



The Corporation of the Township of Dawn-Euphemia

COMMITTEE OF ADJUSTMENT AGENDA

CONSENT APPLICATIONS B007-24, B002-24, & B006-24

Tuesday, August 6, 2024 at 6:00 pm
Municipal Office, 4591 Lambton Line

1. **Call to Order**
2. **Disclosure of Pecuniary Interest**
3. **Minutes**
 - a) Approval of Minutes of July 15, 2024 Committee of Adjustment Meeting
4. **6:00 pm Public Meeting, Consent Application B007-24
Doug & Linda Crummy (Agent: Ed Stinson) Re: 481 Dawn Mills Road**
 - a) Application for Severance, B007-24
 - b) Public Notice, mailed July 12, 2024
 - c) Planning Report dated July 22, 2024 from Ezio Nadalin, County Planner (including comments from Dawn-Euphemia Public Works)
 - d) Comment received June 19, 2024 from Greg Botting, County of Lambton Technician
 - e) Septic Report dated July 12, 2024, from Corrine Nauta, County Building Services
 - f) Comment dated July 17, 2024 from St. Clair Region Conservation Authority
 - g) Committee's Draft Decision
5. **6:10pm Public Meeting, Consent Application B002-24
Allan & Diane Bergsma Re: 6522 Bilton Line (Parcel)**
 - a) Application for Severance
 - b) Public Notice, mailed July 12, 2023
 - c) Planning Report dated July 22, 2024 from Ezio Nadalin, County Planner

- d) Comment received June 19, 2024 from Greg Botting, County of Lambton Technician
- e) Septic Report dated July 12, 2024 from Corrine Nauta, County Building Services
- f) Committee's Draft Decision

**6. 6:20pm Public Meeting, Consent Application B006-24
Allan & Diane Bergsma Re: 6522 Bilton Line (Easement)**

- a) Application for Severance
- b) Public Notice, mailed July 12, 2024
- c) Planning Report July 22, 2024 from Ezio Nadalin, County Planner (including comments from Dawn-Euphemia Public Works)
- d) Committee's Draft Decision

7. Adjournment

The Corporation of the Township of Dawn-Euphemia

3a

RESOLUTION – COMMITTEE OF ADJUSTMENT

Date: August 6, 2024

Moved by:	Seconded by:	Recorded Vote:	
		Order	Vote
<input type="checkbox"/> A. Broad	<input type="checkbox"/> A. Broad	_____	_____ A. Broad
<input type="checkbox"/> A. Gray	<input type="checkbox"/> A. Gray	_____	_____ A. Gray
<input type="checkbox"/> P. LeBoeuf	<input type="checkbox"/> P. LeBoeuf	_____	_____ P. LeBoeuf
<input type="checkbox"/> M. McGuire	<input type="checkbox"/> M. McGuire	_____	_____ M. McGuire
<input type="checkbox"/> J. Meyer	<input type="checkbox"/> J. Meyer	_____	_____ J. Meyer

That the minutes of the July 15, 2024, Committee of Adjustment meeting be adopted. *Carried.*



The Corporation of the Township of Dawn-Euphemia

- M I N U T E S -

Committee of Adjustment Meeting
Monday, July 15, 2024
6:10 pm, Dawn-Euphemia Township Office, 4591 Lambton Line

Chairman: A. Broad

Committee Members: A. Gray
P. LeBoeuf
M. McGuire
J. Meyer

Staff Present: D. Clermont, Secretary
B. Stam, Deputy Clerk

Public Present: David Unsworth, Applicant
Michael Unsworth, Agent
Catherine Unsworth
Sabrina Clark

The meeting was called to order by Chairman Broad at 6:10 pm.

Disclosure of Pecuniary Interest

No pecuniary interests were disclosed.

2024-07 Moved by Marc McGuire- Seconded by Ann Gray

That the minutes of the May 21, 2024 Committee of Adjustment meeting be adopted. *Carried.*

Minutes, May 21, 2024

Recorded Vote	
Vote	
Y	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

Public Meeting: Consent Application B004-24
6:10 pm – 6:29 pm Applicant: David Unsworth (Agent: Michael Unsworth)

Chairman Broad called the public hearing to order, to consider Consent Application B004-24 made by David Unsworth, requesting a severance of a 0.81-hectare (2.0 acres) of land with a single-family dwelling, from a 40.2-hectare (99.25 acre) farm property described as Concession 1 Part Lot 24 (known locally as 1272 Mandaumin Road), in the Township of Dawn-Euphemia,

The Secretary-Treasurer confirmed that notice of this public meeting had been given by mailing notice to required property owners within 60 meters (200 feet) of the subject property and required agencies, as well as posting the notice in the Municipal Office, and by having the subject property posted by the applicant.

Chairman Broad confirmed that the following items of correspondence had been received regarding the subject application:

- a) Planning Report dated July 2, 2024 from Ezio Nadalin, County Planner (including comments from St. Clair Region Conservation Authority and Dawn-Euphemia Public Works)
- b) Septic Report dated July 2, 2024 from Corrine Nauta, Manager, Building Services, County of Lambton
- c) Comment received May 31, 2024 from Greg Botting, County of Lambton Technician

The Secretary-Treasurer confirmed that no comments had been received from the public or the Dawn-Euphemia Fire Chief, adding that any recommendations presented in the Planner's report had been included in the drafting of the decision for the Committee's consideration.

The meeting was open to anyone wishing to speak in opposition to, or in support of, the application. No one spoke in favour or against the application. The details of the draft decision were reviewed, and a copy of which had been included in the Committee's Agenda package.

Following the discussion, the Committee passed the following resolution:

2024-08 Moved by Paul LeBoeuf – Seconded by Mark McGuire

That consent application B004-24 made by David Unsworth, requesting a severance of a 0.81-hectare (2.0 acres) of land with a single-family dwelling, from a 40.2-hectare (99.25 acre) farm property described as Concession 1 Part Lot 24 (known locally as 1272 Mandaumin Road), in the Township of Dawn-Euphemia, be approved subject to the following conditions:

Decision B004-24

Recorded Vote	
Vote	
Y	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration, clearly showing the proposed lot and associated utility easements contained therein.
2. That a permanent easement be obtained on the retained parcel, in order to permit continued access to the waterline and hydro-electrical services by the severed lot.
3. That a Zoning Amendment be obtained to prohibit a dwelling on the retained farm property and to prohibit the continued and/or future housing of livestock in the existing barn. No existing livestock facilities shall have legal non-conforming status.
4. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.
5. That the water supply service be permanently disconnected from the home to the barn, such that each lot has independent water services and proof provided to the satisfaction of the Township.
6. That the hydro-electrical service to the home and barn obtain independent meter services and proof provided to the satisfaction of the Township.
7. That both the retained land and the severed lot have adequate access to the road allowance subject to the approval of the appropriate road authority, being Lambton County. The Township of Dawn-Euphemia recommends individual but conjoined driveways along the adjoining lot line, with an extension to the existing culvert to allow for a double-wide entrance spanning both frontages.

8. That the septic system location be included on the survey (plotted on a copy by the owner) and a copy provided to the County of Lambton Building Services Department for the property files
9. That the fee for the 911 address sign be paid and that the sign be placed on the severed parcel.
10. That the applicant enters into an agreement with the Township of Dawn-Euphemia for the costs associated with the re-apportionment of drainage assessments on the involved properties.
11. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents. Carried.*

Public Meeting: Consent Application B005-24
6:30 pm – 6:33 pm Applicant: David Unsworth (Agent: Michael Unsworth)

Chairman Broad called the public hearing to order, to consider Consent Application B005-25 made by David Unsworth, requesting a severance in favour of a permanent easement in order to recognize continued access to the waterline and hydro-electrical services on the lands described as Concession 1 Part Lot 24, in the Township of Dawn-Euphemia.

The Secretary-Treasurer confirmed that notice of this public meeting had been given by mailing notice to required property owners within 60 meters (200 feet) of the subject property and required agencies, as well as posting the notice in the Municipal Office, and by having the subject property posted by the applicant.

Chairman Broad confirmed that the following items of correspondence had been received regarding the subject application:

- a) Planning Report dated July 2, 2024 from Ezio Nadalin, County Planner (including comments from Dawn-Euphemia Public Works)

The Secretary-Treasurer confirmed that no comments had been received from the public, St. Clair Region Conservation Authority, the Dawn-Euphemia Fire Chief, or Lambton County Public Works Department, adding that any recommendations presented in the Planner's report had been included in the drafting of the decision for the Committee's consideration.

The meeting was open to anyone wishing to speak in opposition to, or in support of, the application. No one spoke in favour or against the application. The details of the draft decision were reviewed, and a copy of which had been included in the Committee's Agenda package.

Following the discussion, the Committee passed the following resolution:

2024-09 Moved by Ann Gray – Seconded by Jason Meyer

Decision B005-24

That consent application B005-25 made by David Unsworth, requesting a severance in favour of a permanent easement in order to recognize continued access to the waterline and hydro-electrical services on the lands described as Concession 1 Part Lot 24, in the Township of Dawn-Euphemia, be approved subject to the following conditions:

Recorded Vote	
Vote	
Y	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, and also in a form suitable for registration.
2. That the permanent easement be registered on title, on both the severed and retained parcels, in order to recognize the continued access to the waterline and hydro-electrical services.
3. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents. Carried.*

The Mayor advised the public of the appeal process.

2024-10 Moved by Paul LeBoeuf- Seconded by Ann Gray

Adjournment

That the Committee of Adjustment for Consent Applications B004-24 and B005-24 is hereby adjourned at this hour of 6:33 pm. *Carried.*

Recorded Vote	
Vote	
Y	A. Broad
Y	A. Gray
Y	P. LeBoeuf
Y	M. McGuire
Y	J. Meyer

Donna Clermont, Secretary-Treasurer

4

Meeting #1

6:00 pm

Doug & Linda Crummy
Severance

Application B007-24
481 Dawn Mills Road

Aug 6/24

4a



The Corporation of the Township of Dawn-Euphemia

4591 Lambton Line; RR 4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511 Email: clerk@dawneuphemia.on.ca
Website: www.dawneuphemia.ca

APPLICATION FOR CONSENT

OFFICE USE ONLY
DATE RECEIVED June 17, 2024
APPLICATION NO B007-24
ROLL NUMBER 006-220-67100
FEE PAID: YES NO

1.
(A) Name of Owner: Doug Crummy and Linda Crummy
Address: _____
E-mail address: _____
Telephone _____ Cell _____

(B) Name, address and telephone of Owner's Solicitor or Authorized Agent if applicable:

(C) Please specify to whom communications should be sent:
OWNER: SOLICITOR: () AGENT:

2.
(A) **TYPE AND PURPOSE OF APPLICATION:**
New Lot Correction of Title ()
Addition to Existing Lot () Mortgage ()
Easement () Right-of-way ()
Charge () Other ()
Lease ()

(B) If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased. Ed Stinson

3. **LOCATION OF LAND**
a) Concession #: 7 Lot #: 15
b) Registered Plan #: _____ Lot #: _____
c) Reference Plan # 25R: _____ Part #: _____
d) Municipal Address 481 Dawn Euphemia Rd

0/1

4. **DESCRIPTION OF LAND TO BE SEVERED:**

Definition: "Land to be Severed" refers to the land or interest in land you intend to convey, lease, mortgage, etc.

Frontage 47 m Depth 90 m Area 2.23 Hect.

Existing Use: farm land

Proposed Use: residential

Existing buildings and structure (specify): none

Proposed buildings or structures (Specify): house

5. **DESCRIPTION OF LAND TO BE RETAINED:**

Definition: "Land to be Retained" refers to the land or interest in land you intend to keep.

Frontage _____ Depth _____ Area 40.7 approx

Existing Use: _____

Proposed Use: farm land

Existing buildings and structure (specify): None

Proposed buildings or structures (Specify): None

6. Number of new lots (not including retained lot) proposed: one

7. Are there any easements or restrictive covenants which affect the subject land? Yes () No (X)

If yes, please provide a description of the easement or restrictive covenant and its effect on the land.

8. Official Plan Designation(s) which applies to subject land: Hamlet + Agriculture

9. **ACCESS:**

a) <u>Type of Access</u>	<u>Severed</u>	<u>Retained</u>
Provincial Highway	()	()
A Municipal Road that is maintained year round	<input checked="" type="checkbox"/>	()
A Municipal Road that is maintained seasonally	()	()
A Right-of-way	()	()

b) If the access to the subject land is by water only, please state the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. **WATER SUPPLY**

What type of water supply is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Publicly owned & operated piped water supply	<input checked="" type="checkbox"/>	()
Privately owned and operated individual or communal well	()	()
Lake or other water body	()	()
Other (Specify)	()	()

11. **SEWAGE DISPOSAL:**

What type of sewage disposal is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Public owned and operated sanitary sewage system	()	()
Privately owned and operated individual or communal septic system	<input checked="" type="checkbox"/>	()
If a private system is proposed, has a certificate of approval been issued by the County of Lambton	Yes ()	No ()
Pit Privy	()	()
Other (Specify)	()	()

12. When will water supply and sewage disposal services be available? upon permit

13. If known, state whether the subject land is the subject of any other application under the Act, such as an application for approval of an official plan or plan amendment, a zoning by-law amendment, a Minister's zoning order amendment, a minor variance, a consent (severance) or approval of a plan of subdivision.

