



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

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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

**1. CALL TO ORDER**

**2. APPROVAL OF AGENDA**

Recommendation: THAT the agenda be approved.

**3. MINUTES OF THE PREVIOUS MEETING**

Recommendation: THAT the minutes of July 21, 2021 be approved.

**4. DISCLOSURE OF PECUNIARY INTERESTS**

**5. PUBLIC MEETINGS**

**5.1 B14-2021 WALLACE Boundary Adjustment**

**5.2 B9-2021 STROUD Lot Creation**

**6. ADJOURNMENT**

Recommendation: THAT Committee adjourns at \_\_\_\_\_ to meet again on April 27, 2022, or at the call of the Chair.



**COMMITTEE OF ADJUSTMENT  
MINUTES  
JULY 21, 2021 | 9:00AM**

Present: Earl Hawkins, Deputy Mayor  
Kim Lyon, Member  
Bart Wysokinski, Member  
Tracey Atkinson – Planner  
Roseann Knechtel – Deputy Clerk

Absent: Ken Cufaro, Councillor

**1.0 CALL TO ORDER**

The meeting was called to order at 9:01 a.m. by the Chair Hawkins. The meeting was held using electronic “Zoom” application. Approximately 15 residents were in attendance.

**2.0 APPROVAL OF THE AGENDA**

**Moved by Lyon and Seconded by Wysokinski**

THAT Committee approves the agenda dated July 21, 2021.

**Carried.**

**3.0 MINUTES OF THE PREVIOUS MEETING**

**Moved by Lyon and Seconded by Wysokinski**

THAT Committee approves the Minutes dated May 12, 2021.

**Carried.**

**4.0 DISCLOSURE OF PECUNIARY INTERESTS - NONE**

**5.0 NEW APPLICATIONS**

Township Planner Tracey Atkinson confirmed that notice was given in accordance with the Planning Act on all applications, being a first-class mailout to all landowners within 120m of the subject properties and required agencies a minimum of 20 days before the meeting and a yellow notice sign for each property.

**5.1 B5-2021 CHOUDHRY / CHAUDHARY LOT MERGER**

Township Planner Tracey Atkinson provided a summary of applications B5-2021, B6-2021 and B13-2021.

Kristine Loft, the applicant’s planner provided a presentation on applications B5-2021, B6-2021 and B13-2021 and the intent to conform with the Township’s Zoning

By-law as much as possible to allow for the development of a single-family residential building lots.

The applicants did not comment, and no comments were received from the public.

In addition to the regular conditions, Committee members discussed driveway locations being a condition of consent and subject to MTO approval.

**Moved by Lyon and Seconded by Wysokinski**

That Application No. B5-2021 submitted by Kulvinder Chaudhary and Mona Choudhry for a boundary adjustment to merge from CON 2 EHS W, EAST PART LOT 1 PARCELS 2 & 3 (R#2 05702 & R#2 05703) be approved subject to the following:

- That the boundary adjustment merge two parcels of land, both being approximately 0.36 acres (+/- 5%) rounded to two decimal places to create one lot approximately 0.72 acres (+/- 5%) with a frontage of approximately 42.56m subsequent to the completion of File No. B13-2021 Choudhry.
- No fragment parcel shall exist through this transaction.
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his/her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment, which may include but not limited to MDS setbacks, lot size and minimum frontage requirements.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.
- The transaction shall be subject to Section 50(3) of the Planning Act.
- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- Carried.**

## **5.2 B6-2021 CHOUHAN / VARVARO Boundary Adjustment**

Township Planner Tracey Atkinson reviewed the conditions of consent.

### **Moved by Wysokinski and Seconded by Lyon**

That Application No. B6-2021 submitted by Ritu and Nakshat Chouhan for a boundary adjustment from CON 2 EHS W, EAST PART LOT 1 PARCEL 5 (R#2 05705) to CON 2 EHS W, EAST PART LOT 1 PARCEL 4 (R#2 05704) be approved subject to the following:

- That the boundary adjustment applies to a minimum 500 m<sup>2</sup> parcel of land rounded to two decimal places be added to CON 2 EHS W, EAST PART LOT 1 PARCEL 4 (R#2 05704) subject to MTO Satisfaction of lot configuration.
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his-her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment including but not limited to MDS setbacks, lot size and minimum frontage requirements, only if required.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.
- The severed parcel shall be subject to Section 50(3) of the Planning Act.



- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

**Carried.**

### **5.3 B13-2021 CHOUDRY Boundary Adjustment**

Township Planner Tracey Atkinson reviewed the conditions of consent.

#### **Moved by Lyon and Seconded by Wysokinski**

That Application No. B13-2021 submitted by Mona Choudhry for a boundary adjustment from CON 2 EHS W, EAST PART LOT 1 PARCEL 2 (R#2 05702) to CON 2 EHS W, EAST PART LOT 1 PARCEL 1 (R#2 05701) be approved subject to the following:

- That the boundary adjustment applies to a 562 m<sup>2</sup> (+/- 5%) parcel of land rounded to two decimal places with a frontage of 8.7m be added to CON 2 EHS W, EAST PART LOT 1 PARCEL 1 (R#2 05701).
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the lot complies with MDS1 analysis between any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- That the applicant shall, at his-her own expense, undertake a Zoning Bylaw Amendment to address any Zoning requirements that cannot be fulfilled through the Boundary Adjustment including but not limited to MDS setbacks, lot size and minimum frontage requirements.
- The application is to comply with all requirements from the MTO to obtain an approved entrance permit. Prior to endorsement of the deeds, the Municipality

shall receive confirmation from the MTO, that their conditions have been fulfilled to their satisfaction.

- The severed parcel shall be subject to Section 50(3) of the Planning Act.
- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

**Carried.**

#### **5.4 B7-2021 Bruce Trail Conservancy Severance**

Township Planner, Tracey Atkinson, provided a summary of applications B7-2021, B11-2021, and B12-2021.

Antoin Diamond, a representative and applicant for the Bruce Trail Conservancy provided a presentation on applications B7-2021, B11-2021, and B12-2021. The Bruce Trail requested the parking lot agreement with the Township be removed as a condition of consent as the agreement is underway. The Bruce Trail also requested that cash-in-lieu of parkland be removed as a condition of consent for application B7-2021 as the severance and boundary adjustments are creating additional trail networks within the municipality.

The Township Planner spoke to the development of the parking lot agreement and does not feel that this will delay the application. The Township Planner spoke to the Parkland By-law #41-2018 which requires Council decision to provide exemption.

Public comments were received. Bill Duron supported the application, moving the Bruce Trail off of municipal roadways and supporting the health and well-being of residents in Dufferin County.

Don MacFarlane spoke to the Township's commitment to support recreation within the municipality and the status of the parking lot agreement between the Bruce Trail and Township of Mulmur.

Carl Tafel, Trail Director for the Dufferin Highland Club spoke to the issue of roadside parking during pandemic restrictions and the development of parking agreements between the Bruce Trail and NEC.

The Committee praised the Bruce Trail association but recognized the issue of parking. The Committee questioned the Bruce Trail creating a building lot as a charitable organization, and within the Niagara Escarpment, which does not normally support the creation of building lots. Antoin Diamond explained that a buy,

sever, sell model can be found in several charitable organizations as it provides opportunity to undertake negotiations for trade and to open networks. The severance continues to provide access to a building lot/tax base possibility while conserving the remaining parcel.

**Moved by Lyon and Seconded by Wysokinski**

That Application No. B7-2021 submitted by the Bruce Trail Conservancy for a lot creation from CON 2 WHS E PT LOT 22 (R# 6 08900) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 8.1 ha (+/- 5%) rounded to two decimal places.
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The Bruce Trail Conservancy enter into an agreement for the establishment of a parking lots to the satisfaction of the Township.
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- Cash in lieu of parkland shall be paid to the Municipality in the amount of \$5,000.00

**Carried.**

**5.5 B11-2021 Bruce Trail Conservancy Boundary Adjustment**

Township Planner, Tracey Atkinson, reviewed the conditions of consent.

**Moved by Wysokinski and Seconded by Lyon**

That Application No. B11-2021 submitted by 2978986 Ontario Inc. (Paul Cohen) for a boundary adjustment from CON 2 WHS PT LOT 21 (R# 6 08700) to CON 2 WHS E PT LOT 22 (R#6 08900) be approved subject to the following:

- That the boundary adjustment applies to an approximate 3.3 ha (+/- 5%) parcel of land rounded to two decimal places to be added to CON 2 WHS E PT LOT 22 (R#6 08900)

- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The severed parcel shall be subject to Section 50(3) of the Planning Act.
- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

**Carried.**

## **5.6 B12-2021 Bruce Trail Conservancy Boundary Adjustment**

Township Planner, Tracey Atkinson, reviewed the conditions of consent.

### **Moved by Lyon and Seconded by Wysokinski**

That Application No. B12-2021 submitted by Christopher, Martha and Sue Sales for a boundary adjustment from CON 2 WHS W PT LOT 21 (R# 6 16750) to CON 2 WHS E PT LOT 22 (R#6 08900) be approved subject to the following:

- That the boundary adjustment applies to an approximate 1.10 acres (+/- 10%) parcel of land rounded to two decimal places to be conveyed to CON 2 WHS E PT LOT 22 (R#6 08900) subsequent to the completion of File No. B11-2021 Bruce Trail / Cohen
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands being approximately 0.2 acres (+/- 10%) rounded to two decimal places, located west of "no mans land". Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the conveyance shall be provided to the Municipality for their records.
- That the Bruce Trail Conservancy, Christopher, Martha and Sue Sales and Paul Cohen (2798986 Ontario Inc.) provide conformation that they have no claim to "no mans lands" to the Township's solicitors satisfaction.

- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The severed parcel shall be subject to Section 50(3) of the Planning Act.
- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

**Carried.**

## **5.7 B8-2021 CLARK Severance**

Kristine Loft, the applicant's planner provided a presentation on the application and the findings of the completed Environmental Impact Study.

The Township Planner, Tracey Atkinson noted that the NVCA has briefly reviewed the EIS but has not provided formal approval.

The applicant did not comment, and no comments were received from the public.

### **Moved by Wysokinski and Seconded by Lyon**

That Application No. B8-2021 submitted by 1066886 Ontario Inc. c/o John Clark for a lot creation from CON 3 E E PT LOT 3 RP 7R506 PART 2 (R# 2 04150) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 4.8 ha (+/- 5%) rounded to two decimal places.
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital

copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.

- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on severed and retained lands on 3<sup>rd</sup> Line EHS, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Public Works Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- That the registered owner shall enter into a development agreement pursuant to Section 51(26) of the Planning Act to address all planning matters, including, but not limited to building envelope, MDS setbacks and EIS Mitigation (found in Section 8) to the satisfaction of the Township and NVCA.
- That the EIS be to the satisfaction of the NVCA.
- A copy of the registered agreement shall be provided to the Municipality, prior to endorsement of the deeds for this Application for consent.
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- Cash in lieu of parkland shall be paid to the Municipality in the amount of \$5,000.00

**Carried.**

## **5.8 B9-2021 STROUD Severance**

Township Planner, Tracey Atkinson, provided an overview of the historical severances on this property and a summary of the current application before the Committee. Staff and NVCA are recommending deferral of the application subject to the completion of an Natural Heritage Study/Environmental Impact Study.

The applicant was not present and no comments were received from the public.

### **Moved by Lyon and Seconded by Wysokinski**

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 deferred.

**Carried.**

## **5.9 B10-2021 MAITLAND Boundary Adjustment**

Township Planner, Tracey Atkinson, provided a summary of the application.

The applicant was present for a portion of the meeting. No comments were received from the public.

**Moved by Wysokinski and Seconded by Lyon**

That Application No. B10-2021 submitted by Carol Maitland for a boundary adjustment from CON 2 EHS PT LOT 21 RP 7R3985 PARTS 1 and 3 (R#5-12700) to CON 2 EHS E PT LOT 21 RP 7R3885 PART 1 RP 7R4560 PART 1 (R#5-12900) be approved subject to the following:

- That the boundary adjustment conveys approximately 598.29m<sup>2</sup> (+/- 5%) rounded to two decimal places to the northern parcel being CON 2 EHS E PT LOT 21 RP 7R3885 PART 1 RP 7R4560 PART 1 (R#5-12900).
- 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.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being a sight triangle measuring 12m north on 2<sup>nd</sup> Line East and 12m west along 20 Sideroad, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Public Works Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- The severed parcel shall be subject to Section 50(3) of the Planning Act
- 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 all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

**Carried.**

## **6.0 ADJOURNMENT**

**Moved by Wysokinski and Seconded by Lyon**

THAT Committee adjourns the meeting at 10:45 a.m. to meet again at the call of the Chair.

**Carried.**

DRAFT





**CORPORATION OF THE TOWNSHIP OF MULMUR  
NOTICE OF COMPLETE APPLICATION & PUBLIC MEETING  
B14-2021 WALLACE**

Township of Mulmur Committee of Adjustment will hold a public meeting under section 53 (5) of the *Planning Act, R.S.O. 1990 c.P. 13, as amended*.

**This meeting is being conducted by means of Electronic Participation by a majority of members, as permitted by Section 238 (3.3) of the Municipal Act, 2001, as amended.  
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

Meeting ID: 846 0224 8258

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

The meeting is being held to consider an application for Consent which has been submitted. The following are the particulars:

**MEETING DATE AND TIME:** January 26, 2021 at 1:00pm

**APPLICATION NUMBER:** B14-2021

**OWNER/APPLICANT:** WALLACE, CHRISTOPHER & ROBYN

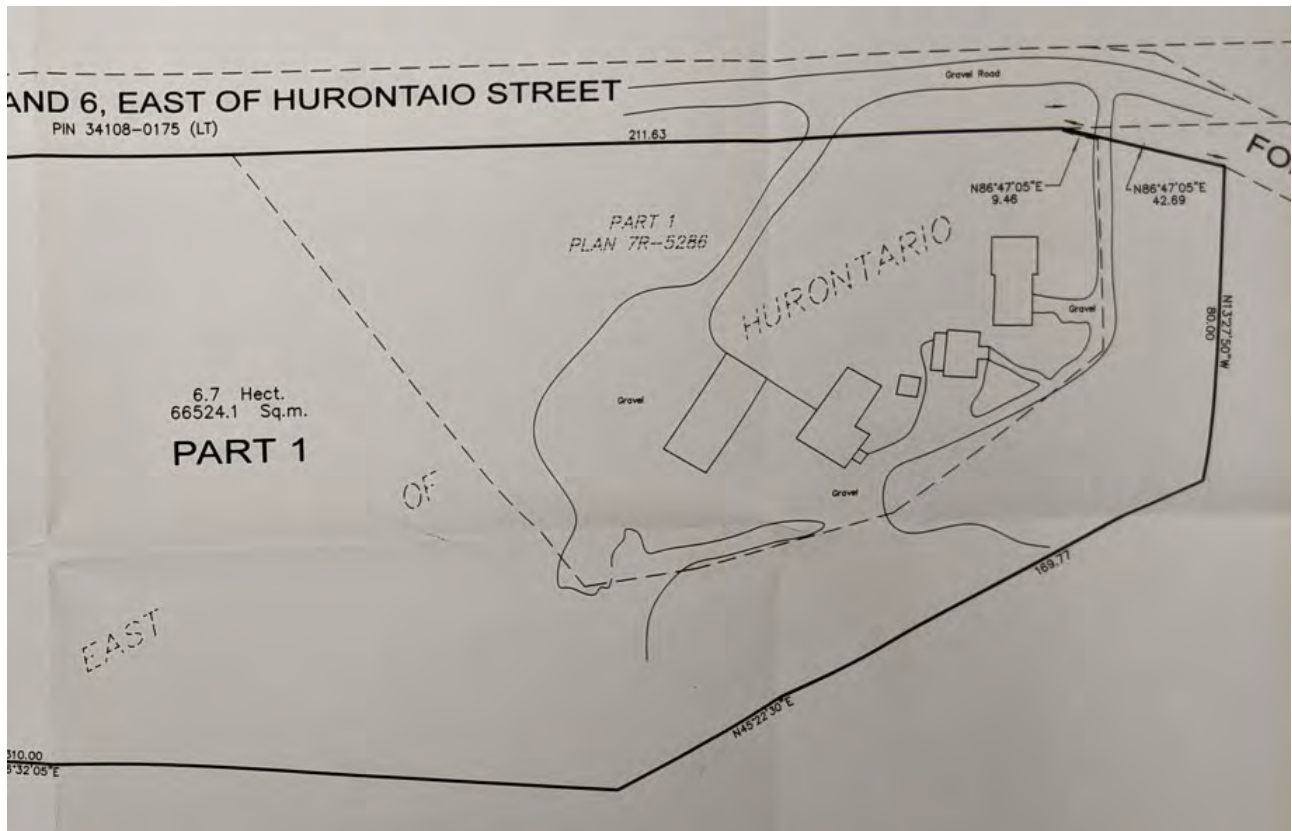
**LOCATION:** MULMUR CON 6 EHS PT LOT 5 AND RP 7R5286 PART 1 (528194 5 SIDEROAD)

**PURPOSE:** Boundary adjustment with lands to be added to the property to the west (R#1-25952), returning the two lots to their historical configuration.

Additional information is available for public inspection by request. If you require additional information on this application, it may also be obtained by contacting the Township Office at 705 466 3341 X223 or by email: [planning@mulmur.ca](mailto:planning@mulmur.ca) during regular office hours.

**NOTE:** If a person or public body that files an appeal of a decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent does not make written submissions to the Township of Mulmur Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal. If you wish to be notified of the decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent, you must make a written request to the Township of Mulmur Committee of Adjustment.

See Map for illustration purposes only. This is not a plan of survey. A digital version is available by email.



Dated November 19, 2021

### 3. Purpose of this Application

Proposed transaction (check appropriate box)

- Transfer                       Creation of a new lot                       Addition to a lot                       An easement  
 A charge                       A lease                       A correction of title                       Other

Specify Purpose, ie. Building lot, farm severance, lot addition, etc.

*Lot Addition*

Name of person(s) to whom land or interest in land is to be transferred, leased or charged

*Chris + Robyn Wallace*

### 4. Description of Subject Land and Servicing Information

Frontage (m)	<i>408.9</i>	Severed <i>449 ±</i>	Retained <i>470 ±</i>
Depth (m)		<i>147.2</i>	<i>635 ±</i>
Area (m)		<i>6.7 Ha,</i>	<i>29.8 Ha. ±</i>

### 5. Land Use

Date Property Acquired

Existing Use

*Mixed Agriculture, Residential, Commercial*

Proposed Use

*New House  
Agriculture Shop/Storage*

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					
<i>Metal Clad Shop</i>	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed		<i>20.6</i>				<i>12x36</i>	<i>432</i>		
<i>Frame Barn</i>	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed		<i>22.7</i>				<i>30x20</i>	<i>600</i>		
<i>Garage</i>	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed		<i>15.2</i>				<i>12x24</i>	<i>288</i>		
<i>Frame House</i>	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	<i>31.6</i>	<i>24.7</i>	<i>23.6</i>			<i>14x27</i>	<i>378</i>		
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									

Water

- Private Well  
 Communal Well  
 Municipal Water  
 Other: \_\_\_\_\_

Sewage Disposal

- Private Septic  
 Communal Septic  
 Other: \_\_\_\_\_

Storm Drainage

- Sewer  
 Ditches  
 Swales  
 Other: \_\_\_\_\_

Tile Drainage

- No  
 Yes, please mark on site plan location of tile runs

**6. Zoning and Official Plan Information**

Current Zoning <i>Countryside Area Business Park Gateway</i>	Current Official Plan <i>Agriculture</i>
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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: <i>n/a</i>	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

*Permitted use in Agriculture Zoning being added to an existing Rural Residential Parcel.*

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	<i>Barn</i>	<i>no</i>
A Landfill	<i>no</i>	<i>no</i>
A provincially significant wetland (Class 1, 2 or 3 wetland)	<i>no</i>	<i>no</i>
A locally significant wetland	<i>no</i>	<i>no</i>
Flood Plain	<i>no</i>	<i>no</i>
A rehabilitated mine site	<i>no</i>	<i>no</i>
A non-operating mine site within 1 kilometre of the subject land	<i>no</i>	<i>no</i>
An active mine site	<i>no</i>	<i>no</i>
An industrial or commercial use (specify uses)	<i>no</i>	<i>no</i>

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

Are the lands part of a Nutrient Management Plan?  Yes  No

Please provide plan number \_\_\_\_\_ and date approved by OMAFRA \_\_\_\_\_

Are there any livestock facilities within 500 metres of the subject lands?  Yes  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

\_\_\_\_\_  
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

\_\_\_\_\_  
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:

2016/05/18 Chris + Robyn Wallace, Vacant

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

Yes  No

If yes, provide details:

*1.36 Ha. Parcel at NW Corner.*

### 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.

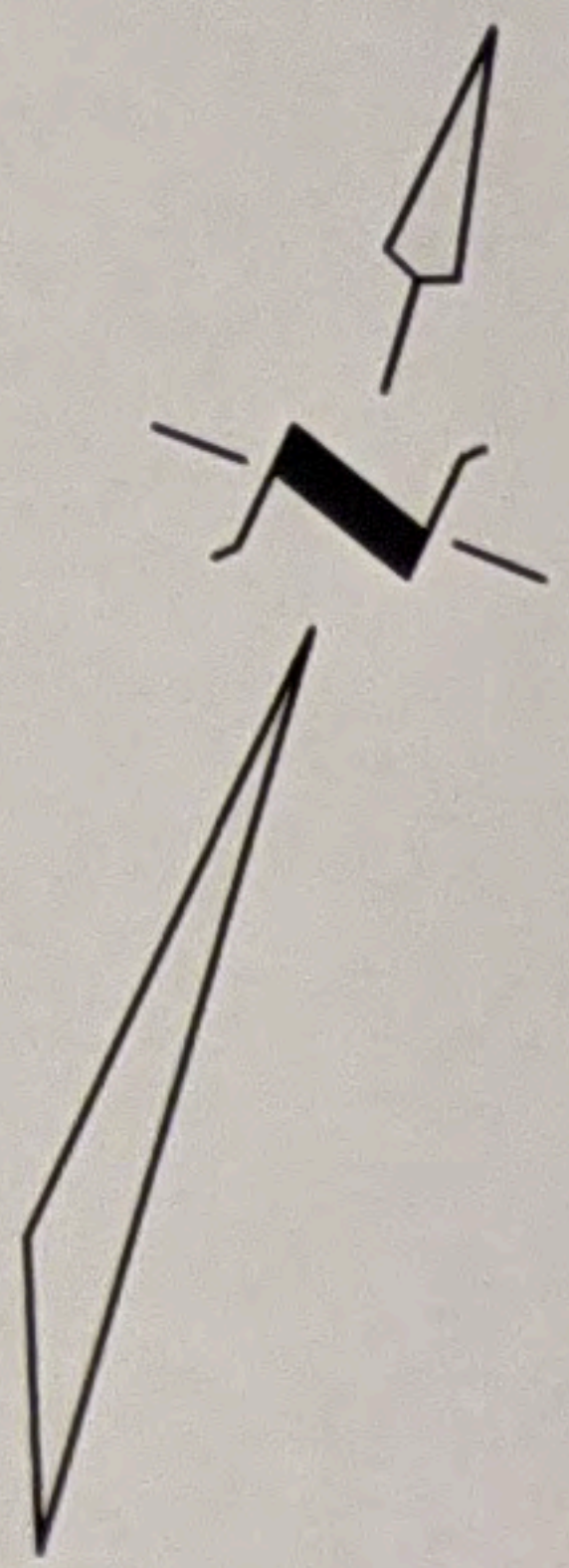
### 10. Sketch (please use metric units)

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



CONCESSIONS 5 AND 6, EAST OF HURONTAIO STREET



WEST HALF OF LOT 6

PART 1  
PLAN 7R-2167

ROAD ALLOWANCE BETWEEN LOTS 5 AND 6, EAST OF HURONTAIO STREET

N72°20'40"E  
195.12

PIN 34108-0175 (LT)

211.63

Gravel Road

3.02 100.00  
100.00 3.02

PART 1  
PLAN 7R-6384  
PIN 34107-0162 (LT)

Northwest Corner  
Lot 5, Concession 6  
East of Hurontario Street

PART 1  
PLAN 7R-5286

N86°47'05"E  
9.46

N86°47'05"E  
42.69

PART 2  
PLAN 7R-6384  
PIN 34107-0164 (LT)

6.7 Hect.  
66524.1 Sq.m.

PART 1

HURONTARIO

Gravel

Gravel

N137°50'W  
80.00

N10°28'30"W  
145.91

EAST

99.36

310.00  
N76°32'05"E

169.77

N45°22'30"E

WEST HALF OF LOT 5

PIN 34107-0166 (LT)

CONCESSION



# 528194 5th Sdrd Mulmur/Wallace



This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) shall not be liable in any way for the use or any information on this map. of, or reliance upon, this map.





B14-2021 Wallace



<b>FILE NO</b>	<b>B14-2021</b>
<b>ROLL NO</b>	1-25950, 1-25920
<b>OWNER</b>	WALLACE, Chris & Robyn
<b>ADDRESS</b>	528194 5 <sup>th</sup> Sideroad, Mulmur 528194 5 <sup>th</sup> Sideroad, Mulmur
<b>LEGAL DESCRIPTION:</b>	West Part Lot 5, Con 6 EHS
<b>OFFICIAL PLAN:</b>	Agricultural
<b>ZONING:</b>	Agricultural, Rural Residential, Rural Commercial Exception Four
<b>NEC/Greenbelt:</b>	No
<b>NVCA Regulated:</b>	Yes
<b>Application Submission Date:</b>	November, 2021
<b>Proposed Public Meeting Date:</b>	Committee of Adjustment: January 26, 2022



## BACKGROUND

Prior to 2015, and application B1-2015, the subject lands consisted of an irregular shaped parcel of land of approximately 4 acres developed with a geo-thermal business, livestock building, dwelling and accessory structures, as well as a second parcel of vacant land used for agricultural purpose. Together, the two parcels occupy the entire original 40 hectare (100 acre) parcel.

