



**COMMITTEE OF ADJUSTMENT
WEDNESDAY, May 12, 2021
9:00 AM CONSENT HEARINGS
AGENDA**

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

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

- +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

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

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

Meeting ID: 846 0224 8258

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

THAT Committee approves the Agenda dated May 12, 2021.

- 3 4. Approval of Minutes**

THAT the Minutes of January 6, 2021 be approved.

- 5. New and Other Business – none**
- 6. New Applications**

- 9 6.1 (9:00 AM) B2-2021 Monachino Lot Creation**

THAT Committee approve application B2-2021 subject to the following conditions....

115 **6.2 (9:30 AM) B1-2021 Coe Surplus Farm Dwelling Severance**

THAT Committee approve application B1-2021 subject to the following conditions....

142 **6.3 (9:45 AM) B3-2021 Unger Severance**

THAT Committee approve application B3-2021 subject to the following conditions....

6.4 (9:45 AM) B4-2021 Unger Easement

THAT Committee approve application B4-2021 subject to the following conditions....

7. Adjournment

THAT Committee adjourns the meeting at _____ to meet again at 9:00 am on Wednesday June 30, 2021 or at the call of the Chair.



**COMMITTEE OF ADJUSTMENT
TUESDAY, JANUARY 6, 2021
1:00 PM
ELECTRONIC MEETING - MINUTES**

Present: Earl Hawkins, Deputy Mayor
Ken Cufaro, Councillor
Kim Lyon, Member
Bart Wysokinski, Member

Staff: Tracey Atkinson, BES, MCIP, RPP, Planner
Dustin Early, Planning Coordinator
James Hunter, Planning Consultant

Public: Dale Rutledge, Finley McEwen, Lloyd Hunt, Kyle Ferris,
Ryan Ferris, Kurt Carlson, Lisa Carlson, Paul Martin

1/ Call meeting to order

The meeting was called to order by the Township Planner, Tracey Atkinson at 1:04, who assumed the position of Chair.

2/ Appointment of Chair

Moved by Cufaro and seconded by Lyon
THAT Hawkins shall be appointed as the Chair of the Committee of Adjustment shall now and herein forward convene the position of Chair. Carried

The Planner vacated the Chair, and Chair Hawkins assumed the position.

3/ Declarations of pecuniary interest

None declared.

4/ Approval of agenda

Moved by Lyon and seconded by Cufaro
THAT Committee approves the Agenda dated January 6, 2021. Carried

5/ Approval of minutes

Moved by Lyon and seconded by Cufaro

THAT Committee approves the Minutes dated July 7, 2020. Carried

6/ New and other business – none

7/ New Applications

Dustin Early confirmed that notice was given in accordance with the Planning Act on all 4 applications, being a first-class mailout to all landowners within 120m of the subject property and required agencies a minimum of 20 days before the meeting and a yellow notice sign for each property.

7.1 B07-2020 Rutledge Surplus Dwelling Severance

James Hunter provided a summary of the application.

Mr. Rutledge, owner/applicant spoke in support of the application. He questioned the process, pre-consultant, precedent on other lots he owns, approval authority for OPAs.

Kurt Carlson and Ryan Ferris were present specifically for this application and spoke in support of the application. Mr. Carlson noted that he occupied the 1870 dwelling and prefers owner occupied dwellings opposed to tenanted where surplus dwellings are not severed.

Discussions ensued regarding the OPA, road widening, zoning to sterilize agricultural land from future dwellings and the specific conditions. Discussion also occurred regarding the fee and who makes the OP application. It was confirmed that if the Township initiates an application there is no fee, but that if the applicant proceeds with an application the fee is the responsibility of the applicant. The Committee discussed whether Council should consider a Township-wide OPA regarding the current policy.

Moved by: Lyon and seconded by: Wysokinski

That Application No. B07-2020 submitted by D+C Rutledge Ltd. for a lot creation of approximately 1.32 Hectares from lands owned by Dale and Carol Rutledge from 636592 PRINCE OF WALES RD (R# 3-18400) as a result of a farm consolidation and a surplus farm dwelling severance be approved subject to the following:

- That the owner is successful in obtaining an amendment to the Official Plan to permit the severance of a third non-agricultural parcel of land.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.

- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the applicant successfully completes an MDS1 analysis between the severed dwelling and any nearby livestock facilities/anaerobic digesters (LF/ADs) on separate lots in accordance with the Minimum Separation Distance Document (2016).
- The applicant shall consult with the Whitfield Navigation Facility (NAVCAN) through the Township, prior to the re-zoning of any lands, in accordance with policy 5.34 of the Official Plan.
- That the applicant obtain approval from the Township for a Zoning By-law Amendment, to re-zone the severed lands to the Rural Residential (RR) zone.
- That the Owner obtain approval from the Township for a Zoning By-law Amendment, prior to the issuance of the certificate of consent, to restrict future farm related or non-farm residential uses on the remnant (retained) agricultural lot.
- The applicant is to confirm that the retained agricultural parcel maintains a suitable access point, and/or confirm if an entrance permit is required.
- That the farm operation severing the lot provide confirmation of operations base elsewhere in the Township.
- A 2.0m road widening is required along the frontage of County Road 19 and County Road 17, and all/any reserves required have been dedicated to the Township.
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

Motion Carried.

7.2 B08-2020 Ferris Boundary Adjustment

James Hunter provided a summary of the application.

Ryan and Kyle Ferris, owners/applicants spoke in support of the application and clarified intention to divide the subject lands into two parcels under 50 Acres.

Kurt and Lisa Carlson were present specifically for this application in support.

Discussions ensued regarding zoning, widening, ag/rural split and possible land

preservation.

Moved by: Lyon and seconded by: Cufaro

That Application No. B08-2020 submitted by Kyle and Ryan Ferris for a boundary adjustment between the properties 596577 2nd LINE WEST (R# 3-21300) and 586184 County Road 17 (R# 3-21370) be approved subject to the following:

- That this applies to a boundary adjustment resulting in two generally equally sized parcels.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- A 5.0 m. road widening allowance is required along the frontage of County Road 17, and all/any reserves required have been dedicated to the County of Dufferin.
- That the applicant acquires a road widening (3.05 m) from the retained portion along the east side of concession 2 WHS.
- The severed parcel shall be subject to Section 50(3) of the Planning Act
- The solicitor for the owner of the lot to which the severed parcel is to be added shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting enlarged parcel, and to provide the Township with documentation which demonstrates that the consolidation has taken place.
- That all conditions be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

Motion Carried.

7.3 B07-2018 Mockingbird Severance

Tracey Atkinson presented a summary of the revised application and noted the conditions of tree fences recently constructed and the Township's purchase of additional snow removal equipment.

Mr. Lloyd Hunt, applicant spoke in support of the application and wanted to ensure a 1.0ha lot size and existing road widenings had been taken.

Paul Martin was present specifically for this application and wanted to ensure there was only one severed lot being proposed.

Discussions ensued regarding the proposed use for the lot.

Moved by: Lyon and seconded by: Wysokinski

That application No. B07-2018, submitted by Lloyd Hunt, for a lot creation of 1.0 hectare parcel, from lands owned by Mockingbird Woods Ltd. from CON 6 EHS PT LOT 14 RP 7R5919 PART 6 (Roll 1 24420), be approved, subject to the following:

- This consent applies to a lot creation of approximately 1ha, having a minimum frontage of 100m and a depth of approximately 100m from CON 6 EHS PT LOT 14 RP 7R5919 PART 6.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- Severed lands are to be rezoned to the Rural Residential (RR) zone

Motion Carried.

7.4 B01-2020 Mansfield Ski Club Easement

James Hunter the planning consultant provided a summary of the application.

Mr. Finley McEwen, applicant was in attendance for the meeting.

No members of the public were present specifically for this application / The following members of the public spoke to the application:

Discussions ensued regarding clarity on the removal/revisions of the condition.

Moved by: Cufaro and seconded by: Lyon

That application No. B01-2020 submitted by Mansfield Ski Club Inc., Rosalie Tough, Donald William Tough, Mark Lautens and 2724264 Ontario Corp. to amend conditions of Consent be approved, subject to the following:

- This easement applies to LOTS 15 and 16, CONCESSION 6 EHS (PT BLK 20, PL 7M-4 AND PART LOT 15 & 16 CONCESSION 6 EHS AND PART OF BLOCK B, PLAN 86, MULMUR; DES AS PTS 19,20,5,3,6,7 & 8, PLAN 7R-6574) and is in favour of parcel rolls 117801 (Tough), 117600 (Lautens), and 117700 (724264 Ontario Corp).
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject consent be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the Township's solicitor confirms, at the applicants expense, that the wording of the provision and timing of servicing as stipulated by the applicant is satisfactory, as it applies to the new easement; *"The Grantor, after the date when the first new residential unit in the planned Mansfield Ski Club Village is occupied, will maintain at its sole cost, the driving surface on Parts 19, 20, 5, 3, 6, 7 and 8 including plowing, sanding, and grading to a reasonable standard for comparable gravel access roads. The grantor will also relocate or bury any encroaching hydro poles to facilitate free passage"*.
- That the applicant provides a copy of the survey to the Township, demonstrating that there are no mature trees within the easement required to be relocated.
- That all conditions be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- That the applicant confirms that the original approval is abandoned and that this provision of consent shall be the only easement granted under application B1-2020.

Motion Carried.

8/ Items for information only -- none

9/ Adjournment

Moved by Lyon and seconded by Wysokinski
 THAT Committee of Adjustment adjourns the meeting at 2:52 to meet again on at the call of the Chair. Carried.



CORPORATION OF THE
TOWNSHIP OF MULMUR
758070 2ND LINE EAST
MULMUR, ONTARIO
L9V 0G8

NOTICE OF A COMPLETE APPLICATION AND A PUBLIC MEETING

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.

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+1 778 907 2071 Canada
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Meeting ID: 846 0224 8258

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<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: May 12, 2021 at 9:00am

APPLICATION NUMBER: B2-2021

OWNER/APPLICANT: 2407951 Ontario Inc c/o Frank Monachino

LOCATION: CONCESSION 5 EHS, WEST PART LOT 1

PURPOSE: The application proposes a lot creation by severing the North-West corner of the 29.5 Ha (71.54 acres) property. The severance will create a lot with a size of approximately 3.88 ha (9.59 acres) with a frontage on the 4th line of 157.2 m. The proposed retained parcel would have an approximate area of 25.08 ha (61.97 acres) and frontage of 287.2 m on the 4th Line.

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 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 next page. For illustration purposes only. This is not a plan of survey.

A digital version is available by email.

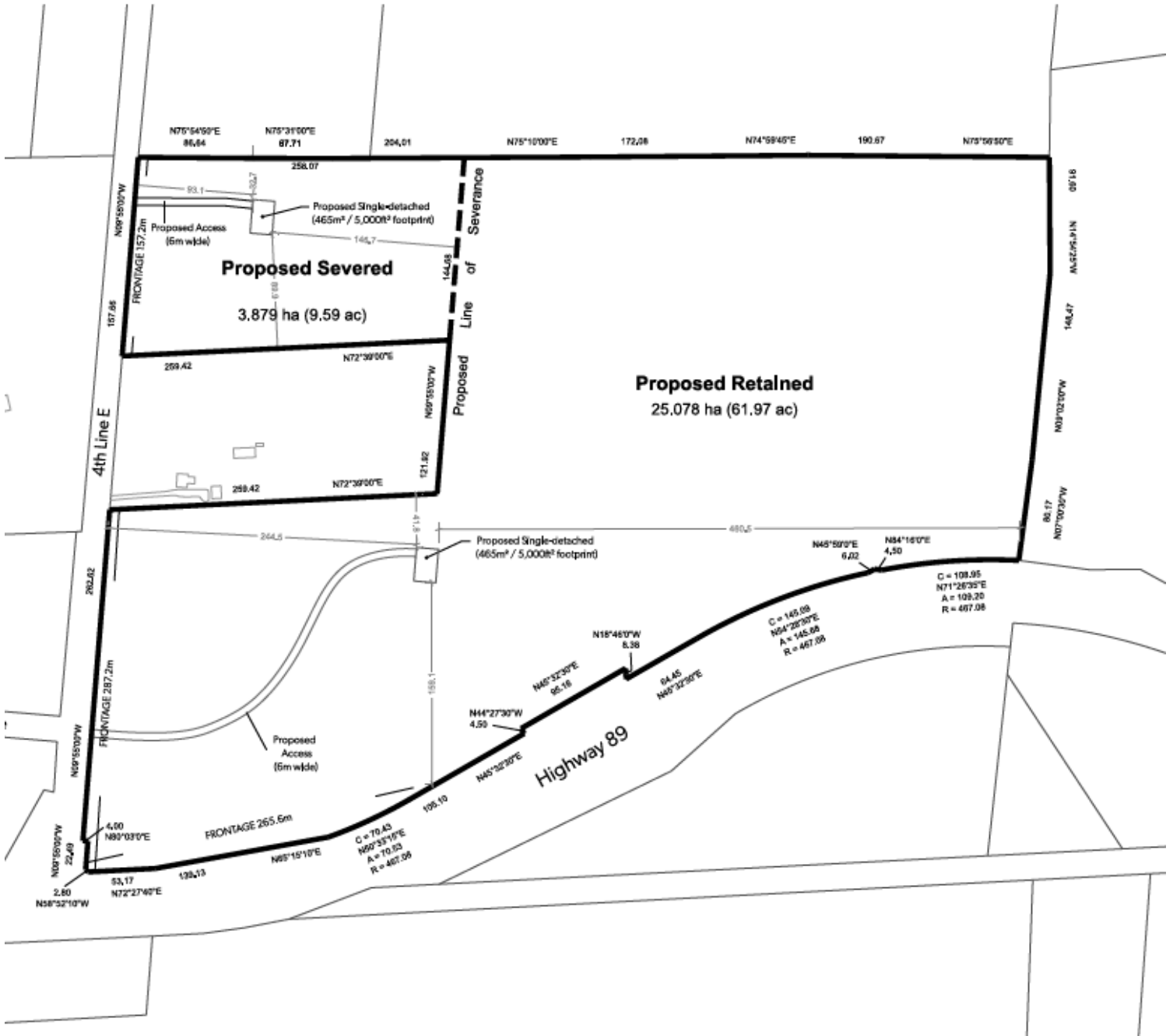
Figure 1: Subject Lands – Existing Conditions



Figure 2: Proposed Boundary Adjustment / Lot Addition



Figure 3: Applicant's Sketch



Dated March 3, 2021

3. Purpose of this Application										
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.										
Creation of a new lot										
Name of person(s) to whom land or interest in land is to be transferred, leased or charged										
Frank Monachino										
4. Description of Subject Land and Servicing Information										
Frontage (m)			Severed 157.2 m				Retained 287.2 m			
Depth (m)			258.09 m				722.67 m			
Area (m)			3.879 ha				25.078 ha			
5. Land Use										
Date Property Acquired August 14th 2020										
Existing Use					Proposed Use					
Vacant					Rural / Residential					
Existing and Proposed buildings and Structures										
Type of Building or Structure		Set Backs (m)				Height (m)	Dimensions (m x m)	Area (m2)	Date of Construction / Proposed Construction	Time use has continued (for existing buildings & structures)
		Front	Rear	Side	Side					
Single-Detached Dwelling (Proposed Retained)	<input type="checkbox"/> Existing <input checked="" type="checkbox"/> Proposed	244.5m	460.5m	Interior: 41.8m	Exterior: 159.1m	N/A	N/A	465 m2	unknown	N/A
Single-Detached Dwelling (Proposed Severed)	<input type="checkbox"/> Existing <input checked="" type="checkbox"/> Proposed	93.1m	146.7 m	Interior: 32.7m; 89.9m	N/A	N/A	N/A	465 m2	unknown	N/A
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
Water <input checked="" type="checkbox"/>		5		Sewage Disposal			Storm Drainage		Tile Drainage	
<input type="checkbox"/> Private Well				<input type="checkbox"/> Private Septic			<input type="checkbox"/> Sewer		<input checked="" type="checkbox"/> No	
<input type="checkbox"/> Communal Well				<input type="checkbox"/> Communal Septic			<input checked="" type="checkbox"/> Ditches		<input type="checkbox"/> Yes, please mark on site plan location of tile runs	
<input type="checkbox"/> Municipal Water				<input type="checkbox"/> Other: _____			<input type="checkbox"/> Swales			
<input type="checkbox"/> Other: _____							<input type="checkbox"/> Other: _____			

6. Zoning and Official Plan Information

Current Zoning Countryside Area		Current Official Plan Rural	
Related Applications under the Planning Act, if any including Official Plan, Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order (amendment), Consent or Plan of Subdivision: N/A		Has subject lands even been subject of an application under the Planning Act? File #: Unknown Status: Unknown	
Provide an explanation of how the application conforms to the Official Plan Please refer to submission cover letter.			
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 **Please refer to submitted MDS Report, prepared by Coville Consulting Inc.	No	Yes	
A Landfill	No	No	
A provincially significant wetland (Class 1, 2 or 3 wetland)	No	No	
A locally significant wetland	No	No	
Flood Plain	No	No	
A rehabilitated mine site	No	No	
A non-operating mine site within 1 kilometre of the subject land	No	No	
An active mine site	No	No	
An industrial or commercial use (specify uses)	No	No	
Does the proposed development produce greater than 4500 litres of effluent per day?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, attach a servicing options report and hydro geological report			
Are the lands part of a Nutrient Management Plan?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide plan number _____ and date approved by OMAFRA _____			
Are there any livestock facilities within 500 metres of the subject lands?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, provide a Farm Data Sheet completed by each livestock facility owner for each of the livestock facilities. http://mulmur.ca/departments/planning			

**Please refer to submitted MDS Report, prepared by Coville Consulting Inc.

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

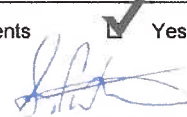
If yes, provide details of any Official Plan or Official Plan Amendment on a separate submission

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

Weston Consulting c/o Sandra K. Patano



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

Weston Consulting c/o Sandra K. Patano



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: Previous application details are unknown.

Through discussions with Town Staff, we understand two previous severances have occurred from the original 40ha parcel.

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

Not Applicable.

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:

Details of severed parcels, date of transfer, or name of transferee are unknown.

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



Yes

No

If yes, provide details:

Details of previous severances are unknown.

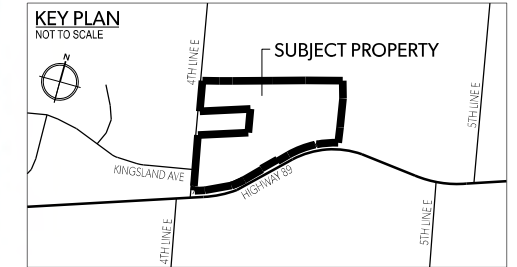
9. Other Information

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



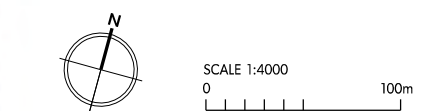
Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone 8.00ha and over			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards – Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	N/A
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards – Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A



DRAWN / REVISED	
04 FEB 2021	Adding Minimum Distance Separation
04 JAN 2021	Revised driveway
26 NOV 2020	Revised building location
29 JUN 2020	Revised severance location
23 JUN 2020	First Draft

SEVERANCE SKETCH
 WEST HALF OF LOT 1, CONCESSION 5
 TOWNSHIP OF MULMUR
 COUNTY OF DUFFERIN

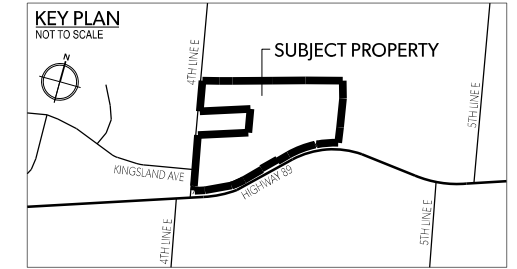


File Number: 9953
 Date: 2021-02-04
 Drawn By: CB
 Planner: SP
 CAD: 9953/schedules/severance.dgn

Drawing
SS
 Page 17

- Notes:**
- Property Boundaries referenced from R-plans 7R3382, 7R3772, 7R3794, subject to confirmation by survey.
 - Surrounding parcel fabric digitized from available Geowarehouse mapping and is approximate.
 - Areas and dimensions are approximate and subject to confirmation by survey.





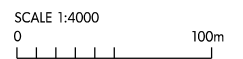
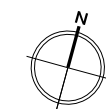
Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone 8.00ha and over			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards – Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	N/A
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards – Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A



DRAWN / REVISED	
04 FEB 2021	Adding Minimum Distance Separation
04 JAN 2021	Revised driveway
26 NOV 2020	Revised building location
29 JUN 2020	Revised severance location
23 JUN 2020	First Draft

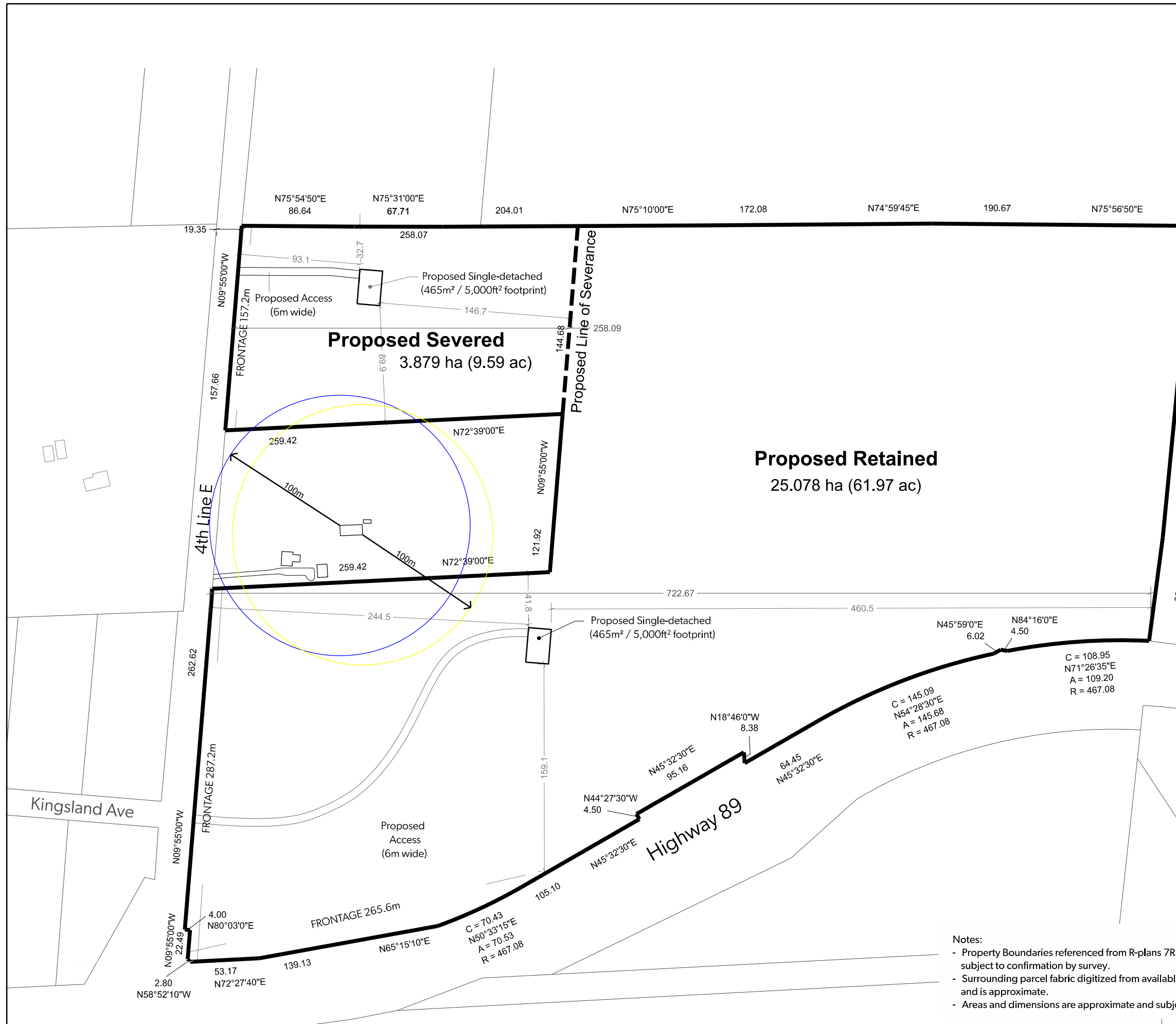
SEVERANCE SKETCH
 WEST HALF OF LOT 1, CONCESSION 5
 TOWNSHIP OF MULMUR
 COUNTY OF DUFFERIN



File Number: 9953
 Date: 2021-02-04
 Drawn By: CB
 Planner: SP
 CAD: 9953/schedules/severance.dgn

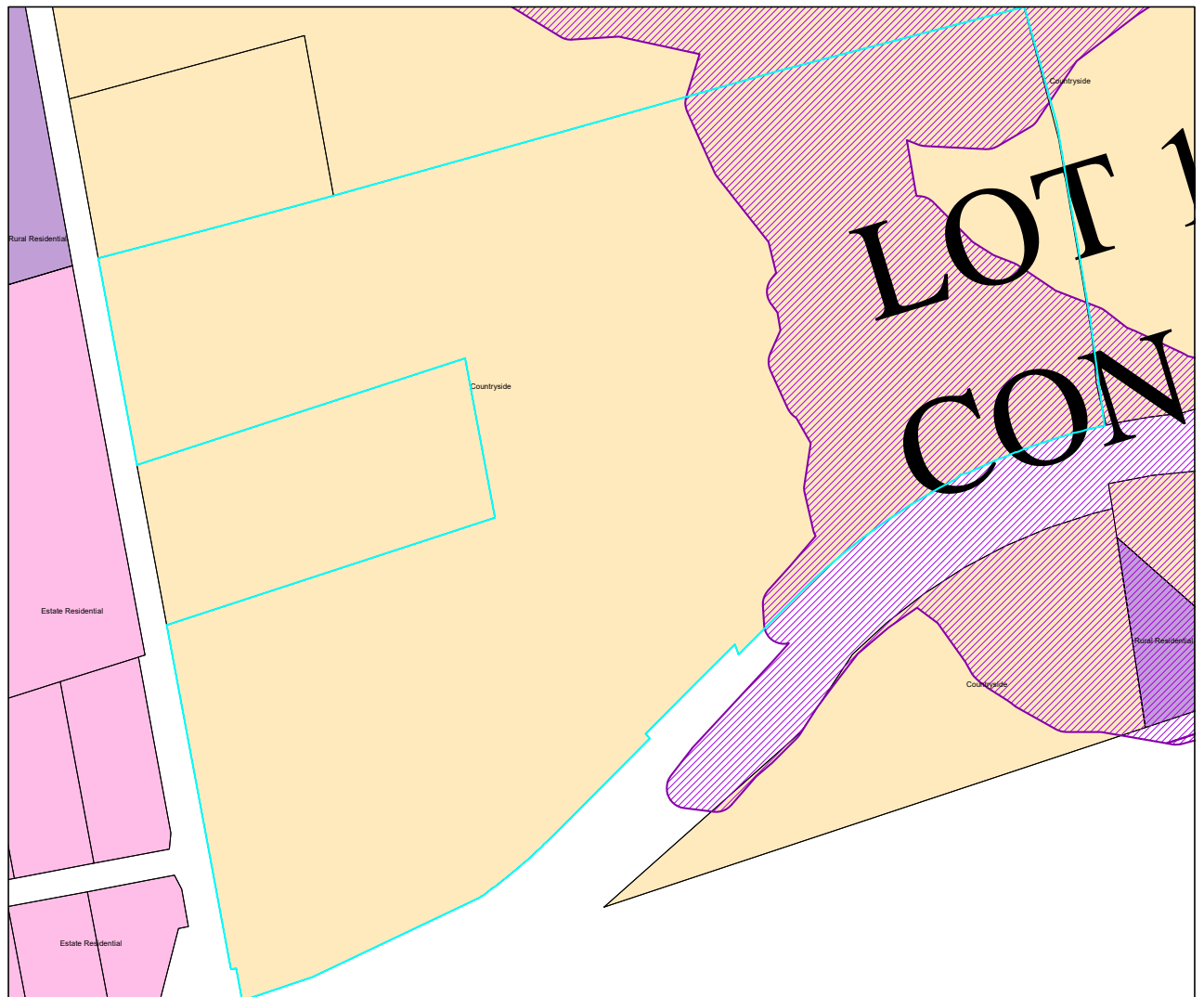
Drawing

SS



- Notes:
- Property Boundaries referenced from R-plans 7R3382, 7R3772, 7R3794, subject to confirmation by survey.
 - Surrounding parcel fabric digitized from available Geowarehouse mapping and is approximate.
 - Areas and dimensions are approximate and subject to confirmation by survey.

W Lot 1, Con 5 - Zoning



January 5, 2021

Frank Monachino
51449 2nd Line
Amaranth, ON

Dear Mr. Monachino,

**RE: MINIMUM DISTANCE SEPARATION I REQUIREMENTS FOR PART OF WEST HALF OF LOT 1,
CONCESSION 5 EHS, TOWNSHIP OF MULMUR**

Thank you for retaining Colville Consulting Inc. to address the Township of Mulmur's request to complete a Minimum Distance Separation (MDS) study for the proposed lot creation. The proposed area to be severed, henceforth referred to as the Subject Lands, are located on Part of West Half Lot 1, Concession 5 EHS, Township of Mulmur, in Dufferin County (See Figure 1). The Subject lands are located outside and to the east of the Violet Hill community settlement area. The proposed severance will result in the creation of a 3.88ha (9.59 acres) lot for a residential dwelling. The retained lot will be approximately 25.09ha (62.0 acres) in size and is primarily forested as part of Managed Forest Plan. The proposed site plan for the severed lot and retained lot is provided in Appendix A.

The Subject Lands are within the Greater Golden Horseshoe and are designated Rural in both the Township of Mulmur Official Plan (Schedule A1 – Land Use Designations) and the Dufferin County Official Plan (Schedule C – Agricultural and Rural Areas). The MDS formula is to be applied in both Agricultural and Rural designations. Therefore, as per the Provincial Policy Statement (2020) and the Growth Plan (2019), an MDS study is required to demonstrate that the proposed development will conform to the MDS formula.

New land uses, including lot creation, proposed in Rural and Agricultural designated areas are required by the Provincial Policy Statement (PPS) to comply with the MDS formulae.

Section 1.1.5 *Rural Lands in Municipalities*, Subsection 1.1.5.9 - New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

MINIMUM DISTANCE SEPARATION

Background

According to the Ontario Ministry of Agriculture, Food and Rural Affairs, (OMAFRA) FactSheet *Farmer and Neighbour Relations Preventing and Resolving Local Conflicts* (January 2005), neighbour complaints relating to odours generated by farm operations are the number one complaint received by farmers.

The concept of applying separation distances between livestock facilities and non-farm land uses in order to minimize land use conflicts with the growing non-agricultural rural population first originated in the early 1970's with the *Suggested Code of Practice* where a one size fits all solution was first applied to new or expanding livestock operations. The *Suggested Code of Practice* "rationalized that the effect of objectionable odours in a neighbourhood could be reduced if livestock and poultry facilities were located as far as

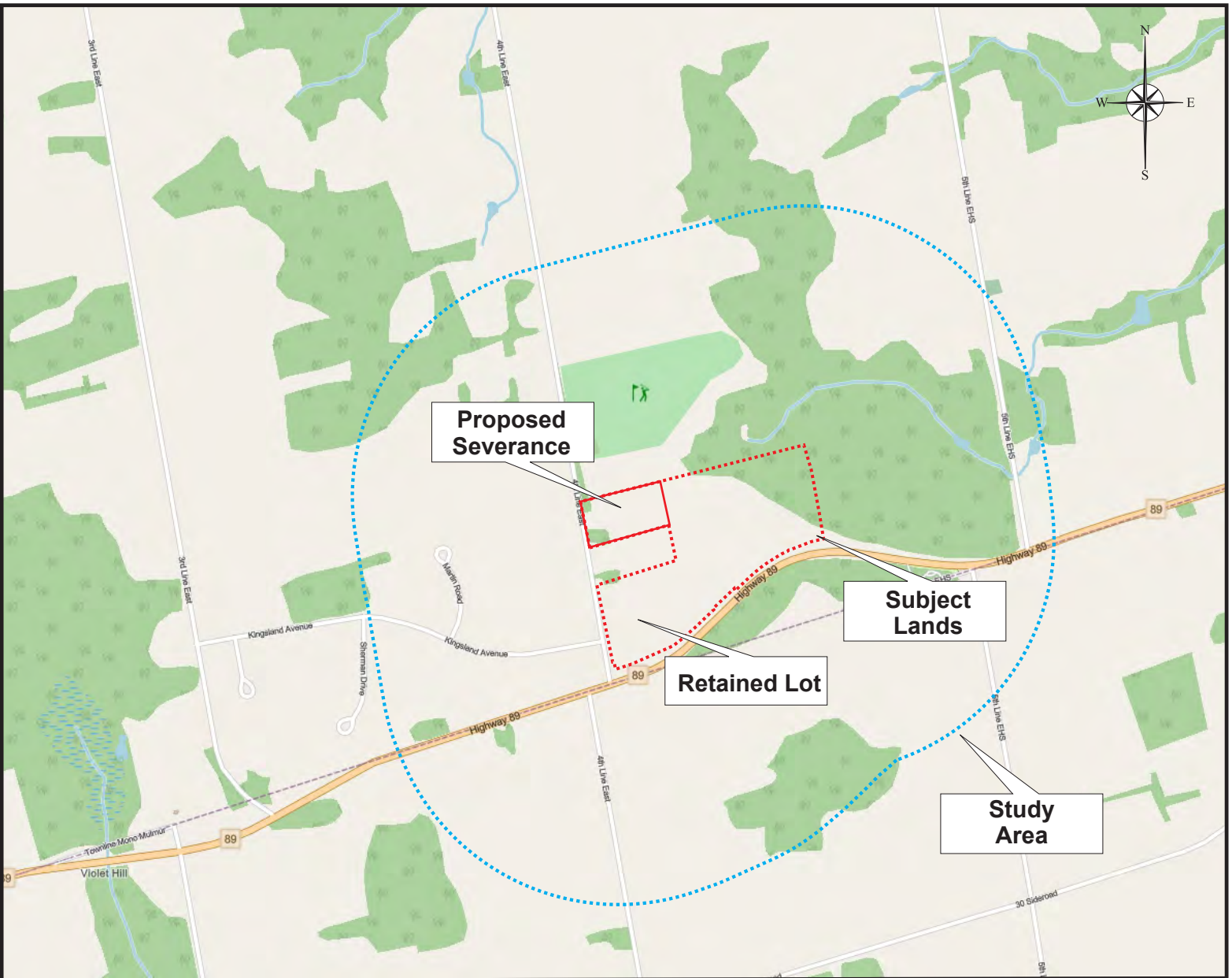


Figure 1
Location Map

Minimum Distance Separation for
West Half of Lot 1, Concession 5 EHS,
Town of Mulmur

Prepared for:
Mr. Frank Monachino

Prepared by:
COLVILLE CONSULTING INC. 

DATE: October 2020

FILE # 20052

practically possible from nearby dwellings” (Minimum Distance Separation Implementation Guidelines, Publication 707, 2006).

In 1976 the *Agricultural Code of Practice* was developed and introduced MDS formulas which would calculate the separation distances based on a range of factors specific to each livestock facility and the perceived sensitivity of the non-farm land uses. This document further reiterated that “Objectionable odours can be reduced if livestock buildings and rural residences are constructed at reasonable distances from each other.” It goes on to say that “The MDS Formulas have been developed to provide a consistent and fair technique to determine separation distances between non-compatible land uses”.

The 1978 *Food Land Guidelines*, the agricultural planning policy of the day, directed municipalities to indicate in relevant policies of their official plan that the MDS formula be applied to new or expanding livestock facilities and to new non-farm land uses.

The *Agricultural Code of Practice* was replaced by the Minimum Distance Separation I and Minimum Distance Separation II in 1995. In 2006, the OMAFRA updated the MDS formulae and the Minimum Distance Separation Implementation Guidelines, Publication 707 came into effect on January 1, 2007.

The Province once again updated the MDS and as of March 1st, 2017, the new MDS requirements as set out in “Minimum Distance Separation (MDS) Document”, Publication 853 OMAFRA (2016) came into effect. As with its predecessors the MDS only addresses odour-related concerns.

The MDS only applies to Agricultural or Rural designated lands. The MDS formulae are not applied within an existing settlement area boundary unless specific wording is provided in a municipality’s official plan stating that the MDS is to be applied within other land use designations.

MDS Formulae

Two different formulae have been developed by the Province; the MDS I formula and the MDS II formula. The MDS I formula calculates the minimum distance separation requirements between existing livestock facilities and proposed new non-agricultural uses or lot creation. The MDS II calculates minimum distance separation requirements for new or expanding livestock facilities from existing or approved non-farm development.

Software developed by OMAFRA is used to calculate the MDS I requirements for the livestock facilities. This includes former livestock operations which have buildings that are structurally sound and capable of housing livestock. To determine the MDS I setback requirements, specific information regarding each livestock facility is required by the formulae. *Livestock facilities* are defined in the Minimum Distance Separation (MDS) Document, Publication 853 (2016) as “All livestock barns and manure storages on a lot, as well as all unoccupied livestock barns and unused manure storages on a lot.”

For the purposes of this study, the MDS I formula is used as the proposed residence is considered a new non-agricultural use. The formula requires specific information regarding neighbouring livestock operations. The information includes:

- ◆ the lot size;
- ◆ the type of livestock housed in the barn;
- ◆ the maximum capacity of the barn;

- ◆ the type of manure storage system; and
- ◆ the type of land use proposed adjacent to existing livestock facilities.

With regard to the type of land use proposed, the MDS recognizes two land use types; Type A and Type B. As per the Minimum Distance Separation (MDS) Document, Publication 853 (2016):

Type A land uses are typically characterized by uses that have a lower density of human occupancy, habitation or activity. For the purposes of MDS I, Type A land uses include applications to rezone or redesignate agricultural lands for industrial, agricultural-related or recreational use – low intensity purposes.

Type A land uses include applications to permit:

- ◆ construction of a dwelling on an existing lot where the municipality has determined that MDS I should be applied, or the
- ◆ creation of up to three lots either by consent or plan of subdivision

Type B land uses generally have a higher density of human occupancy, habitation or activity. The Minimum Distance Separation (MDS) Document, Publication 853 (2016) describes Type B land uses as follows:

Type B land uses include applications to rezone or redesignate agricultural lands for residential, institutional, recreational use – high intensity, commercial or settlement area purposes.

Type B land uses include applications to permit:

- ◆ creation of residential subdivisions in rural areas, or
- ◆ expansion of a settlement area, or
- ◆ creation of multiple residential development, or
- ◆ the creation of a lot which results in a rural residential cluster

The setback requirements for Type A land uses are less than the setback requirements for Type B land uses. The proposed lot creation is a Type A land use.