Please provide the file # of the application and the status of the application.

File #: _____ Status: _____

14. If known, state whether the subject land has ever been the subject of an application for approval of a plan of subdivision, under Section 51 of the Act, or a consent (severance), under Section 53 of the Act.

File #: _____ Status: _____

15. Is the subject land within an area of land designated under any provincial plan or plans.

If the answer to the above is yes, does the application conform to or does it conflict with the applicable provincial plan or plans.

16. The current Zoning of the subject land in the applicable Zoning By-Law A2 - Agricultural

17. Has any land been severed from the parcel originally acquired by the owner of the subject land?

If yes - date of transfer _____ Name of the transferee _____

Uses of the severed land _____

18. **SEVERANCES IN RURAL AREAS:**

Note: This section is to be completed only for applications in Rural or Agricultural Areas.

a) Is the severance intended to provide a residential lot? Yes No ()

i) Why? Proposed home

b) Are there any barns located on the subject lands or within 1 km of the subject lands?
Yes () No

If the answer is "yes", provide the following information for each barn (use additional pages if necessary):

-Type of Livestock _____

-# of Current Livestock _____

-Potential Housing Capacity _____

-Type of Manure Storage _____

-9-1-1 Address _____

-distance to proposed new lot line _____

19. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application is required.

*** To be signed in front of the Township Official.**

Dated at the Township of Dawn-Euphemia this 17 day of June, 2024.

I/We Naey & Linda Penson of the Township of Dawn-Euphemia, in the County of Lambton solemnly declare that all the statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(Signature) of applicant, solicitor or authorized agent

(Signature) of applicant

DECLARED before me at Township of Dawn-Euphemia in the County of Lambton this 17 day of June, 2024.

A Commissioner, etc. _____

Brooklyn Stam, Deputy Clerk
Commissioner for the
Township of Dawn-Euphemia
Province of Ontario

LAMBTON LINE

N

4553

R1

38A

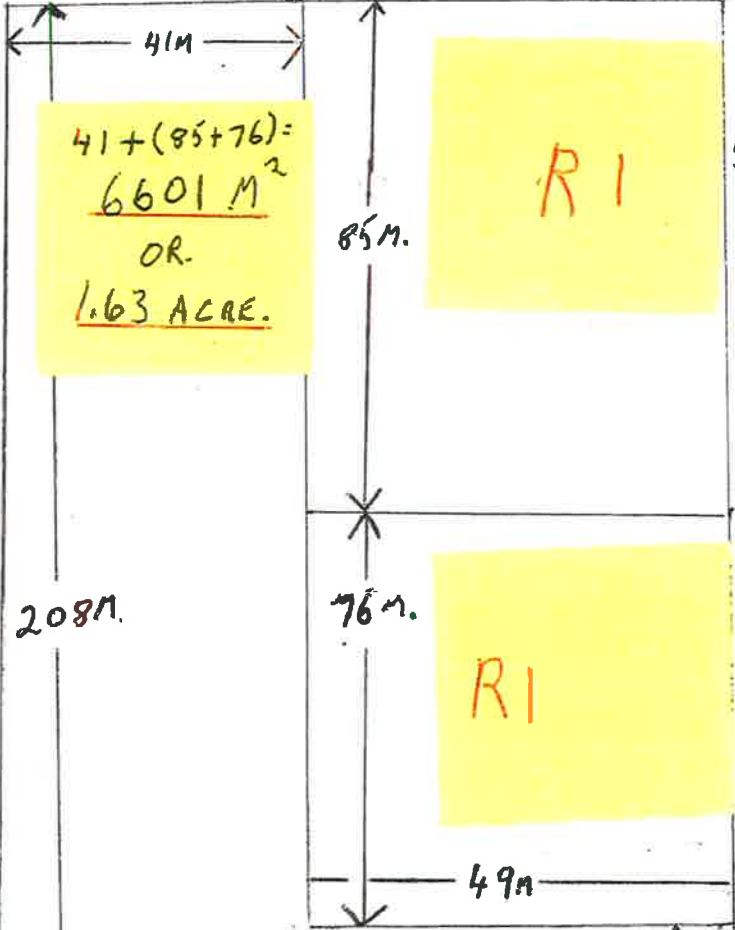
ASSESSMENT
Roll #

80600602007700

44.5 ACRE

180104.75 M²

DEEP DITCH



$$41 + (85 + 76) =$$

$$\underline{6601 \text{ M}^2}$$

OR.

$$\underline{1.63 \text{ ACRE}}$$

R1

501

85M.

76M.

R1

485

208M.

49m

90M

47M

$$90 \times 47 =$$

$$\underline{4230 \text{ M}^2}$$

OR.

$$\underline{1.045 \text{ ACRE}}$$

R1

477

RUTHERFORD

DAWN MILLS ROAD

TOTAL AREA.

$$\underline{6601 \text{ M}^2} + \underline{4230}$$

$$\underline{10831 \text{ M}^2} \text{ OR}$$

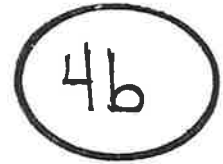
$$\underline{2.67 \text{ ACRE}}$$

481 Dawn Mills Road – Con 7 N PT Lot 15





The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line
RR 4 Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511
Email: admin@dawneuphemia.on.ca



**PUBLIC NOTICE
SEVERANCE APPLICATION
COMMITTEE OF ADJUSTMENT**

APPLICATION NO. B-007/24

TAKE NOTICE that a consent application has been made by Doug and Linda Crummy with respect to lands described as Concession 7, Part lot 15, Dawn-Euphemia Township (known municipally as 481 Dawn Mills Road). The applicant proposes to sever a 1.08 hectare (2.67 acre) rural residential lot while retaining the vacant farm parcel of 17.1 hectares (40.7 acres).

The corresponding re-zoning application will require the applicant to rezone both properties with the retained land rezoned from the "Agricultural 2 (A2) Zone" to "Exception 4 to the Agricultural 2 (A2(4)) Zone" and the severed property re-zoned from the "Agricultural 2 (A2) Zone" to the "Residential 4 (R4) Zone". The two zoning changes would recognize the change in use of both properties and formally recognize the further reduction of the remaining undersized agricultural property.

AND FURTHER TAKE NOTICE that the Committee of Adjustment for the Township of Dawn-Euphemia has appointed Tuesday, August 6, 2024, at 6:00 p.m. for the purpose of a public hearing into this matter, to be held in the Township of Dawn-Euphemia Municipal Office, 4591 Lambton Line, RR 4, Dresden, Ontario. Signed, written submissions regarding the application will be accepted by the Secretary-Treasurer prior to or during the hearing.

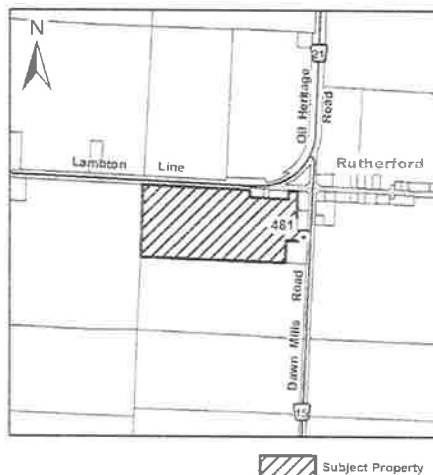
If you wish to be notified of the decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary - Treasurer of the Committee of Adjustment at the address noted below.

If a person or public body that files an appeal of a decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent does not make written submission to the Township of Dawn-Euphemia Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal (OLT) may dismiss the appeal.

If you are aware of any persons interested or affected by this application who have not received a copy of this notice, it would be appreciated if you would so inform them.

Additional information regarding the application and copies of this notice will be available to the public for inspection at the Township of Dawn-Euphemia Municipal Office, from 8:30 a.m. to 4:30 p.m., Mondays to Fridays.

Dated at the Township of Dawn-Euphemia this 12th Day of July, 2024.



Donna Clermont
Secretary-Treasurer
Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line, RR 4
Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511

Email: clerk@dawneuphemia.on.ca

4c



PLANNING AND DEVELOPMENT SERVICES REPORT



REPORT TO:	TOWNSHIP OF DAWN EUPHEMIA COMMITTEE OF ADJUSTMENT
PREPARED BY: (COUNTY)	Ezio Nadalin, Planner
APPROVED BY: (COUNTY)	Corrine Nauta, Dipl. M.A., Dipl. M.M., CBCO Acting Manager, Planning & Development Services
REPORT DATE:	July 22, 2024
MEETING DATE:	August 6, 2024
IN CAMERA:	Open Session
SUBJECT:	Agenda Item: B-007/24, and Z004/24 Consent to Sever and ZBA – 481 Dawn Mills Road CON 7, N PT LOT 15 Owners: Doug and Linda Crummy Agent: Ed Stinson

SITE PHOTO



EXECUTIVE SUMMARY:

With regards to Application **B004/24**, the owner of 481 Dawn Mills Road is seeking consent to sever 1.0 hectare (2.48 acres) of land thereby creating a remnant parcel of 17 hectares (42 acres). The subject property is partially located within the "Secondary Settlement Area" designation of the County of Lambton and the "Hamlet Area" designation of the Township of Dawn-Euphemia Official Plan.

This application is **not** a surplus farm dwelling severance application. This is a **lot in-fill** proposal that is permitted in the Township of Dawn-Euphemia Official Plan (Sect. 9.1).

It should be noted that the subject property has been severed on three previous occasions, **B009/04**, **B158/78** and **B048/78**. Some of these earlier severances likely pre-date today's PPS policies which are much more restrictive.

With regards to **Z004/24** the proposed re-zoning would require the applicants to obtain a proposed re-zoning that would change the zoning of the **retained** land from "Agricultural 2 (**A2**) Zone" to "Agricultural 2 (**A2(4)**) Zone" and the **severed** property re-zoned from "Agricultural 2 (**A2**) Zone" to the "Residential 4 (**R4**) Zone". The two zone changes would formally recognize the change in use of both properties and recognize the further reduction of the remaining undersized agricultural property.

BACKGROUND/SITE CONTEXT:

The site is located within the "Rutherford - Settlement Area". The property has direct access to both Lambton Line and Dawn Mills Road. The **severed** would now front onto Dawn Mills Road (see **SITE PHOTO**). Both the severed and retained parcels are currently vacant agricultural land (see **Diagrams 1 and 2**).

Diagram 1: Showing Proposed Parcel Severance – Macro View.



Diagram 2: Showing Proposed Parcel Severance – Micro View.



APPLICATION REVIEW – PLANNING ACT/PROVINCIAL POLICY STATEMENT:

Consent application **B007/24** meets the general intent and purpose of both the Planning Act and the PPS (provincial Planning Statement).

Subsection 2.3.3 of the PPS lists the permitted uses for the prime agricultural areas which include agricultural uses, agricultural-related uses, and on-farm diversified uses. **Subsection 2.3.3.3** requires the creation of new lots to comply with Minimum Distance Separation requirements (MDS). This proposal meets MDS as there are no active livestock facilities on the property or nearby.

According to **Subsection 2.3.4.1 (c)** of the PPS, the new lot must meet the minimum size requirements to accommodate the use, appropriate sewage and water services.

The proposed severed +/- 1 hectare (2.48 acre) lot exceeds the minimum required area of 0.8 ha (1.98 acres) for the Agricultural A1 zone as per the Township of Dawn-Euphemia **Table “A”** regulations and complies with **Subsection 2.3.4** of the PPS.

APPLICATION REVIEW – COUNTY OF LAMBTON OFFICIAL PLAN (OP):

The subject property is located within the “*Secondary Settlement*” growth area of the County of Lambton Official Plan and complies with **Subsections 3.2.4, 3.2.6, 3.2.11** and **3.3.2** of the Official Plan.

In particular:

(1.) **Subsection 3.2.4** which allows for limited growth in these areas provided development is limited to infilling and minor rounding out of existing development within the boundaries of the existing designations. In Secondary Settlements without full services or where full services are not practical or feasible, development may occur with municipal water and private septic systems.

(2.) **Subsection 3.2.6** which allows development within Secondary Settlements conditional upon compliance with the following conditions which can all be met, they include: (a) development must be limited to infilling, minor rounding out of existing development; or to address failed individual on-site sewage services in existing development; (b) site conditions must be suitable for the long-term provision of such services with no negative impacts; and (e) municipal sanitary sewage services are not practical or feasible.