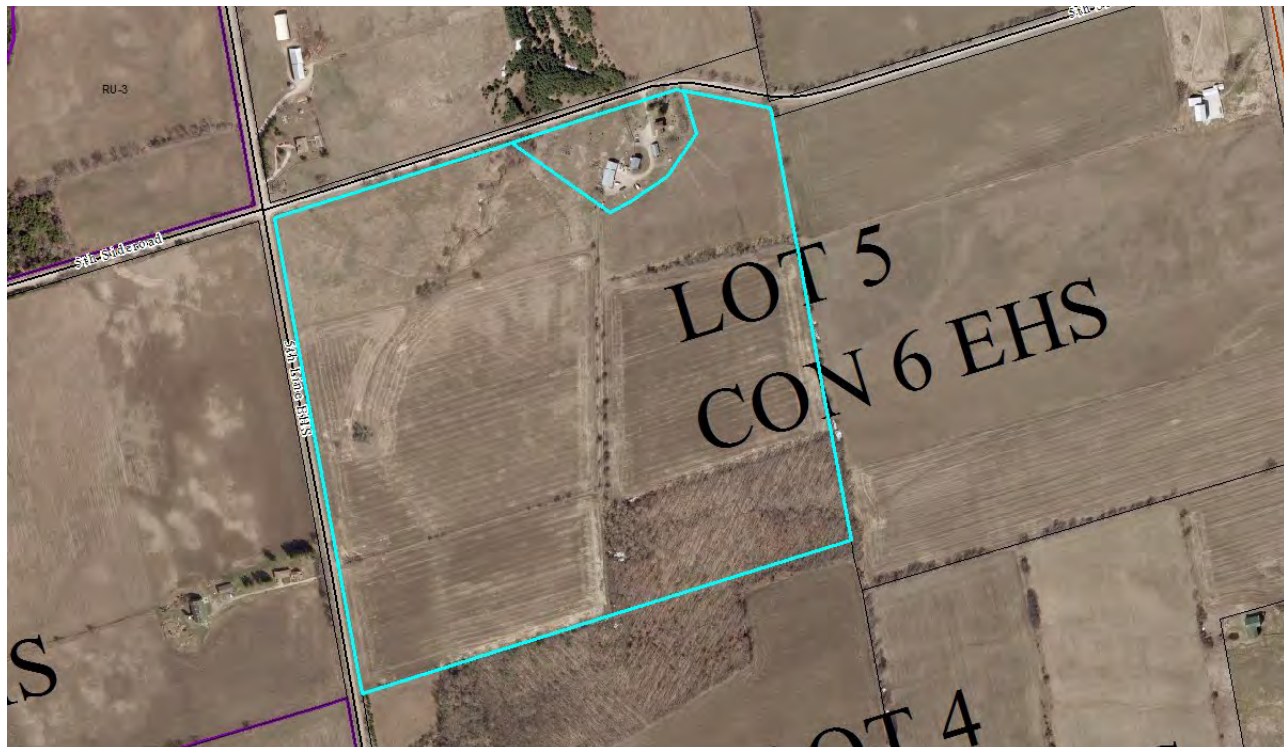
At the time, the owners were interested in constructing an additional building primarily for the geo-thermal business. The boundary between the previous 4 acre and 96 acre parcels bi-sected the area where the new building and associated minimum setbacks were proposed. The owners were constrained by the irregular lot boundary.

In 2015, the owners were granted approval for a boundary adjustment that essentially put the farm land with the geothermal business and exchanged the previously approved surplus dwelling lot for a vacant lot in the north-west corner. The end product was still two lots.

The current application proposes to return the lands to a split more similar to the pre-2015 application, where the geothermal business and farm house are contained on one lot, and the remainder of the lands suitable for agriculture are contained in a vacant parcel.

## PRE-2015 LOT CONFIGURATION

	PARCEL 1	PARCEL 2
Frontage	200m (approx. 700')	430m (1400')
Depth	115m (370')	600m (1900')
Area	1.8 ha (4.37 acres)	38 ha (94 acres)
Use	Residential, agricultural, geo-thermal business	Vacant farm land



# 2015 APPROVED CONFIGURATION (EXISTING)



	PARCEL 1	PARCEL 2
Frontage	100m	530m
Depth	160m	600m
Area	1.6 ha (4 acres)	38 ha (94 acres)
Use	Vacant residential lot	Residential, agricultural, geothermal business





# 2022 PROPOSED CONFIGURATION



	PARCEL 1	PARCEL 2
Frontage	250m	530m
Depth	150m	600m
Area	4.1 ha (10.13 acres)	36 ha (90 acres)
Use	Residential, geo-thermal, pasture	Agricultural/crop, vacant building potential



## PROVINCIAL POLICIES & PLANS



**Provincial Policy Statement, 2020:** contains broad policy direction to provide protection to prime agricultural areas, as well as to provide for on-farm diversification. The PPS contains policy direction on lot creation, limiting severances in general, but does provide for lot adjustments. The application is consistent with the PPS.

**Growth Plan, 2020:** provides high-level policy direction relating to the development of healthy, safe and balanced communities. The application conforms to the GP.

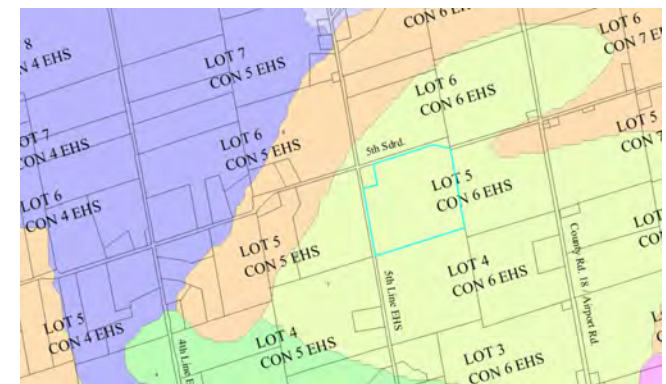
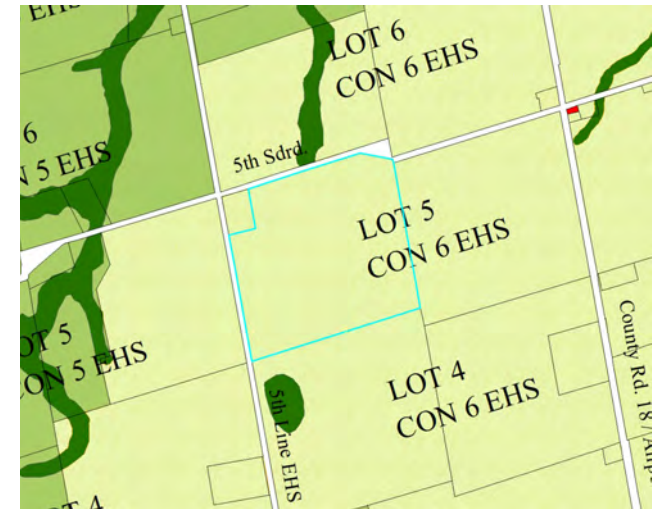
**Greenbelt Plan / Niagara Escarpment Plan:** n/a

**County Official Plan:** see County Comments

# OFFICIAL PLAN DESIGNATION

## AGRICULTURAL

- Section 5.9, Prime agricultural areas, identified on Schedule A1 as 'Agricultural', shall be protected for long-term use for agriculture
- In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.
- New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.
- Lot creation in prime agricultural areas is discouraged. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.
- **Legal or technical reasons:** means 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.
- Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.





## CURRENT ZONING

- Rural Residential (RR)
- Rural Commercial Exception Four (RC-4)
- Countryside Area (A)



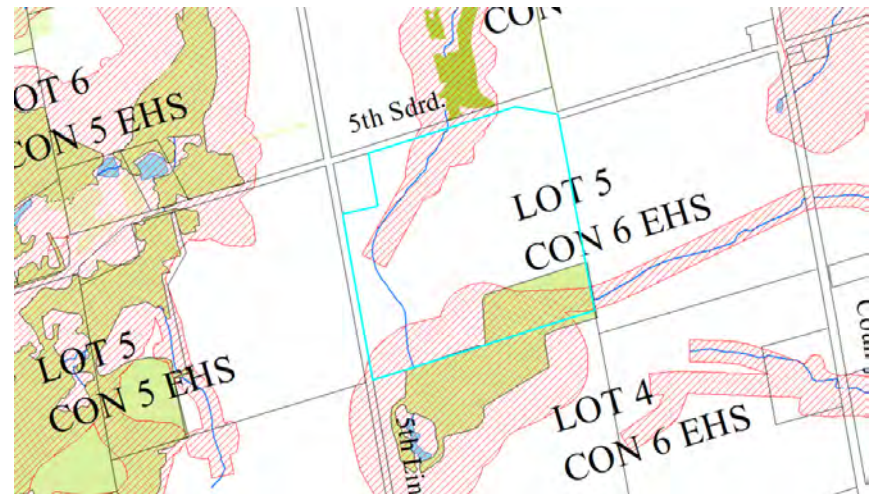
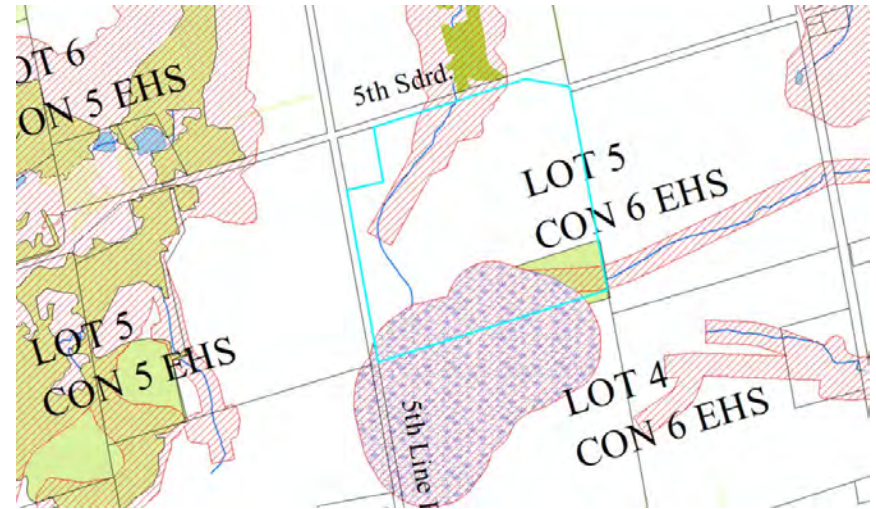
## REQUIRED ZONING

- Rural Commercial Exception Four (RC-4)
- Countryside Area (A)
- (mapping required to reflect new configuration)
- MDS Calculation at time of building construction



# ENVIRONMENTAL

- Regulated by the Conservation Authority (see NVCA comments)
- Woodlot on farm parcel
- Slopes/Valleys and regulated meander belt on geothermal parcel
- Wetland along southern boundary





## CONCERNS RECEIVED

- Configuration of original application versus the current proposal
- How much land is proposed to be removed/returned to larger agricultural parcel?(configuration revised to reduce amount of agricultural land included in proposed severed lot)
- Where will new building envelop be?
- Where will the entrance be and are there drainage issues in the proposed driveway location? Are there sight-line issues with the proposed driveway location?
- Will new farm house remove farm land due to long driveway or amenity space?
- How much land is involved in the Rural Commercial business (zoned land)
- Does the Official Plan limited business sizes
- What will the new severed parcel be zoned and with the entire property be Rural Commercial, allowing the business to expand?
- Should the pasture land be kept with the farm since it is Prime Agricultural soils?
- Is the Geothermal business permitted?
- Is the Trucking business permitted?



## RECOMMENDATION

### STAFF RECOMMEND APPROVAL SUBJECT TO:

- All costs being paid (taxes, survey, legal, tariff of fees, certificates)
- The severed parcel shall be subject to Section 50(3) of the Planning Act
- Solicitor undertaking for consolidation
- Survey (paper, pdf and autocadd)
- 1'x1' parcel of land be created from pre 2015 and post 2015 lots if required for consolidation
- Entrance permits, number and removal or previous entrances (to PW satisfaction)
- Rezoning to previous lot to A, and EP if required by NVCA. Maintain RC-4.
- Building envelop only if required to address concerns. Removal of agreement for 2015 severance. MDS if building envelop

## NEXT STEPS

THAT Committee of Adjustment consider approval of the application subject to addressing the concerns raised by the public or commenting agencies.



- 758070 2nd Line E Mulmur, ON L9V0G8  
Telephone: 705 466 3341 Toll Free: 1 866 472 0417  
(from 519 only) [www.mulmur.ca](http://www.mulmur.ca)
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# Site Visit

(Driveway Location)

**Date:** January 26, 2022  
**To:** Committee of Adjustment  
**From:** John Willmetts, Director of Public Works

**Re:** B14 – 2021 WALLACE

## Comments:

This proposed boundary adjustment already has a driveway in existence on the 5<sup>th</sup> Line that satisfies all Township requirements.

The Township requests an emergency number be obtained and installed at the entrance on 5<sup>th</sup> Line as per County of Dufferin Regulations.

Regards,

John Willmetts  
Director of Public Works



## MEMO

**TO:** County of Dufferin

**FROM:** Matt Alexander, Project Manager, WSP  
William Turman, Planner, WSP

**SUBJECT:** **Boundary Adjustment to Con 6 EHS Pt Lot 5 and RP 7R5286 Part 1 (528194 5 Sideroad), Township of Mulmur**

**DATE:** January 19, 2022

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### Recommendation

Based on our review, the proposed Lot Adjustment should not be approved unless the following has been confirmed by the Township to demonstrate consistency with the Provincial Policy Statement and conformity with the Dufferin County Official Plan:

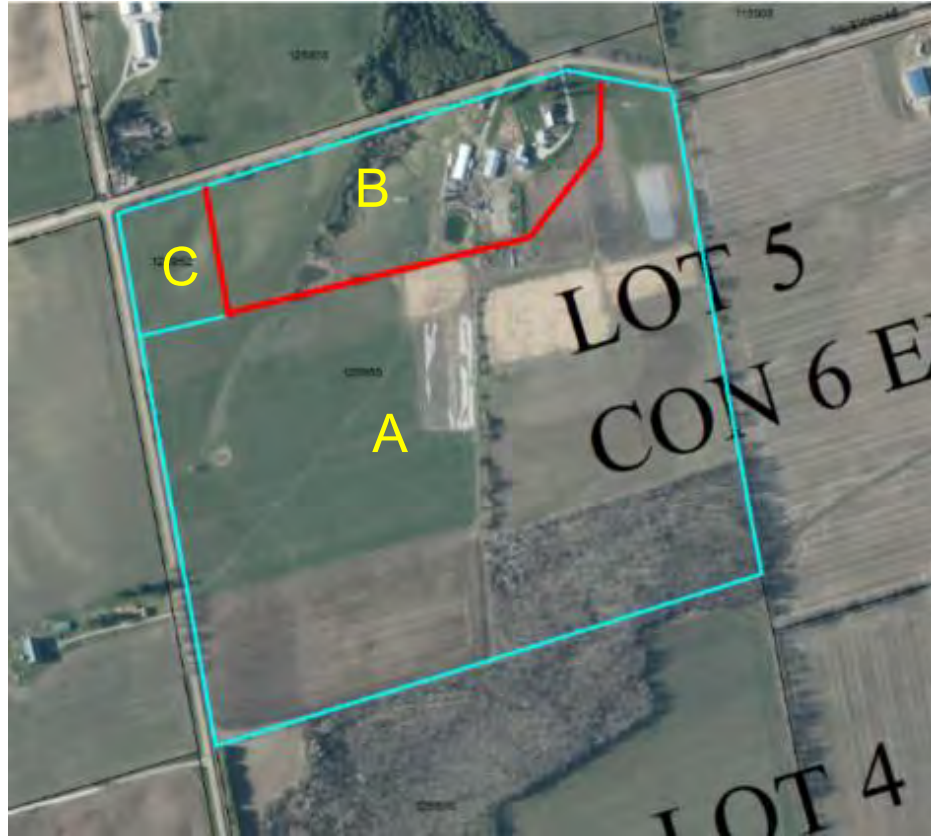
- That the resulting proposed lot sizes are appropriate for the type of agricultural uses common in the area in accordance with Policy 2.3.4.1 of the Provincial Policy Statement and policy 4.3.5 of the County Official Plan;
- That the resulting proposed lots comply with the applicable zoning by-law;
- That potential impacts to source water of a future proposed residence, because the subject property is located within a source water protection area (Low Aquifer Vulnerability and Medium Aquifer Vulnerability); and
- That there will be no negative impacts on the unevaluated wetlands located on the subject lands.

### Summary

The purpose of the Consent application is to sever a portion of lot A, shown in Figure 1 as B, and add it to the existing and vacant lot, C. The existing street address, 528194 5<sup>th</sup> sideroad, would be conveyed to the severed lot, which has a lot frontage of 449 m and a depth of 147 m, and an area of 6.7 hectares. The retained lands would retain 470 metres of frontage on 5 line E, have a depth of 635 metres (since the orientation is changed), and an area of 29.8 hectares. The lot resulting from the addition of portion B and C would have an area of 8.06 hectares, a frontage of approximately 550 metres, and a depth of 147 metres. The existing lot C is zoned for Rural Residential in the Mulmur zoning by-law, suggesting the lands have previously been severed as a result of a surplus farm residence.

The existing land use for the lands subject to application are mixed, agriculture, residential and commercial (agriculture-related uses), and the proposed use is a new residence, and agriculture shop/storage.





*Figure 1 Wallace Boundary Adjustment Sketch (approximate boundary for the severance)*

Although the intent of the proposal is to return the lots to a previous configuration, the proposal is required to be consistent with the PPS, conform with applicable policies and comply with the applicable zoning by-law. The proposed lot adjustment has the effect of severing a substantial portion of the agricultural lot. We have therefore reviewed the application as though it is a proposal for new lot creation for an agricultural use.

The documents received by WSP on December 7, 2021 includes:

- Notice of Complete Application & Public Meeting (B14-2021 Wallace);
- Consent Application;
- Survey;
- Email correspondence with Town Staff; and
- Boundary Adjustment sketch.

The circulation document was reviewed against the County Official Plan and the PPS.

**Provincial Policy Statement, 2020 (PPS), Province of Ontario’s Natural Heritage Mapping**



As a result of Growth Plan 2019, the Province’s Natural Heritage mapping must be studied and implemented through the County’s Official Plan before it can be applied at a local level. However, as it relates to land use designations, the mapping should continue to be used as a guide to determine if the subject property includes Natural Heritage features, should the County or local Official Plans not reflect current mapping.

Under Ontario’s Natural Heritage mapping, the subject lands contain Unevaluated Wetlands and Woodlands, as shown below. The subject lands are also identified as Prime Agricultural Lands. Section 2.3.3 of the PPS states that all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected.

Section 2.3.4.1 of the PPS states that lot creation in Prime Agricultural Areas is discouraged and may only be permitted in some cases, including for agricultural uses, provided the lots are of a size appropriate for the type of agriculture common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. For lots created as a result of a residence surplus to farming operation, the “new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.”

Lot adjustments in Prime Agricultural Areas may be permitted for legal or technical reasons, which means “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” (2.3.4.2).

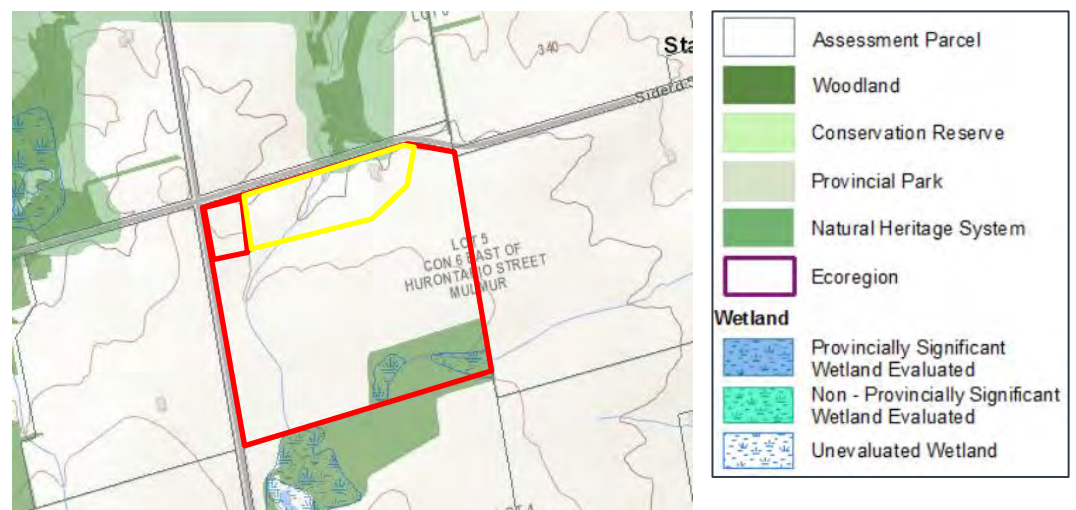


Figure 2 Ontario's Natural Heritage Areas

### Dufferin County Official Plan (2017)

The subject property is within the Countryside Area designation under Schedule B (Community Structure and Land Use), and within the Agricultural designation under Schedule C (Agricultural Area and Rural Lands) of the County Official Plan. The intent of the Agricultural Lands designation is to preserve and strengthen the continued viability of the agricultural community and are to be protected from incompatible uses while accommodating a diverse range of agricultural uses, agriculture-related uses and on-farm diversified uses.

Agricultural Area Lot Creation and Lot Adjustment policies are intended to minimize the fragmentation of agricultural areas while accommodating a broad range of agricultural and farming operations. Policy 4.2.5 c) states, “where a previous or current farm acquisition has rendered a residence surplus to a farming operation, a consent may be permitted subject to the following conditions: i. the retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings; ii. The new lot will be limited to a minimum size needed to accommodate the use and appropriate water and sewage”.

Policy 4.3.5 states that lot creation will generally be discouraged. The minimum lot area of both retained and severed lots will be established in the local municipal official plans in accordance with the lot creation policies of the County Official Plan. The minimum size for a lot with an agricultural use is the appropriate size for the type of agricultural use common in the area, and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The minimum lot size for an agriculture-related use will be the minimum needed to accommodate the use and appropriate sewage and water services.

Lot adjustments in the Agricultural Area may be permitted for legal or technical reasons, and lot line adjustments will be interpreted to prohibit the creation of new residential or non-farm parcels (policy 4.2.5. (e)).

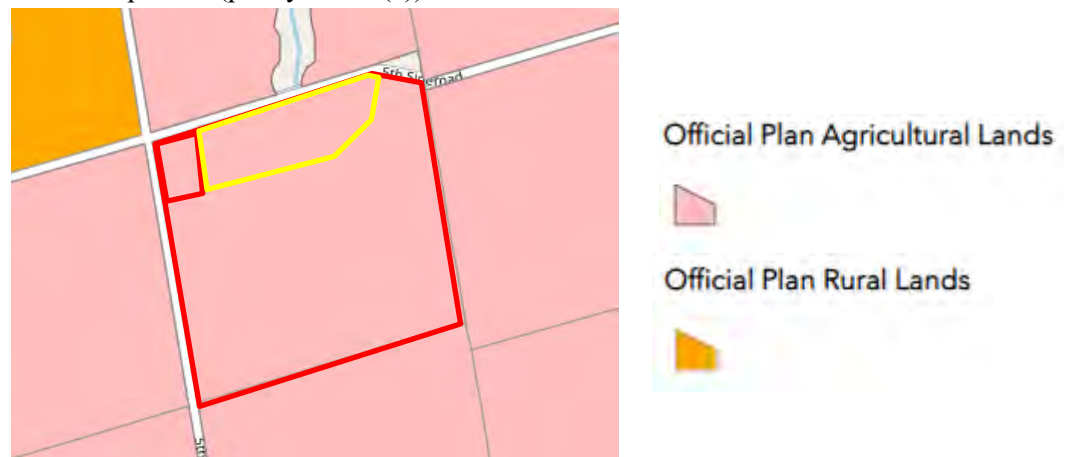


Figure 3 County Official Plan Schedule C: Agricultural and Rural Areas.

Under Schedule E of the County Official Plan (Natural Heritage Features), the subject properties contain Woodlands and the NVCA Regulatory Limit. Development, including lot creation, within the regulatory limit is subject to permitting by the NVCA.



Figure 4 County Official Plan, Schedule E: Natural Heritage Features

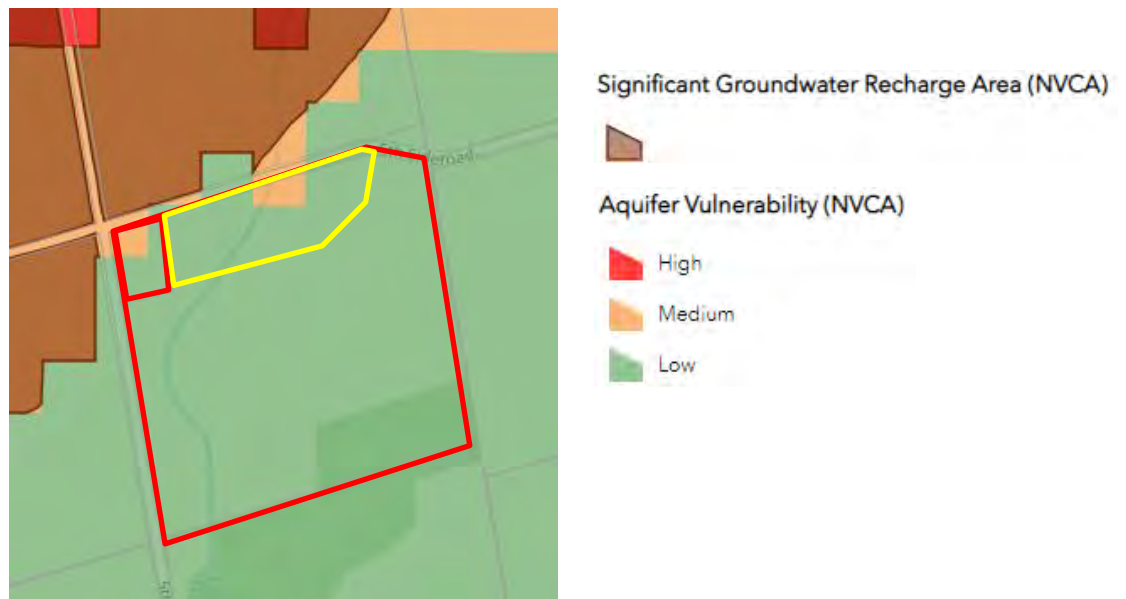


Figure 5 County Official Plan Appendix 2: Source Water Protection.



Under Appendix 2 (Source Water Protection) the subject property is located within a source water protection area (Low Aquifer Vulnerability and Medium Aquifer Vulnerability). Policy 5.4.2(c) states that prior to the approval of development applications within designated vulnerable areas, the proponents shall demonstrate to the satisfaction of the County, local municipality, Conservation Authority and Province, where necessary, that the quality and quantity of municipal drinking water sources will not be negatively impacted.

Given that the proposed severance is not located on a County Road, the local municipality should provide any comments regarding access.

### **Recommendation**

Based on our review, the proposed Lot Adjustment should not be approved unless the following has been confirmed by the Township to demonstrate consistency with the Provincial Policy Statement and conformity with the Dufferin County Official Plan:

- That the resulting proposed lot sizes are appropriate for the type of agricultural uses common in the area in accordance with Policy 2.3.4.1 of the Provincial Policy Statement and policy 4.3.5 of the County Official Plan;
- That the resulting proposed lots comply with the applicable zoning by-law;
- That potential impacts to source water of a future proposed residence, because the subject property is located within a source water protection area (Low Aquifer Vulnerability and Medium Aquifer Vulnerability); and
- That there will be no negative impacts on the unevaluated wetlands located on the subject lands.

## **Wallace Application B14-2021**

**To: Tracey Atkinson, CAO/Planner**

### **Committee of Adjustment**

I am an adjacent landowner to the property that is applying for this Adjustment.

I am objecting to this application due to numerous reasons. I do not believe that the Applicant can make a Lot Line Adjustment on a Lot that is not there. I agree with all the objections that have been presented by Kevin Greer and further to that have the following objections.

1. With the regulations of Prime Agriculture Land, the land owner is not granted a severance. According to the application, that is exactly what is happening. Why would you be taking Prime Agricultural Land away from the farm and adding it to a property that is not designated Agricultural? It would be enlarging the property with the Rural Commercial designation.
2. It is my understanding that the designation of this farm is Prime Agricultural, with the exception of a Rural Commercial business consisting of 1 acre. So why are there two active business' running off it that are non-related to agriculture?
3. The property in the application has numerous large trucks (non-farm related) parked in areas far beyond the 1 acre Commercial designation property, which causes an eye sore from my property.
4. It seems fairly obvious that the applicant is trying to increase the piece of property that is housing the business' and would not be Prime Agriculture.
5. There are a large number of tractor trailers (non agriculture) constantly accessing the property, this is greatly damaging the quality of 5 Sideroad.
6. When I purchased my farm, realizing it was Prime Ag land, I did not anticipate being neighbours with a property operating two non-farming commercial business'.
7. I do not agree that the Applicant should be able to exchange a building lot for a larger piece of property of Prime Ag and Rural Commercial. This is definitely in violation of the guidelines set out for Prime Agricultural Land.