METHODOLOGY

Background Information Review

The Minimum Distance Separation (MDS) Document, Publication 853 (2016) and the Minimum Distance Separation and land use policies contained in the Provincial Policy Statement (PPS 2020) and the Township of Mulmur Official Plan (April 24, 2012) were reviewed.

Prior to visiting the site, we reviewed aerial photography (both Google Earth 2016 imagery and OMAFRA's AgMaps, 2015 imagery). We used this imagery to identify potential livestock housing facilities within the study area prior to our site visit.

As per MDS Guideline #16 in the MDS Document, the information to be used in MDS calculations should be obtained from the owner of the livestock facility whenever possible. While it is always preferable to get the information specific to the livestock facility directly from the farmer or land owner, in some cases this is not possible. In the absence of this information source, we used aerial photo interpretation, professional judgement and information provided by locals knowledgeable about the area and the livestock facilities of interest. In absence of information obtained directly from landowners/operators, we used on-line mapping

tools such as Google Earth® to determine barn dimensions to calculate the maximum capacity of the livestock facilities.

Site Visit

On October 5th, 2020, a reconnaissance level land use survey was completed in order to obtain the information necessary to complete MDS I calculations for all livestock operations located within 750 metres of the Subject Lands. The detailed land use notes taken during this survey are included in Appendix B. Photo's taken during the site visit have been included in Appendix C.

While conducting the site visit, staff observed potential livestock operations from the roadside. Typically, staff would reach out directly to landowners to confirm the details of potential livestock operations, but due to COVID-19 health and safety concerns, door to door surveys were not conducted. Instead, self addressed envelopes with letters requesting information were left in the mail boxes of properties where livestock operations that were assessed to pose potential setback requirements on the Subject Lands were observed. One letter was left during the site visit at Farm #2 and was returned with no information provided. The Colville Consulting Inc. letter is provided in Appendix D

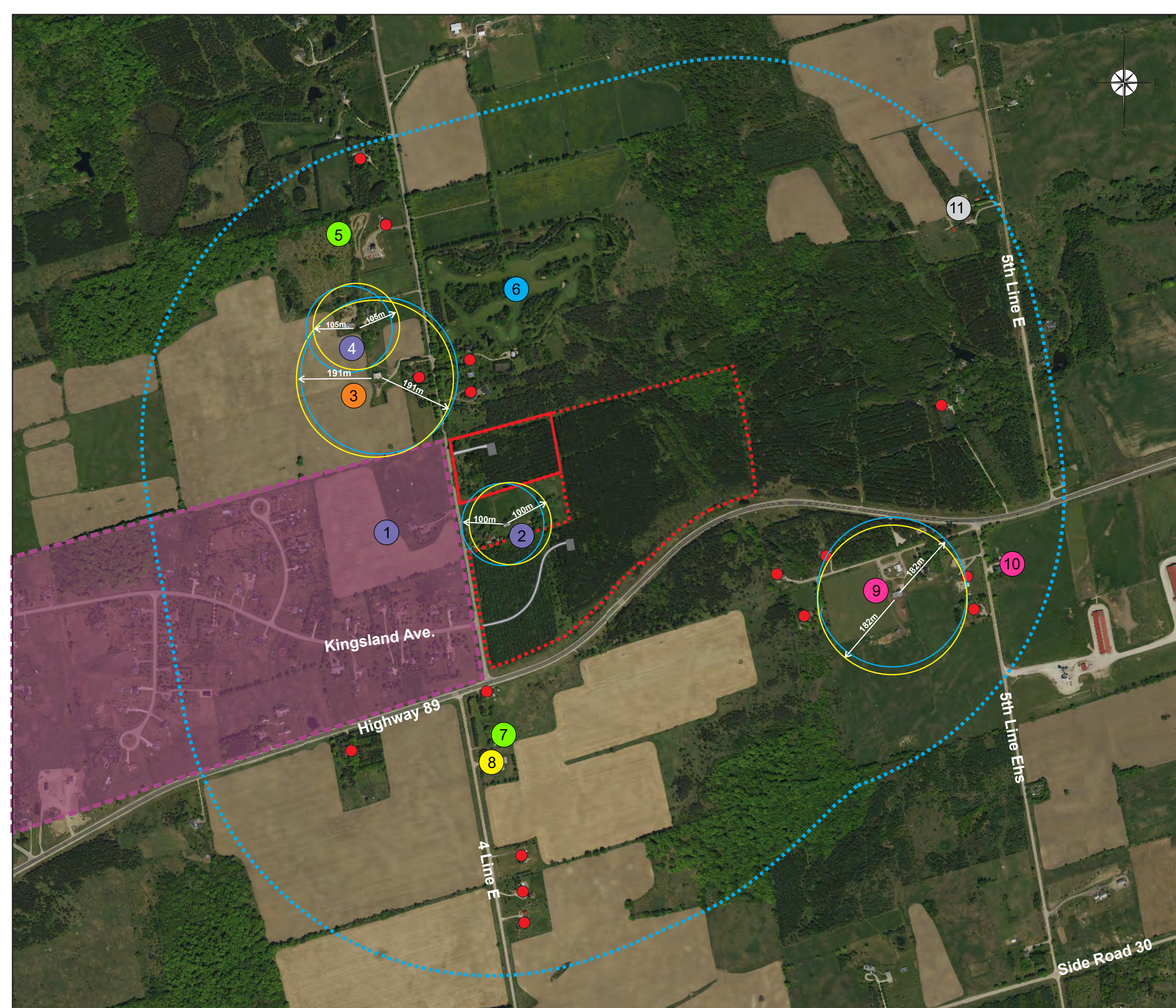
OBSERVATIONS

Land Use

Land uses in the area surrounding the Subject Lands consists of a mix of both agricultural and non-agricultural uses. Cultivated lands are utilized for various common field crops such as corn, soybeans, cereal grains, and forage crops (hay/pasture). Significant areas are uncultivated and primarily forested as part of a Managed Forest Plan which are common in areas dominated by non-prime agricultural land. There are several non-farm residences north of the Subject Lands including a privately owned golf course, and the Violet Hills Community Settlement Areas to the west.

Agricultural uses observed within the Study Area include cash crop production and livestock operations. The majority of farm operations within the Study Area are located north west and south of the Subject Lands. There are five farm operations with structures capable of housing livestock within the Study Area. These five farms include three hobby farms and one beef operation, and one retired livestock operation.

The location of each farm identified is shown in Figure 2. They are numbered 1, 2, 3, 4, and 9. A hobby farm (Farm No. 1) is located to the west of the Subject Lands and appears to have a small number of horses. The hobby farm is located within the Violet Hills Community Settlement Area. According to the MDS guideline #36, for livestock operations located within approved settlement areas, it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes. Therefore, an MDS I calculation was not completed for this hobby farm.



Legend

- - - Subject Lands
- Proposed Location of Severance
- - - 750 Meter Study Area
- Violet Hill Community Settlement Area
- Non-farm Residence
- Hobby Farm
- Retired Farm
- Active Farm
- Cash Cropping
- Utility
- Recreational
- Storage

Minimum Distance Separation required from Livestock Facility

Minimum Distance Separation Required From Manure Storage Area

Proposed Residence Locations

0 125 M 250 M
1:8,960

Figure 2
Minimum Distance Separation

Minimum Distance Separation for
West Half of Lot 1, Concession 5 EHS,
Town of Mulmur

Prepared for:
Mr. Frank Monachino

Prepared by:
COLVILLE CONSULTING INC.

ANALYSIS

Applicable MDS I Guidelines

The following MDS Guidelines are applicable to the proposed lot creation by severance. The italicized text below is sourced directly from the Minimum Distance Separation (MDS) Document, Publication 853 OMAFRA (2016).

#2. For What, and When, is an MDS Setback Required?

The MDS I setback distances shall be met prior to the approval of:

- 1. proposed lot creation in accordance with Implementation Guidelines #8 and #9;*
- 2. re-zonings or re-designations in accordance with Implementation Guideline #10;*
- 3. building permits on a lot which exists prior to March 1, 2017 in accordance with Implementation Guideline #7; and*
- 4. as directed by municipalities for local approvals for agriculture-related uses or on-farm diversified uses in accordance with Implementation Guideline #35.*

The information used to carry out an MDS I calculation must reflect the circumstances at the time that the municipality deems the planning or building permit application to be complete.

The proposal is for lot creation, therefore the MDS setback is required and the distances must be met prior to approval in accordance with Implementation Guideline #8.

#6. Required Investigation Distances for MDS

A separate MDS I setback shall be required to be measured from all existing livestock facilities and anaerobic digesters on lots in the surrounding area that are reasonably expected by an approval authority to be impacted by the proposed application.

As part of municipal consideration of planning or building permit applications, all existing livestock facilities or anaerobic digesters within a 750 m distance of a proposed Type A land use and within a 1,500 m distance of a proposed Type B land use shall be investigated and MDS I setback calculations undertaken where warranted.

In circumstances where large livestock facilities (e.g., >1,200 Nutrient Units) exist beyond the 750 m or 1,500 m study area, MDS I setbacks from these facilities should also be calculated.

This Guideline is confirming that an MDS I calculation is required from all livestock facilities and anaerobic digesters for new land uses including for lot creation. For Type A land uses such as the proposed severance, the Study Area needs to include all lands within at least 750 m of the proposed new lot.

#7. MDS I Setbacks for Building Permits on Existing Lots

For lots created after March 1, 2017, MDS I setbacks shall be required for building permit applications for dwellings unless otherwise not required by this MDS Document.

Where a setback is required, MDS I measurements shall be taken as the shortest distance between the proposed building to be constructed and either the manure storages, or anaerobic digesters, or the livestock occupied portions of the livestock barns.

MDS setbacks will be required for building permits on the new residential lot created.

#8. MDS I Setbacks for Lot Creation

Where lot creation is proposed, including new lots for agricultural uses, an MDS I setback is required for both the severed and retained lot.

This relates back to MDS Guideline #2 and says that the MDS setback distance must be met for the new lot being created.

#33. Type A Land Uses (Less Sensitive)

For the purposes of MDS I, proposed Type A land uses are characterized by a lower density of human occupancy, habitation or activity including, but not limited to:

- ♦ *industrial uses outside a settlement area;*
- ♦ *open space uses;*
- ♦ *building permit applications on existing lots outside a settlement area for dwellings, unless otherwise specified in a municipality's zoning by-law in accordance with Implementation Guideline #7;*
- ♦ *the creation of lots for agricultural uses, in accordance with Implementation Guideline #8; and*
- ♦ *the creation of one or more lots for development on land outside of a settlement area that would NOT result in four or more lots for development in immediate proximity to one another (e.g., sharing a common contiguous boundary, across the road from one another, etc.), regardless of whether any of the lots are vacant.*

The last bullet above relates to the proposed lot creation. The proposed severance will create one additional lot. It will not result in four or more lots for development in immediate proximity to one another. Therefore, the proposed lot creation qualifies as a Type A land use.

#41. Measurement of MDS I Setbacks for the Creation of Lots

Where an MDS I setback is required for the creation of a lot, in accordance with Implementation Guideline #8 or #9, measurement of the MDS I setback should be undertaken as follows:

1. *For proposed lots with an existing dwelling that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.*
2. *For proposed lots with an existing dwelling that are > 1 ha, MDS I setbacks are measured as the shortest distance between the existing dwelling and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.*
3. *For proposed lots without an existing dwelling that are ≤ 1 ha, MDS I setbacks are measured as the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.*
4. *For proposed lots without an existing dwelling that are > 1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling) and either the surrounding livestock occupied portions of the livestock barns, manure storages or anaerobic digesters.*

For lots created after March 1, 2017, MDS I setbacks shall be required for all building permit applications for non-agricultural uses and dwellings in accordance with Implementation Guideline #7.

No. 4 above relates to the proposed lot creation. Both lots will exceed one hectare in size. The MDS study will need to ensure that there is a building envelope at least 0.5 ha in size that can accommodate a potential dwelling, and which is not restricted by the MDS I setback requirements.

Application of MDS I Formula

The information collected during the land use survey and interpretation of aerial photography was entered into the MDS Software and used to generate the MDS setback distances for Type A land uses. The Minimum Distance Separation I (MDS I) Reports generated by the MDS I software are provided in Appendix F. Table 1 below summarizes the data collected for each livestock operation for each of the factors used to calculate the MDS I setback requirements.

The MDS I formula was applied to two hobby farm, one active livestock operation and one retired livestock operations (i.e., empty livestock operations). The MDS separation requirements calculated for the facilities ranged from 100m to 191m. These distances were measured from the nearest portion of the livestock facility and/or manure storage facility to the Subject Lands. Based on these values, only one of the livestock areas creates an MDS constraint on the Subject Lands. As shown in Figure 2, the MDS constraint for Farm 2 is approximately 0.22ha for the lot to be severed, and approximately 0.89ha for the lot to be retained. The proposed residential dwellings will still be able to comply with the requirements of the MDS I guidelines.

Table 1 – MDS Calculation Factors

Farm Number	Factor A Odour Potential	Factor B Housing Capacity	Factor D Manure Storage Type	Factor E Encroaching Land Use	Total Lot Size
#2	0.7 Chickens, Layer hens (for eating eggs; after transfer from pullet barn), floor run	2,323 Estimated livestock Barn Area – 216m ²	0.7 V1 – Solid, inside, bedded pack	1.1 Type A – Lot creation for a maximum of three non-agricultural use lots	3.13 ha
#3	0.8 Beef, Shortkeepers (12.5 – 17.5 months)	62 Estimated livestock Barn Area – 374m ²	0.7 V3 – Solid, outdoor, uncovered	1.1 Type A – Lot creation for a maximum of three non-agricultural use lots	32.59 ha
#4	0.7 Donkeys, Jacks, Jennies, mules, hinnies (includes unweaned foals) Horses, Medium-framed, mature; 227-680kg (including unweaned offspring)	5 Unavailable 16 Estimated livestock Barn Area – 372m ²	0.7 V3 – Solid, outdoor, uncovered	1.1 Type A – Lot creation for a maximum of three non-agricultural use lots	3.91 ha
#9	0.8 Beef, Feeders (7-16 months), Yard/Barn	116 Estimated livestock Barn Area – 485m ²	0.7 V3 – Solid, outdoor, uncovered	1.1 Type A – Lot creation for a maximum of three non-agricultural use lots	16.63 ha

The calculated MDS I setback requirements are summarized in Table 2. Based on these factors outlined in Table 1, the MDS I setbacks for Farms 2, 3, 4, and 9 were determined to be 100m, 191m, 105m and 182m, respectively.

Farm Number	Calculated MDS Setback	Can MDS Requirement be Met
#2	100 m	Yes
#3	191 m	Yes
#4	105 m	Yes
#9	182 m	Yes

As shown in Figure 2, the MDS I separation distance for Farm No. 2 does encroach into both the lot to be severed and lot to be retained. However, because the lots are greater than 1 ha in size, a building envelope greater than 0.5 ha can easily be accommodated outside the MDS. In fact, there is approximately 3.66 ha of land which is not constrained by the MDS I setback requirement on the lot to be severed, and approximately 24.20ha of unconstrained land for the lot to be retained. The proposed lot creation will be consistent with all MDS Guidelines applicable to lot creation, including Guideline No. 41.

With regard to the local lot creation policies, Section 6.2.5 of the Official Plan for the Township of Mulmur states:

“Consideration shall be given to the existing lot pattern and the cumulative impacts of potential lot creation under these policies on adjacent parcels on each side of the lot being severed and on the opposite side of the road to ensure that the development pattern remains random and that the creation or subsequent development of both existing and new lots does not result in the appearance of a residential cluster or strip development.”

The development pattern is presently random in appearance and will continue to be so with the approval of the proposed severance. The proposed lot sizes are not uniform, nor are they similar in size and form to adjacent lots. Lot creation will not result in the creation of a residential cluster or strip development and the proposed size for each lot is consistent with the rural character of the area.

Although a rural residential cluster is not defined in MDS Publication 852, the previous MDS document (Publication 707, 2006) defines a rural residential cluster as:

Four, or more, adjacent rural lots, generally one hectare or less in size, sharing a common contiguous boundary. Lots located directly across a road from one another shall be considered as having a common boundary.

The size criteria used in this definition alone precludes the proposed lot severance from being a rural residential cluster.


CONCLUSIONS

The MDS I setback requirements were calculated for all livestock facilities within 750 m of the Subject Lands. The MDS study determined that the proposed lot creation complies with all applicable MDS Guidelines. Building envelopes greater than 0.5 ha can easily be situated within each lot (i.e., the new proposed lot and the retained lot) therefore they will be consistent with Guideline #41. The proposed lot creation is consistent with the MDS related policies contained in the Township of Mulmur Official Plan, the Growth Plan and the Provincial Policy Statement.

Colville Consulting Inc.

Thank you for retaining our services. Please call me at 905 935-2161 or email Sean@colvilleconsultinginc.com if you have any questions regarding the contents of this report.

Yours sincerely,



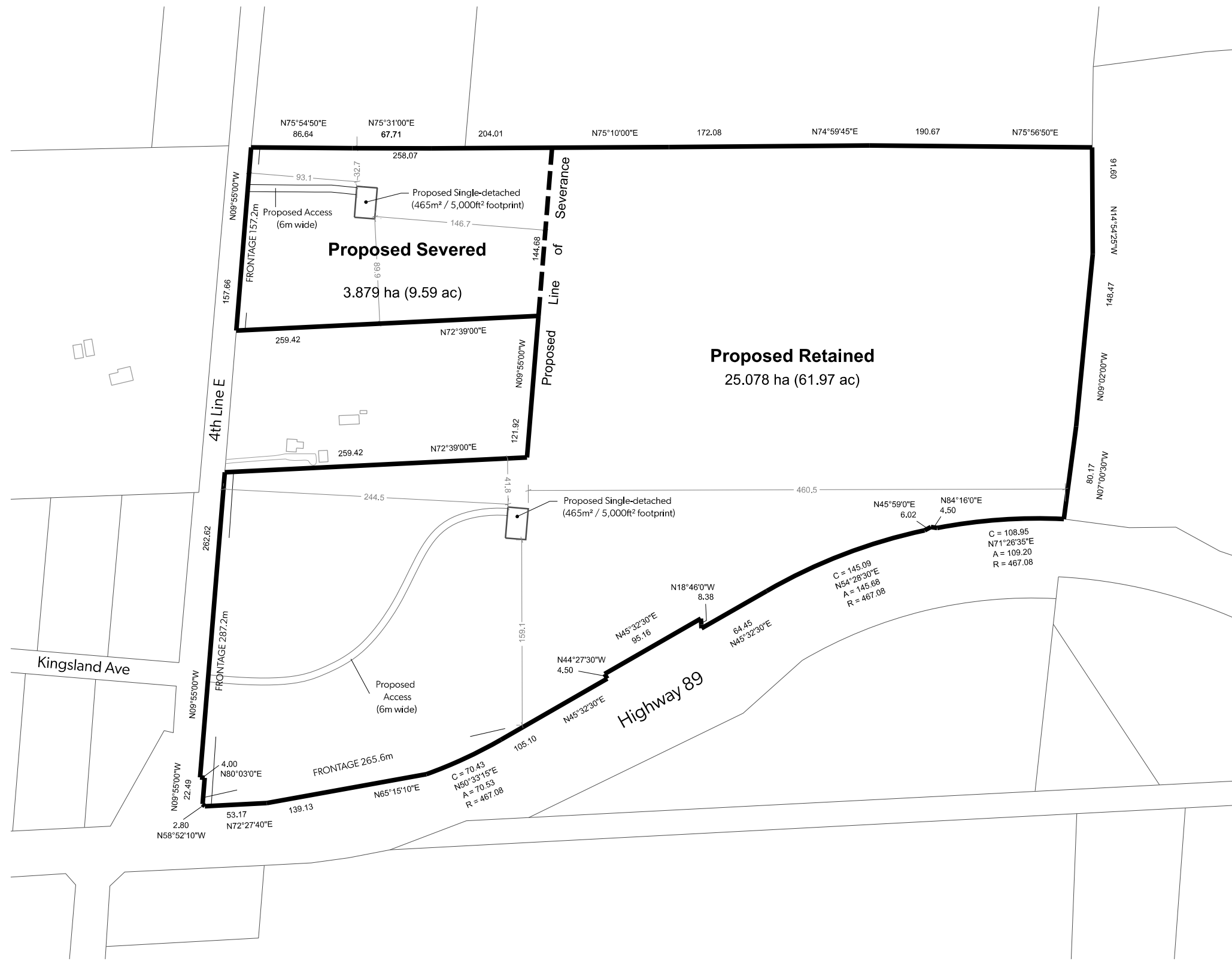
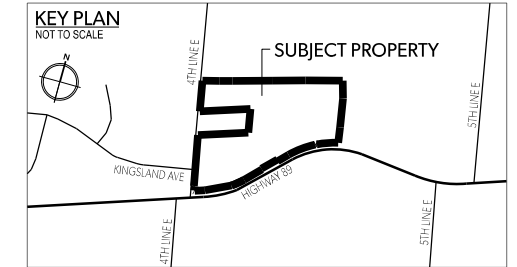
Sean Colville, B.Sc., P.Ag.
President, Colville Consulting Inc.



Brett Espensen, B.A., EMA.
Agricultural Consultant, Colville Consulting Inc.

Appendix A

Site Plans

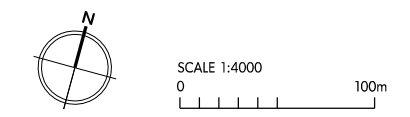


Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone 8.00ha and over			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards – Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	N/A
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards – Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

DRAWN / REVISED	
04 JAN 2021	Revised driveway
26 NOV 2020	Revised building location
29 JUN 2020	Revised severance location
23 JUN 2020	First Draft

SEVERANCE SKETCH
 WEST HALF OF LOT 1, CONCESSION 5
 TOWNSHIP OF MULMUR
 COUNTY OF DUFFERIN



- Notes:**
- Property Boundaries referenced from R-plans 7R3382, 7R3772, 7R3794, subject to confirmation by survey.
 - Surrounding parcel fabric digitized from available Geowarehouse mapping and is approximate.
 - Areas and dimensions are approximate and subject to confirmation by survey.

File Number: 9953
 Date: 2021-01-04
 Drawn By: CB
 Planner: SP
 CAD: 9953/schedules/severance.dgn

Appendix B

Land Use Notes

Land Use Survey Notes				
Weather	Partly Cloudy		Date	October 5 th , 2020
Temperature	Partly Cloudy, 9°C		File	C20052

Site No.	Type of Use	Type of Operation	MDS Calculation Required?	Description of Operation
1	Agricultural	Hobby Farm	No	Hobby horse farm. Two paddocks, fencing, livestock shelters, and small barn all in good condition. Property is located within Violet Hill Community Settlement Boundary.
2	Agricultural	Hobby Farm	Yes	MDS Information request letter left in mailbox. Paddock with old wooden fencing. Wood sided bank barn observed on site. No signs of livestock. Sign at front of laneway stating eggs for sale.
3	Agricultural	Retired Livestock Operation	Yes	Wood sided bank barn on site. No sign of livestock or manure storage. Appears to be used for storage or as part of cash cropping operation. Appears to still be suitable for housing livestock.
4	Agricultural	Hobby Farm	Yes	Small hobby farm. Paddock with fencing and storm shelters. One donkey observed on site. Well removed from Subject Lands.
5	Non-Agricultural	Industrial	No	No sign of livestock. Appears to be some sort of small commercial/industrial operation.
6	Non-Agricultural	Recreational	No	Golf course observed from road. Appears to be privately owned, no signage at roadway. Associated with non-farm residence on site.

7	Non-Agricultural	Storage	No	Small metal Quonset hut on site.
8	Non-Agricultural	Utilities	No	Hydro one transformer station
9	Agricultural	Livestock Operation	Yes	Beef operation. Manure stored on back of property. Approximately 20 beef cattle observed grazing on property.
10	Agricultural	Livestock Operation	No	Residence associated with large beef operation located within study area. Actual livestock facility and manure storage located outside of study area.
11	Agricultural	Cash Cropping Operation	No	Appears to be a small cash cropping operation. No sign of livestock observed on site.

	Total Number	Active	Retired or Remnant
Agricultural	6	5	1
Agriculture-related	0	0	0
On-farm Diversified	0	0	0
	Total Number	Commercial	Other
Non-Agricultural	4	0	4

Appendix C
Site Photographs



Photo 1: View of Hobby horse farm on Site 1 as observed from 4th Line.



Photo 2: View of bank barn on Site 2 as observed from Subject Property.



Photo 3: View of wood-sided bank barn on Site 3 as observed from 4th Line.



Photo 4: View or Site 4 paddock as observed from 4th Line.

Appendix D

Colville Consulting Inc Farm Data Sheets

Date: _____, 2020

Dear Sir or Madam,

RE: Minimum Distance Separation

We have been retained to complete an agricultural impact assessment for a development proposed within 1,500 m of your livestock operation. As such, we need to address the Minimum Distance Separation (MDS) formula as per provincial policies. The MDS Formulae is a land use planning tool developed by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). The purpose of the MDS formula is to minimize land use conflicts between agricultural, mainly livestock operations, and non-farm development. The Minimum Distance Separation (MDS) Document, Publication 853 OMAFRA, (2016) came into effect on March 1, 2017 and can be found on-line at <http://www.omafra.gov.on.ca/english/nm/builddev/MDSAODA.pdf>.

To complete the MDS assessment and determine the required setback for new development, we need to obtain certain information for each livestock operation (or former livestock operation). The MDS Document requests that, whenever possible, this information be obtained directly from the farmer/landowner. We usually stop in and collect this information in person. However, because of the COVID-19 virus, we have had to change our methods of collecting this information. I have included a form that you can fill out and return in the stamped, self-addressed envelope.

The information we need to calculate the can be summarized below:

- Type of livestock (e.g., dairy, beef, equine, hogs, poultry, etc.);
- Maximum capacity of livestock facility(ies);
- Lot size (of the parcel containing the livestock facility(ies); and
- Type of manure storage facility.

I understand that you may be reluctant to share the information requested for a variety of reasons. If we do not receive your specific information, we will have to complete the MDS formula using information we collect during roadside inspections and using aerial photography.

Thank you for your cooperation. If you have any questions please feel free to contact me at 905-935-2161 or email sean@colvilleconsultinginc.com.

Regards,



Sean Colville, B.Sc., P.Ag
Colville Consulting Inc.

MDS I Data Collection Sheet

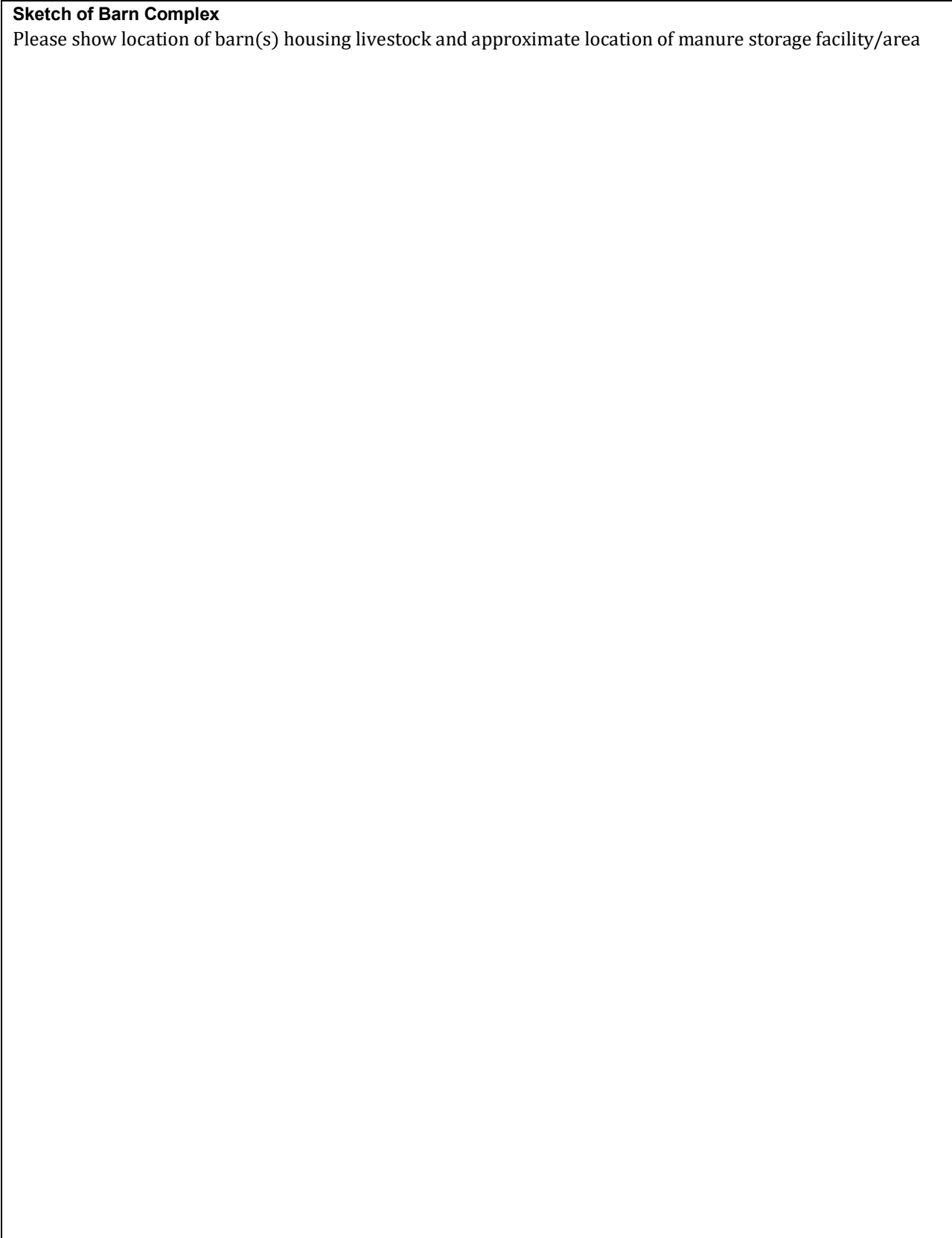
Name of Farm Owner _____	Date _____
Farm Name _____	Completed By _____
Address* (Required) _____	Project Name _____
Telephone _____	Project Number _____
Fax _____	Lot and Conc. _____

(To be completed by office)

<p>Please provide the following information</p> <p>Farm Type (Livestock/Other): _____</p> <p>Type of Livestock Operation (Active/Inactive): _____</p> <p>Number of Potential Livestock Facilities (Barns housing livestock): _____ Please sketch on following page</p> <p>Empty Livestock Facility but structurally sound and capable of housing livestock (Yes/No): _____</p> <p>If yes, for how long empty? _____</p> <p>Retired & Not suitable for housing livestock (Yes/No): _____</p> <p>If yes, for how long retired? _____</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Total Size of Farm Parcel (Do not include other parcels associated with farm)</p> <p>Acres _____ or Hectares _____</p> </div>	<p>Maximum Potential Barn Capacity (total of all barns)</p> <p>Beef _____</p> <p>Cow/Calf _____</p> <p>Feeders _____</p> <p>Dairy _____</p> <p>Dairy Heifers _____</p> <p>Equine</p> <p>Large framed _____</p> <p>Med framed _____</p> <p>Small framed _____</p> <p>Hogs _____</p> <p>Sows _____</p> <p>Wieners _____</p> <p>Feeder _____</p> <p>Poultry _____</p> <p>Laying Hens _____</p> <p>Broilers _____</p> <p>Other _____</p>														
<p>Manure Handling System Description (Please Check Box)</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">No Manure Storage <input type="checkbox"/></td> <td style="width: 50%;">L1 - Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage <input type="checkbox"/></td> </tr> <tr> <td>V1 - Solid, inside, bedded pack <input type="checkbox"/></td> <td>L2 - Liquid, outside, with a permanent floating cover <input type="checkbox"/></td> </tr> <tr> <td>V2 - Solid, outside, covered <input type="checkbox"/></td> <td>M1 - Liquid, outside, no cover, straight-walled storage <input type="checkbox"/></td> </tr> <tr> <td>V3 - Solid, outside, no cover, ≥30% dry matter <input type="checkbox"/></td> <td>M2 - Liquid, outside, roof, but with open sides <input type="checkbox"/></td> </tr> <tr> <td>V4 - Solid, outside, no cover, 18%–<30% dry matter, Matter with covered liquid runoff storage <input type="checkbox"/></td> <td>H1 - Liquid, outside, no cover, sloped-sided storage <input type="checkbox"/></td> </tr> <tr> <td>V5 - Liquid, inside, underneath slatted floor <input type="checkbox"/></td> <td></td> </tr> <tr> <td>V6 - Liquid, outside, with a permanent, tight-fitting cover <input type="checkbox"/></td> <td></td> </tr> </table>		No Manure Storage <input type="checkbox"/>	L1 - Solid, outside, no cover, 18%–<30% dry matter, with uncovered liquid runoff storage <input type="checkbox"/>	V1 - Solid, inside, bedded pack <input type="checkbox"/>	L2 - Liquid, outside, with a permanent floating cover <input type="checkbox"/>	V2 - Solid, outside, covered <input type="checkbox"/>	M1 - Liquid, outside, no cover, straight-walled storage <input type="checkbox"/>	V3 - Solid, outside, no cover, ≥30% dry matter <input type="checkbox"/>	M2 - Liquid, outside, roof, but with open sides <input type="checkbox"/>	V4 - Solid, outside, no cover, 18%–<30% dry matter, Matter with covered liquid runoff storage <input type="checkbox"/>	H1 - Liquid, outside, no cover, sloped-sided storage <input type="checkbox"/>	V5 - Liquid, inside, underneath slatted floor <input type="checkbox"/>		V6 - Liquid, outside, with a permanent, tight-fitting cover <input type="checkbox"/>	
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V4 - Solid, outside, no cover, 18%–<30% dry matter, Matter with covered liquid runoff storage <input type="checkbox"/>	H1 - Liquid, outside, no cover, sloped-sided storage <input type="checkbox"/>														
V5 - Liquid, inside, underneath slatted floor <input type="checkbox"/>															
V6 - Liquid, outside, with a permanent, tight-fitting cover <input type="checkbox"/>															

Sketch of Barn Complex

Please show location of barn(s) housing livestock and approximate location of manure storage facility/area



Appendix E

MDS I Report

Generated by OMAFRA's MDS Software

Minimum Distance Separation I

Worksheet 1

Prepared By: Brett Espensen, Agricultural Consultant, Colville Consulting Inc

Description: Draft MDS

Application Date: Friday, October 2, 2020

Municipal File Number:

Proposed Application: Lot creation for a maximum of three non-agricultural use lots
Type A Land Use


Applicant Contact Information

Not Specified

Location of Subject Lands

County of Dufferin, Township of Mulmur

MULMUR, Concession: 4 EAST OF HURONTARIO STREET, Lot: 2

Roll Number: 221600002018500000 

Calculation Name: **Site 9**

Description: Active Livestock Operation


Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Dufferin, Town of Mono


MONO, Concession: 5 EAST OF HURONTARIO STREET, Lot: 32

Roll Number: 2212000004157000000 

Total Lot Size: 16.63 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Feeders (7 - 16 months), Yard/Barn	116	38.7	485 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 38.7

Potential Design Capacity (NU): 77.3

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	=	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.8	X	295.49	X	0.7	X	1.1
					182 m (597 ft)	TBD

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
182 m (597 ft)	TBD

Calculation Name: **Site 2**

Description: Hobby Farm

Farm Contact Information

Not Specified

Location of existing livestock facility or anaerobic digester

County of Dufferin, Township of Mulmur

MULMUR, Concession: 5 EAST OF HURONTARIO STREET, Lot: 1

Roll Number: 2216000002014500000 

Total Lot Size: 3.13 ha


The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Minimum Distance Separation I

Worksheet 1

Prepared By: Brett Espensen, Agricultural Consultant, Colville Consulting Inc

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Chickens, Layer hens (for eating eggs; after transfer from pullet barn), floor run	2,323	15.5	216 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V1. Solid, inside, bedded pack

Design Capacity (NU): 15.5


Potential Design Capacity (NU): 15.5

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	184.95	X	0.7	X
				1.1	=
				100 m (327 ft)	TBD
				Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
				100 m (327 ft)	TBD

Calculation Name: **Site 3**

Description: Retired Livestock Operation


Farm Contact Information
Not Specified

Location of existing livestock facility or anaerobic digester
County of Dufferin, Township of Mulmur
MULMUR, Concession: 4 EAST OF HURONTARIO STREET, Lot: 2
Roll Number: 2216000002018500000 

Total Lot Size: 32.59 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Beef, Shortkeepers (12.5 - 17.5 months)	62	31.0	374 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM


Design Capacity (NU): 31.0

Potential Design Capacity (NU): 93.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.8	X	309.49	X	0.7	X
				1.1	=
				191 m (625 ft)	TBD
				Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
				191 m (625 ft)	TBD

Calculation Name: **Site 4**
Description: Hobby Farm


Farm Contact Information
 Not Specified

Location of existing livestock facility or anaerobic digester
 County of Dufferin, Township of Mulmur
 MULMUR, Concession: 4 EAST OF HURONTARIO STREET, Lot: 2
 Roll Number: 2216000002018000000 

Total Lot Size: 3.91 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Donkeys, Jacks, jennies, mules, hinnies (includes unweaned foals)	5	2.5	Unavailable
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	16	16.0	372 m ²

 The livestock/manure information has not been confirmed with the property owner and/or farm operator.

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 18.5

Potential Design Capacity (NU): 18.5

Factor A <small>(Odour Potential)</small>	Factor B <small>(Size)</small>	Factor D <small>(Manure Type)</small>	Factor E <small>(Encroaching Land Use)</small>	Building Base Distance 'F' <small>(minimum distance from livestock barn)</small>	Storage Base Distance 'S' <small>(minimum distance from manure storage)</small>
0.7	X	194.99	X	0.7	X
1.1		=		105 m (345 ft)	TBD
				105 m (345 ft)	TBD

Preparer Information

Brett Espensen
 Agricultural Consultant
 Colville Consulting Inc
 404 Queenston Street
 St. Catharines, ON, Canada L2P 2Y2
 Phone #1: 905-246-8810
 Email: Brett@colvilleconsultinginc.ca

Signature of Preparer: _____ Date: _____
 Brett Espensen, Agricultural Consultant

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

SCOPED ENVIRONMENTAL IMPACT STUDY
PART OF WEST HALF OF LOT 1, CONCESSION 5 EHS
TOWNSHIP OF MULMUR, COUNTY OF DUFFERIN

Prepared for:

Mr. Frank Monachino

Prepared by:

Colville Consulting Inc.

404 Queenston Street
St. Catharines, Ontario
L2P 2Y2

File: C20052
January 2021



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APPENDICES

APPENDIX A – SITE PLAN

1.0 INTRODUCTION

Colville Consulting Inc. was retained by Mr. Frank Monachino to prepare a Scoped Environmental Impact Study for the property located at 836059 4th Line E.H.S., in the Township of Mulmur. This EIS is required by the Town of Mulmur and Nottawasaga Valley Conservation (NVCA) to assess potential impacts the proposed development may have on the ecological function of natural heritage features on, and adjacent to the property. A summary of our assessment is included below.