Finally, with regards to lot creation **Subsection 10.4.1** allows for severances provided: (a) all lots are to front on a public road; (c) the creation of a lot will not result in a landlocked parcel; (d) the lot must be provided with adequate services, including the provision of a satisfactory sanitary sewerage system and a potable water supply; (g) the lot and its intended use must conform to the local municipality's zoning by-law. Where necessary, the consent granting authority may require appropriate zoning amendments or minor variances as a condition of approval; and (h) lots created by consent should neither create nor contribute to ribbon development along roads where services or development does not exist.

This application meets the intent and purpose of the County of Lambton Official Plan.

APPLICATION REVIEW – TOWNSHIP OF DAWN-EUPHEMIA OFFICIAL PLAN:

The subject property is designated "*Hamlet Area*" and "*Agricultural*" in the Township of Dawn - Euphemia Official Plan. The proposed severed property is partially located within the "*Hamlet Area*" designation of the Township of Dawn-Euphemia Official Plan. The adjacent properties to the east, west and south are all presently located within the Residential-4 (R4) zone.

Subsection 9.1 of the Township of Dawn-Euphemia Official Plan states that the policies of the Agricultural Area shall generally apply to rural clusters with the exception that consents may be granted for: the creation of a new lot for a single-detached dwelling; a lot addition to an existing undersized residential lot; or the extension of an existing industrial or commercial use.

In this case as the proposal would create a new rural residential lot which complies with this particular provision of the Township of Dawn – Euphemia Official Plan.

Subsection 9.3 (a), (b) & (d) of the Township of Dawn-Euphemia Official Plan also requires that: (a) The zone designation will be appropriately amended, which in this case will subsequently occur with the lot re-zoning to the R4 zone; (b) The new lot or lot addition is confined generally to the Rural Cluster limit established on the Zoning Schedule while also being contiguous to existing lots in the rural cluster and/or infilling between existing lots, which in this case occurs as the proposed lot is located within a cluster of R4 lots; (c) Appropriate separations and/or buffers are maintained between incompatible uses, which in this case would be maintained; and (d) new lots are serviced by a municipal water supply system, which in this case is available.

This application meets the intent and purpose of the Township of Dawn-Euphemia Official Plan.

APPLICATION REVIEW – ZONING BY-LAW:

With respect to Township of Dawn-Euphemia Zoning By-law 54 of 2014 the property is located within the “Agricultural-2 (**A2**) Zone”.

To address **Subsection 9.3 (a)** of the Township Official Plan, a re-zoning would be required for the severed lot. Once the re-zoning has been approved both the severed lot and retained lots would both comply with the requirements of the Township of Dawn-Euphemia Official Plan and correspondingly with the general intent of the Township of Dawn-Euphemia Zoning By-law.

The **severed** lot will be re-zoned **from** the “Agricultural- 2 (**A2**) Zone” **to** the “Residential-4 (**R4**) Zone”. The severed lot meets and/or exceeds all corresponding minimum frontage and minimum area requirements as the proposed lot would have a **frontage** of +/- 47 metres (154 ft.) whereas 45 metres is required and an **area** of +/- 1.0 hectare (2.48 acres) whereas +/- 0.8 hectares (2 acres) is the required minimum.

The **retained** lot would be re-zoned **from** “Agricultural 2 (**A2**) Zone” **to** the “Agricultural 2 (**A2(4)**) Zone” which would formally recognize the reduction of the remaining agricultural property to +/- 17 hectares (42 acres).

As a **Condition of Consent** approval, a Zoning By-law Amendment (**ZBA**) will be included. This would comply with PPS and local Planning document policies.

DRAFT ZONING BY-LAW AMENDMENT:

With respect to the proposed Zoning By-Law Amendment for the **severed** parcel, staff have prepared the attached draft by-law, and included associated text that will read as follows:

7.3.4 Agricultural 2 (4) A2(4) Zone

Notwithstanding all other Table “A” requirements the minimum lot size for CON 7, PT LOT 15 (481 Dawn Mills Road) shall be 17 hectares (42 acres).

CONCLUSION:

Planning staff supports approval of the above noted application as it is consistent with the applicable policies and regulations and Planning Act.

RECOMMENDATION(S):

That the Township of Dawn-Euphemia Committee of Adjustment **APPROVE** Consent Applications **B007/24** subject to the following conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, and in a form suitable for registration. This should be done for the rural residential severance (**B007/24**).
2. That the **retained** parcel be re-zoned to “Agricultural – 2 (4) (**A2(4)**) Zone” and the **severed** parcel be re-zoned to the Residential - 4 (**R4**) Zone.

3. That both the **retained** land and the **severed** lots have adequate access to the road allowance subject to the approval of the appropriate road authority.
4. The applicant enters into an agreement with the Municipality for the apportionment of drainage assessment.
5. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. The Township of Dawn-Euphemia will endeavor to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.

DEPARTMENT AND AGENCY COMMENTS:

County of Lambton Building Services	<p>There are no concerns with this proposal.</p> <p>The proposed severed lot of 2.67 acres (1.08 hectares) is acceptable to this Department and meets the MOE “Reasonable Use Guidelines” criteria which requires a minimum lot size of 2 acres (0.8 hectares) when created in underlying clay soils.</p>
St. Clair Region Conservation Authority	<p>There are no concerns with this proposal.</p> <p>The following comments are offered for your consideration: (1.) the applications are consistent with Sect. 3.1 of the PPS; (2.) Ont. Reg. 41/42 does apply to the subject property and as such a permit will be required prior to any development taking place; and (3.) the subject property is not located within an area subject to a <i>Source Protection Plan</i>.</p>
Township of Dawn – Euphemia Public Works Department	<p>There are no concerns with this application as submitted, provided a provisional condition is added to address the apportionment of drainage assessment.</p>
County of Lambton Public Works Department	

	<p>The County has reviewed the above noted application and has the following comments in relation to the proposed severance.</p> <p>Orientation of any new residential dwelling is currently unknown. (I.e. Frontage is available off both Lambton Line and Dawn Mills Road.) Any new entrance off Dawn Mills Road (County Road 15) for the proposed residential lot, because of the proposed severance, shall require an Entrance Permit from this office.</p> <p>As it relates to potential future impacts to the County roadway, Public Works is of the understanding that the zoning for the retained agricultural land will not have an option for a future farm dwelling. Should this be incorrect, the Committee of Adjustment can inform the undersigned at their convenience.</p>
--	--



Public Works Department
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Telephone: 519-845-0801
Toll-free: 1-866-324-6912
Fax: 519-845-3872

June 19, 2024



Administrator - Clerk
The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, R.R. 4
Dresden ON N0P 1M0

Attn: Donna Clermont

Re: Severance Application B-007-24 for 481 Dawn Mills Road (County Road 15)

The County has reviewed the above noted application and has the following comments in relation to the proposed severance.

Orientation of any new residential dwelling is currently unknown. (I.e. Frontage is available off both Lambton Line and Dawn Mills Road.) Any new entrance off Dawn Mills Road (County Road 15) for the proposed residential lot, because of the proposed severance, shall require an Entrance Permit from this office.

As it relates to potential future impacts to the County roadway, Public Works is of the understanding that the zoning for the retained agricultural land will not have an option for a future farm dwelling. Should this be incorrect, the Committee of Adjustment can inform the undersigned at their convenience.

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

Sincerely,

Greg Botting, A.Sc.T.
Technician, Public Works

c. Brooklyn Stam, Deputy Clerk, Township of Dawn-Euphemia
Ezio Nadalin, Planner, Township of Dawn-Euphemia
Matt Deline, Manager of Public Works, County of Lambton



Building Services Department
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Telephone: 519-845-5420
Toll-free: 1-866-324-6912
Fax: 519-845-3817

4e

REPORT

Date: July 12, 2024
To: Committee of Adjustment
From: Corrine Nauta - Manager, Building Services
cc: Ezio Nadalin - Planner
Re: **481 Dawn Mills Road Severance & Zoning By-Law Amendment – Crummy**

The above noted applications have been reviewed and the following comments are provided for your consideration.

The proposed severed lot size of 2.67 acres is acceptable to this Department and achieves the 'Reasonable Use' guidelines set by the Ministry of the Environment which requires a minimum lot size of 2 acres when created in underlying clay soils. The newly created (2.67 acres) and retained portion (40.7 acres) generally conform to the criteria for this proposal. Currently, the property is vacant.

At this time, this Department can support the above noted applications, with no concerns

If you require any further information, please do not hesitate to contact this office.

Member
MunicipalitiesTownship of
Adelaide-MetcalfMunicipality of
Brooke-AlvinstonMunicipality of
Chatham-KentTownship of
Dawn-EuphemiaTownship of
EnniskillenMunicipality of
Lambton ShoresMunicipality of
Middlesex CentreVillage of
NewburyVillage of
Oil SpringsTown of
PetroliaTown of
Plympton-WyomingVillage of
Point EdwardCity of
SarniaMunicipality of
Southwest MiddlesexTownship of
St. ClairMunicipality of
Strathroy-CaradocTownship of
Warwick

July 17, 2024

Planning File No: PL#2024-0055

Township of Dawn-Euphemia
4591 Lambton Line, RR4
Dresden, ON N0P 1M0**Attention: Donna Clermont, Administrator-Clerk**

Dear Ms. Clermont:

**Re: Applications for Consent and Zoning By-law Amendment – B007-24 &
ZA004-24
481 Dawn Mills Road
Lot 15, Concession 7, Geographic Township of Dawn, Township of
Dawn-Euphemia
Applicants: Doug & Linda Crummy (Agent: Ed Stinson)**

St. Clair Region Conservation Authority (SCRCA) staff reviewed the above noted applications for consent and zoning by-law amendment.

Site Characteristics

The subject property is designated Hamlet Area and Agricultural Area on Schedule "A" of the Township of Dawn-Euphemia Official Plan. The subject property is zoned Agricultural – 2 (A2) on Schedule "A", Part 3 (Rutherford) of the Township of Dawn-Euphemia Zoning By-law 54 of 2014. The area regulated by the Conservation Authority is generally shown on Appendix Map "B" of the Zoning By-law.

The applicants propose to sever a 1.08 hectare (2.67 acre) rural residential lot while retaining the 17.1 hectare (40.7 acre) vacant farm parcel.

As a condition of the consent, a zoning by-law amendment is required to add an exception to the Agricultural 2 Zone (A2(4)) for the retained land and to rezone the severed land from Agricultural 2 (A2) to Residential 4 (R4). The two zoning changes will recognize the change in use of both properties and formally recognize the further reduction of the remaining undersized agricultural lot.

Recommendations

SCRCA has no concerns with the proposed consent and zoning by-law amendment. The subject property, including the proposed severed lot, contains areas prone to flooding during a regional storm event. Any future development and/or site alteration within the regulated area on the retained or severed lot will require written permission from the Conservation Authority under Ontario

Regulation 41/24. Development will be required to meet floodproofing and access standards as set by the Authority.

DELEGATED RESPONSIBILITY AND STATUTORY COMMENTS

Provincial Policy Statement Section 3.1 - Natural Hazards

SCRCA staff provide the following comments as part of SCRCA's delegated responsibility of representing the provincial interest on natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement (PPS)*, 2020.

The application proposes to create a lot partially within a flood prone area. The extent of the flood prone lands on the subject property are identified through the General Regulation Area (SCRCA) overlay on Appendix Map "B" of the Zoning By-law. A portion of the subject property is also within the erosion hazard associated with the Dawn Centre Drain.

The PPS generally directs development outside of hazardous lands adjacent to river and stream systems which are impacted by flooding and erosion hazards. Specifically, the PPS prohibits development in areas that would be rendered inaccessible during flooding emergencies, and in the floodway, which is the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. The PPS defines development as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*. Development may be permitted in accordance with the following PPS policy:

- 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
 - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
 - c) new hazards are not created and existing hazards are not aggravated; and
 - d) no adverse environmental impacts will result.

The Township of Dawn-Euphemia Official Plan implements the PPS direction with the following policy within the Land Division section which states:

31.1.2 In addition to those criteria contained in Section 51 (24) of the Planning Act, the following policies will apply to all new lots:

g) The creation of a lot in an area susceptible to defined portions of the flooding and erosion hazard, including the floodway and areas rendered inaccessible to people and vehicles, is prohibited. The creation of a lot in a natural heritage or environmental constraint area will not be permitted unless it can be demonstrated that the hazard can be safely addressed in accordance with established standards and procedures, and/or it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which the area has been identified;

The proposed severed lot is located along the Dawn Centre Drain within an area susceptible to flooding and erosion. The floodplain limit for the property is based on an estimated engineered floodplain which was completed on a broad watershed scale and was based on coarse elevation data. SCRCA does not have engineered flood lines in this area. Based on review of our best available in-house elevation data, the proposed severance is located in an area where the risks to public safety are minor and can be mitigated through floodproofing and access upgrades. Future development is not anticipated to aggravate the existing hazards or result in the creation of new hazards. No adverse environmental impacts are anticipated. The requirements of PPS policy 3.1.7 can be met.

