject land, the subject of an application for approval of an official plan amendment, a zoning by-law amendment, a minister's zoning order amendment, a plan of subdivision, a consent or a site plan?
☒ Yes ☐ No If Yes, please describe

Status: Coe: Consent, ZBA (Submitted Simultaneously)
Rutledge: Consent (Provisionally Approved)

4. Proposed Amendment

4.1 The text of the proposed amendment if a policy in the official plan is being changed, replaced or deleted or if a policy is being added to the official Plan. ☒ Yes, Attached. ☐ No, Does not apply.

4.2 The proposed schedule to the official plan if the proposed amendment changes or replaces a schedule in the official plan.
☐ Yes, Attached. ☒ No, Does not apply

5. Consistency with Policy Documents

5.1 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

5.2 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.

5.3 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 A. 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



5.4 Are the subject lands within the Greenbelt Plan area
☐ yes
☒ no

4.5 Are the subject lands within the Greater Golden Horseshoe Growth Plan area
☒ yes
☐ no

5.6 Does the proposed application conform to or does not conflict with the Provincial Plans, including the Greenbelt Plan and Growth Plan:

☒ yes
☐ no

Kristine A. Loft, Loft Planning Inc.

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

Signature



6. Land Use

6.1 Date property acquired ☐ Unknown
May 12, 2016 (Coe) & August 8, 2020 (Rutledge)

6.2 Existing Use <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Agricultural</div>	5.3 Proposed Use <div style="text-align: center; font-weight: bold; font-size: 1.2em;">Agricultural and Surplus Farm Lot.</div>
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7. Environmental

Water <input checked="" type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Well <input type="checkbox"/> Other: _____	Sewage Disposal <input checked="" type="checkbox"/> Private Septic <input type="checkbox"/> Communal System <input type="checkbox"/> Other: _____	Storm Drainage <input type="checkbox"/> Sewer <input checked="" type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Others: _____	Tile Drainage <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, please mark on site plan location of tile runs	Biosolids <input checked="" type="checkbox"/> no <input type="checkbox"/> yes, please mark on site plan location and timing of applications
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Does the proposed development produce greater than 4500 litres of effluent per day?
 ☐ yes
 ☒ no

If yes, attach a servicing options report and hydro geological report.

8. Agriculture

Are lands part of a Nutrient Management Plan?
☒ no
 ☐ yes, please provide plan number _____ and date approved by OMAFRA _____

Are there any livestock facilities within 500 metres of the subject lands? ☒ no ☐ yes

If yes, provide a Farm Data Sheet completed by each livestock facility owner for each of the livestock facilities.

9. Other Information

9.1 Any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authorities, etc.

Please provide any correspondence relating to the application from the following agencies:

- ☐ Niagara Escarpment Commission
- ☐ Nottawasaga Valley Conservation Authority
- ☐ County of Dufferin Building Department (including septic information)
- ☐ Road Entrance information (County of Dufferin and/or Township of Mulmur Public Works)

10 Sketch

The application shall be accompanied by a sketch showing the following: **(Please Use Metric Units)**

- ☒ the boundaries and dimensions of the subject land.
- ☒ the location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and side yard lot lines.
- ☒ the approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- ☒ the current use on land that is adjacent to the subject land.
- ☒ the location width and name of any road within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way.
- ☐ the location and nature of any easement affecting the subject land.

AUTHORIZATION, DECLARATIONS AND ACKNOWLEDGEMENTS

IN THE MATTER OF A PLANNING APPLICATION FOR:

- ☒ Official Plan Amendment
☒ Zoning By-law Amendment
☒ Consent to Sever

- ☐ Plan of Subdivision/Condominium
☐ Other _____

OWNERS AUTHORIZATION

I, Stanley Michael Coe, am the owner of the lands subject to this application hereby agree to the following:

1. Township staff or their representatives are authorized to enter my property for the purposes of evaluating this application.
2. I acknowledge and agree to pay all costs associated with the processing and evaluation of this application, including any peer reviews and consulting fees. These costs may be deducted from the deposit or invoiced directly, at the discretion of the Township. Should this application be appealed to the Local Planning Appeal Tribunal, I am aware that I will be responsible and agree to pay all fees related to the Local Planning Appeal Tribunal process.
3. For the purposes of the Freedom of Information and Protection of Privacy Act, I authorize and consent to the use by or the disclosure to any person or public body of any personal information that is collected under the authority of the Planning Act for the purposes of processing this application, and further I authorize my agent for this application to provide any of my personal information that will be included in this application or collected during the processing of this application.
4. I authorized Kristine Loft, Loft Planning Inc. to make this application on my behalf.

Feb 8, 2021
Date

X [Signature]
Signature of Owner

SWORN DECLARATION OF APPLICANT

I, Kristine Loft of the Township of Clearview
in the County of Simcoe make oath and say (or solemnly declare) that the
information contained in this application is true and that the information contained in the documents that accompany this
application is true.

Sworn (or declared) before me

at the Town of Collingwood
in the County of Simcoe
this 17th day of February 2021

[Signature]
Commissioner of Oaths

Kristine Loft
Applicant

Applicant

Christopher Michael Sargent
a Commissioner, etc.,
Province of Ontario,
for the Corporation of the Town of Collingwood.
Expires June 26, 2023



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Collingwood, Ontario
L9Y 3Z5

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February 11, 2021

Ms. Tracey Atkinson, Planner
Township of Mulmur
758070 2nd Line East
Mulmur, Ontario
L9V 0G8

Dear Ms. Atkinson:

**RE: Planning Justification Letter – Official Plan Amendment Application for
746029 30 Sideroad (Coe) & 636592 Prince of Wales Road (Rutledge)**

We have been retained by Stanley Coe and Carol & Dale Rutledge for an Official Plan Amendment to the Township of Mulmur Official Plan in order to implement consents related to their respective properties at 746029 30 Sideroad ("Coe") and 636592 Prince of Wales Road ("Rutledge"). This letter will provide background to and provide planning justification in support of the proposed Official Plan Amendments.

1.0 Background

Both properties comprise farming properties within the rural, agricultural area of the Township of Mulmur. The "Coe" property is municipally known as 746029 30 Sideroad and the "Rutledge" property is municipally known as 636592 Prince of Wales Road. The Applicants solely use the subject properties for farming activities with their main farming operations and residences located elsewhere in the Township. Both properties have a surplus residential dwelling which are the subject of applications for consent to sever the surplus dwellings from the respective farms.

