



**COMMITTEE OF ADJUSTMENT  
WEDNESDAY, MAY 18, 2022 AT 1:00 PM  
AGENDA**

**MEETING DETAILS**

**In-Person Meeting Location:** Mulmur Township Offices, located at 758070 2<sup>nd</sup> Line East

**Phone Connection:** 1 647 374 4685 Canada / 1 647 558 0588 Canada

**Video Connection:** <https://us02web.zoom.us/j/84602248258>

**Meeting ID:** 846 0224 8258

- 1. Call meeting to order**
- 2. Declarations of pecuniary interest**
- 3. Approval of agenda**

THAT Committee approves the agenda.

- 4. Approval of Minutes**

THAT the Minutes of January 26, 2022 be approved.

- 5. New and Other Business – none**

- 6. New Applications (1:00 PM)**

- 6.1 B9-2021 STROUD Lot Creation**

- 6.2 B01-2022 DRYMAN CONSULTING SERVICES/ MACEARERN Boundary Adjustment**

- 6.3 B02-2022 GOODFELLOW Lot Creation**

- 7. Adjournment**

THAT Committee adjourns the meeting at \_\_\_\_\_ to meet again at \_\_\_\_\_ on \_\_\_\_\_ or at the call of the Chair.



**COMMITTEE OF ADJUSTMENT  
MINUTES  
JANUARY 26, 2022 | 1:00PM**

Present: Earl Hawkins, Chair  
Ken Cufaro, Member  
Kim Lyon, Member  
Tracey Atkinson – Planner  
Roseann Knechtel – Deputy Clerk

Absent: Bart Wysokinski, Member

**1.0 CALL TO ORDER**

The meeting was called to order at 1:05 p.m. by Chair Hawkins. The meeting was held using electronic “Zoom” application. Approximately 11 residents were in attendance.

**2.0 APPROVAL OF THE AGENDA**

**Moved Cufaro by and Seconded by Lyons**

THAT the agenda be approved.

**Carried.**

**3.0 MINUTES OF THE PREVIOUS MEETING**

**Moved by Lyons and Seconded by Cufaro**

THAT the minutes of July 21, 2021 be approved.

**Carried.**

**4.0 DISCLOSURE OF PECUNIARY INTERESTS - NONE**

**5.0 PUBLIC MEETINGS**

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 B14-2021 WALLACE BOUNDARY ADJUSTMENT**

Township Planner Tracey Atkinson provided a summary of application B14-2021 and spoke to the historical applications approved in 2004 and 2015. Atkinson

confirmed there is no additional lot being created and that as a result of the previous lot being surrendered, there is no net loss of lands removed from agriculture.

The applicant, Chris Wallace spoke to the application and stated that the lands leading into the ravine are not considered arable farmland.

Comments were received from the public through written submission and meeting participation.

Alan Lyons (876262 5<sup>th</sup> Line) questioned the expansion of the geo-thermal business and the possibility of re-zoning. Concerns were also raised regarding compliance with the Township Official Plan, housing for migrant workers and maintaining drainage ditches with the retained farmland.

Claire Angus (876344 5<sup>th</sup> Line) asked for clarification on why a boundary adjustment is being sought.

The applicant spoke to concerns regarding proximity to the road, expected growth of farm operations, increased need for hay storage, and housing for migrant workers. The applicant proposes to use the current house for summer help and build a new house for his family.

Kevin Greer (936310 Airport Road) spoke to the historical development of the lands and sought clarification surrounding a boundary adjustment versus a lot creation. Greer offered support for going back to the original lot configuration, but preferred all buildings and housing be with the farm.

Atkinson confirmed that the application is to maintain two lots and not create a third.

Committee members discussed the application and confirmed the area of land being merged into the retained parcel and confirmed the commercial zoning would remain unchanged.

A new lot configuration of approximately 7-8 acres was presented to the applicant and Committee that addressed the concerns raised in the meeting.

### **Moved by Lyons and Seconded by Cufaro**

THAT Application No. B14-2021 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 2.7 ha, having a frontage of approximately 190 m from W1/2 Lot 5, Con 6 and the merging of a previous severance back into the retained lands.

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

A recorded vote was requested.

	<u>Yea</u>	<u>Nay</u>
Member Cufaro	Y	
Member Lyons	Y	
Chair Hawkins	Y	

**Carried.**

## 5.2 B9-2021 STROUD LOT CREATION

Township Planner Tracey Atkinson provided a summary of the application for B9-2021 and confirmed the recent receipt of NVCA comments requesting rezoning of a portion of the lands to Environmental Protection or lot reconfiguration to protect the woodlands.

The applicant, Murray Stroud spoke to the application did not support lot reconfiguration or rezoning as noted in the NVCA comments. Stroud voiced displeasure that the Conservation Authority and requested deferral or approval subject to a building envelope satisfactory to the NVCA but not rezoning or reconfiguration.

No comments were received from the public.

Committee members discussed the application, timing for review, meeting schedule and NVCA comments. Members recommended deferral to allow the applicant an opportunity to review the NVCA comments and determine an appropriate building envelope.

**Moved by Lyons and Seconded by Cufaro**

THAT Application No. B9-2021 be deferred.

**Carried.**

## **6.0 ADJOURNMENT**

**Moved by Cufaro and Seconded by Lyons**

THAT Committee adjourns the meeting at 3:14 pm to meet again at the call of the Chair.

**Carried.**



**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.

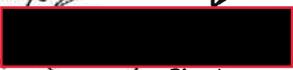
**NOTE:** If a person or public body that files an appeal of a decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent does not make written submissions

**Amended application to reflect new lot dimension and interests**

<b>3. Purpose of this Application</b>										
Proposed transaction (check appropriate box)										
<input type="checkbox"/> Transfer	<input checked="" type="checkbox"/> Creation of a new lot	<input type="checkbox"/> Addition to a lot	<input type="checkbox"/> An easement							
<input type="checkbox"/> A charge	<input type="checkbox"/> A lease	<input type="checkbox"/> A correction of title	<input type="checkbox"/> 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										
<b>4. Description of Subject Land and Servicing Information</b>										
Frontage (m)	323.25 m	<del>91.44 m</del> Severed 100m	Retained	231.81 m						
Depth (m)	660.82 m	<del>213.36 m</del> 240 m	<del>447.46 m</del> 660							
Area (m)	346,653.72 m <sup>2</sup>	<del>19,509.64 m<sup>2</sup></del> 2 HA	320,144.08 m <sup>2</sup>							
<b>5. Land Use</b>										
Date Property Acquired June 2, 2020										
Existing Use				Proposed Use						
Vacant Land (Rural Residential)				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					
BP. Approved House	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
Water		Sewage Disposal			Storm Drainage			Tile Drainage		
<input checked="" type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other: _____		<input checked="" type="checkbox"/> Private Septic <input type="checkbox"/> Communal Septic <input type="checkbox"/> Other: _____			<input type="checkbox"/> Sewer <input type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other: _____			<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.

7. Consistency with Policy Documents		
Does this application: Alter the boundary of a settlement area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Create a new settlement area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Remove lands from an employment area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>ROBERT BRYAN</u>		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are the subject lands within the Greater Golden Horseshoe Growth Plan area?	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the proposed application conform to or does not conflict with the Provincial Plans, including the Greenbelt Plan and Growth Plan:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<u>ROBERT BRYAN</u>		
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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, provide for each parcel severed, the date of transfer, the name of transferee and the land use:		

Has any land been severed from the original, 40 hectare (approx..) parcel  Yes  No

If yes, provide details:  
 2 lots on the north west side of the original parcel of land.

**9. Other information**

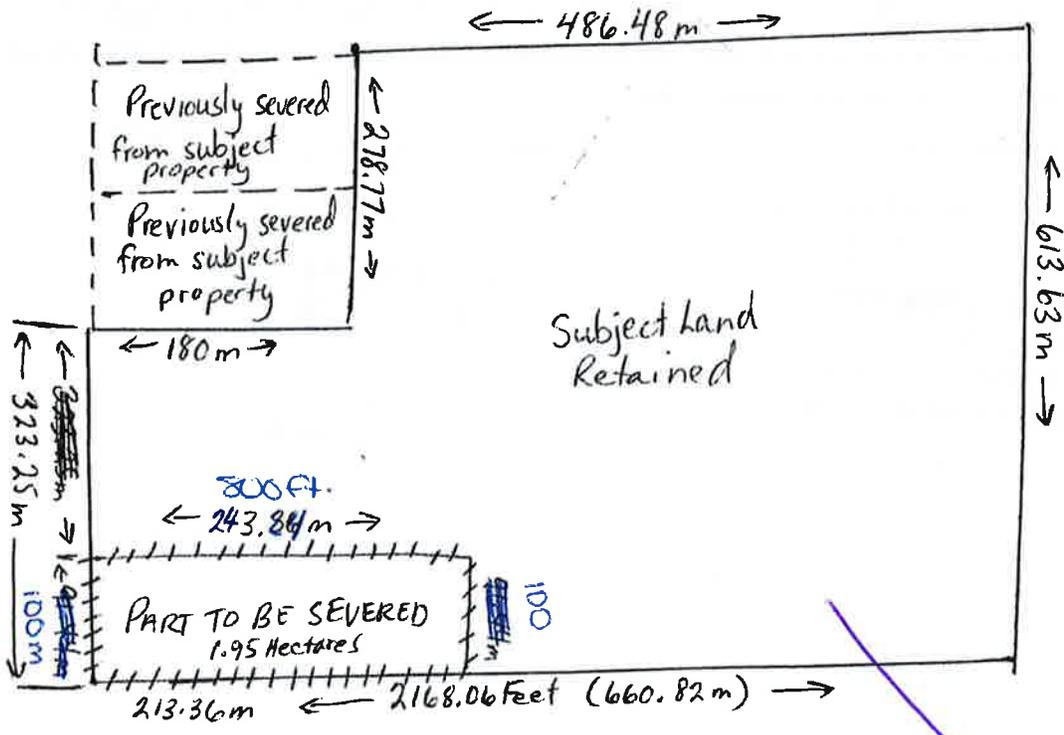
Please provide any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authority, etc.

**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

Brd Line Mulmur



Adjacent land is rural residential.

See revised sketch



# 1



# 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 Mulmur 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)		
Dairy Cattle	Shortkeepers (12.5 - 17.5 months)		
	Milking-age cows (dry or milking)		
	Large-framed, 545 kg - 635 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)		
Swine	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)		
	Sows with litter, dry sows/boars, Segregated Early Weaning (SEW)		
	Sows with litter, dry sows or boars (non-SEW)		
Horses	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 kg - 27 kg)		
	Feeders (27 kg - 105 kg)		
Sheep	Large-framed, mature, >681 kg (including unweaned offspring)	5	VI
	Medium-framed, mature, 227 kg - 680 kg (including unweaned offspring)		
	Small-framed, mature, <227 kg (including unweaned offspring)		
Manure imported to a lot not generating manure	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 5.2 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.

\* 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 MVMUR 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 780 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, 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 - 146 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	VI
	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		
Turkeys	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)		
Toms (day olds to over 10.8 kg to 20 kg, 14.5 kg is typical)			
Turkeys at any other weights, or unknown			
Veal	Milk-fed		
	Grain-fed		
Other			
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.

# 3

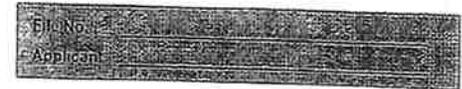


# FARM DATA SHEET

## 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.



**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

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 4.07 hectares \_\_\_\_\_ acres  
 Closest distance from the livestock facility to the new lot and/or land use 8.84 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 \_\_\_\_\_

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; >661 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)		

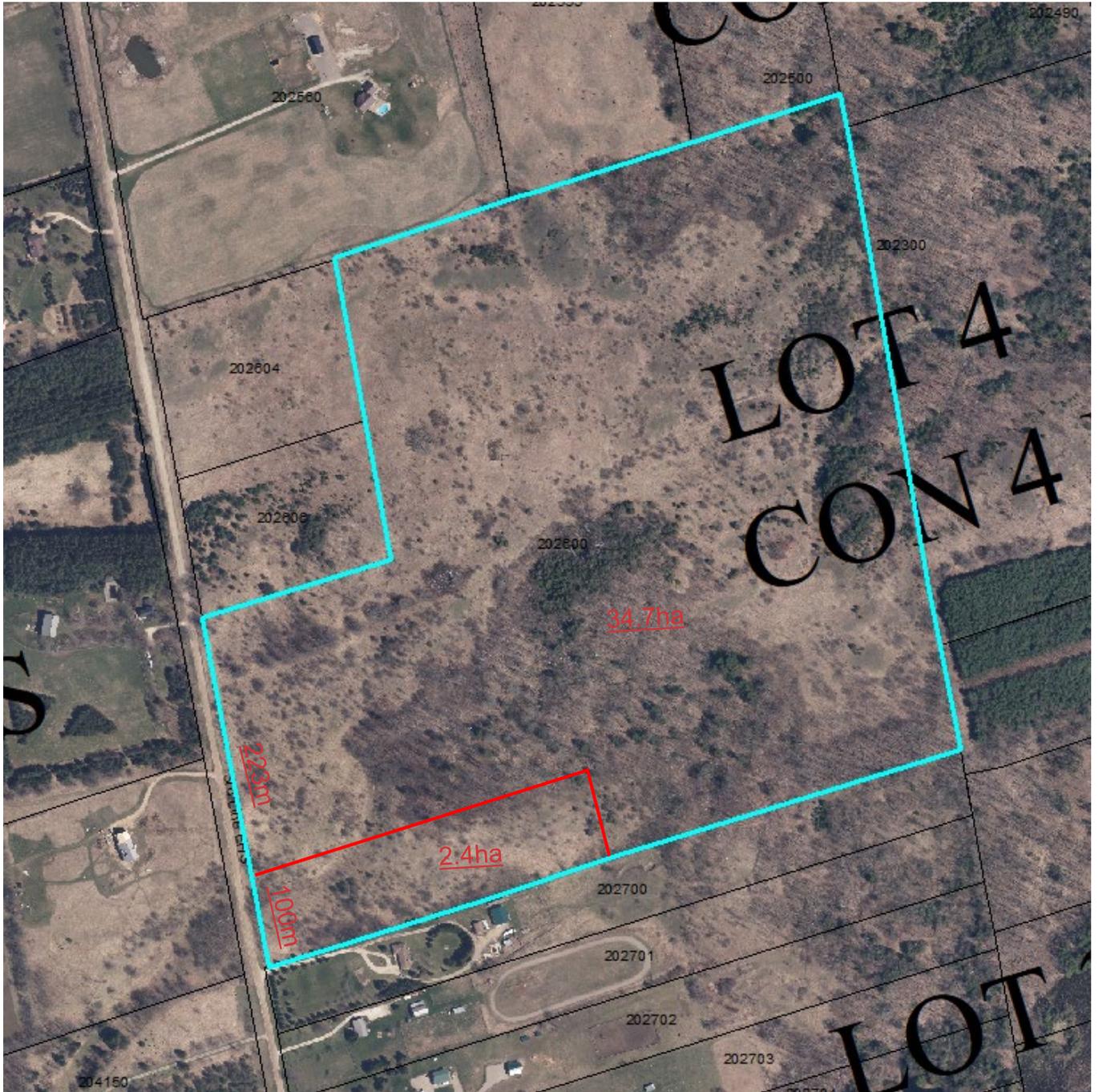
Animal Type or Material	Description	Housing Capacity*	Manure Storage Type* (select from list above)
Goats	Does & bucks (for meat kids; includes unweaned offspring & replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	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.



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



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 received.

# 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>	33ha	2.0 ha
<b>Frontage (approx.)</b>	323m	100m
<b>Use</b>	Residential	Building lot

# PROPOSED CONFIGURATION



Lot Area: approximately 2.0 ha (min. 2ha to comply)

Lot Frontage: approximately 100m (min. 100m to comply)

Depth: approximately 240m





## 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 constriction activities

(Building Envelop agreement required to implement EIS mitigation recommendations)



## PUBLIC COMMENTS AT JANUARY 26 MEETING

NONE

## STAFF RECOMMENDATION

STAFF RECOMMEND APPROVAL, 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 and entrance location at southern extent
- Parkland dedication fee

## NEXT STEPS

THAT Committee of Adjustment consider approval of the application



- 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:**

July 2021 report

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

July 2021 report

**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)**

# July 2021 report

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 identifies 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*

July 2021 report

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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.