St. Clair Region Conservation Authority - Ontario Regulation 41/24

SCRCA staff provide the following comments as part of SCRCA's Regulatory Authority under Ontario Regulation 41/24 "*Prohibited Activities, Exemptions and Permits*" made under Section 28 of the *Conservation Authorities Act*.

The subject property has been identified as being regulated under Ontario Regulation 41/24. The policies of the Authority regulate development including: construction/reconstruction of a structure; placement or removal of fill; regrading; altering a watercourse; altering/developing a shoreline; or interfering with the function of a wetland. Written approval from this Authority will be required in order to undertake any of these activities within the regulated area.

Please be aware that the extent of the Regulation Limit as shown on the attached map is an approximation based on the available information. Please refer to Ontario Regulation 41/24 for a full description of the Regulation Limit.

Written permission from the Conservation Authority will be required to construct any buildings or structures, including a dwelling, on the proposed severed lot. A proposed dwelling will need to be floodproofed to an elevation higher than the centreline road elevation of Dawn Mills Road adjacent the proposed dwelling. Safe

access must also be provided therefore any access laneway will need to be constructed to an elevation no lower than the centreline road elevation of Dawn Mills Road adjacent the proposed lot. A setback of 30 metres from the Dawn Centre Drain will also be required for any proposed buildings or structures. Floodproofing, access and setback requirements will be addressed through an Ontario Regulation 41/24 permit.

SUMMARY

Given the above comments, it is the opinion of the SCRCA that:

1. Consistency with Section 3.1 of the PPS can be demonstrated;
2. Ontario Regulation 41/24 does apply to the subject site. A permit from SCRCA will be required prior to any development taking place; and
3. The subject site is not located within an area that is subject to the policies contained in the Source Protection Plan.

Thank you for the opportunity to comment. We respectfully request to receive a copy of the decision and notice of any appeals filed.

If you have further questions, please do not hesitate to contact the undersigned.

Sincerely,








Melissa Deisley
Director of Planning and Regulations

Encl. Map

cc: Ezio Nadalin, Planner, County of Lambton
Brooklyn Stam, Deputy Clerk, Township of Dawn-Euphemia



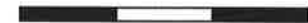
Legend

-  Areas Affected by Regulations
-  Meander Belt
-  Subject Property (approx.)
-  Proposed Severed Lot (approx.)
-  Watercourses



**481 Dawn Mills Road
Consent B007-24**

0 50 100 150 m



Produced by the SCRCa under license with the Ontario Ministry of Natural Resources and Forestry. Copyright King's Printer Jul 17, 2024
May not be reproduced without permission.
THIS IS NOT A PLAN OF SURVEY. Aerial Photography Date: Spring 2020
Map Created by: Shelby Campbell



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511
Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca

4g

PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT FOR THE TOWNSHIP OF DAWN-EUPHEMIA
(Ont. Regulation 547/96)

*** DECISION ***

FILE # B007 / 24

In the case of an application made by Douglas and Linda Crummy requesting a severance of a +/- 2.48 acre (1.0 hectares) from a farm parcel described as Concession 7 N Part Lot 15, known locally as 481 Dawn Mills Road, in the Township of Dawn-Euphemia, **be APPROVED subject to the following conditions:**

CONDITIONS:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, and in a form suitable for registration.
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.
3. That the retained parcel be re-zoned to "Agricultural – 2 (4) (A2(4)) Zone" and the severed parcel be re-zoned to the Residential - 4 (R4) Zone.
4. That both the retained land and the severed lot have adequate access to the road allowance subject to the approval of the appropriate road authority.
5. That the fee for the 911 address sign be paid and that the sign be placed on the retained farm parcel.
6. That the applicant enters into an agreement with the Township of Dawn-Euphemia for the costs associated with the re-apportionment of drainage assessments on the involved properties.
7. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*

Members concurring in the above ruling:

Alan Broad

Ann Gray

Paul LeBoeuf

Mark McGuire

Jason Meyer

***** **CERTIFICATION** *****

I, Donna Clermont, Secretary-Treasurer of the Committee of Adjustment for the Township of Dawn-Euphemia certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein which was brought before the Committee on August 6th, 2024, with the Notice of Decision being August 8th, 2024.

Donna Clermont,
Secretary-Treasurer, Committee of Adjustment
Township of Dawn-Euphemia

NOTE: The last day for appeal of the above decision is the 28th day of August, 2024



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511
Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca

**PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT**
Application Number B007-24

A hearing was held by the Committee of Adjustment appointed by the Council of the Township of Dawn-Euphemia at the Municipal Building, Rutherford, ON, on August 6, 2024, to consider Application Number B007-24, the Committee's decision being to grant the consent subject to conditions.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by Lambton County Planning and Development Services, Lambton County Building Services, Lambton County Public Works, the St Clair Region Conservation Authority, and the applicants, which assisted the committee in making an informed decision with appropriate conditions of approval.

The Planning Act states: "Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Ontario Land Tribunal by filing with the Secretary-Treasurer, a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Land Tribunal Act."

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The last day for appeal of Application Number B007-24 is the 28th day of August, 2024. The notice of appeal must be filed with the Secretary Treasurer of the Committee of Adjustment and must set out the reasons for the appeal and must be accompanied by a cheque or money order in the amount of \$400.00 for the appeal made payable to the **Minister of Finance**.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

A By-law to Amend Zoning By-law 54 of 2014 was also passed by the Council of the Township of Dawn-Euphemia respecting the subject lands, on August 6, 2024.

Secretary-Treasurer, Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line
RR #4 Dresden, ON N0P 1M0

5

Meeting #2

6:10 pm

Al & Diane Bergsma
Severance

Application B002-24
6522 Bilton Line

Aug 6/24

5a



The Corporation of the Township of Dawn-Euphemia

4591 Lambton Line; RR 4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511 Email: admin@dawneuphemia.on.ca
Website: www.dawneuphemia.ca

APPLICATION FOR CONSENT

OFFICE USE ONLY
DATE RECEIVED March 21/24
APPLICATION NO 2002-24
ROLL NUMBER 009-020-06100
FEE PAID: YES NO

1. (A) Name of Owner: Allan + Diane Bergsma
Address: _____
E-mail address: _____
Telephone _____ Cell _____

(B) Name, address and telephone of Owner's Solicitor or Authorized Agent if applicable: _____

(C) Please specify to whom communications should be sent:
OWNER: SOLICITOR: () AGENT: ()

2. (A) **TYPE AND PURPOSE OF APPLICATION:**
New Lot Correction of Title ()
Addition to Existing Lot () Mortgage ()
Easement Right-of-way ()
Charge () Other ()
Lease ()

(B) If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased. Three Oaks Cabin

3. **LOCATION OF LAND**
a) Concession #: 2 Lot #: PT LT 21
b) Registered Plan #: 25R11253 PT Lot #: _____
c) Reference Plan # 25R: _____ Part #: _____
d) Municipal Address 6522 Bilton Line
1035 Shetland Rd

4. **DESCRIPTION OF LAND TO BE SEVERED:**

Definition: "Land to be Severed" refers to the land or interest in land you intend to convey, lease, mortgage, etc.

see diagram, irregular

Frontage 222' Depth 334' Area 1.95 ac

Existing Use: Agriculture / woodlot

Proposed Use: institutional

Existing buildings and structure (specify): 1250² ft Rome (log)

Proposed buildings or structures (Specify): none

5. **DESCRIPTION OF LAND TO BE RETAINED:**

Definition: "Land to be Retained" refers to the land or interest in land you intend to keep.

Frontage 1900 Depth 2150 Area 97.1 A

Existing Use: agriculture / woodlot

Proposed Use: agriculture / woodlot

Existing buildings and structure (specify): -

Proposed buildings or structures (Specify): -

6. Number of new lots (not including retained lot) proposed: 1

7. Are there any easements or restrictive covenants which affect the subject land? Yes () No ()

included in sketch

If yes, please provide a description of the easement or restrictive covenant and its effect on the land.

Gas, water, electric lines running from Shetland Rd to Three Oaks Cabin across agricultural land

8. Official Plan Designation(s) which applies to subject land: woodlot / Agriculture

9. **ACCESS:**

a)	<u>Type of Access</u>	<u>Severed</u>	<u>Retained</u>
	Provincial Highway	()	()
	A Municipal Road that is maintained year round	(✓)	(✓)
	A Municipal Road that is maintained seasonally	()	()
	A Right-of-way	()	()

b) If the access to the subject land is by water only, please state the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. **WATER SUPPLY**

What type of water supply is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Publicly owned & operated piped water supply	(✓)	N/A
Privately owned and operated individual or communal well	()	()
Lake or other water body	()	()
Other (Specify)	()	()

11. **SEWAGE DISPOSAL:**

What type of sewage disposal is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Public owned and operated sanitary sewage system	()	N/A
Privately owned and operated individual or communal septic system	(✓)	()
If a private system is proposed, has a certificate of approval been issued by the County of Lambton		N/A
Yes	(✓)	No ()
Pit Privy	()	()
Other (Specify)	()	()

12. When will water supply and sewage disposal services be available? already installed and inspected.

13. If known, state whether the subject land is the subject of any other application under the Act, such as an application for approval of an official plan or plan amendment, a zoning by-law amendment, a Minister's zoning order amendment, a minor variance, a consent (severance) or approval of a plan of subdivision.

none

Please provide the file # of the application and the status of the application. N/A

File #: _____ Status: _____

14. If known, state whether the subject land has ever been the subject of an application for approval of a plan of subdivision, under Section 51 of the Act, or a consent (severance), under Section 53 of the Act. N/A

File #: _____ Status: _____

15. Is the subject land within an area of land designated under any provincial plan or plans. N/A

If the answer to the above is yes, does the application conform to or does it conflict with the applicable provincial plan or plans.

16. The current Zoning of the subject land in the applicable Zoning By-Law Woodlot Agriculture

17. Has any land been severed from the parcel originally acquired by the owner of the subject land? none

If yes – date of transfer _____ Name of the transferee _____

Uses of the severed land _____

18. **SEVERANCES IN RURAL AREAS:**

Note: This section is to be completed only for applications in Rural or Agricultural Areas.

a) Is the severance intended to provide a residential lot? Yes () No ()

i) Why? to provide location for respite home

b) Are there any barns located on the subject lands or within 1 km of the subject lands? Yes () No ()

If the answer is "yes", provide the following information for each barn (use additional pages if necessary):

-Type of Livestock	<u>hogs</u>
-# of Current Livestock	<u>2400</u>
-Potential Housing Capacity	<u>2400</u>
-Type of Manure Storage	<u>under barn storage</u>
-9-1-1 Address	<u>887 Shetland Rd</u>
-distance to proposed new lot line	<u>1100'</u>

19. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application is required.

*** To be signed in front of the Township Official.**

Dated at the Township of Dawn-Euphemia this 25 day of March, 2024.

I/We Allan and Diane Bergsma of the Township of Dawn-Euphemia, in the County of Lambton solemnly declare that all the statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

(Signature) of applicant, solicitor or authorized agent

(Signature) of applicant

DECLARED before me at Township of Dawn-Euphemia in the County of Lambton this 25 day of March, 2024.

A Commissioner, etc. _____

Brooklyn Stam, Deputy Clerk
Commissioner for the
Township of Dawn-Euphemia
Province of Ontario

Agricultural Code of Practice Formula One Data Sheet to Calculate the MDS Requirements for Non-Farm Uses establishing or expanding in close proximity to existing livestock buildings

In order to calculate the minimum distance separation, the following information is required for each livestock facility within 1500 feet of the proposed severance and located on a separate lot.