2.0 Description of Consents

Stanley Coe has applied for a consent to sever a portion of his lands that contains a single detached dwelling deemed a surplus dwelling and the Rutledge's have received a conditional approval (B07/2020) of a consent to sever a portion of their lands that also contains a single detached dwelling deemed a surplus dwelling. The consents that apply to the Subject Properties are described as follows:

a) Coe

Mr. Stanley Coe owns a farm at 478449 3rd Line in the Township of Mulmur which is the location of his private residence and his primary farm operation. An application for consent has been submitted to the Township of Mulmur for an additional farm property at 746029 30 Sideroad to sever the portion of his property on which a single detached house is located (the Severed Lot) given that this property is used for farming purposes only and the existing dwelling meets the definition of a farm surplus dwelling. The remainder of the property will be retained under Mr. Coe's ownership as part of his farming operation (the Retained Lot). A Zoning By-law Amendment application has been submitted to re-zone



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the Severed Lot as "Rural Residential (RR)" and the Retained Lot as Countryside Area (A-Exc) with a site-specific exception to prohibit a future residential use.

b) Rutledge

The Rutledge's private residence and primary farm operation operates from 558280 Mulmur Melancthon Townline in the Township of Mulmur. An application for consent was approved by the Township of Mulmur's Committee of Adjustment on January 6, 2021 (being Consent B07/2020) to permit a severance of a portion of their property at 636592 Prince of Wales Road on which a single detached house is located (the Severed Lot). An Official Plan Amendment to permit a third non-agricultural parcel of land on the original Township Lot is required as a condition of approval. Their property at 636592 Prince of Wales Road is used solely for farming purposes and the existing dwelling on the Severed Lot meets the definition of a farm surplus dwelling. The remainder of the property (the Retained Lot) will remain under the Rutledge's ownership as part of their farming operation. No new access points are required as part of the severance application. A Zoning By-law Amendment application will be submitted concurrently to re-zone the Severed Lot as "Rural Residential (RR)" and the Retained Lot as Countryside Area (A-Exc) with a site-specific exception to prohibit a future residential use.

3.0 Purpose of Official Plan Amendments

A review of both applications for consent has revealed that an Official Plan Amendment is required given that the proposed consents do not conform to lot creation policies in Section 6.1.7 of Official Plan – Township of Mulmur which permits one severance per original farm lot as a surplus lot (40 ac/1/2 Township lot) and where no more than one lot has been previously created by severance. This Planning Justification Letter has been prepared in support of the proposed official plan amendments.

4.0 Planning Analysis

A review of planning documents must be undertaken to determine compliance of the proposed Official Plan Amendments to the Planning Act as well as conformity to relevant provincial and municipal planning documents. A review of the relevant planning documents concluded the following:

1. The proposed Official Plan Amendment satisfies the requirements of the Planning Act 1990.

The Planning Act must be considered when reviewing planning and development applications. In consideration of the proposed application, Sections 2 (Provincial Interest) and 3 (Provincial Plans) of the Planning Act apply.

- Section 2 requires that regard be given to matters of "Provincial Interest" when a municipality is carrying out their responsibilities under the Act, one of which is the protection of Agricultural Resources.

The proposed Official Plan Amendment will enable the creation of lots for surplus farm dwellings on farm properties which currently are used for farming purposes and where the Applicants operate and reside on properties located elsewhere in the Township. No new structures or new uses are proposed and only the minimal area will be severed to appropriately accommodate the dwellings and private



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servicing. The applications will not contribute to the fragmentation of farmland given that no new residential uses will result and the Subject Properties are considered part of a larger farmland holdings and, accordingly, no impact is expected on the agricultural resources in the area. The applications will enable the Applicants to sell portions of their properties that do not contribute to their farming operations.

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

In regard to the proposed application, the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe apply and are addressed in the following section.

2. The proposed Official Plan Application is consistent with the Provincial Policy Statement 2020.

Policies in Section 2.3 protect prime agricultural areas for long-term use of agriculture. In prime agricultural areas, permitted uses include agricultural uses, agriculture-related uses and on-farm diversified uses and all types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected. New land uses in prime agricultural areas, including the creation of lots, must comply with the MDS formulae. It has been confirmed that the new lots satisfy the MDS requirements.

Section 2.3.4 provides policies which guide lot creation and adjustments in prime agricultural areas. Lots may be created in prime agricultural areas for a residence surplus to a farm operation due to a farm consolidation provided the following conditions are met (policy 2.3.4.1):

- 1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

Both lots on the Subject Properties have been configured to include the minimal amount of land necessary to accommodate the existing single detached house and private services.

- 2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.*

An implementing by-law will ensure no new residential uses are permitted on the Retained Lots.

3. The proposed Official Plan Application conforms to the Growth Plan for the Greater Golden Horseshoe 2020.

Section 4.0 of the Growth Plan for the Greater Golden Horseshoe provides policies that protect what is valuable in this area of Ontario, one of which is agricultural resources. Generally, this section encourages the protection of agricultural lands and the retention of existing lots of record for agricultural uses. The two new Severed Lots are surplus to the farming operations of the Applicants and comprise lands that are not used for agricultural purposes. The Retained Lots will remain part of the Applicants existing farm operations and all existing farmland will continue to be used for farming purposes. Zoning By-law Amendments will ensure that the Retained Lots remain entirely for agricultural use.



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4. The proposed Official Plan Amendments conform to the County of Dufferin Official Plan

The Subject Properties are identified as part of the "Countryside Area" in the Dufferin County Official Plan and as being within the Agricultural Area which consists primarily of prime agricultural lands. Objectives include maintaining and enhancing the agricultural resource base and farming operations and protecting from fragmentation and conflicting land uses, while promoting a strong agricultural industry and preserving the rural and agricultural character (policy 4.2.1).

As discussed earlier, no new structures or new uses are being created on the Subject Properties and the consents will not contribute to the fragmentation of farmland nor impact the agricultural resources in the area. The creation of the new lots will enable the Applicants to sell portions of their properties that do not contribute to their farming operations.

Like the PPS, lot creation is permitted where a farm acquisition results in a residence surplus to a farming operation provided the following conditions can be met:

- 1. the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*

A site- specific exception will be added to the Countryside Zone that applies to the Retained Lots which will prohibit the construction of residential dwellings.

- 2. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

Both Severed Lots have be configured to ensure the minimal lot size to accommodate the existing dwelling and private services.

- 3. the surplus dwelling parcel will be subject to the Minimum Distance Separation / setback provisions and be zoned to recognize the non-farm residential use, as required.*

The MDSI requirements are met for both Severed Lots and the lots will be re-zoned as "Rural Residential".

