



**COMMITTEE OF ADJUSTMENT  
WEDNESDAY, January 26, 2022  
1:00 PM CONSENT HEARINGS  
ADDENDUM AGENDA**

**THIS MEETING IS BEING HELD ELECTRONICALLY USING VIDEO AND/OR AUDIO  
CONFERENCING.**

To connect only by phone, please dial any of the following numbers. When prompted, please enter the meeting ID provided below the phone numbers. You will be placed into the meeting in muted mode. If you encounter difficulty, please call the front desk at 705-466-3341, ext. 0

+1 647 374 4685 Canada

+1 647 558 0588 Canada

To connect to video with a computer, smart phone or digital device and with either digital audio or separate phone line, download the zoom application ahead of time and enter the digital address below into your search engine or follow the link below. Enter the meeting ID when prompted.

<https://us02web.zoom.us/j/84602248258>

Meeting ID: 846 0224 8258

**5.1 B14-2021 WALLACE Boundary Adjustment**

**Sketch to address Lot Area Concerns  
Revised DRAFT Decision**

**5.2 B9-2021 STROUD Lot Creation**

**NVCA Comments, January 26, 2022  
Revised DRAFT Decision**

**Wallace Lands (consideration prepared by staff)**

**2ha (5.0 acres)**







**DECISION OF COUNCIL WITH REASONS**  
(The Planning Act, R.S.O. 1990, c. 13, s. 45 (8), 1994 c. 23, s.26.)

**FILE NO. B14-2021 WALLACE**

**RE: Boundary Adjustment**

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on January 26, 2022:

That Application No. B12-2021 submitted by Chris & Robyn Wallace for a boundary adjustment between CON 6 EHS PT LOT 5 AND RP 7R5286 PART 1 (R#1-25950) and MULMUR CON 6 EHS PT LOT 5 RP 7R6384 PART 2 (R#1-25952) be approved subject to the following:

- This consent applies to a lot creation of approximately \_\_\_ ha, having a frontage of approximately \_\_\_ m from W1/2 Lot 5, Con 6 and the merging of a previous severance back into the retained lands.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- All costs pertaining to this application, survey expenses and all others applicable shall be borne by the applicant. All legal costs, engineering peer reviews, and consultant fees be paid, including a 10% administration fee, as per the Township's Tariff of Fees By-law. Where the costs are unknown at the time of issuance of a Certificate of Official, a deposit shall be required in the amount of \$2000.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The draft transfer for the subject severance must be presented to the Secretary Treasurer prior to two year after the date of decision, being January 26, 2024 less two weeks for processing for review and approval.
- The severed parcel shall be subject to Section 50(3) of the Planning Act, as applicable.
- The solicitor for the owner of the lot to which the severed parcel is to be added shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting enlarged parcel, and to provide the Township with documentation which demonstrates that the consolidation has taken place.
- That the survey for the parcels reflects the approved configuration and is within +/- 5%, of the approved area/dimensions, when rounded to two decimal places
- Two paper copies of the registered plan of survey and one pdf copy. The copy of the draft R-plan shall be circulated to the Township for review prior to registration.
- One digital autocadd (.dwg) drawing be provided, including documentation (such as email confirmation) from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies of the R-plan.
- That a 1'x1' parcel of land be created from the original severed lot and dedicated to the Township, such that the previous lot is no longer the same lot and can be consolidated back into the original parcel. An acknowledgement and direction shall be prepared in advance for consideration by the Secretary Treasurer.
- An emergency number be installed at the entrance of a retained lot as per County Regulations.
- The portion of the retained lands, being zoned Rural Residential be rezoned to Countryside (A).

REASON: \_\_\_\_\_ Comments were received from the public  
Conforms to the Township's Official Plan with the proposed conditions.

**CERTIFICATION**  
**(The Planning Act, R.S.O. 1990 c. p. 13 s. 45 (10))**

I, **Tracey Atkinson**, Clerk of the Township of Mulmur, hereby certify that the above is a true copy of the decision of the Committee of Adjustment for the Township of Mulmur with respect to the application recorded herein.