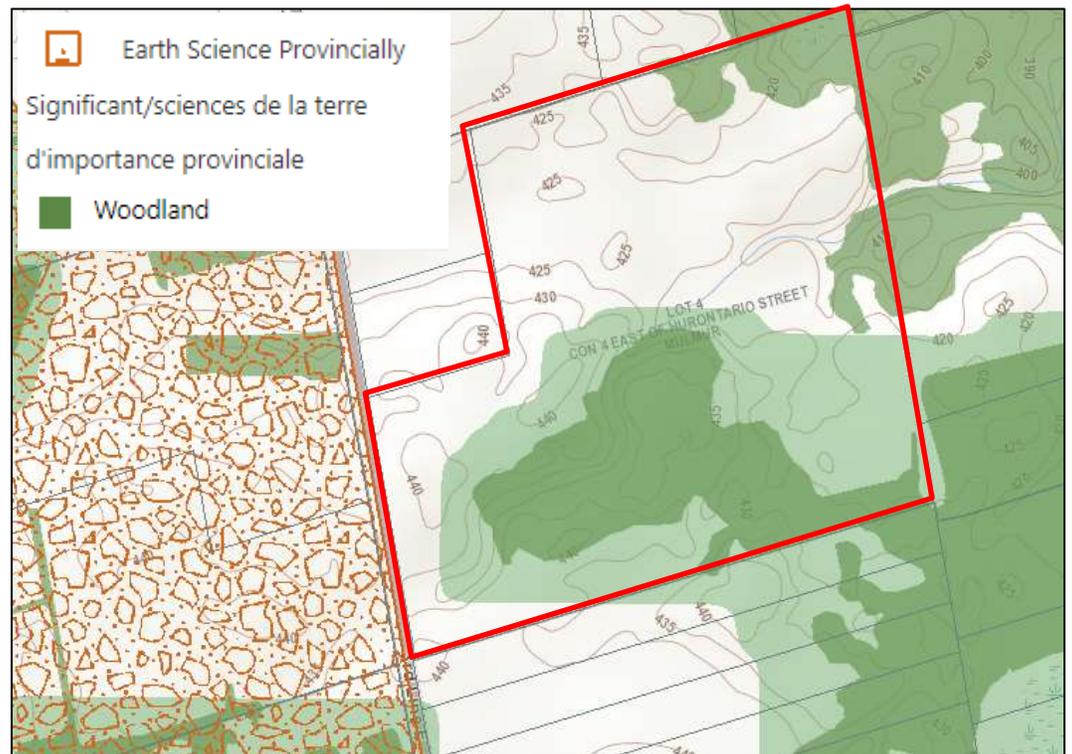


Figure 1: Ontario's Natural Heritage Map showing presence of Natural Heritage System and adjacency of ANSI Earth Science Provincially Significant

## 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

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

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**January 25, 2021**

SENT BY EMAIL

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

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

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

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

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

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

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

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

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

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

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

In preparing these comments the following documents were reviewed:

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

### **Review Comments**

1. Significant Woodland (SW) identified and delineated on the subject site. Similar area is represented in Mulmur OP - Schedule B2 - Category Two Natural Features - Woodland >10ha. NVCA staff accept this finding of the report. **NVCA staff advise that based on the information provided in the report, existing data and planning designations, the woodland on the proposed new lot and retained lot should be considered a Significant Woodland.**
2. For the purposes of planning policy analysis, the report demonstrates that the SW on the subject site is a Key Natural Heritage Feature within the Natural Heritage System, and Lands Adjacent to Key Natural Heritage Features. Growth Plan for the Greater Golden Horseshoe policies apply to this application. **It is the opinion of NVCA staff that the report has not demonstrated conformity with Section 4.2.4.1.c. of the Growth Plan's requirement for a natural, self-sustaining vegetation protection zone (VPZ) of at least 30m for Significant Woodlands. NVCA staff recommend a 30m setback from development be applied to the Significant Woodland Feature in order to meet the requirements of the Growth Plan.**
3. EIS identifies the woodland feature as potential habitat for Threatened and Endangered Species (bats), though the report did not undertake a site-specific study for bats. The EIS notes:

"The proposed development should not encroach on the 10m setback from the woodland dripline from the FODM5-1 community shown on Figure 2. The proposed lot line... would go through a small portion of the woodland, however any intrusion or impact to the woodland would not be permitted without further bat habitat surveys and development review to avoid potential impacts to bat habitat."

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

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

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

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

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

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

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

Sincerely,

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

**From:** [Emma Perry](#)  
**To:** [Tracey Atkinson](#); [mbryan@sutton.com](mailto:mbryan@sutton.com)  
**Subject:** RE: Stroud Severance  
**Date:** January 27, 2022 12:41:45 PM

---

Hi Tracy,  
Confirmed, the applicant will either need to re-configure the lot to exclude the woodland as identified in the EIS and 30m VPZ; or re-zone the woodland and VPZ to EP. A new EIS is not required, though it is recommended that a new site plan be submitted using the same linework as the EIS to identify the woodland and the VPZ offset to create the EP zone schedule or new lot lines.  
Any questions, please feel free to reach out.  
Sincerely,

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

**Nottawasaga Valley Conservation Authority**  
8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0  
T 705-424-1479 ext. 236  
[eperry@nvca.on.ca](mailto:eperry@nvca.on.ca) | [nvca.on.ca](http://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.*

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

**ONLY EXCERPTS INCLUDED.**  
**SEE PREVIOUS AGENDA PACKAGE FOR**  
**FULL REPORT**

Prepared for:  
Robert Bryan

Prepared by:  
Azimuth Environmental  
Consulting, Inc.

December 2021

AEC 21-336



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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 MNRFF's Significant Wildlife Habitat Technical Guide (2000) and the accompanying Ecoregion 6E Criteria Schedules (MNRFF, 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**

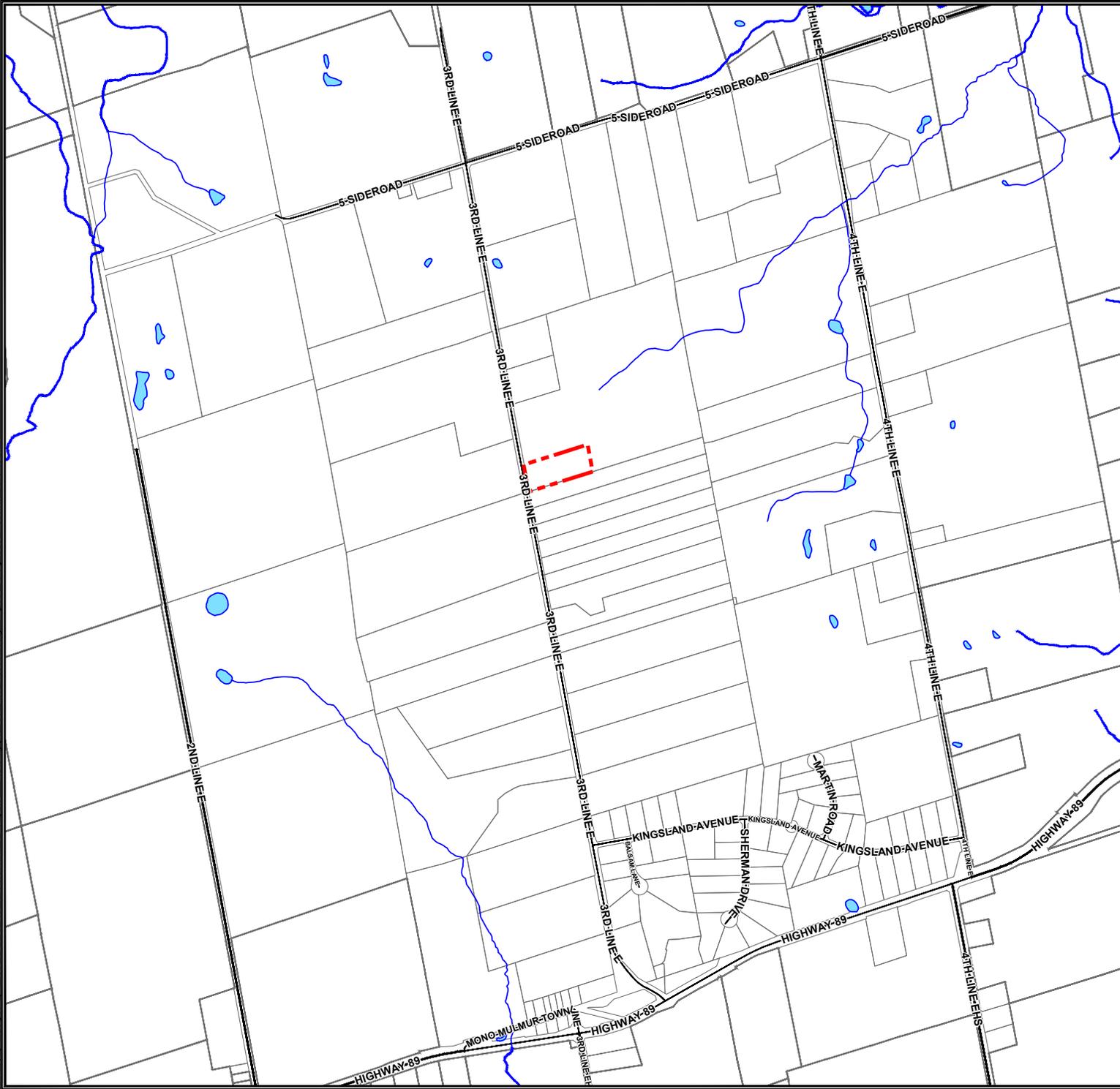
Based upon our analysis, it is concluded that the environmental conditions are not limiting to the proposed lot severance and potential future development of a single detached dwelling, driveway, and accessory structures through a lot severance application, providing incorporation of the environmental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

At this time, our findings are summarized as follows:

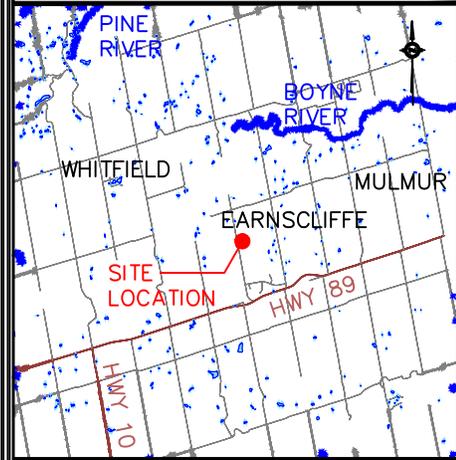
- The proposed site alteration is consistent with the policies of the Provincial Policy Statement, ESA, Dufferin County Official Plan, Township of Mulmur Official Plan, and Nottawasaga Valley Conservation Authority O. Reg. 172/06.
- The Growth Plan and its potential applicability regarding Candidate 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.

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

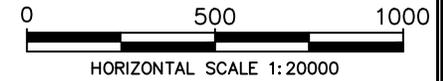


**LEGEND:**  
 - - - - - APPROX. PROPERTY BOUNDARY



**REGIONAL MAP**

SCALE 1:250000

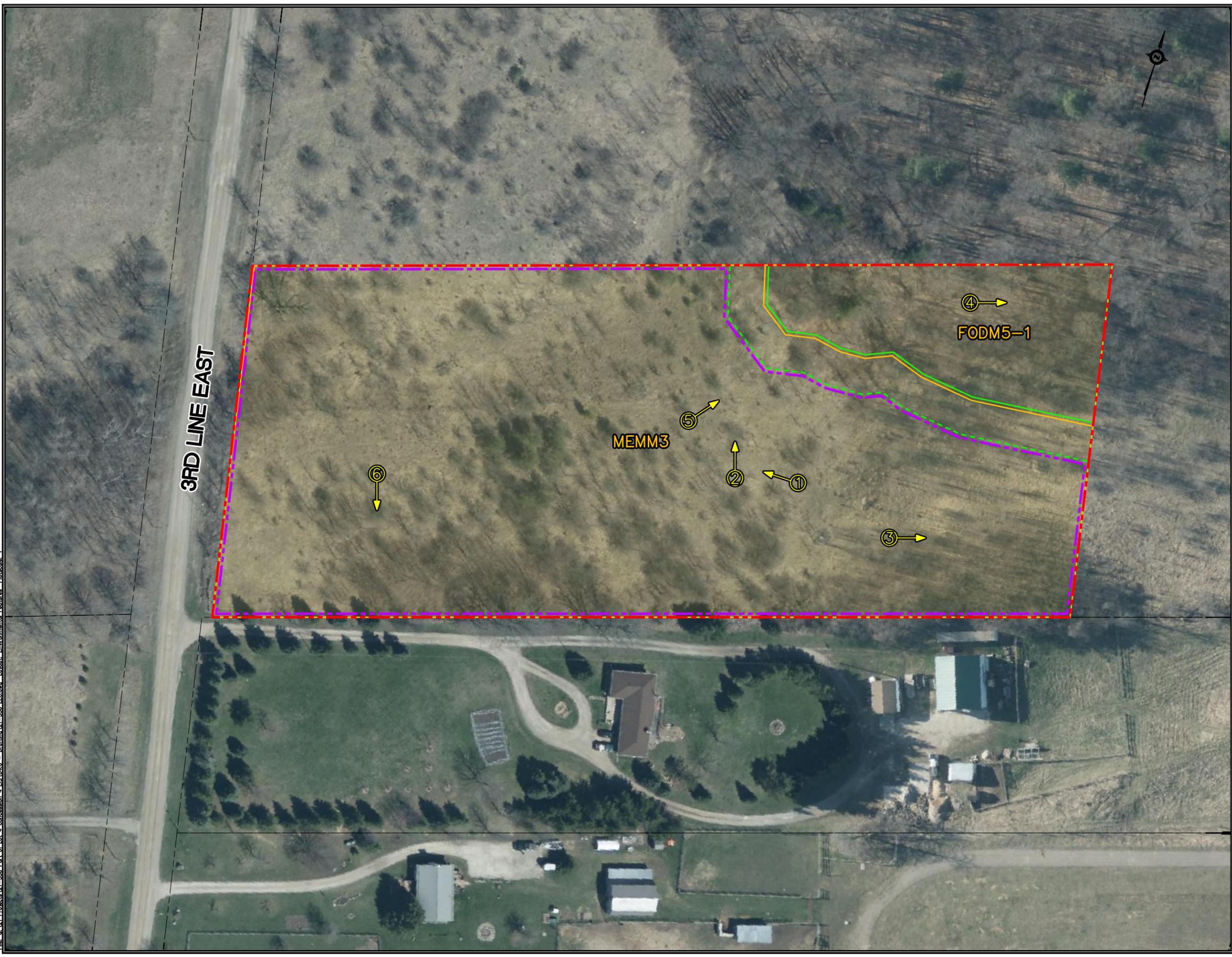


**STUDY AREA LOCATION**

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

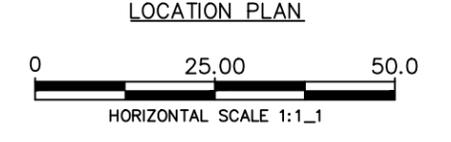
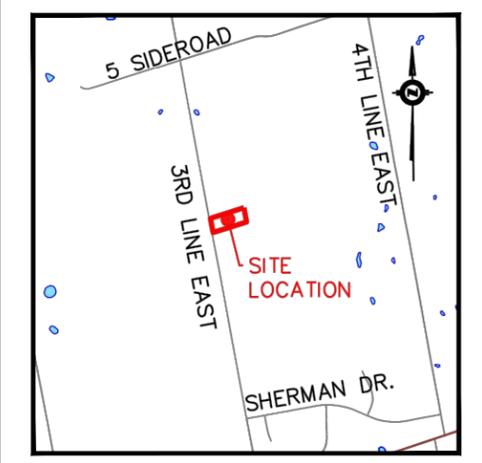
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**ELC VEGETATION COMMUNITIES:**

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

---

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	



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



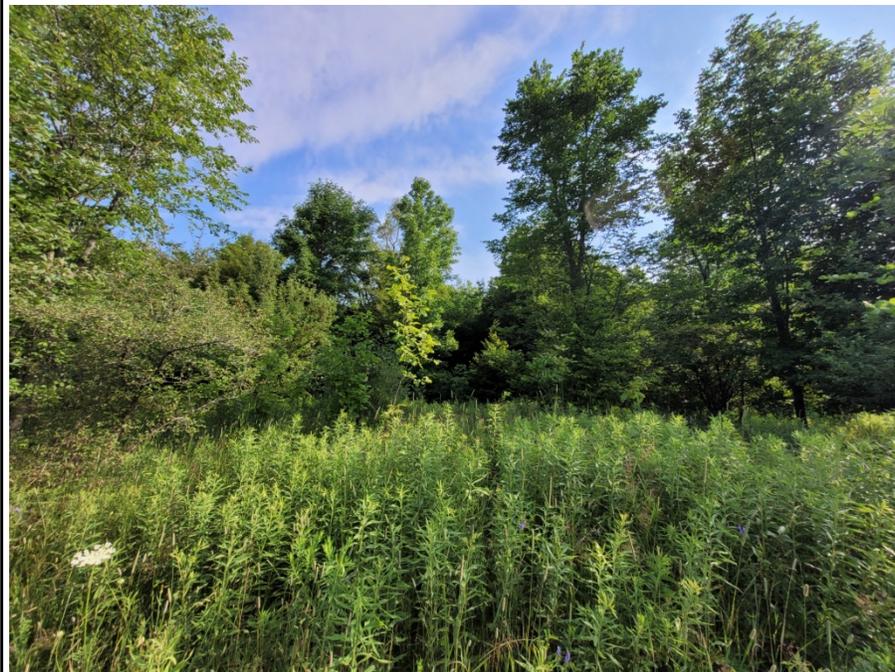
**On the high point of the property on the south east looking  
north- September 24, 2021**



**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 ha, having a frontage of approximately 100m and a depth of approximately 240m 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 May 18, 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.
- 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 to the satisfaction of the Township and NVCA.
- 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: No 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.