5. The proposed Official Plan Amendment conforms to the Official Plan – Township of Mulmur.

The Subject Properties are designated as 'Agricultural' in the Official Plan – Township of Mulmur which protects and promotes a range of agricultural uses in the agricultural areas of the Township. Lot creation is discouraged but is permitted for a residence surplus to a farming operation resulting from a farm consolidation provided that the Township ensures that new residential dwellings are prohibited on the remnant parcel (Section 5.9)

Section 6.1.7 provides policies to guide the creation of new lots in agricultural areas of the Township. The severance of one residence surplus to a farming operation from an original farm lot (Township half-lot) resulting from a farm consolidation may be permitted provided that:

- *The dwelling is habitable.*
 - Both dwellings on the Subject Properties are habitable.



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- The requirements of the Zoning By-law can be met.
 - As discussed earlier, an implementing Zoning By-law Amendment has been submitted for Coe and will be submitted separately but concurrently for the Rutledge's. Both lots meet the requirements of the Rural Residential Zone.
- *The lot area is kept to a minimum.*
 - The lot area on the new Severed Lots have been kept to a minimum.
- *Neither the dwelling on the severed nor retained part was originally created for the purpose of accommodating farm help nor created as an additional single dwelling unit or as a detached accessory dwelling unit.*
 - The associated dwellings were not created for the accommodation of farm help nor as an additional dwelling unit.
- *The farm operation severing the lot must have a base of operations elsewhere in the Township or in an immediately adjacent Township;*
 - Both Coe and the Rutledge have a primary farm located elsewhere within Township. Stanley Coe operates his farming business from 478449 3rd Line in the Township of Mulmur and the Rutledge's operate from 558280 Mulmur Melancthon Townline also in the Township of Mulmur.
- *The severance complies with the minimum distance separation requirements.*
 - There are no livestock structures in the immediate area of either property.
- *Severances will be considered only on the basis of one per farm holding defined as the original farm lot of approximately 40 hectares (Township half-lot) and where no more than one lot has been previously created by severance.*
 - Stanley Coe farm parcel at 746029 30 Sideroad is 29 ha in size. One lot is located on the south west corner and a second larger lot which includes a pond and woodlot is located on the northwest corner of the original Township half-lot. It is uncertain as to whether the lots were created by consent, neither parcels are agricultural fields and they have not been part of the Coe agricultural landholding.
 - The Rutledge farm parcel at 636592 Prince of Wales Road is 37 ha in size. Two corner lots also are removed from the original Township half-lot, one in the north-east corner and one in the north-west corner. The corner lot would have been used as a school/church at one time.
 - It is concluded that the creation of the two surplus residential lots are appropriate for the proper use of the Subject Properties. Both dwellings meet the definition of a surplus residence given that the owners reside and operate their businesses elsewhere in the Township and the residences are surplus to their farm operations. The creation of the lots will not impact the farm structure of the areas in which they are located and the farming activities will remain unchanged by the consents given that only the lands that support the residential dwellings are included in the Severed Lots. The consents will enable the Applicants to sever portions of their properties that are surplus to their farming operations



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and the Retained Lots will be considered part of the consolidated landholdings of the Applicants. No new residential uses will be permitted on the retained lands.

- *Wherever possible and practical, remnant lots shall be required to be merged with adjacent parcels under the ownership of the same farming enterprise, including small, existing, vacant non-farm lots, to consolidate the farm into larger blocks, eliminate the non-farm residential lot and avoid the sterilization of the remnant parcel as a building lot.*
 - A zoning bylaw amendment will be implemented for both properties to rezone the Retained Lots for no new residential use. The lands are part of the Coe and Rutledge farm landholdings.
- *Where a remnant parcel is created, which cannot be merged with another holding under the ownership of the same farming enterprise, it shall be re-zoned, as a condition of consent approval and prior to the issuance of the certificate of consent, so that it cannot, in future, be used for either farm-related or non-farm residential purposes.*
 - A zoning bylaw amendment will be implemented for both properties to rezone the Retained Lots for no new residential use. Applications are submitted.

6. The proposed applications comply with the Zoning By-law.

The Coe property is zoned Countryside (A) and Environmental Protection (EP) and the Rutledge property is zoned Countryside (A). As discussed, a Zoning By-law Amendment has been submitted for Mr. Coe which requests that the Severed Lot be re-zoned to Rural Residential (RR). Mr. Coe's Severed Lot meets the Rural Residential requirements. An application to re-zone the Severed Lot on the Rutledge property also will rezone the Severed Lot to Rural Residential (RR). This application will be addressed through a separate process.

As part of the Zoning By-law Amendment for both Retained Lots, an exception will be added to the Countryside (A-Exc) Zone will add an additional provision that provides that, no new residential use is permitted. Both severed lots will meet the zone provision of the Rural Residential Zone.

5.0 Conclusions

This Planning Letter has been prepared in support of Applications for an Official Plan Amendment to implement consents on the Subject Properties. The proposed Official Plan Amendments 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 2020, County of Dufferin Official Plan and the Township of Mulmur Official Plan and meet the intent of the Township of Mulmur Zoning By-law. Furthermore, it is our opinion that the applications represent good land use planning.



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Yours truly,

Kristine A. Loft BES BAA MCIP RPP
Principal

Figure 1 – Subject Lands – Rutledge
Figure 2 – Subject Lands – Coe
Figure 3 – Consent Sketch – Rutledge
Figure 4 – Consent Sketch - Coe
Figure 5 – Draft OPA