1.1 Description of the Subject Lands

The property, henceforth referred to as the Subject Lands, is located at Part of West Half of Lot 1, Concession 5 EHS, Township of Mulmur, in the County of Dufferin. The Subject Lands include 29.02 ha (71.71 acres) and are primarily treed with a coniferous plantation which is part of a Managed Forest Plan (Figure 1). It is our understanding that the northwest portion of the Subject Lands is proposed to be severed, subsequently creating a new lot to permit a single residential development (Figure 2). The retained portion of the lot is also intended to support the development of a single residential dwelling.

The intent of this submission is to address review agency requirements for an Environmental Impact Study (EIS) for the Subject Lands to accurately assess the existing natural heritage features and their functions and determine what impacts to these features and functions may be associated with the proposed development. The EIS identifies areas suitable for development, areas where development is constrained by natural features and will provide an assessment of the potential impacts associated with the proposed development.

1.2 Development Plan

It is our understanding that the project involves the development of a new single-family residence and amenities on the Subject Property. A sketch of the proposed development plan is provided in Appendix A.

1.3 Background

This letter report discusses the natural environment based on the information obtained through a review of background data and a one-day site visit. The information sources will include (but not limited to):

- ◆ The Provincial Policy Statement (2020);
- ◆ The Official Plan for Dufferin County (2017);
- ◆ The Official Plan for the Town of Mulmur Official Plan (2012);
- ◆ The Greater Golden Horseshoe Places to Grow Growth Plan (2020);
- ◆ Nottawasaga Valley Conservation Regulation mapping (O.Reg. 172/06);
- ◆ Environmental Impact Study Guidelines chapter from the Dufferin County's Official Plan (2017);
- ◆ Wetland mapping and fisheries information from Ministry of Natural Resources and Forestry (MNRF) and/or Nottawasaga Valley Conservation (NVCA); and,

- ◆ a search for information on rare, threatened and endangered species provided by MNRF's Natural Heritage Information Centre (NHIC).

Constraints and Opportunities for development will be highlighted on the mapping provided as part of the planning application, identifying areas suitable for development and areas protected by the policies reviewed for the study.

Initial discussions with the NVCA (Mike Francis via email July 16 and 17, 2020) concluded that the following should be included in an EIS report to address policy applicable to the site and any potential impacts associated with the proposed development.

NVCA Terms of Reference:

- ◆ Identify Significant Woodland assessment using standardized provincial criteria outlined in the Natural Heritage Reference Manual (MNRF 2010);
- ◆ Complete a general Ecological Land Classification using standardized protocols;
- ◆ Review of flora/fauna on site to a degree sufficient to make conclusions regarding Endangered Species Act compliance and Significant Wildlife Habitat (as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E). If you would like confirmation of a data collection program, please submit your proposed scope in this regard and we can discuss;
- ◆ Figure(s) depicting relevant on-site features/setbacks in relation to the proposed development envelope;
- ◆ Recommendations to your client regarding environmental mitigation measures, including construction mitigation, adjustments to development plans, etc.

According to discussions with NVCA, the development in this case includes the proposed creation of new 'lot lines', as well as the evaluation of a physical development envelope and needs to address PPS policy regarding new development. The property is also located in the planning area for the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Therefore, the reporting also needs to address those policies, including identification of potential significant/key natural heritage features (KNHF).

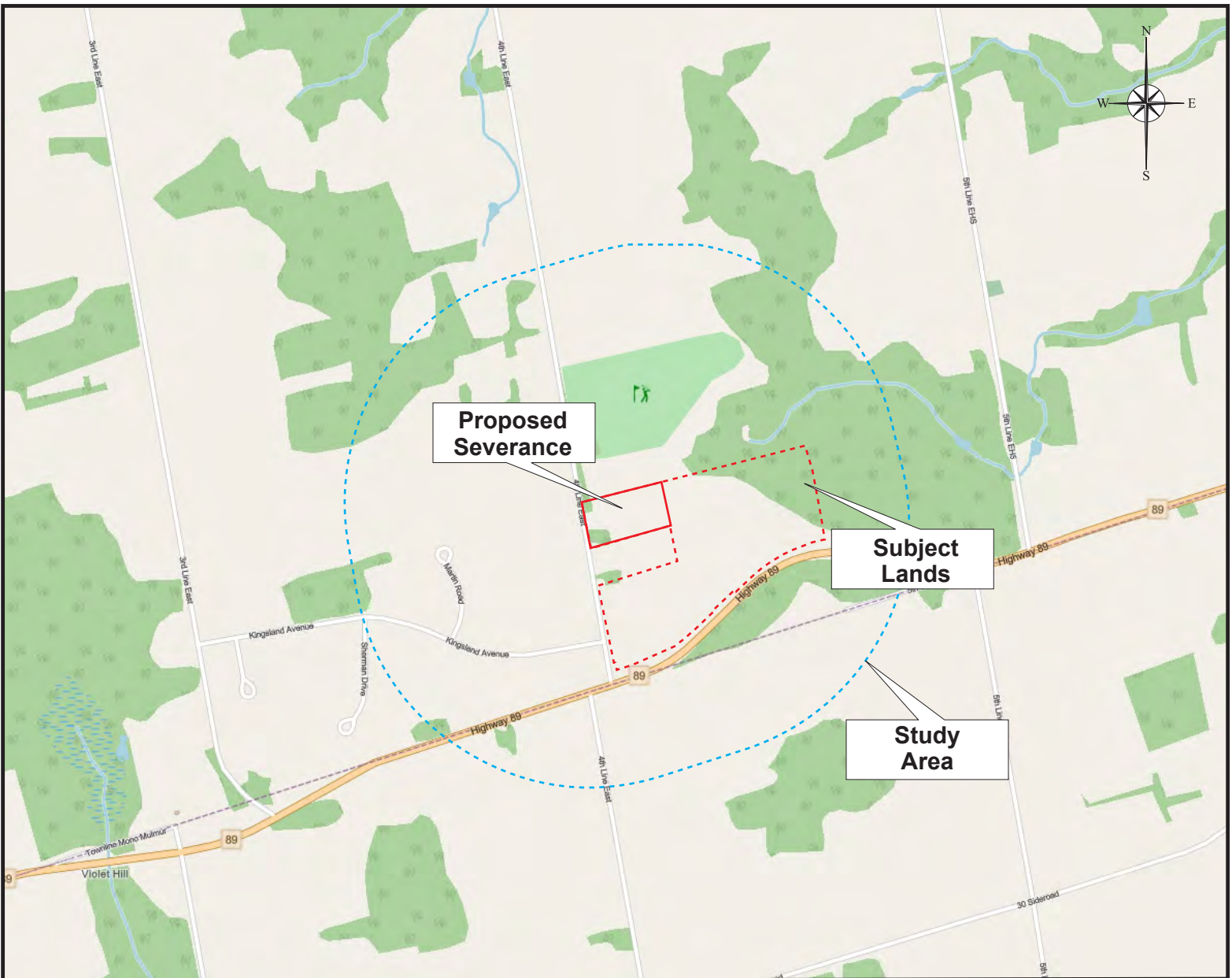


Figure 1
Location Map

Scoped Environmental Impact Study for
West Half of Lot 1, Concession 5 EHS,
Town of Mulmur

Prepared for:
Mr. Frank Monachino

Prepared by:
COLVILLE CONSULTING INC.

DATE: October 2020

FILE # 20052



Legend

- Subject Property
- Proposed Line of Severance
- Proposed Access and Single Detached
- Extent of Lot to be Retained

Figure 2
Proposed Severance and Retained Lot
on the Subject Property

Scoped Environmental Impact Study for
 Part of West Half of Lot 1, Concession 5 EHS,
 Township of Mulmur

Prepared for: **Mr. Frank Monachino**

Prepared by: **COLVILLE** 
 CONSULTING INC.

2.0 ENVIRONMENTAL POLICY

2.1 Provincial Policy Statement

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act, and came into effect on May 22, 1996. The PPS was updated in 1997 and 2014 more recently in 2020. It applies to all applications submitted after March 1, 2005 and states that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. This EIS has been prepared in compliance with Part V, Policy 2.1 of the PPS, which deals specifically with the long-term protection and management of natural heritage features and areas.

The intent of the PPS is to ensure that natural features and areas be protected for the long term. The PPS indicates that diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Natural heritage features and areas are defined in the PPS as those which are important for their environmental and social values as a legacy of the natural landscapes of an area and include: significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat and significant areas of natural and scientific interest.

Development and site alteration is not permitted in:

- ♦ significant wetlands I Ecoregions 5E, 6E and 7E; and
- ♦ significant coastal wetlands

Unless it can be demonstrated that there will be no negative impacts on the natural heritage features or their ecological functions, development and site alteration is not permitted in:

- ♦ significant wetlands north of Ecoregions 5E, 6E and 7E;
- ♦ significant woodlands and valleylands south and east of the Canadian Shield;
- ♦ significant wildlife habitat;
- ♦ significant areas of natural and scientific interest; and
- ♦ coastal wetlands in Ecoregions 5E, 6E and 7E.

In addition, development and site alteration is not permitted in fish habitat or the habitat of endangered and threatened species, except in accordance with provincial and federal requirements.

Furthermore, development and site alteration is not be permitted on adjacent lands to the natural heritage features identified above, 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.

2.2 Greater Golden Horseshoe Places to Grow

The GGH Places to grow Growth Plan (updated 2020) applies to this area, which includes includes many of Ontario's significant ecological and hydrologic natural environments, including the Oak Ridges Moraine, the Niagara Escarpment and the other natural areas in the Greenbelt Area. The GGH also contains high quality agricultural lands. The location of the GGH also means that it is under high pressure for land development. A Place to Grow Plan, together with the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the Niagara Escarpment Plan, builds on the Provincial Policy Statement (PPS) to establish a unique land use planning framework for the GGH that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity.

A Natural Heritage System for the Growth Plan was mapped by the Province to support planning for the protection of the region's natural heritage and biodiversity. The Natural Heritage System for the Growth Plan was approved and in effect as of July 1, 2017.

Within the Natural Heritage System for the Growth Plan:

- a. new development or site alteration will demonstrate that:
 1. there are no negative impacts on key natural heritage features or key hydrologic features or their functions;
 2. connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;
 3. the removal of other natural features not identified as key natural heritage features and key hydrologic features is avoided, where possible. Such features should be incorporated into the planning and design of the proposed use wherever possible;
 4. except for uses described in and governed by the policies in subsection 4.2.8, the disturbed area, including any buildings and structures, will not exceed 25 per cent of the total developable area, and the impervious surface will not exceed 10 per cent of the total developable area.

The Subject Lands include areas that are designated as Rural in Schedule A1 – Land Use Designations (Township of Mulmur OP) with some natural heritage system surrounding the tributary to the Boyne River. Schedule D1 Natural Heritage System mapping in the Dufferin County OP identifies the Subject lands as including three small woodland pockets adjacent to the 4th Line East and a larger forested area at the rear of the property. The plantations on the site are not included in the natural heritage system in either the County of the Township OPs.

2.3 Dufferin County Official Plan

The County Official Plan directs County growth management and land use decisions by providing upper-tier land use planning guidance for the County's eight local municipalities. Detailed land use planning and local decision making is managed and administered locally through the local municipal official plans (in this case the Township of Mulmur) which will conform to the policies of this Plan. The Province amended

Regulation 352/02 of the Planning Act which required Dufferin County to adopt an Official Plan. Dufferin County has traditionally not conducted planning administration. The OP conforms to Section 2.1 of the PPS (2020).

Among other important environmental considerations, the policies address the County's natural vegetation and wildlife, water resources, landforms, geology and soils, and core natural heritage features such as woodlands, wetlands and fish habitat. Those natural areas considered to be of provincial importance, as identified in the PPS, are identified in the Region's Core Natural Heritage System. The following components are identified in the Region's Core Natural Heritage System:

- ◆ Provincially Significant Wetlands (which are also designated on Schedule B);
- ◆ Provincially Significant Areas of Natural and Scientific Interest (ANSI), including
- ◆ Earth Science and Life Science ANSI's;
- ◆ Woodlands; and
- ◆ Unevaluated wetlands and locally and regionally significant wetlands.

According to the OP the boundaries of these features and areas are considered to be approximate, and their boundaries may be further refined without an amendment to this Plan. An ecological site assessment by a qualified professional is required for development applications where natural vegetation or landscape features exist on or near the property. Where natural heritage features and areas are identified, a more detailed assessment of the feature will be undertaken to determine the significance of the natural heritage feature and areas

- a) Development and site alteration will not be permitted in significant wetlands.
- b) Development and site alteration will not be permitted in i. significant woodlands; ii. significant valleylands; iii. significant wildlife habitat; and, iv. significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- c) Development and site alteration will not be permitted in fish habitat except in accordance with Provincial and Federal requirements.
- d) Development and site alteration will not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial and Federal requirements.

2.4 Township of Mulmur

The Township shall ensure the protection, maintenance and enhancement of the many significant natural heritage features and areas in the Township. In Section 5.18 "Natural Features, Areas and Functions" of the official plan:

All wetlands and the significant habitat of endangered species and threatened species, and their ecological functions shall be protected for the long term. Other significant

natural features and areas shall also be protected from developments and site alterations where degradation would threaten the health and integrity of the natural features or ecological functions for which an area is identified, due to single, multiple or successive development or site alteration activities.

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Development and site alteration shall not be permitted in:

- a) significant habitat of endangered species and threatened species, and;
- b) significant wetlands.

Unless it has been demonstrated that there will be no negative impacts, as defined in Section 13 of this Plan, on the natural features or their ecological functions, development and site alteration shall not be permitted in:

- a) significant woodlands
- b) significant valleylands
- c) significant wildlife habitat; and
- d) significant areas of natural and scientific interest (ANSIs)

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Development and site alteration shall not be permitted on adjacent lands to significant habitat of endangered species and threatened species; significant wetlands; significant woodlands; significant valleylands; significant wildlife habitat; significant areas of natural and scientific interest (ANSIs) or fish habitat 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, as defined in Section 13 of this Plan.

The Township will endeavor to develop and implement a natural heritage system within the Official Plan to assist with the identification and refinement of natural heritage features, functions and linkages within the Township. The Township shall collaborate with the commenting agencies and approval authorities and, where applicable, the Niagara Escarpment Commission, to identify and define natural features that are significant within the meaning of the Provincial Policy Statement. Criteria should be established to determine whether a site or area may be considered significant. These criteria should be specific to the unique circumstances that occur within the Township. Sites or areas that do not meet the criteria need not then be subject to further study to address the above policy requirements. An example of such a situation may be where a large, forested area consists of a pine plantation, with very low natural diversity or significance (i.e. not within an area identified on the schedules as being significant for other reasons, such

as core wildlife habitat). Where it is not certain that a site or area is not significant, prescribed studies should be carried out prior to the approval of Planning Act applications for development and related site alterations. Once studies have been carried out and the significance of the feature or area has been determined, the Township shall endeavor to maintain a record. Individual sites or areas that are considered significant shall generally be identified on the schedules to this Plan at each municipal comprehensive review.

Nothing in this Section is intended to limit the ability of existing agricultural uses to continue. The potential for degradation as a result of multiple or successive development or site alteration activities of a similar nature and/or within the same general geographic area shall be evaluated. Such developments or site alterations may be prohibited or appropriately regulated in terms of their number, size, density, location and/or extent to ensure that degradation that threatens the health and integrity of the significant natural features or the ecological functions, does not result. Impacts of development and site alteration shall be identified and evaluated in an environmental impact study (EIS), prepared by qualified professionals, to the satisfaction of the Township, and if applicable, the Nottawasaga Valley Conservation Authority Ministry of Natural Resources and/or the Niagara Escarpment Commission.

The EIS should:

- ◆ identify and describe the natural features and ecological functions and evaluate the suitability of the proposed development;
- ◆ recommend design and mitigation measures to minimize potential negative impacts on natural features and ecological functions;
- ◆ recommend appropriate buffers, including vegetation protection zones, to ensure adjacent lands are protected.

For larger proposals, the EIS may also be required to:

- ◆ review alternative development options and alternative methods of mitigating the impacts of the development;
- ◆ identify and evaluate opportunities for compensatory measures and environmental enhancement; and
- ◆ recommend implementation and monitoring actions.

For minor proposals, the Township may permit a scoped EIS following a preliminary review of the development proposal as part of the pre-consultation process. A scoped EIS will only be permitted where the nature and scale of the proposed development is expected to result in minimal or no negative impacts to natural features or their ecological functions.

The Township shall prepare more detailed guidelines for the preparation of Environmental Impact Studies, including the circumstances that trigger the need for an EIS, the purpose(s) to be achieved, and the required content and scope. Pre-consultation with the Township and the Nottawasaga Valley Conservation Authority or Ministry of Natural Resources, as applicable, is required to ensure that required information

is collected at the appropriate times, and to appropriately scope the study. The Township's various natural heritage features are shown on Schedules B1 and B2 to this Plan, as follows:

Schedule B1 (Category One Natural Features)

- ◆ All provincially significant wetlands;
- ◆ All regionally and locally significant wetlands;
- ◆ All permanently flowing streams, cold water streams and streams with a drainage area greater than 125 ha.;
- ◆ All waterbodies (lakes, ponds) generally over 0.1 ha. in size, and flooded lands;

Schedule B2 (Category Two Natural Features)

- ◆ A 120 m. buffer adjacent to all provincially significant wetlands (the wetlands themselves are also shown on the Schedule);
- ◆ A 30 m. buffer adjacent to all regionally and locally significant wetlands (the wetlands are also shown on the Schedule);
- ◆ A 30 m. buffer adjacent to all permanently flowing streams, cold water streams and streams with a drainage area greater than 125 ha., as well as on-stream ponds;
- ◆ A 15 m. buffer adjacent to all other waterbodies (lakes, ponds) generally over 0.1ha. in size;
- ◆ Intermittent watercourses with a drainage area of less than 125 ha. and a buffer area of 15 m. on each side;
- ◆ Life Science and Earth Science ANSIs;
- ◆ Other wildlife habitat, including core deeryards, and;
- ◆ Significant woodlands

2.5 Nottawasaga Valley Conservation Authority

NVCA guards against the risks posed by flooding, erosion and other natural hazards by regulating development in the watershed through the administration of a regulation made under Section 28 of the Conservation Authorities Act (April 2019) known as the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 172/06). The purpose of the document is to provide guidance for development applications that are located in and adjacent to natural heritage features and hazard lands. No portion of the proposed development will affect lands regulated by the NVCA.

3.0 STUDY APPROACH

3.1 Background Review

Prior to the commencement of primary field inventories, a review of background material available for the Subject Lands and surrounding area was conducted. Some of the background information reviewed included:

- ◆ The Provincial Policy Statement (2020);
- ◆ The Official Plan for the Town of Mulmur Official Plan (2012);
- ◆ The Official Plan for Dufferin County (2017);
- ◆ The Greater Golden Horseshoe Area Places to Grow Growth Plan (2020);
- ◆ Ministry of Natural Resources and Forestry (MNRF) Natural Heritage Information Centre Database (NHIC);
- ◆ Nottawasaga Valley Conservation Regulation mapping (O.Reg. 172/06);
- ◆ Environmental Impact Study Guidelines chapter from the Dufferin County's Official Plan (2017);
- ◆ Wetland mapping and fisheries information from Ministry of Natural Resources and Forestry (MNRF) and/or Nottawasaga Valley Conservation (NVCA); and,
- ◆ a search for information on rare, threatened and endangered species provided by MNRF's Natural Heritage Information Centre (NHIC).

3.2 Field Inventories

In order to ensure all natural heritage features on the properties were assessed adequately, Colville Consulting conducted the following assessments and inventories on the Subject Properties:

- 1) Description of vegetation communities on the Subject Lands using the Ecological Land Classification System for Southern Ontario (ELC);
- 2) Documentation of incidental wildlife observations on the Subject Property; and

3.3 Pre-Consultation with Nottawasaga Conservation

Constraints and Opportunities for development will be highlighted on the mapping provided as part of the planning application for approvals of the proposed lot severance, identifying areas suitable for development and areas protected by the policies reviewed for the study.

Initial discussions with the Mike Francis, Planning Ecologist with NVCA (email dated July 16 and 17, 2020) concluded that the following should be included in a Scoped EIS report to address policies applicable to the Subject Lands and any potential impacts associated with the proposed development.

NVCA Terms of Reference:

- Identify Significant Woodland using standardized provincial criteria outlined in the Natural Heritage Reference Manual (MNRF 2010);
- Complete a general Ecological Land Classification using standardized protocols;

- Review of flora/fauna on site to a degree sufficient to make conclusions regarding Endangered Species Act compliance and Significant Wildlife Habitat (as per Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E);
- Figure(s) depicting relevant on-site features/setbacks in relation to the proposed development envelope;
- Recommendations to your client regarding environmental mitigation measures, including construction mitigation, adjustments to development plans, etc.

According to discussions with NVCA, the development in this case includes the proposed creation of new 'lot lines', as well as the evaluation of a physical development envelope and needs to address PPS policy regarding new development. The property is also located in the planning area for the Growth Plan for the Greater Golden Horseshoe (Growth Plan). Therefore, the reporting also needs to address those policies, including identification of potential significant/key natural heritage features (KNHF).

4.0 STUDY FINDINGS

4.1 Initial Site Survey and Vegetation Mapping

Detailed botanical inventories were not completed as part of the Scoped EIS due to the timing of the site visits. Preliminary vegetation communities (ELC units – following Lee et al. 1998) were mapped and described. Vegetation communities are described below and mapped on Figure 3.

4.1.1 Vegetation Communities

The Subject Land includes a 29 ha lot dominated by a cultural plantation with some naturally regenerating areas and a small open water wetland, as shown on Figure 3. The original plantations were established under two agreements and totaled 22.5 hectares (55.5 acres) in area. An additional 3.2 Hectares (8 acres) were planted (not under an agreement) bringing the total area up to 25.7 hectares (63.5 acres) of Red Pine and White Pine dominated plantations. These plantations were thinned as part of a harvest in 2009 and again in 2019 by the previous owners to address extensive tree damage incurred during ice storms (Pers. Comm. With neighbors located at 836037 3rd Line EHS).

There are two main areas of plantation within the Subject Lands, including a Red Pine dominated community with deciduous associates and a White Pine/Red Pine mixed plantation. The Subject Lands include treed areas outside of the plantations that consist of both upland and wetland communities noted during site investigations. The rear of the site is dominated by a mature red pine plantation with scattered canopy openings.

Red Pine Coniferous Plantation

This community is dominated by red pine trees planted and managed as discussed above. Deciduous species were also planted within the Red Pine plots and include the following species: Black Walnut, Red Oak, White Ash, White Elm, White Spruce, Tamarack, Black Cherry and Manitoba Maple. White Ash accounts for most of the regenerating area, along with red raspberry, Elderberry species and a mix of herbaceous plant species dominated by fescue species and goldenrod species.

Red Pine/White Pine Plantation

This community is dominated by a mixture of white and red pine trees planted and managed as discussed above. Deciduous species were naturalizing within this plantation and include the following species: Red Oak, White Ash, White Elm, White Spruce and Manitoba Maple. White Ash and Manitoba Maple account for much of the regenerating area, along with red raspberry, buckthorn, Elderberry species and a sparse mix of herbaceous plant species.

Soils in the plantation areas were sampled and are dominated by well drained silty clay loam or silty fine sand with no visible mottles in the upper 60 cm, resulting in the majority of the site being classified as upland.

Cultural Woodland

The community located in the north west corner of the subject lands is indicated for severance for a single detached home and its associated servicing (septic) on a 3.9 hectare (9.6 acre) lot. This area of the property differs from the rest of the site as it is not dominated by woodland (plantation) and includes openings that

support cultural meadow communities. The species in this area include sparse tree cover of White Ash, White Elm, Manitoba Maple, Eastern Cottonwood and Trembling Aspen of approximately 35% cover (Figure 3). Soils in the more open area include Silty Clay Loam with mottles occurring deeper than 65cm. This indicates that the soils are well drained and do not support wetland species or communities.

Shallow Water Marsh

The exception to the well-drained soils on the site is a small wetland community which includes a shallow water marsh, dominated by Narrow-leaved Cattail covering an area of approximately 0.9 hectares (2.2 acres) (Figure 3). There was shallow standing water in this community at the time of the Site visit. This feature is too small to be considered significant, however, potential impacts and mitigation measures to protect this feature will be discussed in Sections 6 and 7 below.

Coniferous Forest

This treed area at the rear of the property was preliminarily assessed to include Red and White pine, White Spruce, Eastern-white Cedar with White Ash, Manitoba Maple and Trembling Aspen. A detailed survey of this feature was not completed as it is outside of the proposed development area and will be retained without disturbance.

Deciduous Forest

The deciduous forest was assessed at a high level as it is part of the rear of the property not likely to be affected by the development proposal. Species include Trembling Aspen, Manitoba Maple, Cottonwood, White ash, Sugar Maple and Black Walnut. Coniferous species include White and Red Pines, White Spruce and Tamarack.

The rear of the Subject Lands includes a watercourse and the NVCA regulated area surrounding the watercourse. This area is part of the headwaters of the Boyne River. This area is proposed to be retained as is. No wetland features are currently mapped by either NVCA or the MNRF on or adjacent to the Subject Lands.

4.2 Wildlife and Wildlife Habitat

Species specific surveys were not completed for the subject lands based on the timing of this project and the nature of the application. Wildlife observations were limited to incidental records of individuals or signs. No surveys for bat roosting habitat were completed for this project, and the potential requirement for mitigation measures for potential bat habitat impacts is not likely based on the type of trees that dominate the forested areas on the site. Bats require deciduous trees, preferring maple and oak species. Neither of these species were documented in significant numbers on the site.

4.2.1 Incidental Wildlife Observations

Incidental wildlife observations, including signs, were examined during our assessment of the property. The timing of the surveys precluded any species-specific breeding surveys as the site was visited on October 7 and 14th, 2020. Species detected on the property include White-tailed Deer, American Crow, American Robin, Black-capped Chickadee and Blue Jay.



Legend

- Subject Property
- RD** Rural Development
- CUW** Mixed Cultural Woodland
- FOC** Coniferous Forest
- FOD** Deciduous Forest
- MAS2-1** Cattail Mineral Shallow Marsh
- PLC3-1** Red Pine Coniferous Plantation
- PLC3-1/3-2** Red Pine/White Pine Coniferous Plantation

Figure 3
Extent of Vegetation Communities
on the Subject Property

Scoped Environmental Impact Study for
Part of West Half of Lot 1, Concession 5 EHS,
Township of Mulmur

Prepared for: **Mr. Frank Monachino**

Prepared by: **COLVILLE** 
CONSULTING INC.

5.0 ASSESSMENT OF SIGNIFICANT NATURAL HERITAGE FEATURES.

5.1 Species at Risk

5.1.1 Significant Habitat of Endangered and Threatened Species

To protect endangered and threatened species, their significant habitat must be protected. The amount of habitat required for species protection is determined on a case by case basis, as the habitat requirements can be highly variable depending on the species.

No Endangered Species were observed during our assessment of the property. Background review of the Ministry of Natural Resources and Forestry Natural Heritage Information Centre did not provide any records for species at risk or endangered or threatened species either on, or adjacent to the Subject Lands.

It is our opinion that the proposed project will not impact significant habitat of Endangered or Threatened species.

5.1.2 Other Potential Species of Conservation Concern

Background data review of available information did not indicate the presence of any potential Species of Conservation Concern on the Subject Lands. However, based on the size of the property and the treed areas on the Subject Lands it can be assumed that the site may provide habitat for area sensitive woodland and forest species of birds. Based on this assumption, recommendations to prevent and mitigate any potential impacts to species of conservation concern will be presented, as required should any loss of trees be planned as part of the building permitting process. The proposal has been designed to minimize any potential loss of trees or habitat features but there may be some tree removals and encroachment required at the site preparation and construction phase of the project.

5.2 Significant Wildlife Habitat

The SWH Criteria Schedule for Ecoregion 7E (OMNRF 2015) identifies four main types of significant wildlife habitat (SWH): seasonal concentrations areas, rare vegetation communities, specialized wildlife habitat and habitats of Species of Conservation Concern. The SWHTG (2015) does not address habitat associated with plantations. As the Subject Lands are dominated by plantations and the proposed developments are planned to occur within openings within these plantations, it is not expected that the proposed development will have a measurable effect of significant wildlife habitat.

5.3 Significant Woodland

The woodlands on the site, which are predominantly plantations have not been classified as significant woodlands in either the local or regional official plans. It is our observation that while the woodlands on this property are located adjacent to a larger woodland features north and east of the property, they have been heavily thinned in past years through harvest, storm damage and resulting clean-up. The density of the plantations is less than 25% in some areas, leading to a patchy canopy and low function for wildlife habitat. For these reasons the treed areas on the site do not meet the provincial (MNRF) criteria for Significant Woodland as outlined in the Natural Heritage Reference Manual (MNRF 2005).

Our assessment indicates that the woodland to the north and east of the property are comprised of a mixture of coniferous plantations, cultural woodland, deciduous and coniferous forest communities. Collectively, the woodland on and adjacent to the Subject Property measures approximately 81.44 ha in size, including both plantation and forested communities and may be providing a variety of habitat for area sensitive species of wildlife. The woodland may have the potential for providing habitat for special concern wildlife species. However, the proposed development will not reduce the size of the larger adjacent woodland features nor result in any potential interior or area sensitive wildlife habitat. In addition, connectivity of the larger woodland feature to woodlands and natural heritage features at the landscape scale will be maintained and not affected by the proposed development.

6. IMPACT ASSESSMENT

Although a development plan for this property has yet to be finalized, two conceptual building envelopes have been proposed for the single-family residences, with associated driveway construction and infrastructure. Since no development plan has been finalized, the following impact assessment assumes all trees and vegetation within the identified building areas will be removed, as well as vegetation within the illustrated driveway locations.

As the site includes varying densities of vegetation cover, any proposed development on the Subject Property will occur in areas currently mapped as including natural or cultural vegetation cover in the form of woodland or plantation. Two options have been provided in Figure 2 for potential building envelopes on the Subject Lands. Each option requires the removal of trees and vegetation to facilitate construction, which has the potential to affect wildlife species utilization of the plantations and cultural woodlands in the vicinity of the developments. An assessment of potential direct and indirect impacts is provided below.

6.1 Direct Impacts

The retained lot includes a proposed residential development of a single home and its required servicing. This area is located within the plantation in the south western area of the lot (Figure 1). As stated above, the woodland on this property is situated adjacent to a larger more natural woodland feature that measures over 81.44 ha in size. It is anticipated that developments on the Subject Lands will require the removal of up to 0.2 to 0.4 ha of trees in areas already partially cleared, leaving most trees on the Subject Lands to be retained.

As shown in Figure 2, the northern building envelope option has intentionally been recommended in an area of the site that has been previously cleared, exhibiting large open areas to minimize the potential impacts of tree clearing on the Subject Lands. The existing clearing completed on the northern lot has resulted in large openings of sufficient size to accommodate the construction of a residential dwelling and associated amenities (garage and septic) as well as the entrance driveway. It is not anticipated that tree removal will be required in the severed lot to accommodate construction. However, should the removal of individual tree specimens be required, all removals will be completed in accordance with the Township of Mulmur By-Law No. 47-2019 (By-law to Prohibit or Regulate the Destruction or Injuring of Trees).

The retained lot includes that more densely treed area at the roadside which will require tree removals to accommodate the construction of an entrance driveway (Figure 2). The proposed building footprint for the residence has been located in an area of the plantation that has previously been thinned (in 2008 and 2019) to minimize the potential for tree removals as part of the site preparation activities prior to construction. Should any removals be required they will be minimized to only include specimens and will follow recommendations found in the Mulmur Tree By-law (2019).

Without a detailed design plan for the two proposed lots, it is difficult to estimate if any percentage of the treed area may require removal to accommodate the residences and the entryways. It is expected that the impacts will be minimized based on the recommendations in this report and previous clearing activities, and that appropriate mitigation measures will ensure that the features and functions of the overall

woodland area are maintained. It is therefore not likely that any potential removal of individual trees will result in a measurable effect to the woodland.

From our observations, it appears that the woodland on this property has the potential to provide habitat for a variety of bird and wildlife species. Of the bird species documented on and adjacent to this property, all species are commonly found in a variety of woodland habitats, as well as in treed areas in proximity to urban and residential land uses. No species documented during our surveys are considered interior or area sensitive species. Note that formal breeding bird surveys were not completed for the site due to the timing of the project initiation.

Since the bird and wildlife species documented using this portion of the woodland are generally adapted to small scale disturbances and residential land uses, it is likely that many species will continue to utilize isolated trees within the building envelope post development, and sufficient habitat is present in the remainder of the woodland feature to maintain habitat for any species displaced from this property. It is therefore anticipated that the proposed development will not impact the ecological function of the overall woodlands located adjacent to the site.

The retained lot includes a proposed residential development of a single home and its required servicing. This area is located within the plantation in the south western area of the lot (Figure 2). Conditions in this area are consistent with the definitions of a plantation or woodland and due to the existing tree cover and connectivity to the remaining plantations adjacent to the site. It is therefore recommended that proposed development (i.e., the residential dwelling on the retained lot) be located to an area within the plantation that has been cleared in the past resulting in sparse or no tree cover as shown in Figure 2. Vegetation within the cleared areas of the plantation is more consistent with cultural meadow than woodland species. Placement of the home in this location minimizes the requirement for tree removals resulting in the lowest potential impact to the plantation community.

As illustrated in Figure 2, development in the northern location is proposed within the cultural woodland area. It is our assessment that development of a single-family residence can occur on this portion of the property and not impact any functions provided by the woodland as this area has been cleared and is now open with vegetation consistent with a cultural meadow. Placement of the home in this location minimizes the requirement for tree removals resulting in the lowest potential impact to the plantation community. The large openings minimize the potential for impacts to the forested and plantation communities on the site as tree removals will be minor in nature.

To minimize hydrological impacts, it is recommended that grading be designed to maintain existing overland flow patterns and that culverts be installed under the proposed driveway to minimize the potential for water impoundment during the spring freshet and storm events.

6.2 Indirect Impacts

In addition to the direct impacts discussed above, it is anticipated that the proposed development on this property may result in indirect impacts which could affect the wetland and woodland on the property. Potential indirect impacts associated with this project can include increases in ambient light and noise as well as changes to the surface water drainage patterns, especially associated with the wetland feature.

The wetland feature on the site has been protected with a buffer extending greater than 20 metres from the severed lot proposed residential development. No tree clearing or grading is expected to occur in this area and thus no measurable adverse effect to the wetland features or functions are anticipated. Despite this wetland not meeting requirements to be considered significant and being too small to formally evaluate under the Wetland Evaluation System for Southern Ontario a buffer is still recommended to protect its very localized functions within the Subject Lands.

As described above, most wildlife species documented in this portion of the woodland are tolerant of residential land uses. Although some minor increase in noise would be expected during construction and potentially during use of the property, it is not likely that additional noises would result in avoidance behaviours by wildlife in the vicinity of the two proposed residences.

Although no designs have been finalized, it is anticipated that exterior lighting will be incorporated into the proposed development plan. It is likely that this lighting, along with lighting from interior illumination, will increase the amount of ambient lighting in the woodland areas adjacent to the property. Based on the species observations in the woodland, it is not anticipated that an increase in ambient light on this property will impact wildlife use in the remaining portions of the woodland, however to help minimize any avoidance behaviours by wildlife species using this property, it is recommended that lighting be directed away from the woodland where possible.

Although some elevated noise levels may be expected during construction activities, it is recommended that these activities be conducted between the late-summer and early spring if possible, to avoid impacting wildlife species on and adjacent to this property. It is not anticipated that the proposed development will result in an increase in the overall noise impacts to this woodland.

7.0 MITIGATION MEASURES

During the preparation of final designs for the Subject Property, it is recommended that the following mitigation measures be considered:

- ◆ Although tree removal will need to occur to facilitate development on this property, it is recommended that trees be retained where possible.
- ◆ Exclusion fencing should be installed no less than 1m from the drip-line of trees to be retained to ensure roots are not compacted or injured.
- ◆ The removal of trees and vegetation should be timed to minimize impacts on any wildlife species. It is recommended that tree removal be completed prior to March 15 or after October 31 to minimize impacts to bird and bat species that may be utilizing the woodland on the property.
- ◆ appropriate sediment and erosion controls should be installed prior to any construction or alteration works on the Subject Property to prevent sediment transfer to adjacent retained natural heritage features.
- ◆ All trees not required to be removed for construction or safety should be maintained on site.
- ◆ To protect the integrity of trees on and adjacent to the proposed lot, consultation with the Township of Mulmur Tree By-law is recommended for the development when designs have been finalized.
- ◆ Any grading or filling to be conducted on the properties should be designed to maintain existing overland flow patterns. Narrow diameter culverts should be installed under the driveway to maintain surface flow patterns and minimize the potential for water impoundment.
- ◆ Any exterior lighting should be directed away from the woodland adjacent to the property if possible.

8.0 CONCLUSION

Colville Consulting Inc. was retained to complete a scoped Environmental Impact Statement to identify suitable building envelopes for two single detached residential developments and associated amenity areas on the Subject Property. Two options for building envelopes have been provided with varying impacts to natural heritage features on the property.

From our observations of the property and surrounding area, it is our conclusion that the proposed development will not have an impact on the ecological function of existing woodlands on the site or the adjacent woodlands, however it is anticipated that localized removal of trees may be required. To assist with avoiding impacts to the ecological function of the woodland on the property, it is recommended that the above noted mitigation measures and recommendations be implemented during design and construction on the property.

Respectfully submitted by:



Nicholle Smith B.A., EMPD
Senior Terrestrial Ecologist
Colville Consulting Inc.