**CORPORATION OF THE TOWNSHIP OF MULMUR  
NOTICE OF PUBLIC MEETING  
B01-2022 DRYMAN CONSULTING SERVICES**

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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*. The meeting may be attended in person or electronically.

**MEETING DETAILS**

**In-Person Meeting Location:** Mulmur Township Offices, located at 758070 2<sup>nd</sup> Line East  
**Phone Connection:** 1 647 374 4685 Canada / 1 647 558 0588 Canada  
**Video Connection:** <https://us02web.zoom.us/j/84829988171>  
**Meeting ID:** 848 2998 8171

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

**MEETING DATE AND TIME:** May 18, 2022 at 1:00PM

**APPLICATION NUMBER:** B01-2022

**OWNER/APPLICANT:** DRYMAN CONSULTING SERVICES

**LOCATION:** CON 2 W E PT LOTS 31 & 32 RP 7R4087 PART 4 (746269 30 SIDEROAD)

**ASSESSMENT ROLL:** 6-10100

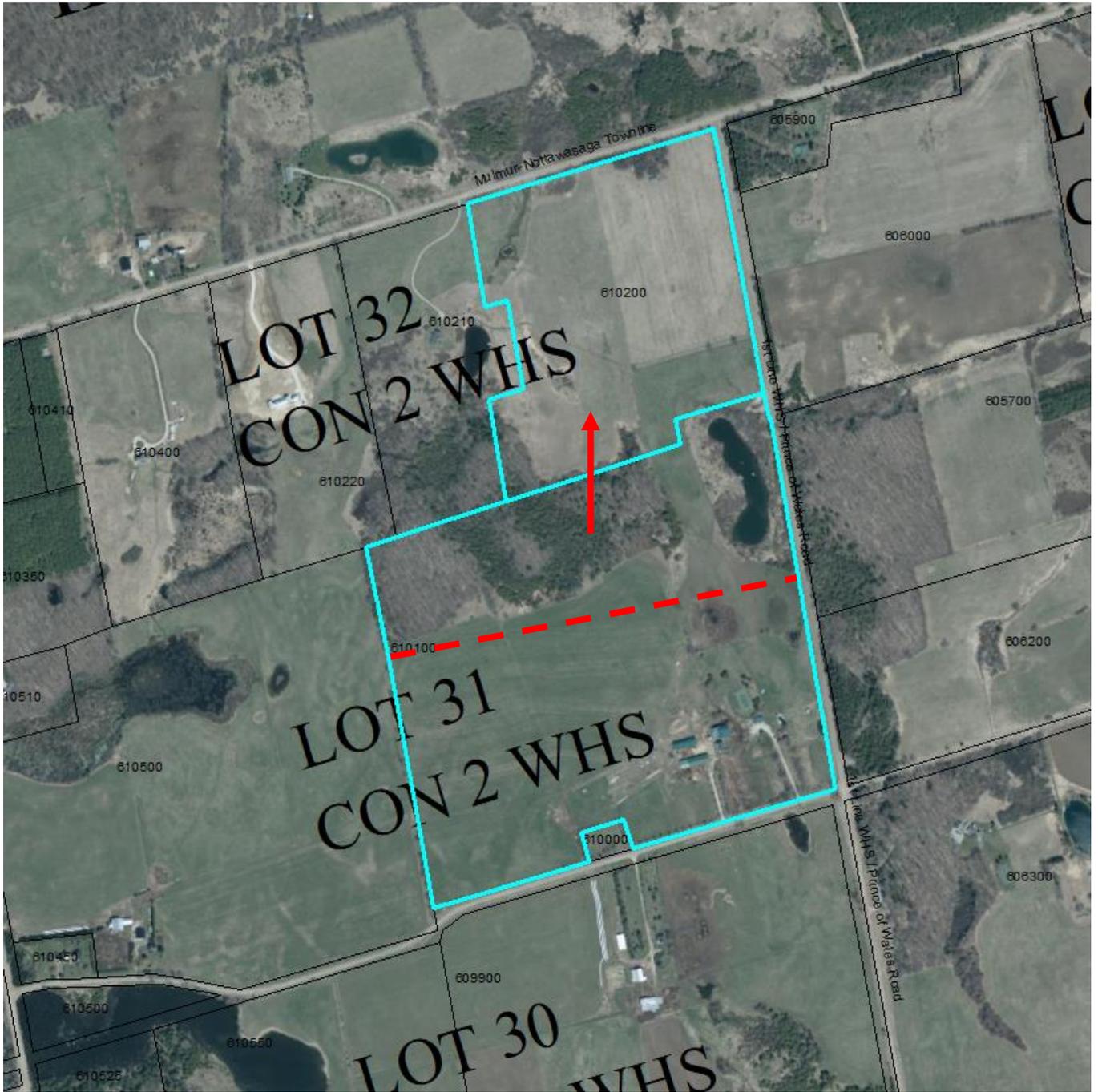
**PURPOSE:** Boundary adjustment with approximately 16 ha of lands to be added to the property to the north (R#6-10200) being CON 2 WHS PT LOT 32 RP 7R5109 PART 3.

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

For more information contact: Tracey Atkinson, Planner  
705-466-3341x222 | [planning@mulmur.ca](mailto:planning@mulmur.ca)



DATE: March 28, 2022

For more information contact: Tracey Atkinson, Planner  
705-466-3341x222 | [planning@mulmur.ca](mailto:planning@mulmur.ca)

### 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.

boundary adjustment to convey land to R#6-102

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

M. AYLIE MACFARLANE

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

Frontage (m)	Severed	Retained
673 m		
Depth (m)	See attached (#3)	
Area (m)	approx 40 acres.	approx 59.71 acres.

### 5. Land Use

Date Property Acquired

1972

Existing Use

farm

Proposed Use

farm.

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)
See attached #4 <input type="checkbox"/> Existing <input type="checkbox"/> Proposed						
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed						
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed						
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed						
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed						
<input type="checkbox"/> Existing <input type="checkbox"/> Proposed						

Water

- 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>Country side &amp; environmental protection</i>	Current Official Plan <i>rural &amp; environmental protection</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?
---	---

File #: *B12-B15-93* Status: *complete*

Provide an explanation of how the application conforms to the Official Plan

*Lands being conveyed do not take away from agricultural farming practices and ensure woodlands/wetlands are protected.*

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)		
<i>Locally sig.</i> A locally significant wetland	<i>Yes.</i>	
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?  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://mulumur.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

N.A. MACEACHERN 

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

N.A. MACEACHERN 

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: B12-93 & B15-93

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

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

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

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

Yes  No

If yes, provide details:

School house roll # 6-1

**9. Other Information**

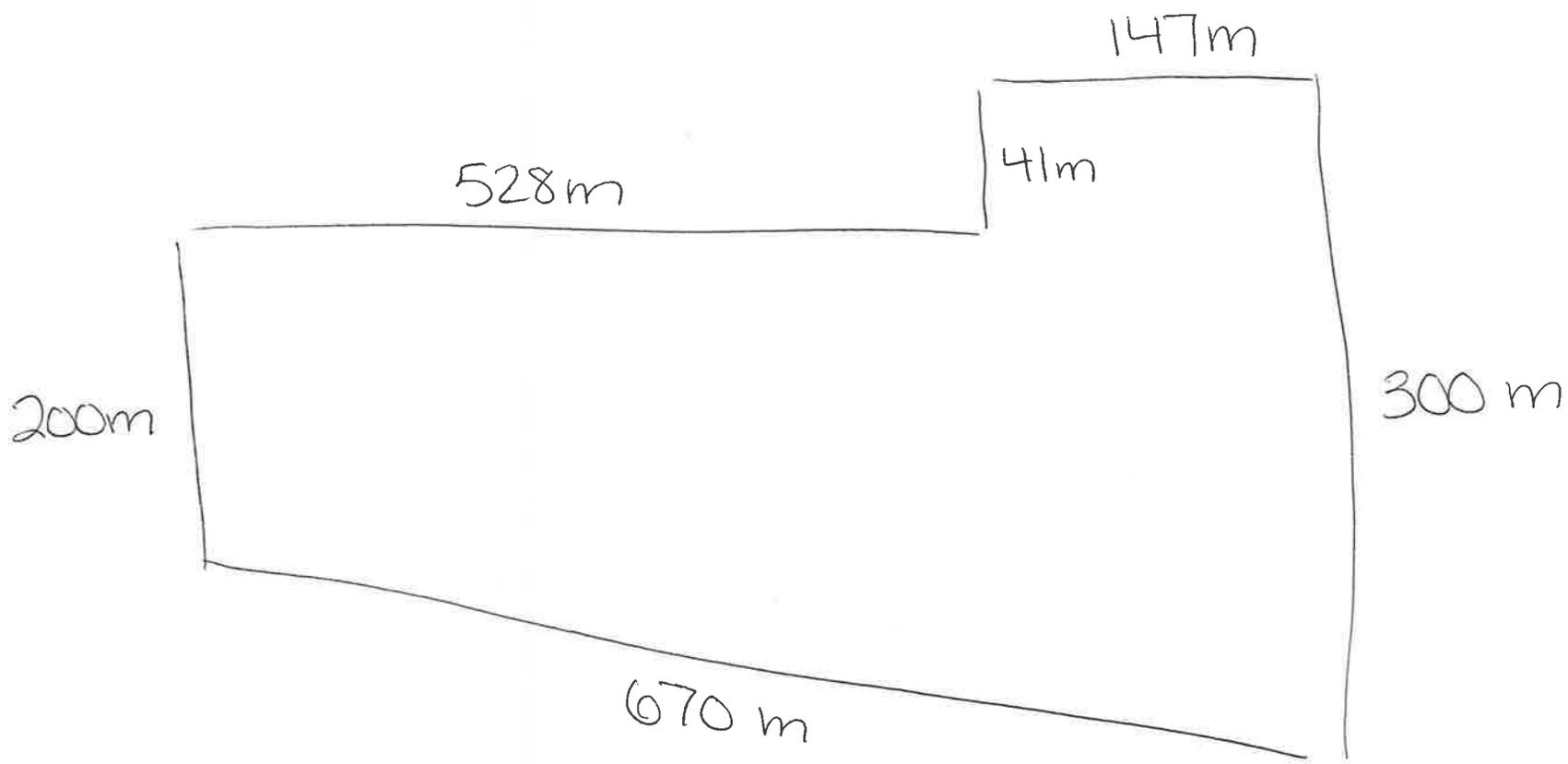
Please provide any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authority, etc.

**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

#3



**Township of Mulmur/Dufferin County**  
**January 2022**

The purpose of this letter is to share some concerns and request a boundary adjustment that will protect forest and water.

Thank you in advance for your consideration of this request on behalf of our family, the trees, the wetlands, the creek, the rolling hills, and all the critters & creatures who share this place we call home.

**A little background information:**

Stonehedge Farm was purchased over 47 years ago by our Mom and Dad, Ginny & Norm MacEachern. Here they raised the four of us: Andrew, Heather, Ayrлие & Alexandra. Ginny and Norm are committed community members and have made many significant contributions to the area. Their ecological awareness and growing up in a seemingly pristine oasis has helped shaped us to be eco-minded citizens (even activists when needed!). We are writing this letter to request a boundary adjustment as a way of preserving 'clean' water and a healthy mature forest.

**Our concerns:**

The forest has big old trees and is a healthy eco-system. The trees and plants help take care of a creek and many wetlands. The forest is situated on a few rolling hills. There is an old fence line that keeps the cows out of this forest. There is also a fence around the large pond. It is a clean, clay bottom, spring fed pond. This pond is a significant size, connects to the Noisy River watershed (and may connect to the Pine River watershed as well) and, of course, to our neighbours' water.

Our concern for the forest is that it will not be taken care of and possibly even cut down to create more farm land, timber, fence posts and heating. As we all know, it takes a long time to grow an old tree. Forests do way more than offer us humans a useable product! There is significant ground water under our properties,

the wetlands, and creeks could be damaged or totally disrupted if uneducated and/or extensive logging were to take place. We are aware that Dufferin County does not have laws protecting trees/forests (hence the deforestation that happened on the properties that sold to the former hedgefund company) in regards to creating more farm land.

Our concern for the large pond is that it may be used to water livestock. Presently, Stonehedge Farm has a herd of Black Angus & retired horses. Over the years there have also been sheep and chickens raised on the farm. The pond has always had a fence around it and has never been used for livestock. The family who buys the farm may not be so environmentally sensitive and, therefore, the pond and its outlets may become contaminated with e-coli and other possible toxins that arise when animals defecate. Our main concern is preservation and ecological stewardship. We will not be building in this forest. We will not be cutting trails through this forest. We will continue to allow the forest and soil to be an oasis for many creatures big and small.

We are happy to know that the NVCA is 'on board'. The boundary adjustment is larger than we had decided on but it became clear that the 30 metre buffer is key to protecting the erosion hazards and all the wetlands.

The pond, which we lovingly call 'Lake Norm', and the forest have been in our family for many decades. - almost 5! These special 'features' hold two generations (and counting) of memories. We hope to continue to be the stewards of this land for decades to come.

Thank you for listening to our concerns.

**Sincerely,**

Andrew MacEachern

Heather MacEachern

Ayrlie MacEachern

Alexandra MacEachern

**On behalf of:**

The Forest

The Water

The Critters & Creatures

**and the grandchildren:**

Bryn & Cade MacEachern

Hannah & Noah (MacEachern) Monette

Charlie & Jack (MacEachern) Dibley

---

**From:** Amy Knapp <aknapp@nvca.on.ca>  
**Sent:** February 25, 2022 3:11 PM  
**To:** Tracey Atkinson <tatkinson@mulmur.ca>  
**Subject:** NVCA Comments for Consent B01-2022 (Dryman Consulting Services)

Good Afternoon Tracey,

**Re: Application for Consent B01-2022 (Dryman Consulting Services)  
Concession 2 WHS, East Part Lot 31 & 32, Township of Mulmur  
NVCA # 50753**

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed this application in accordance with Natural Hazard and Natural Heritage policies established under the Provincial Policy Statement and regulations established under the Conservation Authorities Act.

We understand this application represents a boundary adjustment and no new lots will be created.

**Ontario Regulation 172/06**

Part of both properties are affected by Ontario Regulation 172/06 where a permit is required from the NVCA under the Conservation Authorities Act prior to any development. Based upon the information provided, no development is proposed at this time.

**Natural Hazard - Regulatory Comments**

While certain parts of the properties may be affected by Natural Hazards (e.g. flooding, erosion, unstable soils - organics), the proposed boundary adjustment will not affect these features or the future use of the properties.

**Natural Heritage - Advisory Comments**

Natural Heritage features will be unaffected by the proposed boundary adjustment. The NVCA supports the approach whereby Natural Heritage features (e.g. wetlands, watercourses, ponds) will be not be further fragmented into multiple ownership with the approval of this boundary adjustment.

**Conclusion**

Based upon our mandate and policies under the Conservation Authorities Act, we have no objection to the approval of this application.

Thank you for circulating this application to the NVCA and please advise us of any decision.

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

**Amy Knapp | Supervisor, Planning Services**  
**Nottawasaga Valley Conservation Authority**  
8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0  
**T** 705-424-1479 ext.233 | **F** 705-424-2115  
**aknapp@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 to slow the virus from spreading.*

Thank you for the opportunity to provide preliminary consent comments on the proposed boundary adjustment for the property located at 746269 30<sup>th</sup> Side Road in the Township of Mulmur.

The Nottawasaga Valley Conservation Authority (NVCA) has reviewed the proposed severance application in accordance to Natural Heritage and Natural Hazard policies established under the Provincial Policy Statement (PPS 2020) and under our Planning and Regulations Guidelines under the Conservation Authorities Act. Based upon our mandate and policies, the NVCA offer the following comments for consideration.

NVCA staff note the presence of natural hazard (meander erosion hazard and slope erosion hazard) and natural heritage (woodlands and wetlands) features on the subject property. Since no new lot is proposed to be created, the proposed boundary adjustment does not meet the definition of *development* per the County Official Plan (*Development* is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act). As such, the proposed boundary adjustment will not impact the existing natural hazard and natural heritage features. As per NVCA Planning and Regulations Guidelines, we advise the applicant to ensure the proposed boundary adjustment line has a 30m setback from the woodland feature.

Therefore, the NVCA would be in a position to support the boundary adjustment proposed should an application be submitted and circulated to the NVCA. These comments should be considered preliminary in nature. We will require additional information (full application submission) in order to complete our review and additional comments may be provided in the future. NVCA staff appreciates the opportunity to comment at this stage in the process. Should you require any further information, please feel free to contact the undersigned.