.....  
Tracey Atkinson, Clerk, Township of Mulmur

The last date that this decision may be appealed to the Ontario Land Tribunal is \_\_\_\_\_, 2022.

**NOTICE OF LAST DAY OF APPEALING TO THE ONTARIO LAND TRIBUNAL (OLT)**

The applicant, the Minister, or any other person who has an interest in this matter may, within twenty (20) days of the date of this notice, appeal to the Ontario Land Tribunal against the decision of the Committee by serving personally or sending by registered mail to the Secretary-Treasurer of the Committee a Notice of Appeal along with Appellant Form (A1) available from the Township office or from the OLT website at [www.olto.gov.on.ca](http://www.olto.gov.on.ca) setting out the objection to the decision and the reasons for the objection and accompanied by the fee of \$300.00 payable by certified cheque or money order to the MINISTER OF FINANCE as prescribed by the Ontario Land Tribunal as payable on an appeal from a Committee of Adjustment to the Board.



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- This consent applies to a lot creation of approximately \_\_\_ ha, having a frontage of approximately \_\_\_ m from W1/2 Lot 5, Con 6 and the merging of a previous severance back into the retained lands.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- All costs pertaining to this application, survey expenses and all others applicable shall be borne by the applicant. All legal costs, engineering peer reviews, and consultant fees be paid, including a 10% administration fee, as per the Township's Tariff of Fees By-law. Where the costs are unknown at the time of issuance of a Certificate of Official, a deposit shall be required in the amount of \$2000.
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- The draft transfer for the subject severance must be presented to the Secretary Treasurer prior to two year after the date of decision, being January 26, 2024 less two weeks for processing for review and approval.
- The severed parcel shall be subject to Section 50(3) of the Planning Act, as applicable.
- The solicitor for the owner of the lot to which the severed parcel is to be added shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting enlarged parcel, and to provide the Township with documentation which demonstrates that the consolidation has taken place.
- That the survey for the parcels reflects the approved configuration and is within +/- 5%, of the approved area/dimensions, when rounded to two decimal places
- Two paper copies of the registered plan of survey and one pdf copy. The copy of the draft R-plan shall be circulated to the Township for review prior to registration.
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- That a 1'x1' parcel of land be created from the original severed lot and dedicated to the Township, such that the previous lot is no longer the same lot and can be consolidated back into the original parcel. An acknowledgement and direction shall be prepared in advance for consideration by the Secretary Treasurer.
- An emergency number be installed at the entrance of a retained lot as per County Regulations.
- The portion of the retained lands, being zoned Rural Residential be rezoned to Countryside (A).

REASON: \_\_\_\_\_ Comments were received from the public  
Conforms to the Township's Official Plan with the proposed conditions.

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**DECISION OF COUNCIL WITH REASONS**  
(The Planning Act, R.S.O. 1990, c. 13, s. 45 (8), 1994 c. 23, s.26.)

**FILE NO. B9-2021 STROUD**

**RE: Consent Application**

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on January 26, 2022:

That Application No. B9-2021 submitted by Murray Stroud for a lot creation from CON 4 EHS PT LOT 4 RP 7R6596 PART 4 (R#2 02600) be approved subject to the following:

- This consent applies to a lot creation of approximately 2.43 ha, having a frontage of approximately 100m and a depth of approximately 243m from the south-west corner of the subject lands.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- All costs pertaining to this application, survey expenses and all others applicable shall be borne by the applicant. All legal costs, engineering peer reviews, and consultant fees be paid, including a 10% administration fee, as per the Township's Tariff of Fees By-law. Where the costs are unknown at the time of issuance of a Certificate of Official, a deposit shall be required in the amount of \$2000.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The draft transfer for the subject severance must be presented to the Secretary Treasurer prior to two years after the date of decision, being January 26, 2024 less two weeks for processing for review and approval.
- That the survey for the parcels reflects the approved configuration and is within +/- 5%, of the approved area/dimensions, when rounded to two decimal places
- Two paper copies of the registered plan of survey and one pdf copy. The copy of the draft R-plan shall be circulated to the Township for review prior to registration.
- One digital autocadd (.dwg) drawing be provided, including documentation (such as email confirmation) from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies of the R-plan.
- The registered owner shall obtain, from the Director of Public Works, any required entrance approvals
- An emergency number be installed at the entrance of a retained lot as per County Regulations.
- A building envelope be applied for and approved to establish a building envelope for a dwelling on the severed lands, with the building envelope being located outside of the 30m vegetation protection zone for the Significant Woodland, as well as addressing EIS mitigation recommendations (dripline, SAR review, bird seasons, erosion and sediment control and woodland buffer), MDS and NVCA comment bat survey requirements, and entrance location, as applicable.
- A portion of the lands, including the 30m Vegetation Protection Zone for the Significant Woodland, shall be rezoned to the Environmental Protection (EP) Zone, to the satisfaction of the NVCA and at the cost of the owner. The owner shall pre-consult with the NVCA prior to submitting an application to the Township.
- Cash in lieu of Parkland shall be paid in accordance with the Parkland Dedication By-law in effect at the time of the payment. (Applies to new lots, including farm surplus dwelling severances). The Parkland dedication fee at the time of conditional approval is \$5000.00

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REASON: \_\_\_\_\_ comments were received from the public  
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**From:** [Emma Perry](#)  
**To:** [Tracey Atkinson](#)  
**Cc:** "[mbryan@sutton.com](mailto:mbryan@sutton.com)"; [Amy Knapp](#)  
**Subject:** FW: NVCA comments re B09/21 NVCA File 50009  
**Date:** January 25, 2022 4:16:16 PM

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**January 25, 2021**

SENT BY EMAIL

Township  
of  
Mulmur  
758070  
2nd Line  
East  
Mulmur,  
ON  
L9V 0G8

Attn: Tracey Atkinson, BES MCIP RPP,  
C.A.O. / Planner  
[tatkinson@mulmur.ca](mailto:tatkinson@mulmur.ca)

RE: Comments for Consent Application B9-2021  
Vacant Lands on CON 4 EHS PT LOT 4  
Township of Mulmur  
NVCA ID #50009

Nottawasaga Valley Conservation Authority [NVCA] staff is in receipt of an application to create a new residential lot. The application proposes to sever a +/-4.8 ha (12 acre) lot. NVCA staff have reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 172/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our CA Board approved policies.

### **Ontario Regulation 172/06**

The property is partially regulated for slope erosion hazards and partially regulated for floodplain hazards associated with a watercourse (Sheldon Creek) located southwest of the subject lands. In accordance with Ontario Regulation 172/06 (the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) permits are required from NVCA prior to construction or grading on regulated portions of this property.

The severed parcel is located outside the NVCA Regulation limit. Based on available information, NVCA staff note no NVCA-regulated features present on the proposed new lot. Permission to develop is not required from the NVCA on the proposed severed lands.

### **Provincial Policy Statement PPS (2020)**

The PPS defines development to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under



the *Planning Act*. This application proposes development in the form of the creation of a new lot via consent, and is therefore subject to consistency review under the policies of the PPS.

### **Natural Heritage and Ecology - Advisory Comments**

In preparing these comments the following documents were reviewed:

- "Scoped Environmental Impact Study Part of Lot 4, Concession 4 Township of Mulmur, Dufferin County" dated December 2021 by Azimuth Environmental Consulting.

### **Review Comments**

1. Significant Woodland (SW) identified and delineated on the subject site. Similar area is represented in Mulmur OP - Schedule B2 - Category Two Natural Features - Woodland >10ha. NVCA staff accept this finding of the report. **NVCA staff advise that based on the information provided in the report, existing data and planning designations, the woodland on the proposed new lot and retained lot should be considered a Significant Woodland.**
2. For the purposes of planning policy analysis, the report demonstrates that the SW on the subject site is a Key Natural Heritage Feature within the Natural Heritage System, and Lands Adjacent to Key Natural Heritage Features. Growth Plan for the Greater Golden Horseshoe policies apply to this application. **It is the opinion of NVCA staff that the report has not demonstrated conformity with Section 4.2.4.1.c. of the Growth Plan's requirement for a natural, self-sustaining vegetation protection zone (VPZ) of at least 30m for Significant Woodlands. NVCA staff recommend a 30m setback from development be applied to the Significant Woodland Feature in order to meet the requirements of the Growth Plan.**
3. EIS identifies the woodland feature as potential habitat for Threatened and Endangered Species (bats), though the report did not undertake a site-specific study for bats. The EIS notes:  
"The proposed development should not encroach on the 10m setback from the woodland dripline from the FODM5-1 community shown on Figure 2. The proposed lot line... would go through a small portion of the woodland, however any intrusion or impact to the woodland would not be permitted without further bat habitat surveys and development review to avoid potential impacts to bat habitat."