Dave Holgate

Attention: Tracey Atkinson CAO/Planner & the Committee of Adjustment for Mulmur Township

**Application B14-2021 Wallace**

**Applicant: Christopher & Robyn Wallace**

**Location: Mulmur Con 6 EHS PT Lot 5 and RP 7R5286 Part 1 (528194 5 Sideroad)**

- Please note that Christopher and Robyn Wallace will be referred to as “the Applicant”

In regards to this application, I, Kevin Greer, property owner of Mulmur Con 6 EE PT Lot 6, would like to **appeal the proposed consent** for this boundary line adjustment for the following reasons and concerns. My property, along with The Applicant and many others in the area are designated **“Prime Agricultural Land.”** This type of application is definitely not in the best interest of the existing farmers. The purpose of not changing the designation of Prime Agricultural Land is so you do not mix non-farming Residential homes and Commercial businesses with Agricultural business.

My first response to this application would be that, I do not understand how the Applicant could be applying for a boundary line adjustment to a lot that does not exist. A few years ago the Applicant applied for a lot on the corner of 5 Sideroad and the 5<sup>th</sup> Line and wanted the original severed lot turned back to the original farm, which the Township granted. This made sense that now all the Prime Agricultural Land including buildings was intact except for the newly created corner lot.

That made the Prime Agricultural farm land of approx. 95 acres to include a house, out buildings and an approx. 1 acre of Rural Commercial for the Geothermal and trucking business. The building lot on the corner would be Rural Residential.

The parcel of land that is in the application is part a parcel of the 95 acre farm. Included in that 17 acre parcel is at least 12 acres of Prime Agriculture Land. Although it may be sloping and have a brush area it includes a natural water course for spring runoff and it has always been pasture area.

If the Committee does consider this application I would again like to point out this property is Prime Agricultural Land. Under the present guidelines in Prime Agricultural land you are not able to sever off any part of your property. The Applicant is asking you to consider an application for consent to “returning the two lots to their historical configuration.” This would mean the original lot that The Applicant purchased in approx. 2000 was approx. 4.5 acres with the buildings, and then purchased the rest of the farm consisting of approx. 90 acres in or around 2010. This is the recent historical configuration of the property, after the lot with the buildings were severed off.

However, in the drawing that is attached to this application it looks as if The Applicant is basically asking to sever (because there is not an existing lot anymore at this location) approx. 17 acres. Through investigation of this application it was brought to our attention that the proposed application has been altered to a smaller area, 11 acres (yet another change), but still has the same impact.

If the Committee considers this application as applied for, it would be allowing for an area of expansion of Rural Commercial property and therefore taking away from the Prime Agricultural land.

There are only 2 main areas of the Township that are still considered Prime Agricultural, one being this area and Honeywood. If we continue to erode Prime Agricultural land by granting applications like this one we will eventually lose the entire designation. Applicants should not be able to shuffle lots back and forth.

I will be available to speak to my objections during the meeting on January 26, 2022.

Kevin Greer

## B14-2021 WALLACE SEVERANCE APPLICATION

To:

Tracey Atkinson CAO/Planner  
Mulmur Township Committee of Adjustment

As the owner of Lot 5 Conc.5 EHS, Twp. of Mulmur, a property adjacent to the property named in this application, I am writing to object to the "boundary adjustment" proposed by the applicant. I will be available to speak to my objections during the meeting scheduled for Jan. 26/22.

My objections are based on a number of contradictions of the current Township of Mulmur, official plan as well as discrepancies by this or previous Committees of Adjustment.

1) What is the real purpose of this application?

As it is, it is currently worded in such a vague way as to make little or no sense.

Based on the Township of Mulmur Official Plan section:

### **5.9 AGRICULTURAL AREAS**

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

What are the legal or technical reasons, if any, behind this application?

Why are those reasons not stated on the application?

2) The listed purpose in the application is a misrepresentation of facts as there never were in effect two lots, so what is the "historical configuration". The original severance, Part 1, Plan 7R-5286 was a severance granted to the previous owner.

The current owners were allowed to return the severed portion back to the original farm and were granted another severance at the corner of 5 side road and the 5th line in lieu of the original severance. (R#1-25925)

Now it appears the applicant has changed their mind again and want to exchange their second severance for the first but only this time they want to expand it.

3) The property in question is designated as Agricultural and based on the Township of Mulmur Official Plan guidelines section:

### **5.9 AGRICULTURAL AREAS**

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

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

*b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;*

*c) a residence surplus to a farming operation as a result of farm consolidation, provided that the Township ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.*

That is not the case with this property as the owners live on the property and have for many years.

4) The revised application indicates that the applicant is now seeking a new severance or another exchange severance for a severance that never should have been granted based on the Official Plan. Along with an agricultural business, the applicant property is currently the operation center of a transport and geothermal/construction business.

In addition to the Township of Mulmur Official Plan regarding Agricultural Areas, the plan also states under the section:



### **6.1.5 REGULATIONS FOR AGRICULTURE-RELATED AND SECONDARY USES**

*All agriculture-related and secondary uses, as defined in Section 13 of this Plan, shall;*

- *be located on the farm, and directly related and secondary to the principal agricultural use on the farm or of the farm operation;*
- *not inhibit normal agricultural operations on adjacent farms;*
- *be of a small scale;*
- *have adequate sanitary and water supply services;*
- *have safe access from roads and adequate, on-site parking;*
- *meet such other requirements as are outlined in the implementing zoning by-law, limiting or regulating the size, location and nature of such uses and activities.*

Also from the Township of Mulmur Zoning By-laws:

#### **3.8.4 ON-FARM DIVERSIFIED USE**

*Where permitted, on-farm diversified uses shall be subject to the following provisions:*

- *maximum ground floor area of all buildings and structures: 1% of lot coverage to a maximum of 2000 m<sup>2</sup>*
- *maximum percentage to land required for on-farm diversified use, including building footprint, landscaped area, servicing, buffering areas, set backs and access – 2% to a maximum of 1.0 ha.*

While the township has granted a Rural Commercial Zoning (RC-4) to the portion of the property occupied by the transport and geothermal/construction business, it does not meet the criteria of:

- a) being secondary to the principal agricultural use of the farm nor,
- b) being of small scale if granted the lot size being requested in the application
- c) conforming to 3.8.4 as the requested severance far exceeds the allowable 1.0 ha

The lot severance being requested does not conform to normal lot lines nor does the applicant indicate any justification for the size of the lot. Given the layout indicated on the aerial view, it appears that the lot would encompass not only the current building and parking area but also an area of farm land equally large, to the west of the buildings.

Can the applicant give a reason for this?

Does the current transport and geothermal/construction business anticipate expansion into that area?

If so, does the Township of Mulmur consider that size of an operation as “small”?

If the business is allowed to expand to encompass the entire lot size being requested, does the committee consider that in keeping with the Township of Mulmur Official Plan:

#### **6.0.1 MISSION STATEMENT**

*The Township of Mulmur will strive to balance the desire to further develop the countryside and to utilize renewable and non-renewable natural resources while preserving and protecting significant natural features, and the scenic qualities and rural character of the Township.*

In considering this or any severance of this nature and size, the committee needs to consider issues faced by the Town of Caledon regarding un-sanctioned truck /trailer parking lots. Currently they are dealing with more than 100 such lots.

If not needed for the transport business, why is the land being included in the requested severance and not staying with the farm?

More importantly, the farm buildings are included in the proposed severance but will presumably continue to be used by the farm. What is the reason for and real value of creating another lot?

## Roseann Knechtel

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**From:** Chris Wallace

**Sent:** January 19, 2022 9:41 PM

**To:** Tracey Atkinson

**Subject:** Questions

Hi Tracey, I got your voicemail regarding questions. And here are some answers...

I've attached a sketch showing the proposed new lot line adjustment as we discussed, now from your voicemail today you suggested that neighbors may be inquiring if there is more agricultural land that should be retained with the larger parcel. Short answer is no. The side of a hill is what we have there and it's hardly arable farm land. I can understand there may be a need to have the property lines drawn as to not allow any "commercial growth" on that commercially zoned piece. Our original "commercial" events that happened just as you started with Mulmur saw us draw a line around the "commercially" used portion. While I understand that policing those lines may be difficult, it would also be very difficult to expand commercial operations in that direction.

There are trucks that use this space, yes. Geothermal Solutions has its own construction equipment and uses these trucks to move their equipment. They move excavators, skid steers, and work mats for Geothermal.. There is also an agricultural bulk commodities trailer that hauls different agricultural products.

The migrant workers "mobile home" was removed two years ago at the advice of you. We spoke that the council wasn't thrilled with "trailers" and a permanent building would be required.

Our intention, going forward, with this lot line adjustment, is to build a new home where I've indicated in the sketch. For a few reasons, we have chosen this location, yes further from the road.

We do not have adequate space to build our new home on 5 sdrd, between our current home and lot line to the east. That area is also prone to substantial water flow in the winter thaw spring season.

We intend to use the existing access lane from 5th Line as a Laneway. I've spoken to Allen Lyons who has his lane there as well, he is suggesting an entrance a little further south so our tractors and farm equipment aren't rattling at the end of his lane all the time. I agree with this suggestion. That field is systematically tiled and is a good producing field. The area currently worked, southwest corner, is a very wet part of the farm. we could have the lane use the least productive part of the field.

The north west corner of the farm, where the current lot is arranged with a building lot, has a large slope and will not accommodate the agricultural building we will also need.

Our intention is to build in the south east corner as shown. The new lane will come past the agricultural hay storage building, situated midway from the road to the house. We have considered having our main lane entrance east of our old entrance, but at this point, unless there's some house before the barn bylaw, I see no reason to do that. My wife and I are always baffled by the farms that have large equipment so close to the house passing through with hay wagons or the sort. We don't want to impede anyone's view with this new house, or the agricultural storage. We feel like both these locations are the least detrimental to our neighbors views.

I will call you in the morning to discuss if you like still, but maybe this is enough information for now??

Would it be helpful that My father and brothers are a part of the meeting? Logged on anyway...

Talk soon,  
Chris



**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 4.1 ha, having a frontage of approximately 250m 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
- 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.elto.gov.on.ca](http://www.elto.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.



**CORPORATION OF THE TOWNSHIP OF MULMUR  
NOTICE OF COMPLETE APPLICATION & PUBLIC MEETING  
B9-2021 STROUD**

Township of Mulmur Committee of Adjustment will hold a public meeting under section 53 (5) of the *Planning Act, R.S.O. 1990 c.P.13, as amended*.

**This meeting is being conducted by means of Electronic Participation by a majority of members, as permitted by Section 238 (3.3) of the Municipal Act, 2001, as amended.  
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  
+1 778 907 2071 Canada  
+1 438 809 7799 Canada  
+1 587 328 1099 Canada

Meeting ID: 846 0224 8258

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

The meeting is being held to consider an application for Consent which has been submitted. The following are the particulars:

**MEETING DATE AND TIME:** July 21, 2021 at 10:30am  
**APPLICATION NUMBER:** B9-2021  
**OWNER/APPLICANT:** MURRAY STROUD / ROBERT BRYAN  
**LOCATION:** CON 4 EHS PT LOT 4 RP 7R6596 PART 4

**PURPOSE:** The application proposes to sever a +/- 2.43 ha (6.02 acre) building lot from a 34.74 ha (85.84 acre) parcel.

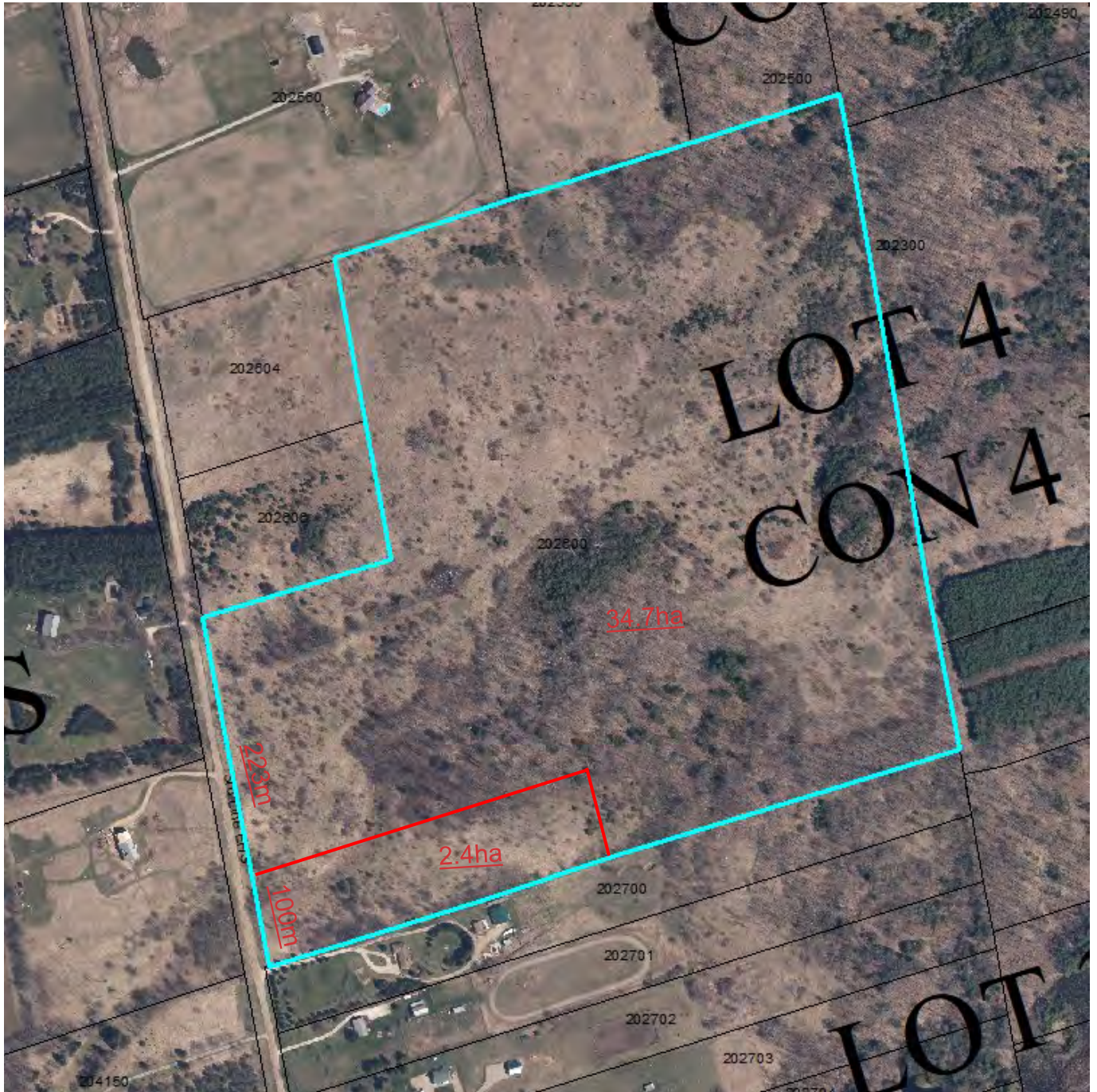
Additional information is available for public inspection by request. If you require additional information on this application, it may also be obtained by contacting the CAO/Planner, Tracey Atkinson, 705 466 3341 X222 or by email: [takinson@mulmur.ca](mailto:takinson@mulmur.ca) during regular office hours.

**NOTE:** If a person or public body that files an appeal of a decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent does not make written submissions



to the Township of Mulmur Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal. If you wish to be notified of the decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent, you must make a written request to the Township of Mulmur Committee of Adjustment.

**See Map for illustration purposes only. This is not a plan of survey. A digital version is available by email.**



Dated May 4~~8~~25, 2021

**3. Purpose of this Application**

Proposed transaction (check appropriate box)

Transfer                       Creation of a new lot                       Addition to a lot                       An easement  
 A charge                       A lease                       A correction of title                       Other

Specify Purpose, ie. Building lot, farm severance, lot addition, etc.  
*Building lot*

Name of person(s) to whom land or interest in land is to be transferred, leased or charged  
*ROBERT BRYAN*

**4. Description of Subject Land and Servicing Information**

Frontage (m)	<i>323.25m</i>	<i>91.44m</i> <sup>Severed</sup> 100m	<i>231.81m</i> <sup>Retained</sup> 243.84m
Depth (m)	<i>660.82m</i>	<i>213.36m</i>	<i>447.46m</i>
Area (m)	<i>346,653.72m<sup>2</sup></i>	<i>19,509.64m<sup>2</sup></i>	<i>327,144.08m<sup>2</sup></i>

**5. Land Use**

Date Property Acquired *June 2, 2020*

Existing Use *Vacant Land (Rural Residential)*      Proposed Use *Rural Residential*

**Existing and Proposed buildings and Structures**

Type of Building or Structure		Set Backs (m)				Height (m)	Dimensions (m x m)	Area (m <sup>2</sup> )	Date of Construction / Proposed Construction	Time use has continued (for existing buildings & structures)
		Front	Rear	Side	Side					
<i>BP. Approved</i> <i>House</i>	<input checked="" type="checkbox"/> Existing <input checked="" 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									

<b>Water</b> <input checked="" type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other: _____	<b>Sewage Disposal</b> <input checked="" type="checkbox"/> Private Septic <input type="checkbox"/> Communal Septic <input type="checkbox"/> Other: _____	<b>Storm Drainage</b> <input type="checkbox"/> Sewer <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other: _____	<b>Tile Drainage</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, please mark on site plan location of tile runs
---	---	---	--

6. Zoning and Official Plan Information		
Current Zoning <i>Residential</i>	Current Official Plan <i>Rural</i>	
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? <i>N/A</i> File #: _____ Status: _____	
Provide an explanation of how the application conforms to the Official Plan		
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		✓
A Landfill		
A provincially significant wetland (Class 1, 2 or 3 wetland)		
A locally significant wetland		
Flood Plain		
A rehabilitated mine site		
A non-operating mine site within 1 kilometre of the subject land		
An active mine site		
An industrial or commercial use (specify uses)		
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 checked="" 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. <a href="http://mulmur.ca/departments/planning">http://mulmur.ca/departments/planning</a>		

Notes:  
 - prime ag.  
 - regulated slope.



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

Yes

No

If yes, provide details:

2 lots on the north west side of the original parcel of land.

### 9. Other Information

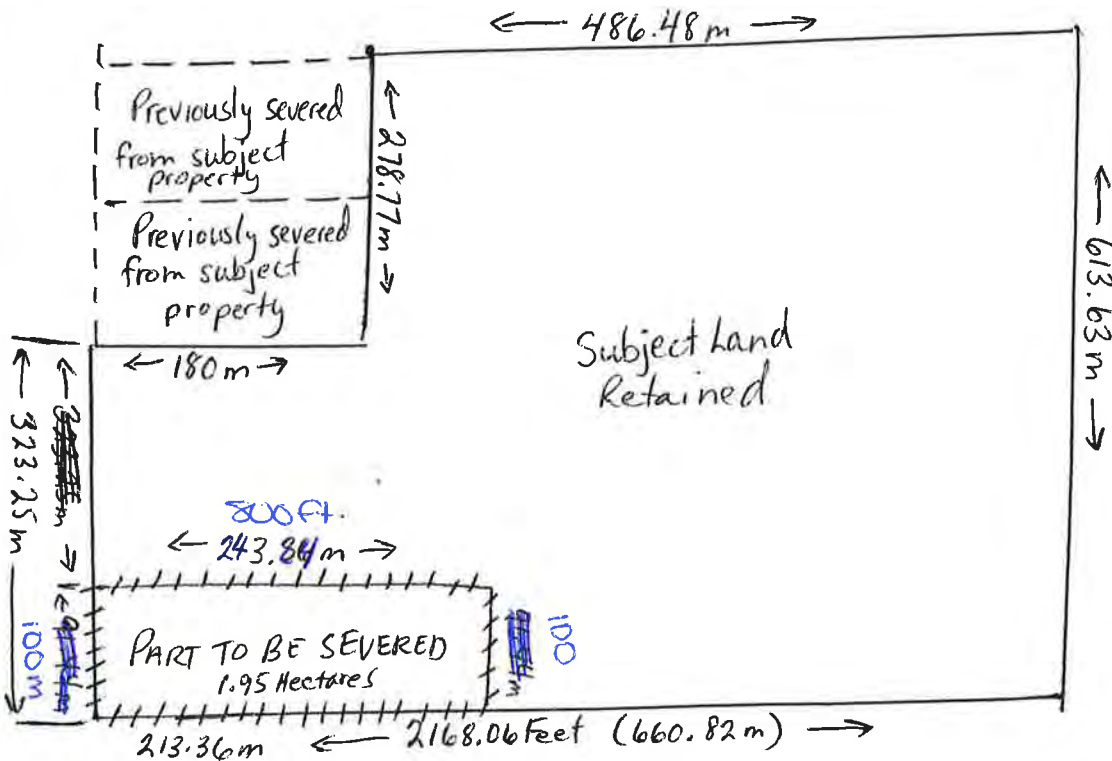
Please provide any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authority, etc.

### 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

3rd Line Mulmur



Adjacent land is rural residential.





# FARM DATA SHEET

## Minimum Distance Separation I (MDSI)

### NOTE TO THE FACILITY OWNER:

Your cooperation in filling out this sheet will help to ensure that new land uses will be located a suitable distance from your operation.

File No. \_\_\_\_\_  
 Applicant \_\_\_\_\_

Owner of Livestock Facility Michelle Jacqueline Kerr  
 Telephone ( ) \_\_\_\_\_ Civic Address 796177  
 Municipality Mukumotu Lot 3 Concession 4 DIV \_\_\_\_\_  
 Tillable Hectares/Acres\* on the lot where the livestock facility is located 4.04 hectares \_\_\_\_\_ acres  
 Closest distance from the livestock facility to the new lot and/or land use 145 metres 475 feet  
 Closest distance from the manure storage system to the new lot and/or land use \_\_\_\_\_ metres \_\_\_\_\_ feet  
 Size of the Livestock Facility (Barn): 185.91 sq.m.  
 Signature of Livestock Facility Owner \_\_\_\_\_ Date \_\_\_\_\_

### Permanent Manure or Material Storage Types

Solid Manure: 18% dry matter, or more  
 Liquid Manure: Less than 18% dry matter  
 Digestate: Less than 18% dry matter

- 0 No storage required (manure/material stored for less than 14 days)
- V1 Solid, inside, bedded pack
- V2 Solid, outside, covered
- V3 Solid, outside, no cover, greater than or equal 30% dry matter
- V4 Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage
- L1 Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage
- V5 Liquid, inside, underneath slatted floor
- V6 Liquid, outside, with a permanent, tight fitting cover
- V7 Liquid, (digestate), outside, no cover
- L2 Liquid, outside, with a permanent floating cover
- M1 Liquid, outside, no cover, straight-walled storage
- M2 Liquid, outside, roof, but with open sides
- H1 Liquid, outside, no cover, sloped-sided storage

Housing Capacity & Manure Storage: shall be provided in square metres

Animal Type or Material	Description	Housing Capacity* (maximum)	Manure Storage Type* (select from list above)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 - 16 months)		
	Backgrounders (7 - 12.5 months)		
	Shortkeepers (12.5 - 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed, 545 kg - 636 kg (for example - Holsteins)		
	Medium-framed, 455 kg - 545 kg (for example - Guernseys)		
	Small-framed, 364 kg - 455 kg (for example - Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed, 182 kg - 545 kg (for example - Holsteins)		
	Medium-framed, 148 kg - 455 kg (for example - Guernseys)		
	Small-framed, 125 kg - 364 kg (for example - Jerseys)		
	Calves (0 - 5 months)		
	Large-framed, 45 kg - 182 kg (for example - Holsteins)		
Medium-framed, 39 kg - 148 kg (for example - Guernseys)			
Small-framed, 30 kg - 125 kg (for example - Jerseys)			
Swine	Sows with litter, dry sows/boars, Segregated Early Weaning (SEW)		
	Sows with litter, dry sows or boars (non-SEW)		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 kg - 27 kg)		
	Feeders (27 kg - 105 kg)		
Horses	Large-framed, mature, >681 kg (including unweaned offspring)	5	V1
	Medium-framed, mature, 227 kg - 680 kg (including unweaned offspring)		
	Small-framed, mature, <227 kg (including unweaned offspring)		
Sheep	Ewes & rams (for meat lambs, includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation, includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		

Animal Type or Material	Description	Housing Capacity*	Manure Storage Type* (select from list above)
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)		
	Does & bucks (for dairy, includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day olds until transferred into layer barn)		
	Broiler breeder growers (males/ females transferred out to layer barn)		
	Broiler breeder layers (males/ females transferred in from grower barn)		
	Broilers on an 8 week cycle		
	Broilers on a 9 week cycle		
	Broilers on a 10 week cycle		
	Broilers on a 12 week cycle		
Turkeys	Broilers on any other cycle, or unknown		
	Turkey pullets (day old until transferred to layer turkey barn)		
	Turkey breeder layers (males/ females transferred in from grower barn)		
	Breeder toms		
	Broilers (day olds to 6.2 kg)		
	Hens (day olds up to 6.2 kg to 10.8 kg, 7.5 kg is typical)		
Veal	Toms (day olds to over 10.8 kg to 20 kg, 14.5 kg is typical)		
	Turkeys at any other weights, or unknown		
	Milk-fed		
Other	Grain-fed		
Manure imported to a lot not generating manure	Maximum capacity of permanent storages at any time: solid or liquid capacity		
Anaerobic Digester	Maximum capacity of permanent storages at any time: solid or liquid capacity		

Livestock Facility (Barn): One or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.

\* confirmed by applicant



# FARM DATA SHEET

## Minimum Distance Separation I (MDSI)

**NOTE TO THE FACILITY OWNER:**

Your cooperation in filling out this sheet will help to ensure that new land uses will be located a suitable distance from your operation.