Kind regards,  
**Chinoye Sunny | Junior Planner, Planning Services**  
**Nottawasaga Valley Conservation Authority**  
8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0  
T 705-424-1479 | F 705-424-2115  
[csunny@nvca.on.ca](mailto:csunny@nvca.on.ca) | [nvca.on.ca](http://nvca.on.ca)

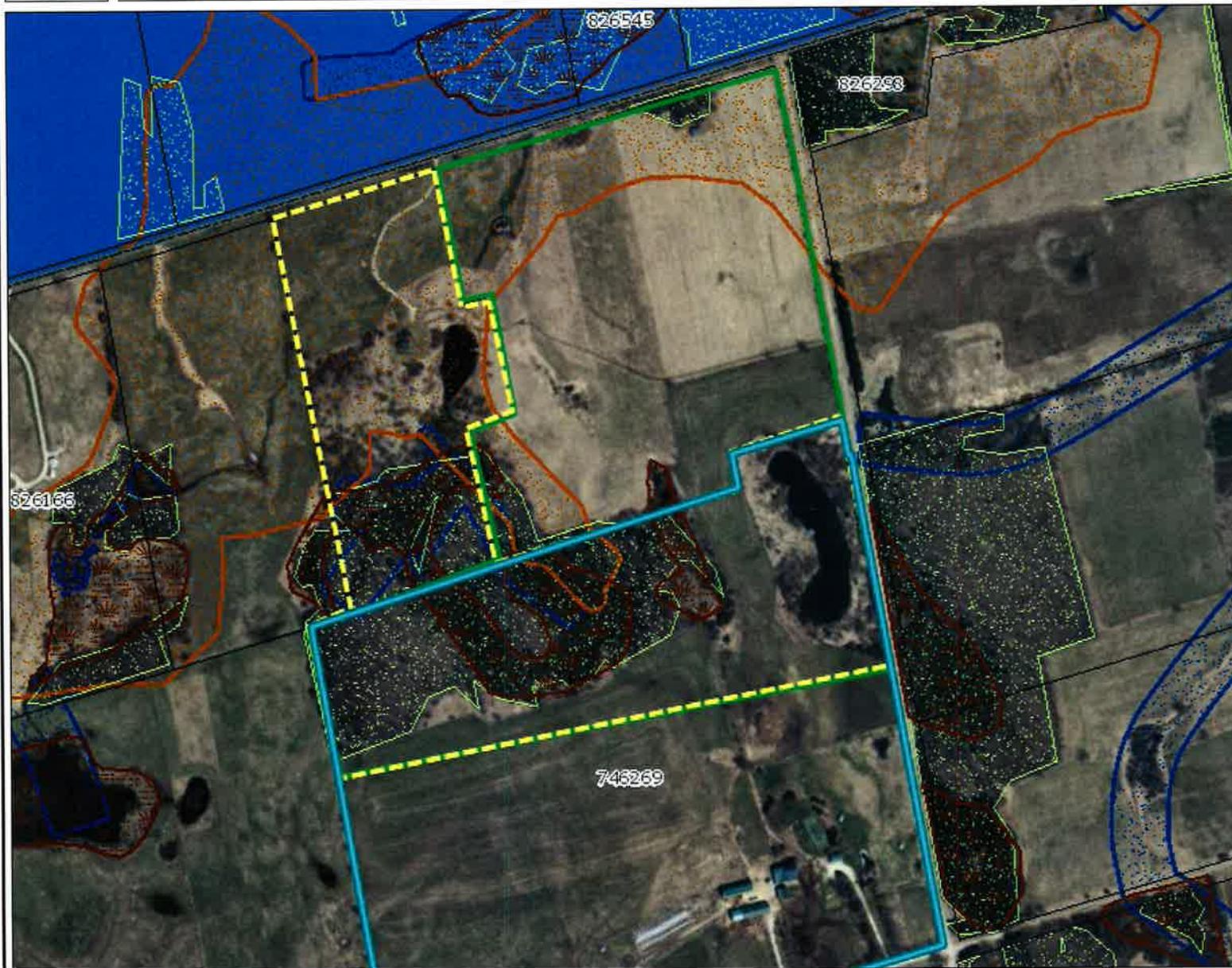


# 746269 30th Side Road, Mulmur

#2

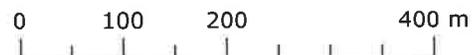


10-Dec-2021



### Legend

- Jurisdiction Boundary
- ▭ Municipalities
- ▭ NVCA Properties
- ▭ Parcel Boundaries
- ▭ Unevaluated Wetlands (NVCA)
- ▭ Woodlots (NVCA)
- ▭ Slope Erosion Hazard
- ▭ Meander Erosion Hazard
- NEP Planning Designation
  - ▭ Escarpment Natural Area
  - ▭ Escarpment Protection Area
  - ▭ Escarpment Recreation Area
  - ▭ Escarpment Rural Area
  - ▭ Mineral Resource Extraction Area
  - ▭ Urban Area (NEC)
- ▭ Lakes
- ▭ Neighbouring CAs
- ▭ Provincial Park Regulated



1 : 10000

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### Nottawasaga Valley Conservation Authority

8195 8th Line  
Utopia, ON L0M 1T0  
www.nvca.on.ca



B1-2022 MacEachern



## BACKGROUND

The subject lands (E ½ Lot 31, Con 2 W) are approximately 100 acres in size. The receiving lands (E ½ Lot 32, Con 2 W) to the proposed boundary adjustment is located directly north of the subject lands and are approximately 46 acres in size.

The southern property is a livestock and crop operation with multiple farm buildings and a dwelling.

The northern property has tillable acreages and some small structures without permit records.



# PROVINCIAL POLICIES & PLANS



## **AGRICULTURAL AND RURAL POLICY FRAMEWORK**

The Township is concerned with four sets of policies related to severances in agricultural areas in Mulmur. They are:

1. Provincial Policy Statement, 2020 (PPS)
2. Growth Plan, 2020 (with 2017 Agricultural System and 2020 implementation procedures)
3. County of Dufferin Official Plan, 2014
4. Mulmur Township Official Plan, 2012

# PROVINCIAL POLICIES & PLANS



## Provincial Policy Statement

The Provincial Policy Statement (PPS) contains broad policy direction and policy direction on lot creation. The application is consistent with the PPS.

The lands subject to the Boundary Adjustment are part of the Rural designation and Environmental Protection Natural designation and are also considered part of the Prime Agricultural Area, as provincially mapped for the Greater Golden Horseshoe.

In accordance with policy 2.3.4.2, “Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons”

## Growth Plan

In accordance with A Place to Grow policy, the majority of new growth is to be directed to settlement areas. The proposed boundary adjustment does not create any additional building permissions.

# DUFFERIN COUNTY OFFICIAL PLAN



## County Official Plan

The County of Dufferin is anticipated to provide comments on the conformity of the application.

# MULMUR OFFICIAL PLAN



The Mulmur Official Plan contains the following applicable policies for boundary adjustments within the Agricultural and Rural designations:

5.9 (Agricultural Areas) “Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons”

6.1.7 (Agricultural – Lot Creation policy): “Consents may be granted for boundary adjustments/lot additions, or for other technical reasons, such as easements and rights-of-way or certification of title on prime agricultural areas and also on specialty crop areas, subject to the requirements of the preceding paragraph.”

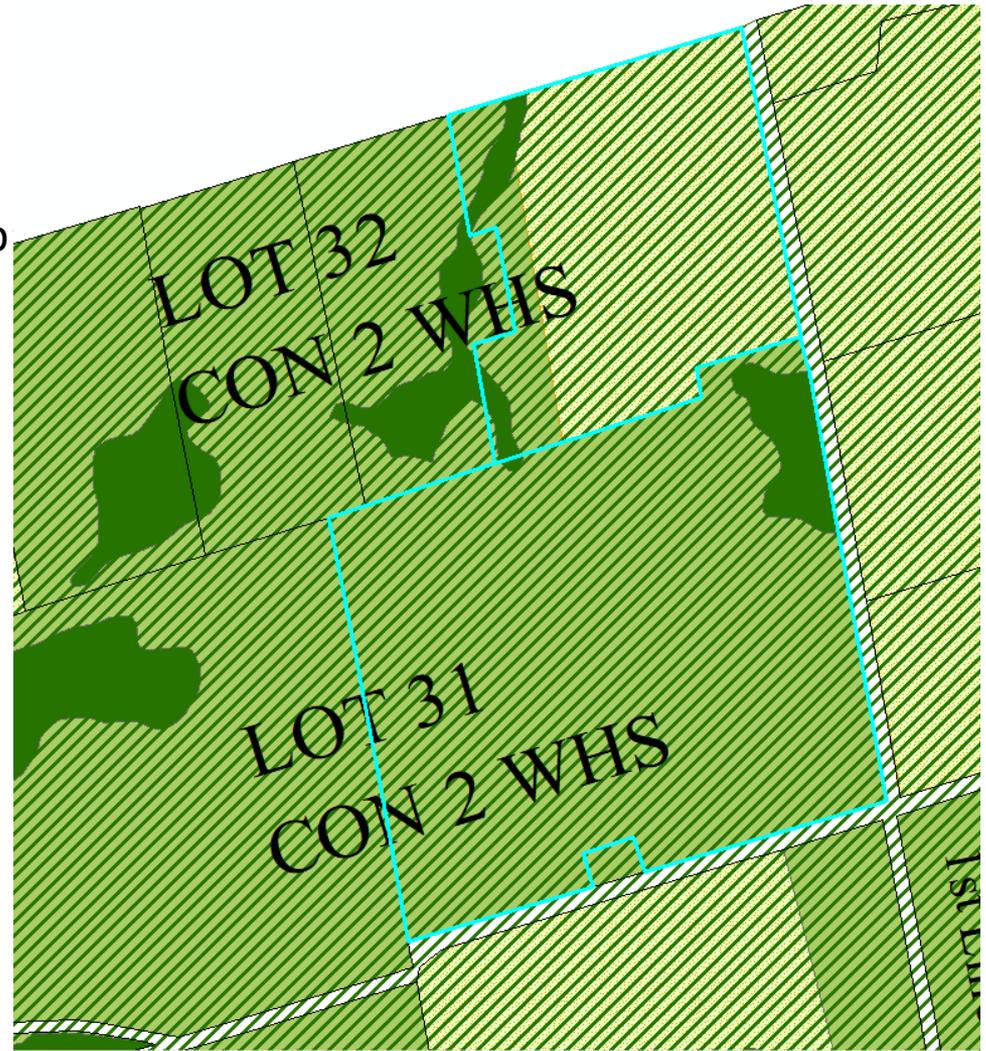
**6.2.5 (Rural – Lot Creation policies) “Other technical or boundary correction severances are generally permitted, provided that they do not result in the creation of a new lot or the re-division of parcels that have merged, unless, in the latter instance, the severance is otherwise permitted by this Plan and both the severed and retained lots conform to the requirements of the Zoning By-law. Lot enlargements and boundary line adjustments are generally permitted, provided the purposes and overall intent of this Plan are maintained.”**

**Definition: “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.”

# OFFICIAL PLAN DESIGNINATION



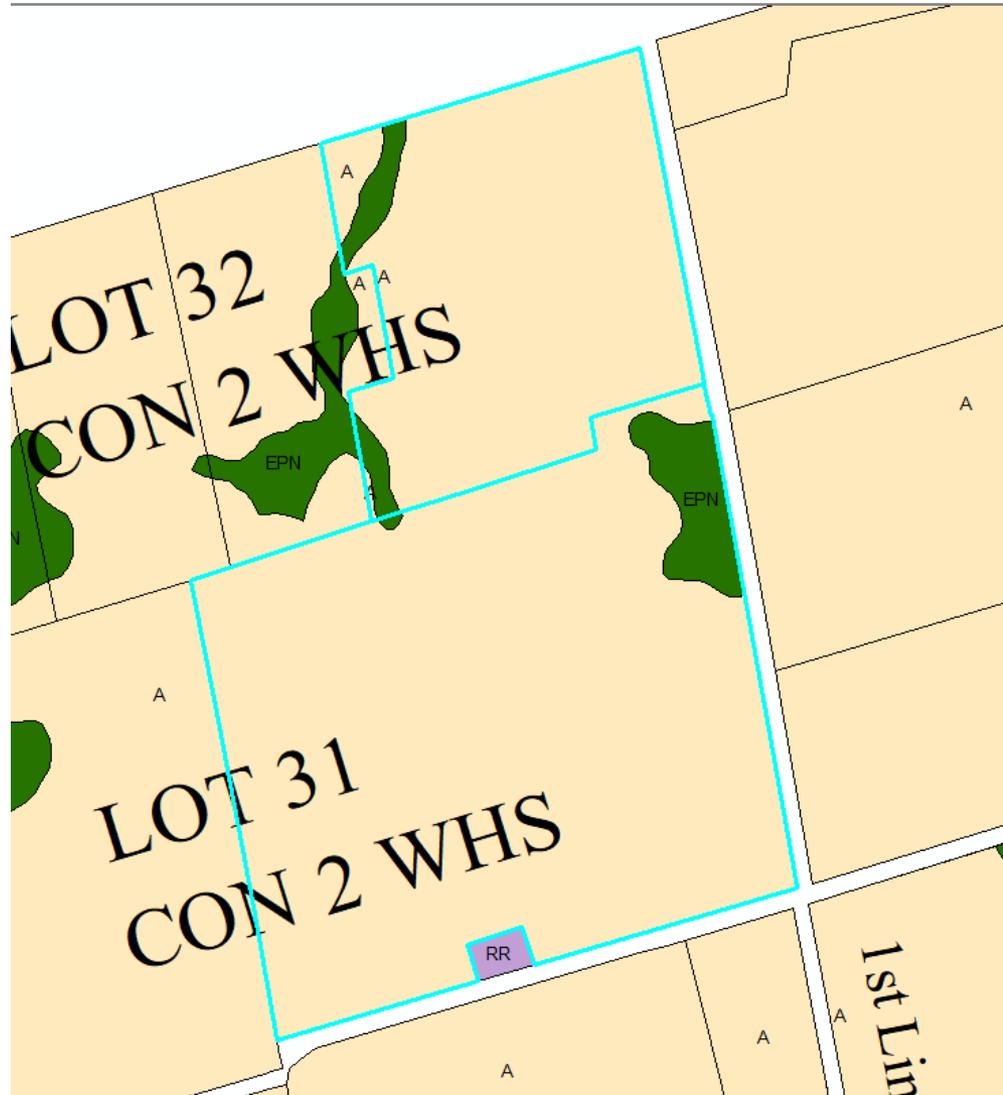
- Agricultural Designation
- Rural Designation
- Environmental Protection Natural Designation
- Provincial Agricultural System Map Prime Agricultural Area



# CURRENT ZONING

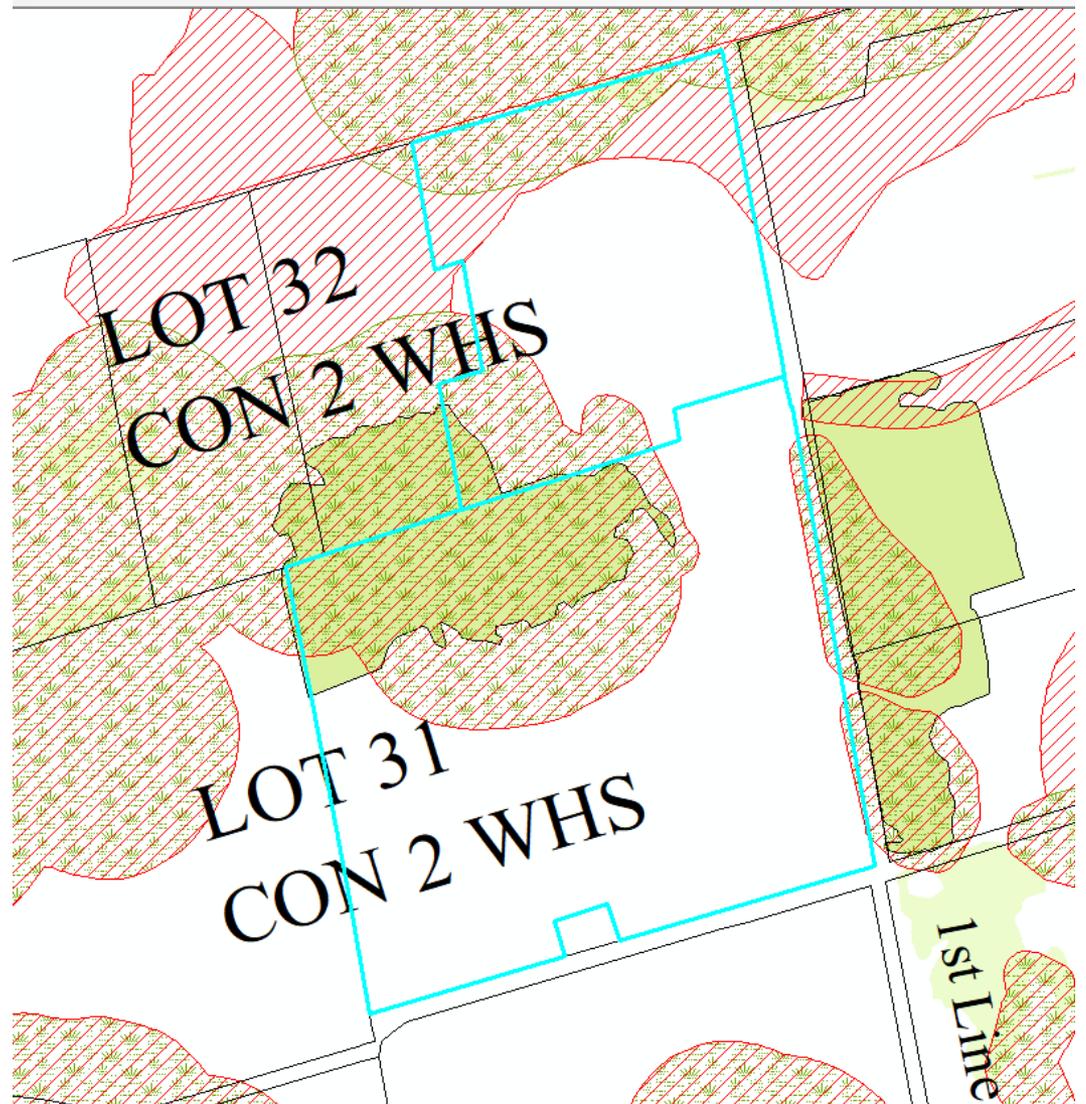


- Countryside Area (A)
- Environmental Protection



# ENVIRONMENTAL

- Regulated by NVCA
- Locally significant wetland
- Woodlot 10ha-40ha
- Regulated slope
- Regulated meander belt
- Regulated floodplain