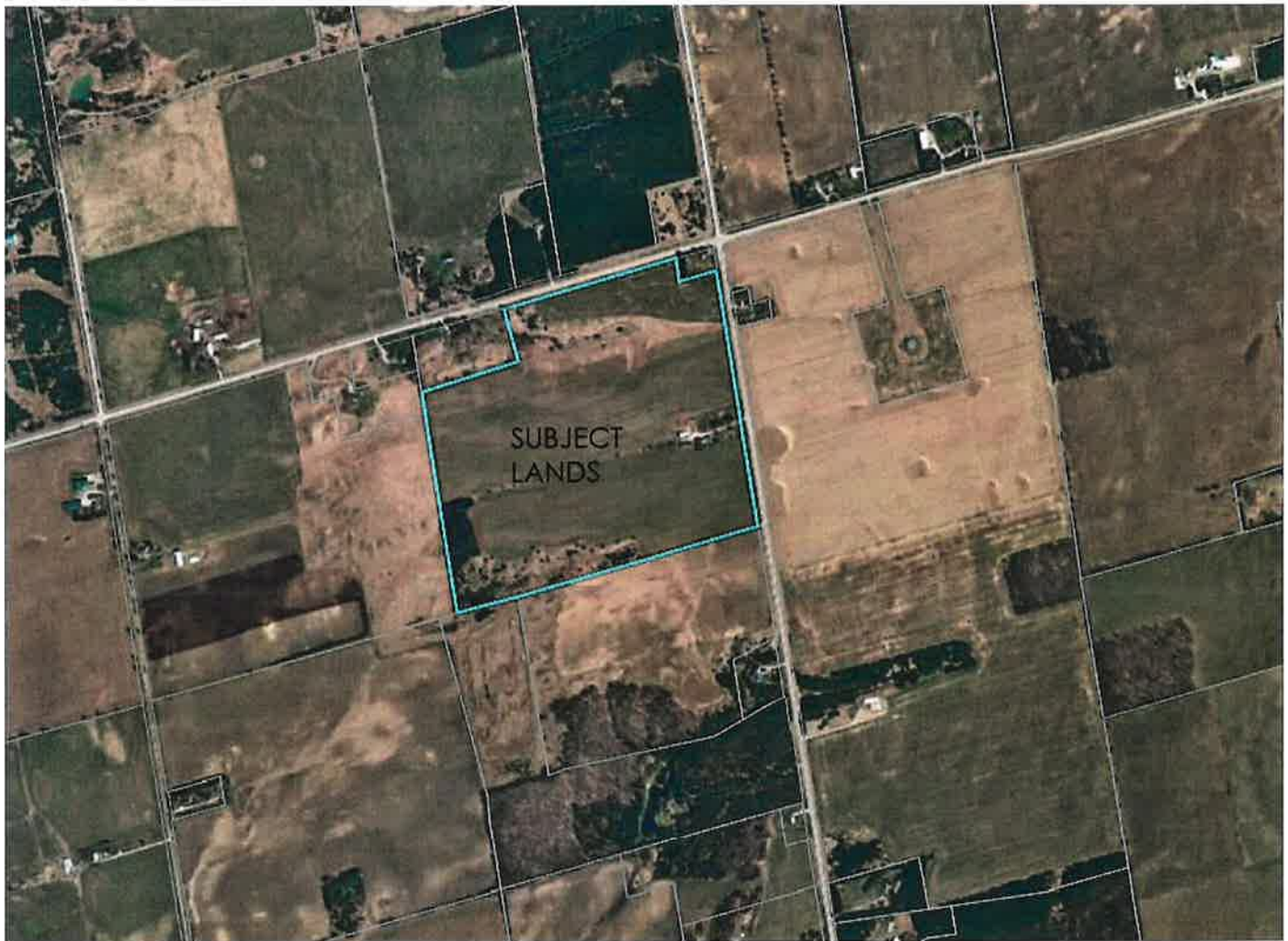


Figure 1
Subject Location - Rutledge
636592 PRINCE OF WALES ROAD
(DUFFERIN COUNTY ROAD 19),
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #:

Project #:

#RUT.48821

Date:

FEB 2021

Scale:



Figure 2
Subject Location - Coe
746029 30 SIDEROAD,
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #:

Project #:

#COE.45220

Date:

FEB 2021

Scale:



Figure 3
Subject Location - RUTLEDGE
636592 PRINCE OF WALES ROAD
(DUFFERIN COUNTY ROAD 19),
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #: ----

Project #:
#RUT.48821

Date: FEB 2021

Scale:



Subject Lands
746029 30 Sideroad,
Township of Mulmur

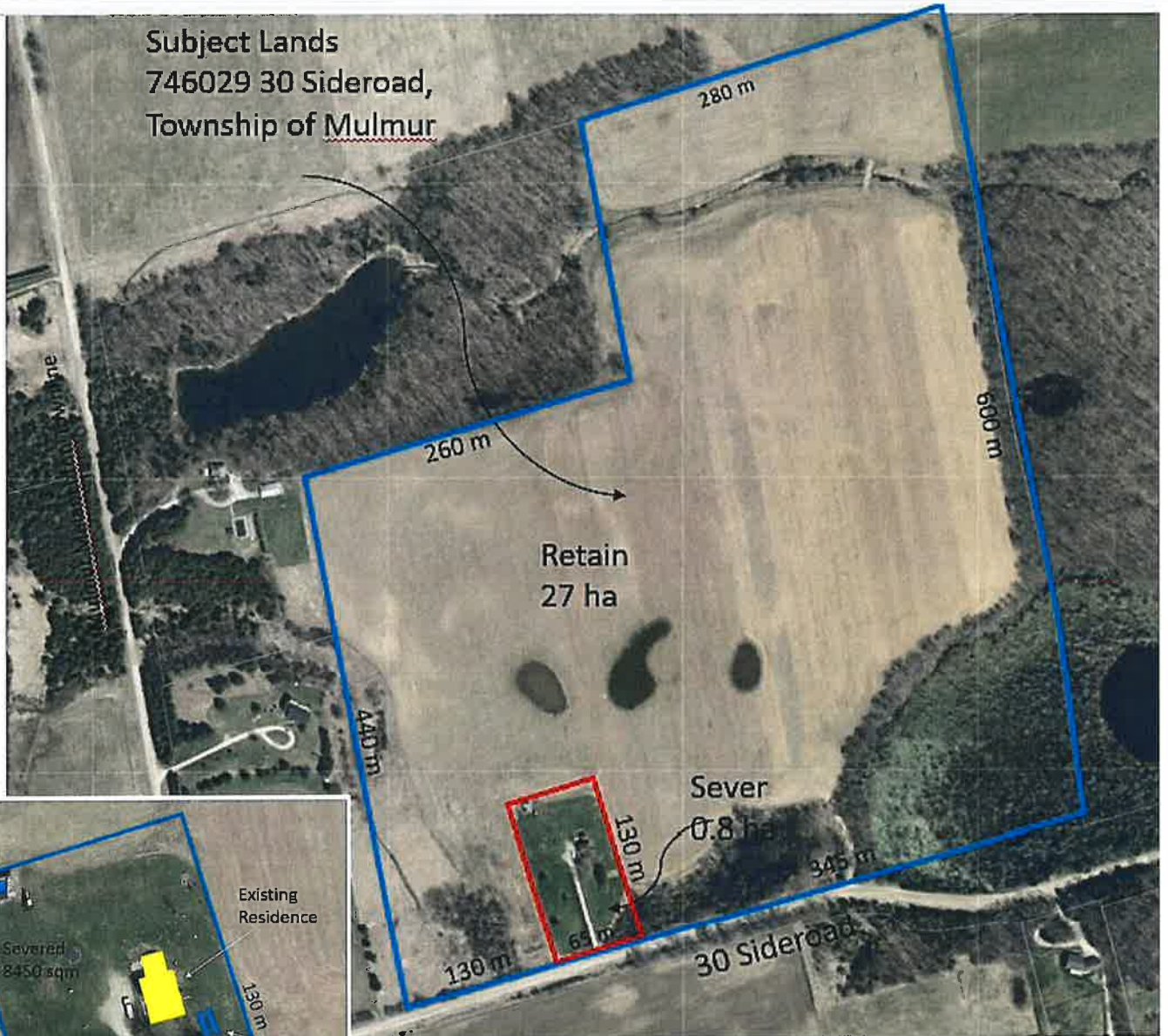


Figure 4
Consent Sketch - COE
2746029 30 Sideroad, Township of Mulmur

Planner-Agent:



LOFT PLANNING

Municipal #: ----

Project #:
#COE.45220

Date: FEB 2021

Scale:

The Corporation of the Township of Mulmur
By-law Number ____ – 2021

**Being a by-law to adopt Official Plan Amendment #__ to the
Official Plan for the Township of Mulmur**

Whereas, the Council of the Corporation of the Township of Mulmur deems it in the public interest to adopt Official Plan Amendment No. ____; and,

Whereas, pursuant to the provisions of Section 17 & 22 of the Planning Act R.S.O. 1990, as amended, Official Plans may be amended by Council;

The Council of The Corporation of the Township of Mulmur enacts as follows:

1. Amendment No. ____ to the Township of Mulmur Official Plan is hereby adopted.
2. This By-law shall come into force and take effect pursuant to the provisions of the Planning Act R.S.O. 1990, as amended.

Read a first, second and third time and finally passed this day of _____, 2021.

Mayor

Clerk

AMENDMENT No. ____
TO THE
TOWNSHIP OF MULMUR OFFICIAL PLAN

Prepared by: Loft Planning Inc.
The Township of Mulmur
February 2021

**AMENDMENT No. __ TO THE
TOWNSHIP OF MULMUR OFFICIAL PLAN
INDEX PAGE**

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THE CONSTITUTIONAL STATEMENT**

PART A – THE PREAMBLE does not constitute a part of this Amendment.

PART B – THE AMENDMENT consisting of the following text constitutes Amendment No. __ to the Township of Mulmur Official Plan.

PART C – THE APPENDICES attached hereto do not constitute part of this Amendment.

PART A – THE PREAMBLE

PURPOSE

The purpose of this amendment is to amend Municipal Official Plan policies:

- Section B6.1.7 of the Official Plan provides that a surplus farm lot may be severed per an original farm lot where there have been no more than one lot previously created by consent. This amendment will permit a surplus farm lot to be severed on each of the subject lands, where previous lots have been created from the original farm lot.

LOCATION

The Amendment relates to two subject parcels described as:

Firstly: CON 2 W E PT LOT 10, TOWNSHIP OF MULMUR
MUNICIPALLY KNOWN AS 636592 PRINCE OF WALES ROAD,
TOWNSHIP OF MULMUR.

Secondly: CON 3 WHS W PT LOT 31 RP 7R5552, TOWNSHIP OF MULMUR
MUNICIPALLY KNOWN AS 746029 30 SIDEROAD, TOWNSHIP OF
MULMUR

BASIS

The applicants, D & C Rutledge and Stanley Coe have both applied to the municipality to sever a surplus farm lot. The Rutledge consent is known as B07.2020 and has been conditionally approved by Committee of Adjustment. A condition of the consent is the approval of an Official Plan Amendment to permit the surplus farm lot creation as there are two previous lots severed from the original farm lot. Coe has recently submitted a consent application however it has not yet been processed. Two previous lots have been severed from this original farm parcel. The applicants are both agricultural operators within the Township. They reside on other farm parcels within the Township and these residences are surplus to their needs. The lands are identified as Agricultural in the Township of Mulmur Official Plan. The lands are each composed primarily of agricultural fields and woodlands.

The surrounding land can be described as a mix of agricultural, rural and environmental lands with scattered residential homes along the sideroads.

In addition to this Official Plan Amendment, an application has been made for a Zoning By-law Amendment to the Township of Mulmur Zoning Bylaw to recognize the severed lot as being of a residential use and to rezone the retained lands for no new residential use.

PART B – THE AMENDMENT

INTRODUCTORY STATEMENT

All of this part of the document entitled “Part B – The Amendment” consisting of the following text constitutes Amendment No. ___ to the Official Plan of the Township of Mulmur.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows;

Item 1: Section 6.1.7 is hereby amended by deleting as follows:

“such severances will be considered only on the basis of one per farm holding defined as the original farm lot of approximately 40 hectares (Township half lot) and where no more than one lot has been previously created by consent”.

Item 2: Section 6.1.7 is hereby amended by adding as follows:

“to permit the creation of one surplus farm lot on the subject lands”.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan, as well as through a Zoning Bylaw Amendment for the subject lands under Section 34 and 36 of the Planning Act R.S.O. 1990.

PART C – THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

Appendix

1. Planning Justification Report – Loft Planning Inc.
2. Minutes of Public Meeting
3. Municipal Staff Report
4. Schedule A

Planning Justification Report – Loft Planning Inc.

Minutes of Public Meeting

Municipal Staff Report

Schedule A – Rutledge

Schedule A - Coe



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February 11, 2021

Ms. Tracey Atkinson, Planner
Township of Mulmur
758070 2nd Line East
Mulmur, Ontario
L9V 0G8

Dear Ms. Atkinson:

**RE: Planning Justification Letter – Official Plan Amendment Application for
746029 30 Sideroad (Coe) & 636592 Prince of Wales Road (Rutledge)**

We have been retained by Stanley Coe and Carol & Dale Rutledge for an Official Plan Amendment to the Township of Mulmur Official Plan in order to implement consents related to their respective properties at 746029 30 Sideroad ("Coe") and 636592 Prince of Wales Road ("Rutledge"). This letter will provide background to and provide planning justification in support of the proposed Official Plan Amendments.

1.0 Background

Both properties comprise farming properties within the rural, agricultural area of the Township of Mulmur. The "Coe" property is municipally known as 746029 30 Sideroad and the "Rutledge" property is municipally known as 636592 Prince of Wales Road. The Applicants solely use the subject properties for farming activities with their main farming operations and residences located elsewhere in the Township. Both properties have a surplus residential dwelling which are the subject of applications for consent to sever the surplus dwellings from the respective farms.