9.0 LITERATURE CITED

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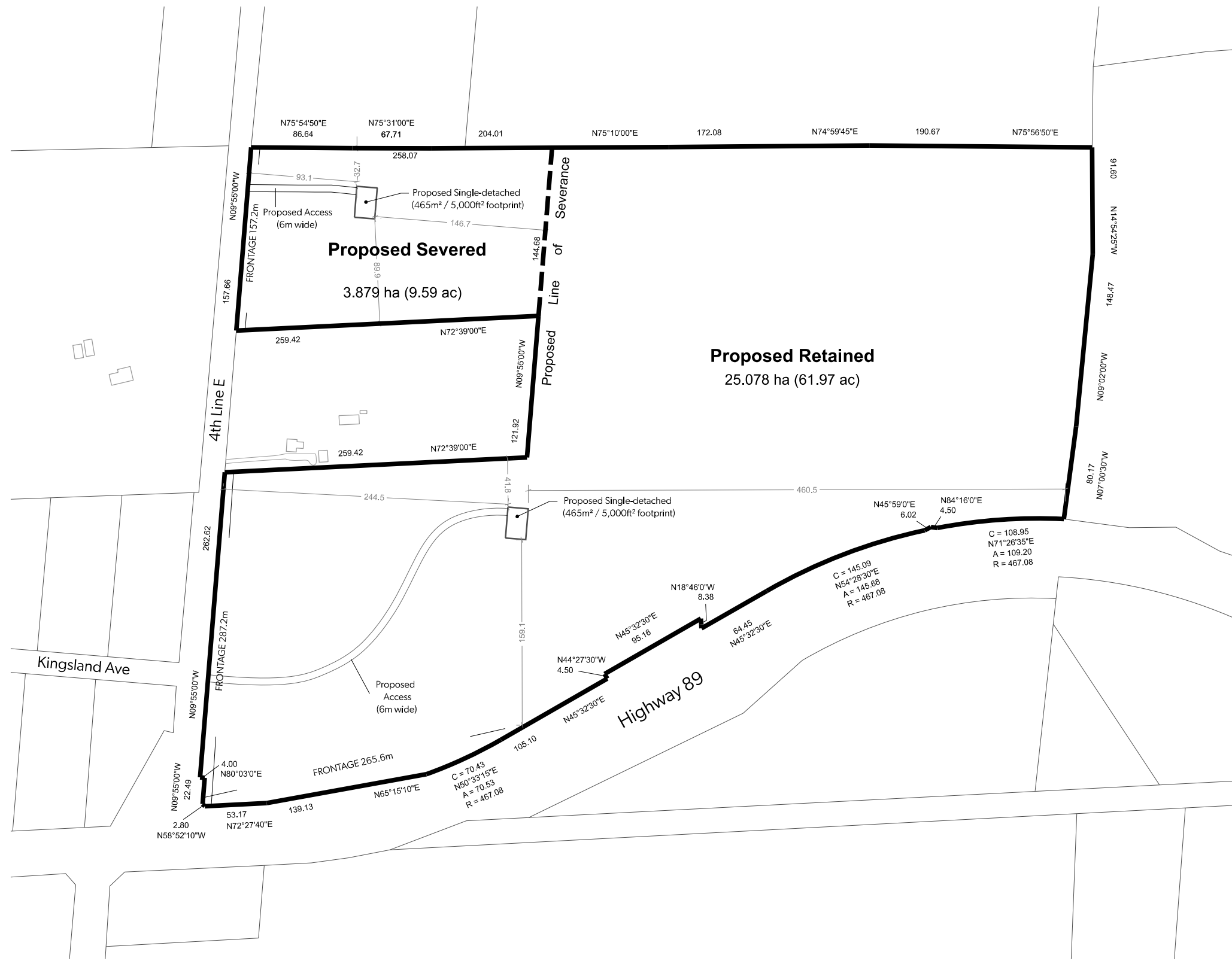
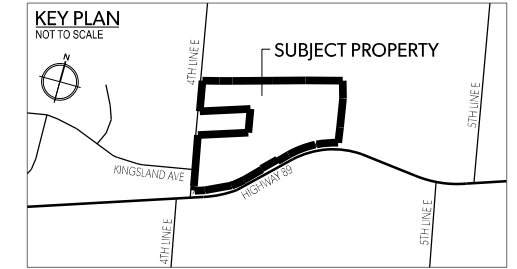
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Appendix A
Site Plan

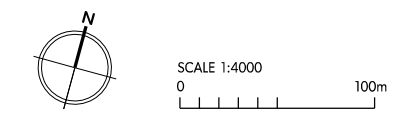


Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone 8.00ha and over			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards – Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	N/A
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards – Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

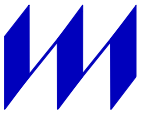
DRAWN / REVISED	
04 JAN 2021	Revised driveway
26 NOV 2020	Revised building location
29 JUN 2020	Revised severance location
23 JUN 2020	First Draft

SEVERANCE SKETCH
 WEST HALF OF LOT 1, CONCESSION 5
 TOWNSHIP OF MULMUR
 COUNTY OF DUFFERIN



- Notes:**
- Property Boundaries referenced from R-plans 7R3382, 7R3772, 7R3794, subject to confirmation by survey.
 - Surrounding parcel fabric digitized from available Geowarehouse mapping and is approximate.
 - Areas and dimensions are approximate and subject to confirmation by survey.

File Number: 9953
 Date: 2021-01-04
 Drawn By: CB
 Planner: SP
 CAD: 9953/schedules/severance.dgn



WESTON CONSULTING

planning + urban design

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

February 5, 2021
File: 9953

Dear Mr. Early, Committee Coordinator

**RE: Application for Consent to Sever
Part of West Half of Lot 1, Concession 5, EHS
836059 4th Line and 508029 Highway 89
Township of Mulmur, County of Dufferin**

Weston Consulting has been retained by 2407951 Ontario Inc., the registered owner of the property legally described as Part of West Half of Lot 1, Concession 5 EHS in the Township of Mulmur (the 'subject property'). The subject property contains two municipal addresses, described as 836059 4th Line and 508029 Highway 89. On behalf of the owner, Weston Consulting has prepared the enclosed application for Consent to Sever, to the Township of Mulmur's Committee of Adjustment for consideration and approval.



Figure 1: Air Photo – Part of West Half of Lot 1, Concession 5, EHS, Township of Mulmur

Property Description and Local Context

The subject property is located at the northeast corner of Highway 89 and 4th Line in the Township of Mulmur. The subject property contains a lot area of approximately 28.96 hectares (71.56 acres), approximately 444 metres of lot frontage onto 4th Line and approximately 720 metres of lot frontage on Highway 89. The subject property currently contains two existing access points, one onto Highway 89, another onto 4th Line.

The subject property is currently vacant, however dominated by two remnant managed forest plantations, operated by the previous land owners. Generally, the subject property is categorized by two managed forest plantations, consisting of *Red Pine Coniferous Plantation* and a *White Pine Coniferous Plantation*. The identified Managed Forests *plantations* were legally established under an agreement, with the Ministry of Natural Resources (MNR) and the previous land owners. It is understood that MNR Managed Forest Plans are tied to *owners*, rather than land title, therefore the previous MNR Managed Forest Plans is now null.

Over the years the managed forests located on the subject property have been thinned as part of harvests, which took place in 2009 and 2019. The subject property is generally irregular in shape and is characterized by a rolling topography and vegetation along the 4th Line frontage, which provides privacy and screening from the roadway.

The Township of Mulmur is a rural municipality in Dufferin County, north-west of Toronto, with approximately 1,500 households. The subject property is located outside and to the east of the Violet Hill Settlement Area Boundary, on the east side of 4th Line. The prevailing context of the area is established by its rural and agricultural character, with generally large plots of land, narrow winding side roads, rolling landscapes, and treed areas. Surrounding land uses include a mix of both agricultural and non-agricultural uses, including single family dwellings and several non-farm residences and open space uses. On the west side of 4th Line, adjacent to the subject property, along Kingsland Avenue, the Township of Mulmur's Violet Hill settlement area is located. This settlement area is generally categorized as an estate residential subdivision, comprised of predominately single-family dwellings on two acres sized lots.

Based on arial photography and our desktop analysis of the area (Figure 2), lot patterns generally consist of rectangular street blocks and large right-angle lot patterns. It appears that the size and configurations of lots have varied over time through land severances. This includes, the two previously approved severances of the subject property's original 40-hectare half lot – resulting in the 3 Hectare lot, municipally described as 836037 4th Line, and the vacant rectangular parcel of land located south of Highway 89. Accordingly, the variation in lot sizes and shapes are a result of physical change and predominate rural character of the area.

Based on preliminary discussions with Nottawasaga Valley Conservation Authority (NVCA), the subject property (eastern portion) is partially regulated for flood and slope erosion hazards associate with a tributary of the Boyne River.

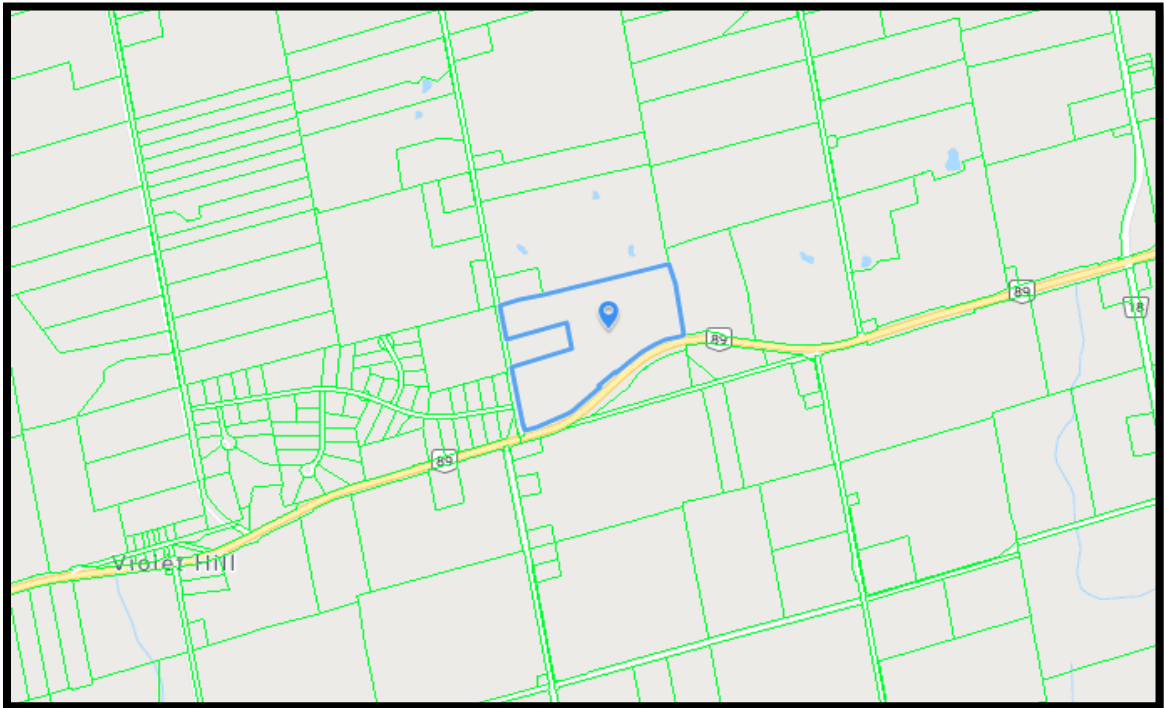


Figure 2: Current Lotting Pattern & Fabric

Nature of Proposed Consent Application

The owner's objective is to obtain the Committee of Adjustment's approval to sever the 28.96-hectare subject property into two parcels (one additional) for the purpose of constructing a new single detached dwelling on each lot. The proposed severance would result in two dissimilar lots that would be approximately 25.08 hectares (retained lot) and approximately 3.88 hectares (severed lot) respectively (Figure 3).

In preparation of the proposed severance sketch, preliminary consultation with the Nottawasaga Valley Conservation Authority (NVCA) and Township Planning Staff were undertaken. NVCA staff have had an opportunity to review the proposed severance sketch and generally find it acceptable as the proposed lots and building envelopes avoid the land's natural heritage elements.

Retained Lot

The proposed retained lot has a frontage of 287.2 metres (4th Line), a lot area of 25.078 hectares and a lot depth of 722.67 metres. A 6.0-metre-wide driveway access is separated greater than 40 metres from the northern lot line, and beyond 100 metres of the existing dwelling located south of the proposed severed lot. A single storey residential dwelling of approximately 465 square meters (5,000 square feet) of gross floor area has been proposed and shall be serviced by an adequate private septic and well system. The building envelope has been situated in a location that reduces tree canopy disturbance, while maintaining sufficient distance from the NVCA's Regulatory limit. The NVCA's regulatory lands are to form a portion of the retained lands, without planned disturbances or alterations.

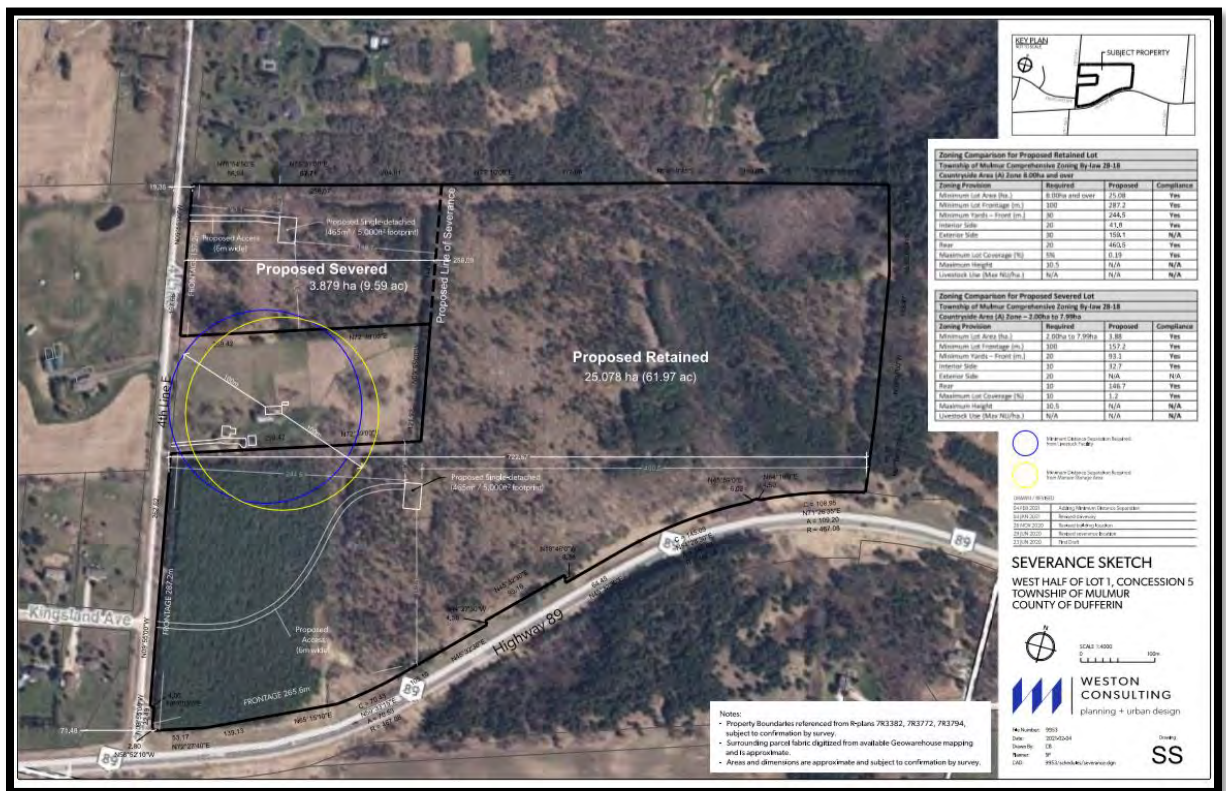


Figure 3: Proposed Severance Sketch and Building Envelope Plan

Severed Lot

The proposed severed lot contains a lot frontage of 157.2 metres, a lot area of 3.879 hectares, and a lot depth of 258.09 metres. A 6.0-metre-wide driveway access has been provided; it is located 88.9 metres from the adjacent property owner’s southerly boundary. A single storey residential dwelling approximately 465 square meters (5,000 square feet) has been proposed on the severed lot and shall be adequately serviced by a private septic and well system. The proposed building envelope has been strategically situated closer to 4th Line in a large open area to minimize the potential impacts of tree clearing on the subject property.

The proposed driveway locations for both the retained and severed lot have been situated in locations based on consultation with the Director of Public Works, taking into account sight lines and grade elevations, and adjacent driveway locations.

Both the proposed retained and severed lots comply with Township’s Countryside Area ‘A’ zoning category provisions. As a result, no zoning relief has been requested or required to facilitate the proposed severance application. A zoning review has been detailed further within this letter, under the *Township of Mulmur Comprehensive Zoning By-law No. 28-18 Section*.

Environmental Impact Study (EIS)

An Environmental Impact Statement (EIS) was prepared by Colville Consulting Inc., dated January 2021, and is enclosed in support of this application submission. The EIS was prepared to assess potential impacts the proposed development may have on the ecological functional of natural heritage features on and adjacent to the property.

The EIS confirmed the subject property is generally dominated by cultural plantations, inclusive of a small open water wetland. The cultural plantation was previously established under a managed forest agreement with the previous property owners, generally covering 22.5 ha of the existing 29 ha area. These managed forest plantations primarily consisted of both red and white pine trees. Additionally, located towards westerly portion of the subject property, along 4th Line, an open water wetland generally categorized as a shallow water marsh was inventoried. Shallow standing water was identified at the time of the site visit.

The EIS provided an assessment of significant natural heritage features. The existing wooded area within the subject property are not identified as Significant Woodlands within the County or Local Official Plans. With reliance to on-site observations, it is understood that the subject property is located adjacent to a larger woodland towards the north and east, and the trees within the subject property, have been heavily thinned over the past years through harvest, storm damage and clean-up, resulting in a reduced plantation density of less than 25 per cent in some areas. The existing site condition currently encompasses sparse or patchy tree canopy coverage, which ultimately serves as a low function for wildlife. It is the opinion of Colville Consulting Inc. that the woodlands do not meet the provincial (MNR) criteria for Significant Woodland as outlined in the Natural Heritage Reference Manual (MNR 2005). In regard to the inventoried shallow water marsh, it was also the opinion of Colville Consulting Inc. that this feature is too small in size to be considered significant, however mitigation measures have been suggested to ensure protection of no measurable adverse impact to both the woodlands and shallow water marsh.

In assessment of potential impacts of the proposed development, it is anticipated that the removal of between 0.2ha to 0.4 ha of trees may be required; however, many trees within this area have already been partially cleared, as a result of a previous site harvest. The building envelop for the severed lot has strategically been located in an area that has previously been cleared and exhibiting large open areas sufficient to accommodate the construction of the residential dwelling and associated amenities, servicing and entrance driveway. The retained lot is more densely treed at the roadside which will require some tree removals to accommodate the construction of an entrance driveway, however the proposed building envelop has been located in a large open area of the plantation that has previously been thinned to minimize the potential for tree removals. Generally, both planned single-family dwellings and its required amenities and servicing have been strategically located in an effort to minimize impacts to existing forested and plantation communities.

The following mitigation measures have been proposed:

- Exclusion fencing should be installed no less than 1m from the drip-line of trees to be retained to ensure roots are not compacted or injured.
- The removal of trees and vegetation should be timed to minimize impacts on any wildlife species. It is recommended that tree removal be completed prior to March 15 or after October 31 to minimize impacts to bird and bat species that may be utilizing the woodland on the property.
- Appropriate sediment and erosion controls should be installed prior to any construction or alteration works on the Subject Property to prevent sediment transfer to adjacent retained natural heritage features.
- All trees not required to be removed for construction/safety should be maintained on site.
- To protect the integrity of trees on and adjacent to the proposed lot, consultation with the
- Township of Mulmur Tree By-law is recommended for the development when designs have been finalized.
- Any grading or filling to be conducted on the properties should be designed to maintain existing overland flow patterns. Narrow diameter culverts should be installed under the driveway to maintain surface flow patterns and minimize the potential for water impoundment.

Section 2.0 of the prepared EIS prepared by Colville Consulting Inc. outlines the applicable and relevant environmental policy framework in regard to the PPS, Growth Plan, Dufferin Country Official Plan, and the Township of Mulmur Official Plan. With reliance to the EIS prepared by Colville Consulting Inc., the proposed development is consistent with the environmental policies of the PPS and conforms to the policies Growth Plan, Dufferin Country Official Plan, and the Township of Mulmur Official Plan.

Colville Consulting Inc. ascertain that the proposed property lot lines and associated building envelopes will have no impact to the Boyne River Tributary, presently located towards the east of the subject property. Proposed building envelopes and lot lines have been adequately setback from the Boyne Tributary, and intend to be held entirely within the retained lands ownership as is.

The wetland feature on site, referenced as the shallow water marsh, has been strategically protected with a buffer extending greater than 20 metres from the severed lot's proposed building envelope. No significant tree clearing or altering of grades are intend in this area, concluding that no measurable adverse impact to the ecological function of the shallow water marsh is anticipated. Despite this wetland not meeting the requirements to be considered significant and being too small to be formally evaluated under the Wetland Evaluation System for Southern Ontario; a buffer is still recommended to protect its functions within the subject property.

The proposed development may result in minor localized removal of trees, but will not have impact on the ecological function of the existing woodlands or the shallow water marsh. It is recommended that the above mitigation measures be implemented on-site during construction of the proposed single-family dwellings.

Minimum Distance Separation (MDS) Report

Colville Consulting Inc. was retained to complete a Minimum Distance Separation (MDS) Study for the proposed lot creation of the subject property. The MDS formula be applied in both Agricultural and Rural land use designations. Therefore, as per the Provincial Policy Statement (2020) and the Growth Plan (2019), a MDS Report is required to demonstrate that the proposed development will conform to the MDS Formula. New land uses, including lot creation, proposed in Rural and Agricultural designated areas are required per Provincial Policy Statement (PPS) to comply with the MDS formulae.

Colville Consulting completed a Minimum Distance Separation (MDS) Study, consistent with the Provincial Policy Statement, The Growth Plan, Town of Mulmur's Official Plan and the MDS Document, Publication 853 (2016). The MDS I, Guidelines have been deemed appropriate and applicable in this instance. The MDS I setback requirements were calculated for all livestock facilities within 750 m of the subject property. Based on the information collected by Colville Consulting during their land use survey and desktop analysis of aerial photography, the MDS I formula has been applied to: two (2) hobby farms, one (1) active livestock operation, and one (1) retired livestock operation.

The MDS study concluded that the proposed lot creation and separation distances comply with all MDS Guidelines applicable to lot creation for Rural designated lands. Building envelopes greater than 0.5 ha can easily be situated within both retained and severed lots, while remaining consistent with the applicable MDS guidelines. The proposed lot creation and subsequent construction of one single-family dwelling per lot will comply with the MDS guidelines and the related policies contained in the Provincial Policy Statement, Growth Plan, and Township of Mulmur Official Plan

In addition to confirming compliance with the MDS requirements, Colville's analysis also provided an assessment and opinion of the existing development pattern within the study area - in regard to the local lot creation policies. Their analysis indicate that the development pattern characteristic of the area is random in appearance and will remain unchanged should the proposed severance be approved. Proposed lot sizes are not considered to be uniform, nor are they similar in size and form to the adjacent, lots within the settlement area. Accordingly, Colville Consulting provides the opinion that the proposed lot severance will not result in the creation of a residential cluster or strip development and the proposed size for each lot is consistent with the rural character of the area.

Policy Planning Overview

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating land use planning for rural areas, which are described as *"a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas (Section 1.1.4)."* Within this system, the subject property is representative of rural lands, which are defined by the PPS as *"lands which are located outside of settlement areas and which are outside prime agricultural areas (Section 6.0)."*

The PPS provides specific direction for development on rural lands which includes detailing a list of permitted uses and outlining policies which ensure compatible and efficient development for the rural area. In terms of permitted uses, the PPS directs that limited residential development is allowed. Given that the retained and severed lots are each to be developed for one single-detached dwelling, as permitted by the applicable Municipal policies, conformity is achieved with the PPS in terms of land use.

With respect to compatibility and efficient development, the intent of the PPS policies is to ensure that any proposed lot creation and/or development will not compromise the vitality of the rural landscape and can be sustained by rural infrastructure and service levels. Section 1.1.5.8 of the PPS also speaks to the requirement of lot creation to comply with the *minimum distance separation formulae*. As detailed above, an analysis conducted by Colville Consulting Inc. confirmed that the retained and severed lots satisfy the MDS formulae as it relates to lot creation for rural designated lands. The proposal promotes a development which meets the intent of the PPS policies and is appropriate for rural lands.

Section 1.1.1d of the PPS states that in order to sustain healthy and livable communities, planning authorities should, “avoid development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*.” The subject property is located east of the Violet Hill Settlement Area Boundary, per Schedule A1 – Land Use Designations of the Township of Mulmur Official Plan. The Violet Hill Settlement Area are generally bounded by rural designated lands, towards the north, east, south, and west,

While we recognize that there are limited opportunities for expansion within the current settlement area boundary given the suitable supply of rural lands, it is our opinion that the potential for future outward expansion, would not be impacted by the proposed severance. The severance will result in two relatively large parcels and the addition of one new landowner. The severance will not preclude or hinder the opportunity for any future Settlement Boundary Expansion or impact the efficient expansion into those areas.

The Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides policy direction encouraging appropriate development in rural areas, for both rural settlement areas and lands outside of a settlement area. Regarding lot creation and residential development, Section 2.2.9.6 states that:

New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

The objective of the above policy is to allow for new lots or residential units on rural lands on the basis that this is permitted by the applicable municipal policies. The Growth Plan defines the terminology “new multiple lots or units for residential development” as “*the creation of more than three units or lots through either plan of subdivision, consent or plan of condominium.*” The

proposal complies with the policy direction outlined by the Growth Plan as it only results in the creation of one new lot.

Township of Mulmur Official Plan (2012)

The subject property is designated *Rural*, as shown on Schedule 'A1' – Land Use Designations per the Township of Mulmur Official Plan (Figure 4). The *Rural* land use designation permits the usage of single detached dwellings, not limited to but including secondary uses, secondary residential units, and home occupations.

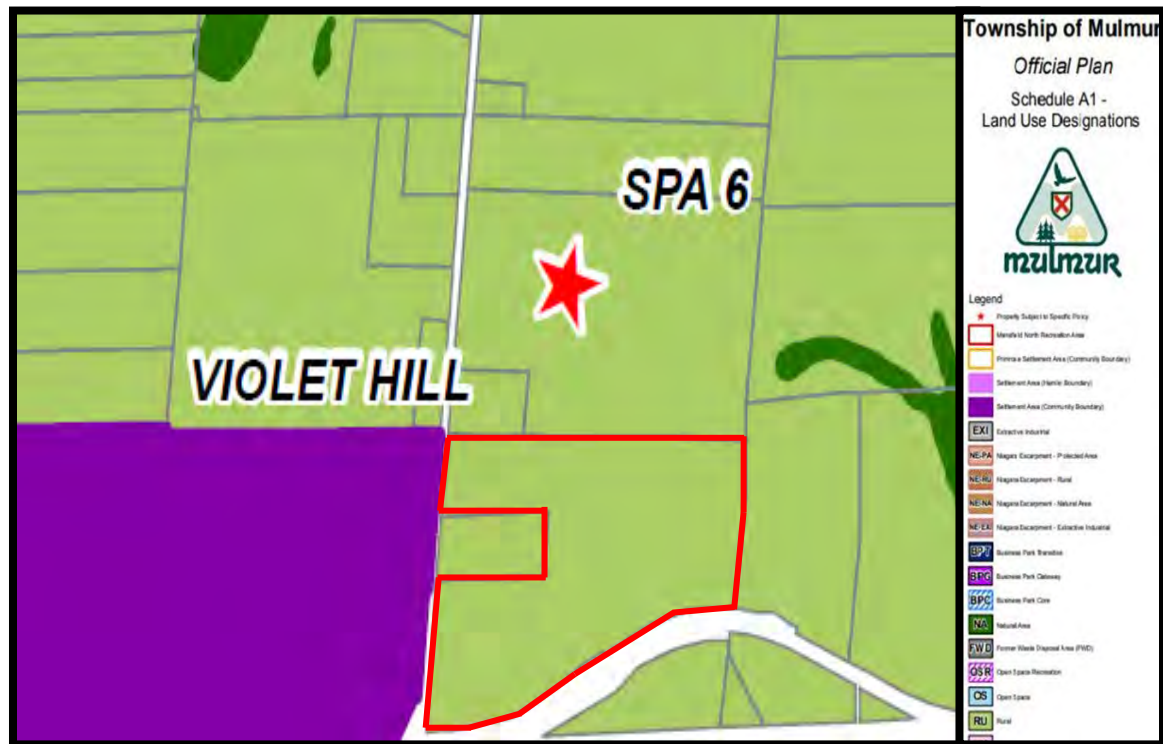


Figure 4: Schedule A1 – Land Use Designations of the Township of Mulmur Official Plan

Section 5.26 titled “*Rural Character*” of the Official Plan states that “*rural character is defined as the qualities that differentiate the rural area from the urban or semi-urban setting, or other built-up area. It is the mix of agricultural uses, vacant open spaces, woodlots and low density randomly located dwellings in predominantly rural and natural setting.*”

In accordance with Section 5.26 of the Official Plan, the proposed severance seeks to maintain the ‘rural character’ as it proposes to provide for two unique lots with large frontages (157.2 metres and 287.2 metres) and setbacks characteristics of similar lots in the immediate vicinity. The proposed severance provides for a random development pattern which comply with all the provisions set out in the Township Zoning By-law. No zoning relief is required to facilitate the proposed development.

Proposed setbacks are generous, which exceed the minimum requirements, and function to preserve, protect and enhance a feeling of openness, and eliminate any adverse visual impacts

which could result from developing along a primary roadway. Additionally, the existing rolling topographical characteristics and vegetated property edges intend to remain and function as natural buffers from roadways and adjacent properties. The proposed severance will not destabilize the rural character in any regard. Rather, it will implement a development pattern which preserves the scenic quality of the area and promotes and supports principal rural characteristics.

Section 5.36 of the Mulmur Official Plan speaks to land division policies which apply to all land use designations in the Township. The following policies apply:

- a) *Growth Plan policy 2.2.9.3 provides that no more than 3 lots/or units are permitted outside of settlement areas unless there were site specific approvals prior to June 16, 2006 or that development can be justified in accordance with policy 2.2.2.1(i) of the Growth Plan.*
- b) *The size and configuration of new lots shall be subject to the requirements of this Plan and the Zoning By-law, and the policies of the applicable Niagara Escarpment Plan designation, where applicable;*
- c) *Ribbon or strip development shall generally be prevented;*
- d) *Where a lot is proposed in more than one designation, the severance policy of the least restrictive designation may be applied if there is sufficient area in the least restrictive designation to accommodate the development. The form and location of such development on the lot may be defined through zoning, in a development agreement or by other means, as a condition of approval;*
- e) *New building lots created by consent shall front onto a public road maintained year-round which meet standards of construction and maintenance acceptable to the Township. Agreements providing for the up-grading and/or maintenance of roads fronting and providing access to such lots may be required as a condition of consent or development (building permit) approval.*
- f) *Approval of entrances to all new building lots shall be obtained in advance of the creation of the lot, in accordance with the Township's Entrance Policy or, in the case of County Roads and Provincial Highways, the policies and requirements of the appropriate road authority. Highway 89 is a controlled access highway and applications for severances involving direct access to Highway 89 are discouraged and will be subject to the criteria and policies of the Ministry of Transportation;*
- g) *New lots shall not be permitted where the development (e.g. driveway, house, septic, and accessory uses) on the severed and/or retained portion, is on lands containing physical constraints to development such as poor drainage, unstable soils, flood susceptibility, steep slopes or any other physical condition that may jeopardize public health and safety, without the written approval of the Nottawasaga Valley Conservation Authority and the Dufferin County Building Department;*

- h) New lots shall not be permitted where the lot to be severed or retained contains a residence which was approved as a temporary use (such as a garden suite), a guest cabin, or farm help house;*
- i) The creation of new lots within or adjacent to the resources and features identified on Schedule B4 are only permitted in accordance with the policies of this Plan and;*
- j) Lot lines through natural hazard areas or sites that pose a significant safety threat, and through significant natural heritage features or areas shall be avoided.*

In consideration of the land division policies outlined in Section 5.36 of the Official Plan above, it is my opinion that the proposed severance conforms to these provisions for the following reasons:

- a) The reference to Growth Plan policy 2.2.9.3, is in accordance with a previous Growth Plan (2006), which is no longer in-effect. The intent of this policy is captured in the current Growth Plan (2019) through policy 2.2.9.6. This policy is explicit in indicating that new multiple lot or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. The severance proposes the creation of one (1) new lot, complying with the Growth Plan and this policy.
- b) The proposed severed and retained lots conform with the policies of the Official Plan and comply with the Town's Zoning By-law 28-18. The provincial policies of the Niagara Escarpment Plan are not applicable to the subject property.
- c) The proposed severance does not create ribbon or strip development as the size and configuration of the proposed lots are generally comparative with the existing parcel fabric of the area. Additionally, the scale of the impact of this proposal does not offend the existing pattern of development and seeks to reinforce the areas unplanned, scattered, low density building form. The development pattern in the area are random in appearance and will continue to be so should the proposed severance be approved. The proposed lot sizes are not uniform, nor are they similar in size and form to the adjacent lots to the east. The proposed lot creation will not result in the creation of a residential cluster or strip development and the proposed size for each lot is consistent with the rural character of the area.
- d) The subject property is not split designated, rather solely designated Rural (RU). This policy is not applicable to the subject property.
- e) The proposed development does not alter the existing street pattern and maintains frontage onto 4th Line, an identified Local Road in the Town's Official Plan. Both the severed and retained lots been designed to front onto 4th Line, a publicly maintained year-round right of way.

- f) Approval of one (1) entrance permit will likely be required to service the proposed retained lot. A new access point along 4th Line is required to accommodate access to the proposed retained lot. As illustrated within the severance sketch submitted in support of this consent application, the proposed retained lot's driveway access has been proposed directly across, and in general alignment with Kingsland Avenue, to the west. This proposed driveway access has been situated in a location based on consultation with the Director of Public Works and takes into consideration site lines, grade elevations and adjacent driveway accesses.

The proposed severed lot, currently contains an existing access point onto 4th Line, which intends to be kept in-situ. The severed lots existing driveway access is located towards the northerly limits of the subject property.

Both access points are cognizant of the existing single-family dwelling and existing driveway access at 836037 4th Line. At the closest point, the driveway access points are separated by over 180 metres, from the existing driveway access servicing 836037 4th Line.

The proposed and existing driveway access locations have been designed through preliminary discussions with Town Staff. We understand that the proposed separation of existing and proposed driveway access points are considered appropriate and acceptable from a safety perspective.

- g) The subject property is partially regulated by the NVCA along the easterly limits of the subject property. The proposed retained and severed lots do not fragment on-site natural heritage features, further the two proposed single-family dwellings, have been situated well away from lands regulated by the NVCA.
- h) Not applicable.
- i) The subject property is not located within or adjacent to resources and features identified per Schedule B4 of the Town's Official Plan.
- j) The location of the proposed (severance) lot line has been carefully crafted to avoid fragmentation of the existing natural heritage features located within the subject property. The proposed severance line is also outside of the NVCA regulation area.

For the reasons stated above, it is our opinion that the proposed development meets the Policy objectives and intent of Section 5.36 of the Official Plan.

Section 6.2.5 of the Official Plan provides guidelines to ensure that rural lot creation is carried out in such a way as to help maintain and, where possible and practical, enhance the rural character.

The following policies are applicable with respect to the severance proposal:

- *The creation of the maximum of three new lots from each and every original Township half-lot is not necessarily appropriate. Although it may not be possible or necessary to adhere to each and every one of the following guidelines which are applicable to a specific situation, preference will be given to proposals which demonstrate that a reasonable effort has been made to achieve compliance and/or where there is a clear opportunity to enhance compliance through the imposition of appropriate conditions of severance, with the owner's agreement and at the owner's expense. Lots may not necessarily be approved if clearly superior opportunities to create lots that better achieve conformity with the guidelines exist elsewhere within the original Township half-lot, regardless of ownership;*
- *Variations in the size and configuration of lots created within each original Township half-lot, and variations in lot frontages and front and side yard set-backs are encouraged;*
- *Lot creation shall take into account the unique physical and environmental characteristics and features of the parcel from which each new lot is created, to ensure that both the severed and retained portions have superior building sites upon which development can occur in a manner which does not predominate over or appear out of character with the rural and natural surroundings;*
- *Consideration shall be given to the existing lot pattern and the cumulative impacts of potential lot creation under these policies on adjacent parcels on each side of the lot being severed and on the opposite side of the road to ensure that the development pattern remains random and that the creation or subsequent development of both existing and new lots does not result in the appearance of a residential cluster or strip development;*
- *Screening of the building envelope from view from adjacent roads and from existing developments on adjacent lots shall be encouraged and, in some cases, may be required as a condition of severance. Lots which provide natural screening of the building site by means of vegetation and/or topographic relief are preferred;*

In consideration of the policies related to New Lots criteria as outlined per Section 6.2.5 of the Official Plan, it is our opinion that the proposed severance conforms to these provisions for the following reasons:

- The proposed severance results in one new lot (the proposed severed lot) and one remnant lot (the retained lot). According to the Township Official Plan a remnant lot means *"the lot remaining after a severance has been taken"* and is not representative of a new lot. Through discussions with Town Planning Staff, it was confirmed that the proposed severance of the subject property would facilitate a third and final lot from the original Township half-lot. In light of this confirmation of historical lot creation, the proposed and retained lots demonstrate compliance with the policies and intent of the Official Plan, while complying with all applicable development standards and requirements of Township Zoning By-law 28-18.

- The proposed consent application creates two large parcels with varying lot areas and setbacks that are in keeping with the prevailing and predominant rural character of the area.
- The severance proposal is designed in a manner that the building envelopes are subordinate to the natural environment and physical characteristics of the of the site. The orientations of the buildings utilize topographical variations and vegetative screening/buffering to enhance the environmental characteristics and leverage the properties rural assets.
- The proposed severance does not contribute to the cumulative impacts of cluster and strip development with respects to adjacent and abutting parcels. The proposed development does not significantly alter the existing lot pattern. The size and configuration of the proposed lots are generally consistent with the existing parcel fabric of the community, whereas lot sizes are not considered to be uniform or similar in size and form to adjacent lots. The proposed lot size and shapes are consistent with the rural character of the area.
- The proposed building envelopes are positioned in a manner where existing vegetation can be utilized as natural screening. The proposed building envelopes are located adjacent to an existing heavily vegetated area. Both the proposed retained and severed lots provide visual separation of building envelopes - from the street and adjacent properties. This design consideration, along with generous front, rear and side setbacks, greater than those prescribed in the Zoning By-law will help minimize any potential adverse impact and visual intrusion of the proposed lots in regard to the rural character of the area.

It is our opinion that the proposed development meets the development criteria for new lot creation as set forth in the Township of Mulmur Official Plan. It will respect and reinforce the established lotting pattern, and the rural character of the area through visually sensitive design.

Township of Mulmur Comprehensive Zoning By-law No. 28-18

The Township of Mulmur Zoning By-law 28-18 zones the subject property Countryside Area “A” zone. The “A” zone permits single-family dwellings as of right, and not limited to but including agricultural uses, accessory dwellings units and various other agricultural related uses.

The proposed severance contemplates the creation of an additional lot, with the planned construction of one (1) single detached dwelling on each perspective parcel of land. The proposed single-family dwellings are permitted within the Countryside Area zone category, subject to specific development criteria, regulating building setbacks, coverages, sizes, etc.