## COMMENTS RECEIVED

- Public Works Road Widening
- NVCA (email of support)
- Dufferin County (comments anticipated)

## STAFF RECOMMENDATION:

### APPROVAL

- Subject to receiving public and agency comments



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

**FILE NO. B1-2022 DRYMAN CONSULTING SERVICES**

**RE: Boundary Adjustment**

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 18, 2022:

That Application No. B1-2022 submitted by Norman MacEachern for Dryman Consulting Services for a boundary adjustment adding lands from CON 2 W E PT LOTS 31 & 32 RP 7R4087 PART 4 (746269 30 SIDEROAD) Roll 6-10100 to CON 2 WHS PT LOT 32 RP 7R5109 PART 3, Roll 6-10200, be approved subject to the following:

- This consent applies to a boundary adjustment of approximately 16 ha, from CON 2 W E PT LOTS 31 & 32 RP 7R4087 PART 4 (746269 30 SIDEROAD) Roll 6-10100 to CON 2 WHS PT LOT 32 RP 7R5109 PART 3, Roll 6-10200.
- 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 May 18, 2024 less two weeks for processing for review and approval.
- The severed parcel shall be subject to Section 50(3) of the Planning Act, as applicable.
- The solicitor for the owner of the lot to which the severed parcel is to be added shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting enlarged parcel, and to provide the Township with documentation which demonstrates that the consolidation has taken place.
- That the survey for the parcels reflects the approved configuration and is within +/- 5%, of the approved area/dimensions, when rounded to two decimal places
- Two paper copies of the registered plan of survey and one pdf copy. The copy of the draft R-plan shall be circulated to the Township for review prior to registration.
- One digital autocadd (.dwg) drawing be provided, including documentation (such as email confirmation) from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies of the R-plan.
- Road widening of 3.0m taken from the severed and retained lands and dedicated to the Township to the satisfaction of the Township Director of Public Works
- The solicitor for the owner shall provide an Acknowledgement and Direction, with the draft transfer in preparation attached, for signature by the signing officers for the municipality, including authorization to permit electronic registration of the transfer. The solicitor shall prepare an undertaking to transfer said road widening to the Township within 30 days of the completion

**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.



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

of the severance and provide confirmation to the Municipality. (Road widening and Land dedications only) Surveys for Road widenings are to be submitted to applicable Department or Authority, for review and approval, prior to registration.

- Draft Transfers for Road Widenings 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.

REASON: Public Comments ~~were~~**were not** received.  
Conforms to the Township's Official Plan.

**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.

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**CORPORATION OF THE TOWNSHIP OF MULMUR  
NOTICE OF COMPLETE APPLICATION & PUBLIC MEETING  
B02-2022 GOODFELLOW**

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*. The meeting may be attended in person or electronically.

**MEETING DETAILS**

**In-Person Meeting Location:** Mulmur Township Offices, located at 758070 2<sup>nd</sup> Line East

**Phone Connection:** 1 647 374 4685 Canada / 1 647 558 0588 Canada

**Video Connection:** <https://us02web.zoom.us/j/84829988171>

**Meeting ID:** 848 2998 8171

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

**MEETING DATE AND TIME:** May 18, 2022 at 1:00PM

**APPLICATION NUMBER:** B02-2022

**OWNER/APPLICANT:** GOODFELLOW, DONALD WAYNE / GOODFELLOW, LISA MARGARET

**PROPERTY LOCATION:** CON 8 EHS W PT LOTS 29 30 AND RP 7R4983 PT PART 2 (958551 7<sup>th</sup> LINE)

**ASSESSMENT ROLL:** 221600000401800

**PURPOSE:** The application proposes to sever a +/- 18.21 ha (45 acre) building lot from a 55.53 ha (137.22 acre) parcel.

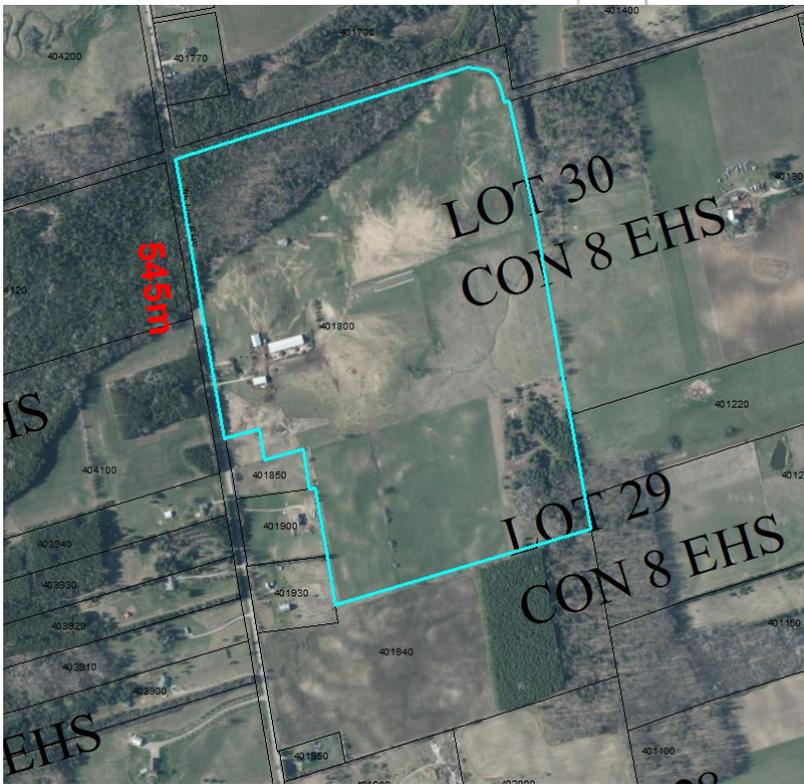
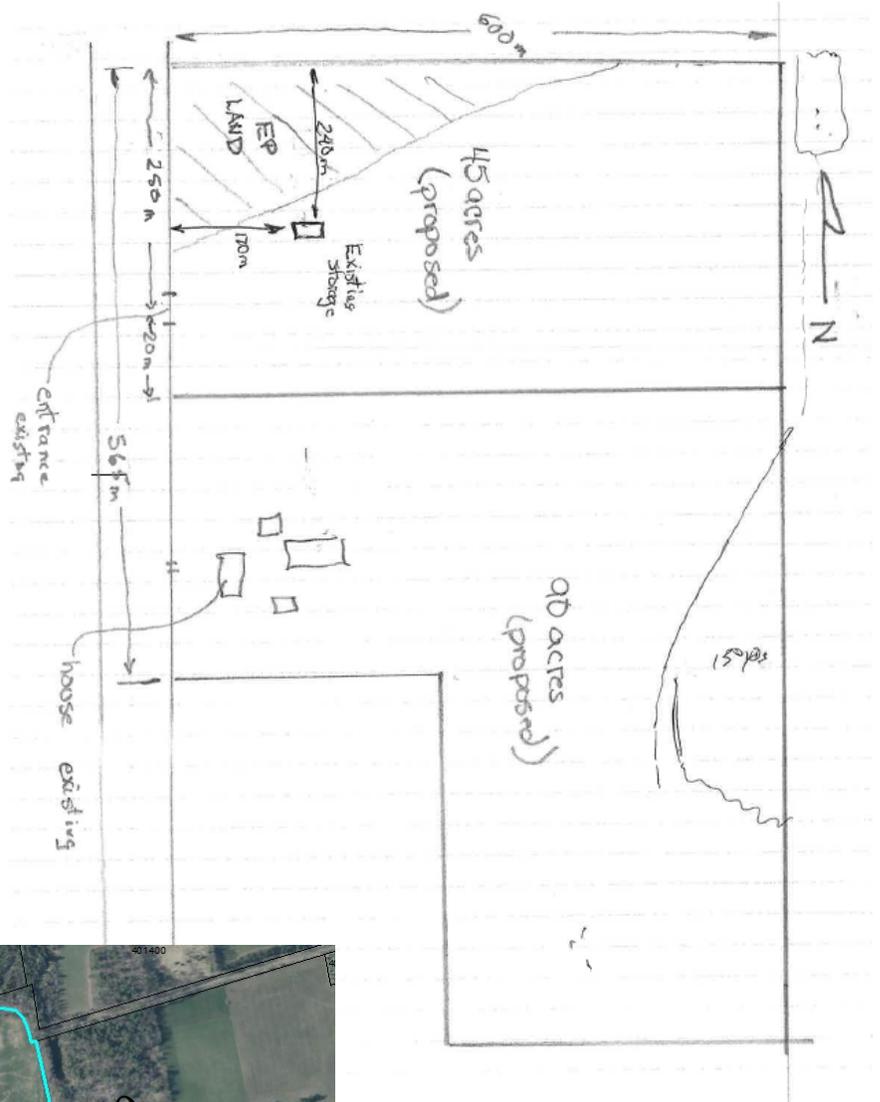
Additional information is available for public inspection at [www.mulmur.ca](http://www.mulmur.ca). If a person or public body that files an appeal of a decision of the Township of Mulmur Committee of Adjustment in respect of the proposed consent does not make written submissions to the Township of Mulmur Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal (OLT) 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 on reverse for illustration purposes only. This is not a plan of survey. A digital version is available by email.***

For more information contact: Tracey Atkinson, Planner

705-466-3341x222 | [planning@mulmur.ca](mailto:planning@mulmur.ca)

Dated April 8, 2022



For more information contact: Tracey Atkinson, Planner  
 705-466-3341x222 | [planning@mulmur.ca](mailto:planning@mulmur.ca)  
 Dated April 8, 2022

### 3. Purpose of this Application

Proposed transaction (check appropriate box)

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

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

create 45 acre

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

Wayne Lisa Tristan Goodfellow

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

Frontage (m)	Severed	Retained
	260	260
Depth (m)	600	600
Area (m)	45	90

### 5. Land Use

Date Property Acquired

1985

Existing Use

rural / farm

Proposed Use

rural / farm

Existing and Proposed buildings and Structures

Type of Building or Structure	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed	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					
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									see sketch and refer BOZ-2015
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									for all MDS math page 65/68 out
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									of 94 pages
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									

#### Water

- 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 / rural</i>	Current Official Plan <i>Countryside / 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? File #: _____ Status: _____
---	--

Provide an explanation of how the application conforms to the Official Plan  
*This will be 2nd severance out of possible 3  
 No development planned*

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



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

Yes

No

If yes, provide details:

lot created in 1980's zoned rural residential

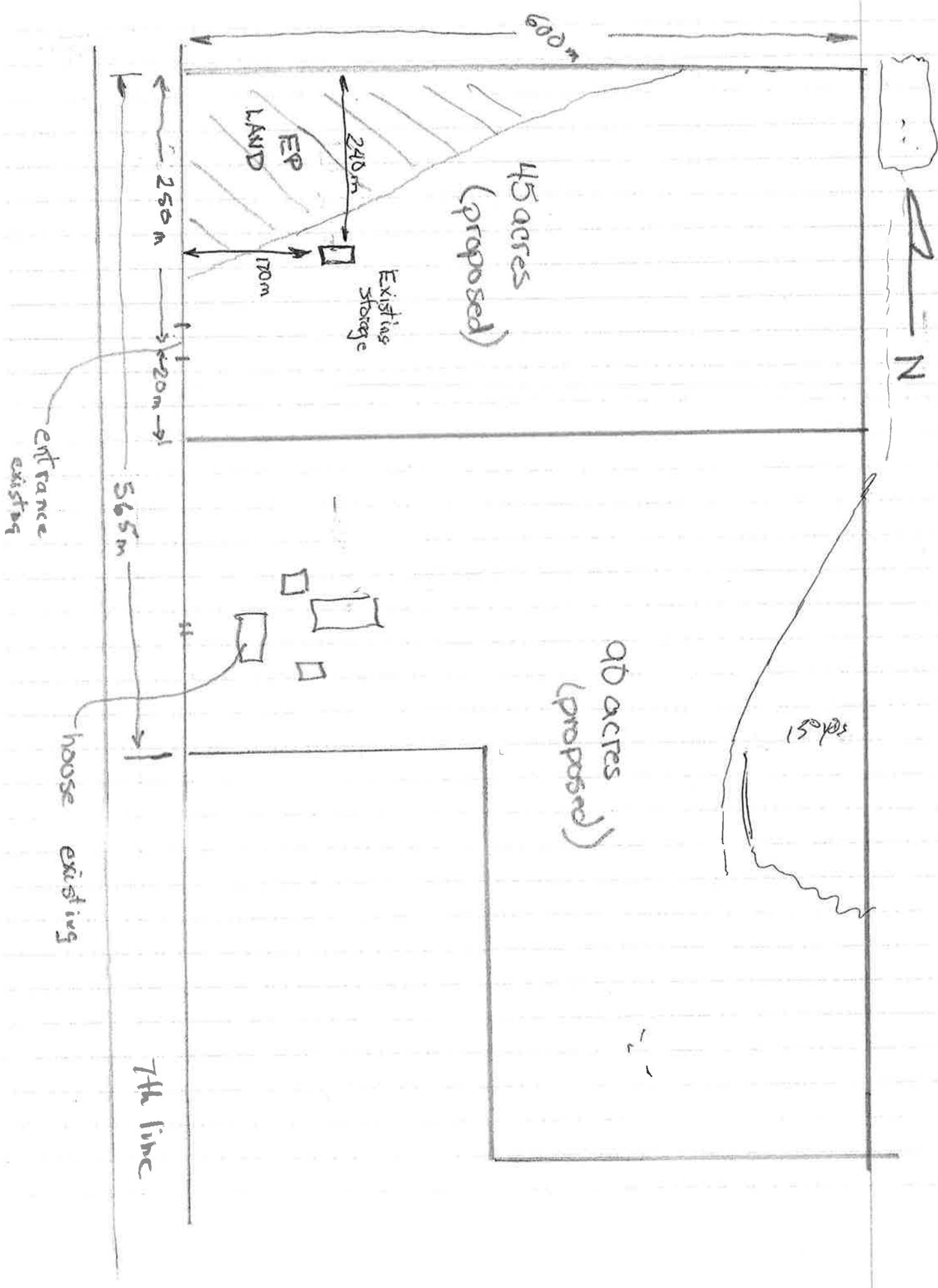
### 9. Other Information

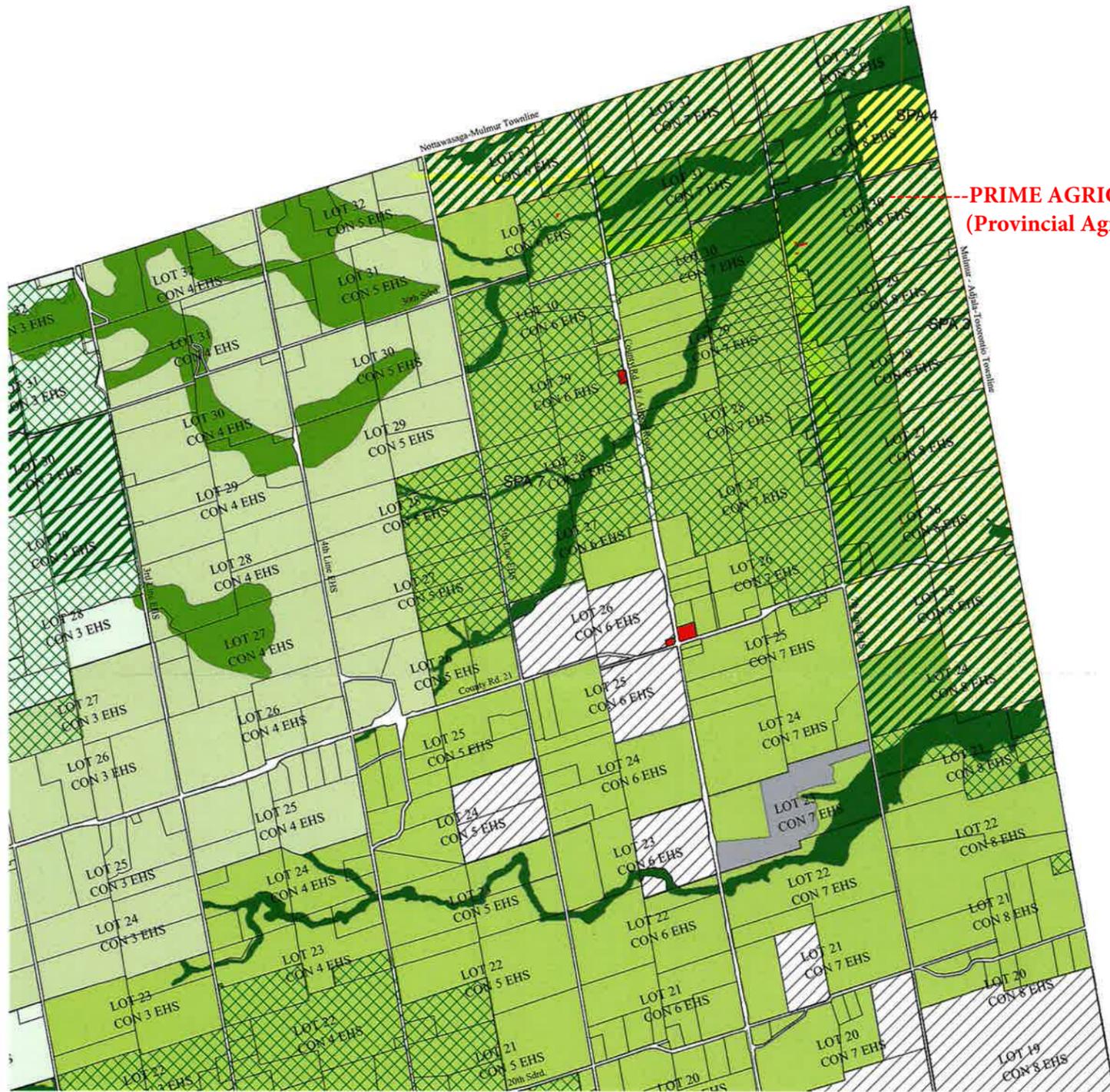
Please provide any other information that may be useful to the Council or other agencies in reviewing this application, ie. health department, conservation authority, etc.

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

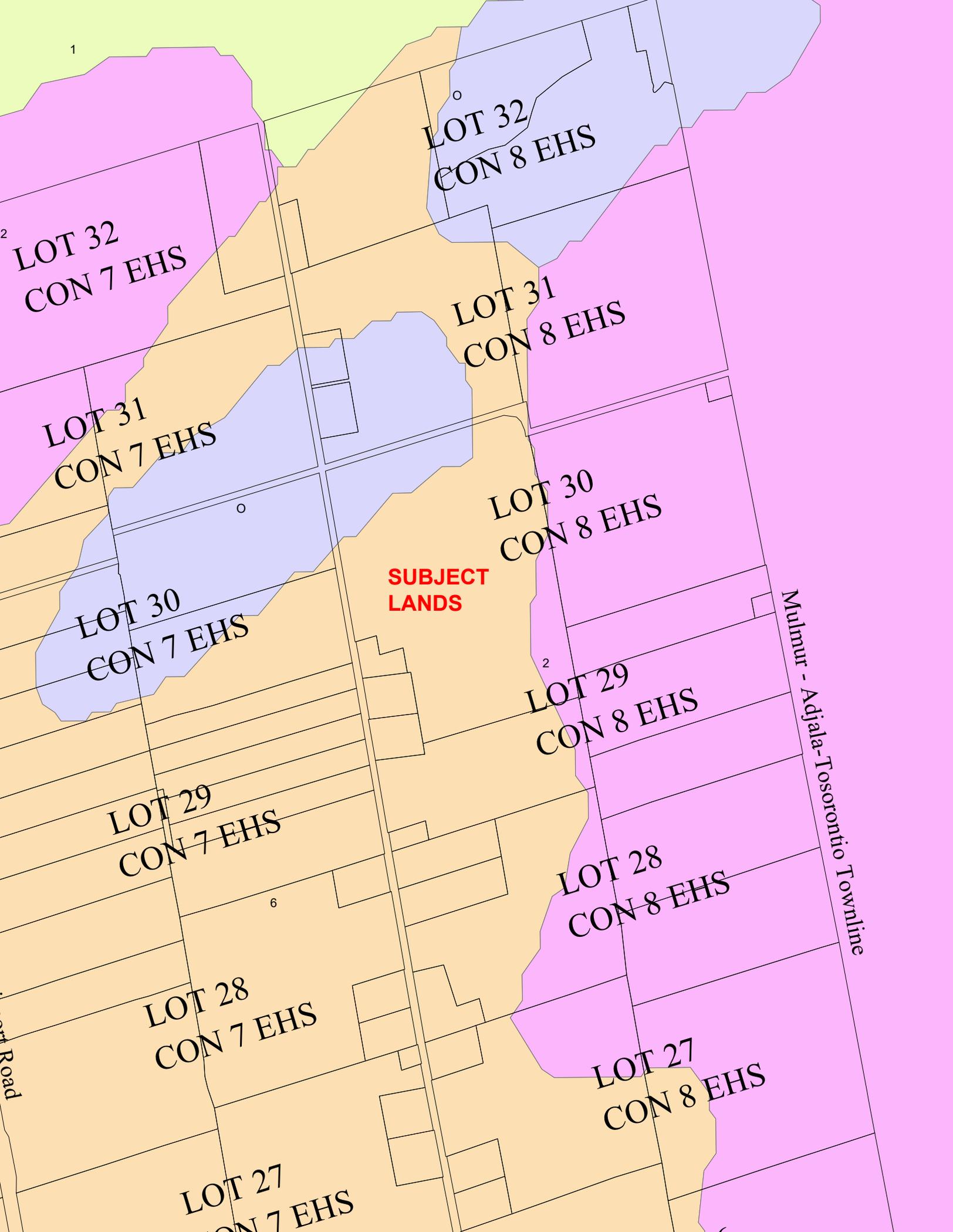
The application shall be accompanied by a sketch showing the following:

- 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~~





**PRIME AGRICULTURAL LAND**  
**(Provincial Agricultural System Mapping)**



LOT 32  
CON 8 EHS

LOT 32  
CON 7 EHS

LOT 31  
CON 8 EHS

LOT 31  
CON 7 EHS

LOT 30  
CON 8 EHS

LOT 30  
CON 7 EHS

**SUBJECT  
LANDS**

LOT 29  
CON 8 EHS

LOT 29  
CON 7 EHS

LOT 28  
CON 8 EHS

LOT 28  
CON 7 EHS

LOT 27  
CON 8 EHS

LOT 27  
CON 7 EHS

Muhmur - Adjala-Tosoronto Townline

**May 15, 2022**

**Mulmur Township: Re Goodfellow application for severance**

This proposal to re-zone this area to agricultural is not realistic, due to the known poor soil type and land topography ( ie steep slopes) and the already dense residential housing in this direct area. This area should remain zoned as “ rural “ .

History is recorded not only for record keeping, but so people can learn from history , and ideally not make the same mistake.

-Duffer County started purchasing land 100 years ago to plant trees to stop the flow of sand in the area of Randwick. Pine trees were planted because this sandy land could not support farming, and pine trees can grow on poor soil.

-Base Borden to the east of Randwick, was created b/c the army needed a place to train similar to the land in North Africa ( ie sand dunes )

-Lot 29 Conc 7 East Part is mentioned in the history of Mulmur as once cleared for farmland, and is now fully treed because the land could not support farming and the growth of crops.

-Lot 28 Conc 7 East part ( east side of 7<sup>th</sup> line East road ) was once planted in Christmas trees ( 18, 000 seedlings), and they ALL died in the sandy soil the year they were planted.

During you site visit, check out Lot 29 Con 8 West half ( ie on 7th Line E , directly south of our home property; long lane, with house on top of hill ) . This parcel of land barely grows weeds – look at the bare areas on this parcel of land. This land has not been tilled in 4 years, yet very little grows on this soil. Four years ago, the air seed drill become stuck in dry sand when I owned the parcel of land, and tried to grow crops on it.

This area is **currently** zoned ' Rural ' . This does not prevent agricultural use of the land; however, said "rural zoning" does prevent large industrial farming on the land. Rural zoning is a "buffer" between agricultural zoned land and rural residences.

This area is the most densely populated road in Mulmur Township, excluding subdivisions. Secondary residences will become the norm, and not the exception. Two new houses will be built this year between Cty Rd 21 / Mulmur-Nottawasaga Townline. This will leave 5 current vacant building lots on this section of road. Do not forget that second homes on each residential property is yet to come. This will further increase the residential density on this road.

This area should remain zoned as " rural " .

An application has to be heard under the present rules upon which it was received, and not under any future proposed changes.

Regards,

Wayne Goodfellow

958551 7<sup>th</sup> Line E, Mulmur, ON L9V 0M9

According to the 2006 census<sup>2</sup>, the population of Dufferin County aged 15 years or older was employed in the following industries:

24%	sales and service occupations
19%	trades, transport, and equipment operators and related occupations
16%	business, finance and administration occupations
11%	management occupations
9%	occupations unique to processing, manufacturing and utilities
7%	occupations in social science, education, government service, and religion
4%	natural and applied sciences and related occupations
4%	health occupations
4%	occupations unique to primary industry
2%	occupations in art, culture, recreation, and sport

The commercial retail and service sector is centred in Orangeville and Shelburne and is growing rapidly. With recent influxes of population, industries related to residential and commercial construction (building, supplies, real estate) have also grown. Manufacturing is also an important sector of Dufferin's economy. Tourism is becoming more significant, as local tourism associations take a more proactive role in attracting visitors to the area.

In the Hemson Consulting report, *Greater Golden Horseshoe Growth Forecasts to 2041*, the population of Dufferin County is forecast to rise from the 56,881 reported in the 2011 census to 77,000 in 2031 and 85,000 in 2041 (Figure 1). The same report gives a population forecast for the Greater Golden Horseshoe of 13,476,000 in 2041, an increase of 4,450,000 from 2011. These increases in population are expected to increase the recreational pressure on the Dufferin County Forest.

#### **4.0 HISTORY OF THE DUFFERIN COUNTY FOREST**

By 1900, much of Dufferin County had been cleared of trees to facilitate farming. As there had been no reforestation, the trees disappeared, and so did the lumber companies. Many farmers who had supplemented their income with logging fell on hard times. *The removal of the tree cover had far-reaching effects: without stabilization, the thin, sandy soils were eroded by wind and water. This made farming impossible.* However, Dufferin was not alone in this predicament. Similar settlement patterns in other parts of southern Ontario had created similar problems. As early as 1908, the Ontario Department of Agriculture had published a *Report on the Reforestation of Waste Lands in Southern Ontario*. This report outlined the development of blowsands that had resulted from large-scale land clearing. It also described the economic and environmental benefits of reforestation:

*"The policy of putting these lands under forest management has many arguments in its favour. It will pay as a financial investment; assist in insuring a wood supply; protect the headwaters of streams; provide breeding ground for wild game, provide object lessons in forestry, and prevent citizens from developing under conditions which can end only in failure."*

In Dufferin County, land reclamation through planting began in 1905. Gradually, tree planting

---

<sup>2</sup> Employment data is not available as part of the 2011 census information provided by Statistics Canada.

## Foundations of Randwick lost in the Dufferin Forest

by Andrew Hind: Special

Located in the north-east corner of Dufferin County's Mulmur Township, the hamlet of Randwick was once a thriving logging and farming community. Now, its a ghost town, the empty foundations of former cottages inhabited only by shades of the past.

Randwick dates back to the late 1860s, when the lumber company of Parker and Smith purchased timber rights along the sandy slopes of Lisle Creek. This license gave them exclusive rights to harvest the timber, which consisted mostly of the lucrative white pine, located within the broad valley that bounded the waterway.

It wasn't long before the echoes of axes biting into trees and the high-pitched buzz of the mill's saw began to echo through the once-tranquil forest. The company employed almost three-dozen men full-time, and so it was necessary to build worker's cottages nearby. A total of 32-cabins were erected, and though modest, they represented the core of the village of Randwick.

The cottages were soon joined by a small hotel that did a thriving business. True, only a handful of people ventured into the forested valley, and therefore there was little call for its half-dozen guestrooms. On the other hand, the alcohol served in the bar was always in great demand, and consequently the hotel experienced more than its share of raucous booze-soaked revelry. With rowdy lumbermen the primary clientele, is it any wonder that this merriment was on occasion interrupted by drunken fisticuffs?

Throughout the 1870s, the future seemed rosy indeed for the community. Randwick was granted a post office in January of 1874, a sure sign that a community had "come of age". Instead of locating the post office in the valley alongside the mills and cottages, the post office was built partway up the valley's side, at the intersection of the 6th Line and 25th Concession of Mulmur Township. This was intended to make the service accessible for area farmers as well as loggers in the employ of Parker and Smith.

For the same reason, Randwick's school was located just across the road from the post office. It was a tiny, one-room, board and batten affair, but despite its humble appearance, it did manage to bring a degree of education to the wild youths of the area.

While the community grew significantly over its first decade, it never acquired many of the trappings typical of a prosperous village. There was no store, for example, nor a blacksmith or other artisans. For these businesses, Randwick natives had to go two miles north to the village of Banda. At the same time, and despite the staggering number of logs and board feet of lumber being shipped out of the valley, Randwick could never secure a spur-line to any nearby railway. This meant that wood

ready for shipping to distant markets had to be transported by horse-drawn wagon to the closest rail station, in Angus. There can be no doubt that the lack of railway station hindered the development and long-term prospects of Randwick.

Slowly, as the forests were cleared away, the village began to undergo a metamorphosis. Originally Randwick was nothing more than a mill town, but by the 1880s farms began to appear in the valley as well, as settlers began cultivating the land that just years before was covered by great stands of pine. The thriving, and occasionally rambunctious mill village was slowly being replaced by a slow-paced, tranquil farming community. By the turn of the century, that transformation was complete.

With the forests gone, the mill closed and most of the workers moved away in search of employment. Many of the cabins sat empty.

Farmers dreamed of turning the now completely cleared valley into an Eden of flowing wheat, but it was not to be. The voracious logging over the past quarter century had removed the forest cover, which in turn made the already-thin soil vulnerable to wind and water erosion. During dry summer months, sand would blow off the fields and collect in dunes on nearby roads. Snow ploughs had to be brought out of storage on these occasions to make the roads passable.

As the topsoil was literally swept away, so too were the dreams of area farmers. Farming was unsustainable, and in the long run impossible, in this desert-like environment.

By the 1920s, most settlers had moved away, leaving the valley eerily silent. Wind moaned through the empty cottages and whipped up ghostly sand-storms. The fields where horses once strained under the plough were barren save for stands of weeds and the occasional gnarled and forlorn shrub. Randwick took on the image of the proto-typical ghost town of the American West.

In an attempt to restore the area to a semblance of life, the Township of Mulmur stepped in to purchase much of the land around Randwick and in the 1930s began reforestation efforts. Soon, straight rows of pine extended across the valley. In time, desert gave way to forest once more.

Today, very little remains of Randwick. Amongst the trees of the Dufferin County Forest, old foundations are obscured by foliage and rotting away. In time, perhaps sooner rather than later, they'll be entirely reclaimed by nature. Of the mill, there is no trace. The former post office stood as recently as the 1980s, but no longer.

The only visible reminders of Randwick are the schoolhouse, now a private residence. Within the aging walls of this building reside the fleeting memories of this once thriving mill and farm community.



## Food Chain looks to share proposal, add new ideas

cont'd from page 5

"I think that a lot of people are now realizing that the money that was issued is woefully short of even its billed target or expectations," says Pearce. "It is not going to give much alleviation to the financial crisis that has been accumulated over the last two or three years," he says.

Sharing their proposal at the PFA meeting, Doner reported the "recognized trade injury" between 1996 and 2000 for Ontario corn alone amounted to \$465 million, according to Statistics Canada. With projections of possible trade injury today of as much as one million dollars a day, "Farmers are basically out of cash - (and) we think that tweaking or adjusting the MRI program simply won't work," he says.