2.0 Description of Consents

Stanley Coe has applied for a consent to sever a portion of his lands that contains a single detached dwelling deemed a surplus dwelling and the Rutledge's have received a conditional approval (B07/2020) of a consent to sever a portion of their lands that also contains a single detached dwelling deemed a surplus dwelling. The consents that apply to the Subject Properties are described as follows:

a) Coe

Mr. Stanley Coe owns a farm at 478449 3rd Line in the Township of Mulmur which is the location of his private residence and his primary farm operation. An application for consent has been submitted to the Township of Mulmur for an additional farm property at 746029 30 Sideroad to sever the portion of his property on which a single detached house is located (the Severed Lot) given that this property is used for farming purposes only and the existing dwelling meets the definition of a farm surplus dwelling. The remainder of the property will be retained under Mr. Coe's ownership as part of his farming operation (the Retained Lot). A Zoning By-law Amendment application has been submitted to re-zone



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the Severed Lot as "Rural Residential (RR)" and the Retained Lot as Countryside Area (A-Exc) with a site-specific exception to prohibit a future residential use.

b) Rutledge

The Rutledge's private residence and primary farm operation operates from 558280 Mulmur Melancthon Townline in the Township of Mulmur. An application for consent was approved by the Township of Mulmur's Committee of Adjustment on January 6, 2021 (being Consent B07/2020) to permit a severance of a portion of their property at 636592 Prince of Wales Road on which a single detached house is located (the Severed Lot). An Official Plan Amendment to permit a third non-agricultural parcel of land on the original Township Lot is required as a condition of approval. Their property at 636592 Prince of Wales Road is used solely for farming purposes and the existing dwelling on the Severed Lot meets the definition of a farm surplus dwelling. The remainder of the property (the Retained Lot) will remain under the Rutledge's ownership as part of their farming operation. No new access points are required as part of the severance application. A Zoning By-law Amendment application will be submitted concurrently to re-zone the Severed Lot as "Rural Residential (RR)" and the Retained Lot as Countryside Area (A-Exc) with a site-specific exception to prohibit a future residential use.

3.0 Purpose of Official Plan Amendments

A review of both applications for consent has revealed that an Official Plan Amendment is required given that the proposed consents do not conform to lot creation policies in Section 6.1.7 of Official Plan – Township of Mulmur which permits one severance per original farm lot as a surplus lot (40 ac/1/2 Township lot) and where no more than one lot has been previously created by severance. This Planning Justification Letter has been prepared in support of the proposed official plan amendments.

4.0 Planning Analysis

A review of planning documents must be undertaken to determine compliance of the proposed Official Plan Amendments to the Planning Act as well as conformity to relevant provincial and municipal planning documents. A review of the relevant planning documents concluded the following:

1. The proposed Official Plan Amendment satisfies the requirements of the Planning Act 1990.

The Planning Act must be considered when reviewing planning and development applications. In consideration of the proposed application, Sections 2 (Provincial Interest) and 3 (Provincial Plans) of the Planning Act apply.

- Section 2 requires that regard be given to matters of "Provincial Interest" when a municipality is carrying out their responsibilities under the Act, one of which is the protection of Agricultural Resources.

The proposed Official Plan Amendment will enable the creation of lots for surplus farm dwellings on farm properties which currently are used for farming purposes and where the Applicants operate and reside on properties located elsewhere in the Township. No new structures or new uses are proposed and only the minimal area will be severed to appropriately accommodate the dwellings and private



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servicing. The applications will not contribute to the fragmentation of farmland given that no new residential uses will result and the Subject Properties are considered part of a larger farmland holdings and, accordingly, no impact is expected on the agricultural resources in the area. The applications will enable the Applicants to sell portions of their properties that do not contribute to their farming operations.

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

In regard to the proposed application, the Provincial Policy Statement (PPS) 2020 and the Growth Plan for the Greater Golden Horseshoe apply and are addressed in the following section.

2. The proposed Official Plan Application is consistent with the Provincial Policy Statement 2020.

Policies in Section 2.3 protect prime agricultural areas for long-term use of agriculture. In prime agricultural areas, permitted uses include agricultural uses, agriculture-related uses and on-farm diversified uses and all types, sizes and intensities of agricultural uses and normal farm practices are promoted and protected. New land uses in prime agricultural areas, including the creation of lots, must comply with the MDS formulae. It has been confirmed that the new lots satisfy the MDS requirements.

Section 2.3.4 provides policies which guide lot creation and adjustments in prime agricultural areas. Lots may be created in prime agricultural areas for a residence surplus to a farm operation due to a farm consolidation provided the following conditions are met (policy 2.3.4.1):

- 1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.*

Both lots on the Subject Properties have been configured to include the minimal amount of land necessary to accommodate the existing single detached house and private services.

- 2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.*

An implementing by-law will ensure no new residential uses are permitted on the Retained Lots.

3. The proposed Official Plan Application conforms to the Growth Plan for the Greater Golden Horseshoe 2020.

Section 4.0 of the Growth Plan for the Greater Golden Horseshoe provides policies that protect what is valuable in this area of Ontario, one of which is agricultural resources. Generally, this section encourages the protection of agricultural lands and the retention of existing lots of record for agricultural uses. The two new Severed Lots are surplus to the farming operations of the Applicants and comprise lands that are not used for agricultural purposes. The Retained Lots will remain part of the Applicants existing farm operations and all existing farmland will continue to be used for farming purposes. Zoning By-law Amendments will ensure that the Retained Lots remain entirely for agricultural use.



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4. The proposed Official Plan Amendments conform to the County of Dufferin Official Plan

The Subject Properties are identified as part of the "Countryside Area" in the Dufferin County Official Plan and as being within the Agricultural Area which consists primarily of prime agricultural lands. Objectives include maintaining and enhancing the agricultural resource base and farming operations and protecting from fragmentation and conflicting land uses, while promoting a strong agricultural industry and preserving the rural and agricultural character (policy 4.2.1).

As discussed earlier, no new structures or new uses are being created on the Subject Properties and the consents will not contribute to the fragmentation of farmland nor impact the agricultural resources in the area. The creation of the new lots will enable the Applicants to sell portions of their properties that do not contribute to their farming operations.

Like the PPS, lot creation is permitted where a farm acquisition results in a residence surplus to a farming operation provided the following conditions can be met:

1. *the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;*

A site-specific exception will be added to the Countryside Zone that applies to the Retained Lots which will prohibit the construction of residential dwellings.

2. *the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*

Both Severed Lots have been configured to ensure the minimal lot size to accommodate the existing dwelling and private services.

3. *the surplus dwelling parcel will be subject to the Minimum Distance Separation / setback provisions and be zoned to recognize the non-farm residential use, as required.*

The MDSI requirements are met for both Severed Lots and the lots will be re-zoned as "Rural Residential".

5. The proposed Official Plan Amendment conforms to the Official Plan – Township of Mulmur.

The Subject Properties are designated as 'Agricultural' in the Official Plan – Township of Mulmur which protects and promotes a range of agricultural uses in the agricultural areas of the Township. Lot creation is discouraged but is permitted for a residence surplus to a farming operation resulting from a farm consolidation provided that the Township ensures that new residential dwellings are prohibited on the remnant parcel (Section 5.9)

Section 6.1.7 provides policies to guide the creation of new lots in agricultural areas of the Township. The severance of one residence surplus to a farming operation from an original farm lot (Township half-lot) resulting from a farm consolidation may be permitted provided that:

- *The dwelling is habitable.*
 - Both dwellings on the Subject Properties are habitable.