File No. \_\_\_\_\_  
 Applicant: \_\_\_\_\_

Owner of Livestock Facility Victoria Lynne Creighton  
 Telephone ( ) \_\_\_\_\_ Civic Address 796224  
 Municipality MVLMO Lot 4 Concession 3 DIV \_\_\_\_\_  
 Tillable Hectares/Acres\* on the lot where the livestock facility is located 20.77 hectares \_\_\_\_\_ acres  
 Closest distance from the livestock facility to the new lot and/or land use 750 metres \_\_\_\_\_ feet  
 Closest distance from the manure storage system to the new lot and/or land use \_\_\_\_\_ metres \_\_\_\_\_ feet  
 Size of the Livestock Facility (Barn): 580 sq.m.  
 Signature of Livestock Facility Owner \_\_\_\_\_ Date \_\_\_\_\_

**Permanent Manure or Material Storage Types**

Solid Manure: 18% dry matter, or more  
 Liquid Manure: Less than 18% dry matter  
 Digestate: Less than 18% dry matter

- 0 No storage required (manure/material stored for less than 14 days)
- V1 Solid, inside, bedded pack
- V2 Solid, outside, covered
- V3 Solid, outside, no cover, greater than or equal 30% dry matter
- V4 Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage
- L1 Solid, outside, no cover, 18% to less than 30% dry matter, with uncovered liquid runoff storage
- V5 Liquid, inside, undemeath slatted floor
- V6 Liquid, outside, with a permanent, light fitting cover
- V7 Liquid, (digestate), outside, no cover
- L2 Liquid, outside, with a permanent floating cover
- M1 Liquid, outside, no cover, straight-walled storage
- M2 Liquid, outside, roof, but with open sides
- H1 Liquid, outside, no cover, sloped-sided storage

Housing Capacity & Manure Storage shall be provided in square metres

Animal Type or Material	Description	Housing Capacity* (maximum)	Manure Storage Type* (select from list above)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 - 16 months)		
	Backgrounders (7 - 12.5 months)		
	Shortkeepers (12.5 - 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed, 545 kg - 636 kg (for example - Holsteins)		
	Medium-framed, 455 kg - 545 kg (for example - Guernseys)		
	Small-framed, 364 kg - 455 kg (for example - Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed, 182 kg - 545 kg (for example - Holsteins)		
	Medium-framed, 148 kg - 455 kg (for example - Guernseys)		
	Small-framed, 125 kg - 364 kg (for example - Jerseys)		
	Calves (0 - 5 months)		
	Large-framed, 45 kg - 182 kg (for example - Holsteins)		
Medium-framed, 39 kg - 148 kg (for example - Guernseys)			
Small-framed, 30 kg - 125 kg (for example - Jerseys)			
Swine	Sows with litter, dry sows/boars, Segregated Early Weaning (SEW)		
	Sows with litter, dry sows or boars (non-SEW)		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 kg - 27 kg)		
	Feeders (27 kg - 105 kg)		
Horses	Large-framed, mature, >681 kg (including unweaned offspring)		
	Medium-framed, mature, 227 kg - 680 kg (including unweaned offspring)	2	V1
	Small-framed, mature, <227 kg (including unweaned offspring)		
Sheep	Ewes & rams (for meat lambs, includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation, includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		

Animal Type or Material	Description	Housing Capacity*	Manure Storage Type* (select from list above)
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day olds until transferred into layer barn)		
	Broiler breeder growers (males/ females transferred out to layer barn)		
	Broiler breeder layers (males/ females transferred in from grower barn)		
	Broilers on an 8 week cycle		
	Broilers on a 9 week cycle		
	Broilers on a 10 week cycle		
	Broilers on a 12 week cycle		
Turkeys	Broilers on any other cycle, or unknown		
	Turkey pullets (day old until transferred to layer turkey barn)		
	Turkey breeder layers (males/ females transferred in from grower barn)		
	Breeder toms		
	Broilers (day olds to 6.2 kg)		
Veal	Hens (day olds up to 6.2 kg to 10.8 kg, 7.5 kg is typical)		
	Toms (day olds to over 10.8 kg to 20 kg, 14.5 kg is typical)		
	Turkeys at any other weights, or unknown		
	Milk-fed		
Other	Grain-fed		
Manure imported to a lot not generating manure	Maximum capacity of permanent storages at any time: solid or liquid capacity		
Anaerobic Digester	Maximum capacity of permanent storages at any time: solid or liquid capacity		

Livestock Facility (Barn): One or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.



# FARM DATA SHEET

## Minimum Distance Separation I (MDSI)

**NOTE TO THE FACILITY OWNER:**

Your cooperation in filling out this sheet will help to ensure that new land uses will be located a suitable distance from your operation.

File No. \_\_\_\_\_  
 Applicant \_\_\_\_\_

Owner of Livestock Facility Christopher Nerina LIONAN  
 Telephone ( ) \_\_\_\_\_ Civic Address 796183  
 Municipality MULMUR Lot 3 Concession 4 DIV \_\_\_\_\_  
 Tillable Hectares/Acres\* on the lot where the livestock facility is located 4.09 hectares \_\_\_\_\_ acres  
 Closest distance from the livestock facility to the new lot and/or land use 8.204 metres 275 feet  
 Closest distance from the manure storage system to the new lot and/or land use \_\_\_\_\_ metres \_\_\_\_\_ feet  
 Size of the Livestock Facility (Barn): 278.71 sq.m.  
 Signature of Livestock Facility Owner \_\_\_\_\_ Date \_\_\_\_\_

**Permanent Manure or Material Storage Types**

Solid Manure: 18% dry matter, or more  
 Liquid Manure: Less than 18% dry matter  
 Digestate: Less than 18% dry matter

- 0 No storage required (manure/material stored for less than 14 days)
- V1 Solid, inside, bedded pack
- V2 Solid, outside, covered
- V3 Solid, outside, no cover, greater than or equal 30% dry matter
- V4 Solid, outside, no cover, 18% to less than 30% dry matter
- L1 Solid, outside, no cover, 18% to less than 30% dry matter, with covered liquid runoff storage
- V5 Liquid, inside, underneath slatted floor
- V6 Liquid, outside, with a permanent, tight fitting cover
- V7 Liquid, (digestate), outside, no cover
- L2 Liquid, outside, with a permanent floating cover
- M1 Liquid, outside, no cover, straight-walled storage
- M2 Liquid, outside, roof, but with open sides
- H1 Liquid, outside, no cover, sloped-sided storage

Housing Capacity & Manure Storage: shall be provided in square metres

Animal Type or Material	Description	Housing Capacity* (maximum)	Manure Storage Type* (select from list above)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 - 16 months)		
	Backgrounders (7 - 12.5 months)		
	Shortkeepers (12.5 - 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 kg - 636 kg (for example - Holsteins)		
	Medium-framed; 455 kg - 545 kg (for example - Guernseys)		
	Small-framed; 364 kg - 455 kg (for example - Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 kg - 545 kg (for example - Holsteins)		
	Medium-framed; 148 kg - 455 kg (for example - Guernseys)		
	Small-framed; 125 kg - 364 kg (for example - Jerseys)		
	Calves (0 - 5 months)		
	Large-framed; 45 kg - 182 kg (for example - Holsteins)		
Medium-framed; 39 kg - 148 kg (for example - Guernseys)			
Small-framed; 30 kg - 125 kg (for example - Jerseys)			
Swine	Sows with litter, dry sows/boars, Segregated Early Weaning (SEW)		
	Sows with litter, dry sows or boars (non-SEW)		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 kg - 27 kg)		
	Feeders (27 kg - 105 kg)		
Horses	Large-framed, mature; >681 kg (including unweaned offspring)		
	Medium-framed, mature; 227 kg - 680 kg (including unweaned offspring)		
	Small-framed, mature; <227 kg (including unweaned offspring)	3	V1
Sheep	Ewes & rams (for meat lambs, includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		

Animal Type or Material	Description	Housing Capacity*	Manure Storage Type* (select from list above)
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs, after transfer from pullet barn)		
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	Broiler breeder layers (males/ females transferred in from grower barn)		
	Broilers on an 8 week cycle		
	Broilers on a 9 week cycle		
	Broilers on a 10 week cycle		
Turkeys	Broilers on a 12 week cycle		
	Broilers on any other cycle, or unknown		
	Turkey pullets (day old until transferred to layer turkey barn)		
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	Breeder toms		
Veal	Broilers (day olds to 6.2 kg)		
	Hens (day olds up to 6.2 kg to 10.8 kg, 7.5 kg is typical)		
	Toms (day olds to over 10.8 kg to 20 kg, 14.5 kg is typical)		
	Turkeys at any other weights, or unknown		
Other	Milk-fed		
	Grain-fed		
Manure imported to a lot not generating manure			
	Maximum capacity of permanent storages at any time: solid or liquid capacity		
Anaerobic Digester	Maximum capacity of permanent storages at any time: solid or liquid capacity		

Livestock Facility (Barn)

One or more barns or permanent structures with livestock occupied portions, intended for keeping or housing of livestock. A livestock facility also includes all manure or material storages and anaerobic digesters.



B9-2021 Stroud



The application proposes to sever a +/- 2.43 ha (6.02 acre) building lot from a 34.74 ha (85.84 acre) parcel

<b>FILE NO</b>	<b>B9-2021</b>
<b>ROLL NO</b>	221600000202600
<b>OWNER</b>	MURRAY STROUD / ROBERT BRYAN
<b>ADDRESS</b>	796205 3 <sup>rd</sup> Line
<b>LEGAL DESCRIPTION:</b>	CON 4 EHS PT LOT 4 RP 7R6596 PART 4
<b>OFFICIAL PLAN:</b>	Rural
<b>ZONING:</b>	Countryside Area / Environmental Protection
<b>NEC/Greenbelt:</b>	N/A
<b>NVCA Regulated:</b>	Yes
<b>Natural Heritage System</b>	Yes
<b>Agricultural Land Base</b>	No
<b>Application Submission Date:</b>	May 12, 2021
<b>Public Meeting Date:</b>	July 21, 2021



## BACKGROUND

- A similar application was submitted in 2018 and withdrawn (MacKinnon) following comments from the NVCA regarding an Environmental study.
- The proposed configuration is slightly narrower and deeper than the previous application and supported with an EIS.
- An EIS was completed in December, 2021 and circulated to the NVCA for review.
- NVCA comments are anticipated to be available for the public meeting.

# LOT CONFIGURATION



## EXISTING CONFIGURATION

<b>Frontage (approximate)</b>	<b>333m</b>
<b>Area (approximate)</b>	34.7ha
<b>Use</b>	Vacant (Building permit approved for dwelling on proposed retained lands)

## PROPOSED CONFIGURATION

	<b>North portion</b>	<b>South portion</b>
<b>Area (approx.)</b>	32.3ha	2.4 ha (6 acres)
<b>Frontage (approx.)</b>	323m	100m
<b>Use</b>	Residential	Building lot







# PROPOSED CONFIGURATION





## POLICY FRAMEWORK

- Provincial Policy Statement, 2020
- Growth Plan, 2020
- Natural Heritage System Mapping
- Greenbelt Plan / Niagara Escarpment Plan
- County Official Plan Policies
- Local Official Plan Policies
- Rural Designation Lot Creation policies
- Rural Character
- NVCA Regulated Area, Steep Slope, Natural Heritage
- MDS Calculations



## EIS Mitigation Recommendations

- Review of EIS prior to site works for Species at Risk
- Dripline setback
- Avoid migratory bird/nesting periods for vegetation clearing and vegetation screening
- Sediment and erosion control erection prior to works
- 30m setback to woodlands for construction activities



## STAFF RECOMMENDATION

STAFF RECOMMEND APPROVAL **SUBJECT TO RECEIVING SUPPORTIVE NVCA COMMENTS ON THE EIS**, CONDITIONAL ON:

- All costs being paid (taxes, survey, legal, tariff of fees, certificates)
- Compliance with general bylaws
- Survey (paper, pdf and autocadd)
- Draft Transfers
- Entrance permits, number and removal or previous entrances (to PW satisfaction)
- Building envelop agreement to provide for staggering and include EIS recommendations and NVCA comments (anticipated) and entrance location at southern extent
- Parkland dedication fee

## NEXT STEPS

THAT Committee of Adjustment consider approval of the application subject to addressing the concerns raised by the public or commenting agencies.



- 758070 2nd Line E Mulmur, ON L9V0G8  
Telephone: 705 466 3341 Toll Free: 1 866 472 0417  
(from 519 only) [www.mulmur.ca](http://www.mulmur.ca)
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**STAFF REPORT**

**TO:** COMMITTEE OF ADJUSTMENT  
**SUBJECT:** Tracey Atkinson, BES MCIP RPP  
**MEETING DATE:** July 21, 2021  
**SUBJECT:** B09-2021 (Stroud)

**PURPOSE:**

To assess the planning merits of an application for consent to sever a building lot.

The application proposes to sever a +/- 2.43 ha (6.02 acre) building lot from a 34.74 ha (85.84 acre) parcel.

**BACKGROUND:**

FILE NO	B9-2021
ROLL NO	221600000202600
OWNER	MURRAY STROUD / ROBERT BRYAN
ADDRESS	796205 3 <sup>rd</sup> Line
LEGAL DESCRIPTION:	CON 4 EHS PT LOT 4 RP 7R6596 PART 4
OFFICIAL PLAN:	Rural
ZONING:	Countryside Area / Environmental Protection
NEC/Greenbelt:	N/A
NVCA Regulated:	Yes
Natural Heritage System	Yes
Agricultural Land Base	No
Application Submission Date:	May 12, 2021
Public Meeting Date:	July 21, 2021

A similar application was submitted in 2018 and withdrawn (MacKinnon) following comments from the NVCA regarding an Environmental study.

**EXISTING CONFIGURATION**

Frontage (approximate)	333mm
Area (approximate)	34.7ha
Use	Vacant (Building permit approved for dwelling)

	on proposed retained lands)
--	-----------------------------

**PROPOSED CONFIGURATION**

	North portion	South portion
Area (approx.)	32.3ha	2.4 ha (6 acres)
Frontage (approx.)	323m	100m
Use	Residential	Building lot

**STRATEGIC PLAN ALIGNMENT:**

This application is aligned with the following strategic plan path:

4. Growing a Sustainable Mulmur: Being Proactive in Sustainable Initiatives to ensure the long term well being of Mulmur (includes Resources/Financial/People).

**FINANCIAL IMPACTS:**

Processing costs are generally covered by the application fee.

**ANALYSIS:**

The application was supported by the following submissions:

- Farm Data Sheets

**PLANNING POLICIES & PROVISIONS:**

**Provincial Policy Statement (2020)**

The 2020 Provincial Policy Statement (PPS) contains broad policy direction and policy direction on lot creation. The PPS provides for limited development on Rural lands.

The PPS also provides protection for natural heritage features and hazards and agricultural operations.

**Growth Plan (2019, consolidated Aug 2020)**

A Place to Grow: Growth plan for the Greater Golden Horseshoe, provides high-level policy direction relating to the development of healthy, safe and balanced communities. The Growth Plan directs the majority of development to settlement areas except where otherwise permitted. Section 2.2.9(3) of the GP provides for rural land uses that will not negatively affect agriculture and Section 2.2.9.6 allows for consideration of some lots within the rural area.

**Natural Heritage System**

The subject lands are within the Provincial mapping of the Natural Heritage System (NHS) for the Growth Plan.

The subject lands include a woodlot that is greater than 10ha, extending onto abutting properties. The natural heritage system mapping reflects the woodlot on the southern portion of the subject lands.

The subject lands also include hazard lands (outside of the NHS), being a regulated slope/valley, extending from the centre of the east lot line. The proposed lot would include lands within the woodlot and NHS, but do allow for a building envelop outside of both mapped features. The proposed lot would split the natural features.

### **Niagara Escarpment Plan**

N/A

### **NVCA**

The subject lands are partially regulated, following the steep slope feature mapping.

This application is a re-submission from B4, B5, B6-2018 (MacKinnon) submitted by a previous owner. The previous application was withdrawn as a result of comments from the NVCA with respect to Natural Heritage features and study requirements.

The following comments were submitted September 26, 2018 on a similar application.

*The NVCA has reviewed the above-noted applications for consent. Based on our mandate and policies established under the Conservation Authorities Act and the Provincial Policy Statement, we advise the Committee that at this time we are unable to support applications B04-18 and B05-18 and recommend that the Committee defer these applications until additional technical information is provided to the satisfaction of the NVCA.*

*The NVCA regulates a local drainage feature on the north east portion of the retained lot - the proposed severed lots are not within an area regulated by the NVCA. To the south west portion of the property lies a woodland feature which is captured in the Provincial Natural Heritage System overlay. Due to the presence of this feature, the proposed lot configuration is not in compliance with Natural Heritage policies established under the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Growth Plan policies specifically prohibit development (including lot creation) within the Natural Heritage System. Section 4.2.3.1 states "Outside of settlement areas, development or site alteration is not permitted in key natural heritage features that are part of the Natural Heritage System or in key hydrologic features. Growth Plan policies also state that new development (including lot creation) or site alteration will demonstrate that there are no negative impacts on key natural heritage features or key hydrologic features or their functions.*



*The NVCA does not support applications for consent within the Natural Heritage system unless it has been demonstrated that the proposed development will not impact natural features. This approach is in concert with the PPS which states that Natural Features will be protected for the long term; as well as the Growth Plan policies on development within the Natural Heritage System. In order to demonstrate no negative impact to the feature, the applicant must undertake a Natural Heritage Assessment which, among other things, evaluates the significance of the woodland feature on the proposed lots and within the NHS overlay. The assessment should be undertaken by a qualified ecologist, and a formal study Terms of Reference should be scoped with NVCA staff at a preliminary stage. The NVCA is available to consult with the applicant to scope the studies required and provide information on the local connectivity of the feature as required.*

## **County Official Plan**

The subject lands are designated “Countryside Area” and “Rural Lands” in the County Official Plan schedules. The Countryside designation provides for the protection of agricultural areas, while allowing some growth and development. The County mapping also identifies a wooded area. Comments are anticipated from the County of Dufferin related to the County OP policies.

## **Mulmur Official Plan (2012)**

The Rural lot creation policies of section 6.2.5 permit the consideration of the proposed severance, being the third lot creation, for a total of four parcels from an original 40ha parcel. The Rural lot creation policies also speak to agricultural impacts. The policy states that:

*Severances involving the creation of one and, in appropriate circumstances, two or a maximum of three new lots from the original 40 ha. Township half-lot, may be considered by the Committee of Adjustment where it can be shown that there will be no adverse effects on nearby farming operations, where impacts on the resources and natural features identified on the schedules to this Plan are minimal and acceptable, and where the rural character of the area will be maintained.*

*In assessing applications for severance, priority over the application shall be given to nearby agricultural operations on lands designated Agricultural under this Plan, especially those existing or potential operations having to conform to the Minimum Distance Separation requirements and/or the requirements of, and any regulations made pursuant to the Nutrient Management Act.*

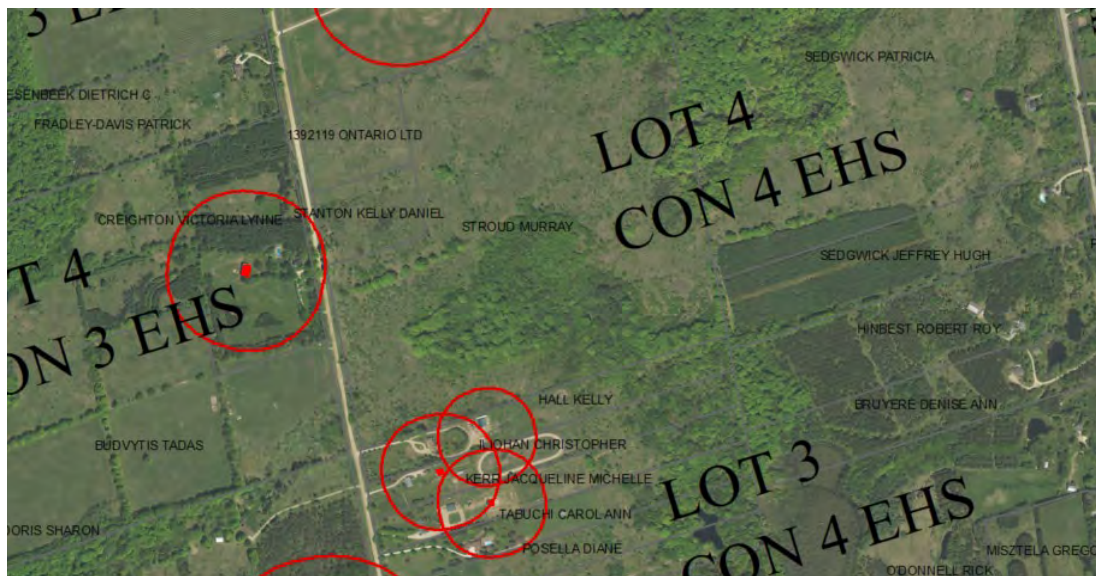
Every house introduced within an Agricultural area limits the flexibility of future barn placement. The proposed severance is a vacant parcel and is zoned to allow for the development of one single detached dwelling, to be located almost anywhere on the property. The proposed severance would permit a second buildable parcel, which therefore could result in double the residential impact on agricultural operations.

There are livestock operations in proximity to the subject lands as well as barns that are capable of being used for livestock. The applicants provided Farm Data sheets with their application.

MDS Calculation resulted in the following separation requirements, as shown on the map below. The proposed severance would not be significantly restricted due to the MDS setbacks.

1. Kerr – 4 ha tillable farm with 185m<sup>2</sup> (6 horse capacity based on floor area) facility = 87m
2. Creighton – 20.77 ha tillable farm with 580m<sup>2</sup> facility (19 horse capacity) = 127 MDS
3. Iliohan – 4 ha tillable farm with 278m<sup>2</sup> facility (12 horse capacity) = 93m

In speaking with a neighbour, it was brought to our attention that there is an additional livestock facility located directly south of the subject lands, on the Hall/Dean property. An MDS calculation was prepared based on this additional information and aerial photography. The original barn burned down. Livestock (3 sheep, 2 cows and chickens) are housed Estimated as a 4ha parcel with a 36m<sup>2</sup> barn, a MDS distance of 81m was calculated.



The Mulmur Official Plan contains policies with respect to maintaining the Rural Character, by staggering lots to limit the appearance of strip development and to provide a look of spaciousness, dominated by trees and open land opposed to dwellings.

The details of the building envelope and MDS can be addressed through a building envelope agreement.

### Zoning By-law

The subject lands are zoned Countryside (A) and Environmental Protection (EP) along the steep slope. The proposed lot is within the Countryside (A) zone. The Countryside (A) zone provides for a range of land uses and are required to have a minimum lot area of 2.0 hectares and frontage of 100m.

The proposed severed and retained lots would meet the minimum requirements of the Countryside (A) zone. A range of permitted uses would be permitted subject to meeting other applicable policies.

**AGENCY COMMENTS**

Comments are anticipated from the Dufferin County and NVCA. Public Works provided comments.

**RECOMMENDATION:**

It is recommended:

THAT this application be deferred until an EIS has been completed to the satisfaction on the NVCA in support of the application.

Respectfully submitted,

*Tracey Atkinson*

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Tracey Atkinson, BES MCIP RPP  
Planner



Date: July 21, 2021  
To: Committee of Adjustment  
From: John Willmetts, Director of Public Works  
Re: B9 – 2021 STROUD

## ROAD WIDENING

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With respect to this application, I have no conditions or concerns as a road widening has already been acquired.

Yours truly,

*John Willmetts*

John Willmetts  
Director of Public Works  
Township of Mulmur



# Site Visit

(Driveway Location)

**Date:** July 21, 2021  
**To:** Committee of Adjustment  
**From:** John Willmetts, Director of Public Works

**Re:** B9 – 2021 STROUD

## Comments:

This proposed severance has a suitable location for a driveway. The final location will be determined when the entrance permit is granted.

Regards,

John Willmetts  
Director of Public Works



BUILDING SERVICES

Date: June 24, 2021

To: Tracey Atkinson CAO/Planner  
Township of Mulmur

Re: Consent file # B9-2021  
Township of Mulmur, County of Dufferin.

This letter serves to confirm that I have commenced a preliminary review of the application B9-2021 and request for comment.

After review of the application, the Building Division would like to note that we have no further concerns, however please add the condition to your decision that the applicant shall provide a satisfactory Lot Suitability letter for the sewage disposal system from the County of Dufferin Building Division.

It should be noted that the applicant is required to submit an application for building permit to our office with respect to the above property before any type of construction begins on either the severed or retained.

If you should have any questions pertaining to this letter, please do not hesitate to contact the undersigned.

Regards,

Doug Kopp CBCO  
Plans Examiner



## **MEMO**

**TO:** Dufferin County

**FROM:** Matt Alexander, Project Manager, WSP  
William Turman, Planner, WSP

**SUBJECT:** Application for Consent– B9-2021  
Con 4 EHS PT lot 4 RP 7R6596 part 4, Mulmur, ON

**DATE:** June 24, 2021

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### **Recommendation**

The proposal generally conforms with the Rural Lands designation and the related policies in the Dufferin County Official Plan. It is recommended that:

- Confirmation be provided as to whether the woodlands on the subject property are deemed significant.
- Confirmation be provided as to whether an Environmental Impact Statement (EIS) is required relative to the proximity of woodlands, and the ANSI Earth Science Area of Natural and Scientific Interest.
- The municipality is satisfied that the proposed severance would be considered limited residential development as per Section 4.3.2 a) iii of the County Official Plan.
- Consultation occur with the Township of Mulmur and the Nottawasaga Valley Conservation Authority (NVCA) related to the potential impacts to source water because the subject properties are located within a source water protection area (Low Vulnerability Aquifer and Significant Groundwater Recharge Area).

### **Summary**

The purpose of the Application for Consent is to sever a lot with 100 metres of frontage on 3<sup>rd</sup> Line East and an area of 2.4 hectares from the subject lands for development. The retained lands will have a frontage of 223 metres on 3<sup>rd</sup> Line East and an area of 34.7 hectares.

The documents received by WSP on June 16, 2021 include:

- Notice of Complete Application and Public Meeting

The circulation documents were reviewed against the Province's Natural Heritage mapping and the Dufferin County Official Plan.



## Provincial Policy Statement, 2020 (PPS) and Province of Ontario’s Natural Heritage Mapping

As a result of Growth Plan 2019, the Province’s Natural Heritage mapping must be studied and implemented into the County’s Official Plan before it can be applied at a local level. However, as it relates to land use designations, the mapping should continue to be used as a guide to determine if the subject property is identified with identified Natural Heritage features, should the County or local Official Plans not reflect current mapping.

Under Ontario’s Natural Heritage mapping, the subject property contains woodlands that are part of Ontario’s Natural Heritage System and is adjacent to ANSI Earth Science Provincially Significant area.

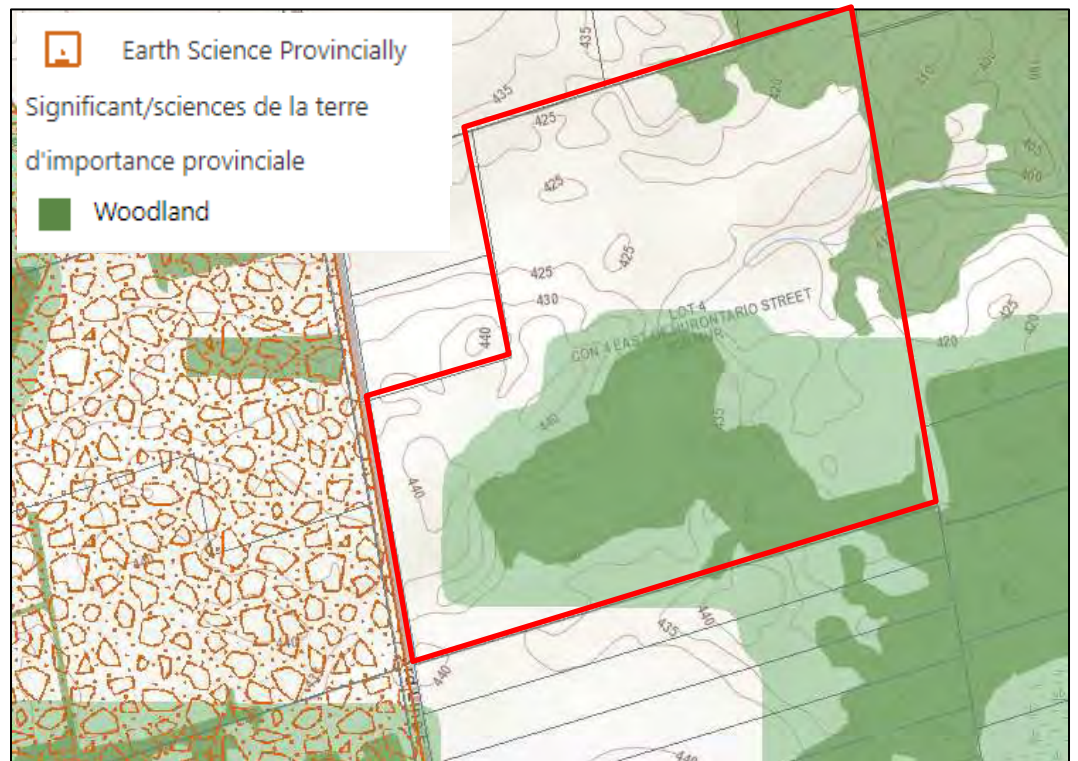


Figure 1: Ontario's Natural Heritage Map showing presence of Natural Heritage System and adjacency of ANSI Earth Science Provincially Significant

## Dufferin County Official Plan (2017)

The subject property is within the Countryside Area designation under Schedule B (Community Structure and Land Use) and within the Rural Lands designation under Schedule C (Agricultural Area and Rural Lands) of the County Official Plan. The intent of the Rural Lands designation is to protect the natural amenities and rural character of the



County while promoting development opportunities related to the management or use of resource-based recreational uses (including recreational dwellings), tourism, limited residential development, home occupations and home industries, and other rural land uses that cannot be located in settlement areas.