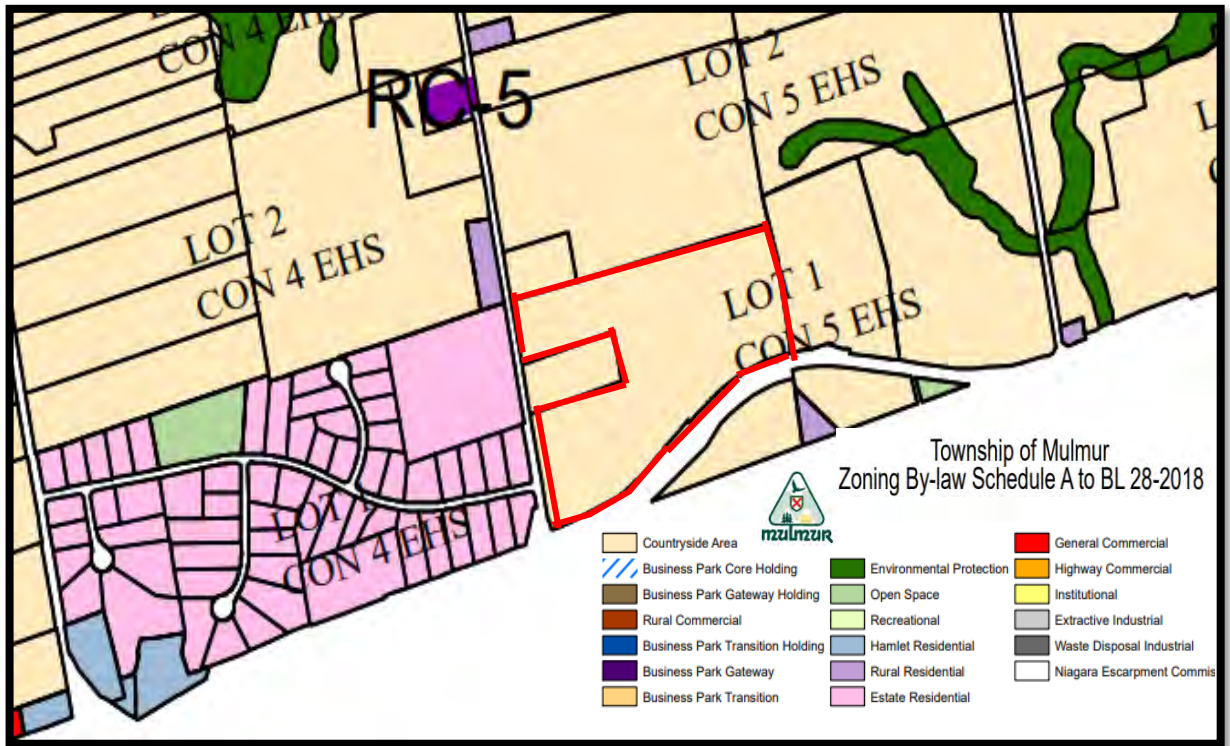


Figure 5: Zoning Map – Township of Mulmur Zoning By-law No. 28-18

The proposed severance application complies with all applicable the zoning regulations set out in By-law 28-18 and in some instances exceeds the minimum requirements, thus maintaining the rural character of the area (refer to Tables 1 and 2).

Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone 8.00ha and over			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards – Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	Yes
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Table 1: Zoning Comparison for Proposed Retained Lot

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards – Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Table 2: Zoning Comparison for Proposed Severed Lot

Conclusion

It is our opinion that the proposed consent application represents good planning, meets the in-force land use planning policy regime, and has regard for the relevant criteria set out in section 51(24) of the *Planning Act*, applicable to the subdivision of land.

The severance may be considered as “limited development”, as the proposed lots would be serviced by adequate private water and sewage systems, comply with the applicable MDS formula requirements and do not result in the fragmentation of valuable agricultural lands or natural features.

The proposed lot creation and associated building envelopes have been sufficiently setback from NVCA regulated areas, inclusive of the Boyne Tributary. Colville Consulting Inc. opine that the proposed development will collectively have no negative impacts to the ecological function of the existing woodlands and shallow water marsh features.

The objective of the Official Plan to maintain the “*rural character*” are maintained through the proposed lot sizes, building setbacks, vegetative buffering and the spatial distribution and orientation of the building envelope siting for the proposed lots. By varying the sizes of the two lots, increasing the minimum front, rear and side yard setbacks beyond the zoning requirements, and by establishing building envelopes that are situated in a ‘random’ development pattern well screened by existing natural features and variable topography, the objectives of the Official Plan are maintained.

When evaluating the proposed severance in accordance with the policies, regulations and objectives of the local Official Plan and Zoning By-law it is important to note that no formal definition of “*cluster*”, or “*strip/ribbon development*” is provided. However, Section 5.26 – Rural Character of the Official Plan does refer to ‘clusters’ with some level of detail as follows:

“Residential development forms that have the greatest impact on rural character are clusters or rows of residences at a density and/or under development standards that allow the built environment to dominate. Smaller lot sizes, frontages and setbacks are not characteristic of the rural area.”

In the absence of definitions for cluster and ribbon and strip development in the Mulmur Official Plan and Zoning By-law, the proposal has been tested upon the standard policies of the Mulmur Official Plan as they relate to the ‘rural character’.

The size of the proposed lots, the dispersion between each of the proposed building sites and driveway accesses, and the substantial front yard setbacks from 4th Line mitigate any potential issues associated with the appearance of ribbon or strip development, while maintaining the rural character of the area. The proposed lots sizes, frontage and setbacks are substantial in exceeding the zoning performance standards and are reflective of the qualities which differentiate rural area from an urban / semi-urban setting. The proposed building envelopes encompass less than 2.0% of the total lot area and are subordinate to the natural environment and physical characteristics of the of the site.

The proposed severance supports the development criteria and guidelines for new lots in rural areas as set forth in the Township of Mulmur Official Plan and is considered appropriate development.

Application Components

In support of this application, please find enclosed the following materials:

1. One (1) completed Township of Mulmur Consent Application;
2. Application fees in the amount of \$2,500.00;
3. Severance Sketches, prepared by Weston Consulting, dated February 4, 2021;
4. Minimum Distance Separation (MDS) Report, prepared by Colville Consulting Inc., dated January 5, 2021; and
5. Environmental Impact Study (EIS) Report, prepared by Colville Consulting Inc., dated January 2021.

The figures and values of lot area and frontages contained herein are based on available survey documentation. The precise values of lot area and frontages will be confirmed through the preparation of an updated reference plan, prepared by an Ontario Land Surveyor.

Please provide us with any comments received on this application from the applicable Town/ County Departments and/or Agencies and advise on the next anticipated meeting date. Should there not be a meeting date scheduled, we may wish to proceed with a special meeting date and will submit the associated fee for this to be arranged.

Please do not hesitate to contact the undersigned (x 245) or Adam Santos (x 276) if you require additional information.

Yours truly,

Weston Consulting

Per:



Sandra K. Patano, BES, MES, MCIP, RPP
Vice President

C. Frank Monachino, 2407951 Ontario Inc.

TOWNSHIP OF MULMUR

COMMITTEE OF ADJUSTMENT HEARING

836059 4TH LINE & 508029 HIGHWAY 89
2407951 ONTARIO INC C/O FRANK MONACHINO
PART OF WEST HALF OF LOT 1, CONCESSION 5, EHS

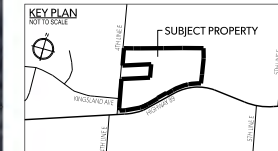
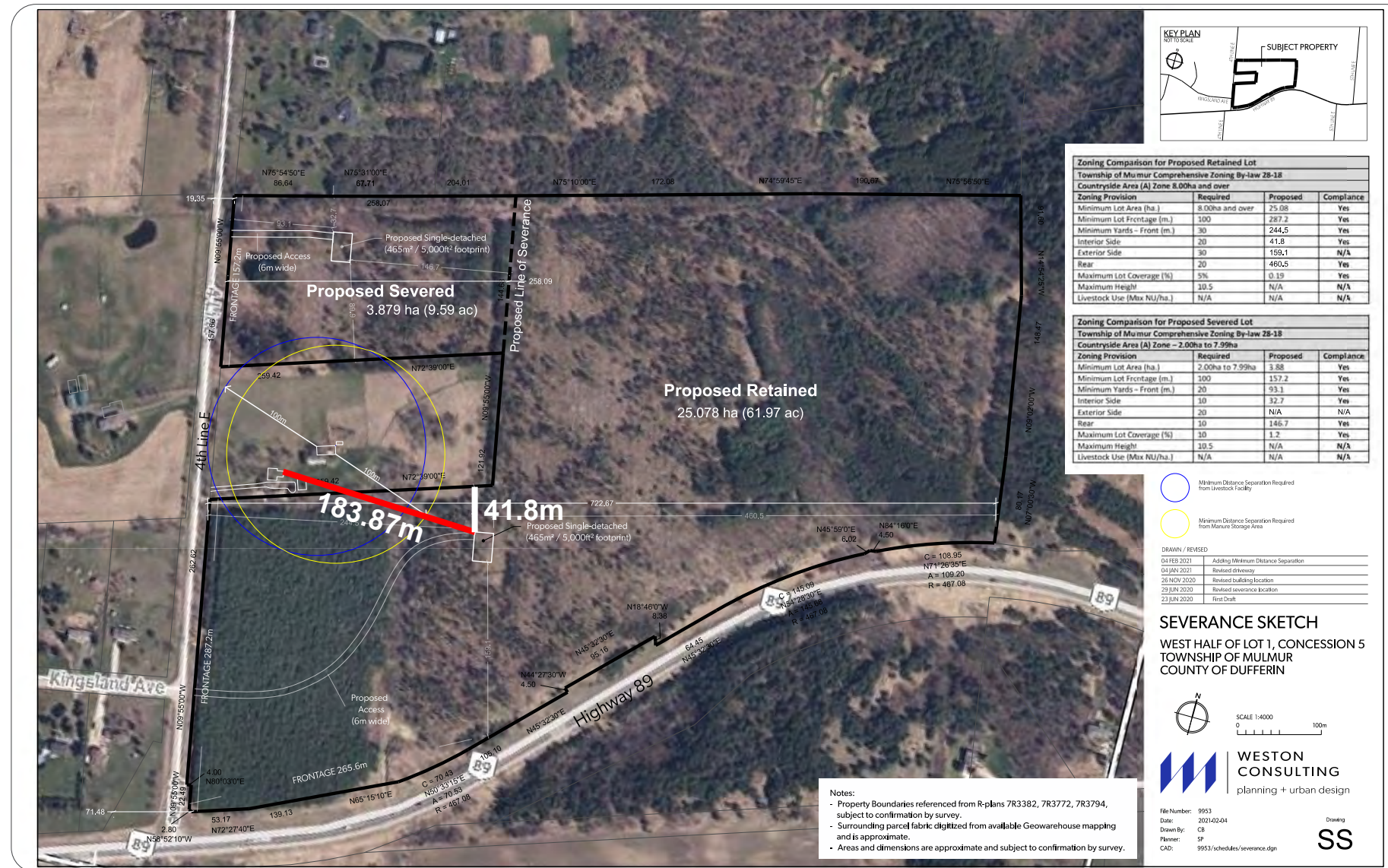
VIRTUAL ZOOM MEETING:
MAY 12th, 2021 - 9:00AM

SUBJECT PROPERTY



Air Photo – Part of West Half of Lot 1, Concession 5, EHS, Township of Mulmur

PROPOSED SEVERANCE SKETCH



Zoning Comparison for Proposed Retained Lot
Township of Mulmur Comprehensive Zoning By-law 28-18
Countryside Area (A) Zone 8.00ha and over

Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	8.00ha and over	25.08	Yes
Minimum Lot Frontage (m.)	100	287.2	Yes
Minimum Yards - Front (m.)	30	244.5	Yes
Interior Side	20	41.8	Yes
Exterior Side	30	159.1	N/A
Rear	20	460.5	Yes
Maximum Lot Coverage (%)	5%	0.19	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot
Township of Mulmur Comprehensive Zoning By-law 28-18
Countryside Area (A) Zone - 2.00ha to 7.99ha

Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
Minimum Lot Frontage (m.)	100	157.2	Yes
Minimum Yards - Front (m.)	20	93.1	Yes
Interior Side	10	32.7	Yes
Exterior Side	20	N/A	N/A
Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A



DRAWN / REVISED

Date	Description
04 FEB 2021	Adding Minimum Distance Separation
04 JAN 2021	Revised driveway
26 NOV 2020	Revised building location
29 JUN 2020	Revised severance location
23 JUN 2020	First Draft

SEVERANCE SKETCH
WEST HALF OF LOT 1, CONCESSION 5
TOWNSHIP OF MULMUR
COUNTY OF DUFFERIN



File Number: 9953
Date: 20210204
Drawn By: CB
Planner: SP
CAD: 9953/schedules/severance.dgn

Drawing
SS

- Notes:**
- Property boundaries referenced from R-plans 7R3382, 7R3772, 7R3794, subject to confirmation by survey.
 - Surrounding parcel fabric digitized from available Geowarehouse mapping and is approximate.
 - Areas and dimensions are approximate and subject to confirmation by survey.

Severance Sketch Prepared by Weston Consulting

SITE PHOTOS (FROM PROPOSED RETAINED LOT)



View looking towards east



View looking towards the north



View looking towards the north

SITE PHOTOS (FROM PROPOSED RETAINED LOT)

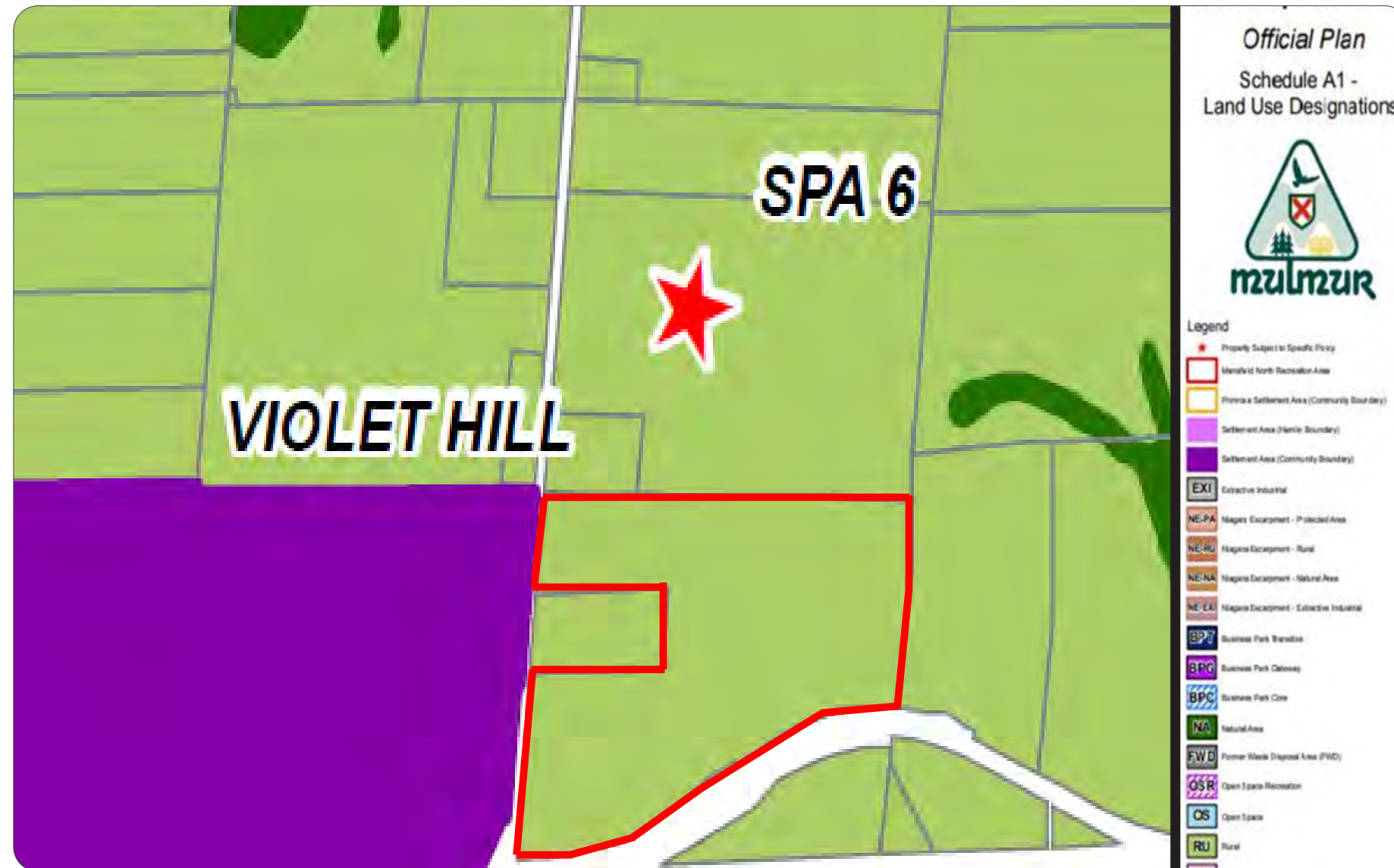


View towards west, 4th Line



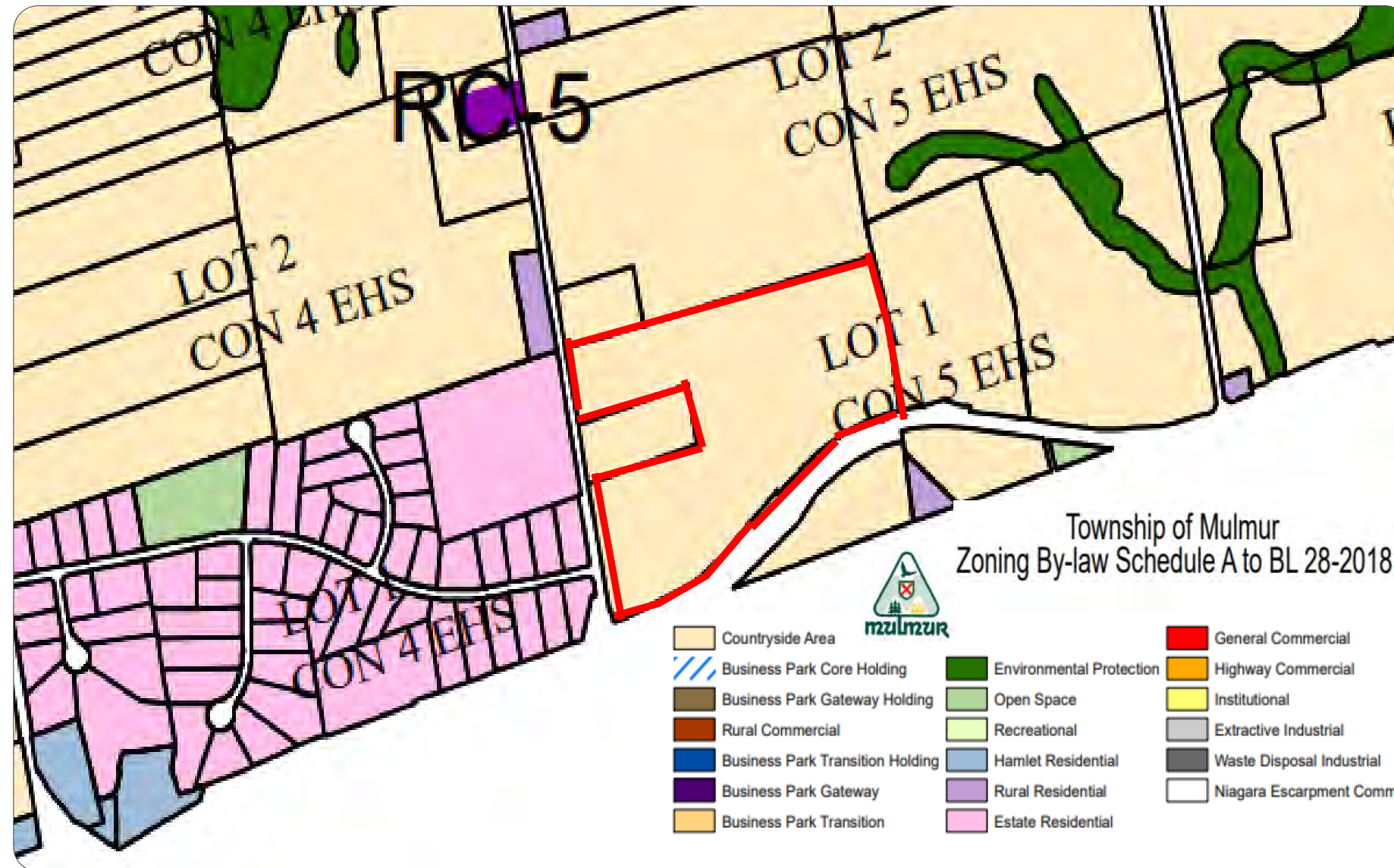
View towards south, Highway 89

TOWNSHIP OF MULMUR OFFICIAL PLAN - LAND USE



Township of Mulmur Official Plan Schedule A1 - Land Use Designations

TOWNSHIP OF MULMUR ZONING BY-LAW 28-18



Township of Mulmur Zoning By-law Schedule A

REQUIRED VS. PROPOSED ZONING STANDARDS

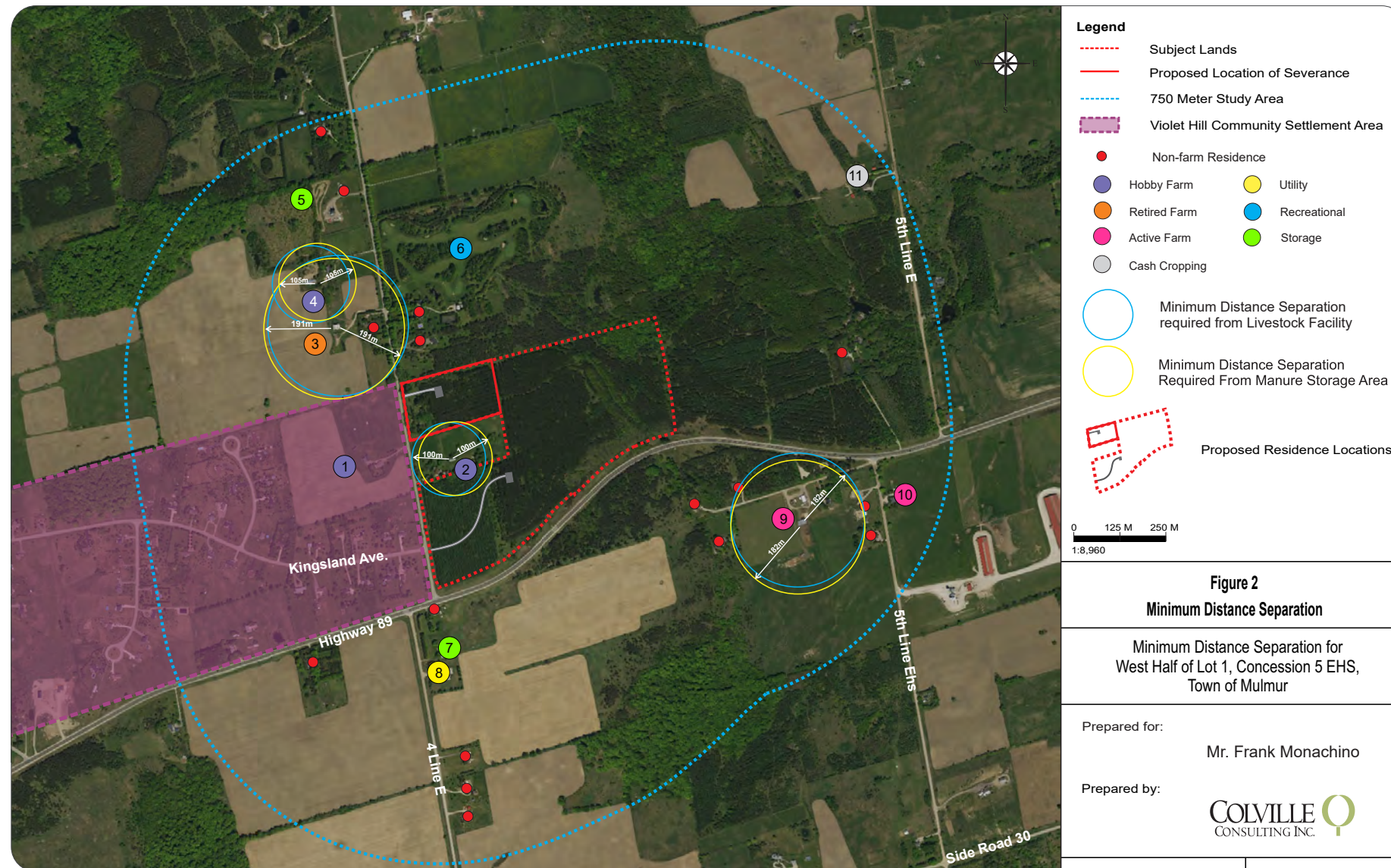
Zoning Comparison for Proposed Retained Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
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Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Retained Lot

Zoning Comparison for Proposed Severed Lot			
Township of Mulmur Comprehensive Zoning By-law 28-18			
Countryside Area (A) Zone – 2.00ha to 7.99ha			
Zoning Provision	Required	Proposed	Compliance
Minimum Lot Area (ha.)	2.00ha to 7.99ha	3.88	Yes
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Rear	10	146.7	Yes
Maximum Lot Coverage (%)	10	1.2	Yes
Maximum Height	10.5	N/A	N/A
Livestock Use (Max NU/ha.)	N/A	N/A	N/A

Zoning Comparison for Proposed Severed Lot

OTHER TECHNICAL CONSIDERATIONS



Minimum Distance Separation Figure Prepared by Colville Consulting Inc.

THANK YOU

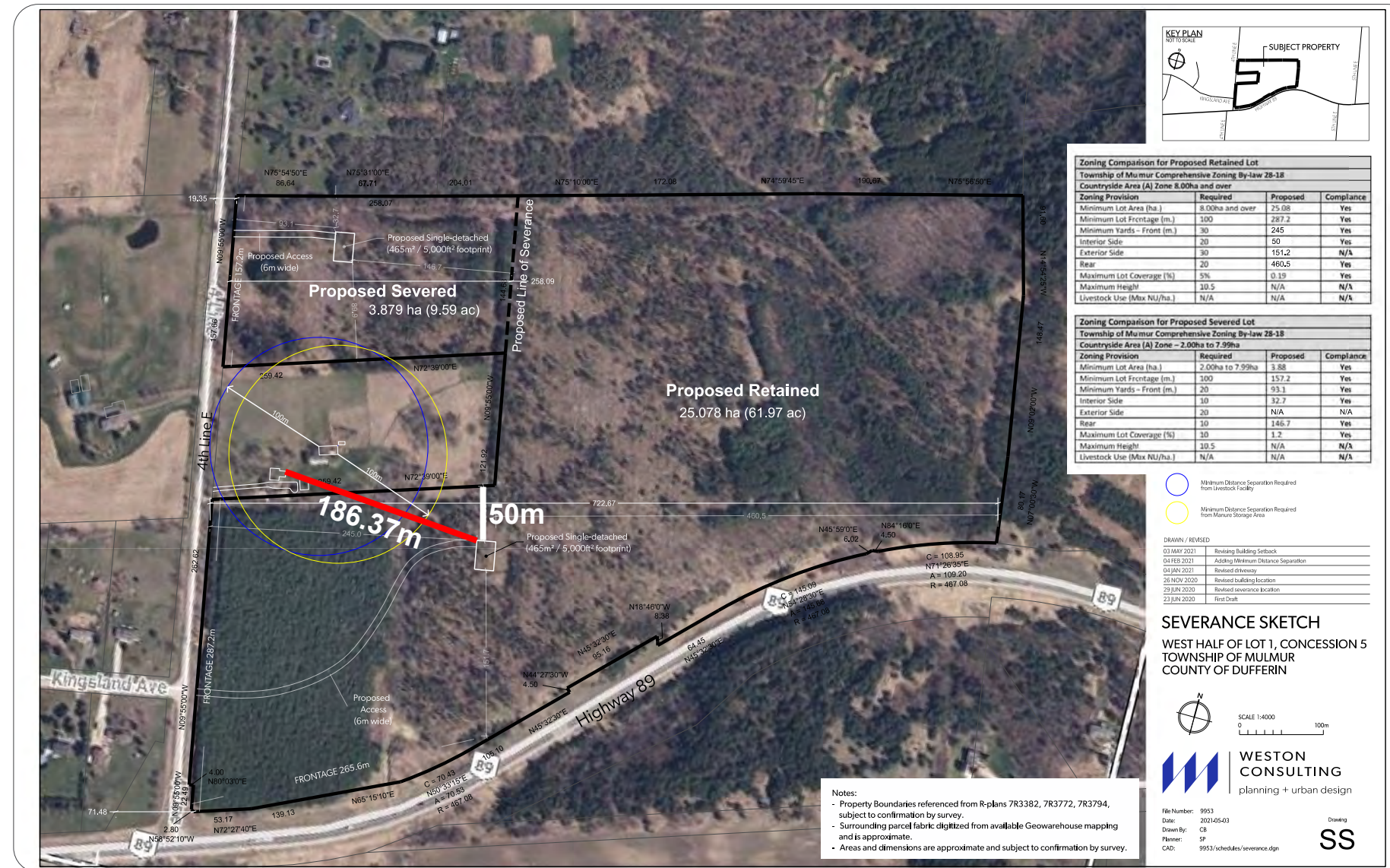
Comments & Questions?

Sandra Patano, Vice President
Weston Consulting
905-738-8080 ext. 245
spatano@westonconsulting.com

Adam Santos, Planner
Weston Consulting
905-738-8080 ext. 276
asantos@westonconsulting.com



ALTERNATIVE SCENARIO



Severance Sketch Prepared by Weston Consulting

From: Daniel Clark
Sent: April 27, 2021 2:37 PM
To: Tracey Atkinson <tatkinson@mulmur.ca>
Subject: application for severance #B2-2021

Dear Ms. Atkinson,

I am writing to formally express my concerns regarding the application for consent #B2-2021 submitted by owner/ applicant 2407951 Ontario Inc c/o Frank Monachino. This application concerns the severance of the property Concession 5 EHS, West Part Lot 1.

After reviewing the property description registered with the Land Registry Office, it would appear that this property has been subdivided several times in the past. If my understanding is correct, it would seem that the original 100ac has been subdivided into several different parcels in 1965, 1968, and again in 1973 and 1977. I would first like to ensure that this current application to sever the property is allowable under current bylaws and if so that any future severances would be prohibited. This is extremely important as the current owner is a numbered Ontario Incorporated company and I would not want to see the remaining 61.97 acres further subdivided into building lots.

In addition, I am concerned about the proposed building envelope suggested for the 61.97 ac. parcel. It is currently proposed that a building envelope to accommodate a 5,000 sq. ft. single detached building be located 41.8 meters from my existing property line. The current owner has cleared an area of forest in this vicinity that amounts to more the 5 ac. As a result, I do not believe that a structure should be built so near to the property line. With 61.97 acres of space, I would like to see a building envelope considerably further from the property line. The forest that has been cleared would allow for a structure that could be built several hundred meters to the south and further from the property line. This would not interfere with the proposed access road that has already been cleared.

I would like to thank you in advance for your consideration of my concern and I look forward to addressing the Committee of Adjustment at the public meeting scheduled for May 12, 2021, at 9:00 a.m.

Sincerely,

Daniel Clark
836037 4th Line E.
Mulmur, ON L9V0J1



STAFF REPORT

TO: COMMITTEE OF ADJUSTMENT
SUBJECT: Tracey Atkinson, BES MCIP RPP
MEETING DATE: May 12, 2021
SUBJECT: B02-202 (Monachino)

PURPOSE:

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

BACKGROUND:

FILE NO	B2-2021
ROLL NO	22160000020150 0000
OWNER	2407951 Ontario Inc c/o Frank Monachino
ADDRESS	4 th Line
LEGAL DESCRIPTION:	CONCESSION 5 EHS, WEST PART LOT 1
OFFICIAL PLAN:	Rural
ZONING:	Countryside (A)
NEC/Greenbelt:	n/a
NVCA Regulated:	yes
Natural Heritage System	no
Agricultural Land Base	no
Application Submission Date:	February 5, 2021
Public Meeting Date:	March 12, 2021

The application proposes a lot creation by severing the North-West corner of the 29.5 Ha (71.54 acres) property. The severance will create a lot with a size of approximately 3.88 ha (9.59 acres) with a frontage on the 4th line of 157.2 m. The proposed retained parcel would have an approximate area of 25.08 ha (61.97 acres) and frontage of 287.2 m on the 4th Line.

EXISTING CONFIGURATION

Frontage (approximate)	287.2 m + 157.2m
Area (approximate)	28.9 ha
Use	Vacant woodlot

PROPOSED CONFIGURATION

	North portion	South portion
Area (approx.)	3.879 ha (9.59 ac)	25.078 ha (61.97 ac)
Frontage (approx.)	157.2m	287.2m
Use	Building lot	Building lot/woodlot



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:

No financial impact. Processing costs are generally covered by the application fee.

ANALYSIS:

The application was supported by the following submissions:

- Planning Justification Report, Weston Consulting, February 5, 2021
- Scoped Environmental Impact Study, Colville Consulting Inc., January 2021
- Minimum Distance Separation Requirements, Colville Consulting Inc, January 5, 2021
- Severance Sketch, Weston Consulting, February 4, 2021

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

Provincial mapping of the Natural Heritage System for the Growth Plan does not apply until it has been implemented in the County Official Plan. Until that time, the policies apply to areas that were mapped in the existing County and local plans.

The subject lands are entirely within an “undifferentiated” area of the Provincial Natural Heritage System. The lands include a wooded area, of which the majority is proposed to be contained on one parcel. The Township maps the woodlot, which is approximately 20 ha in size and extends over neighbouring properties. There are lands outside of the “adjacent lands” available for a future building site.

5.20.1 Significant Woodlands



For the purposes of this Plan, a woodland is significant if it constitutes a forested area of at least 10 ha in size and is: ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

Single, multiple or successive development or site alteration activities resulting in degradation that threatens the health and integrity of significant woodlands or their ecological functions, shall not be permitted.

Development and site alteration shall not be permitted in significant woodlands or on adjacent lands unless it has been demonstrated, through an EIS, that there will be no negative impacts on the woodland or on its ecological functions. Adjacent lands are defined for the purposes of this Section as lands within 120 m. of the significant woodland.

Development on the subject lands can avoid the Natural Heritage features. Proper siting of a building envelop could be accomplished through site specific setbacks for the severed lands. The applicants completed an EIS. Comments are anticipated from the NVCA regarding the Natural Heritage features.



Legend  Subject Property RD Rural Development CUW Mixed Cultural Woodland FOC Coniferous Forest FOD Deciduous Forest MAS2-1 Cattail Mineral Shallow Marsh PLC3-1 Red Pine Coniferous Plantation PLC3-1/3-2 Red Pine/White Pine Coniferous Plantation	Figure 3 Extent of Vegetation Communities on the Subject Property
	Scoped Environmental Impact Study for Part of West Half of Lot 1, Concession 5 EHS, Township of Mulmur Prepared for: Mr. Frank Monachino Prepared by: COLVILLE CONSULTING INC. 
December 2020	FILE: C20052

The following mitigations were recommended through the EIS:

COLVILLE CONSULTING INC.

7.0 MITIGATION MEASURES

During the preparation of final designs for the Subject Property, it is recommended that the following mitigation measures be considered:

- Although tree removal will need to occur to facilitate development on this property, it is recommended that trees be retained where possible.
- Exclusion fencing should be installed no less than 1m from the drip-line of trees to be retained to ensure roots are not compacted or injured.
- The removal of trees and vegetation should be timed to minimize impacts on any wildlife species. It is recommended that tree removal be completed prior to March 15 or after October 31 to minimize impacts to bird and bat species that may be utilizing the woodland on the property.
- appropriate sediment and erosion controls should be installed prior to any construction or alteration works on the Subject Property to prevent sediment transfer to adjacent retained natural heritage features.
- All trees not required to be removed for construction or safety should be maintained on site.
- To protect the integrity of trees on and adjacent to the proposed lot, consultation with the Township of Mulmur Tree By-law is recommended for the development when designs have been finalized.
- Any grading or filling to be conducted on the properties should be designed to maintain existing overland flow patterns. Narrow diameter culverts should be installed under the driveway to maintain surface flow patterns and minimize the potential for water impoundment.
- Any exterior lighting should be directed away from the woodland adjacent to the property if possible.

Implementation of the mitigation measures could be achieved through a building envelop agreement, which can locate the future building placement but also include requirements for lighting, fencing, limited tree removal, sediment/erosion controls, grading plan that are otherwise not requirements of the municipal approval process for building permit approval.

Niagara Escarpment Plan

N/A

NVCA

The subject lands are partially regulated, with the regulated portion being along the East half of the property, following the steep slope feature mapping.

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 majority of the agricultural land is proposed to be within the retained parcel. Comments are anticipated from the County of Dufferin related to the County OP policies and access.

Strategic Plan

The application does not offend the Strategic Plan.

Mulmur Official Plan (2012)

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

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

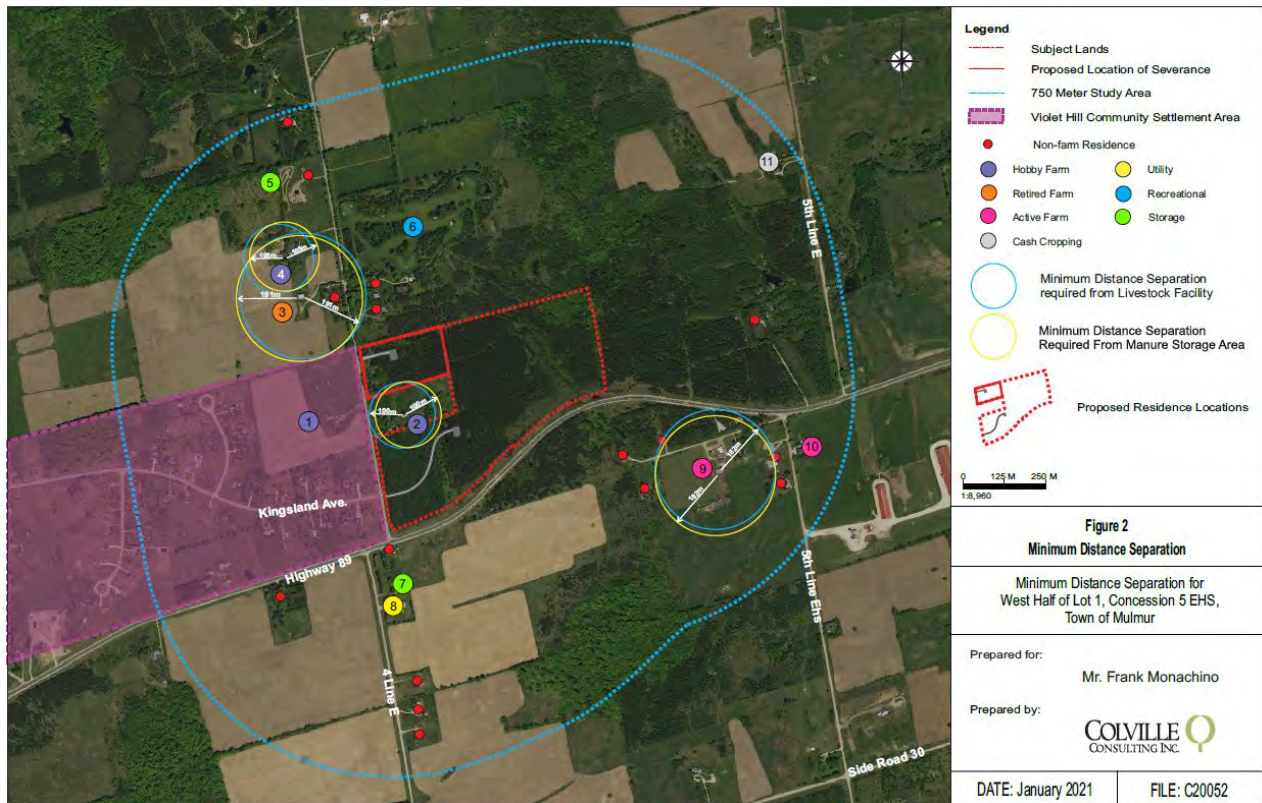
In assessing applications for severance, priority over the application shall be given to nearby agricultural operations on lands designated Agricultural under this Plan, especially those existing or potential operations having to conform to the Minimum Distance Separation requirements and/or the requirements 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 retained a consultant to undertake a MDS calculation.