Name: Allan & Diane Bergsma Phone: _____

Township of Dawn-Euphemia Lot _____ Con. _____ RP _____

Tillable Acres (where livestock facility located) _____

Type of Livestock	Existing Housing Capacity # per year	Manure System			Housing System check type		
		Liquid	Semi solid	Dry	Tie Stall	Free Stall	Loose
<u>Dairy</u> <input type="checkbox"/> Cows <input type="checkbox"/> Heifers <input type="checkbox"/> Calves							
<u>Beef</u> <input type="checkbox"/> Cows <input type="checkbox"/> Calves <input type="checkbox"/> Feeders <input type="checkbox"/> (400-750lbs) <input type="checkbox"/> (400-1100lbs) <input type="checkbox"/> (750-1100lbs)					Open Lot & barn		Total Confinement
<u>Swine</u> <input type="checkbox"/> Sows <input type="checkbox"/> Boars <input type="checkbox"/> Weanlings <input checked="" type="checkbox"/> Feeders	7500		✓		Panned		
<u>Poultry</u> <input type="checkbox"/> Laying Hens <input type="checkbox"/> Breeder Flock <input type="checkbox"/> Pullets <input type="checkbox"/> Chicken Broilers <input type="checkbox"/> Turkey Broilers <input type="checkbox"/> Turkey Hens <input type="checkbox"/> Turkey Toms <input type="checkbox"/> Roosters					Caged		On Floor
Mink-Female							
Horses							
Sheep - rams & ewes							
Rabbits							
Veal Calves							
Other							

Manure Storage		
<u>Dry:</u> Open Pit <input type="checkbox"/> Covered Pit <input type="checkbox"/>	<u>Semi Solid:</u> Open Pit <input type="checkbox"/> Storage with buck walls <input type="checkbox"/>	<u>Liquid:</u> Covered Tank <input checked="" type="checkbox"/> Above ground covered tank <input type="checkbox"/> Below ground uncovered tank <input type="checkbox"/> Open Earth sided pit <input type="checkbox"/>

**ASSESSMENT OF SEWAGE FLOWS FOR
EXISTING PRIVATE SEWAGE DISPOSAL SYSTEMS**

Name of Property Owner: Allan and Diane Bergsma

Mailing Address: _____

Postal Code: N0P 1R0 Telephone No: _____

Lot: PT LT 21 Concession: 2 (25R 11253)

Municipal Address: 6522 Bilton Line

Municipality: Dawn Euphemia

NOTE: When indicating the presence of a three piece bathroom group, please do not itemise **those** fixtures under the individual appliance count.

Three Oaks None

	Existing Structure	Office Use	Proposed Structure	Office Use
Appliance	Number	Fix. Unit	Number	Fix. Unit
Bedrooms	3			
Bathrooms (3 piece)	2			
Dishwashers	1			
Laundry Tub	∅			
Shower Stalls	1			
Toilets	2			
Wash-up Sinks	∅			
Kitchen Sinks	1			
Other	0			
Total				

Please answer the following questions:

1. Will any component of the existing sewage system be relocated or replaced?

_____ Yes ✓ No

2. Will the proposed construction decrease the existing separation distance between the structure and the existing sewage system?

_____ Yes ✓ No

3. Is the existing system malfunctioning or discharging sewage onto the ground or into surface water?

_____ Yes ✓ No

4. What is the size of the existing septic tank? 6522 Bilton
3600 gal

5. What is the size of the existing leaching bed? 40' x 45'

6. What is the **finished** floor area of the present dwelling? 1250² FT

7. What will the **finished** floor area be after construction? 1250² FT

[Signature] CERTIFY THAT THE INFORMATION
(Print name in full)

CONTAINED HEREIN IS TRUE AND CORRECT.

Signature Owner ✓ Agent _____

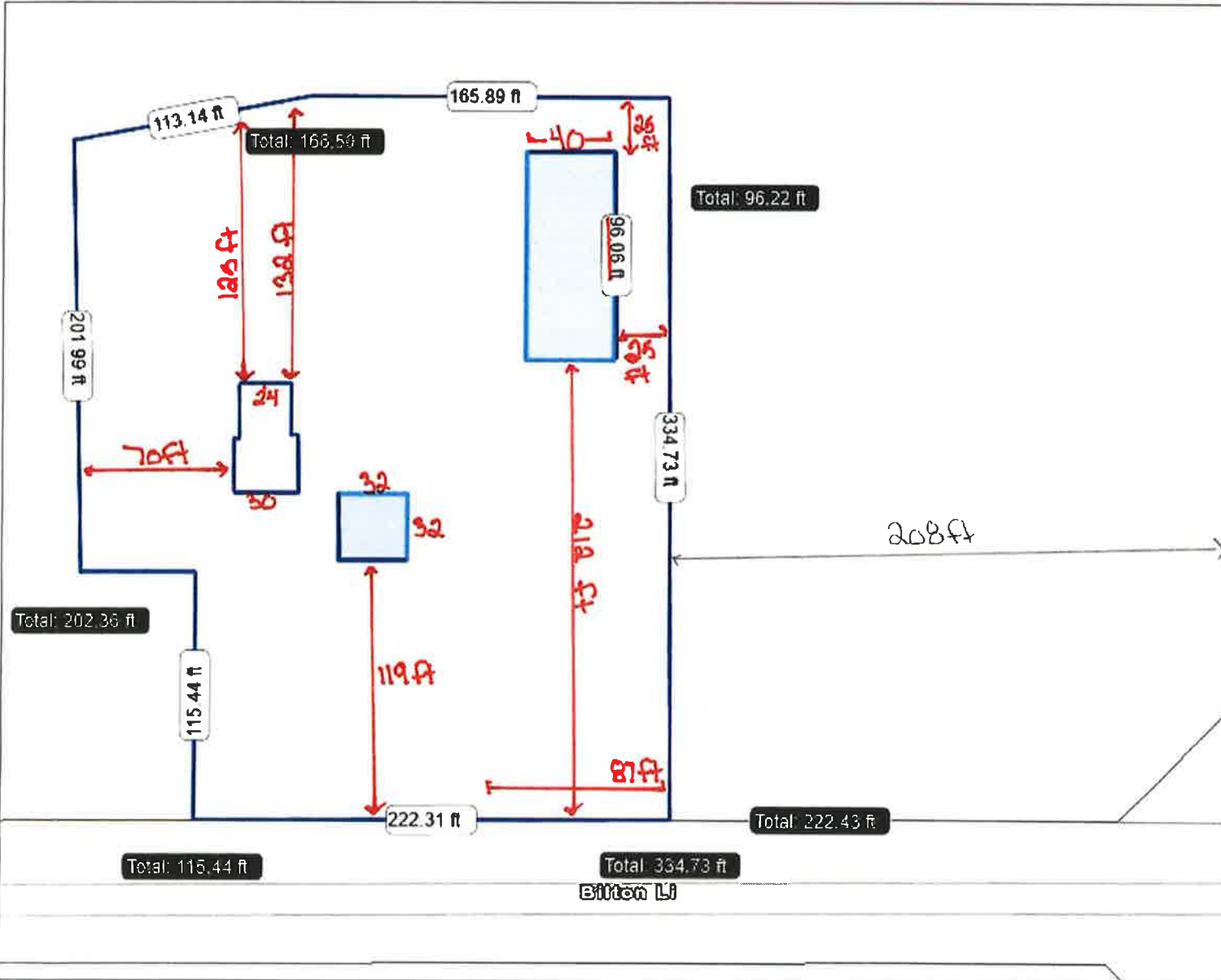
Date: 21 March 2024

Signature Owner: ✓

22 March 2024
Date

submitted to Ezis May 15/24

Three Oaks Proposed Severance



Legend

- Road Labels
- Ownership Parcels
- Parcels
- Citations

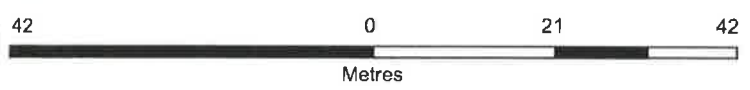
Location



Notes

Septic - 40x96
 Cabin - 30 on south end, 24 on north
 Parking - 32x32
 Total area: 1.95 acres

County of Lambton
 789 Broadway St
 Wyoming, ON N0N 1T0
 www.lambton.ca



1: 826



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line
RR 4 Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511
Email: admin@dawneuphemia.on.ca



PUBLIC NOTICE SEVERANCE APPLICATION COMMITTEE OF ADJUSTMENT

APPLICATION NO. B002/24 & B006/24

TAKE NOTICE that a consent application (**B002/24**) has been made by Allan and Diane Bergsma with respect to lands described as Euphemia Concession 2, Part Lot 21, RP 25R11253, Part 1, Dawn-Euphemia Township (6522 Bilton Line). The applicant proposes to sever +/- 0.79 hectares (1.95 acres) from the present 40-hectare (99 acre) farm. The retained +/- 39.25 hectares (97 acres) would include the cultivated farm area while the severed parcel would include the Three Oaks Respite Home. The second consent application (**B006/24**) deals with a required permanent easement in favour of the severed parcel. The easement would ensure continued access to various utility services (i.e. gas, water, and electrical service lines) for the severed lot in perpetuity.

AND FURTHER TAKE NOTICE that the Committee of Adjustment for the Township of Dawn-Euphemia has appointed August 6, 2024, at 6:10 p.m. for the purpose of a public hearing into this matter, to be held in the Township of Dawn-Euphemia Municipal Office, 4591 Lambton Line, RR 4, Dresden, Ontario. Signed, written submissions regarding the application will be accepted by the Secretary-Treasurer prior to or during the hearing.

Any person wishing to participate in the Public Meeting may do so by either making a written submission beforehand or by notifying the Secretary-Treasurer of the Committee of Adjustment (Donna Clermont).

If you wish to be notified of the decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary - Treasurer of the Committee of Adjustment at the address noted below.

If a person or public body that files an appeal of a decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent does not make written submission to the Township of Dawn-Euphemia Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal (OLT) may dismiss the appeal.

If you are aware of any persons interested or affected by this application who have not received a copy of this notice, it would be appreciated if you would so inform them.

Additional information regarding the application and copies of this notice will be available to the public for inspection at the Township of Dawn-Euphemia Municipal Office, from 8:30 a.m. to 4:30 p.m., Mondays to Fridays.



Dated at the Township of Dawn-Euphemia this 12th day of July, 2024.



 Subject Property

Donna Clermont
Secretary-Treasurer
Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line, RR 4
Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511

Email: clerk@dawneuphemia.on.ca

	<p>PLANNING AND DEVELOPMENT SERVICES REPORT</p>	
REPORT TO:	TOWNSHIP OF DAWN EUPHEMIA COMMITTEE OF ADJUSTMENT	
PREPARED BY: (COUNTY)	Ezio Nadalin, Planner	
APPROVED BY: (COUNTY)	Corrine Nauta, Dipl. M.A., Dipl. M.M., CBCO Acting Manager, Planning & Development Services	
REPORT DATE:	July 22, 2024	
MEETING DATE:	August 6, 2024	
IN CAMERA:	Open Session	
SUBJECT:	Agenda Item: B-002/24 and B-006/24 Consents to Sever – 6522 Bilton Line CON 2, PT LOT 21, RP 25R11253, PT 1 Owners: Allan and Diane Bergsma	

SITE PHOTO



EXECUTIVE SUMMARY:

With regards to Application **B002/24**, the owner of 6522 Bilton Line is seeking consent to sever +/- 0.79 hectares (1.95 acres) of land. The severed property contains an institutional facility (i.e. the **Three Oaks Respite Home**). The remaining retained property has an area of +/- 39.25 hectares (97 acres) and contains both a significant forested area as well as a cleared area presently used for crop production.

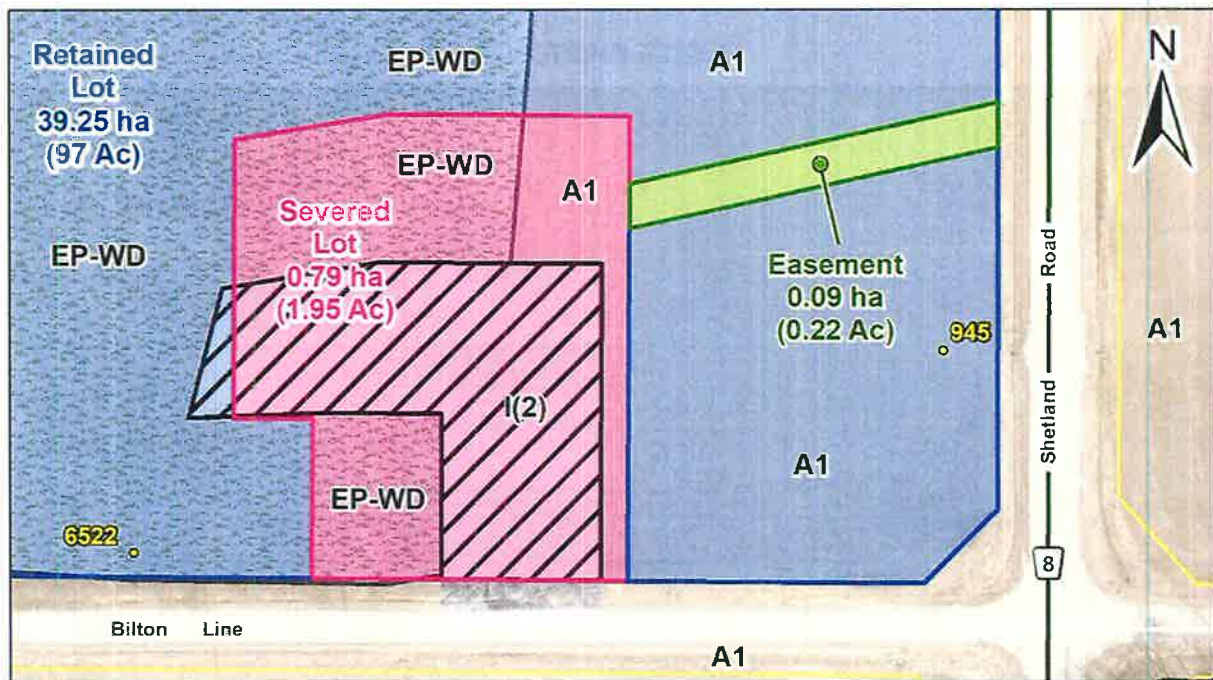
This is **not** a surplus farm dwelling severance. For this application we will refer to the “*Institutional*” severance policies of both the Official Plan and Zoning By-law. The severed parcel is primarily located within the “*Institutional - 2 (I)(2) Zone*” (see **Diagram 1**).