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- The requirements of the Zoning By-law can be met.
 - As discussed earlier, an implementing Zoning By-law Amendment has been submitted for Coe and will be submitted separately but concurrently for the Rutledge's. Both lots meet the requirements of the Rural Residential Zone.
- *The lot area is kept to a minimum.*
 - The lot area on the new Severed Lots have been kept to a minimum.
- *Neither the dwelling on the severed nor retained part was originally created for the purpose of accommodating farm help nor created as an additional single dwelling unit or as a detached accessory dwelling unit.*
 - The associated dwellings were not created for the accommodation of farm help nor as an additional dwelling unit.
- *The farm operation severing the lot must have a base of operations elsewhere in the Township or in an immediately adjacent Township;*
 - Both Coe and the Rutledge have a primary farm located elsewhere within Township. Stanley Coe operates his farming business from 478449 3rd Line in the Township of Mulmur and the Rutledge's operate from 558280 Mulmur Melancthon Townline also in the Township of Mulmur.
- *The severance complies with the minimum distance separation requirements.*
 - There are no livestock structures in the immediate area of either property.
- *Severances will be considered only on the basis of one per farm holding defined as the original farm lot of approximately 40 hectares (Township half-lot) and where no more than one lot has been previously created by severance.*
 - Stanley Coe farm parcel at 746029 30 Sideroad is 29 ha in size. One lot is located on the south west corner and a second larger lot which includes a pond and woodlot is located on the northwest corner of the original Township half-lot. It is uncertain as to whether the lots were created by consent, neither parcels are agricultural fields and they have not been part of the Coe agricultural landholding.
 - The Rutledge farm parcel at 636592 Prince of Wales Road is 37 ha in size. Two corner lots also are removed from the original Township half-lot, one in the north-east corner and one in the north-west corner. The corner lot would have been used as a school/church at one time.
 - It is concluded that the creation of the two surplus residential lots are appropriate for the proper use of the Subject Properties. Both dwellings meet the definition of a surplus residence given that the owners reside and operate their businesses elsewhere in the Township and the residences are surplus to their farm operations. The creation of the lots will not impact the farm structure of the areas in which they are located and the farming activities will remain unchanged by the consents given that only the lands that support the residential dwellings are included in the Severed Lots. The consents will enable the Applicants to sever portions of their properties that are surplus to their farming operations



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and the Retained Lots will be considered part of the consolidated landholdings of the Applicants. No new residential uses will be permitted on the retained lands.

- *Wherever possible and practical, remnant lots shall be required to be merged with adjacent parcels under the ownership of the same farming enterprise, including small, existing, vacant non-farm lots, to consolidate the farm into larger blocks, eliminate the non-farm residential lot and avoid the sterilization of the remnant parcel as a building lot.*
 - A zoning bylaw amendment will be implemented for both properties to rezone the Retained Lots for no new residential use. The lands are part of the Coe and Rutledge farm landholdings.
- *Where a remnant parcel is created, which cannot be merged with another holding under the ownership of the same farming enterprise, it shall be re-zoned, as a condition of consent approval and prior to the issuance of the certificate of consent, so that it cannot, in future, be used for either farm-related or non-farm residential purposes.*
 - A zoning bylaw amendment will be implemented for both properties to rezone the Retained Lots for no new residential use. Applications are submitted.

6. The proposed applications comply with the Zoning By-law.

The Coe property is zoned Countryside (A) and Environmental Protection (EP) and the Rutledge property is zoned Countryside (A). As discussed, a Zoning By-law Amendment has been submitted for Mr. Coe which requests that the Severed Lot be re-zoned to Rural Residential (RR). Mr. Coe's Severed Lot meets the Rural Residential requirements. An application to re-zone the Severed Lot on the Rutledge property also will rezone the Severed Lot to Rural Residential (RR). This application will be addressed through a separate process.

As part of the Zoning By-law Amendment for both Retained Lots, an exception will be added to the Countryside (A-Exc) Zone will add an additional provision that provides that, no new residential use is permitted. Both severed lots will meet the zone provision of the Rural Residential Zone.

5.0 Conclusions

This Planning Letter has been prepared in support of Applications for an Official Plan Amendment to implement consents on the Subject Properties. The proposed Official Plan Amendments 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 2020, County of Dufferin Official Plan and the Township of Mulmur Official Plan and meet the intent of the Township of Mulmur Zoning By-law. Furthermore, it is our opinion that the applications represent good land use planning.



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Yours truly,

Kristine A. Loft BES BAA MCIP RPP
Principal

Figure 1 – Subject Lands – Rutledge
Figure 2 – Subject Lands – Coe
Figure 3 – Consent Sketch – Rutledge
Figure 4 – Consent Sketch - Coe
Figure 5 – Draft OPA