It is noted that the consultant did not get confirmation from the agricultural operators in undertaking the MDS calculations.

The MDS circles of influence are included on the sketch provided by the applicant. The circles of influence do extend slightly onto the subject lands but do provide sufficient area for a dwelling outside of the circle.



Section 6.2 includes the following guidance:

- *The creation or acquisition of a lot by a public body (eg. for a road deviation) will not be considered a previous severance. Remnant lands that may be used as a building site (other than the lands acquired by such public body) will be considered as a previous severance.*

As such, the lot south of Highway 89 does constitute a previous severance, and no additional severances, beyond what is currently proposed, would be permitted under the current Rural Lot Creation Policies

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 applicant provided a proposed building envelope for each of the severed and retained lots, both of which provide for the retention of trees between the dwellings and roadways, and push the dwellings back from the road. They have also incorporated a winding driveway to limit visual appearance. The building envelope is larger than that which is required for a single dwelling, so to include outbuildings, such as a detached garage. The details of the building envelope can be addressed through a building envelope agreement.

Zoning By-law

The subject lands are zoned Countryside (A). 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. (In accordance with the definition for lot frontage, “in the case of a corner lot or through lot, the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a road or shall be deemed an exterior side lot line”)

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 MTO, Dufferin County and NVCA.

Comments have been received from a resident, with concerns over the number of lots and building envelop location.

RECOMMENDATION:

It is recommended:

THAT Committee consider approval of the proposed severance, subject to the standard conditions, and specific conditions identified through the studies, agency comments and public concerns, and more specifically, that the conditions recognize the mitigation measures recommended in the EIS, maximizing the building envelop location from the existing dwellings while maintaining trees and any comments from the Ministry of Transportation.

Respectfully submitted,

Tracey Atkinson

Tracey Atkinson, BES MCIP RPP
Planner



Date: May 12, 2021
To: Committee of Adjustment
From: John Willmetts, Director of Public Works
Re: **B2-2021 Monachino Severance**

ROAD WIDENING SEVERED AND RETAINED

With respect to this application, I request that the Committee impose the following conditions.

1. Acquire a road widening (3.05 metres) from the severed and retained portions.
 - The proposed lot has as the original driveway and is in suitable location.
 - The retained portion has approved driveway application located across from Kingsland Ave.

It would be advisable to impose this condition to allow the Township more flexibility to perform necessary road improvements in the future.

Yours truly,

John Willmetts

John Willmetts
Director of Public Works
Township of Mulmur



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

FILE NO. B2-2021 Monachino Severance RE: Consent Application

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 12, 2021:

That Application No. B2-2021 submitted by 2407951 Ontario Inc c/o Frank Monachino for a lot creation from 836059 4th Line/508029 Highway 89 (R# 2 0150) be approved subject to the following:

- That the lot creation applies to the creation of a lot of approximately 3.9 ha (+/- 5%) rounded to two decimal places.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the lot complies with MDS1 analysis between the severed dwelling and any nearby livestock facilities/anaerobic digesters on separate lots in accordance with the Minimum Separation Distance Document and provide proof of attempted confirmation with the facility operators/owners.
- The applicant is to comply with the requirements from MTO regarding the existing entrance on Highway 89, and if removal is required, shall remove the entrance and culvert infrastructure, and reinstate the ditch
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on 4th Line, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Roads Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- That the registered owner shall enter into a severance agreement pursuant to Section 51(26) of the Planning Act to address all planning matters, including, but not limited, to establishing building envelopes on the severed and retained lots that are in keeping with the severance sketch, MDS setbacks and include all applicable mitigation measures from the Colville EIS. The setback between the closest dwelling and the proposed building envelop on the southern parcel shall be a minimum of 244m from the front lot line and 50m from the abutting lot line of roll no. 221600000201450000. A copy of the registered agreement shall be provided to the Municipality, prior to endorsement of the deeds for this Application for consent.
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- Cash in lieu of parkland in the amount of \$5,000.00

REASON: 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**, Acting 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 Local Planning Appeal Tribunal is **May 11, 2021**.

NOTICE OF LAST DAY OF APPEALING TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT)

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 Local Planning Appeal 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 LPAT website at 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 Local Planning Appeal Tribunal as payable on an appeal from a Committee of Adjustment to the Board.

Tracey Atkinson, Clerk
Telephone: (705) 466-3341 Ext 222
tatkinson@mulmur.ca

Date of Mailing: **May 11, 2021**
Last day to appeal to LPAT: **May 11, 2021**



**CORPORATION OF THE TOWNSHIP OF MULMUR
NOTICE OF COMPLETE APPLICATIONS AND PUBLIC MEETINGS
CONSENT, ZONING BY-LAW AND OFFICIAL PLAN AMENDMENTS
Z2-2021 (Coe Zoning By-law Amendment)
Z3-2021 (Rutledge Zoning By-law Amendment)
OPA 1-2021 (Coe & Rutledge Official Plan Amendment)
B1-2021 (Coe Severance)**

The Corporation of the Township of Mulmur will hold a Public Meeting pursuant to Sections 22, 34, and 53(5) of the Planning Act (1990) to consider a lot creation and associated amendments to the Zoning By-law and Official Plan. The public meetings will be held electronically as follows:

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 numbers provided below. When prompted, please enter the meeting ID. You will be placed into the meeting in muted mode. If you encounter difficulty, please call the front desk at 705-466-3341. 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 follow the link below. Enter the meeting ID when prompted.

Phone Numbers: +1 587 328 1099 +1 647 374 4685 +1 647 558 0588

Committee of Adjustment Public Meeting – May 12, 2021 at 9:15am (Coe only)

<https://us02web.zoom.us/j/84602248258> Meeting ID: 846 0224 8258

Council Public Meeting – May 5, 2021 at 9:15am (Coe and Rutledge)

<https://us02web.zoom.us/s/84829988171> Meeting ID: 848 2998 8171

A copy of the proposed amendment is available for review at the municipal office during regular office hours. Anyone wishing to address Council with respect to the proposal may do so at the public meeting. Persons unable to attend the public meeting may provide written comments up until the time of the public meeting. If you wish to be notified of the decision on the proposed application, you must make an oral or written request to the Township of Mulmur. If a person or public body does not make oral submissions at the public meeting or make written submissions to Mulmur Township before the by-law is passed, the person or public body is not entitled to appeal the decision of Council and the Corporation of the Township of Mulmur to the Local Planning Appeal Tribunal (LPAT). Furthermore, the person or public body may not be added as a party to the hearing of an appeal before the LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

COE - PURPOSE OF THE APPLICATIONS:

B1-2021 The proposed consent application would create a surplus farm dwelling severance on the Coe farm.

Z2-2021 The zoning by-law amendment would re-zone the subject lands: from the Countryside (A) Zone and Environmental Protection (EP) Zone to the Environmental Protection (EP) zone, Agricultural Exception One (A-1) Zone which would prohibit a dwelling on the retained farm land; and to the Rural Residential (RR) to reflect the size and provide for an appropriate range of land uses. The rezoning may also further delineate the Environmental Protection (EP) zone to reflect wetland features on the subject lands.

OPA1-2021 The Official Plan amendment would provide a site-specific policy with respect to section 6.1.7 of the Official Plan which permits one severance per original farm lot (40 ha) as a surplus dwelling lot, whereas the subject lot has had previous severances exceeding the policy. This joint application is for the Coe and Rutledge farms.

LANDS AFFECTED: The applications affect the lands described in the table below and identified in the blue outline on the key map below.



STANLEY COE FARM B1-21, Z2-21, OPA1-21	
ROLL NUMBER	2216000006198250000
OWNER	COE STANLEY MICHAEL
STREET ADDRESS	746029 30 SIDEROAD
LEGAL DESCRIPTION	CON 3 WHS W PT LOT 31 RP 7R5552 PART 2

For more information contact:
 Roseann Knetchel, Planning Coordinator
 Tracey Atkinson, CAO/Planner
 705-466-3341
 rketchel@mulmur.ca
 tatkinson@mulmur.ca
 DATED: April 1, 2021

RUTLEDGE - PURPOSE OF THE APPLICATIONS:

Z3-2021 The proposed zoning by-law amendment would re-zone the subject lands from the Countryside (A) Zone to: an Agricultural Exception One (A-1) Zone which would prohibit a dwelling on the retained farmland; and the Rural Residential (RR) to reflect the size and provide for an appropriate range of permitted land uses.

OPA1-2021 The Official Plan amendment would provide a site-specific policy with respect to section 6.1.7 of the Official Plan which permits one severance per original farm lot (40 ha) as a surplus dwelling lot, whereas the subject lot has had previous severances exceeding the policy. This joint application is for the Coe and Rutledge farms.

LANDS AFFECTED: The applications affect the lands described in the table below and identified in the blue outline on the key map below.



D&C RUTLEDGE FARM Z3-21, OPA1-21 (previous severance file Z7-2020)	
ROLL NUMBER	2216000003184000000
OWNER	D & C RUTLEDGE LTD.
STREET ADDRESS	636592 PRINCE OF WALES ROAD
LEGAL DESCRIPTION	CON 2 W E PT LOT 10

For more information contact:
 Roseann Knetchel, Planning Coordinator
 Tracey Atkinson, CAO/Planner
 705-466-3341
 rknetchel@mulmur.ca
 tatkinson@mulmur.ca
 DATED: April 1, 2021

3. Purpose of this Application										
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.										
Severance of a lot containing the residential and outbuildings from the existing 29.089 hectare parcel										
Name of person(s) to whom land or interest in land is to be transferred, leased or charged										
To be confirmed.										
4. Description of Subject Land and Servicing Information										
Frontage (m) 530m					Severed 65 m					Retained 475 m
Depth (m) 600m					130 m					600m
Area (m) 29 m2					0.8 ha					27.3 ha
5. Land Use										
Date Property Acquired May 12, 2016										
Existing Use										
Agriculture						Agricultural and Surplus Dwelling				
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					
House	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	69 m	317m	370m	150m	2 st	16x9	108 sqm	1930	1930
Well Building	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	114 m	279 m	400 m	115 m	1 st	5x6	35 sqm	Unknown	Unknown
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
Water <input checked="" type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other: _____		Sewage Disposal <input checked="" type="checkbox"/> Private Septic <input type="checkbox"/> Communal Septic <input type="checkbox"/> Other: _____				Storm Drainage <input type="checkbox"/> Sewer <input checked="" type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other: _____			Tile Drainage <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	Current Official Plan	
Countryside (A) & Environmental Protection (EP)	Agricultural & Natural Area	
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?	Status:
Provide an explanation of how the application conforms to the Official Plan		
See planning letter.		
Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified? Please check the appropriate boxes, if any apply.		
Use or Feature	On the Subject Land	Within 500 metres of Subject Land, unless otherwise specific (indicate approximate distance)
Agricultural buildings/structure or manure storage facilities	No	No
A Landfill	No	No
A provincially significant wetland (Class 1, 2 or 3 wetland)	No	No
A locally significant wetland	No	No
Flood Plain	No	No
A rehabilitated mine site	No	No
A non-operating mine site within 1 kilometre of the subject land	No	No
An active mine site	No	No
An industrial or commercial use (specify uses)	No	No
Does the proposed development produce greater than 4500 litres of effluent per day?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, attach a servicing options report and hydro geological report		
Are the lands part of a Nutrient Management Plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Please provide plan number _____ and date approved by OMAFRA _____		
Are there any livestock facilities within 500 metres of the subject lands?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, provide a Farm Data Sheet completed by each livestock facility owner for each of the livestock facilities. http://mulmur.ca/departments/planning		

7. Consistency with Policy Documents

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

Create a new settlement area? Yes No

Remove lands from an employment area? Yes No

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

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

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

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

Kristine Loft, Loft Planning Inc.

Kristine Loft

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

Signature

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

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

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

Kristine Loft, Loft Planning Inc.

Kristine Loft

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

Signature

8. History of the Subject Land

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

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

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

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

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

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

Yes

No

If yes, provide details:

9. Other Information

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

10. Sketch (please use metric units)

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

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

From: kristine@loftplanning.com
To: [Tracey Atkinson](#)
Subject: RE: Stan Coe - MDS
Date: March 9, 2021 10:12:01 AM

Tracey,

I have spoken with Stan, and reviewed my photos and there are no livestock facilities within 500 metres.

The following was reviewed,

- Barn at 826026 Melancton Mulmur Townline. This barn is 750 metres from the severed parcel.
- There is a coverall that is used for storage at 558584 Melancton Mulmur Township. The coverall is 435 metres away.

Kristine

From: Tracey Atkinson <tatkinson@mulmur.ca>
Sent: March 8, 2021 3:29 PM
To: kristine@loftplanning.com
Subject:

Hi Kristine,

Can you do a memo on MDS for the Coe severance?

Also – please give me a call on Unger. Did the 12 and 22 ha parcels merge?

Tracey Atkinson, BES MCIP RPP Dipl M.M. | CAO | Planner | Acting Clerk

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

Phone 705-466-3341 ext. 222 | Fax 705-466-2922 | tatkinson@mulmur.ca

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PUBLIC MEETING

STANLEY COE

746029 30 Sideroad

B1-2021 (Consent Application)

May 12, 2021 Public Meeting



SITE LOCATION – 746029 30 SIDEROAD

- Located on 30 Sideroad.
- A lot area of approximately 29 ha (71.88 ac), with a frontage of 540 metres along Sideroad 30.
- Majority of the lands are agricultural fields and one single detached residential dwelling.
- A woodlot exists along the front property line between the driveway to the house and eastern property boundary.
- A wetland area exists to the east and north of the Subject Lands which are regulated areas of the Nottawasaga Valley Conservation Authority.



PROPOSED CONSENT

- The new Severed Lot is 0.8 ha in area with a frontage of 65 m on 30 Sideroad.
- The existing dwelling on the Severed Lot meets the definition of a farm surplus dwelling.
- The remainder of the property (the Retained Lot) will remain in the Coe ownership as part of the agricultural landholdings.

Subject Lands
746029 30 Sideroad,
Township of Mulmur



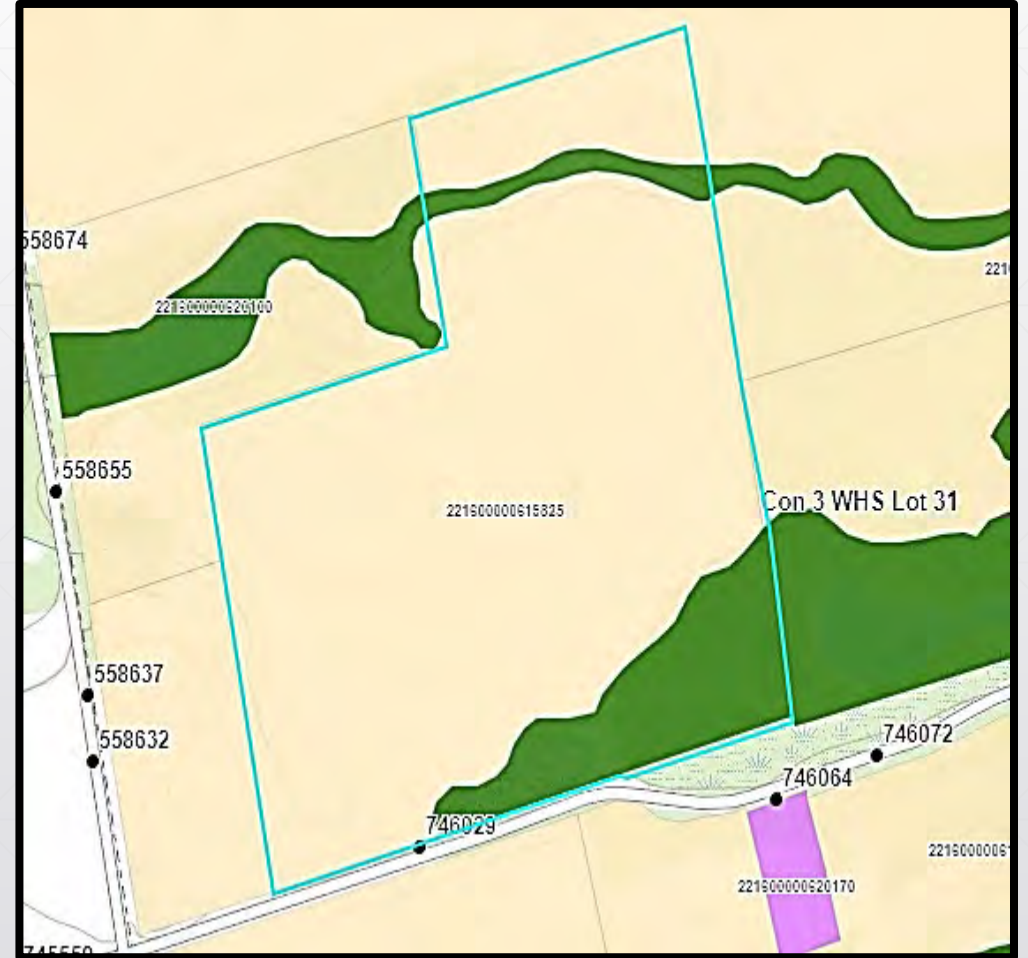
OFFICIAL PLAN

ZONING BYLAW



PROPOSED ZONING BY-LAW AMENDMENT - COE

- The Subject Lands are currently zoned **Countryside (A)** and **Environmental Protection (EP)**.
- The proposed Zoning By-law Amendment will rezone the severed lands from Countryside (A) to **Rural Residential (RR)** and will rezone the retained lands from Countryside (A) and Environmental Protection (EP) to **Agricultural (A-Exc)**. The wetland area will also be delineated by the **Environmental Protection (EP)** zone.
- The exception will add an additional provision that provides no new residential use is permitted.



























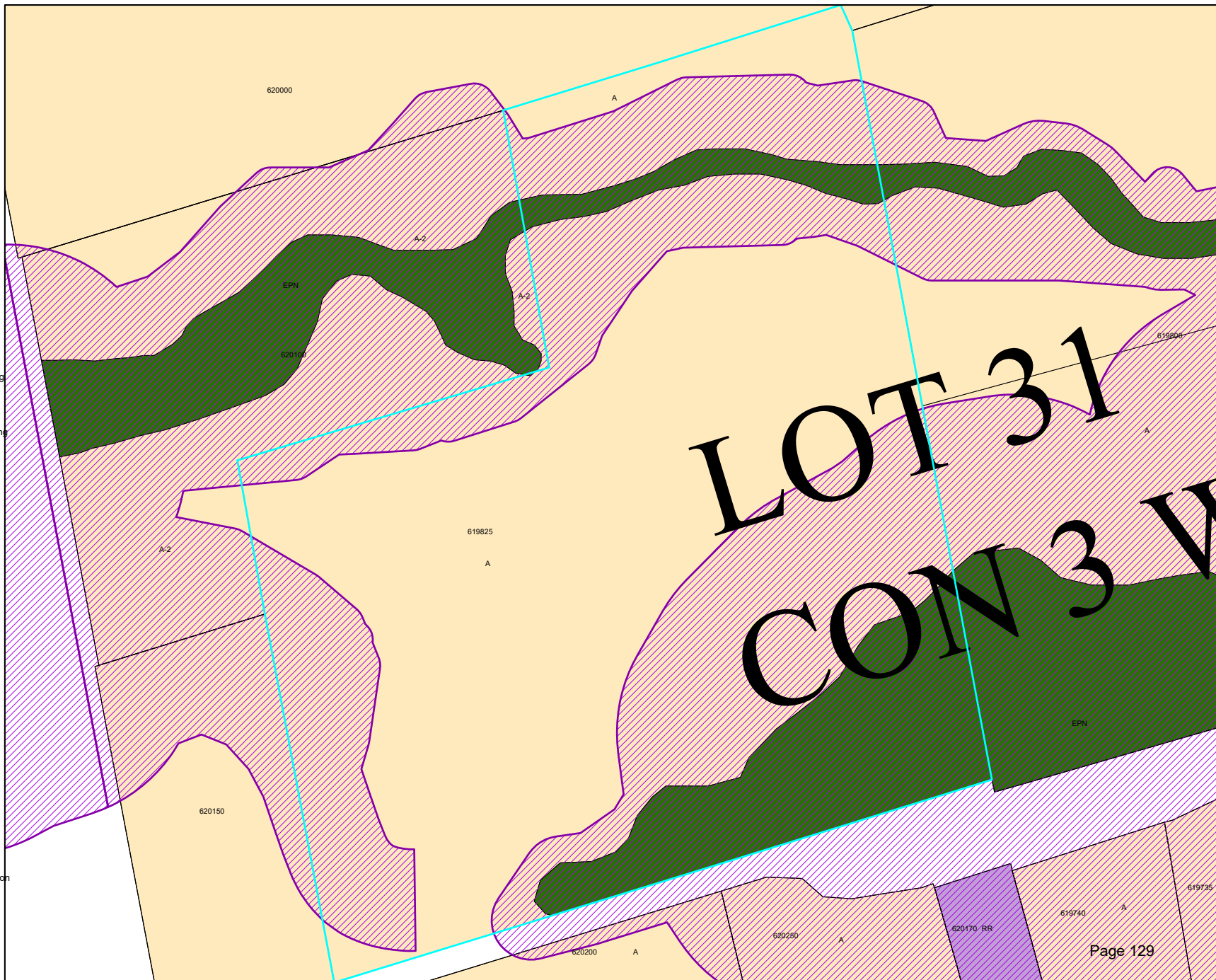


CONCLUSION

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development conforms to the Growth Plan.
- The proposed development conforms to the County of Dufferin Official Plan.
- The proposed development conforms to the Township of Mulmur Official Plan.
- The proposed developments complies with the Zoning By-law Amendment, as amended.

Z2-2021 COE ZONING

- Legend**
-  NVCA
 -  Parcels
 -  Agricultural
 -  Business Park Core Holding
 -  Business Park Gateway Holding
 -  Rural Commercial
 -  Business Park Transition Holding
 -  Business Park Gateway
 -  Business Park Transition
 -  Countryside
 -  Rural
 -  Environmental Protection
 -  Open Space
 -  Recreational
 -  Hamlet Residential
 -  Rural Residential
 -  Estate Residential
 -  General Commercial
 -  Highway Commercial
 -  Institutional
 -  Extractive Industrial
 -  Waste Disposal Industrial
 -  Niagara Escarpment Commission
 -  ROADS_CNTY_PROV





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TRANSMITTAL

DATE: December 21 2020 PAGES: Submission LPI FILE NO: COE.45220

TO: Tracey Atkinson, CAO/Acting Clerk/Planner

FROM: Kristine Loft, MCIP RPP

SUBJECT:

**Proposed Consent and Implementing ZBA
Planning Justification Letter
Proposed Consent and Implementing Zoning By-law Amendment
746029 30 Sideroad, Township of Mulmur
Owner/Applicant: Stanley Coe**



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December 21, 2020

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

Dear Ms. Atkinson:

**RE: Planning Justification Letter
Proposed Consent and Implementing Zoning By-law Amendment
746029 30 Sideroad, Township of Mulmur**

We have been retained by the landowner, Mr. Stanley Coe, to act as planners for a consent application and implementing zoning by-law amendment on the aforementioned lands. The applications propose to create a lot for a farm surplus dwelling at 746029 30 Sideroad in the Township of Mulmur (the "Subject Lands"). This Planning Justification Letter is being submitted as part of a complete application in support of the planning applications.

1.0 Location

The Subject Lands are described municipally as 746029 30 Sideroad and legally as Concession 3 WHS W Part Lot 31 RP 7R 5552 Part 2, Township of Mulmur. The lands are located east of Highway 124 on the 30th Sideroad just east of the intersection with Mulmur Melancthon Townline (Figure 1: Site Location). Road access to the Subject Lands is provided by Sideroad 30.

2.0 Site Description & Surrounding Uses

The Subject Lands comprise an irregular shaped farm parcel of approximately 29 ha (71.88 ac) in lot area with a frontage of 540 metres along Sideroad 30 and a depth of 600 metres along the eastern lot line. (Figure 2: Aerial). The lands are designated as agricultural with the majority of the lands being farm fields and one single detached residential dwelling unit located at the front of the Subject Lands. A woodlot exists along the front property line between the driveway to the house and eastern property boundary.

The Subject Lands are within a rural, agricultural area with large farms and farm dwellings and agriculturally related uses interspersed with natural areas. A wetland area exists to the east and north of the Subject Lands which are regulated areas of the Nottawasaga Valley Conservation Authority. The closest settlement is Honeywood located 4 km to the south.

3.0 Proposed Applications

This Planning Justification Report has been prepared in support of a consent application and zoning



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by-law amendment. The consent application proposed to sever the portion of the Subject Lands on which the single detached dwelling is located (see Figure 3 – Severance Sketch). The Applicant owns a farm at 478449 3rd Line which is the location of his private residence and his primary farm out of which he operates his farming business. The Applicant wishes to sever the portion of the Subject Lands on which the single detached house is located as the lands are used for farming purposes only. The existing dwelling is considered a farm surplus dwelling. The retained lot will remain in the Applicant's ownership as part of his farming operation and continue to be farmed with no intention of building any additional residential structures. Mr. Coe owns three other agricultural parcels that he farms, located at 478449 3rd line Melancthon (20 ha), 478263 3rd line Melancthon (40 ha) and 478418 3rd line Melancthon (20 ha). The owner resides at 479449 3rd Line, Melancthon.

4.0 Planning Analysis

A review of planning documents must be undertaken in order to determine compliance of the applications to the Planning Act as well as the provincial and municipal planning documents. A review of the proposed Consent and the Zoning By-law Amendment in regards to the applicable planning documents made the following conclusions:

1. **The proposed applications have regard for matters of provincial interest (Section 2 of the Planning Act, 1990).**
2. **The proposed applications are in the public interest.**
3. **The proposed applications are consistent with the Provincial Policy Statement 2020.**
4. **The proposed applications conform to the County of Dufferin and Township of Mulmur Official Plan.**
5. **The proposed applications comply with the Zoning By-law.**

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

4.1 Planning Act

The Planning Act must be considered when reviewing development applications. In consideration of the proposed Consent, Sections 2 (Provincial Interest), 3 (Provincial Plans) and 53 (Consents) of the Planning Act apply.

Section 2 requires that regard be given to matters of "Provincial Interest" one of which is the protection of Agricultural Resources. The proposed consent facilitates the creation of a lot for surplus farm dwelling which is not required for the farming operation. The proposed consent will not create new structures or new uses in the area and, therefore will not impact the agricultural resources in the area.

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



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regard to the proposed application, the Provincial Policy Statement (PPS) 2020 applies and is addressed in the following section.

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

Further details of the suitability of the site for the proposed development, the suitability of the proposed location, the availability of services and conformity to plans and policies are provided within this report.

Conclusion: The proposed applications meets the requirements of the Planning Act.

4.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides provincial policy direction on matters of provincial interest related to land use planning and development, promoting a policy-led planning system that recognizes the importance of appropriate development. The PPS directs growth and development to settlement areas in order that efficient development patterns may optimize the use of land, resources and infrastructure while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment and facilitating economic growth.

A review of the PPS identified relevant policies within **Section 1.0** that guide land use in Rural Areas and Section 2.0 that provide policies for the wise use of agricultural and natural heritage resources.

- **Rural Areas in Municipalities**

The policies in Section 1.1.4 generally guide growth and development in Rural Areas in such a way as to support the rural economy, the efficient use of infrastructure and provision of housing in rural areas and promote regeneration of the rural area while preserving the rural character and natural areas. The consent application does not propose new development and, therefore, will have minimal if any impact on the rural area surrounding the Subject Property.

- **Agriculture**

Policies in Section 2.3 protect prime agricultural areas for long-term use of agriculture. Section 2.3.4.1 permits the creation of a lot in prime agricultural areas for a residence surplus to a farm operation as a result of a farm consolidation provided that:

1. The new lot will be limited to the minimum size needed to accommodate the use and the appropriate water and sewer services and
2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The proposed lot configuration is the minimal amount of land necessary to accommodate the existing single detached house and private services. An implementing by-law will ensure no new residential.

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



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5.3 County of Dufferin Official Plan

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The Subject Property is identified as a "Countryside Area" on Schedule B Community Structure and Land Use and "Agricultural Area" on Schedule C Agricultural Area and Rural Lands in the Dufferin County Official Plan.

Countryside Areas comprise the lands outside of urban settlement areas and community settlement areas and include Agricultural Areas. The policies in the Dufferin County Official Plan strive to maintain the rural character and protect agricultural areas while providing opportunities to support the rural economy (policy 4.1). Some development is accommodated on rural lands but growth and development are generally directed to settlement areas. Lands within the Agricultural Areas designation are primarily prime agriculture and the policies aim to protect and preserve agricultural lands and prevent their fragmentation (policy 4.2). A range of uses are permitted including farming and farm related activities as well as one single residential dwelling per lot (policy 4.2.2)

Similar to the PPS, lot creation is permitted within the agricultural area where a farm acquisition has created a residence surplus to a farming operation provided the following conditions can be met:

1. retained farm parcel will be zoned to prohibit the construction of an additional dwelling and provided;
2. the new lot will be limited to a minimum size to accommodate the use and appropriate sewage and septic services; and
3. The surplus dwelling parcel will be subject to the MDS I setback provisions and be zoned to recognize the non-farm residential use as required.

As discussed, the proposed lot configuration provides the minimum lot area required to accommodate the existing single detached house and water and septic services. A proposed zoning by-law amendment will ensure no new residential use on retained.

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

5.4 Township of Mulmur Official Plan

The Subject Lands are designated as 'Agricultural' in the Official Plan. Section 6.1 of the Official Plan is entitled Agricultural. The consent policies provide the following,

The severance of one residence surplus to a farming operation from an original farm lot (Township half-lot) as a result of farm consolidation may be permitted provided that:

- the dwelling is habitable; *The residence is habitable and rented out.*
- the requirements of the Zoning By-law can be met; *A implementing ZBA is required and the lot can meet the RR zoning.*



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- the lot area is kept to a minimum; *The lot area is kept to a minimum.*
- neither the dwelling on the severed nor retained part was originally created for the purpose of accommodating farm help nor created as an additional single dwelling unit or as a detached accessory dwelling unit. *The house was built in the 1930's and was not created for accommodating farm help.*
- the farm operation severing the lot must have a base of operations elsewhere in the Township or in an immediately adjacent Township; *The owner has a prime farm location as noted above in the Township.*
- the severance complies with the minimum distance separation requirements; *There are no livestock structures in the immediate area and as such MDS is met.*
- such severances will be considered only on the basis of one per farm holding defined as the original farm lot of approximately 40 hectares (Township half-lot) and where no more than one lot has been previously created by severance; *The farm parcel is 29 ha in size. There is currently one lot from the south west corner. A second larger lot does exist that includes a pond and woodlot. We are unsure if the lots were created by consent. These separate parcels are not agricultural fields. It is our understanding that the lot is permitted a surplus farm dwelling lot.*
- Wherever possible and practical, remnant lots shall be required to be merged with adjacent parcels under the ownership of the same farming enterprise, including small, existing, vacant non-farm lots, to consolidate the farm into larger blocks, eliminate the non-farm residential lot and avoid the sterilization of the remnant parcel as a building lot; *An implementing zoning bylaw amendment has been applied for to rezone the retained lands for no new residential use.*
- Where a remnant parcel is created, which cannot be merged with another holding under the ownership of the same farming enterprise, it shall be re-zoned, as a condition of consent approval and prior to the issuance of the certificate of consent, so that it cannot, in future, be used for either farm-related or non-farm residential purposes. *An*



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implementing zoning bylaw amendment has been applied for to rezone the retained lands for no new residential use.

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

5.5 Township of Mulmur Zoning By-law

The Subject Lands are zoned Countryside (A) and Environmental Protection (EP). The proposed amendment will rezone the severed lands from Countryside (A) to Rural Residential (RR) and will rezone the retained lands from Countryside (A) and Environmental Protection (EP) to Countryside (A-Exc) and Environmental Protection (EP).

The exception will add an additional provision that provides that, no new residential use is permitted.

The following is a zoning conformity chart,

Rural Residential – Severed	Required	Provided
Lot Area	.4	.8
Lot Frontage	45 m	65 m
Front Yard	20 m	69 m
Interior Side Yard	6 m	13/40 m
Exterior Side Yard	20 m	Not applicable
Rear Yard	20 m	30 m
Lot Coverage	10%	1.5%
Height	10.5m	2 stories - Met

Countryside Area – Retained	Required	Provided
Lot Frontage	100 m	475 m
Front Yard	30 m	Vacant
Interior Side Yard	20 m	Vacant



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705.446.1168
kristine@loftplanning.com
loftplanning.com

LOFT PLANNING

Exterior Side Yard	30 m	Vacant
Rear Yard	20 m	Vacant
Lot Coverage	5%	Vacant
Height	10.5m	Vacant

5.0 Conclusions

This Planning Letter has been prepared in support of the applications for a consent and implementing zoning by-law amendment to permit a surplus farm dwelling severance.

The proposal is in keeping with the Planning Act RSO 1990, are consistent with the Provincial Policy Statement, 2020, and conforms to the County of Dufferin Official Plan and the Township of Mulmur Official Plan, and meets the intent of the Township of Mulmur Zoning By-law. Furthermore, it is our opinion that the applications represent good land use planning.

Yours truly,

Kristine A. Loft BES BAA MCIP RPP
Principal

Figure 1: Subject Location
Figure 2: Consent Sketch



Figure 1
Subject Location
746029 30 Sideroad, Township of Mulmur

Planner-Agent:



LOFT PLANNING

Municipal #:

Project #:
#COE.45220

Date: December 2020

Scale:

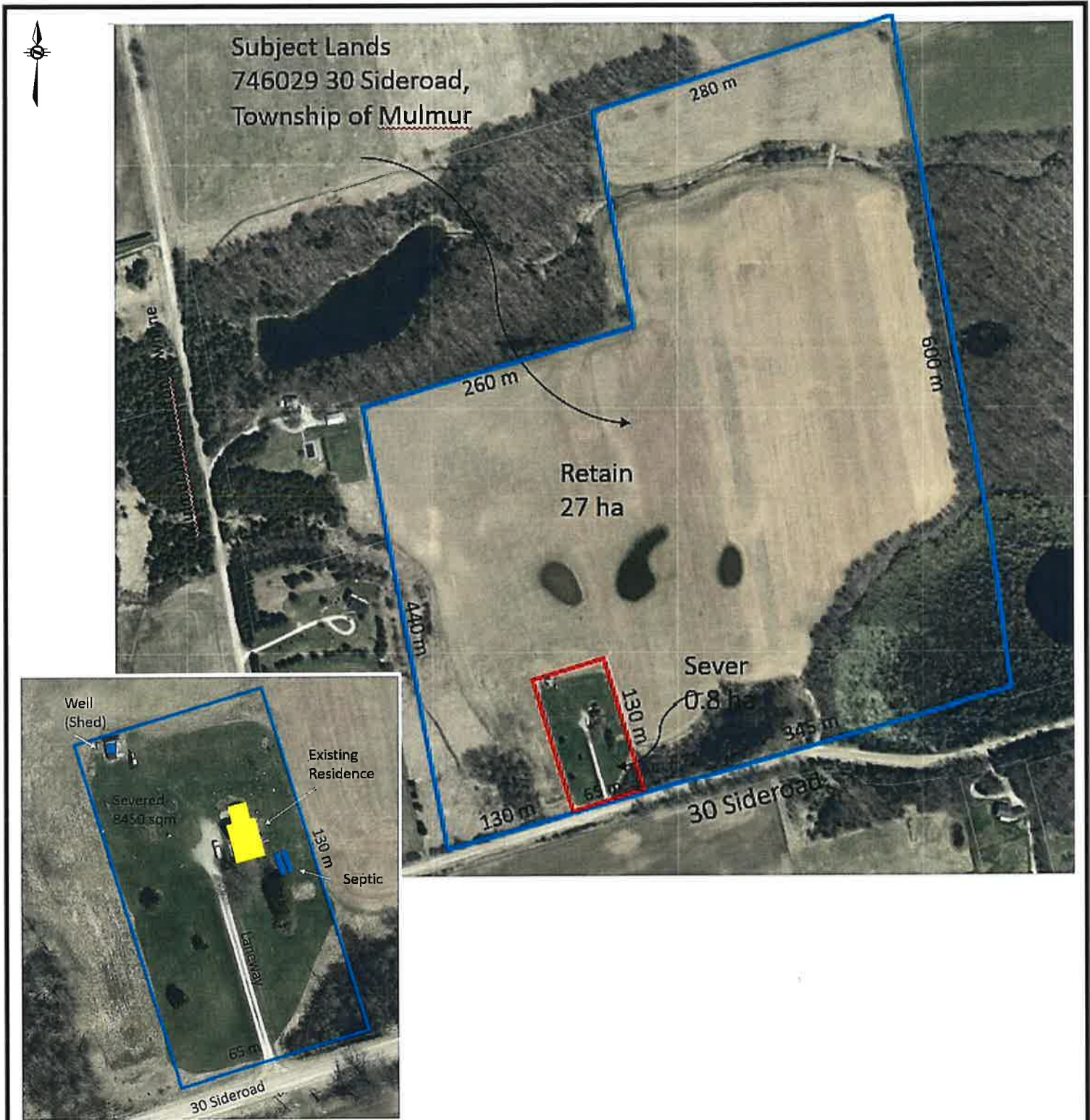


Figure 2
 Consent Sketch
 2746029 30 Sideroad, Township of Mulmur

Planner-Agent:



LOFT PLANNING

Municipal #: ----

Project #:
 #COE.45220

Date: December 2020

Scale:



Date: May 12, 2021
To: Committee of Adjustment
From: John Willmetts, Director of Public Works
Re: **B1-2021 Coe Severance**

ROAD WIDENING SEVERED AND RETAINED

With respect to this application, I request that the Committee impose the following conditions.