With regards to site history, Township Council met on November 7, 2022, and passed an Official Plan and Zoning By-law Amendment to facilitate the construction of a respite cabin. The amendments limited development to the “*Proposed Development Area (PDA)*” and created a new “*Institutional*” designation and site-specific re-zoning.

The “*Institutional*” designation typically includes any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices.

The severed lot would contain three separate zone designations (see **Diagram 1**). Due to the slight shift in facility location and the need for increased lot size to accommodate septic services, parking etc., the proposed lot will include the Institutional - 2 (I)(2), the Environmental Protection – Woodlot (EP-W) and Agricultural - 1 (A1) Zones (see **Diagram 1**).

Diagram 1: Showing the proposed Lot Area and corresponding Zones



With regards to application **B006/24**, this application would grant **Consent in favour** of the severed parcel on a small portion of lands owned by the adjacent landowner (see **Diagrams 2** and **3**). The proposed easement would allow for continued access to gas, water and hydro-electrical service across the adjacent property and to the severed lot.

This application involves the **transfer of legal rights**. The easement would recognize the parts of the subject parcel which are subject to the utility service access. The service corridor would have a **width** of +/- 9.75 metres (32 ft.), a **length** of +/- 81 metres (266 ft.) and an **area** of 0.09 hectares (0.22 acres). Using the Consent process the applicant would reserve the right-of-way in an **easement** over the subject properties in perpetuity.

BACKGROUND/SITE CONTEXT:

The site is located within an agricultural area and fronts onto the Bilton Line. The severed parcel would retain the **Three Oaks Respite Home** facility while the retained parcel would include the adjacent forested area and agricultural land.

Diagram 2: Showing Proposed Parcel Severance and Easement – Macro View.

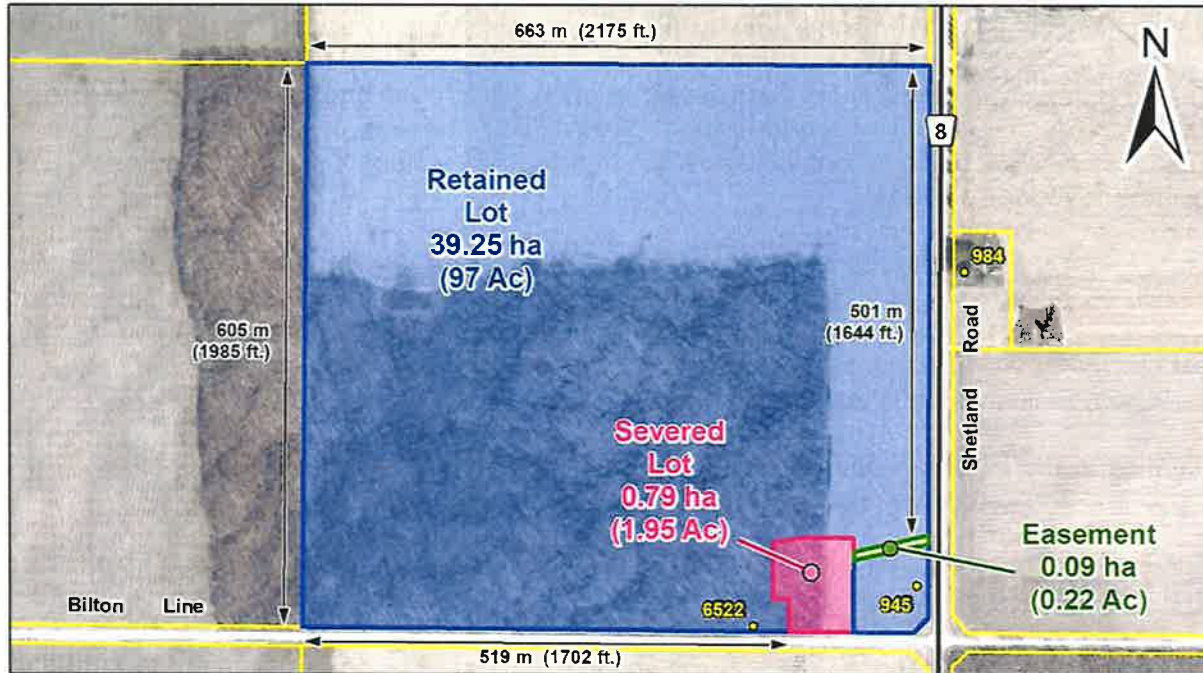
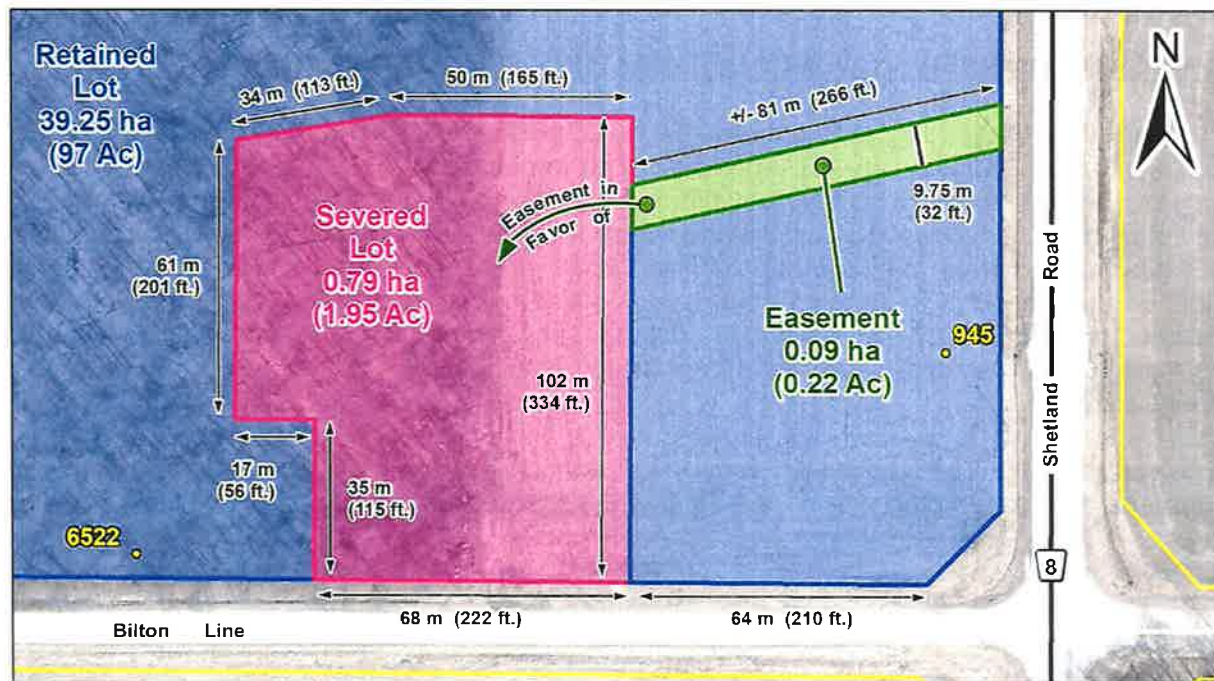


Diagram 3: Showing Proposed Parcel Severance and Easement – Micro View.



APPLICATION REVIEW – PLANNING ACT/PROVINCIAL POLICY STATEMENT:

With regards to **B002/24** and **B006/24** this application meets the intent and purpose of both the Ontario Planning Act and the Provincial Planning Statement (PPS).

The Provincial Policy Statement (PPS) provides overall policy related to agricultural properties, for their continued use for crop production and agricultural purposes. The PPS does provide some flexibility to consider non-agricultural uses through local policy and zoning provided that the reduction of productive farmland is minimized. This proposal is in keeping with the PPS.

The PPS generally supports Rural Area development building upon rural character and leveraging rural amenities. The **Environmental Impact Study (EIS)** that was previously done for the site should minimize and mitigate potential adverse effects to the adjacent sensitive land use (i.e. the **Significant Woodlot Area**)

The PPS lists the permitted uses for the prime agricultural areas which include agricultural uses, agricultural-related uses, and on-farm diversified uses. **Subsection 2.3.3.3** requires the creation of new lots to comply with minimum distance separation requirements (MDS). This proposal meets MDS setback requirements as established in the previous Zoning Bylaw Amendment and subsequent Building Permit approvals.

According to the PPS, the new lot must meet the minimum size requirements to accommodate the use and accommodate appropriate sewage and water services.

The proposed +/- 0.79 hectares (1.95 acres) generally meets the minimum required standard area of 0.8 ha (1.98 acres) and the severed lot meets all other **Table “A”** Regulations.

With regards to **B006/24** Planning Act, **Subsections 50(3)(a) & (f)** describe the process by which *“a consent can be given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.”*

APPLICATION REVIEW – COUNTY OF LAMBTON OFFICIAL PLAN (OP):

There are very few County O.P. policies that are directly applicable in this case as it is a rather unique situation, **Subsection 4.2.2** however does appear to apply, and it requires that all non-farm lots be limited in size so that a minimum of land is taken out of agricultural production and will be located on the least productive land where possible - e.g. where the location is consistent with this Plan's natural heritage and natural hazard policies. The lot size will be limited to a minimum size needed to accommodate the use and expected current and future needs with respect to water supply and sewage disposal and should protect designated vulnerable groundwater and surface water features and their hydrologic functions and in that regard this proposal conforms.

Subsection 4.1 of The County of Lambton OP encourages the protection of prime agricultural lands and discourages the use of non-agricultural practices in farming areas which is the case here.

Subsection 4.2.3 (f) of the County OP states that consents in the *“Agricultural Area”* may be granted to create farm parcels that are not less than 30 ha (74.13 acres). The proposed severance

complies with the County OP because the proposed retained farm parcel would be +/- 39.25 hectares (97 acres).

With regards to **B006/24**, the proposed severance complies with **Subsection 4.2.3 (a)** which allows for a Consent in the Agricultural Area for the purpose of “creating rights-of-way or easements.”

APPLICATION REVIEW – TOWNSHIP OF DAWN-EUPHEMIA OFFICIAL PLAN:

The portion of the site has a site-specific amendment which allows for “*Institutional Uses*” while the remainder of the property is designated “*Agricultural Area*” and “*Significant Woodlot*” in the Township of Dawn-Euphemia Official Plan (OP).

The applicant had submitted a “**Scoped Environmental Impact Study**” in conformity with associated Provincial technical guidelines as directed in the Provincial Policy Statement (PPS). The landowner would still be bound by the finding and recommendations of that EIS Report. The Report contained the appropriate level of detail to assess the development impacts, the features, areas, and functions to be evaluated. It has been determined that any potential impacts on the natural features and ecological functions can be mitigated and that there will be no significant negative impacts.

The remaining portion of the lot located within the “*Agricultural*” designation would permits agricultural related uses as well as non-farm diversified uses that meet specified criteria and are compatible with surrounding agricultural operations.

The **Significant Woodlot Area** of the proposed lot would not permit further development encroachment.

As for the permitted **Institutional** uses, they typically include any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices and cemeteries.

This proposal meets the general intent and purpose of the Township of Dawn-Euphemia Official Plan.

APPLICATION REVIEW – ZONING BY-LAW:

The property has a site specific “*Institutional (I)2*” zoning which allows: (a) a Minimum Lot frontage of 32.18 metres; (b) a Proposed Development Area of 0.35 hectares and (c) a Minimum Parking Space requirement of 2 spaces.

The severed lot would contain three separate zone designations (see **Diagram 1**). Due to the slight shift in facility location and the need for increased lot size to accommodate septic services, parking etc., the proposed lot will include the “*Institutional - 2 (I)2*”, the “*Environmental Protection – Woodlot (EP-W)*” and “*Agricultural - 1 (A1)*” Zones (see **Diagram 1**).

Since there are currently Official Plan provisions allowing for more than one zone on lot of record, the present proposal could be further considered as presently submitted.

However, to clean things up a bit from a Planning perspective, we do recommend that in future, if not now, that this property be re-zoned as apart of a Comprehensive Zoning By-law housecleaning exercise such that the present **(I)2 zone** be re-configured to include all the **A1** portion of the lot and a new minimum lot size be established to mimic the proposed 0.79-hectare (1.95 acre) lot size.