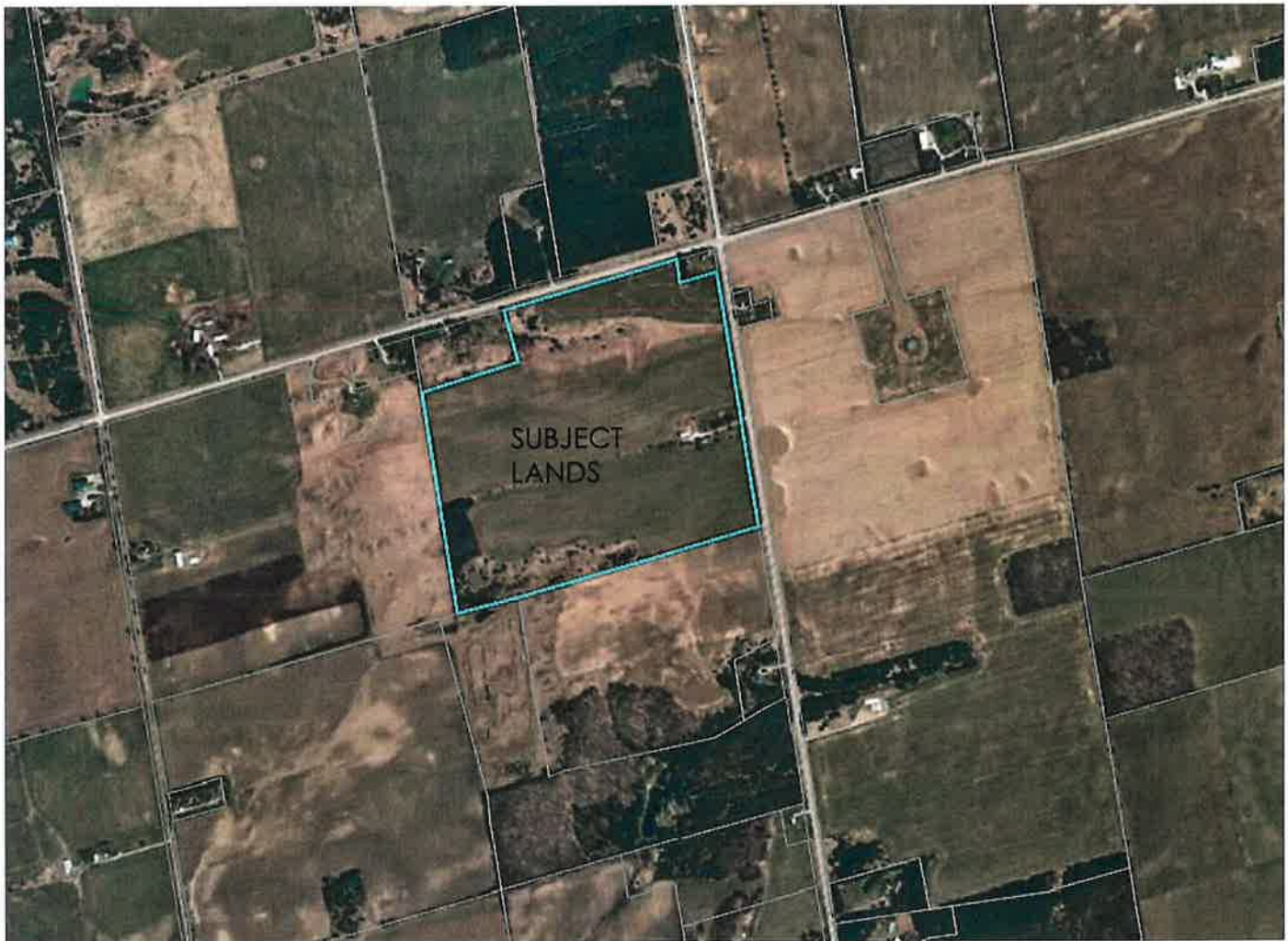


Figure 1
Subject Location - Rutledge
636592 PRINCE OF WALES ROAD
(DUFFERIN COUNTY ROAD 19),
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #: ----

Project #:
#RUT.48821

Date: FEB 2021

Scale:



Figure 2
Subject Location - Coe
746029 30 SIDEROAD,
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #: ----

Project #:
#COE.45220

Date: FEB 2021

Scale:



Figure 3
Subject Location - RUTLEDGE
636592 PRINCE OF WALES ROAD
(DUFFERIN COUNTY ROAD 19),
TOWNSHIP OF MULMUR

Planner-Agent:



LOFT PLANNING

Municipal #:

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Subject Lands
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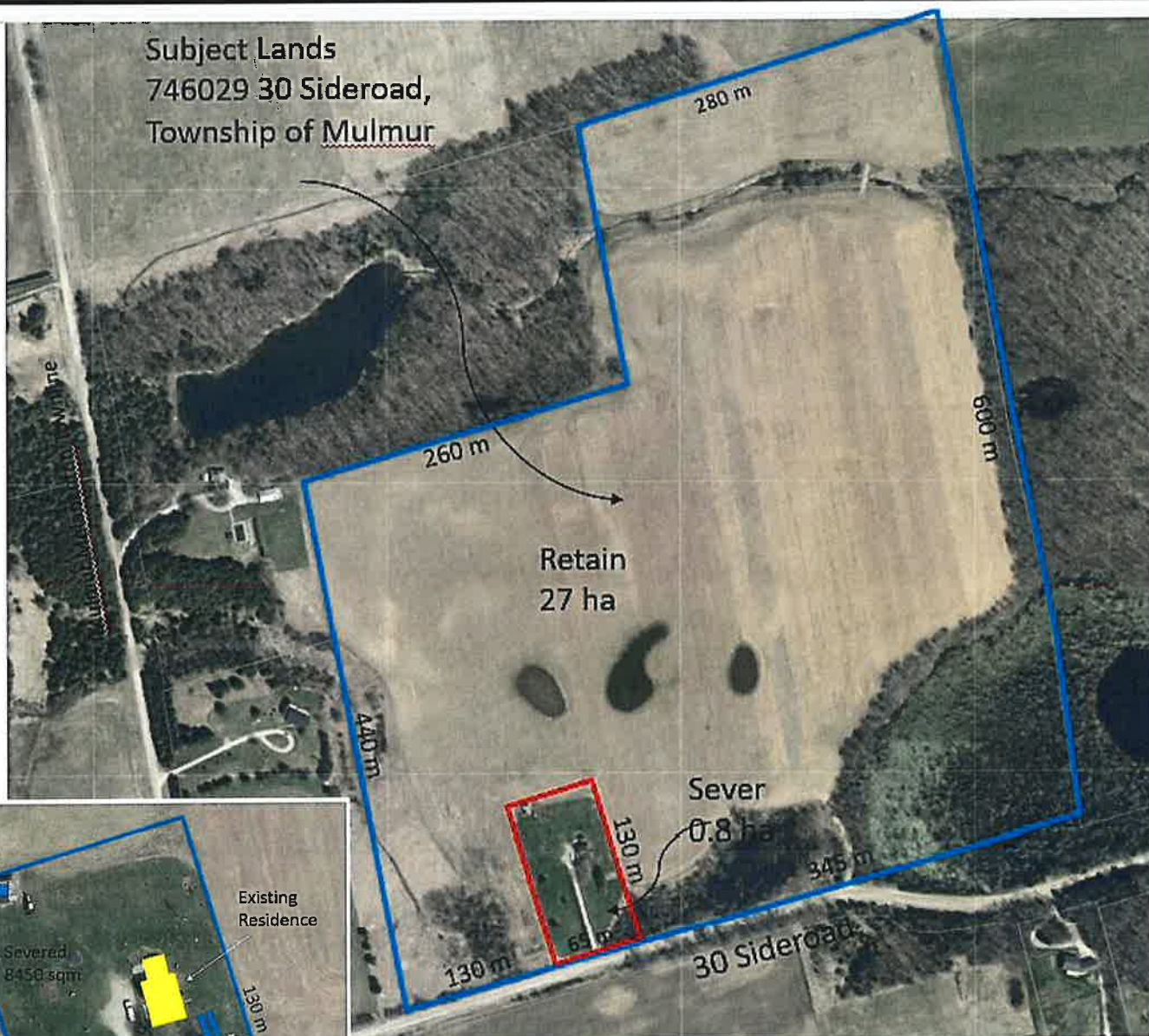


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Planner-Agent:



LOFT PLANNING

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TO THE
TOWNSHIP OF MULMUR OFFICIAL PLAN

Prepared by: Loft Planning Inc.
The Township of Mulmur
February 2021

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