1. Acquire a road widening (3.05 metres) from the severed and retained portions.
 - The proposed lot has as the original driveway and is in suitable location.
 - The retained portion also has an existing driveway that meets the Townships standards.

It would be advisable to impose this condition to allow the Township more flexibility to perform necessary road improvements in the future.

Yours truly,

John Willmetts

John Willmetts
Director of Public Works
Township of Mulmur



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

FILE NO. B1-2021 Coe Severance

RE: Surplus Dwelling Consent Application

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 12, 2021:

That Application No. B1-2021 submitted for Stanley Michael Coe for a surplus dwelling lot creation from 746029 30th Sideroad (R# 6-19825) as a result of a farm consolidation be approved subject to the following:

- That the owner is successful in obtaining an amendment to the Official Plan to permit the severance of a third non-agricultural parcel of land
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- That the applicant successfully completes an MDS1 analysis between the severed dwelling and any nearby livestock facilities/anaerobic digesters (LF/ADs) on separate lots in accordance with the Minimum Separation Distance Document (2016).
- That the applicant obtain approval from the Township for a Zoning By-law Amendment, to re-zone the severed lands to the Rural Residential (RR) zone and the Environmental Protection (EP) zones and to restrict residential uses on the remnant (retained) agricultural lot.
- That the farm operation severing the lot provide confirmation of operations base elsewhere in an abutting Township
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on 30 Sideroad, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Roads Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works

REASON: 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**, Acting 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 Local Planning Appeal Tribunal is **May 11, 2021**.

NOTICE OF LAST DAY OF APPEALING TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT)

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 Local Planning Appeal 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 LPAT website at 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 Local Planning Appeal Tribunal as payable on an appeal from a Committee of Adjustment to the Board.

Tracey Atkinson, Clerk
Telephone: (705) 466-3341 Ext 222
tatkinson@mulmur.ca

Date of Mailing: **May 11, 2021**
Last day to appeal to LPAT: **May 11, 2021**



NOTICE OF A COMPLETE APPLICATION AND A PUBLIC MEETING

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 to create a lot and to create an easement

The following are the particulars:

MEETING DATE AND TIME: May 12, 2021 at 9:30 am

APPLICATION NUMBER: B3-2021 & B4-2021

OWNER/APPLICANT: Zoe Unger, Mark Unger / Loft Planning

LOCATIONS: 757235 2nd Line E (Con 3 EHS, Part Lot 14, Parts 2 & 3 & part of Part 1, 7R4317; Mulmur)

757233 2nd Line E (Con 3 EHS, Part Lots 14 & 15, Parts 4 & 5 & part of Part 1, 7R4317; Mulmur subject to an easement in favour of Part Lot 15 Concession 3 EHS being part 7 7R4317 Except part 1 7R6464 as in DC191700)

PURPOSE: The application proposes two separate consent proposals:

B3-2021: To sever a parcel of land from the 34 hectare parcel with a lot area of 12 hectares with a frontage of 180 metres, retaining a 22 hectare parcel with a lot frontage of 249 metres. This lot would replace a lot previously created that merged with the original lands.

B4-2021: To create an easement for access purposes on a 1 hectare portion with a frontage of 60 metres and a depth of 226 metres. The existing entrance and laneway is in favour of 757235 2nd Line East

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: tatkinson@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 next page. For illustration purposes only. This is not a plan of survey.

A digital version is available by email.

Figure 1: Subject Lands – Easement Proposal

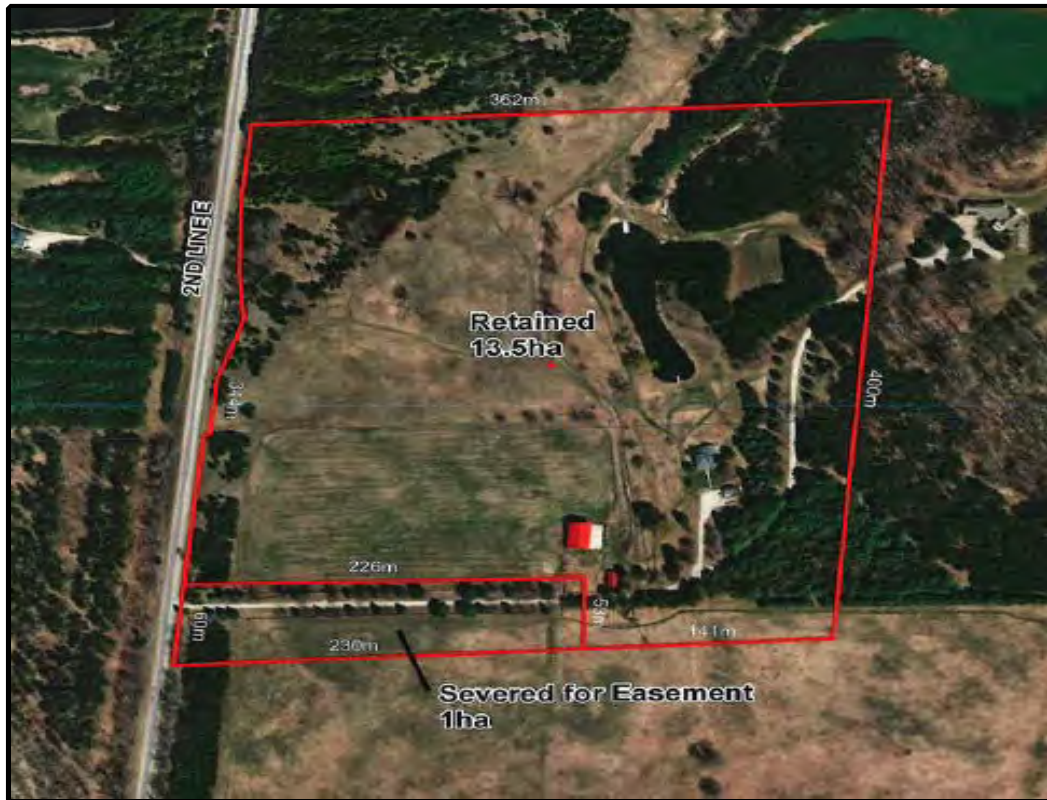
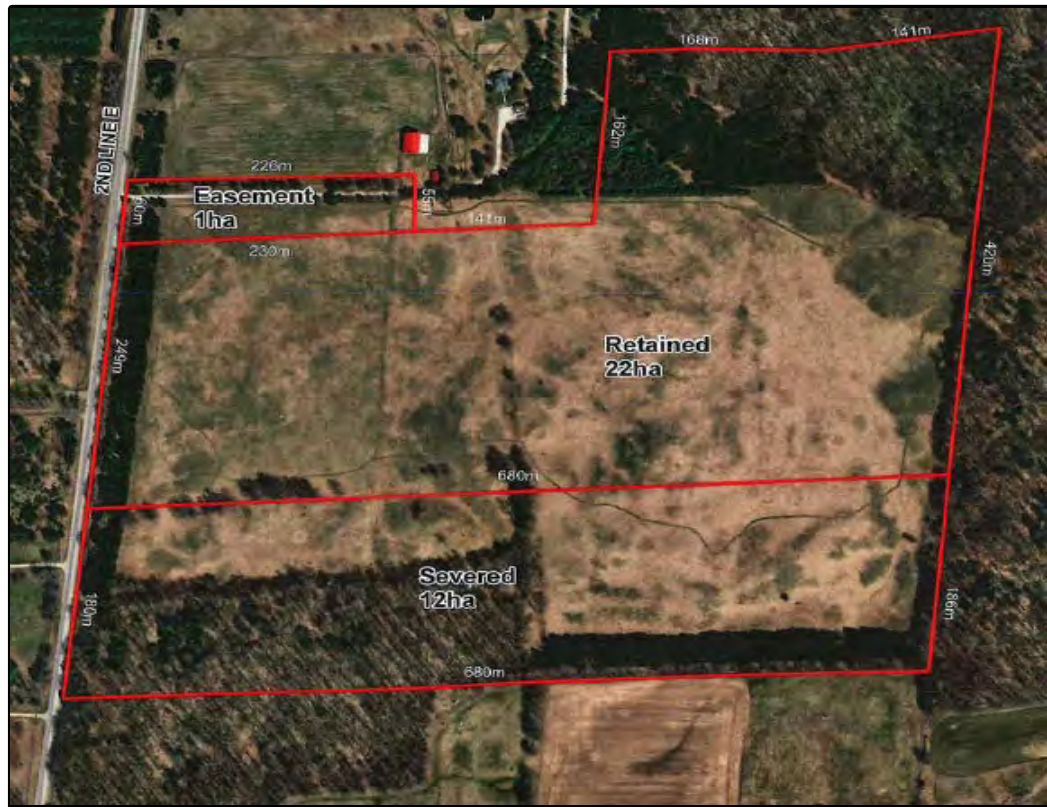


Figure 2: Subject Lands – Severance Proposal



3. Purpose of this Application										
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.										
To sever a rural lot with a lot frontage of 180 metres and a lot area of 12 hectares, while retaining a rural parcel having a lot frontage of 249 metres and a lot area of 22 ha.										
Name of person(s) to whom land or interest in land is to be transferred, leased or charged										
To be confirmed.										
4. Description of Subject Land and Servicing Information										
Frontage (m)				Severed 180 m				Retained 249 m		
Depth (m)				680 m				680 m		
Area (m)				12 ha				22 ha		
5. Land Use										
Date Property Acquired May 2nd, 2013										
Existing Use Rural					Proposed Use Rural					
Existing and Proposed buildings and Structures										
Type of Building or Structure		Set Backs (m)				Height (m)	Dimensions (m x m)	Area (m2)	Date of Construction / Proposed Construction	Time use has continued (for existing buildings & structures)
		Front	Rear	Side	Side					
House (Under Construction)	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	225	425	32	217	2st	15x12	136m2	2020	1 year
	<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		Sewage Disposal				Storm Drainage			Tile Drainage	
<input checked="" type="checkbox"/> Private Well		<input checked="" type="checkbox"/> Private Septic				<input type="checkbox"/> Sewer			<input checked="" type="checkbox"/> No	
<input type="checkbox"/> Communal Well		<input type="checkbox"/> Communal Septic				<input checked="" type="checkbox"/> Ditches			<input type="checkbox"/> Yes, please mark on site plan location of tile runs	
<input type="checkbox"/> Municipal Water		<input type="checkbox"/> Other: _____				<input type="checkbox"/> Swales				
<input type="checkbox"/> Other: _____						<input type="checkbox"/> Other: _____				

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

7. Consistency with Policy Documents

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

Create a new settlement area? Yes No

Remove lands from an employment area? Yes No

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

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

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

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

KRISTINE LOFT, MCIP, RPP

Kristine Loft

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

Signature

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

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

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

KRISTINE A. LOFT, MCIP RPP

Kristine Loft

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

Signature

8. History of the Subject Land

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

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

If this application is a re-submission of a previous consent application, describe how it has been changed from the original application
NO

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

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

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

Yes

No

If yes, provide details:

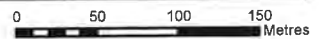
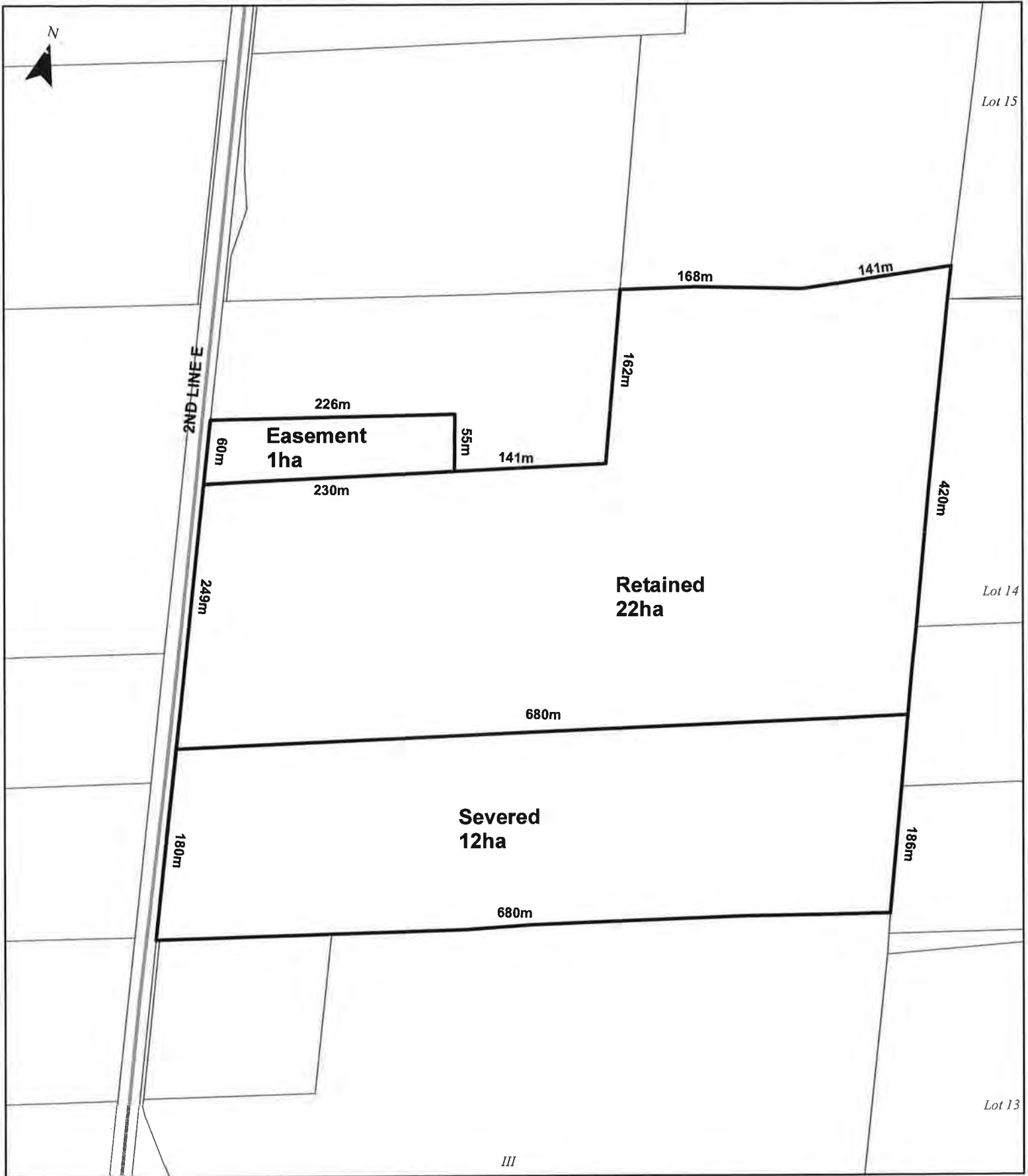
9. Other Information

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

10. Sketch (please use metric units)

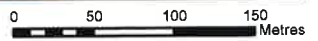
The application shall be accompanied by a sketch showing the following:

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



Consent Sketch
File: UNG.42120
PT LT 14, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur





Consent Sketch
File: UNG.42120
PT LT 14, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur



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.

To establish an easement (ROW) for access over severed lands (existing laneway) in favour of 757235 2nd Line East.

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

Mark Unger

4. Description of Subject Land and Servicing Information

Frontage (m)	Severed 60m	Retained 344 m
Depth (m)	230m	362 m
Area (m)	1 ha	13.5 ha

5. Land Use

Date Property Acquired
May 2nd, 2013

Existing Use Rural	Proposed Use Rural
---------------------------	---------------------------

Type of Building or Structure		Set Backs (m)				Height (m)	Dimensions (m x m)	Area (m ²)	Date of Construction / Proposed Construction	Time use has continued (for existing buildings & structures)
		Front	Rear	Side	Side					
House	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	280m	78m	131m	255m	2 stories	15 x 15	160m ²		
Garage	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	296m	64m	111m	284m	1 storey	7 x 7	49m ²		
Barn	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	215m	142m	74m	306m	1.5 stories	13 x 18	240m ²		
Outbuilding	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed	239m	125m	46m	345m	1 storey	6 x 13	78m ²		
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									
	<input type="checkbox"/> Existing <input type="checkbox"/> Proposed									

Water <input checked="" type="checkbox"/> Private Well <input type="checkbox"/> Communal Well <input type="checkbox"/> Municipal Water <input type="checkbox"/> Other: _____	Sewage Disposal <input checked="" type="checkbox"/> Private Septic <input type="checkbox"/> Communal Septic <input type="checkbox"/> Other: _____	Storm Drainage <input type="checkbox"/> Sewer <input checked="" type="checkbox"/> Ditches <input type="checkbox"/> Swales <input type="checkbox"/> Other: _____	Tile Drainage <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 Countryside (A)	Current Official Plan Rural
Related Applications under the Planning Act, if any including Official Plan, Official Plan Amendment, Zoning By-law Amendment, Minister's Zoning Order (amendment), Consent or Plan of Subdivision: Nil	Has subject lands even been subject of an application under the Planning Act? File #: _____ Status: _____

Provide an explanation of how the application conforms to the Official Plan
See Planning Justification Report.

Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified? Please check the appropriate boxes, if any apply.

Use or Feature	On the Subject Land	Within 500 metres of Subject Land, unless otherwise specific (indicate approximate distance)
Agricultural buildings/structure or manure storage facilities	Yes (no manure storage)	No
A Landfill	No	No
A provincially significant wetland (Class 1, 2 or 3 wetland)	No	No
A locally significant wetland	No	No
Flood Plain	No	No
A rehabilitated mine site	No	No
A non-operating mine site within 1 kilometre of the subject land	No	No
An active mine site	No	No
An industrial or commercial use (specify uses)	No	No

Does the proposed development produce greater than 4500 litres of effluent per day? Yes No

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

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

Please provide plan number _____ and date approved by OMAFRA _____

Are there any livestock facilities within 500 metres of the subject lands? Yes No

If yes, provide a Farm Data Sheet completed by each livestock facility owner for each of the livestock facilities. <http://mulmur.ca/departments/planning>

7. Consistency with Policy Documents

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

Create a new settlement area? Yes No

Remove lands from an employment area? Yes No

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

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

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

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

KRISTINE LOFT, MCIP, RPP

Kristine Loft

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

Signature

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

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

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

KRISTINE A. LOFT, MCIP RPP

Kristine Loft

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: FILE NUMBER UNKNOWN. THE SEVERANCE WOULD HAVE BEEN IN THE 1980'S.

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

SUBJECT LANDS SEVERED FROM ORIGINAL 80ha PARCEL.

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

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

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

Yes

No

If yes, provide details:

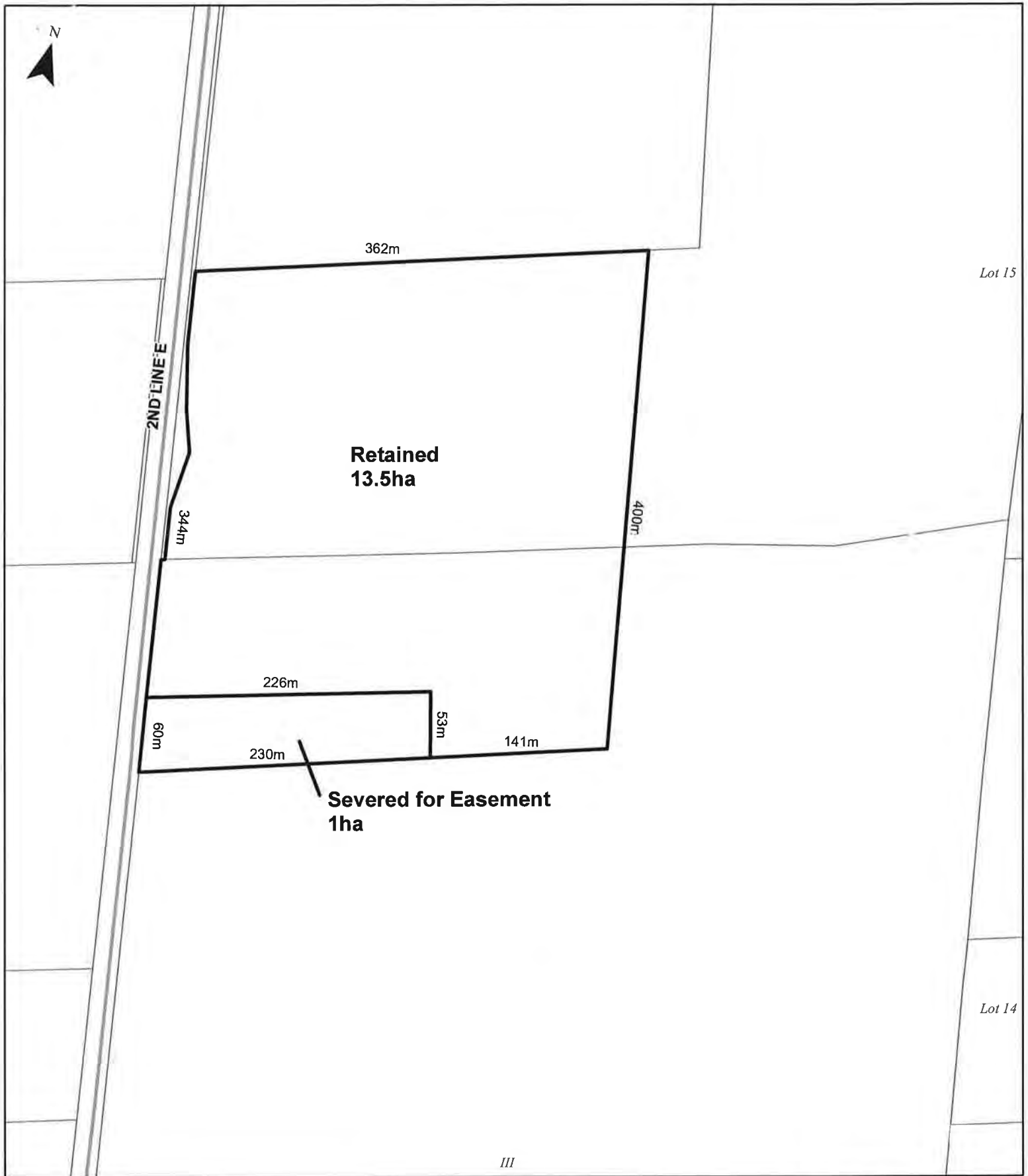
9. Other Information

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

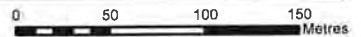
10. Sketch (please use metric units)

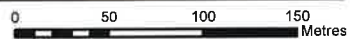
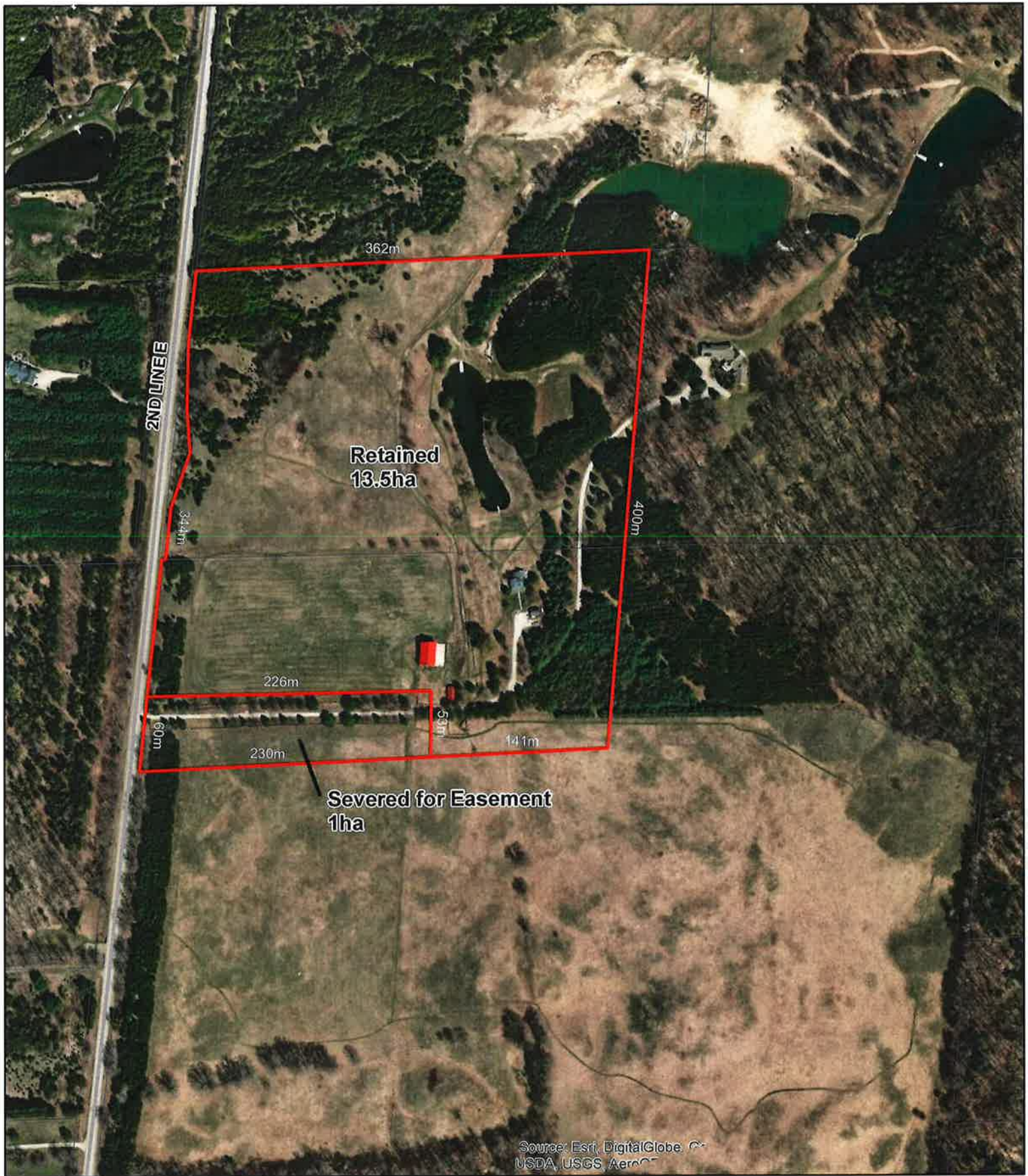
The application shall be accompanied by a sketch showing the following:

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



Consent Sketch
File: UNG.42120
PT LT 14&15, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur

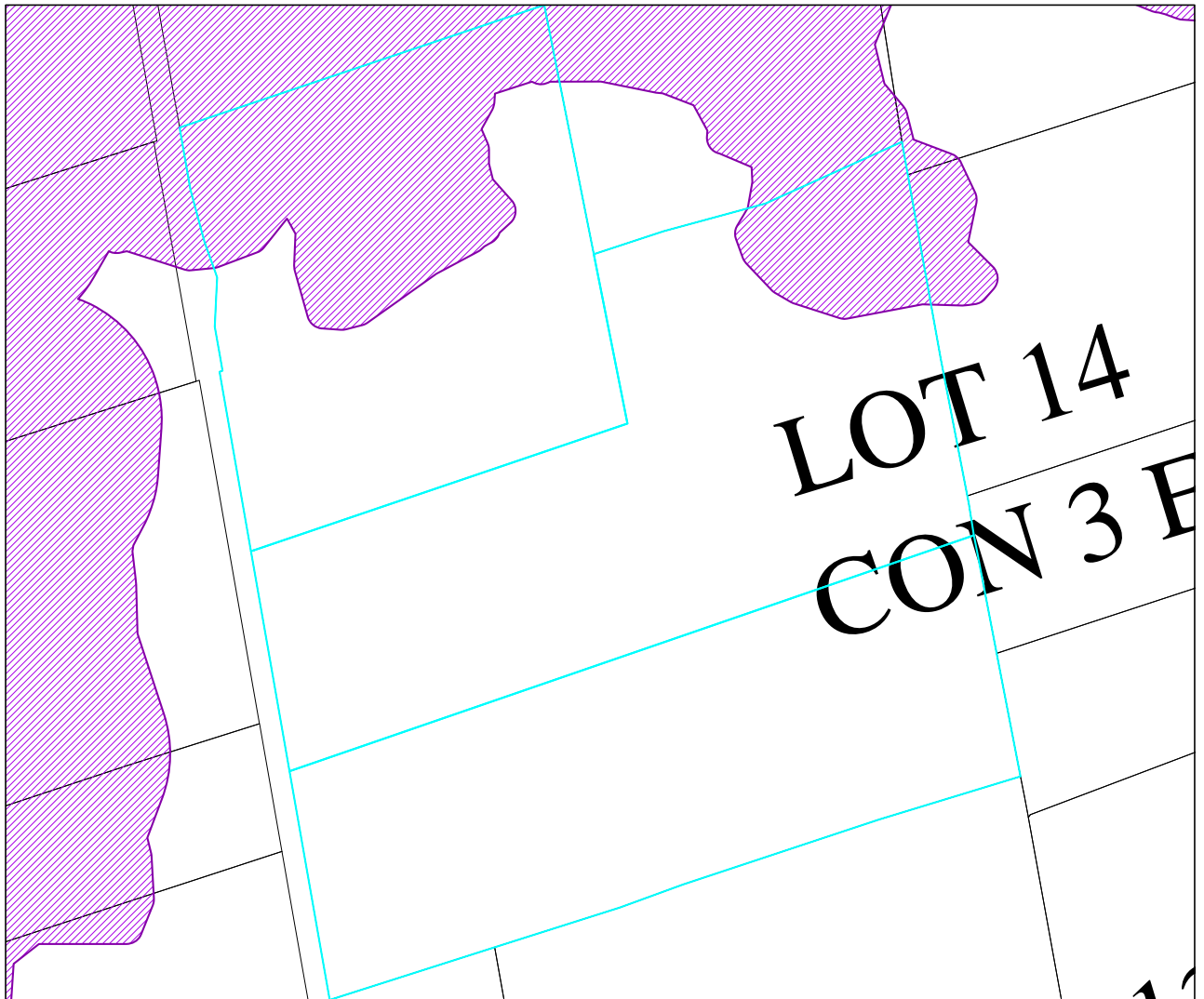




Consent Sketch
File: UNG.42120
PT LT 14&15, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur



UNGER NVCA regulated lines



Legend

- NVCA
- Parcels



PUBLIC MEETING

MARK UNGER & ZOE UNGER

757235 2nd Line East, Township of Mulmur, County of Dufferin
(Unger, Mark)

757233 2nd Line East, Township of Mulmur, County of Dufferin
(Unger, Zoe)

B3-2021 & B4-2021 (Consent Applications)

May 12, 2021 Public Meeting



SITE LOCATION: 757233 2ND LINE EAST / 757235 2ND LINE EAST, MULMUR

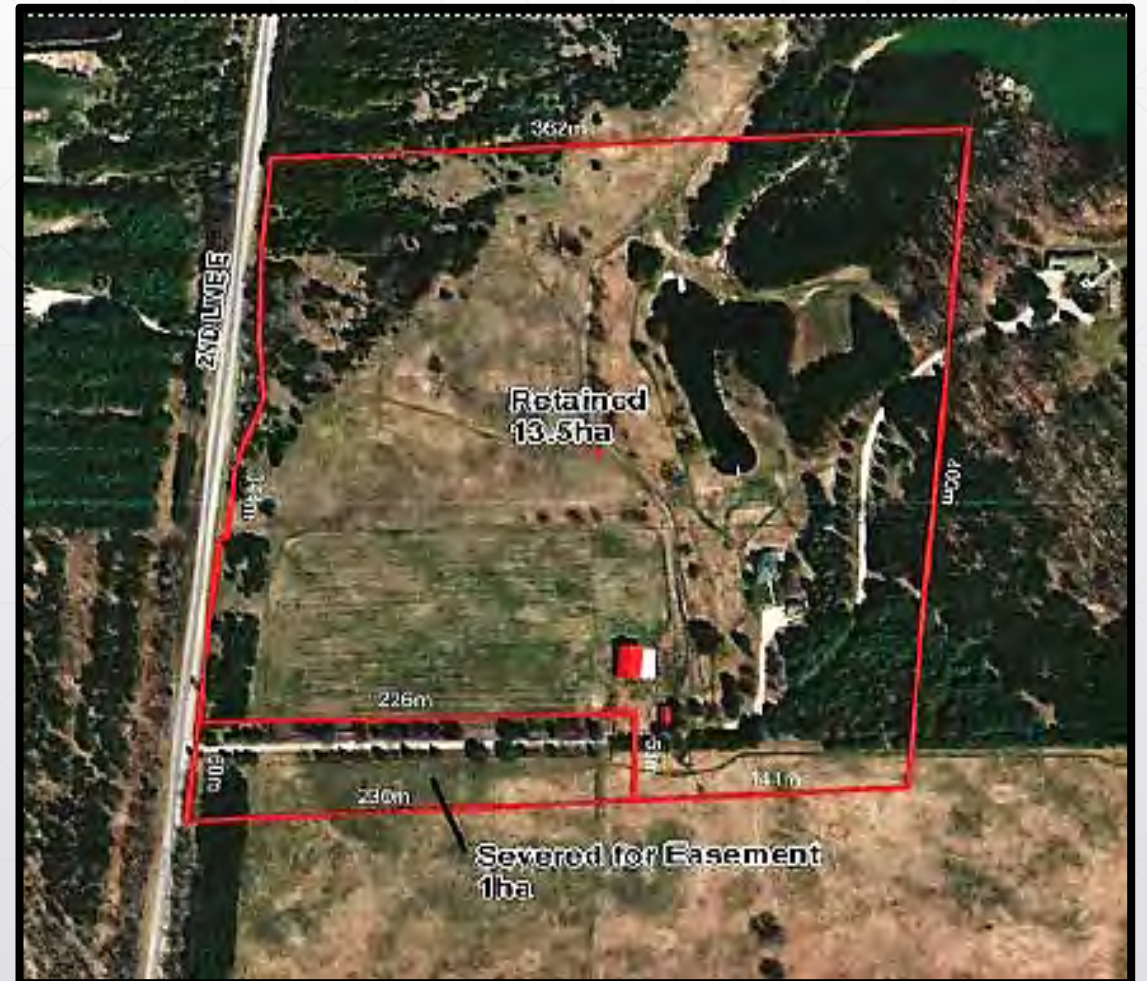
- Subject lands are **757233 2ND LINE EAST** and **757233 2ND LINE EAST**.
- 757233 – Existing residence, outbuildings and a pond.
- 757235 – New residence.
- The lands include rural lands and woodlands.
- Existing laneway on 757233 is proposed to also be used by 7572235 by way of easement.



PROPOSED CONSENT – 757233 2ND Line East

Site Location: 757233 2nd Line East

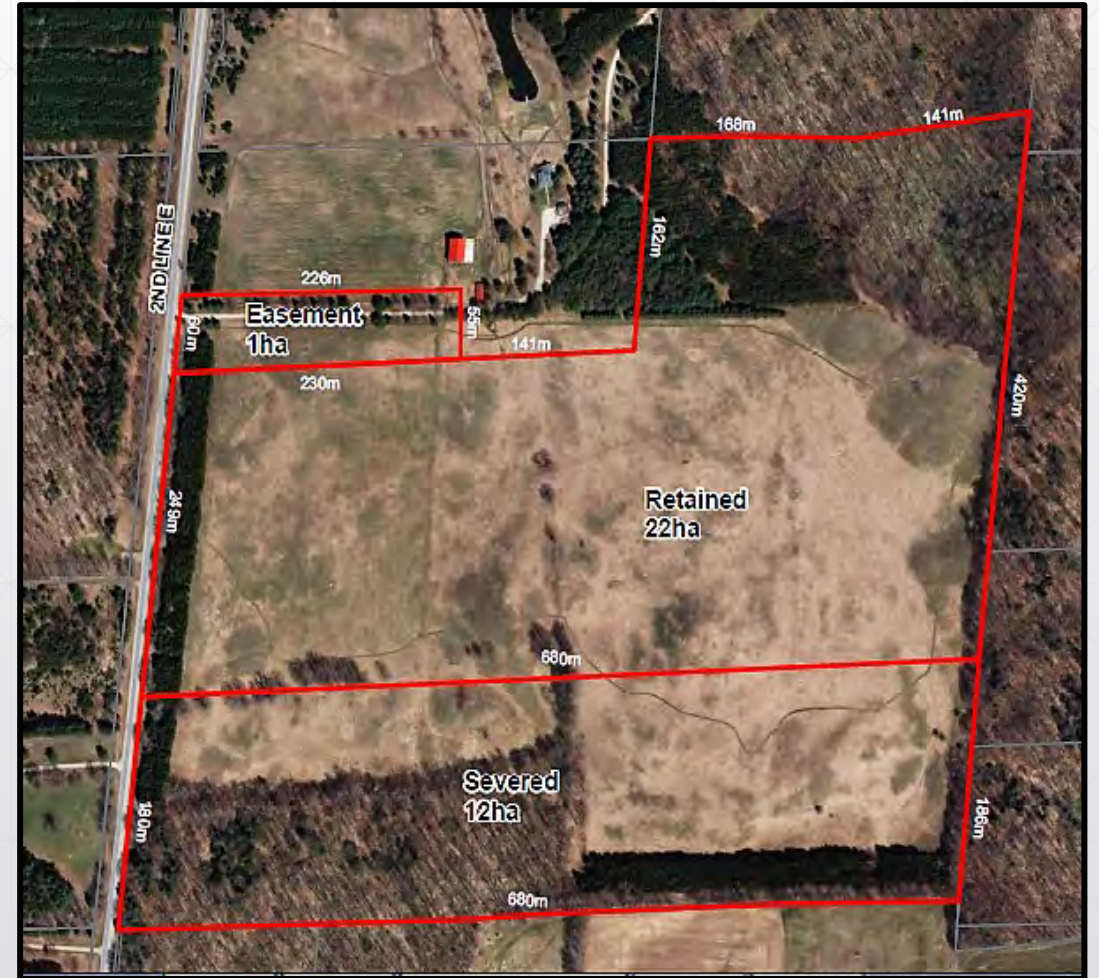
- To create an easement for access purposes on a 1 hectare portion with a frontage of 60 metres and a depth of 226 metres.
- The existing entrance and laneway is in favour of 757235 2nd Line East.