The problem with 'tweaking' the MRI program, the trio says, is that the program was developed when price was a better reflection of supply and demand. Today's commodity prices are "irrelevant" with respect to cost and controlled strictly by trade - and that is where the MRI program falls short, says Doner. "We did not have trade injury in the time in which the MRI program was designed," he says. While both Doner and Pearce believe the MRI program falls short of addressing today's critical needs, they both recognize that much-needed funding flowed through to the farming community during the program's existence.

So what does Food Chain propose is needed to drive the industry forward?

Food Chain believes it is time to adopt new age thinking to tackle today's new-age problems and they see the principles outlined within their proposal as the only way to address the growing failure in agriculture. They want to see a bankable, government-supported, fully-funded, cost-based program that includes all cost lines, that allows for return on investment and that is structured to achieve goals for both the primary producer and the broader rural community. The program is looking at long-term solutions to the industry problems and identifies principles only. Formulas to accommodate the principles would need to be applied and Food Chain believes those should be the responsibility of each of the respective commodity boards.

They identify four key goals of the program for the

primary producer - long-term sustainability, a lowering of the average age of farmers, generational rollover and a directional reverse of the growing farm debt.

But agricultural businesses do not operate in isolation and the current economic crisis is having a staggering and rippling effect throughout Ontario's rural communities and it is critical that any new scheme also address these concerns. Doner says that during their investigations, they found there were structured businesses with as many as up to eight divisions.

"That made no more profit last year than one good farm should make."

Yet the outstanding receivables for the companies could be as high as 11 times their profit, he says.

Although Canada is currently trading under the World Trade Organization (WTO) rules, Doner does not believe that the industry is 'capturing' the spirit of those rules.

Whenever new support schemes are proposed, red flags are often waved about how the program could or would conform to World Trade Organization (WTO) trading rules. Under current WTO rules, cost of production (COP) includes freight-to-port and allows producers a return on investment of 3.1 per cent.

But producers aren't receiving that now, and in fact, are falling well short of the allowable return on investment. Sharing information, as reported in the March 2005 Ontario Corn Producer, tell a dramatic story. According to that data, George Weston Ltd. profits of \$773 million equated to a return on investment of 37.3 per cent, as compared to the Canadian farm gate, coming in just slightly under the halfway mark at \$367 million, yet accounting for a return on equity of only 0.3

per cent.

Food Chain contends that producers must receive the economic benefits and returns as currently allowed under WTO rules. "Internationally (the proposal) stresses the need to adhere to trade agreements that Canada as a nation has signed onto with other trading partners," says Pearce.

The team has outlined a series of checks and balances that would need to be included within the program to ensure transparency and accountability for the proposed program.

Food Chain have been looking for opportunities to share their proposal with all stakeholders in the agricultural community and welcome new ideas, concepts and criticisms of their proposal. "I think that the only way that we are going to come up with a program to meet the needs of agriculture is to circulate and procure endorsements for it, or a modified version of it," says Pearce. Their goal is to present their proposal in front of as many government officials, industry representatives and grassroots members as they can, including both the ministry's advisory review team, as well as the review committee struck by the grains and oilseeds sector.

At the PFA meeting, directors voted to endorse the proposal. "We need to look at everything connected with agriculture - to be sure that we are getting maximum return," says Nick DeBoer, PFA president. "We should have no sacrificial cows if we want to develop a long-range vision for agriculture. The Food Chain presentation wants to look at all of the links to ensure that the primary producer is treated fairly," he says.

Anyone interested in having Food Chain ([www.food-chain.ca](http://www.food-chain.ca)) come to present the proposal may contact Doner at 905-887-5027.

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B2-2022 Goodfellow



<b>FILE NO</b>	<b>B2-2022</b>
<b>ROLL NO</b>	221600000401800
<b>OWNER</b>	GOODFELLOW, DONALD WAYNE / GOODFELLOW, LISA MARGARET
<b>ADDRESS</b>	958551 7 <sup>th</sup> LINE
<b>LEGAL DESCRIPTION:</b>	CON 8 EHS W PT LOTS 29 30 AND RP 7R4983 PT PART 2
<b>OFFICIAL PLAN:</b>	Rural (Prime Ag Area) and Environmental Protection Natural
<b>ZONING:</b>	Countryside Area (A) and Environmental Protection (EP)
<b>NEC/Greenbelt:</b>	N/A
<b>NVCA Regulated:</b>	Yes - wetland
<b>Application Submission Date:</b>	April 1, 2022



## BACKGROUND

The original 100 acre farm (W ½ Lot 30, Con 8) was reduced to approximately 99 acres in 1994 when a one acre parcel was severed from the main farm as a retirement lot under application B23-94 (Goodfellow).

The subject lands were then reconfigured through a series of boundary adjustments in 2016 under files B3-2016 and B4-2016 (Goodfellow) when the farm retirement lot was enlarged, one building lots created between the retirement lot and lot off of the property to the south, and the farmland was consolidated with the main 99 acre farm property (Lot 30). The resulting farm was about 145 acres.

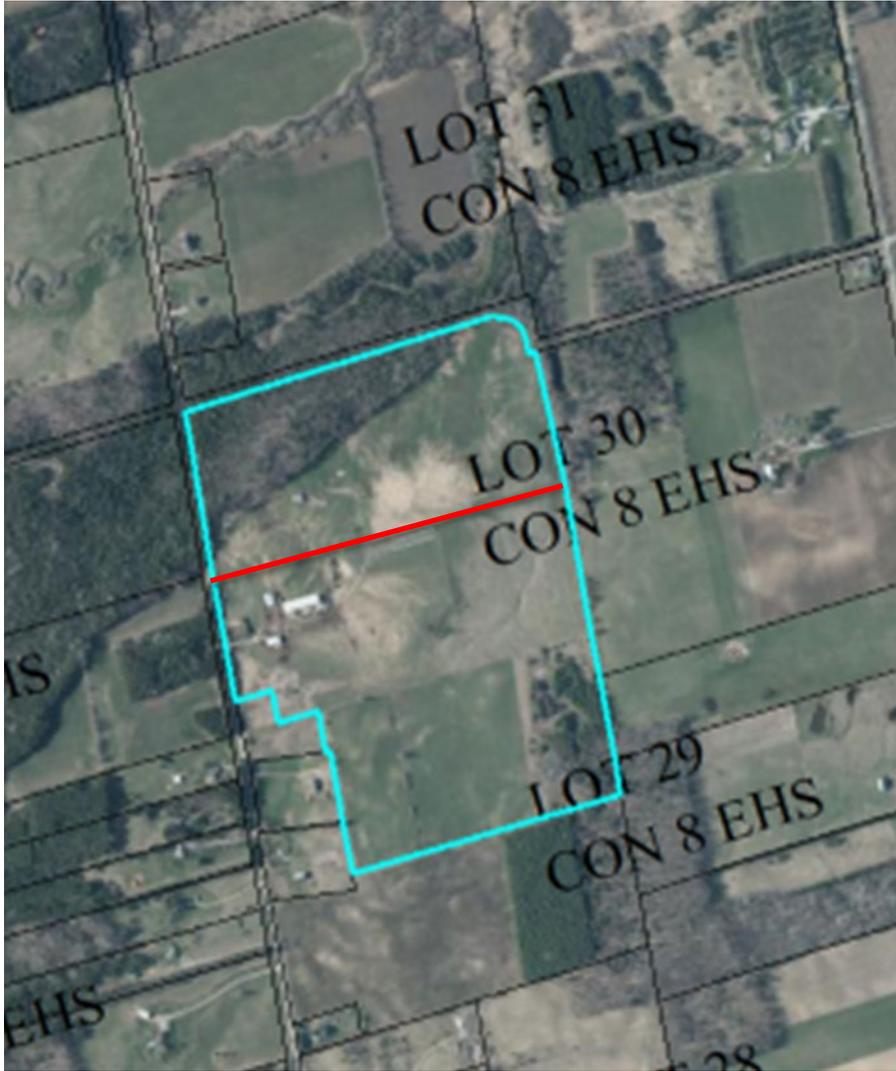
The 45 acres (N part of the W ½ of Lot 29, Con 8) that were added added in 2016 had been previous subdivided through file 32/99 (Fehlings) which created a 5 acre lot from the centre of the 100 acres, which was subsequently severed along the centreline into a 45 acre parcel and 48 acre parcel through 44-2000 (Fehlings).

The current application proposes to create a 45 acre parcel, being the north part of the West half of Lot 30, Concession 8, such that the remaining lands are approximately 100 acres, composed of the bottom half of Lot 30, and the top half of Lot 29, both being part of the West half of Concession 8.

# EXISTING CONFIGURATION



# PROPOSED CONFIGURATION



# PROVINCIAL POLICIES & PLANS



## **AGRICULTURAL AND RURAL POLICY FRAMEWORK**

The Township is concerned with four sets of policies related to severances in agricultural areas in Mulmur. They are:

1. Provincial Policy Statement, 2020 (PPS)
2. Growth Plan, 2020 (with 2017 Agricultural System and 2020 implementation procedures)
3. County of Dufferin Official Plan, 2014
4. Mulmur Township Official Plan, 2012

# PROVINCIAL POLICIES & PLANS



## Provincial Policy Statement

Provincial Policy Statement policy 2.3.2 states that:

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

2.3.2 Planning authorities shall designate prime agricultural areas and specialty crop areas in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an agricultural system approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network.

## PROVINCIAL POLICIES & PLANS



The PPS defines prime agricultural area and prime agricultural land, as well as the Agricultural system which includes reference to an agricultural land base (which is undefined but described).

**Prime agricultural area:** means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands,

**Agricultural System:** A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and b) An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.as amended from time to time, in this order of priority for protection.

## PROVINCIAL POLICIES & PLANS



The subject lands have a small portion of Prime agricultural land. The lands are not identified as a prime agricultural area in the Township of County Official Plan, but are identified as a prime agricultural area and candidate lands in the provincial Agricultural System mapping, and will become prime agricultural area at the time of the County Municipal Comprehensive Review (MCR) Official Plan amendment. The policies of the PPS relating to an agricultural system and maintaining and enhancing the agricultural land base still apply.

# PROVINCIAL POLICIES & PLANS



## Growth Plan

In accordance with A Place to Grow policy 4.2.6.1, the Province has identified an Agricultural System for the Greater Golden Horseshoe. This was achieved with the release of Agricultural System mapping on February 9, 2018. Policies 4.2.6.2 and 4.2.6.4 of the Growth Plan, respectively, state that:

*“Prime agricultural areas, including specialty crop areas, will be designated in accordance with mapping identified by the Province and these areas will be protected for long-term use for agriculture”* and

*“the geographic continuity of the agricultural land base and the functional and economic connections to the agri-food network will be maintained and enhanced.”*

# PROVINCIAL POLICIES & PLANS



The Growth Plan implementation policy 4.2.6.8 states that

“Outside of the *Greenbelt Area*, provincial mapping of the agricultural land base does not apply until it has been implemented in the applicable upper- or single-tier official plan. Until that time, *prime agricultural areas* identified in upper- and single-tier official plans that were approved and in effect as of July 1, 2017 will be considered the agricultural land base for the purposes of this Plan.”

“Within the Greenbelt area, the provincial agricultural land base mapping of prime agricultural areas was in effect as soon as it was issued by the Province on February 9, 2018. Land use planning decisions made after that date need to conform to provincial mapping. Municipalities have the opportunity to refine the provincial agricultural land base mapping within the Greenbelt area. The refined mapping will take effect after it is incorporated into the applicable upper- or single-tier official plan (i.e., adopted through an upper- or single-tier official plan or official plan amendment, then approved by the minister of Municipal Affairs and Housing)...

“Across the GGH, for candidate areas identified in the provincial agricultural land base map, current in-effect land use designations in official plans apply until the mapping has been refined and lands meeting the definition of prime agricultural area are designated in the applicable official plan.”  
(Implementation Procedures for the Agricultural System in Ontario’s Greater Horseshoe, section 3.2)

The subject lands, are therefore not subject to the Agricultural System policies, which then trigger policies related to the protection of the “prime agricultural area”, but continue to be subject to the general policies protecting the “agricultural land base” , including candidate lands.

# PROVINCIAL POLICIES & PLANS



Section 3.3.2.1 of the Implementation Procedures for the Agricultural System in Ontario's Greater Horseshoe provides for minimal refinements to the prime agricultural area but allows more flexibility regarding candidate lands.

During the municipal refinement process, refinements to prime agricultural areas mapped in OMAFRA's agricultural land base map are to be based on consistency with the Agricultural System mapping method, purpose and outcomes, and may be approved in the following circumstances:

- To adjust prime agricultural areas to identifiable boundaries (beyond the identifiable boundaries used by the Province to create the agricultural land base map). Identifiable boundaries may include roads, railways, large water bodies and settlement area boundaries, but do not include the following: topographic features (e.g., cliffs), buildings, small creeks or drainage ditches or provincial plan boundaries (e.g., to Niagara Escarpment Plan or Oak Ridges Moraine Conservation Plan boundaries).
- To make minor technical adjustments (e.g., to account for distortion from map projections or discrepancies based on map scales).
- To account for settlement area boundaries that were approved in upper- and single-tier official plans in effect as of July 1, 2017 and any additional refinements to settlement area boundaries once precise locations have been determined through an official plan process.<sup>16</sup>
- To recognize more precise local information, specifically:
  - First Nations, Aerodromes, provincial LEAR, settlement areas, employment areas, Contiguous areas greater than 250 ha of non-agricultural and non-residential uses, natural heritage features

The subject lands do not qualify for any of the allowable minimal refinements as per section 3.3.2.1.

# PROVINCIAL POLICIES & PLANS



## County Official Plan

The County of Dufferin is anticipated to provide comments on the conformity of the application.

The County is currently undertaking a Municipal Comprehensive Review and conformity exercise, which was to be submitted to the Province this summer. However, the submission has been delayed at the decision of County Council. The Planning Consultants have discussed the candidate mapping with the Province.

# PROVINCIAL POLICIES & PLANS



## Township Official Plan

The Mulmur Official Plan contains the following applicable policies, regardless of designation:

2.0, Purpose of the Plan: “provide for the identification and preservation of prime agricultural lands and the protection of agricultural activities and uses”

4.1, Overall Vision Statement “The Township is committed to sustainable growth while protecting the environment, natural resources and agriculture as well as the scenic beauty and the rural and community character of the Township.”

4.2.8. Agriculture: Prime agricultural areas and agricultural operations shall be protected for long-term use. Developments and uses which have the potential to conflict with agriculture and normal farming practices shall be discouraged, or appropriately separated.

6.0.2 Objectives of the Rural Countryside: To preserve and protect agricultural lands, and encourage the continuation of farming operations, wherever they exist, and the establishment of new farming operations within the Township, for the long term

# PROVINCIAL POLICIES & PLANS



Mulmur Official Plan Policies specific to lands currently designated Rural (section 6.2) include:

6.2.1 OBJECTIVES: 1): To facilitate and permit a broader range of compatible rural, resource, recreational and residential uses, and uses related to such uses, that have a minimal impact on agricultural uses, natural resources, environmental features and rural character, and; 2) To encourage continued agricultural use and protect farming operations where they exist within rural areas.

6.2.5, New Lots: 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.

## PROVINCIAL POLICIES & PLANS



The subject lands are candidate lands to be included in the Prime Agricultural Area after the County completes its MCR and associated amendments to its Official Plan. Until that time, the decision making authority needs to ensure that their decision are in accordance with section 5 of the Planning Act, R.S.O. 1990, c.P 13, as amended.

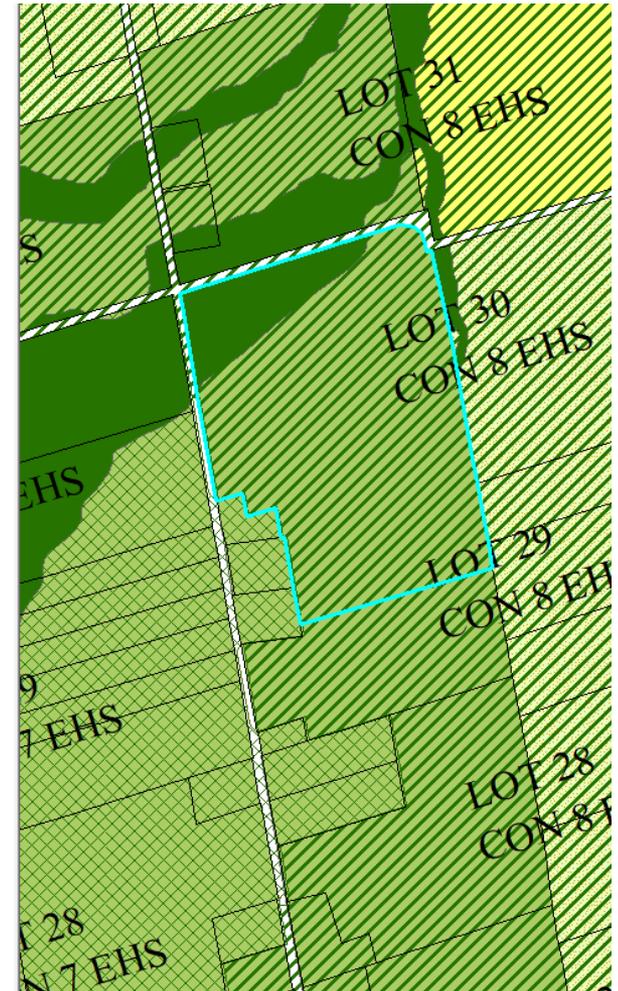
(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80.