Per section 4.3.2, limited residential development is permitted, which includes no more than three new lots or units are permitted with the Rural Lands designation. It is worth noting that it appears this lot has been severed twice previously. As such, the municipality should confirm that the proposed severance would be considered limited residential development in accordance with Section 4.3.2 a) iii of the County Official Plan.

Per section 4.3.3(e), lot creation will comply with the Minimum Distance Separation Formulae as implemented through the applicable local municipal planning documents. Consultation with the Township of Mulmur is recommended.

Schedule E (Natural Heritage Features) identifies woodlands on the subject property. Further consultation with the Township of Mulmur and the NVCA should be undertaken to determine whether the woodlands are deemed significant and whether the proposed development will have a negative impact on the woodlands. Section 5.3.4 of the County Official Plan directs that development and site alteration adjacent to significant woodlands is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through preparation of an EIS.

Schedule E (Natural Heritage Features) identifies ANSI Earth Science Area of Natural and Scientific Interest Adjacent to the subject property. Section 5.3.3 states that development and site alteration will not be permitted within or adjacent to ANSI's unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

Given that access to the proposed development is not located on a County Road, the Township should provide comments regarding access.

Under Appendix 2 (Source Water Protection) the subject property is located within a source water protection area (Low Vulnerability Aquifer and Significant Groundwater Recharge Area). Policy 5.4.2(c) states that prior to the approval of development applications within designated vulnerable areas, the proponents shall demonstrate to the satisfaction of the County, local municipality, Conservation Authority and Province, where necessary, that the quality and quantity of municipal drinking water sources will not be negatively impacted. It is anticipated that the NVCA will provide further review and comments with respect to the requirements for Source Water Protection as it relates to the changes proposed on the subject properties.



### **Recommendation**

The proposal generally conforms with the Rural Lands designation and the related policies in the Dufferin County Official Plan. It is recommended that:

- Confirmation be provided as to whether the woodlands on the subject property are deemed significant.
- Confirmation be provided as to whether an Environmental Impact Statement (EIS) is required relative to the proximity of woodlands, and the ANSI Earth Science Area of Natural and Scientific Interest.
- The municipality is satisfied that the proposed severance would be considered limited residential development as per Section 4.3.2 a) iii of the County Official Plan.
- Consultation occur with the Township of Mulmur and the Nottawasaga Valley Conservation Authority (NVCA) related to the potential impacts to source water because the subject properties are located within a source water protection area (Low Vulnerability Aquifer and Significant Groundwater Recharge Area).

## Roseann Knechtel

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**Subject:** FW: 519-21-353 - Consent Application B9-2021 - CONC 4 EHS PT LOT 4 RP 7R6596 PART 4

**From:** "Hall, Charleyne"

**Date:** June 29, 2021 at 10:25:20 AM EDT

**To:** Tracey Atkinson

**Subject:** 519-21-353 - Consent Application B9-2021 - CONC 4 EHS PT LOT 4 RP 7R6596 PART 4

Good morning Tracey,

Bell Canada has no concerns with Application for Consent B9-2021 regarding CONC 4 EHS PT LOT 4 RP 7R6596 PART 4.

Thank you,

Charleyne



Right of Way Associate

140 Bayfield Street, Floor 2, Barrie ON L4M 3B1

T: 705-722-2264 Toll Free: 1-888-646-4817

she/her

Recognizing traditional territory of Haudenosaunee and Anishnaabeg Peoples; part of the Upper Canada Treaties.



**Nottawasaga Valley**  
Conservation Authority

---

July 9, 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

Dear Ms. Atkinson,

**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 +/- 2.43 ha (6.02 acre) building lot from a 34.74 ha (85.84 acre) parcel.

Staff has 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 slope erosion hazards associated with a watercourse (Boyne River) located northeast of the subject lands. The proposed lot is outside of the NVCA's regulatory jurisdiction.

Further, the property contains a candidate for a significant woodlot feature (a natural heritage feature). Please note that the NVCA does not support proposed lot lines through natural heritage features.

**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.

**Natural Heritage and Ecology - Advisory Comments**

Policies contained within the PPS prohibit development and site alteration within significant natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

In addition, policies within the PPS prohibit development (including lot creation) and site alteration adjacent to significant natural heritage features unless it unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

In this regard, due to the presence of confirmed and candidate significant natural heritage features within the proposed development, a Natural Heritage Study/EIS would be required to assess the potential impacts of development on such features, and evaluate conformity of the proposal with relevant natural heritage-related policies as part of any formal application submission. The applicant would be required to retain a qualified ecologist to prepare this submission, at which point the consultant shall contact NVCA planning staff to discuss the appropriate scope of required studies

To date, no technical studies were submitted to evaluate consistency with Section 2.0 of the PPS. NVCA staff are of the opinion that the above noted consent application is not consistent with the above noted policies of the Provincial Policy Statement.


### **Conclusion**

The NVCA recommend that the consent application as applied be **deferred** for the following reasons.

- The application is not consistent with Section 2 (Natural Heritage) policies of the Provincial Policy Statement 2020.
- No Natural Heritage Study/EIS has been submitted.

Should you require any further information, please feel free to contact the undersigned.

Sincerely,



Amy Knapp  
Planner III



**Scoped Environmental Impact Study**  
**Part of Lot 4, Concession 4**  
**Township of Mulmur, Dufferin County**

Prepared for:  
Robert Bryan

Prepared by:  
Azimuth Environmental  
Consulting, Inc.

December 2021

AEC 21-336





Environmental Assessments & Approvals

December 21, 2021

AEC 21-336

Robert Bryan  
51494 3<sup>rd</sup> Line East  
Part of Lot 4, Concession 4  
Mulmur, Ontario  
L0N 1M0

**Re: Scoped Environmental Impact Study for a Proposed Lot Severance and Residential Dwelling for Part of Lot 4 Concession 4 (3<sup>rd</sup> Line East), Township of Mulmur, Dufferin County**

Dear Mr. Bryan:

Azimuth Environmental Consulting, Inc. was retained to provide a Scoped Environmental Impact Study report for a proposed severance and residential development at 51494 3<sup>rd</sup> Line East in the Township of Mulmur, also recognized as Part of Lot 4, Concession 4. The purpose of this report is to provide the Township of Mulmur and other review agencies with an understanding of natural environmental conditions and potential for impacts related to the proposed development on significant natural heritage features and functions of the property and adjacent lands. This report also documents the natural environmental features present within the property and adjacent lands with regard to Species at Risk and their habitats.

Should you have any questions or require additional information please do not hesitate to contact the undersigned.

Yours truly,  
AZIMUTH ENVIRONMENTAL CONSULTING, INC.

Courtney Butler, B.E.S.  
Terrestrial Ecologist



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## 1.0 INTRODUCTION

Azimuth Environmental Consulting, Inc. (Azimuth) was retained by Robert Bryan to prepare a Scoped Environmental Impact Study (Scoped EIS) for a proposed severance and subsequent construction of a single detached dwelling and driveway at 51494 3<sup>rd</sup> Line East, also referenced as Part of Lot 4 Concession 4 (East of Hurontario), Township of Mulmur (Township), Dufferin County (County) (Figure 1). The lot located at Lot 4, Concession 4 is a large property that contains both developed and undeveloped features. The proposed severance for the property is located on the southern most edge of the lot, adjacent to Maple Beech Farm. This proposed lot line is seen in Figure 2, identified as the Approximate Property Boundary. The client wishes to sever the lot for an eventual development. Pre-consultation with the Township, County and Nottawasaga Valley Conservation Authority (NVCA) determined the need for an EIS to be undertaken due to the presence of woodlands on and adjacent to the property (Appendix A and B).

The purpose of this Scoped EIS is to identify the candidate Key Natural Heritage Features (KNHFs) present within the property boundary and address the proposed lot line creation. As this EIS is for a severance, no impacts are to occur from severing a lot; however, impacts can occur when the lot is developed in the future. As such, Azimuth will address potential impacts to candidate KNHFs and propose areas recommended for development within the property boundary. A review of background information in combination with a single site visit was undertaken on September 24, 2021 to identify natural heritage features and functions as candidates for consideration as significant KNHFs associated with the study area. This report also examines potential for Species at Risk (SAR) protected under the *Endangered Species Act, 2007* (ESA) within the study area. This EIS will be addressing the potential for negative impacts to natural heritage features resulting from the proposed severance and recommendations for avoidance and mitigation measures for a potential future development are provided.

## 2.0 PLANNING CONTEXT

### 2.1 Provincial Planning Policy (2020)

The Provincial Policy Statement (PPS) (MMAH, 2020a) outlines policies related to natural heritage features (Section 2.1) and water resources (Section 2.2). Ontario's *Planning Act*, (1990) requires that planning decisions shall be consistent with the PPS. The study area for this assessment is located entirely within **Ecoregion 6E**. According to the PPS development and site alteration shall not be permitted in:

- *Significant wetlands* in Ecoregions 5E, 6E and 7E; and,
- *Significant coastal wetlands*.

Similarly, Section 2.1.5 of the PPS states that, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, development and site alteration shall not be permitted within:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E; and 7E;
- b) *significant woodlands* in Ecoregions 6E; and 7E;
- c) *significant valleylands* in Ecoregions 6E; and 7E;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and,
- f) *coastal wetlands* in Ecoregions 5E, 6E; and 7E that are not subject to policy 2.1.4(b)

It is ultimately the responsibility of the Province and/or the Municipality to designate areas identified within Section 2.1.4 and 2.1.5 of the PPS as “significant”.

Section 2.1.6 of the PPS states that development and site alteration is not permitted in fish habitat except in accordance with federal and provincial requirements.

Section 2.1.7 of the PPS states that development and site alteration shall not be permitted in habitat of Endangered and Threatened species, except in accordance with provincial and federal requirements.

Furthermore, under Section 2.1.8 of the PPS, no development and site alteration will be permitted on lands adjacent to natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated there will be no negative impacts on the natural features and ecological functions.

## **2.2 Growth Plan for the Greater Golden Horseshoe (2020)**

The Growth Plan for the Greater Golden Horseshoe (Growth Plan; MMAH, 2020b) informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe, which includes the property.

A Natural Heritage System for the Growth Plan has been mapped by the province. However, as per Section 4.2.2.4, provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the applicable upper or single tier official plan. Until that time, the policies in the Growth Plan that refer to the Natural Heritage System for the Growth Plan will apply outside settlement areas to the natural heritage systems identified in official plans that were approved and in effect as of

July 1, 2017. The natural heritage system identified within the Town’s Official Plan is described in Section 2.5 below.

Section 4.2 of the Growth Plan outlines protections for natural heritage features and functions within the *Natural Heritage System*. *Key natural heritage features* are defined within the Growth Plan as “habitat of endangered species and threatened species; fish habitat; wetlands; life science ANSIs, significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars,” while *key hydrologic features* are defined as “permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands.”

Section 4.2.3.1 states that outside of *settlement areas*, *development* and *site alteration* is not permitted in *key natural heritage features* that are part of the *Natural Heritage System* or in *key hydrologic features*, with some exceptions.

As per Section 4.2.4.1, outside settlement areas, a proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the Natural Heritage System or a *key hydrologic feature* will require a natural heritage evaluation or hydrologic valuation that identifies a vegetation protection zone, which:

- a. is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change;
- b. is established to achieve and be maintained as natural self-sustaining vegetation; and
- c. for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the *key natural heritage feature* or *key hydrologic feature*.

### **2.3 *Endangered Species Act, 2007***

Ontario’s ESA provides regulatory protection to Endangered and Threatened species prohibiting harassment, harm and/or killing of individuals and destruction of their habitats. Habitat is broadly characterized within the ESA as the area prescribed by a regulation as the habitat of the species or an area on which the species depends, directly or indirectly, to carry on its life processes including reproduction, rearing of young, hibernation, migration or feeding.

The various schedules of the ESA included under O. Reg. 230/08 identify SAR in Ontario. These include species listed as Extirpated, Endangered, Threatened and Special



Concern. As noted above, only species listed as Endangered and Threatened receive protection from harm and destruction to habitat on which they depend.

#### **2.4 Dufferin County Official Plan (2017)**

The property is designated as Rural according to Schedule C of the County of Dufferin Official Plan (2017), (Appendix A).

Woodlands have been mapped on the properties that are also part of the County's Preliminary Natural Heritage System according to Schedule E and E1 (Appendix A). As per Section 5.3.4 of the Official Plan, development and site alteration will not be permitted within or adjacent to significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions through the preparation of an EIS.

#### **2.5 Township of Mulmur Official Plan (2012)**

The property is designated as Rural with Natural Area also mapped on a portion of the property, according to Schedule A1 – Land Use Designations (Appendix A). As per Section 6.3 of the Official Plan, the creation of new lots that extend into or through Natural Areas shall be generally discouraged, and shall not be approved where the creation of lots would conflict with Provincial Policies.

Wooded Area has been mapped on the property according to Schedule B2 – Category Two Natural Features (Appendix A). According to Section 5.1.8 of the Official Plan, unless it has been demonstrated that there will be no negative impacts, on the natural features or their ecological functions, development and site alteration shall not be permitted in significant woodlands.

According to Schedule B3 (Physical Constraints and Hazards), the property has some areas of Moderate Slope.

#### **2.6 Nottawasaga Valley Conservation Authority**

There are no lands regulated by the NVCA on the property. (Appendix B). There is no development or site alteration proposed within any NVCA regulated lands, therefore the proposed development is not subject to a permit under O. Reg. 172/06. It is Azimuth's understanding, that the NVCA is acting as a peer review agency on behalf of the Township and has therefore been involved with the approvals process for this project.

### **3.0 STUDY APPROACH**

Azimuth attended the property on September 24, 2021 to carry out an assessment of the natural features within the study area. The site investigation was undertaken in the fall before the first hard frost, therefore natural feature limits (including herbaceous ground cover) were visible, and Azimuth was able to accurately delineate vegetation communities.

Prior to undertaking the field study an initial classification of habitats was undertaken using recent air photo imagery for an area encompassing the study area, defined as the property delineated in Figure 1 and adjacent lands (*i.e.* lands within approximately 120 metres (m) of the property boundary). Vegetation boundaries were checked in the field and delineated as illustrated in Figure 2. Vegetation community types were classified using the Ecological Land Classification for Southern Ontario: First Approximation (ELC: Lee *et al.*, 1998; 2008). Natural features in the overall planning area beyond the defined study area limits are discussed where applicable throughout this report.

A SAR screening was undertaken for the scope of this assignment that compares the habitat requirements of species with potential to occur in the overall planning area with habitat types that occur on the property. The screening was based on air photo interpretation combined with onsite evaluation of habitats within the study area.

A Terms of Reference for the above survey program was provided to the NVCA on July 28, 2021, to which a response was received on September 7, 2021 (Emma Perry, Planning Ecologist), confirming the scope of the program undertaken was acceptable and provided some additional information for consideration. A consultation record between Azimuth and the NVCA is provided in Appendix B.

### **4.0 EXISTING CONDITIONS**

#### **4.1 Land Use**

The lot located at Lot 4, Concession 4 is a large property that contains both developed and undeveloped features. The proposed severance for the property is located on the southern most edge of the lot, adjacent to Maple Beech Farm. This proposed lot line is seen in Figure 2 as the Approximate Property Boundary. Azimuth completed studies within the proposed Property Boundary limits. The proposed lot is undeveloped, with both meadow and deciduous forest communities found on the site. Adjacent lands consist of both developed and undeveloped areas. The western edge of the site is bounded by 3rd Line East and to the south, a developed residential dwelling. To the

northwest of the site, a driveway and housing development are currently being built off property while the northeast portion comprises a deciduous forest that slightly encroaches onto the property. The east end of the property descends slightly in elevation with scattered trees present in a meadow landscape.

## 4.2 Vegetation

A field survey was undertaken to evaluate vegetation community types including representative plant species compositions on September 24, 2021. Property access was granted within the proposed property boundary and the adjacent areas to the east and north (Figure 2). The site visit was undertaken by two qualified Terrestrial Ecologists with knowledge of rare, Threatened, and Endangered plant species with potential to occur in the area.

There are no elements of occurrence (EO\_ID) within the property or adjacent lands for provincially Endangered or Threatened, or provincially rare vegetation species according to the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) Natural Heritage Information Centre (NHIC) database. A detailed survey was undertaken to identify Butternut (*Juglans cinerea*), (listed federally and provincially as an Endangered species) trees in proximity to the proposed development, and no Butternut trees were identified.

None of the vegetation communities or species documented are of federal or provincial conservation concern (NHIC, 2021).

Vegetation communities within the property were determined in accordance with the ELC system, and can be seen in Figure 2. A full vegetation list of vascular plants observed on the property is available in Table 1. The two vegetation communities identified within the study area are described as follows:

### **MEMM3 Dry-Fresh Mixed Meadow Ecosite**

The meadow community is the largest community, taking up the majority of the site. This community consists mostly of graminoid species, and has rolling topography going from a high point on the south side to a lower point on the north side, visualized in a photographic record presented in Appendix C. The community is dominated by Canada Goldenrod (*Solidago canadensis*), Tufted Vetch (*Vicia cracca*), New England Aster (*Symphyotrichum novae-angliae*) and Common Timothy (*Phleum pratense*). There is presence of both native and non-native species sparsely arranged throughout the property. There are young trees present within the community on the south border, mostly

consisting of American Basswood (*Tilia americana*), Green Ash (*Fraxinus pennsylvanica*), Common Buckthorn (*Rhamnus cathartica*), Sugar Maple (*Acer saccharum*) and American Elm (*Ulmus americana*). Mature American Basswood, Green Ash and Sugar Maple trees line the roadway at the west side of the site.

#### **FODM5-1 Dry-Fresh Sugar Maple Deciduous Forest**

This vegetation community takes up a small portion of the site, but expands well off-site as a part of a larger forest community beyond the northeast end of the study area. The topography is mostly upland, with some low areas that follow the rolling topography of the general area. Canopy cover is dense, generally dominated overall by Sugar Maple, with some trees showing old growth qualities. There are elements of American Beech (*Fagus grandifolia*) trees present in the canopy, with occasional Basswood, and Eastern Hop-hornbeam (*Ostrya virginiana*). The sub canopy is fairly sparse, and contains similar species composition, with the addition of the occasional American Elm. Ground cover in this community is sparse, with mostly Sugar Maple and Green Ash seedlings present. The forest has a high diversity of native species, and contains elements of old growth features. Several trees within the forest contain snag features that have potential to provide access for wildlife including bat species.

### **4.3 Wildlife**

Direct and indirect observations of wildlife (*i.e.* tracks, scat, fur) were collected as a matter of course during the September 24, 2021 site investigation. The following species and signs thereof were observed within the study area limits during the site investigation:

- Birds: Song Sparrow (*Melospiza melodia*), Turkey Vulture (*Cathartes aura*), Blue Jay (*Cyanocitta cristata*), Mallard (*Anas platyrhynchos*), American Crow (*Corvus brachyrhynchos*)
- Mammals: Eastern Chipmunk (*Tamias striatus*)

### **4.4 Species at Risk**

A screening for SAR occurred within the planning area based on potentially suitable habitat features identified during the site investigation (Table 2). The SAR assessment fully considers SAR with potential to occur within the planning area. Based on this assessment in combination with vegetation communities and other environmental features observed during the site investigation, the following species are considered below in this report:

- **Threatened and Endangered:**
  - Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Tri-colored Bat (*Perimyotis subflavus*)
- **Special Concern:** Eastern Wood-pewee (*Contopus virens*), Monarch (*Danaus plexippus*), Wood Thrush (*Hylocichla mustelina*)

#### 4.5 Wetlands

There were no wetlands identified on or adjacent to the property based on our September 24, 2021 field investigation and available on Township, County, or Provincial mapping resources (NHIC, 2021).

#### 4.6 Significant Woodland

ELC vegetation community FODM5-1 shown on Figure 2 located in the north eastern portion of the property has been identified as woodland according to the County of Dufferin and as Category Two Natural Feature Wooded Area (>10 hectares (ha)), Township of Mulmur (Appendix A). In accordance with the Township's Official Plan, it is our interpretation that Category Two Natural Features may be considered as Significant Woodland.

Within the Township of Mulmur, there is approximately 45% woodland cover (Township of Mulmur, 2012); therefore, woodland must be at least 50ha in size or larger to be considered significant according to the Natural Heritage Reference Manual (NHRM; OMNR, 2010). The woodland on the property and extending onto adjacent lands appears to be less than 50ha in size, and therefore does not qualify for significance under the woodland size criteria in the NHRM.

Based on the above assessment, the woodland (FODM5-1) in the north east corner of the property may qualify as Significant Woodland and will be treated as Candidate Significant Woodland for the purposes of this assessment.

#### 4.7 Significant Valleyland

No portion of the study area is identified as Significant Valleyland, nor assigned a similar designation on Township, County, or Provincial mapping resources (NHIC, 2021). Moderate slopes are present on the property, as per Township mapping. However, there is no evidence of any watercourses/drainage features on the site.

Therefore, there are no valleyland features located within the study area according standards presented in the NHRM, requiring a defined watercourse between substantial embankments to be considered as such.

#### **4.8 Significant Wildlife Habitat**

An assessment of the potential for Significant Wildlife Habitat (SWH) within study area was conducted using the criteria outlined within MNRFP's Significant Wildlife Habitat Technical Guide (2000) and the accompanying Ecoregion 6E Criteria Schedules (MNRFP, 2015). The following Candidate SWH types have potential to be present within the study area based on the results of the field program:

- Bat Maternity Colonies; and
- Special Concern and Rare Wildlife Species
  - Eastern Wood-pewee
  - Wood Thrush
  - Monarch Butterfly

#### **4.9 Areas of Natural and Scientific Interest**

According to provincial mapping resources, the Violet Hill Channel – Boyne Valley Area of Natural and Scientific Interest (Earth Science) (NHIC, 2021) is located on the west side of the 3<sup>rd</sup> Line, across the road from the property, as seen in Appendix B. The area is identified as having provincially significant earth science representation of the “type” area of the Orangeville Moraine and the Violet Hill meltwater channel, as well as representation of a portion of the Singhampton-Gibraltar Moraine complex (OMNR, 1991). The feature does not intersect with the property boundaries.

#### **4.10 Fish and Fish Habitat**

There are no watercourses or drainage features with potential to provide fish habitat on or adjacent to the property limits.

#### **4.11 Natural Heritage Features Summary**

The results of Azimuth's site investigation combined with review of background information indicate the potential for the following candidate KNHFs within the study area:

- Habitat for Endangered and Threatened Species;
  - Little Brown Myotis, Northern Myotis, Tri-colored Bat (woodland);
- Candidate Significant Woodland (on and adjacent to property); and
- Candidate Significant Wildlife Habitat (on and adjacent to property).

## **5.0 PROPOSED DEVELOPMENT**

The development proposal is to sever the lot with future intention to build a single detached dwelling, driveway, and accessory structures on the retained parcel. This EIS is to focus on the proposed severance of the lot to assist in the future planning stages for the property. Design plans for the construction are not prepared at this time. As indicated by the client, a new dwelling and amenity space are currently being evaluated for suitability within the limits of the meadow on the property (MEMM3, Figure 2), with access from the 3<sup>rd</sup> Line East.

Mapping of the proposed severance parcel on the overall larger property is shown as the ‘approximate property boundary’, and a recommended development area is identified as “proposed development area” on Figure 2.

## **6.0 IMPACT ASSESSMENT**

This impact assessment is prepared to identify areas of the proposed severance parcel with natural heritage sensitivity to assist the property owner in evaluating suitable options for future use and a recommended development envelope for eventual construction.

### **6.1 Habitat for Threatened and Endangered Species**

Impacts with regards to the ESA and Habitat of Threatened or Endangered Species are covered under Section 9 and 10 of the ESA. Section 9 deals directly with killing, harming, or harassing living members of a species while Section 10 covers destruction or damage to habitat of Threatened or Endangered species. The following Threatened and Endangered species have the potential and/or have been confirmed to occur within the limits of the property and on adjacent lands:

- Little Brown Myotis, Northern Myotis, Tri-colored Bat (woodland).

#### **6.1.1 Little Brown Myotis, Northern Myotis, Tri-colored Bat**

Little Brown Myotis, Northern Myotis, and Tri-colored Bat may utilize woodlands as maternity roost sites, utilizing trees >25 centimetres (cm) diameter at breast height with evidence of cracks, holes, splits, lifted bark, *etc.* (called “snags”) to provide refuge for the rearing of young during the late spring and early summer months (approximately June). Potentially suitable habitat is associated with the FODM5-1 community (Figure 2) that contains mature trees with snag features of sufficient size to provide this potential function.



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 (shown as the ‘approximate property boundary’) 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.

Trees located within the meadow portion of the property (MEMM3, Figure 2) were immature to moderately mature, and generally <25cm DBH and do not provide habitat for SAR bats. Removal of trees within the meadow, where required, is not anticipated to negatively impact potential bat roosting habitat on the property.

Providing that conformance is demonstrated for environmental considerations and mitigation described in Section below, there will be no reduction of the available forest habitat post-development.

## **6.2 Candidate Significant Woodland**

According to the PPS development and site alteration are not permitted within Significant Woodlands located in Ecoregion 6E, unless it can be demonstrated there will be no negative impacts upon the feature and its ecological functions.

As described above, a portion of the woodland (FODM5-1, Figure 2) will be included in the severance of the proposed lot line on the northeast side of the site, as seen in Figure 2. Future development is recommended only in the meadow (MEMM3, Figure 2) that takes up a majority of the property. Tree removal from the woodland present on the site, and 10m setback is not supported in order to avoid potential indirect impacts to the feature or its ecological functions

As such, if the development were to remain setback 10m from the woodland, as proposed in Figure 2, the ecological functionality associated with the woodland would not be expected to negatively impact Candidate Significant Woodland providing conformance is demonstrated for environmental considerations and mitigation described in Section 7 below.

## **6.3 Candidate Significant Wildlife Habitat**

According to the PPS development and site alteration are not permitted within SWH located in Ecoregion 6E, unless it can be demonstrated there will be no negative impacts upon the feature and its ecological functions. For the purposes of this assessment, Candidate SWH described below is treated as significant.

- Bat Maternity Colonies;
- Special Concern and Rare Wildlife Species
  - Eastern Wood-pewee
  - Wood Thrush
  - Monarch Butterfly

### 6.3.1 Bat Maternity Colonies

As highlighted above, potentially suitable habitat is primarily associated with the FODM5-1 community (Figure 2) that contains mature trees of sufficient size to provide this potential function. Azimuth understands that the forest community is to be retained on the site with a 10m setback from the feature, and will not undergo any tree removals. As such, the function of the habitat is not expected to be impacted.

### 6.3.2 Habitat for Special Concern and Rare Wildlife Species

Species-specific surveys to target presence/absence of Special Concern species were not conducted as a part of this assessment. For the purposes of this assessment, presence of Special Concern species (for which suitable habitat may be present) is assumed in lieu of conducting appropriate screenings for these species.