Please note, that this is a recommendation and **not a provisional consent requirement**.

CONCLUSION:

Planning staff supports approval of the above noted applications as each application is consistent with the applicable policies and regulations and Ontario Planning Act requirements as noted above.

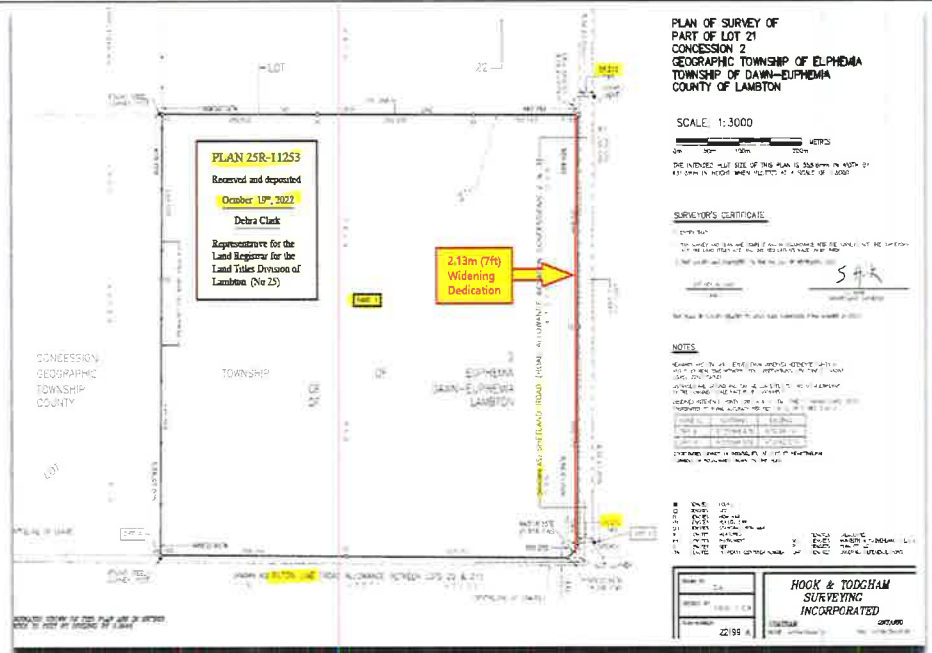
RECOMMENDATION(S):

That the Township of Dawn-Euphemia Committee of Adjustment **APPROVE** Consent Applications **B002/24** and **B006/24** subject to the following conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, and in a form suitable for registration. This should be done for both the rural severance (**B002/24**) and the associated easement (**B006/24**).
2. The applicant enters into an agreement with the Municipality for the apportionment of drainage assessment.
3. That both the retained and severed lots have adequate access to the road allowance and that a road widening dedication to the County of Lambton Public Works Department as required.
4. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. The Township of Dawn-Euphemia will endeavor to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.

DEPARTMENT AND AGENCY COMMENTS:

County of Lambton Building Services	<p>The proposed severed lot is acceptable to this Department and meets the MOE "Reasonable Use Guidelines" criteria.</p> <p>The subject property does have septic records available for consideration (SL-384-89) and details were provided as part of the application and a site inspection has been conducted to confirm same and are consistent.</p> <p>The septic bed would appear to be wholly contained within the proposed new property boundaries so this Department has no concerns and the standard condition with regards to clearly identifying the site on the survey would apply.</p>
St. Clair Region Conservation Authority	<p>Portions of the subject property are regulated by the Conservation Authority Act / Ont. Reg. 41/24.</p> <p>It is our understanding that the retained lot will be re-zoned to A1-NFD, the SCRCA supports this condition. Any future development and/or site alteration within the regulated area will require written permission. The SCRCA has no concerns with the proposal as presented.</p> <p>(*Note: the A1-NFD re-zoning will not be required)</p>
Township of Dawn Euphemia Public Works Department	<p>There are no concerns with this application as submitted, provided a provisional condition is added to address the apportionment of drainage assessment.</p>
County of Lambton Public Works Department	<p>In conjunction with the County of Lambton's long-term goal to widen the road allowance along this section of County Road 8 (Shetland Road) to a minimum 100 feet (30.4 metres), the County requests a 7-foot (2.13 metres approximate) road widening dedication along the east side of Part 1 of the most recent survey plan we have on file for this property (as identified below). Note that widening needs are identified uniform to the midpoint/centreline of the original road allowance. All lands dedicated would be free and clear of all encumbrances. This includes all mortgages, notices and other Municipal agreements etc. registered on the title to the lands.</p>



Excerpt of Recent Plan on File for this Property – 25R-11253 dated October 19, 2022

Part 1, as identified, is in keeping with a previous Severance Application (B004-22) whereby two adjacent farm parcels, described as Concession 2, East Part Lot 22 (known municipally as 1035 Shetland Road) and Concession 2 East Part Lot 21 (known subsequently as 945 Shetland Road). This previous application was to sever these lands after inadvertently being previously merged on title.

Further drafts shall be required for review and approval prior to any registration of plans. County process for the road widening dedication shall be provided to the proponent upon request.



Public Works Department
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Telephone: 519-845-0801
Toll-free: 1-866-324-6912
Fax: 519-845-3872

June 19, 2024



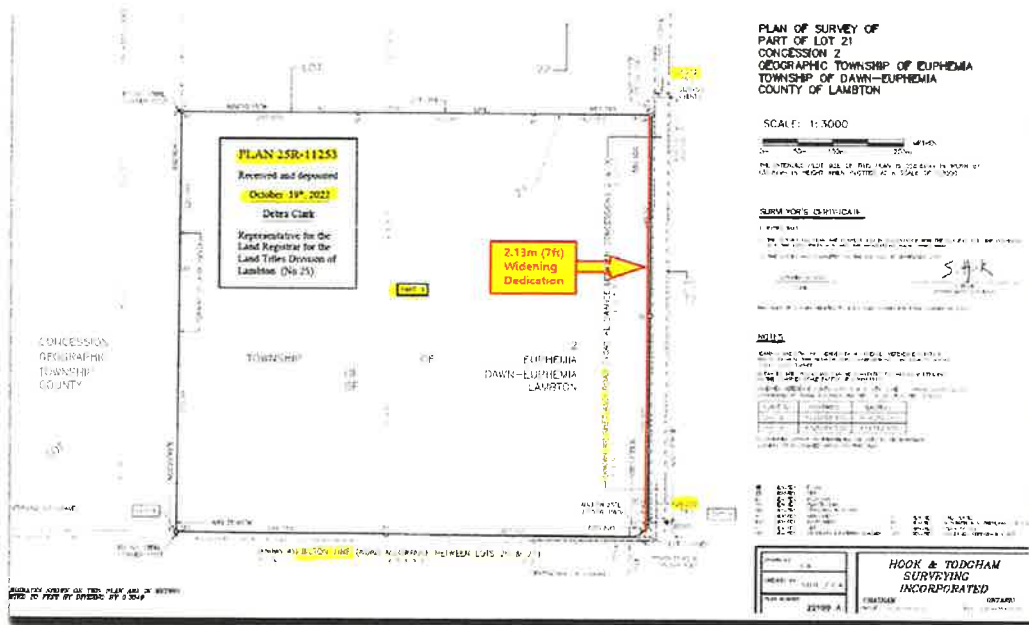
Administrator - Clerk
The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, R.R. 4
Dresden ON N0P 1M0

Attn: Donna Clermont

Re: Severance Application B002-24 (and B006-24) for 1035 Shetland Road (Allan and Diane Bergsma) Creation of 6522 Bilton Line Lot for Three Oaks Respite Cabin and Required Utility Easement (9.75m wide) Extending to Shetland Road

The County has reviewed the above noted applications and has the following comments in relation to the proposed severance.

In conjunction with the County of Lambton's long-term goal to widen the road allowance along this section of County Road 8 (Shetland Road) to a minimum 100 feet (30.4 metres), the County requests a 7-foot (2.13 metres approximate) road widening dedication along the east side of Part 1 of the most recent survey plan we have on file for this property (as identified below). Note that widening needs are identified uniform to the midpoint/centreline of the original road allowance. All lands dedicated would be free and clear of all encumbrances. This includes all mortgages, notices and other Municipal agreements etc. registered on the title to the lands.



Excerpt of Recent Plan on File for this Property – 25R-11253 dated October 19, 2022

Part 1, as identified, is in keeping with a previous Severance Application (B004-22) whereby two adjacent farm parcels, described as Concession 2, East Part Lot 22 (known municipally as 1035 Shetland Road) and Concession 2 East Part Lot 21 (known subsequently as 945 Shetland Road). This previous application was to sever these lands after inadvertently being previously merged on title.

Further drafts shall be required for review and approval prior to any registration of plans. County process for the road widening dedication shall be provided to the proponent upon request.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Botting', with a stylized flourish at the end.

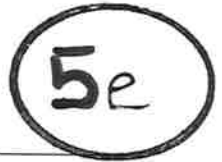
Greg Botting, A.Sc.T.
Technician, Public Works

- c. Brooklyn Stam, Deputy Clerk, Township of Dawn-Euphemia
- Ezio Nadalin, Planner, Township of Dawn-Euphemia
- Matt Deline, Manager of Public Works, County of Lambton



Building Services Department
789 Broadway Street, Box 3000
Wyoming, ON N0N 1T0

Telephone: 519-845-5420
Toll-free: 1-866-324-6912
Fax: 519-845-3817



REPORT

Date: July 12, 2024
To: Committee of Adjustment
From: Corrine Nauta - Manager, Building Services
cc: Ezio Nadalin - Planner
Re: **6522 Bilton Line - Severance – B002/006-24 - Bergsma**

The above noted application has been reviewed and the following comments are provided for your consideration.

The proposed severed lot size of 2.17 acres is acceptable to this Department and meets the 'Reasonable Use' guidelines set by the Ministry of the Environment which requires a minimum lot size of 2 acres when created in underlying clay soils. The newly created (2.17 acres) and retained portion (~97 acres) generally conform to the criteria for this proposal.

The property known as 6522 Bilton Line does have septic records available for consideration (S-3005) and while no details were provided as part of the application, we were still able to complete the assessment. A site inspection has been conducted to confirm location versus the proposal.

The septic bed was constructed and is operating in general conformance with the Ontario Building Code and wholly contained within the proposed new property boundaries. Our department has no concerns with the proposal.

At this time, this Department can support the above noted application, provided the following condition is imposed:

1. That the septic system location be included on the survey (plotted on a copy by owner) and a copy provided to this Department for the property files.

If you require any further information, please do not hesitate to contact this office.



The Corporation of the Township of Dawn-Euphemia
 4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
 Telephone: 519-692-5148 Fax: 519-692-5511
 Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca



PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT FOR THE TOWNSHIP OF DAWN-EUPHEMIA
 (Ont. Regulation 547/96)

*** DECISION ***

FILE # B002 / 24

In the case of an application made by Allan and Diane Bergsma, requesting a severance of a 1.95 acre (0.79 hectares) lot from a 97 acre (39.25 hectare) farm parcel described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, **be APPROVED subject to the following conditions:**

CONDITIONS:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration, clearly showing the proposed lot and associated utility easements contained therein.
2. That any municipal taxes and local improvements including interest and penalties thereon that may be owing and payable with respect to the lands be paid to date.
3. In conjunction with the County of Lambton's long-term goal to widen the road allowance along this section of County Road 8 (Shetland Road) to a minimum 100 feet (30.4 metres), the County requests a 7 foot (2.13 metres approximate) road widening dedication along the east side of Part 1 of the most recent survey plan of survey for this property as provided with the application (Plan 25R-11253). Note that widening needs are identified uniform to the midpoint/centreline of the original road allowance. All survey and transfer of the land for road widening is at the sole cost of the applicant and all lands dedicated shall be free and clear of all encumbrances. This includes all mortgages, notices and other Municipal agreements etc. registered on the title to the lands.
4. That both the retained land and the severed lot have adequate access to the road allowance subject to the approval of the appropriate road authority.
5. That a permanent easement be obtained on the retained parcel, in order to permit continued access to the natural gas, waterline, and hydro-electrical services by the severed lot.
6. If applicable, that the applicant enters into an agreement with the Township of Dawn-Euphemia for the costs associated with the re-apportionment of drainage assessments on the involved properties.
7. That the septic system be clearly noted on the legal survey (should one be required), and a copy provided to the Lambton County Building Services Department.
8. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*

Members concurring in the above ruling:

 Alan Broad

 Ann Gray

 Paul LeBoeuf

 Mark McGuire

 Jason Meyer

***** CERTIFICATION *****

I, Donna Clermont, Secretary-Treasurer of the Committee of Adjustment for the Township of Dawn-Euphemia certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein which was brought before the Committee on August 6th, 2024, with the Notice of Decision being August 8th, 2024.