It is unclear what mechanism exists to prohibit direct and indirect impacts to Threatened and Endangered Species habitat and require a bat survey; specifically relating to impacts resulting from future use. Removal of trees from the meadow (MEMM3) feature is stated to be of negligible impact to the ecological functions of natural heritage features on the subject site. This conclusion, which is generally supportable, does not reflect the required 30m vegetation protection zone stipulated by the Growth Plan.

**NVCA staff recommend the proposed lot fabric be revised to exclude the Significant Woodland and 30m VPZ from the new lot; or, restrictive zoning of the feature (i.e. Environmental Protection) which includes the required 30m VPZ in order to support the proposed lot fabric and protect the natural heritage features.**

4. In the absence of site-specific study on bat maternity habitat, breeding bird and invertebrate surveys to substantiate a conclusion of absence, the woodland can be conservatively assumed to support breeding habitat of Threatened and Endangered bat species, and special concern and rare wildlife species. **NVCA staff advise that based on the information provided in the report, existing data and planning designations, the woodland on the proposed new lot and retained lot should be also considered Significant Wildlife Habitat.**
5. The report states:  
"Diligent application of sediment and erosion controls is recommended for all future construction activities to minimize the extent of accidental or unavoidable impacts to adjacent vegetation communities and wildlife habitat. Prior to the commencement of site works, silt fencing should be applied along the length of directly adjacent natural or naturalized features, and routine inspection/maintenance of the silt fencing should occur throughout construction."

It is unclear how the report recommendations in the EIS can be implemented towards a future development on the subject site, and where the silt fencing is supposed to be installed on the subject site. **NVCA staff recommend the Township consider an appropriate planning tool to ensure the recommendations and mitigation measures of the report are upheld (i.e. no tree clearing between April 1 through August 31, erosion and sediment control fencing, no disturbance of woodland area or VPZ), as they form the basis of the EIS report's conclusion of "no impact" to the feature.** At a minimum, silt fence for sediment and erosion control should be installed along the edge of the Significant Woodland's 30m VPZ.

Policies contained within the PPS prohibit development and site alteration within significant natural heritage features, such as those identified in the applicant's EIS, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. This application proposes development within a designated and confirmed natural heritage feature. It is the opinion of NVCA staff that development could proceed on the proposed new lot without impact to the Significant Natural Heritage Features identified in the applicant's submission; however, there remains no mechanism to direct development outside of the NH Features and required Vegetation Protection Zone once this consent application is approved.

**Therefore, NVCA staff advise that this application may be a candidate for consistency with the PPS and conformity with Growth Plan policies; but the matter of the required 30m VPZ for the designated Significant Woodland must be resolved through revision of the proposed lot lines; or conditions of consent; or zoning in order to demonstrate consistency and conformity with the applicable Provincial policies.**

Thank you for the opportunity to review this application, and please forward a copy of the decision to [planning@nvca.on.ca](mailto:planning@nvca.on.ca)

Sincerely,

**Emma Perry, B. Sc., GCER | Planning Ecologist**

**Nottawasaga Valley Conservation Authority**

8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0

**T** 705-424-1479 ext. 236

**eperry@nvca.on.ca | nvca.on.ca**

*I am currently working remotely as the Nottawasaga Valley Conservation Authority is taking preventative measures to limit the spread of COVID-19. You may experience some delays or disruptions as we follow recommendations of health professionals.*

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender and destroy all copies of the original message.