#### Eastern Wood-pewee and Wood Thrush

These woodland species prefer mature and intermediate age deciduous and mixed forests with varying degrees of undergrowth (open [Eastern Wood-pewee] and dense [Wood Thrush]). They are often associated with forests dominated by Sugar Maple (*Acer saccharum*). The overall size of the woodland habitat does not appear to be an important factor in habitat selection as both species have been documented in highly fragmented forests (COSEWIC, 2012a; COSEWIC, 2012b). Based on this information, it appears that the most potentially suitable habitat on the property would be associated with the Sugar Maple forest community (FODM5-1, Figure 2). There is no planned reduction of habitat for these species on the site, and as such, this should not affect the overall availability of habitat for the species post-development, if recommendations are adhered to. Therefore, this potential SWH function will continue post-development.

#### Monarch Butterfly

Monarch Butterfly can generally be identified in any old field or cultural meadow habitat often including disturbed ditches along road right of ways, however the key habitat is typically associated with tracts of old-field meadow habitat containing an abundance of Common Milkweed (*Asclepias syriaca*). The meadow community (MEMM3, Figure 2) present within the property limit may provide limited habitat opportunities for Monarch Butterfly, as some Milkweed was observed during the vegetation survey.

The eventual development will take place in the meadow community, and there for may cause minor removals of marginal habitat that may be suitable for Monarch Butterfly. Habitat for this species is highly represented in the general area however, and as such, no negative impact to the species or its habitat is anticipated as a result of the proposed severance.

## **7.0 RECOMMENDATIONS**

Azimuth recommends that any future development be setback 10m from the dripline of the forest (Figure 2) to limit potential impacts to the forest feature. The proposed severance is not expected to have any impacts on the site itself. At this time, no development plans are available, and as such, the following recommendations are suggested.

### **7.1 Species at Risk**

This report is intended as a point in time assessment of the potential to impact SAR; not to provide long term “clearance” for SAR. While there is no expectation that the assessment should change significantly, it is the responsibility of the proponent to ensure that they are not in contravention of the ESA at the time that site works are undertaken. A review of the assessment provided in this report by a qualified person should be sufficient to provide appropriate advice at the time of the onset of future site works. The forest on the site (FODM5-1) is recommended to be retained on the property with a 10m setback as to not disturb potential SAR habitat.

### **7.2 Migratory Breeding Birds**

Activities involving the removal of vegetation should be restricted from occurring during the breeding season. Migratory birds, nests, and eggs are protected by the *Migratory Birds Convention Act*, 1994 (MBCA) and the *Fish and Wildlife Conservation Act*, 1997 (FWCA). Environment Canada outlines dates when activities in any region have potential to impact nests at the Environment Canada Website (<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html>). In Zones C1 and C2 vegetation clearing should be avoided between **April 1 through August 31** of any given year. If work requires that vegetation clearing is required between these dates screening by an ecologist with knowledge of bird species present in the area could be undertaken to ensure that the vegetation has been confirmed to be free of nests prior to clearing.

### **7.3 Sediment and Erosion Controls**

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. This will also help to define the limits of development and prevent incidental encroachment into non-development areas.

### **7.4 Operations**

All maintenance activities required during future construction should be conducted at least 30m away from woodlands (FODM5-1, Figure 2) to prevent accidental spillage of deleterious substances that may harm natural environments.

## **8.0 CONCLUSIONS**

Based upon our analysis, it is concluded that the environmental conditions are not limiting to the proposed lot severance and potential future development of a single detached dwelling, driveway, and accessory structures through a lot severance application, providing incorporation of the environmental protection measures described in Section 7 of this report are followed.

At this time, our findings are summarized as follows:

- The proposed site alteration is consistent with the policies of the Provincial Policy Statement, ESA, Dufferin County Official Plan, Township of Mulmur Official Plan, and Nottawasaga Valley Conservation Authority O. Reg. 172/06.
- The Growth Plan and its potential applicability regarding Candidate Significant Woodland on the property should be considered by the Township in future decision-making for a proposed development on the property.
- Our impact assessment has given full consideration to the habitat requirements of all SAR assumed and documented to occur in the area and results indicate the proposed development will not result in negative direct or indirect impacts to habitat of SAR providing conformance is demonstrated to mitigation measures described in Section 7.

- The proposed works are not expected to negatively impact the ecological functions of Candidate Significant Woodland or Candidate Significant Wildlife Habitat outlined in Section 4.11 if the appropriate mitigation measures outlined in Section 7 are followed.

## 9.0 REFERENCES

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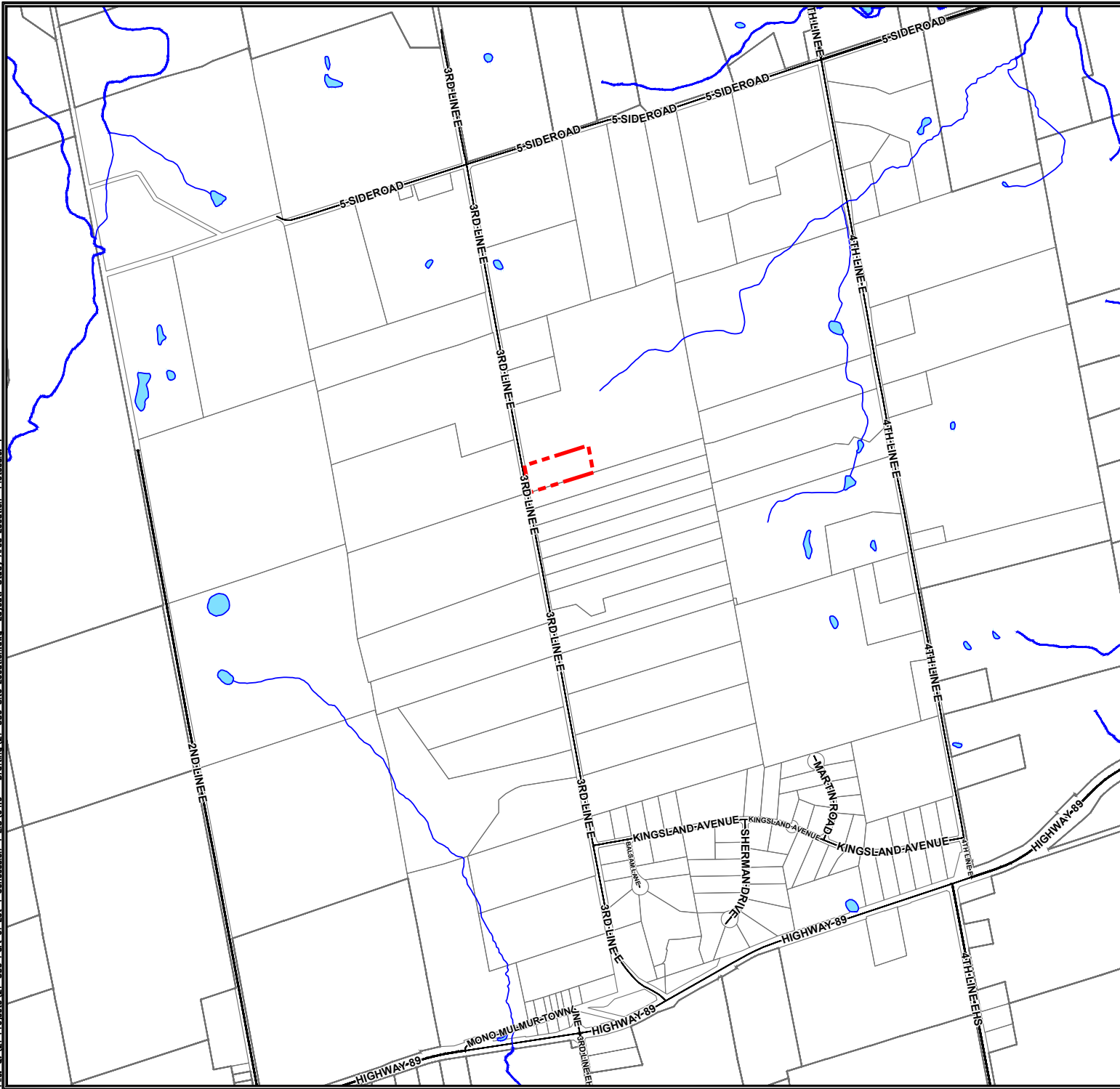
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Ontario Ministry of Natural Resources (OMNR). 2010. Natural Heritage Reference Manual for Policy 2.3 of the provincial policy statement, 2005 (2<sup>nd</sup> Ed.). Ontario Ministry of Natural Resources, Toronto, ON.

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Plotted by: ALU on December 20, 2021 at 1:32pm  
File: C:\21 Projects\21-336 Part of Lot 4 Concession 4 EIS\04.0 - Drafting\21-336 Site Location.dwg Layout: Study Area Location PlotScale: 1



**LEGEND:**  
- - - - - APPROX. PROPERTY BOUNDARY

**REGIONAL MAP**  
SCALE 1:250000

0 500 1000  
HORIZONTAL SCALE 1:20000

**AZIMUTH ENVIRONMENTAL CONSULTING, INC.**  
ENVIRONMENTAL ASSESSMENTS & APPROVALS

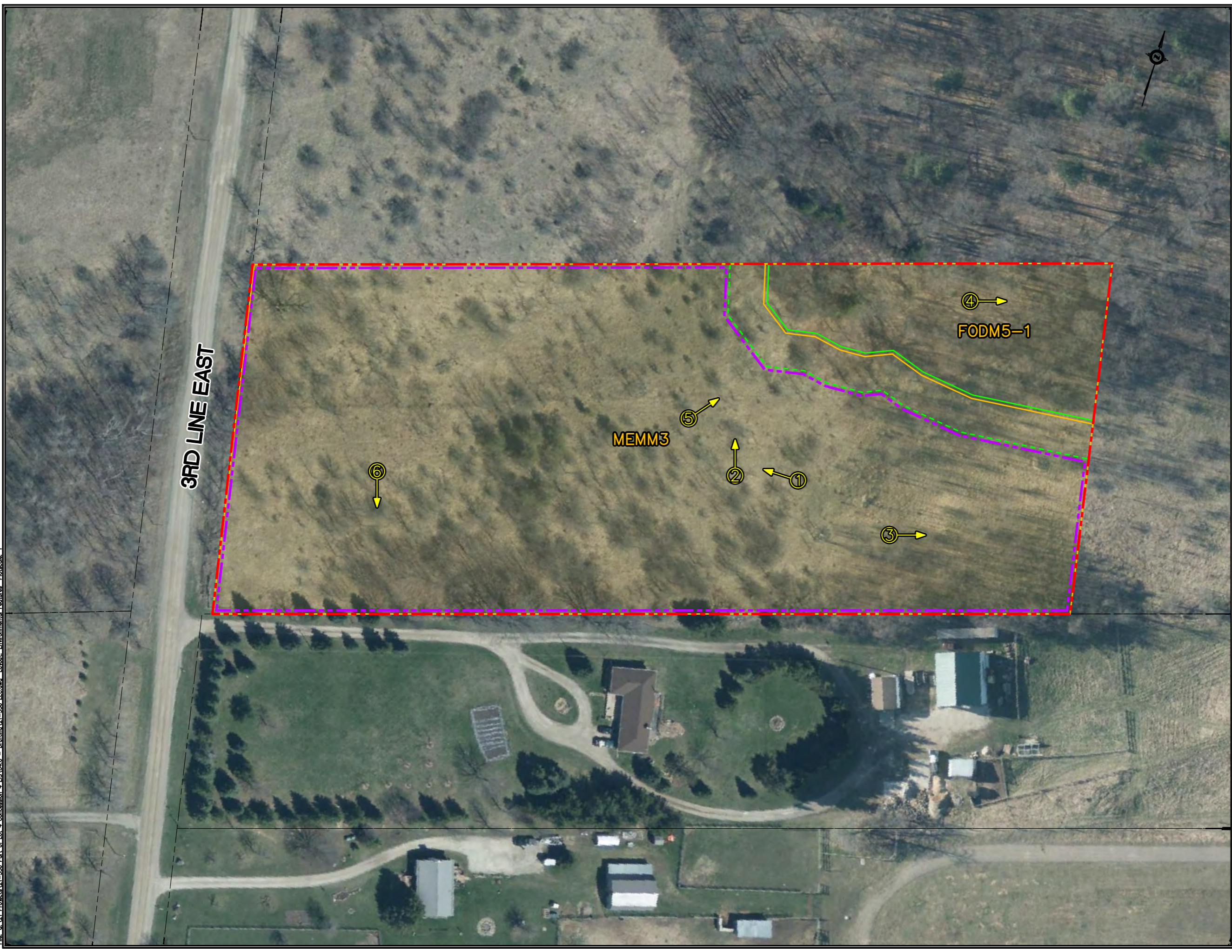
**STUDY AREA LOCATION**

PART OF LOT 4, CONCESSION 4  
MULMUR, ON

DATE ISSUED: DECEMBER 2021	Figure No.
CREATED BY: A.L.	
PROJECT NO.: 21-336	1
REFERENCE: DUFFERIN COUNTY	



Plotted by: ALU on December 20, 2021 at 4:26pm  
 File: Q:\21 Projects\21-336 Part of Lot 4 Concession 4 FSI\04.0 - Drafting\21-336 ELC.dwg Layout: Environmental Features\_PlotScale\_1



**LEGEND:**

- - - APPROX. PROPERTY BOUNDARY
- DRIPLINE (AZIMUTH, DEC. 2021)
- - - 10m DRIPLINE SETBACK
- - - PROPOSED DEVELOPABLE AREA

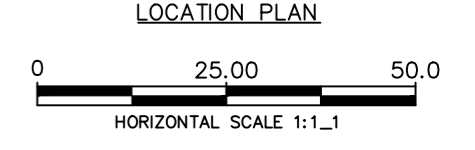
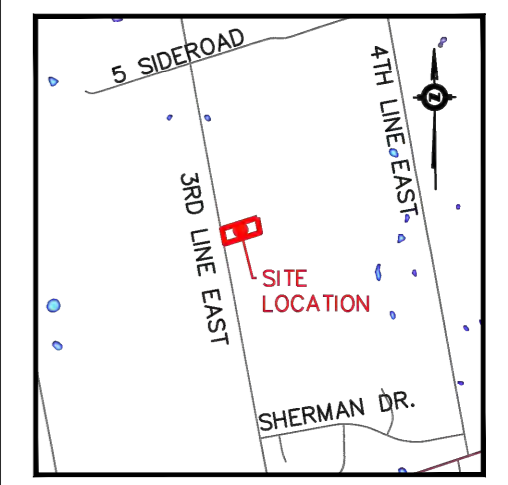
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**ELC VEGETATION COMMUNITIES:**

	<b>FODM5-1</b>	DRY-FRESH SUGAR MAPLE DECIDUOUS FOREST ECOSITE
	<b>MEMM3</b>	DRY-FRESH MIXED MEADOWS ECOSITE

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PHOTO POINT COUNT STATION



**ENVIRONMENTAL FEATURES**

**PART OF LOT 4, CONCESSION 4  
MULMUR, ON**

DATE ISSUED:	DECEMBER 2021	Figure No.
CREATED BY:	A.L.	2
PROJECT NO.:	21-336	
REFERENCE:	DUFFERIN COUNTY	



Table 1: Vascular Plant List

Surveyor: Dan Stuart and Courtney Butler

AEC21-336

FAMILY <sup>1</sup>	SCIENTIFIC NAME <sup>1</sup>	COMMON NAME <sup>1</sup>	Vegetation Communities <sup>2</sup>		Conservation Rankings <sup>3</sup>		
			1	2	GRANK	SRANK	TRACK
Aceraceae	<i>Acer saccharum</i>	Sugar Maple		X	G5	S5	N
Amaranthaceae	<i>Amaranthus retroflexus</i>	Red-root Amaranth	X	X	G5T5	S5	N
Anacardiaceae	<i>Toxicodendron radicans</i> var. <i>Radicans</i>	Eastern Poison Ivy	X		G5	SE5	N
Apiaceae	<i>Daucus carota</i>	Wild Carrot	X	X	G5	SE5	N
Apocynaceae	<i>Apocynum androsaemifolium</i>	Spreading Dogbane	X		GNR	SE5	N
Asclepiadaceae	<i>Asclepias syriaca</i>	Common Milkweed	X		G4G5	SE5	N
Asteraceae	<i>Achillea millefolium</i>	Common Yarrow	X	X	G5	S5	N
Asteraceae	<i>Ambrosia artemisiifolia</i>	Annual Ragweed	X		G5T5	S5	N
Asteraceae	<i>Cirsium arvense</i>	Canada Thistle	X	X	G5	S5	N
Asteraceae	<i>Cirsium vulgare</i>	Bull Thistle	X		G5	S5	N
Asteraceae	<i>Erigeron canadensis</i>	Canada Horseweed		X	G5	S5	N
Asteraceae	<i>Erigeron strigosus</i>	Rough Fleabane	X		G5	SE5	N
Asteraceae	<i>Inula helenium</i>	Elecampane	X		GNR	SE5	N
Asteraceae	<i>Leucanthemum vulgare</i>	Oxeye Daisy	X		G5	S5	N
Asteraceae	<i>Mycelis muralis</i>	Wall Lettuce	X		G5	S5	N
Asteraceae	<i>Solidago canadensis</i> var. <i>canadensis</i>	Canada Goldenrod		X	G5	S5	N
Asteraceae	<i>Solidago rugosa</i> var. <i>rugosa</i>	Northern Rough-leaved Goldenrod	X	X	G5	S5	N
Asteraceae	<i>Symphyotrichum ericoides</i> var. <i>ericoides</i>	White Heath Aster	X		GNR	SE5	N
Asteraceae	<i>Symphyotrichum lanceolatum</i> ssp. <i>lanceolatum</i>	Panicled Aster		X	GNR	SE5	N
Asteraceae	<i>Symphyotrichum lateriflorum</i>	Calico Aster	X		G5T5	S5	N
Asteraceae	<i>Symphyotrichum novae-angliae</i>	New England Aster	X		G5	S5	N
Asteraceae	<i>Symphyotrichum urophyllum</i>	Arrow-leaved Aster		X	G5	S5	N
Asteraceae	<i>Taraxacum officinale</i>	Common Dandelion		X	G5	S5	N
Asteraceae	<i>Tragopogon pratensis</i>	Meadow Goat's-beard		X	G4G5	SE5	N
Betulaceae	<i>Ostrya virginiana</i>	Eastern Hop-hornbeam	X	X	G5?	S5	N
Brassicaceae	<i>Diplotaxis muralis</i>	Stinking Wallrocket		X	G5	S5	N
Brassicaceae	<i>Hesperis matronalis</i>	Dame's Rocket		X	G5	S5	N
Caprifoliaceae	<i>Lonicera tatarica</i>	Tartarian Honeysuckle	X		GNR	SE5	N
Caprifoliaceae	<i>Viburnum opulus</i> ssp. <i>trilobum</i>	Highbush Cranberry	X		GNR	SE5	N
Cornaceae	<i>Cornus alternifolia</i>	Alternate-leaved Dogwood		X	G5	S5	N
Cornaceae	<i>Cornus stolonifera</i>	Red-osier Dogwood	X		G5T5	S5	N
Cyperaceae	<i>Carex arctata</i>	Black Sedge		X	G5	S4	N
Cyperaceae	<i>Carex communis</i>	Fibrous-root Sedge		X	G5	SE4	N
Cyperaceae	<i>Carex pedunculata</i>	Long-stalked Sedge	X	X	G5	S5	N
Cyperaceae	<i>Carex pensylvanica</i>	Pennsylvania Sedge	X	X	G5	S4	N
Cyperaceae	<i>Carex spicata</i>	Spiked Sedge		X	G4G5	S4	N
Dryopteridaceae	<i>Athyrium filix-femina</i> var. <i>angustum</i>	Northeastern Lady Fern	X		GNR	SE5	N
Dryopteridaceae	<i>Dryopteris intermedia</i>	Evergreen Wood Fern	X		GNR	SE1	N
Dryopteridaceae	<i>Dryopteris marginalis</i>	Marginal Wood Fern	X		GNR	SE2	N
Dryopteridaceae	<i>Matteuccia struthiopteris</i>	Ostrich Fern	X		GNR	SE5	N
Fabaceae	<i>Lotus corniculatus</i>	Garden Bird's-foot Trefoil	X	X	G5	S5	N
Fabaceae	<i>Medicago lupulina</i>	Black Medic		X	GNR	SE5	N
Fabaceae	<i>Melilotus albus</i>	White Sweet-clover		X	GNR	SE5	N
Fabaceae	<i>Robinia pseudoacacia</i>	Black Locust		X	G5	S5	N
Fabaceae	<i>Trifolium pratense</i>	Red Clover		X	G5	S5	N
Fabaceae	<i>Trifolium repens</i>	White Clover	X		G5	S5	N
Fabaceae	<i>Vicia cracca</i>	Tufted Vetch	X		G5	S5	N
Fagaceae	<i>Fagus grandifolia</i>	American Beech	X		G5T5	S5	N
Geraniaceae	<i>Geranium robertianum</i>	Herb-Robert	X		G5	SE5	N
Hydrophyllaceae	<i>Hydrophyllum virginianum</i>	Virginia Waterleaf	X		G5T5	S5	N
Juglandaceae	<i>Juglans nigra</i>	Black Walnut	X	X	G5	S4?	N
Lamiaceae	<i>Clinopodium vulgare</i> ssp. <i>vulgare</i>	Field Basil	X		GNR	SE5	N
Liliaceae	<i>Maianthemum canadense</i>	Wild Lily-of-the-valley	X		G5	SE4	N
Liliaceae	<i>Maianthemum racemosum</i>	False Solomon's-seal	X		GNR	SE5	N
Oleaceae	<i>Fraxinus pennsylvanica</i>	Green Ash	X		GNR	SE5	N
Onagraceae	<i>Circaea alpina</i>	Small Enchanter's Nightshade	X		GNR	SE5	N
Onagraceae	<i>Circaea canadensis</i>	Broad-leaved Enchanter's Nightshade	X		GNR	SE5	N
Onagraceae	<i>Oenothera biennis</i>	Common Evening Primrose	X		GNR	SE5	N
Orchidaceae	<i>Epipactis helleborine</i>	Eastern Helleborine	X		G5T5	SE5	N
Pinaceae	<i>Pinus sylvestris</i> var. <i>sylvestris</i>	Scots Pine	X		G5	S5	N
Pinaceae	<i>Tsuga canadensis</i>	Eastern Hemlock	X		G5	S5	N
Plantaginaceae	<i>Plantago lanceolata</i>	English Plantain		X	GNR	SE1	N
Poaceae	<i>Agrostis gigantea</i>	Redtop	X		GNR	SE4	N
Poaceae	<i>Bromus inermis</i>	Awnless Brome	X		G5	S4?	N
Poaceae	<i>Dactylis glomerata</i>	Orchard Grass	X		GNR	SE5	N
Poaceae	<i>Panicum capillare</i>	Common Panicgrass		X	G5	S5	N
Poaceae	<i>Phleum pratense</i>	Common Timothy		X	G5	S5	N
Poaceae	<i>Poa pratensis</i> ssp. <i>pratensis</i>	Kentucky Bluegrass		X	G5T5	S5	N
Primulaceae	<i>Lysimachia nummularia</i>	Creeping Jennie	X		GNR	SE5	N
Ranunculaceae	<i>Actaea pachypoda</i>	White Baneberry	X		G5T5	S5	N
Ranunculaceae	<i>Clematis virginiana</i>	Virginia Virgin's-bower	X		G5	S5	N
Ranunculaceae	<i>Ranunculus acris</i>	Tall Buttercup	X		G5	S5	N
Rhamnaceae	<i>Rhamnus cathartica</i>	Common Buckthorn	X		GNR	SE5	N
Rosaceae	<i>Agrimonia gryposepala</i>	Hooked Agrimony		X	G5	S5	N
Rosaceae	<i>Crataegus monogyna</i>	English Hawthorn	X		G5	S5	N

Table 1: Vascular Plant List

Surveyor: Dan Stuart and Courtney Butler

AEC21-336

FAMILY <sup>1</sup>	SCIENTIFIC NAME <sup>1</sup>	COMMON NAME <sup>1</sup>	Vegetation Communities <sup>2</sup>		Conservation Rankings <sup>3</sup>		
			1	2	GRANK	SRANK	TRACK
Rosaceae	<i>Fragaria virginiana</i>	Wild Strawberry	X		G5TNR	SE5	N
Rosaceae	<i>Malus pumila</i>	Common Apple	X		GNR	SE5	N
Rosaceae	<i>Potentilla recta</i>	Sulphur Cinquefoil	X		G5	S5	N
Rosaceae	<i>Prunus serotina</i>	Wild Black Cherry	X		G5	SE5	N
Rosaceae	<i>Prunus virginiana</i>	Choke Cherry	X		G5	S5	N
Rosaceae	<i>Rosa multiflora</i>	Multiflora Rose		X	G5	S5	N
Rosaceae	<i>Rubus idaeus ssp. strigosus</i>	Wild Red Raspberry	X		G5T5	S5	N
Rosaceae	<i>Sorbus aucuparia</i>	European Mountain-ash	X		GNR	SE5	N
Salicaceae	<i>Populus balsamifera</i>	Balsam Poplar	X		G5	SE	N
Salicaceae	<i>Salix petiolaris</i>	Meadow Willow	X		G5	SE4	N
Scrophulariaceae	<i>Verbascum thapsus</i>	Common Mullein	X		G5	S5	N
Solanaceae	<i>Solanum nigrum</i>	Black Nightshade		X	G5	S5	N
Tiliaceae	<i>Tilia americana</i>	American Basswood	X		G5	S5	N
Ulmaceae	<i>Ulmus americana</i>	American Elm	X		G5	S5	Y
Vitaceae	<i>Parthenocissus quinquefolia</i>	Virginia Creeper	X		G5	S5	N
Vitaceae	<i>Vitis riparia</i>	Riverbank Grape	X	X	GNR	SE5	N

<sup>1</sup> Nomenclature based on Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) Natural Heritage Information Centre (NHIC),

<sup>2</sup> ELC Codes based on Ecological Land Classification for Southern Ontario manual (Lee et al., 1998)

<sup>3</sup> Conservation Rankings: From Ontario Ministry of Natural Resources, Natural Heritage Information Centre ([http://nhic.mnr.gov.on.ca/nhic\\_.cfm](http://nhic.mnr.gov.on.ca/nhic_.cfm))