PROPOSED CONSENT – 757235 2ND Line East

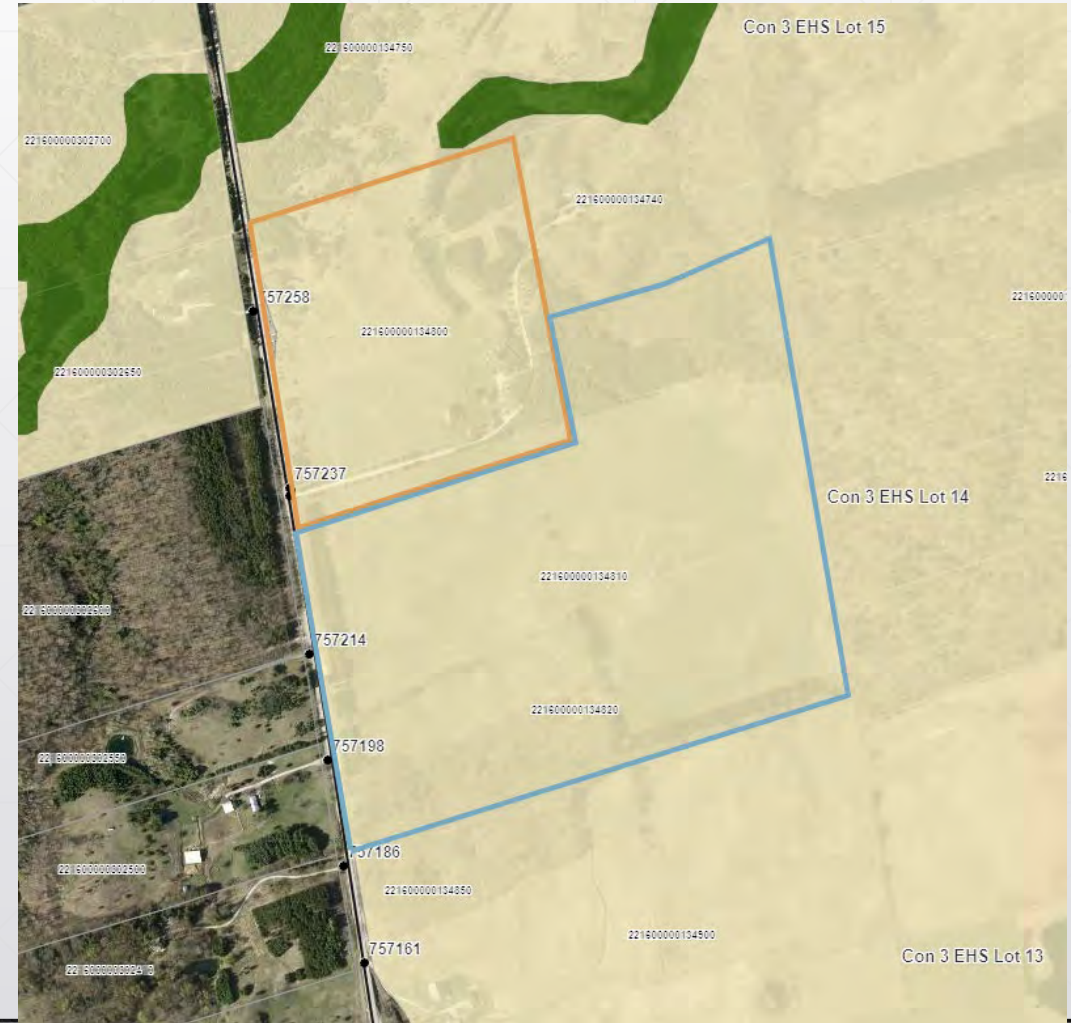
Site Location: 757235 2nd Line East

- To sever a rural parcel of land with a lot area of 12 ha and a lot frontage of 180 m onto 2nd Line East.
- To retain a rural parcel with a lot area of 22 ha and a lot frontage of 249 metres onto 2nd Line East.



OFFICIAL PLAN

ZONING BYLAW





CONCLUSION

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development conforms to the Growth Plan.
- The proposed development conforms to the County of Dufferin Official Plan.
- The proposed development conforms to the Township of Mulmur Official Plan.
- The proposed developments complies with the Zoning By-law Amendment, as amended.



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February 22, 2021

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

Dear Ms. Atkinson:

Re: Consent Applications
757235 2nd Line East, Township of Mulmur, County of Dufferin (Unger, Mark)
757233 2nd Line East, Township of Mulmur, County of Dufferin (Unger, Zoe)
Our File: UNG.42120

We act as planners on behalf of Zoe Unger and Mark Unger to provide planning services in connection with applications for two consent application with respect to the aforementioned properties. Please find enclosed two applications for consent.

The subject lands are known as 757235 2nd Line East, Township of Mulmur, County of Dufferin and 757233 2nd Line East, Township of Mulmur, County of Dufferin. The subject lands have lot areas of 34 hectares and 14.5 hectares respectively.

Legal Descriptions as follows,

757235 2nd Line East legally known as PT LT 14, CON 3 EHS, PTS 2 & 3 & PT OF PT 1, 7R4317 ; MULMUR

757233 2nd Line East legally known as PT LTS 14 & 15, CON 3 EHS, PTS 4 & 5 & PT OF PT 1, 7R4317 ; MULMUR
SUBJECT TO AN EASEMENT IN FAVOUR OF PART LOT 15 CONCESSION 3 EHS BEING PART 7 7R4317 EXCEPT
PART 1 7R6464 AS IN DC191700

The following are the consent proposals:

Consent 1 - 757233 2nd Line East, Township of Mulmur

- To create an easement for access purposes on a 1 hectare portion with a width of 60 metres where the existing entrance and laneway is, in favour of 757235 2nd Line East.

Consent 2 – 757235 2nd Line East, Township of Mulmur

- To sever a rural parcel of land with a lot area of 12 hectares with a lot frontage of 180 metres and to retain a rural parcel with a lot area of 22 hectares and a lot frontage of 249 metres.

UNG.42120

1



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The lands are designated Rural within the Township of Mulmur Official Plan and are zoned Countryside(A) within Zoning By-law 28-2018. The lands include rural lands and woodlands. The property located at 757233 2nd Line East is built upon with a residence, garage, two outbuildings and a pond. There is a residential building currently under construction on the second property located at 757235 2nd Line East.

The easement would allow an existing access to be utilized by 757235 2nd Line. It is important to note that there is existing access to 757235 2nd Line, however by utilizing the existing laneway on 757233 2nd Line it alleviates another significant laneway being installed.

The following outlines the details of the consent proposals:

Consent A: Easement (757233 2nd Line East)

	Subject Lands	Severed Parcel (Easement Only)	Retained Parcel
Frontage (m)	404 m	60 m	344 m
Area (ha)	14.5 ha	1 ha	13.5 ha
Depth (m)	362 m	226 m	362 m

Consent B: Lot Severance (757235 2nd Line East)

	Subject Lands	Severed Parcel	Retained Parcel
Frontage (m)	429 m	180 m	249 m
Area (ha)	34 ha	12 ha	22 ha
Depth (m)	680 m	680 m	680 m

Planning Analysis

A review of planning documents must be undertaken in order to determine compliance of the applications to the Planning Act as well as the provincial and municipal planning documents. A review of the proposed Consents in regards to the applicable planning documents made the following conclusions:

1. The proposed applications have regard for matters of provincial interest (Section 2 of the Planning Act, 1990).
2. The proposed applications are in the public interest.
3. The proposed applications are consistent with the Provincial Policy Statement 2020.
4. The proposed applications conform to the County of Dufferin and Township of Mulmur Official Plan.



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

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

Planning Act

The Planning Act must be considered when reviewing development applications. In consideration of the proposed Consent, Sections 2 (Provincial Interest), 3 (Provincial Plans) and 53 (Consents) of the Planning Act apply.

Section 2 requires that regard be given to matters of "Provincial Interest" one of which is the protection of Agricultural Resources. The first consent will create a rural lot on 12 hectares. The severed lands are vacant. A new residence is under construction on the retained parcel. The second consent will create an easement for access on an existing laneway.

Section 3 (5) (a) of the Planning Act requires that decisions affecting planning matters must be consistent with policy statements and conform to provincial plans that are issued under the Act. In regard to the proposed application, the Provincial Policy Statement (PPS) 2020 applies and is addressed in the following section.

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

Further details of the suitability of the site for the proposed development, the suitability of the proposed location, the availability of services and conformity to plans and policies are provided within this report.

Conclusion: The proposed applications meet the requirements of the Planning Act.

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) provides provincial policy direction on matters of provincial interest related to land use planning and development, promoting a policy-led planning system that recognizes the importance of appropriate development. The PPS directs growth and development to settlement areas in order that efficient development patterns may optimize the use of land, resources and infrastructure while protecting resources of provincial interest, public health and safety and the quality of the natural and built environment and facilitating economic growth.

A review of the PPS identified relevant policies within **Section 1.0** that guide land use in Rural Areas.

- **Rural Areas in Municipalities**

The policies in Section 1.1.4 generally guide growth and development in Rural Areas in such a way as to support the rural economy, the efficient use of infrastructure and provision of housing in rural areas and promote regeneration of the rural area while preserving the rural character and natural areas.



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The consent application does not propose new development and, therefore, will have minimal if any impact on the rural area surrounding the Subject Property.

The proposed lot configuration creates a rural lot that meets the minimums within the zoning bylaw. The site would accommodate the necessary building envelope and private services.

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

Township of Mulmur Official Plan

The Subject Lands are designated as Rural within the Official Plan. The consent policies for new lots provide the following,

- The creation of the maximum of three new lots from each and every original Township half-lot is not necessarily appropriate. Although it may not be possible or necessary to adhere to each and every one of the following guidelines which are applicable to a specific situation, preference will be given to proposals which demonstrate that a reasonable effort has been made to achieve compliance and/or where there is a clear opportunity to enhance compliance through the imposition of appropriate conditions of severance, with the owner's agreement and at the owner's expense. Lots may not necessarily be approved if clearly superior opportunities to create lots that better achieve conformity with the guidelines exist elsewhere within the original Township half-lot, regardless of ownership;

The subject lands have a lot area of 34 ha. The original 40 ha would have two lots created.

- Variations in the size and configuration of lots created within each original Township half-lot, and variations in lot frontages and front and side yard setbacks are encouraged;

The proposed lot would be 12 ha in lot area and would not follow the original township lot line. This overall area is a mix of lot sizes.

- Lot creation shall take into account the unique physical and environmental characteristics and features of the parcel from which each new lot is created, to ensure that both the severed and retained portions have superior building sites upon which development can occur in a manner which does not predominate over or appear out of character with the rural and natural surroundings.

The proposed lot would extend to the rear lot line. It would not bisect the woodland area which is located in the northeast corner and the southwest corner. Each of these areas would be maintained as is. The retained site is currently being built upon. The severed parcel would maintain a development envelope in generally close proximity to 2nd Line East.

- Consideration shall be given to the existing lot pattern and the cumulative impacts of potential lot creation under these policies on adjacent parcels on each side of the lot being severed and on the opposite side of the road to ensure that the development pattern remains random and that the creation or subsequent development of both existing and new lots does not result in the appearance of a residential cluster or strip development.



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The proposed lot and easement are not expected to affect any adjacent lands. The building envelope on the severed parcel would not be in close proximity to an adjacent residence or lot. There is woodlands to the south part of the lot separating it from landowners to the south.

- Screening of the building envelope from view from adjacent roads and from existing developments on adjacent lots shall be encouraged and, in some cases, may be required as a condition of severance. Lots which provide natural screening of the building site by means of vegetation and/or topographic relief are preferred.

This does not imply a requirement that the dwelling must be completely obscured from view from roads in both directions, or from adjacent residences or building sites.

The proposed severed parcel would be buffered from adjacent lands to the south, and there is a significant distance from the residence being constructed on the retained parcel. Lands to the west are setback off of the road.

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

Township of Mulmur Zoning By-law

The lands are zoned Countryside (A). There is a residential building currently under construction on site. The property surrounding the residential build site is primarily comprised of fields, which are being leased out for agricultural purposes. The proposed lot creation maintains the Countryside (A) zone provisions related to lots over 8 ha.

The following is a zoning conformity chart identifying the required and proposed zoning provisions.

	Countryside (A) Zone	Severed	Retained
Min. Lot Area	8+ ha	12 ha	22 ha
Min. Lot Frontage	100 m	180 m	249 m
Min. Front Yard	30 m	To be met.	225 m
Min. Side Yard (Interior)	20 m	To be met.	32 m
Min. Side Yard (Exterior)	30 m	Not Applicable	217 m
Min. Rear Yard	20 m	To be met.	425 m
Maximum Height	10.5m	To be met.	Two storeys
Maximum Lot Coverage	5%	To be met.	0.7%

Conclusions

In conclusion and based upon the above reporting, it is our opinion that both of the proposed consent applications conform to the Official Plan and are consistent with the Provincial Policy Statement. The applications also meet the zoning standards of the Countryside (A) zones as required.



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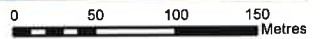
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loftplanning.com

It is our opinion that the proposal for consents has merit and represents good planning.

Respectively,

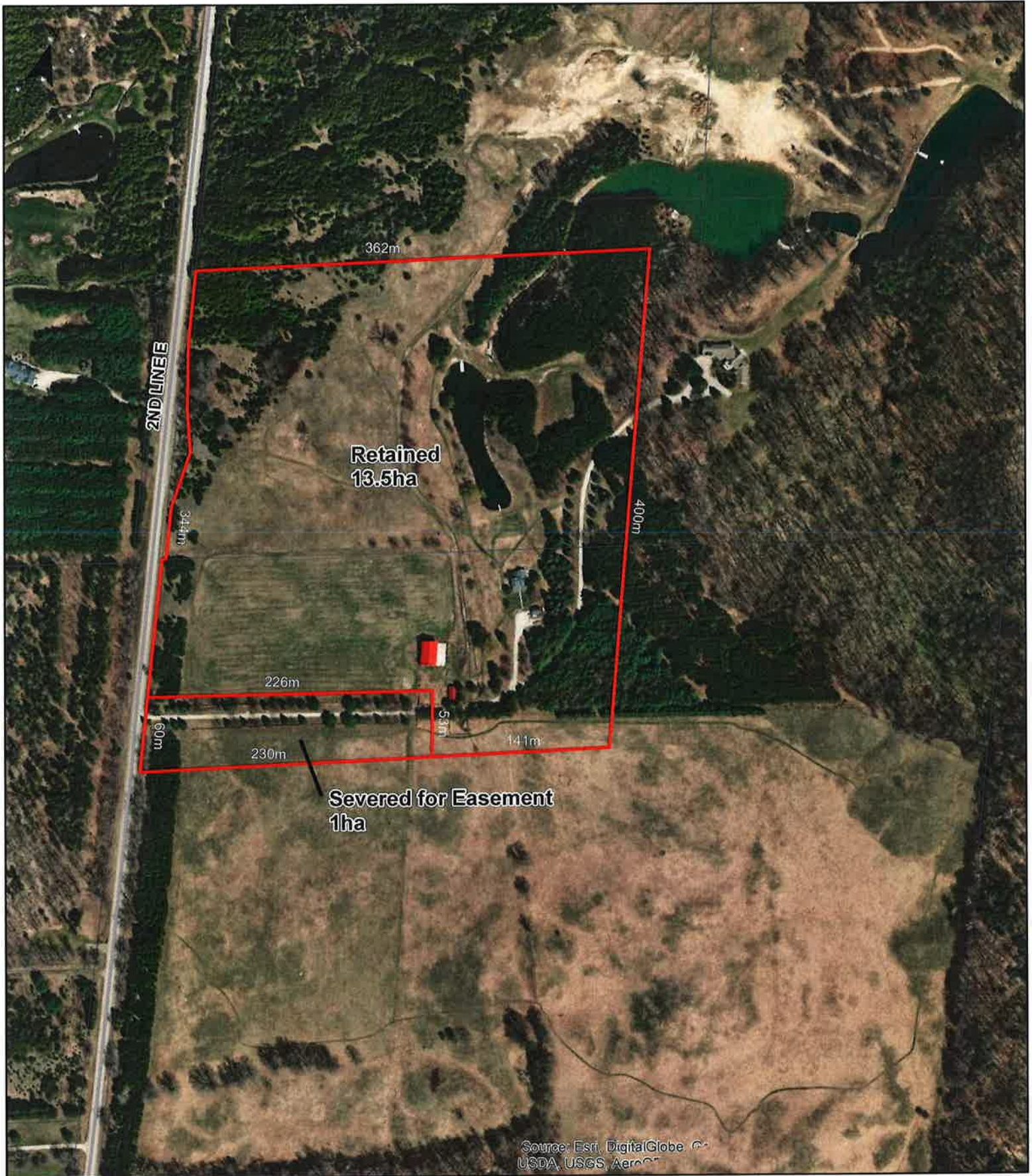
Loft Planning Inc.
Kristine A. Loft, MCIP RPP
Principal

Consent Sketch 1 – 737233 2nd Line East
Consent Sketch 2 – 737235 2nd Line East



Consent Sketch
File: UNG.42120
PT LT 14, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur





Consent Sketch
File: UNG.42120
PT LT 14&15, CON 3 EHS, PTS 2 & 3
& PT OF PT 1, 7R4317
Township of Mulmur





PLANNING REPORT

TO: COMMITTEE OF ADJUSTMENT
FROM: Tracey Atkinson, BES MCIP RPP & Dustin Early
MEETING DATE: May 12, 2021
SUBJECT: B3-2021 Unger Consent Application – Severance
 B4-2021 Unger Consent Application - Easement

FILE NO(s)	B3-2021 & B4-2021
ROLL NO(s)	221600000134800 221600000134810 & 221600000134820
OWNER(S)	Mark Unger Zoe Unger
LOCATION / LEGAL DESCRIPTION(S):	757235 2 nd LINE E CON 3 EHS, PT LOT 14, PTS 2 & 3 & PT OF PT 1, 7R4317 757233 2 nd LINE E CON 3 EHS, PT LOTS 14 & 15, PTS 4 & 5 & PT OF PT 1, 7R4317; SUBJECT TO AN EASEMENT IN FAVOUR OF PT LOT 15 CON 3 EHS BEING PART 7 7R4317 EXCEPT
OFFICIAL PLAN:	Rural
ZONING:	Countryside Area (A)
NEC/Greenbelt:	N/A
NVCA Regulated:	Yes (beyond regulated area)
Application Submission Date:	March 3, 2021
Public Meeting Date:	May 12, 2021

PURPOSE

The applicants are seeking to sever a merged property that resembles the previous lot configuration that was originally established in a historical severance application.

An easement created on 757233 2nd line E at the existing entrance would act as the entrance and driveway in favour of 757235 2nd Line East.

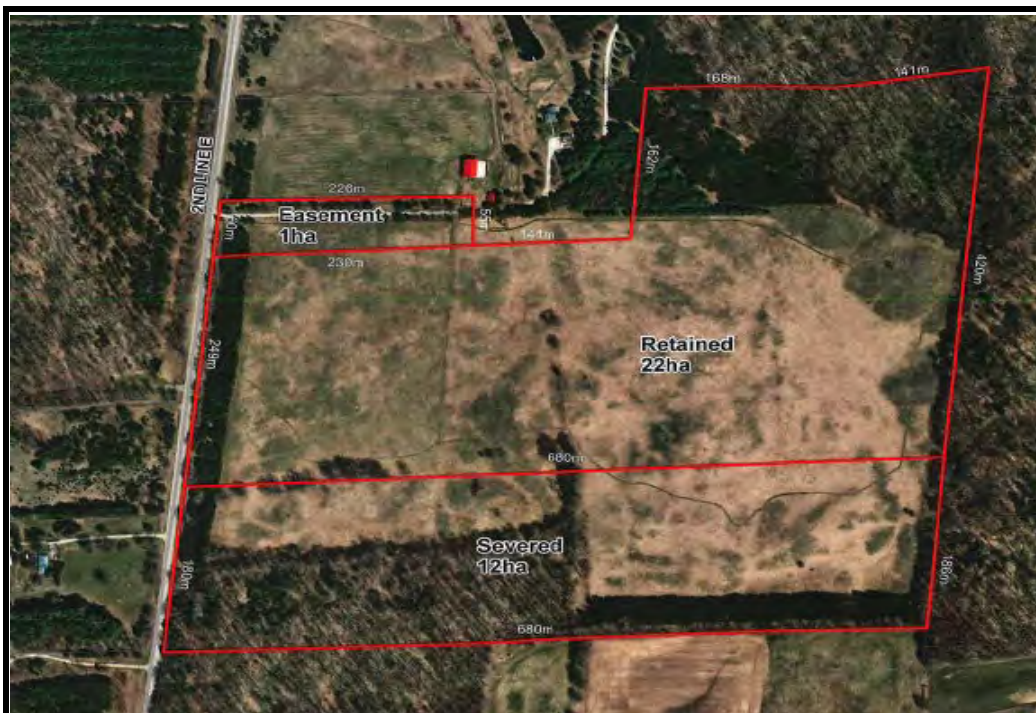
EXISTING AND PROPOSED CONFIGURATIONS B3-2021

The existing lot configuration and conditions are illustrated on Figure 1. Please note that the existing parcels have been merged at the Land Registry into a single 34 ha parcel. The proposed severance is reflected on Figure 2.

Figure 1: 757235 2nd Line Existing Lot Configuration



Figure 2: 757235 2nd Line Proposed Severance



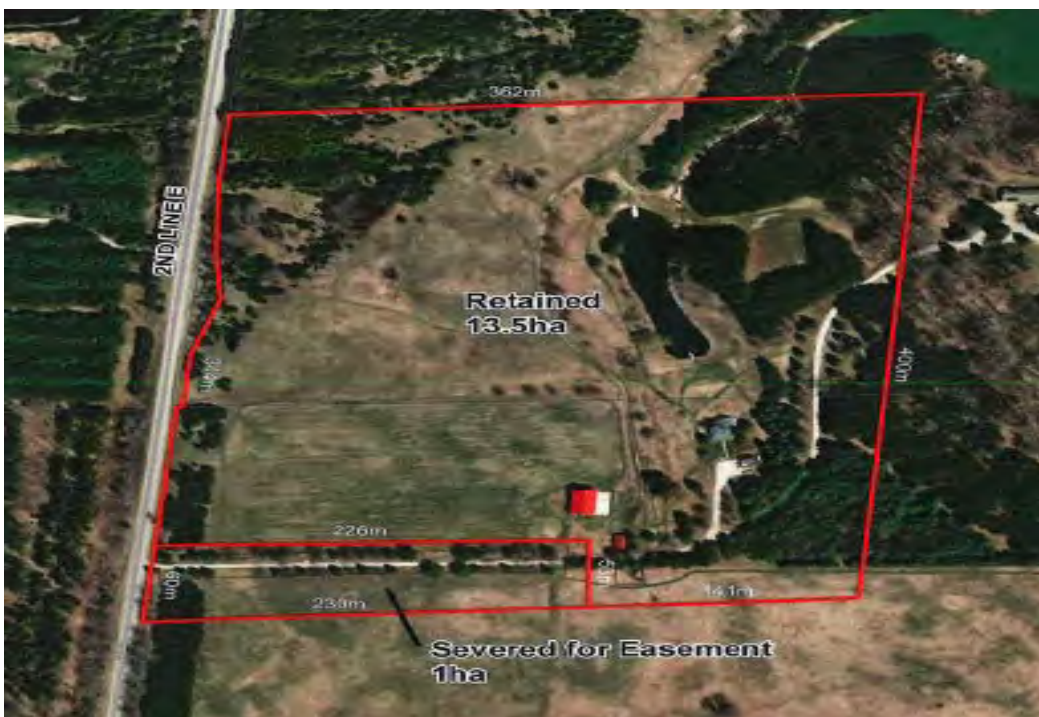
EXISTING AND PROPOSED CONFIGURATIONS B4-2021

The existing lot configuration and conditions are illustrated on Figure 3. The proposed easement is reflected on Figure 4.

Figure 3: 757233 2nd Line Existing Lot Configuration



Figure 4: 757233 2nd Line Proposed Easement



BACKGROUND

The two subject properties are located at 757233 2nd Line E and 757235 2nd Line E Township of Mulmur.

757235 2nd Line E was severed in 1995 (B20-1995) to form 2 parcels R#1-34810 & R#1-34820 of lot areas approximately 19 hectares and 15 hectares respectively and visible in Figure 1 in blue. Application B3-2021 seeks to sever the merged 34 hectare parcel into two separate parcels that resemble the original parcel configuration. The severed parcel of land would be approximately 12 hectares with the retained lot being 22 hectares as depicted in Figure 2 in red.

757233 2nd Line E currently has an existing easement registered on title established through B6-2016 that favours 757237 2nd Line E (R#1-34740) with both properties identified in Figure 3 in blue. The proposed easement is identified in Figure 4 and would be established in favour of 757235 2nd Line E for the residence currently being built. While the lot does have road frontage, the easement would prevent the establishment of an entrance and driveway.

PLANNING POLICIES & PROVISIONS:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages and guides the growth of Rural areas to support the rural economy (1.1.4)

On Rural lands permitted uses includes residential development, including lot creation, that is locally appropriate (1.1.5).

This application does not propose new development. The impact on the Rural areas would be minimal and conforms to the Provincial Policy Statement.

Growth Plan (August 2020)

The Growth Plan builds on the PPS together with other Provincial Plans to inform decision-making regarding growth management and environmental protection particular to the GGH. The Growth Plan provides high-level policy direction relating to the development of healthy, safe, and balanced communities.

Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area businesses. As well new lots may be allowed on rural lands with approved zoning and an official plan that supports it (2.2.9)

The application conforms to the policies and intent of the Growth Plan.

Niagara Escarpment Plan (2017)

The purpose of the Niagara Escarpment Plan (NEP) is to provide for the maintenance and protection of the plan's areas, and to ensure that development is compatible with the natural environment.

The subject lands are located outside of the plans area. The NEP does not apply.

Strategic Plan

The application does not offend the Strategic Plan and would maintain the rural character of the area.

Official Plan

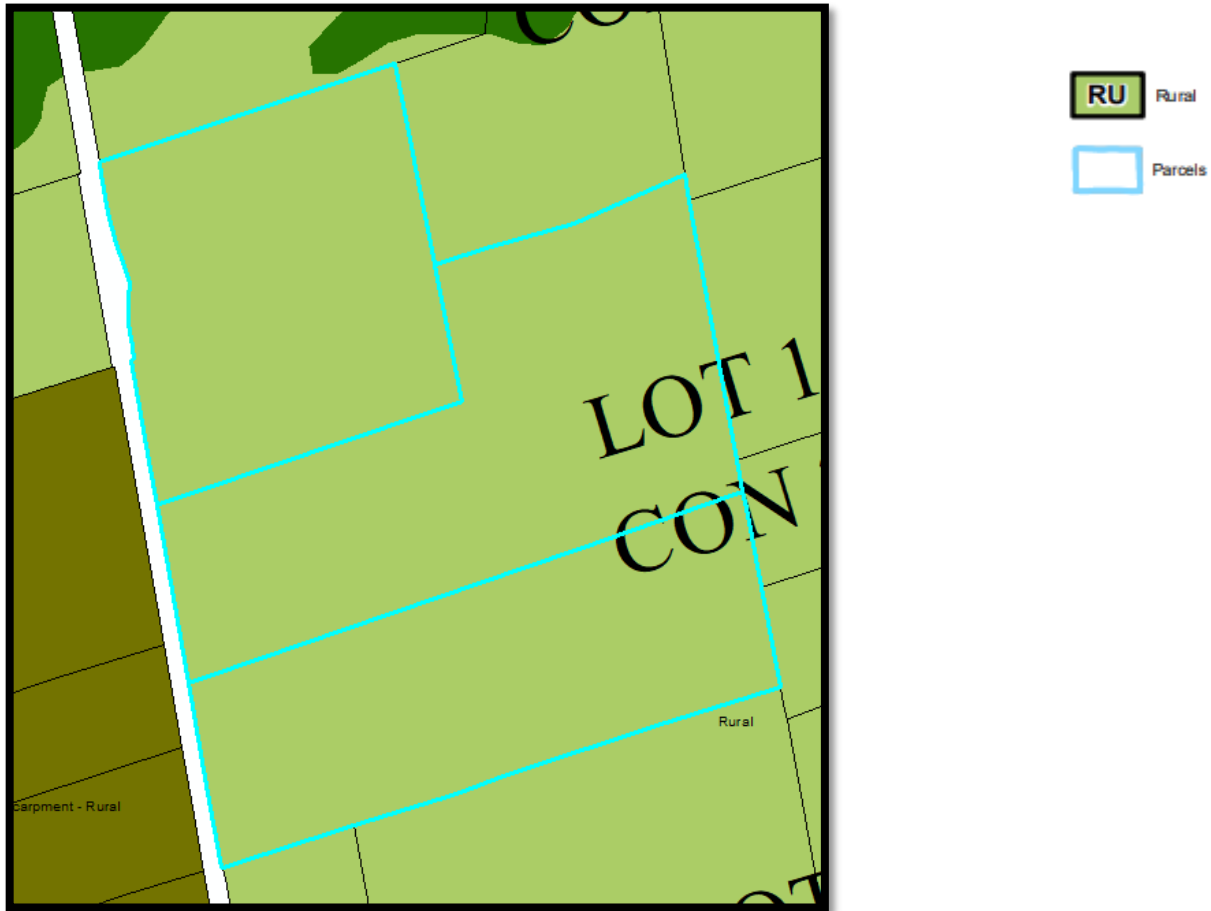
The lands subject to the application are designated by the Township's Official Plan as '*Rural*' on Schedule A1, illustrated in Figure 5.

In rural areas located in the Township, development shall be appropriate to the infrastructure which is planned or available. New land uses, including the creation of lots are permitted and that development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted. (5.8)

The creation of a maximum of three new lots from each and every original Township half-lot is not necessarily appropriate. Although it may not be possible or necessary to adhere to each and every one of the following guidelines which are applicable to a specific situation, preference will be given to proposals which demonstrate that a reasonable effort has been made to achieve compliance and/or where there is a clear opportunity to enhance compliance through the imposition of appropriate conditions of severance, with the owner's agreement and at the owner's expense. Lots may not necessarily be approved if clearly superior opportunities to create lots that better achieve conformity with the guidelines exist elsewhere within the original Township half-lot, regardless of ownership.

Considering the original 40 ha lot, there would only be two severances contributing to the maximum of three lots off the original half lot. Additionally, a similar severance was historically approved by the Committee of Adjustment.

Figure 5: Land Use Designation



Zoning By-law

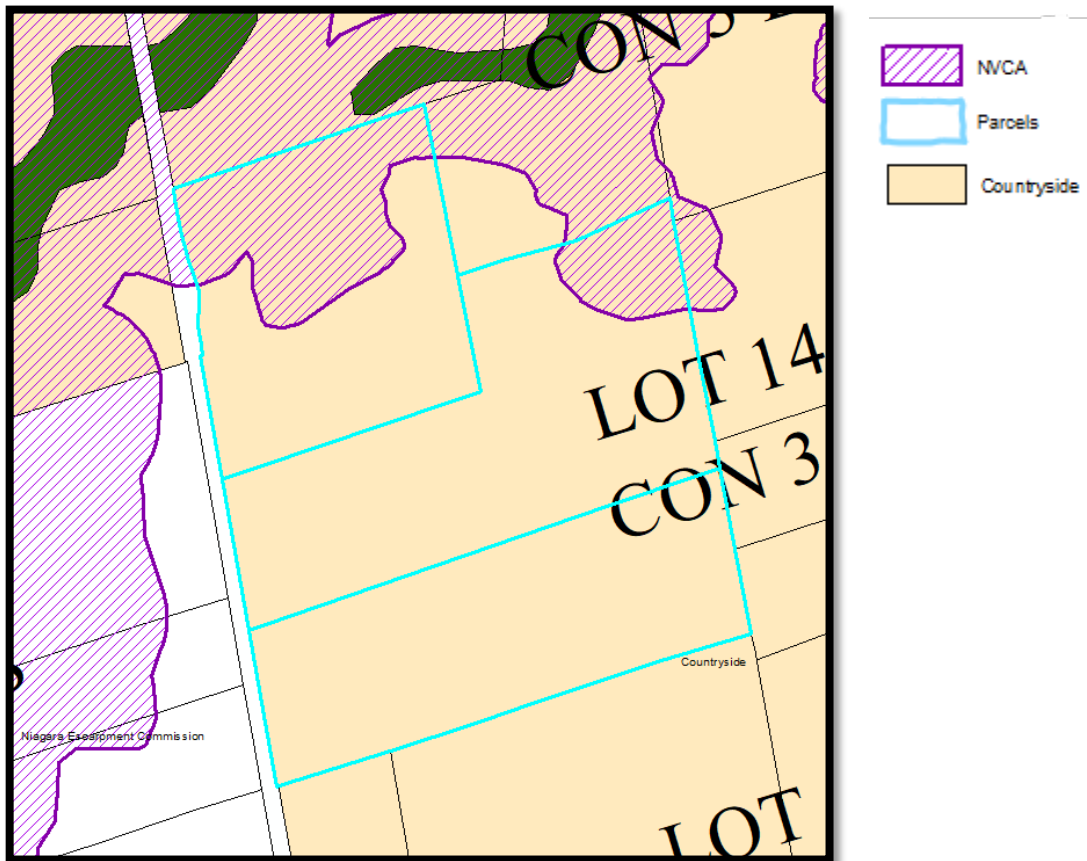
The subject lands are zoned '*Countryside Area (A)*' by Schedule A, illustrated on Figure 6.

Permitted uses includes single detached dwellings, agricultural uses, and agricultural-related uses.

Under section 4.1.2 of the Zoning By-law, lots within the Countryside Area (A) zone require a minimum lot frontage of 100 meters and a minimum lot area of 2.0 hectares (4.94 acres).

The proposed lots would meet the requirements of the Zoning By-law.

Figure 6: Zoning



FINANCIAL IMPACT:

The costs of processing with the application are borne by the applicants.

AGENCY & PUBLIC COMMENTS:

Public and agency comments are being provided as separate correspondence to this report.

RECOMMENDATIONS

The subject applications for a lot creation and easement are consistent with Provincial Policy and does not conflict with Provincial Plans. The application further conforms to the Township’s Official Plan and Zoning By-law.

Subject to agency and public comments, it is recommended that this application be approved with the conditions attached being fulfilled.

Respectfully submitted,

Tracey Atkinson

Tracey Atkinson, BES MCIP RPP
Planner

Dustin Early

Dustin Early
Planning Coordinator



Date: May 12, 2021
To: Committee of Adjustment
From: John Willmetts, Director of Public Works
Re: B3 & B4 2021 Unger

ROAD WIDENING SEVERED AND RETAINED

With respect to this application, I request that the Committee impose the following conditions

1. B3-2021 Acquire a road widening (3.05 metres) from the severed and retained portions.
2. B4-2021 Acquire a road widening (3.05 metres) from retained portion.

It would be advisable to impose this condition to allow the Township more flexibility to perform necessary road improvements in the future.

Yours truly,

John Willmetts

John Willmetts
Director of Public Works
Township of Mulmur



Site Visit

(Driveway Location)

Date: May 12, 2021
To: Committee of Adjustment
From: John Willmetts, Director of Public Works

Re: **B3-2021 Unger**

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

From: [Hall, Charleyne](#)
To: [Tracey Atkinson](#)
Subject: 519-21-154 - Consent Applications B3-2021 & B4-2021 - 757233 and 757235 2nd Line East
Date: April 7, 2021 1:32:44 PM

Good afternoon Tracey,

Bell Canada has no concerns with Applications for Consent B3-2021 & B4-2021 regarding 757233 and 757235 2nd Line East.

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 Barrie as traditional territory of Haudenosaunee and Anishnaabeg Peoples; part of the Upper Canada Treaties.](#)



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

FILE NO. B3-2021 Unger

RE: Consent Application

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 12, 2021:

That application No. B3-2021, submitted by Mark Unger for a lot creation from CON 3 E W PT LOT 14 RP 7R4317 PT 3 PT PT 1 and PT 2 (Roll 1-34810 / 1-34820), be approved, subject to the following:

- This consent applies to a lot creation of approximately 12 hectare (+/- 5%) rounded to two decimal places, having a minimum frontage of 180m and a depth of approximately 680m.
- Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
- The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
- Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
- Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
- The applicant shall, at his/her own expense, convey to the Municipality sufficient lands, being 3.05m, along the frontage on 2ND Line East, fronting the applicant's property to meet the requirements of the Township for road widening as well as any land between the travelled road and the municipal road allowance. Surveys are to be submitted to the Roads Department, for review and approval, prior to registration. Deeds are to be submitted to the Municipality, for review and approval, accompanied by a solicitor's certificate indicating that the title is free and clear of all encumbrances and the Municipality has a good and marketable title. A copy of the plan of survey depicting the widening shall be provided to the Municipality for their records. The Municipality shall be consulted prior to commencing a survey to determine the amount of road widening required. All diseased and dead trees and livestock fences shall be relocated to the satisfaction of the Director of Public Works
- That all conditions of consent be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.
- The solicitor for the owner of the subject lands shall provide an undertaking to make an application for consolidation within thirty days following registration of the deed for the resulting parcels, and to provide the Township with documentation which demonstrates that the consolidation has taken place, if required by the Township's solicitor.

REASON: Conforms to the Township's Official Plan.

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

I, **Tracey Atkinson**, Acting 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 Local Planning Appeal Tribunal is **May 12, 2021**.

NOTICE OF LAST DAY OF APPEALING TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT)

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 Local Planning Appeal 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 LPAT website at 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 Local Planning Appeal Tribunal as payable on an appeal from a Committee of Adjustment to the Board.

Tracey Atkinson, Clerk
Telephone: (705) 466-3341 Ext 222
tatkinson@mulmur.ca

Date of Mailing: **May 12, 2021**
Last day to appeal to LPAT: May **12**, 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. B04-2021 Unger

RE: Easement Application

The following decision was reached by the Committee of Adjustment for the Township of Mulmur at the meeting on May 12, 2021:

That application No. B4-2021 submitted by Zoe Unger on Part of Lot 14, Concession 3, for an easement be approved, subject to the following:

- This easement applies to an approximate 1.0 hectares, located along the south lot line of 757233 2nd Line E (being Roll No. 221600000134800) in favour of Roll No. 221600000134810.
Taxes and/or penalties must be paid in full up to and including the current fiscal year on all related properties, if the amount is known.
The deed for the subject severance must be presented to the Secretary Treasurer prior to one year after the date of decision; a copy of the consent decision to be kept on file at the Township solicitor's office.
Two paper copies of the registered plan of survey and one digital copy be provided, including documentation from the surveyor certifying that the digital copy was created from the same file that was used to plot the original paper copies. The digital copy shall be of a format to the Township's satisfaction. The paper copy shall be circulated to the Township for review prior to registration.
Compliance with all bylaws, including, but not limited to zoning, site plan and property standards.
That the language of the new easement is to the Township's solicitor satisfaction, and that all legal costs for such review be paid in full.
That all conditions be fulfilled within one year of the date of notice of decision where failure to do so will cause the application to be null and void.

REASON: Conforms to the Township's Official Plan.

Table with 2 columns: Yea, Nay. Rows for Ken Cufaro, Earl Hawkins, Kim Lyon, Bart Wysokinski, and an empty row.

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

I, Tracey Atkinson, Acting 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 Local Planning Appeal Tribunal is May, 2021.

NOTICE OF LAST DAY OF APPEALING TO THE LOCAL PLANNING APPEAL TRIBUNAL (LPAT)

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 Local Planning Appeal 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 LPAT website at 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 Local Planning Appeal Tribunal as payable on an appeal from a Committee of Adjustment to the Board.

Tracey Atkinson, Clerk
Telephone: (705) 466-3341 Ext 222
tatkinson@mulmur.ca

Date of Mailing: May, 2021
Last day to appeal to LPAT: May, 2021