# OFFICIAL PLAN DESIGNATION

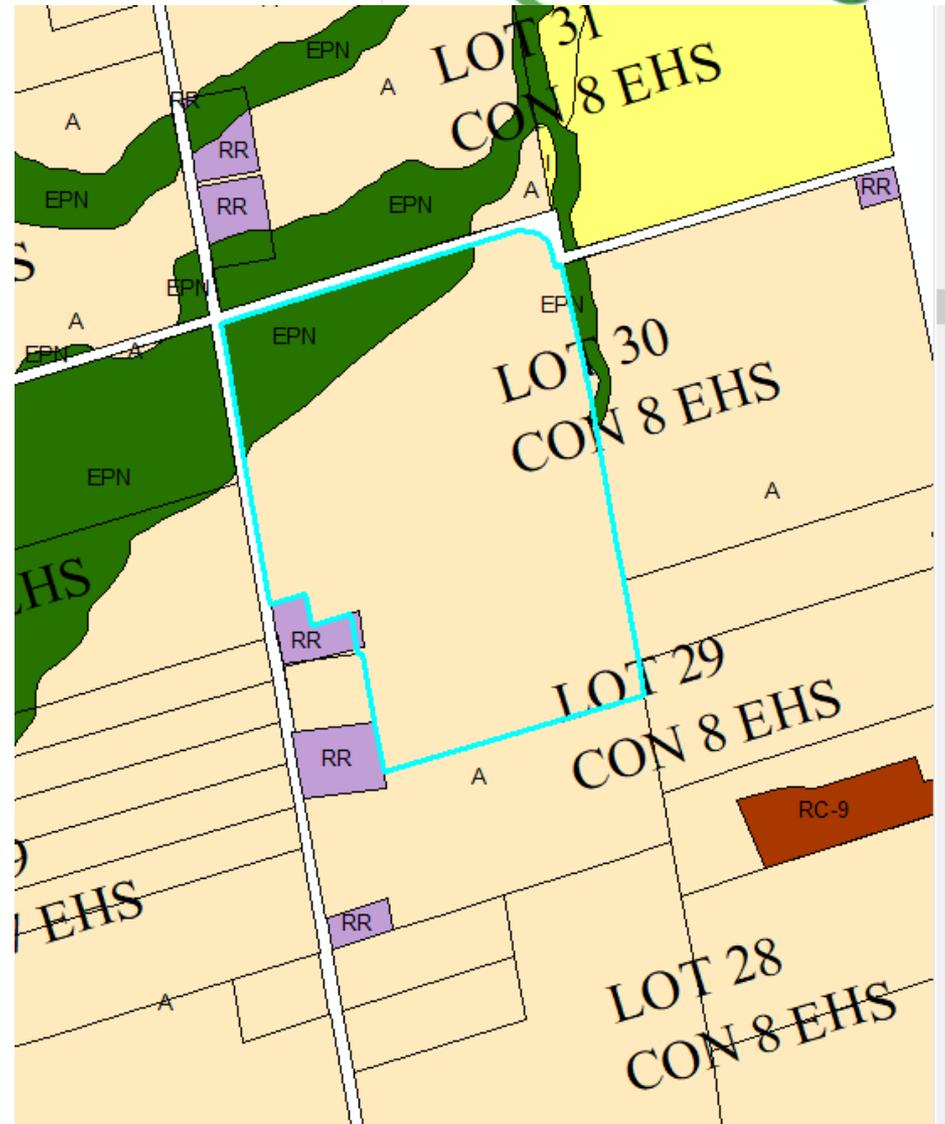
- Rural Designation
- Environmental Protection Natural Designation
- Provincial Agricultural System Map: Prime Agricultural Area



# CURRENT ZONING



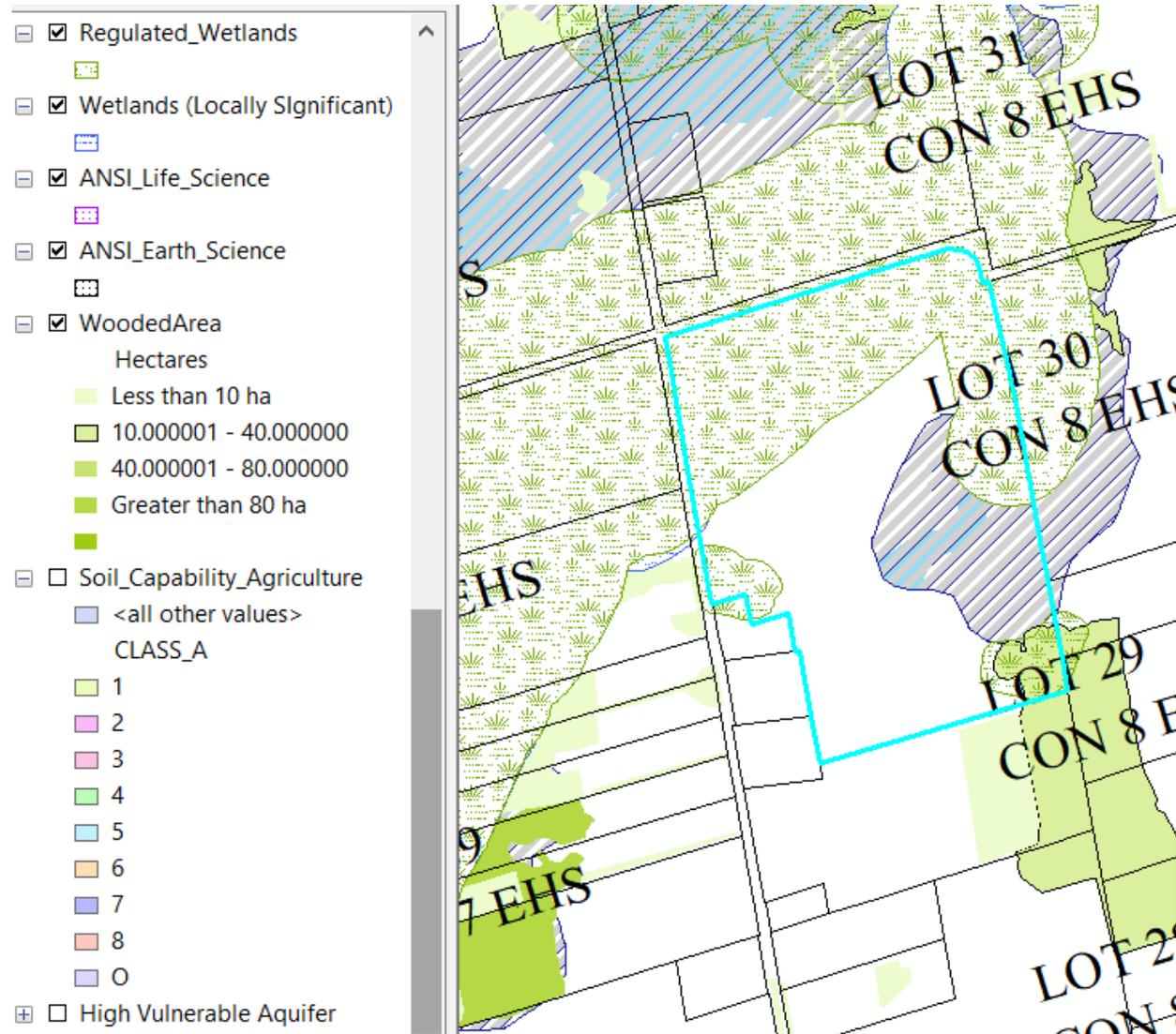
- Countryside Area (A)
- Environmental Protection



# ENVIRONMENTAL



- Regulated by NVCA (comments anticipated)
- Locally significant wetland
- Wooded Area (less than 10 - 40ha)
- Regulated Slope Valleylands





## COMMENTS RECEIVED

- Public Works Road Widening
- NVCA
- Dufferin County (anticipated)

## STAFF RECOMMENDATION:

DENIAL: Application does not conform to or is in conflict with Provincial Policy Statements,

Provincial Plans, and Official Plan policies

DEFERRAL: Comments from NVCA request deferral



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**From:** [Amy Knapp](#)  
**To:** [Tracey Atkinson](#)  
**Cc:** [Roseann Knechtel](#)  
**Subject:** NVCA Comments for Goodfellow Severance  
**Date:** May 16, 2022 12:01:40 PM  
**Attachments:** [NOTICE - Notice of PM B02-2022 Goodfellow \[13-APR-2022\] \(4\).pdf](#)

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Good Afternoon Tracey,

**RE: Comments for Consent Application B2-2022  
958551 7th Line  
Township of Mulmur  
NVCA ID #51127**

Nottawasaga Valley Conservation Authority [NVCA] staff is in receipt of a consent to create a new residential lot. The application proposes to sever a +/- 18.21 ha (45 acre) building lot from a 55.53 ha (137.22 acre) parcel. The severed lot currently contains an agricultural "storage building" and an existing agricultural access. The retained lands contain an existing residence and several agricultural buildings and two existing accesses (one residential and one agricultural).

The applicant has advised that there are no immediate plans to construct a house or any other buildings on the proposed severed lot.

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 and per our Municipal Partnership and Service Agreement with the Township.

At this time, the NVCA staff is recommending that the application be **deferred** for the reasons outlined below.

**Provincial Policy Statement (2020)**

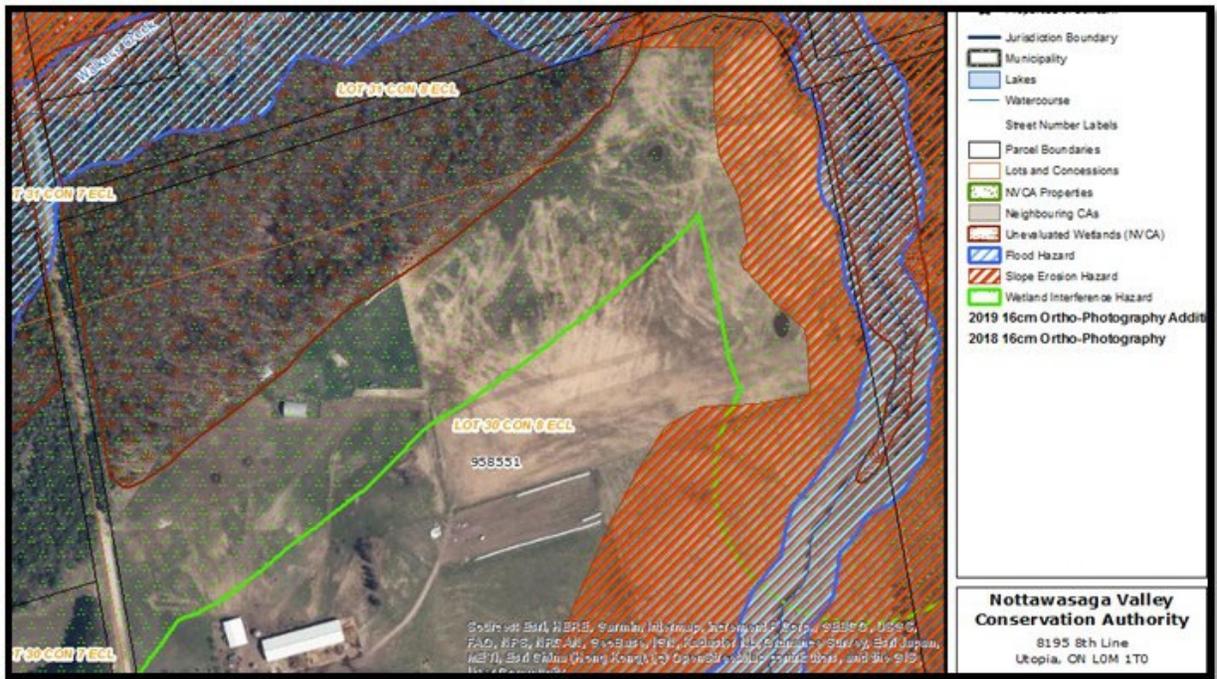
The PPS defines **development** to be the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act.

It is staff opinion that the proposed consent is considered to be development in relation applicable policies for Natural Hazard and Natural Heritage Features within the PPS.

**Ontario Regulation 172/06**

The property is regulated for flood, and slope erosion hazards associated with an existing watercourse. These hazards are located predominately on the retained lands as well as the back of the proposed severed lot.

The property is also regulated area due to it being within 120 metres of an unevaluated wetland feature located in the same area as the existing woodlot feature. A copy of the regulated area for the severed portion can be found below.



### **Natural Hazards - Regulatory Comments**

Policies under the PPS directs development (including lot creation) to areas outside of (a) hazard lands adjacent to shorelines and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards OR (b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

It is staff opinion that the proposal is not consistent with the above policy for the following reasons:

- The proposed severed lot will bisect slope erosion hazards associated with the existing watercourse.
- There is no information or supporting documentation to confirm that a building envelope and/or dwelling unit will be located outside the erosion hazard.
- There is no information or supporting documentation to confirm that the existing agricultural entrance can be upgraded to a residential access.
- There is no information or supporting documentation as to a proposed location of a driveway from the entrance to a residential dwelling/building envelope within the wetland buffer hazard or outside the wetland hazard.

Please note that NVCA's Planning and Regulation Guidelines require a minimum setback of 30 metres from a wetland or woodlot feature to any proposed development or site alteration, including driveway upgrades.

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

Policies within the PPS advises development (including lot creation) and site alteration adjacent to significant natural heritage features are permitted provided 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.

It is staff opinion that the proposal is not consistent with the above policy for the following reasons:

- There is no information or supporting documentation to confirm that a building envelope and/or dwelling unit will be located outside the wetland buffer or the minimum setback requirement of 30metres from the wetland and woodlot feature.
- There is no information or supporting documentation to confirm that the existing agricultural entrance can be upgraded to a residential access and meet the minimum setback requirement of 30metres from the wetland and woodlot feature.
- There is no information or supporting documentation as to a proposed location of a driveway from the entrance to a residential dwelling/building envelope can meet the minimum setback requirement of 30metres from the wetland and woodlot feature.
- The application has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions as it relates to the propose residential use, including a proposed building envelope, access entrance and driveway.

### **Conclusion**

In closing, it is NVCA staff opinion that the application is premature given the lack of information on the proposed residential use, including the access, driveway and building envelope. Although the applicant has advised that there are no intentions to immediately develop the site, the NVCA is not in a position to support the creation of a new lot until such time as it can be confirmed that a residential use can be established in compliance with the above noted policies. Therefore, we recommend that the application be deferred.

Thank you for circulating this application and please forward a copy of any decision and notice of any appeals filed for the above reference application.

Sincerely,

**Amy Knapp (she/her/hers)**  
**Supervisor, Planning Services**

**Nottawasaga Valley Conservation Authority**  
8195 8<sup>th</sup> Line, Utopia, ON L0M 1T0  
T 705-424-1479 ext.233  
**aknapp@nvca.on.ca | nvca.on.ca**

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

**FILE NO. B2-2022 GOODFELLOW RE: Consent Application**

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 18, 2022:

That Application No. B1-2022 submitted by Wayne and Lisa Goodfellow for a lot creation from 958551 7TH LINE E being CON 8 EHS W PT LOTS 29 30 AND RP 7R4983 PT PART 2 (Roll 4-01800) be **DENIED/DEFERRAL/APPROVED** subject to the following:

- This consent applies to a lot creation of approximately 45 acres (18.2 ha), having a frontage of approximately 260m and a depth of approximately 670m from the northern portion 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 May 18, 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 the northern lot as per County Regulations.
- **That the application be to the approval or the NVCA and that applicant undertake any and all works necessary as per NVCA comments, to the satisfaction of the NVCA. The Municipality shall receive confirmation from the NVCA that the condition has been fulfilled to their satisfaction.**
- 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
- Road widening of 3.0m taken from the severed and retained lands, where no road widening has previously taken and dedicated to the Township to the satisfaction of the Township Director of Public Works. The solicitor for the owner shall provide an Acknowledgement and Direction, with the draft transfer in preparation attached, for signature by the signing officers for the municipality, including authorization to permit electronic registration of the transfer. The solicitor shall prepare an undertaking to transfer said road widening to the Township within 30 days of the completion

**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.



**DECISION OF COUNCIL WITH REASONS**

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

of the severance and provide confirmation to the Municipality. (Road widening and Land dedications only) Surveys for Road widenings are to be submitted to applicable Department or Authority, for review and approval, prior to registration.

- Draft Transfers for Road Widenings 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.

**REASON:** \_\_\_\_\_

**CERTIFICATION**

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

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