**Table #2: Species at Risk Habitat Summary**

Common Name	Species Name	ESA	SARA	Key Habitats Used By Species <sup>1</sup>	Initial Assessment
Bank Swallow	<i>Riparia riparia</i>	THR	No status	Nests in burrows excavated in natural and human-made settings with vertical sand and silt faces. Commonly found in sand or gravel pits, road cuts, lakeshore bluffs, and along riverbanks (COSEWIC, 2013c). ESA Protection: Species and general habitat protection	There are no vertical silt faces on the site. There are sloped areas, but they are well vegetated and not suitable habitat for this species.
Barn Swallow	<i>Hirundo rustica</i>	THR	No status	Ledges and walls of man-made structures such as buildings, barns, boathouses, garages, culverts and bridges. Also nest in caves, holes, crevices and cliff ledges (COSEWIC, 2011d). ESA Protection: Species and general habitat protection	There are no man-made structures currently on the site, and no cliffs or crevices that this species could utilize as habitat.
Bobolink	<i>Dolichonyx oryzivorus</i>	THR	No Status	Nests primarily in forage crops (e.g. hayfields and pastures) dominated by a variety of species such as clover, Timothy, Kentucky Bluegrass, tall grass, and broadleaved plants. Also occurs in wet prairie, graminoid peatlands, and abandoned fields dominated by tall grasses. Does not generally occupy fields of row crops (e.g. corn, soybeans, wheat) or short-grass prairie. Sensitive to habitat size and has lower reproductive success in small habitat fragments (COSEWIC, 2010b). ESA Protection: Species and general habitat protection	The meadow on the site does not provide appropriate habitat for this species, as it is dominated by graminoid species with woody species found throughout. Areas with limited to no tree cover are present within sections of the meadow community, but minor in extent such that open country conditions required by the species are not supported. The meadow does contain grasses, however it is mostly dominated by goldenrods and more weedy species.
Broad Beech Fern	<i>Phyopteris hexagonoptera</i>	SC	SC	Rich soils in deciduous forests, such as Maple-Beech forests (MNR, 2016). ESA Protection: N/A	The species was not observed during the site investigation.
Butternut	<i>Juglans cinerea</i>	END	END	Commonly found in riparian habitats, but is also found in rich, moist, well-drained loams, and well-drained gravels. Butternut is intolerant of shade (COSEWIC, 2003a). ESA Protection: Species and general habitat protection	The species was not observed during the site investigation.
Cerulean Warbler	<i>Dendroica cerulea</i>	THR	SC	Associated with large tracts of mature deciduous forest with tall trees and an open understory. Found in both wet bottomland forests and upland areas (COSEWIC, 2010a).	Woodland interior habitats are not present on the property, however the species could be present within the interior portions of the woodland beyond the study area limits.
Chimney Swift	<i>Chaetura pelagica</i>	THR	THR	Nests primarily in chimneys though some populations (i.e. in rural northern areas) may nest in cavity trees (COSEWIC, 2007a). Recent changes in chimney design may be a significant factor in recent declines in numbers (Cadman <i>et al.</i> , 2007). ESA Protection: Species and general habitat protection	The site does not contain any human made structures that could support this species. There are cavity trees found in the forest on the site this species could potentially use, however due to the abundant habitat in the area it is unlikely.
Common Nighthawk	<i>Chordeiles minor</i>	SC	THR	Open habitats including sand dunes, beaches recently logged/burned over areas, forest clearings, short grass prairies, pastures, open forests, bogs, marshes, lakeshores, gravel roads, mine tailings, quarries, and other open relatively clear areas (COSEWIC, 2007d). ESA Protection: N/A	There are no cleared areas on the site that this species could use as habitat.
Eastern Meadowlark	<i>Sturnella magna</i>	THR	No status	Most common in grassland, pastures, savannahs, as well as anthropogenic grassland habitats, including hayfields, weedy meadows, young orchards, golf courses, restored surface mines, etc. Occasionally nest in row crop fields such as corn and soybean, but there are considered low-quality habitat. Large tracts of grassland are preferred over smaller fragments and the minimum area required is estimated at 5ha (COSEWIC, 2011c). ESA Protection: Species and general habitat protection	The meadow on the site does not provide appropriate habitat for this species, as it is dominated by graminoid species with woody species found throughout. Areas with limited to no tree cover are present within sections of the meadow community, but minor in extent such that open country conditions required by the species are not supported. The meadow does contain grasses, however it is mostly dominated by goldenrods and more weedy species.
Eastern Whip-poor-will	<i>Antrostomus vociferus</i>	THR	THR	Semi-open forests or patchy forests with clearings, such as barrens or forests that are regenerating following major disturbances, are preferred nesting habitats (COSEWIC, 2009a). ESA Protection: Species and general habitat protection	The forest on the site is not patchy or semi-open. There is no regenerating areas that have had disturbances on the site. There is no potential habitat for this species.
Eastern Wood-pewee	<i>Contopus virens</i>	SC	No status	Mostly in mature and intermediate-age deciduous and mixed forests having an open understory. It is often associated with forests dominated by Sugar Maple and oak. Usually associated with forest clearings and edges within the vicinity of its nest (COSEWIC, 2012e). ESA Protection: N/A	The forest on the site has the potential to provide habitat to this species. The species was not observed during the site visit, however, targeted breeding bird surveys did not occur.
Little Brown Myotis	<i>Myotis lucifugus</i>	END	END	Forests and regularly aging human structures as maternity roost sites. Regularly associated with attics of older buildings and barns for summer maternity roost colonies. Overwintering sites are characteristically mines or caves (MNR, 2014) (COSEWIC, 2013b). ESA Protection: Species and general habitat protection	The forest on the site contains several large snag trees that could provide habitat to this species.
Monarch	<i>Danaus plexippus</i>	SC	SC	Breeding habitat is confined to sites where milkweeds, the sole food of caterpillars, grow. Milkweeds grow in a variety of environments, including meadows in farmlands, along roadsides and in ditches, open wetlands, dry sandy areas, short and tall grass prairie, river banks, irrigation ditches, arid valleys, and south-facing hills (COSEWIC, 2010c). ESA Protection: N/A	The meadow on the site contained milkweed that this species could utilize as habitat. The meadow on the site does not qualify as significant habitat for the species due to its size and lack of proximity to major lakes.
Northern Myotis	<i>Myotis septentrionalis</i>	END	END	Maternity roost sites are generally located within deciduous and mixed forests and focused in snags including loose bark and cavities of trees. Overwintering sites are characteristically mines or caves (COSEWIC, 2013b). ESA Protection: Species and general habitat protection	The forest on the site contains several large snag trees that could provide habitat to this species.
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	SC	THR	Occurs in open deciduous forests, particularly those dominated by oak and beech, grasslands, forest edges, orchards, pastures along rivers and roads, urban parks, golf courses, cemeteries, beaver ponds and timber stands that have been treated with herbicides (COSEWIC, 2007b). ESA Protection: N/A	The forest on the site has the potential to provide habitat to this species. The species was not observed during the site visit, however, targeted breeding bird surveys did not occur.
Tri-colored Bat	<i>Perimyotis subflavus</i>	END	END	Maternity roost sites include forests and modified landscapes (barns or human-made structures). Overwintering sites include mines and caves (COSEWIC, 2013b). ESA Protection: Species and general habitat protection	The forest on the site contains several large snag trees that could provide habitat to this species.
Wood Thrush	<i>Hylocichla mustelina</i>	SC	No status	Found in moist, deciduous hardwood or mixed stands, often previously disturbed, with a dense deciduous undergrowth and with tall trees for singing perches (COSEWIC, 2012b). ESA Protection: N/A	The forest on the site does not contain a dense undergrowth that this species prefers. The forest does contain large hardwood trees with singing perches. The forest on the site could provide habitat to this species.
Yellow-breasted Chat	<i>Icteria virens</i>	END	SC	Use regenerating old fields, forest edges, railway and hydro rights-of-way, young coniferous reforestation and, occasionally, wet thickets bordering wetlands (COSEWIC 2011e). ESA Protection: Species and general habitat protection	There is presence of forest edges on the site, however, there is a lack of scrub habitat that this species has a preference for. There is an abundance of old farm fields and scrub lands in the surrounding landscape, and therefore it is unlikely that this species would be present on the site.

<sup>1</sup> Habitat as outlined within the MNR's Species at Risk in Ontario website files (<https://www.ontario.ca/environment-and-energy/species-risk-ontario-list>), or Species Specific COSEWIC Reports referenced in this document.

Species at Risk in Ontario List (June 13, 2017)

Best, T., and J. Jennings. 1997. Mammalian Species, *Myotis leibii*. The American Society of Mammalogists. No. 547, pp. 1-6, 5 figs.

Cadman, M., D. Sutherland, G. Beck, D. Lepage and A. Couturier. 2007. Atlas of the Breeding Birds of Ontario 2001-2005. Bird Studies Canada, Environment Canada, Ontario Field COSEWIC 2003a. COSEWIC assessment and status report on the Butternut *Juglans cinerea* in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 32 pp.

**Table #2: Species at Risk Habitat Summary**

Common Name	Species Name	ESA	SARA	Key Habitats Used By Species <sup>1</sup>	Initial Assessment
COSEWIC. 2005a.	COSEWIC assessment and update status report on the Blanding's Turtle <i>Emydoidea blandingii</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. viii + 40 pp.				
COSEWIC. 2007a.	COSEWIC assessment and update status report on the Chimney Swift <i>Chaetura pelagica</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 49 pp.				
COSEWIC. 2007b.	COSEWIC assessment and status report on the Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 27 pp.				
COSEWIC. 2007c.	COSEWIC assessment and update status report on the Redside Dace <i>Clinostomus elongates</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 59 pp.				
COSEWIC. 2007d.	COSEWIC assessment and status report on the Common Nighthawk <i>Chordeiles minor</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 35 pp.				
COSEWIC. 2007e.	COSEWIC assessment and status report on the Peregrine Falcon <i>Falco peregrinus</i> ( <i>pealei</i> subspecies - <i>Falco peregrinus</i> and <i>pealei anatum/tundrius</i> - <i>Falco peregrinus anatum/tundrius</i> ) in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 47 pp.				
COSEWIC. 2008a.	COSEWIC assessment and status report on the Snapping Turtle <i>Chelydra serpentina</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 47 pp.				
COSEWIC. 2008b.	COSEWIC assessment and update status report on the Short-eared Owl <i>Asio flammeus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 24 pp.				
COSEWIC. 2009a.	COSEWIC assessment and update status report on the Whip-poor-will <i>Caprimulgus vociferus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 28 pp.				
COSEWIC. 2009b.	COSEWIC assessment and update status report on the Least Bittern <i>Ixobrychus exilis</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 36 pp.				
COSEWIC. 2009c.	COSEWIC assessment and status report on the Yellow Rail <i>Coturnicops noveboracensis</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 32 pp.				
COSEWIC. 2010a.	COSEWIC assessment and update status report on the Cerulean Warbler <i>Dendroica cerulea</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. x + 40 pp.				
COSEWIC. 2010b.	COSEWIC assessment and update status report on the Bobolink <i>Dolichonyx oryzivorus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vi + 42 pp.				
COSEWIC. 2010c.	COSEWIC assessment and status report on the Monarch <i>Danaus plexippus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. vii + 43 pp.				
COSEWIC. 2010d.	COSEWIC assessment and update status report on the Butler's Gartersnake <i>Thamnophis butleri</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 51 pp.				
COSEWIC. 2011a.	COSEWIC assessment and update status report on the Henslow's Sparrow <i>Ammodramus henslowii</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. x + 37 pp.				
COSEWIC. 2011b.	COSEWIC assessment and update status report on the King Rail <i>Rallus elegans</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. x + 32 pp.				
COSEWIC. 2011c.	COSEWIC assessment and update status report on the Eastern Meadowlark <i>Sturnella magna</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. x + 40 pp.				
COSEWIC. 2011d.	COSEWIC assessment and update status report on the Barn Swallow <i>Hirundo rustica</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 37 pp.				
COSEWIC. 2011e.	COSEWIC assessment and update status report on the Yellow-breasted Chat <i>auricollis</i> subspecies <i>Icteria virens auricollis</i> and the Yellow-breasted Chat <i>virens</i> subspecies <i>Icteria virens virens</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xiii + 84 pp.				
COSEWIC. 2012a.	COSEWIC assessment and update status report on the Massasauga <i>Sistrurus catenatus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xiii + 84 pp.				
COSEWIC. 2012b.	COSEWIC assessment and status report on the Wood Thrush <i>Hylocichla mustelina</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 46 pp.				
COSEWIC. 2012c.	COSEWIC assessment and status report on the Eastern Ribbonsnake <i>Thamnophis sauritus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xii + 39 pp.				
COSEWIC. 2012d.	COSEWIC assessment and status report on the Northern Map Turtle <i>Graptemys geographica</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 63 pp.				
COSEWIC. 2012e.	COSEWIC assessment and status report on the Eastern Wood-pewee <i>Contopus virens</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. x + 39 pp.				
COSEWIC. 2013a.	COSEWIC assessment and status report on the Grasshopper Sparrow <i>pratensis</i> subspecies <i>Ammodramus savannarum pratensis</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 36 pp.				
COSEWIC. 2013b.	COSEWIC assessment and update status report on the Little Brown Myotis <i>Myotis lucifugus</i> , Northern Myotis <i>Myotis septentrionalis</i> and Tri-colored Bat <i>Perimyotis subflavus</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 58 pp.				
COSEWIC. 2013c.	COSEWIC assessment and update status report on the Bank Swallow <i>Riparia riparia</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 48 pp.				
COSEWIC. 2014a.	COSEWIC assessment and update status report on the Loggerhead Shrike <i>Lanius ludovicianus</i> ssp. and the Prairie subspecies <i>Lanius ludovicianus excubitorides</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. ix + 48 pp.				
COSEWIC. 2015a.	COSEWIC assessment and status report on the Louisiana Waterthrush <i>Parkesia motacilla</i> in Canada. Committee on the Status of Endangered Wildlife in Canada. Ottawa. xi + 58 pp.				
Environment Canada. 2016.	Recovery Strategy for the Butler's Gartersnake ( <i>Thamnophis butleri</i> ) in Canada [Proposed]. Species at Risk Act Recovery Strategy Series. Environment Canada, Ottawa. vi + 47 pp.				
Ministry of Natural Resources and Forestry (MNR). 2014.	Eastern Small-footed Bat. Queen's Printer for Ontario. <a href="https://www.ontario.ca/environment-and-energy/eastern-small-footed-bat">https://www.ontario.ca/environment-and-energy/eastern-small-footed-bat</a>				
Ministry of Natural Resources and Forestry (MNR). 2016.	Species at Risk in Ontario. <a href="http://www.ontario.ca/environment-and-energy/species-risk">http://www.ontario.ca/environment-and-energy/species-risk</a>				

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## **APPENDICES**

**Appendix A:** Municipal Planning Information

**Appendix B:** NVCA and NHIC Information

**Appendix C:** Photo Appendix

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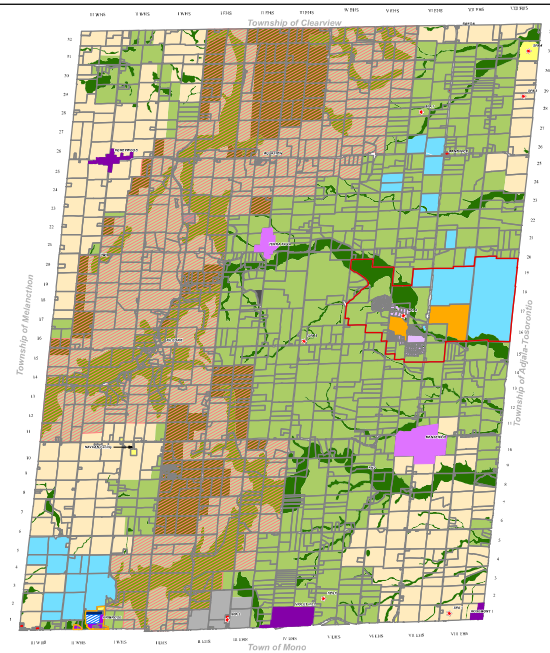
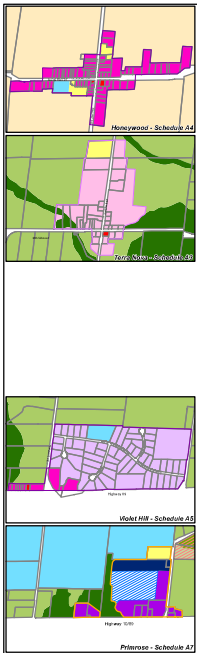
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**APPENDIX A**

**Appendix A: Municipal Planning Information**

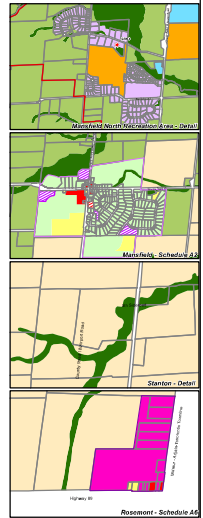
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**Specific Policy Areas (SPA):**  
 Please see the following section(s) in the text documents for applicable policies.

- 1. SPA 1 - Sections 61, 33(a) & 61,4
- 2. SPA 2 - Sections 61, 33(a) & 61,4
- 3. SPA 3 - Sections 61, 33(a) & 61,4
- 4. SPA 4 - Sections 61, 33(a) & 61,4
- 5. SPA 5 - Sections 62, 33(a) & 62,4
- 6. SPA 6 - Section 62, 33(a)
- 7. SPA 7 - Section 62, 33(a)
- 8. SPA 8 - Sections 7, 33(a) & 7, 3,4

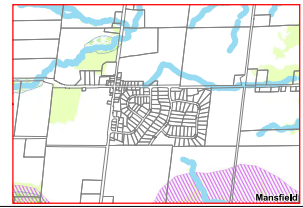
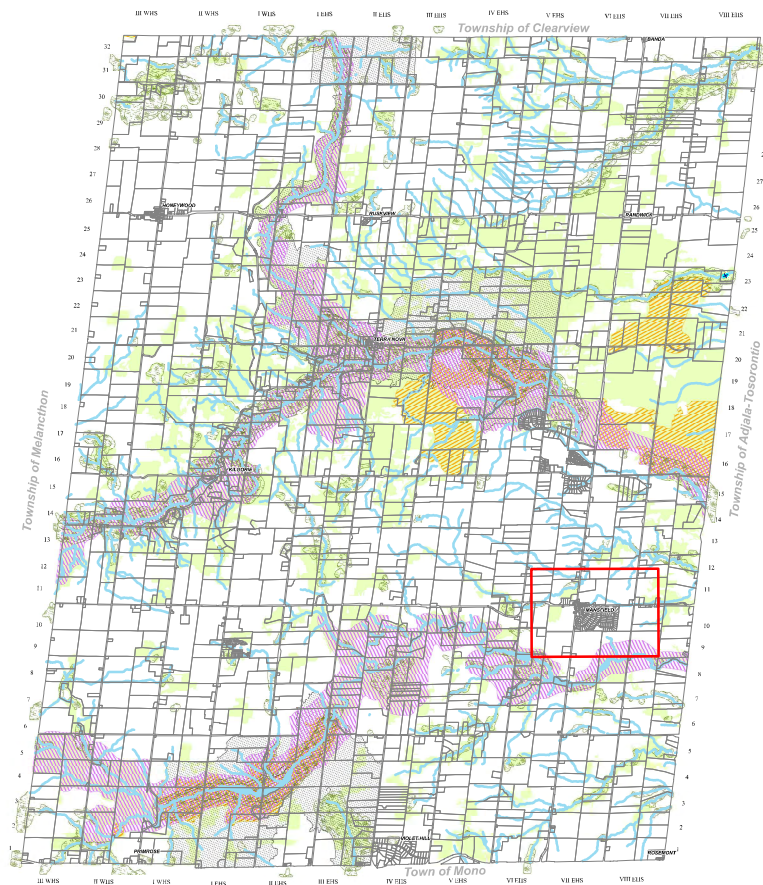


**Township of Mulmur**  
**Official Plan**  
**Schedule A1 -**  
**Land Use Designations**

**Legend**

- Water Bodies (Schedule A1)
- Water Bodies (Schedule A2)
- Water Bodies (Schedule A3)
- Water Bodies (Schedule A4)
- Water Bodies (Schedule A5)
- Water Bodies (Schedule A6)
- Water Bodies (Schedule A7)
- Water Bodies (Schedule A8)
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- Water Bodies (Schedule A46)
- Water Bodies (Schedule A47)
- Water Bodies (Schedule A48)
- Water Bodies (Schedule A49)
- Water Bodies (Schedule A50)

**Scale:** 1:50,000  
 Date: 2014  
 Prepared by: Burns & McDonnell  
 Project No. 14-001



**Township of Mulmur**

Official Plan  
 Schedule B2 - Category  
 Two Natural Features



**Legend**

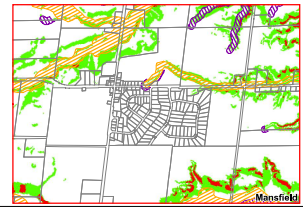
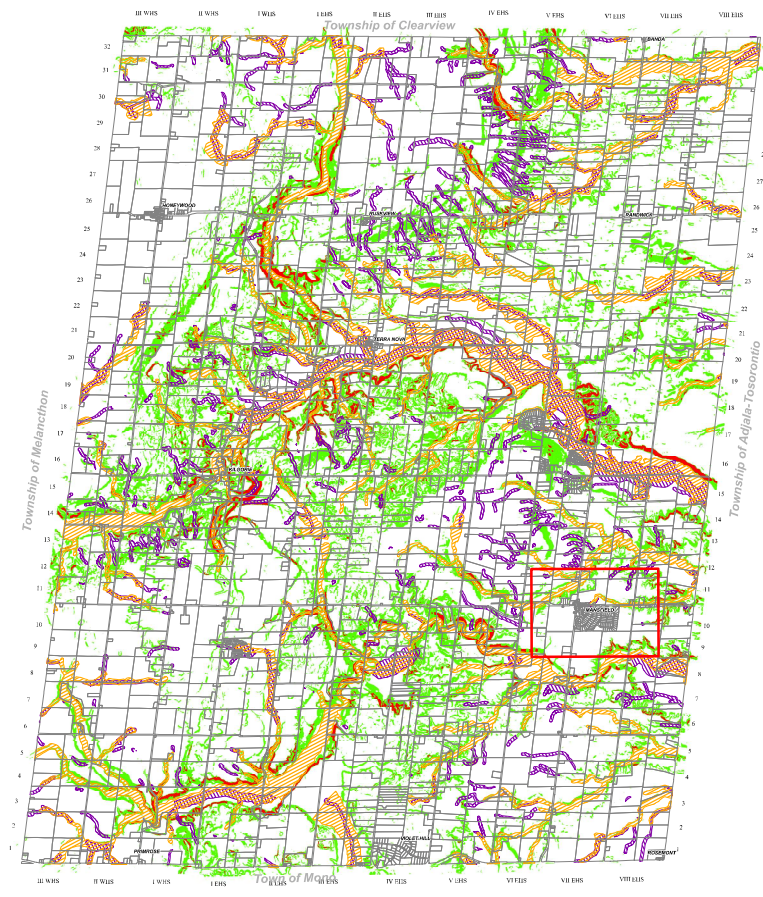
- Parks
- Streams (With Associated Buffers)
- Wetlands (With Associated Buffers)
- Core Deer Wintering Area
- ANR Earth Sciences
- ANR Life Sciences
- Wooded Area (Over 10%)

NOTES

1. This Official Plan is subject to the approval of various information that has been approved by the Ministry of Municipal Affairs and Housing, the Ministry of Environment and Conservation, and the Ministry of Transportation.
2. Certain areas of this Official Plan are subject to the approval of the Ministry of Municipal Affairs and Housing, the Ministry of Environment and Conservation, and the Ministry of Transportation.
3. This Official Plan is subject to the approval of the Ministry of Municipal Affairs and Housing, the Ministry of Environment and Conservation, and the Ministry of Transportation.
4. This Official Plan is subject to the approval of the Ministry of Municipal Affairs and Housing, the Ministry of Environment and Conservation, and the Ministry of Transportation.

Scale: 1:5000  
 Date: April 2008  
 Date Revised: October 2011  
 Project: 1502080524





**Township of Mulmur**

Official Plan  
Schedule B3 - Physical  
Constraints and Hazards



**Legend**

-  Flood Plain & Low Lying Areas
-  Alluvial Beds
- Slope Classification**
-  Moderate Slope (>15.0%)
-  Steep Slope (>30%)
-  Parcel

NOTES:  
1. This is a technical drawing and does not constitute a contract. The Township of Mulmur is not responsible for the accuracy of the information provided herein. The user of this information is advised to verify the accuracy of the information with the appropriate authorities.  
2. The user of this information is advised to verify the accuracy of the information with the appropriate authorities.  
3. The user of this information is advised to verify the accuracy of the information with the appropriate authorities.  
4. The user of this information is advised to verify the accuracy of the information with the appropriate authorities.  
5. The user of this information is advised to verify the accuracy of the information with the appropriate authorities.

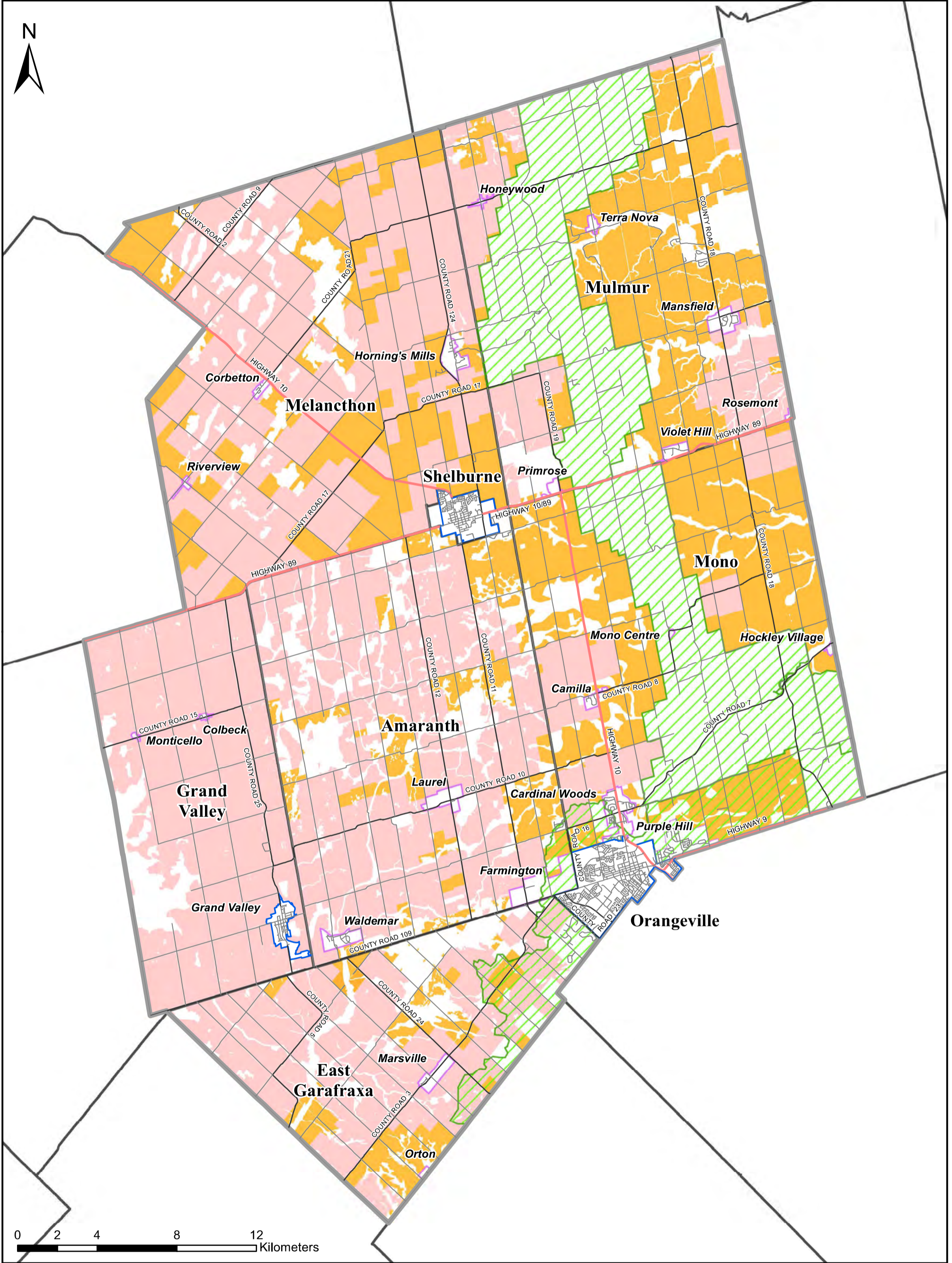
DATE: 2011  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 2011



Scale: 1:5000  
Date: 2011  
Project: 10208564







Document Path: M:\Jobs\2013 MUST USE E-COLLABORATION\MAPPING ONLY\14-13256.001.P01 - Dufferin County OPI\MXD\2015 03\Schedule C - Agricultural Area.mxd

- Legend**
- Urban Settlement Area
  - Community Settlement Area
  - Provincial Highway
  - County Road
  - Other Road
  - Dufferin County Boundary
  - Municipal Boundaries
  - Agricultural Area (S. 4.2)
  - Rural Lands (S. 4.3)
  - Provincial Plan Areas (S. 2.0)

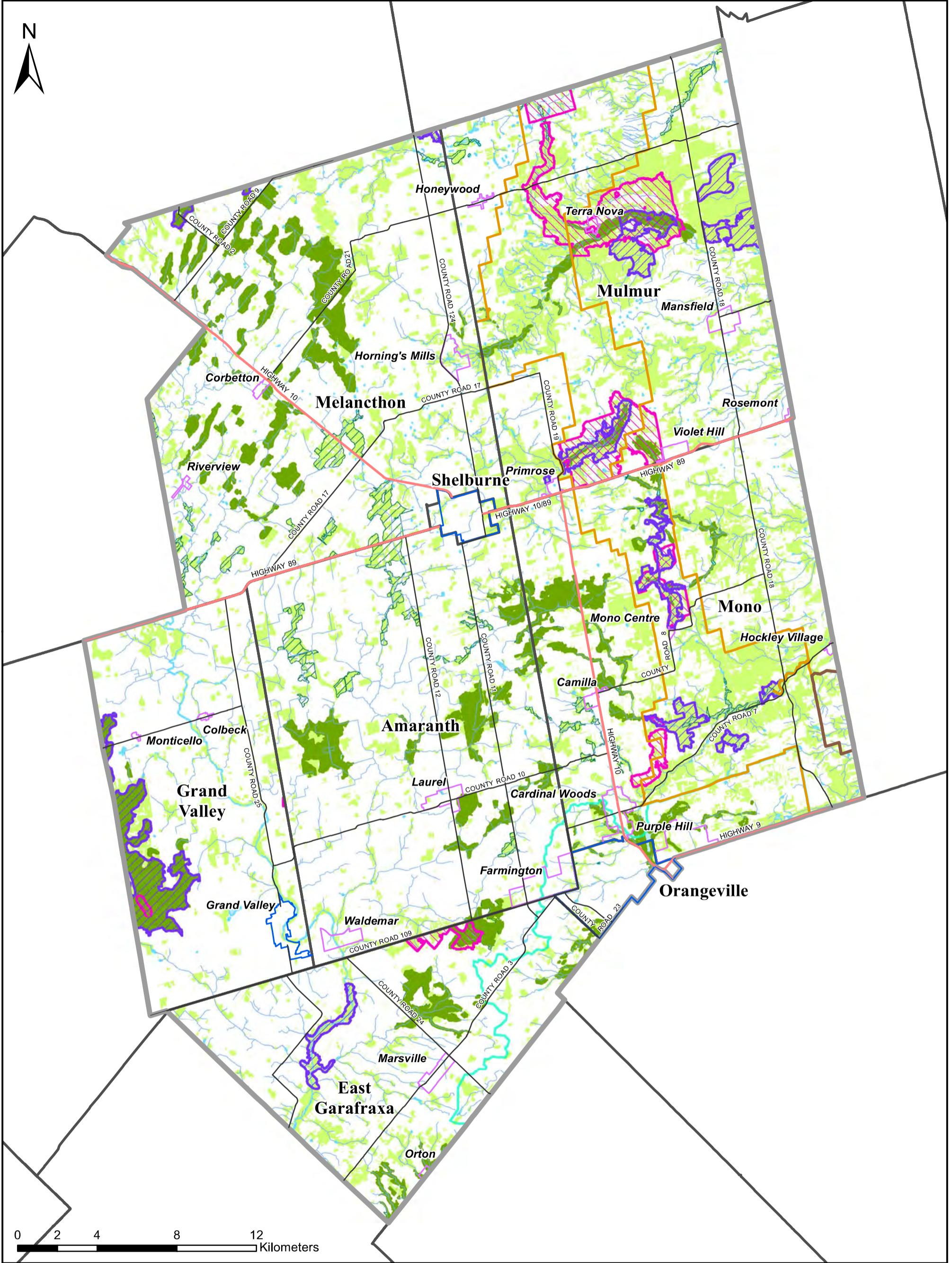
*Note: Areas shown in white, and located outside settlement areas, contribute to the Countryside Area. See Schedules B and E, and local official plans for precise land uses. Generally, these areas consist of significant natural heritage features, mineral aggregate extraction operations/permitted areas, existing estate residential development, or major rural recreational use/permitted areas.*



**Schedule C  
Agricultural Area and  
Rural Lands**























ment Path: M:\Jobs\2013 MUST USE E-COLLABORATION\MAPPING ONLY\14-13256.001.P01 - Dufferin County OPI\MXD\2015 03\Schedule E - Natural Heritage Features.mxd

**Legend**

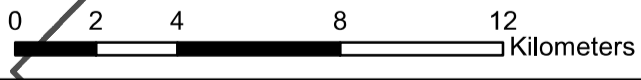
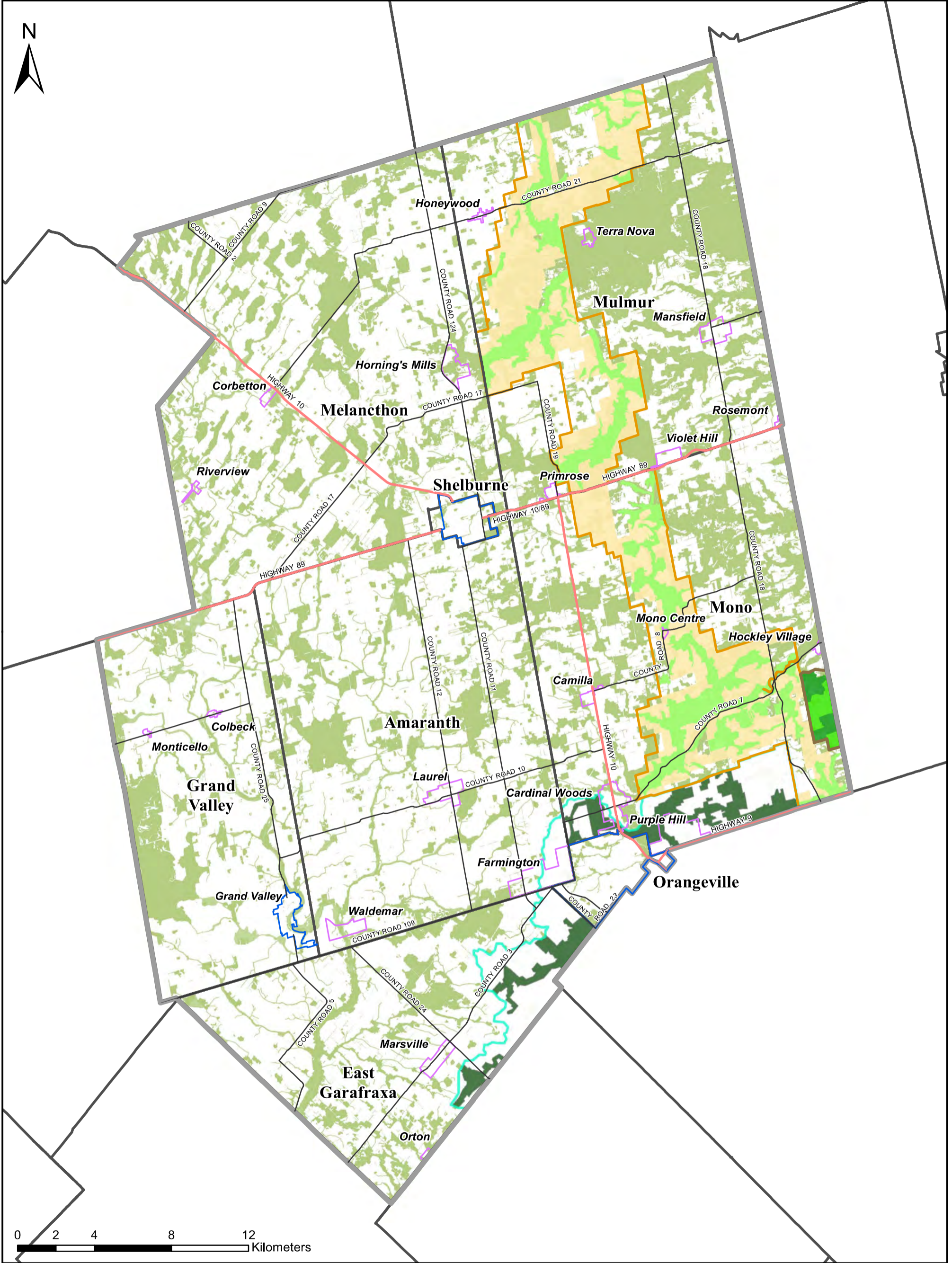
-  Urban Settlement Area
-  Community Settlement Area
-  Provincial Highway
-  County Road
-  Dufferin County Boundary
-  Municipal Boundaries
-  Waterbody
-  Provincially Significant Wetlands (S. 5.3.1)
-  Earth Science Area of Natural and Scientific Interest (S. 5.3.3)
-  Life Science Area of Natural and Scientific Interest (S. 5.3.3)
-  Woodlands (S. 5.3.4)
-  Unevaluated Wetlands (S. 5.3.6)
-  Watercourses (S. 5.3.8)
-  Greenbelt Plan Protected Countryside Area (S. 2.1)
-  Oak Ridges Moraine Conservation Plan Area (S. 2.2)
-  Niagara Escarpment Plan Area (S. 2.3)



**Schedule E  
Natural Heritage  
Features**







Document Path: M:\Jobs\2013 MUST USE E-COLLABORATION\MAPPING ONLY\14-13256.001.P01 - Dufferin County OPI\MXD\2015 03\Schedule E1 - Natural Heritage System R2.mxd

**Legend**

- Urban Settlement Area
- Community Settlement Area
- Provincial Highway
- County Road
- Dufferin County Boundary
- Municipal Boundaries
- County Preliminary Natural Heritage System (S. 5.2)
- Greenbelt Plan Area (S. 5.2)
- Natural Heritage System
- Oak Ridges Moraine Conservation Plan Area (S. 2.2)
- Natural Core
- Natural Linkage
- Niagara Escarpment Plan Area (S. 2.3)
- Escarpment Natural Area
- Escarpment Protection Area



**Schedule E1  
Natural Heritage  
System**



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**APPENDIX B**

**Appendix B:** NVCA and NHIC Information

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**Nottawasaga Valley**  
Conservation Authority

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July 9, 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

Dear Ms. Atkinson,

**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 +/- 2.43 ha (6.02 acre) building lot from a 34.74 ha (85.84 acre) parcel.

Staff has 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 slope erosion hazards associated with a watercourse (Boyne River) located northeast of the subject lands. The proposed lot is outside of the NVCA's regulatory jurisdiction.

Further, the property contains a candidate for a significant woodlot feature (a natural heritage feature). Please note that the NVCA does not support proposed lot lines through natural heritage features.

**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.

**Natural Heritage and Ecology - Advisory Comments**

Policies contained within the PPS prohibit development and site alteration within significant natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

In addition, policies within the PPS prohibit development (including lot creation) and site alteration adjacent to significant natural heritage features unless it unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

In this regard, due to the presence of confirmed and candidate significant natural heritage features within the proposed development, a Natural Heritage Study/EIS would be required to assess the potential impacts of development on such features, and evaluate conformity of the proposal with relevant natural heritage-related policies as part of any formal application submission. The applicant would be required to retain a qualified ecologist to prepare this submission, at which point the consultant shall contact NVCA planning staff to discuss the appropriate scope of required studies

To date, no technical studies were submitted to evaluate consistency with Section 2.0 of the PPS. NVCA staff are of the opinion that the above noted consent application is not consistent with the above noted policies of the Provincial Policy Statement.

### **Conclusion**

The NVCA recommend that the consent application as applied be **deferred** for the following reasons.

- The application is not consistent with Section 2 (Natural Heritage) policies of the Provincial Policy Statement 2020.
- No Natural Heritage Study/EIS has been submitted.

Should you require any further information, please feel free to contact the undersigned.

Sincerely,



Amy Knapp  
Planner III

## Courtney Butler

---

**From:** Emma Perry [eperry@nvca.on.ca]  
**Sent:** Tuesday, September 7, 2021 3:42 PM  
**To:** Courtney Butler  
**Cc:** tatkinson@mulmur.ca; Amy Knapp  
**Subject:** RE: 21-336 Terms of Reference, Part of Lot 4 Concession 4, Mulmur

Hi Courtney,

Sorry for the delayed response. The scope is acceptable. Please note that if you are concluding absence of species of conservation concern that the data collected on-site should substantiate that conclusion and be presented in the EIS. I mention this only in the context of the one site visit proposed; if suitable habitat is found it may not be possible to conclude absence since we are out of the timing window for some species. You can address that as a limitation in the report if relevant.

Please ensure that the candidate Significant Woodland is assessed to standards in the MNRF Natural Heritage Reference Manual (2005). Too often I see Significant Woodland delineations that clip the feature to the extent of the NH System boundary, when the technical criteria do not prescribe this.

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.244  
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.

---

**From:** Courtney Butler <cbutler@azimuthenvironmental.com>  
**Sent:** Tuesday, September 7, 2021 11:57 AM  
**To:** Emma Perry <eperry@nvca.on.ca>  
**Cc:** tatkinson@mulmur.ca  
**Subject:** RE: 21-336 Terms of Reference, Part of Lot 4 Concession 4, Mulmur

Hello Emma,

I am just following up on this Terms of Reference. I understand the NVCA is quite behind right now so I was hoping you could potentially provide a timeline for when we could be expected to hear back from the NVCA about this project.

Thanks,

**Courtney Butler**  
Terrestrial Ecologist

Cell: (705) 795-8451

**From:** Courtney Butler  
**Sent:** Friday, August 6, 2021 4:29 PM  
**To:** 'aknapp@nvca.on.ca'; 'eperry@nvca.on.ca'  
**Cc:** 'tatkinson@mulmur.ca'  
**Subject:** RE: 21-336 Terms of Reference, Part of Lot 4 Concession 4, Mulmur

Good Afternoon,

Just following up on this Terms of Reference. Please let me know the Conservation Authorities thoughts for this property and our proposed scope.

I am reachable by email or phone anytime.

Thanks,

**Courtney Butler**  
Terrestrial Ecologist

Cell: (705) 795-8451  
[cbutler@azimuthenvironmental.com](mailto:cbutler@azimuthenvironmental.com)  
[www.azimuthenvironmental.com](http://www.azimuthenvironmental.com)

---

**From:** Courtney Butler  
**Sent:** Wednesday, July 28, 2021 2:42 PM  
**To:** 'aknapp@nvca.on.ca'; 'eperry@nvca.on.ca'  
**Cc:** 'tatkinson@mulmur.ca'  
**Subject:** 21-336 Terms of Reference, Part of Lot 4 Concession 4, Mulmur

Hello Amy and Emma,

We have been retained by the landowner Robert Bryan to complete an EIS for the property located at part of lot 4 concession 4 on third line, in the Township of Mulmur (map attached). The study area is defined by the proposed property boundary.

The property is designated as Rural within the Township of Mulmur (Township) and Countryside Area in the County of Dufferin (County).

The woodland on the property (and adjacent lands) may meet the definition of "significant" as per the Provincial Planning Policy (PPS), Township and County Official Plan. Current applicable policies (provincial, County and Township) currently may permit development within a Significant Woodland through the completion of an EIS provided it demonstrates that there will be no negative impacts on the natural features or their ecological functions.

The property is partially regulated for slope erosion hazards and partially regulated for slope erosion hazards associated with the Boyne River located northeast of the site. The lot is outside of the NVCA's regulatory jurisdiction.

Our client has corresponded with the NVCA, and it was determined that an EIS would be required to assess the potential impacts of development on the features of the site. The purpose of the study will be to identify natural heritage features and functions via desktop review combined with a single site visit undertaken in summer/fall 2021 to identify potential Key Natural Heritage Features on the property. A screening for the habitat of Species at Risk (SAR) listed under the Ontario's *Endangered Species Act, 2007* (ESA) associated with development area and adjacent lands will also be carried out as a part of this assignment. A potential building envelope and strategy for mitigation and/or restoration will be recommended as a component of the EIS report.

Based on this information, Azimuth proposes the following scope of work for the EIS:

#### Phase 1: Natural Heritage Constraints and Consultation

This phase will assess the extent of natural features on the property, consult with the NVCA, Township and County to confirm the Terms of Reference and discuss the feasibility for a severance and construction of a single detached dwelling

- Submit an information request to the Ministry of Environment Conservation and Parks (MECP) to obtain existing natural heritage data on and adjacent to the property, including SAR that have potential to occur in the area;
- Contact the regulatory agencies (NVCA, Township, County) and confirm the extent of natural features onsite which include:
  - Define and map vegetation communities following protocol of the Ecological Land Classification for Southern Ontario. Survey efforts will focus within and adjacent to the potential development areas (i.e. within 50m);
  - Search for Butternut;
  - Record all wildlife observations;
- Assess wildlife habitat functions according to provincial criteria for identification of Significant Wildlife Habitat; and
- Complete an assessment of potential SAR and their habitats that could be affected within the study area

#### Phase 2: Environmental Impact Study

Phase 2 will include preparation of an EIS report for submission to the regulatory agencies. As part of the EIS, Azimuth will:

- Identify a potential building envelope and/or assess the potential direct and indirect impacts of the proposed works on the natural heritage features and functions identified on or adjacent to the property;
- Prepare an EIS (electronic) for your review and comment. The EIS will include information on the impact mitigation/avoidance where required.

At this time, we request that you review and provide comments on the proposed scope of the EIS. We would also like to take the opportunity to request any available background information that may be useful for inclusion within the EIS.

In addition to this, our client previously corresponded with Amy Knapp who stated that the NVCA does not support proposed lot lines through natural heritage features. If no negative impact is proven to the woodland through an adequate buffer, would the NVCA allow the lot line to continue as shown in the figure attached?

Please do not hesitate to contact me should you wish to discuss.

Thanks,

**Courtney Butler**  
Terrestrial Ecologist

*Due to COVID-19, our staff are working remotely. Our offices are also closed to the public but I can be reached on my cell or email. I look forward to talking with you.*

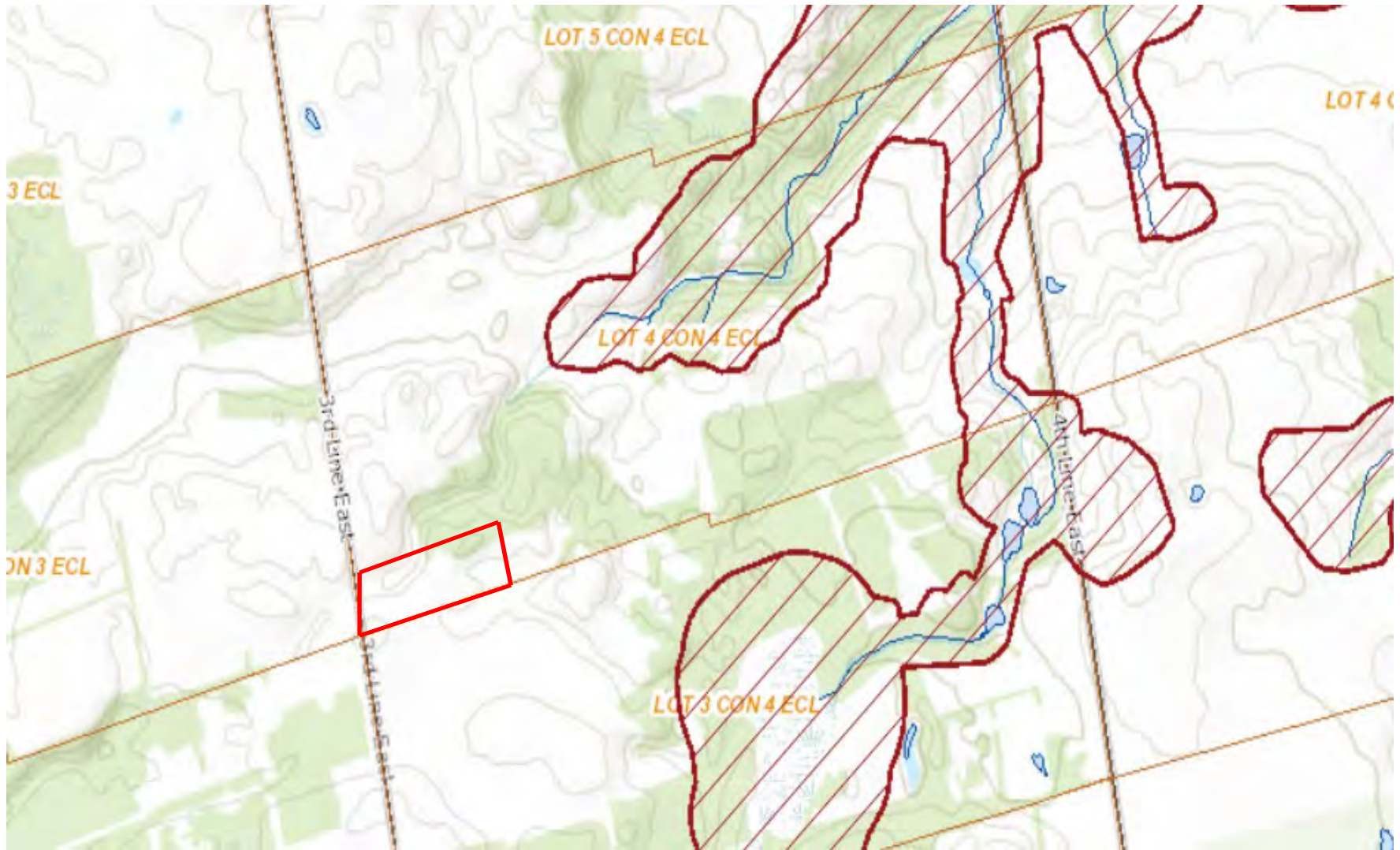
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*Providing services in hydrogeology, terrestrial and aquatic ecology & environmental engineering*  
**Please consider the environment before printing this correspondence**









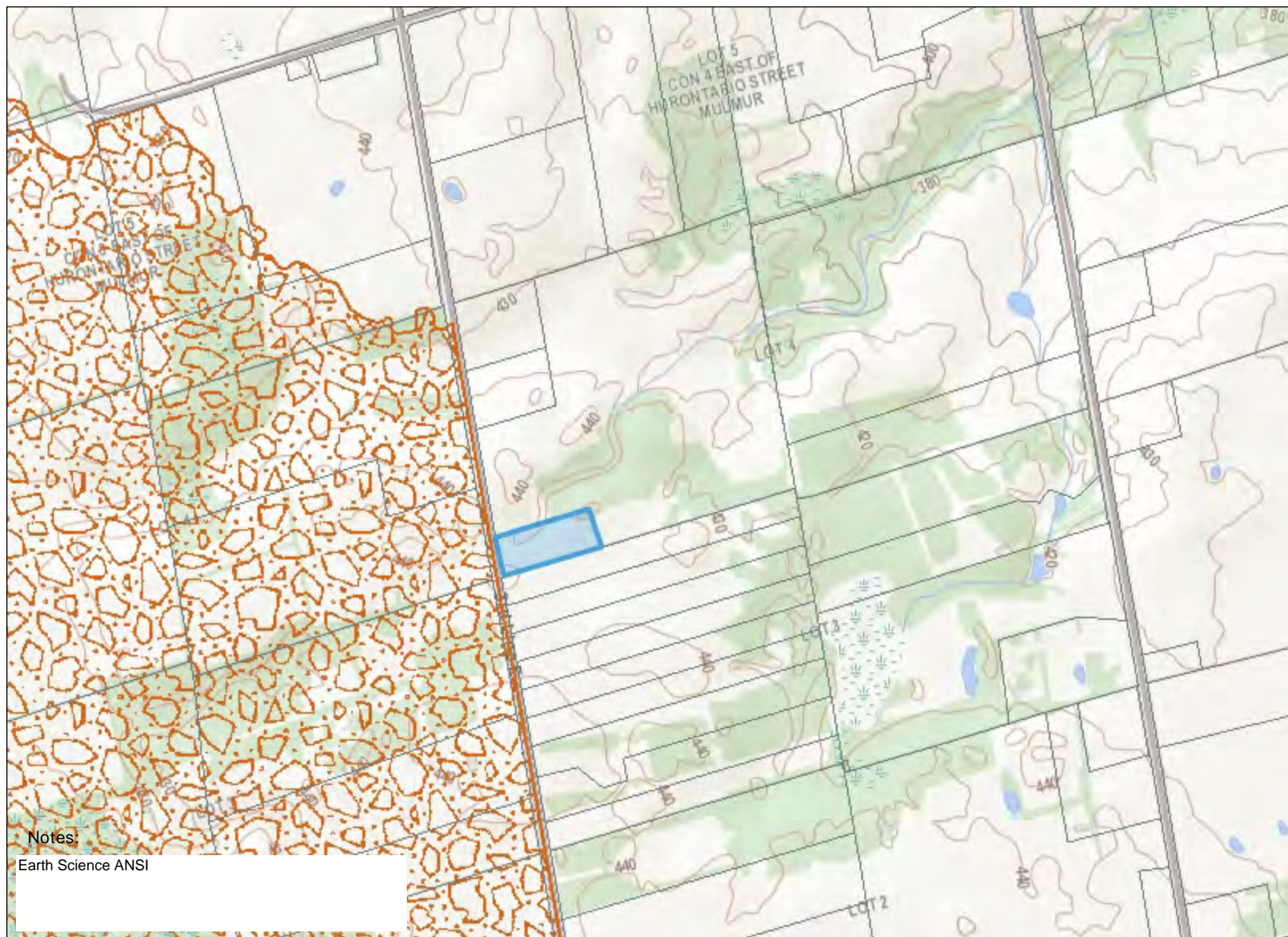
NVCA Regulation Map (2021).





**Legend**

-  Assessment Parcel
-  ANSI
-  Earth Science Provincially Significant/sciences de la terre d'importance provinciale
-  Earth Science Regionally Significant/sciences de la terre d'importance régionale
-  Life Science Provincially Significant/sciences de la vie d'importance provinciale
-  Life Science Regionally Significant/sciences de la vie d'importance régionale



**Notes:**

Earth Science ANSI

0.7 0 0.33 0.7 Kilometres

Absence of a feature in the map does not mean they do not exist in this area.

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry(OMNRF) shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

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**APPENDIX C**

**Appendix C: Photo Appendix**

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**View of the property from the north east looking west-  
September 24, 2021**



**On the high point of the property on the south east looking  
north- September 24, 2021**





**The eastern edge of the lot looking east– September 24, 2021**



**Inside a portion of the deciduous forest. A mature tree with snag features is shown- September 24, 2021**





**View from the meadow looking at the forest feature- September 24, 2021**



**In the meadow community looking south at the neighbouring property- September 24, 2021**



**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 \_\_\_\_\_, as well as addressing EIS mitigation recommendations (dripline, SAR review, bird seasons, erosion and sediment control and woodland buffer), MDS and NVCA comments, and entrance location, as applicable.
- 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

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.