 Donna Clermont,
 Secretary-Treasurer, Committee of Adjustment
 Township of Dawn-Euphemia

NOTE: The last day for appeal of the above decision is the 28th day of August, 2024



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511
Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca

**PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT**
Application Number B002-24

A hearing was held by the Committee of Adjustment appointed by the Council of the Township of Dawn-Euphemia (at the Municipal Building, Rutherford, ON, on August 6, 2024, to consider Application Number B002-24, the Committee's decision being to grant the consent subject to conditions.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by Lambton County Planning and Development Services, Lambton County Building Services, Lambton County Public Works and the applicants, which assisted the committee in making an informed decision with appropriate conditions of approval.

The Planning Act states: "Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Ontario Land Tribunal by filing with the Secretary-Treasurer, a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Land Tribunal Act."

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The last day for appeal of Application Number B002-24 is the 28th day of August, 2024. The notice of appeal must be filed with the Secretary Treasurer of the Committee of Adjustment and must set out the reasons for the appeal and must be accompanied by a cheque or money order in the amount of \$400.00 for the appeal made payable to the **Minister of Finance**.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

No other applications are being considered at this time with respect to the subject lands.

Secretary-Treasurer, Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line
RR #4 Dresden, ON N0P 1M0

Meeting #3

6

6:20 pm

Al & Diane Bergsma
Easement

Application B006-24
6522 Bilton Line

Aug 6/24



The Corporation of the Township of Dawn-Euphemia

4591 Lambton Line; RR 4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511 Email: clerk@dawneuphemia.on.ca
Website: www.dawneuphemia.ca

APPLICATION FOR CONSENT

OFFICE USE ONLY
DATE RECEIVED June 12, 2024
APPLICATION NO B006-24
ROLL NUMBER 009-020-06100
FEE PAID: YES NO

1. (A) Name of Owner: Allan + Diane Bergsma
Address:
E-mail address:
Telephone Cell

(B) Name, address and telephone of Owner's Solicitor or Authorized Agent if applicable:

(C) Please specify to whom communications should be sent:

OWNER: (checked) SOLICITOR: () AGENT: ()

2. (A) TYPE AND PURPOSE OF APPLICATION:

New Lot () Correction of Title ()
Addition to Existing Lot () Mortgage ()
Easement (checked) Right-of-way ()
Charge () Other ()
Lease ()

(B) If known, the name of the person to whom the land or an interest in the land is to be transferred, charged or leased.

3. LOCATION OF LAND

a) Concession #: 2 Lot #: P+L+21
b) Registered Plan #: 25R11253 Lot #:
c) Reference Plan # 25R: Part #:
d) Municipal Address 6522 Bilton Line

ad

4. **DESCRIPTION OF LAND TO BE SEVERED:**

Definition: "Land to be Severed" refers to the land or interest in land you intend to convey, lease, mortgage, etc.

Frontage 266' ft Depth 32 Ft Area 0.22 ac

Existing Use: agricultural

Proposed Use: agricultural - no change

Existing buildings and structure (specify): _____

Proposed buildings or structures (Specify): _____

5. **DESCRIPTION OF LAND TO BE RETAINED:**

Definition: "Land to be Retained" refers to the land or interest in land you intend to keep.

Frontage _____ Depth _____ Area _____

Existing Use: _____

Proposed Use _____

Existing buildings and structure (specify): _____

Proposed buildings or structures (Specify): _____

6. Number of new lots (not including retained lot) proposed: 0 - easement

7. Are there any easements or restrictive covenants which affect the subject land? Yes () No ()

If yes, please provide a description of the easement or restrictive covenant and its effect on the land.

8. Official Plan Designation(s) which applies to subject land: agricultural + significant woodland

9. **ACCESS:**

a) <u>Type of Access</u>	<u>Severed</u>	<u>Retained</u>
Provincial Highway	()	()
A Municipal Road that is maintained year round	(✓)	()
A Municipal Road that is maintained seasonally	()	()
A Right-of-way	()	()

b) If the access to the subject land is by water only, please state the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.

10. **WATER SUPPLY**

What type of water supply is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Publicly owned & operated piped water supply	()	()
Privately owned and operated individual or communal well	()	()
Lake or other water body	()	()
Other (Specify)	()	()

N/A

11. **SEWAGE DISPOSAL:**

What type of sewage disposal is proposed? (Check appropriate Space)

<u>TYPE</u>	<u>PROPOSED LOT(S)</u>	<u>RETAINED LOT(S)</u>
Public owned and operated sanitary sewage system	()	()
Privately owned and operated individual or communal septic system	()	()
If a private system is proposed, has a certificate of approval been issued by the County of Lambton	()	()
Yes	()	No ()
Pit Privy	()	()
Other (Specify)	()	()

N/A

12. When will water supply and sewage disposal services be available? _____

13. If known, state whether the subject land is the subject of any other application under the Act, such as an application for approval of an official plan or plan amendment, a zoning by-law amendment, a Minister's zoning order amendment, a minor variance, a consent (severance) or approval of a plan of subdivision.

Please provide the file # of the application and the status of the application.

File #: _____ Status: _____

14. If known, state whether the subject land has ever been the subject of an application for approval of a plan of subdivision, under Section 51 of the Act, or a consent (severance), under Section 53 of the Act.

File #: _____ Status: _____

15. Is the subject land within an area of land designated under any provincial plan or plans.

If the answer to the above is yes, does the application conform to or does it conflict with the applicable provincial plan or plans.

16. The current Zoning of the subject land in the applicable Zoning By-Law A1 - agricultural

17. Has any land been severed from the parcel originally acquired by the owner of the subject land?

If yes – date of transfer 2022 Name of the transferee _____

Uses of the severed land separation of merged farm parcels

18. **SEVERANCES IN RURAL AREAS:**

Note: This section is to be completed only for applications in Rural or Agricultural Areas.

a) Is the severance intended to provide a residential lot? Yes () No (X)

i) Why? permanent easement

b) Are there any barns located on the subject lands or within 1 km of the subject lands? Yes () No ()

If the answer is "yes", provide the following information for each barn (use additional pages if necessary):

-Type of Livestock _____

-# of Current Livestock _____

-Potential Housing Capacity _____

-Type of Manure Storage _____

-9-1-1 Address _____

-distance to proposed new lot line _____

N/A

19. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application is required.

*** To be signed in front of the Township Official.**

Dated at the Township of Dawn-Euphemia this 12 day of June, 2024.

I/We Allan and Diane Bergsma of the Township of Dawn-Euphemia, in the County of Lambton solemnly declare that all the statements contained in this application are true, and I/We make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

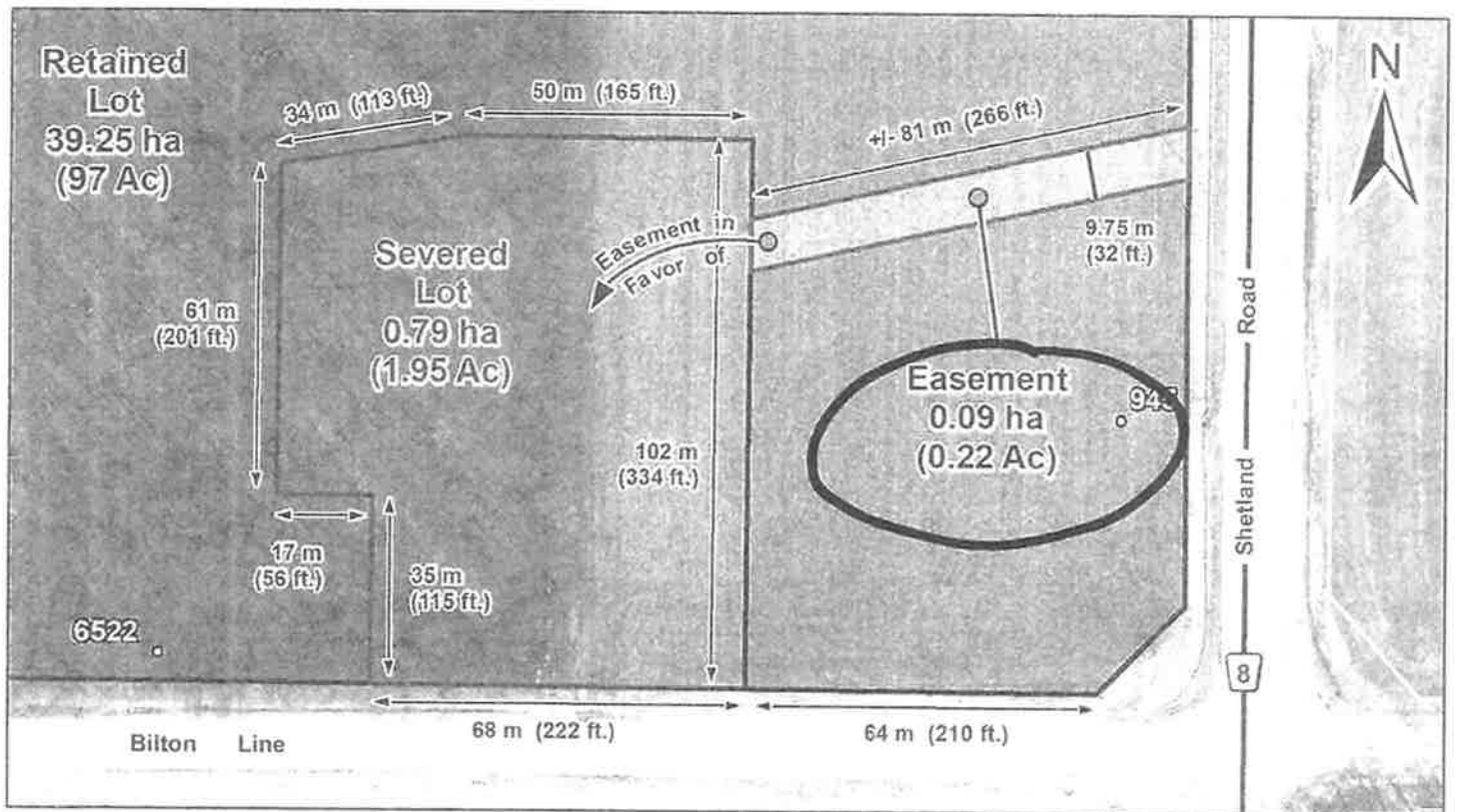
(Signature) of applicant, solicitor or authorized agent

(Signature) of applicant

DECLARED before me at Township of Dawn-Euphemia in the County of Lambton this 12 day of June, 2024.

A Commissioner, etc. _____

Brooklyn Stam, Deputy Clerk
Commissioner for the
Township of Dawn-Euphemia
Province of Ontario





The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line
RR 4 Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511
Email: admin@dawneuphemia.on.ca



PUBLIC NOTICE SEVERANCE APPLICATION COMMITTEE OF ADJUSTMENT

APPLICATION NO. B002/24 & B006/24

TAKE NOTICE that a consent application (**B002/24**) has been made by Allan and Diane Bergsma with respect to lands described as Euphemia Concession 2, Part Lot 21, RP 25R11253, Part 1, Dawn-Euphemia Township (6522 Bilton Line). The applicant proposes to sever +/- 0.79 hectares (1.95 acres) from the present 40-hectare (99 acre) farm. The retained +/- 39.25 hectares (97 acres) would include the cultivated farm area while the severed parcel would include the Three Oaks Respite Home. The second consent application (**B006/24**) deals with a required permanent easement in favour of the severed parcel. The easement would ensure continued access to various utility services (i.e. gas, water, and electrical service lines) for the severed lot in perpetuity.

AND FURTHER TAKE NOTICE that the Committee of Adjustment for the Township of Dawn-Euphemia has appointed August 6, 2024, at 6:10 p.m. for the purpose of a public hearing into this matter, to be held in the Township of Dawn-Euphemia Municipal Office, 4591 Lambton Line, RR 4, Dresden, Ontario. Signed, written submissions regarding the application will be accepted by the Secretary-Treasurer prior to or during the hearing.

Any person wishing to participate in the Public Meeting may do so by either making a written submission beforehand or by notifying the Secretary-Treasurer of the Committee of Adjustment (Donna Clermont).

If you wish to be notified of the decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary - Treasurer of the Committee of Adjustment at the address noted below.

If a person or public body that files an appeal of a decision of the Township of Dawn-Euphemia Committee of Adjustment in respect of the proposed consent does not make written submission to the Township of Dawn-Euphemia Committee of Adjustment before it gives or refuses to give a provisional consent, the Ontario Land Tribunal (OLT) may dismiss the appeal.

If you are aware of any persons interested or affected by this application who have not received a copy of this notice, it would be appreciated if you would so inform them.

Additional information regarding the application and copies of this notice will be available to the public for inspection at the Township of Dawn-Euphemia Municipal Office, from 8:30 a.m. to 4:30 p.m., Mondays to Fridays.

Dated at the Township of Dawn-Euphemia this 12th day of July, 2024.





 Subject Property

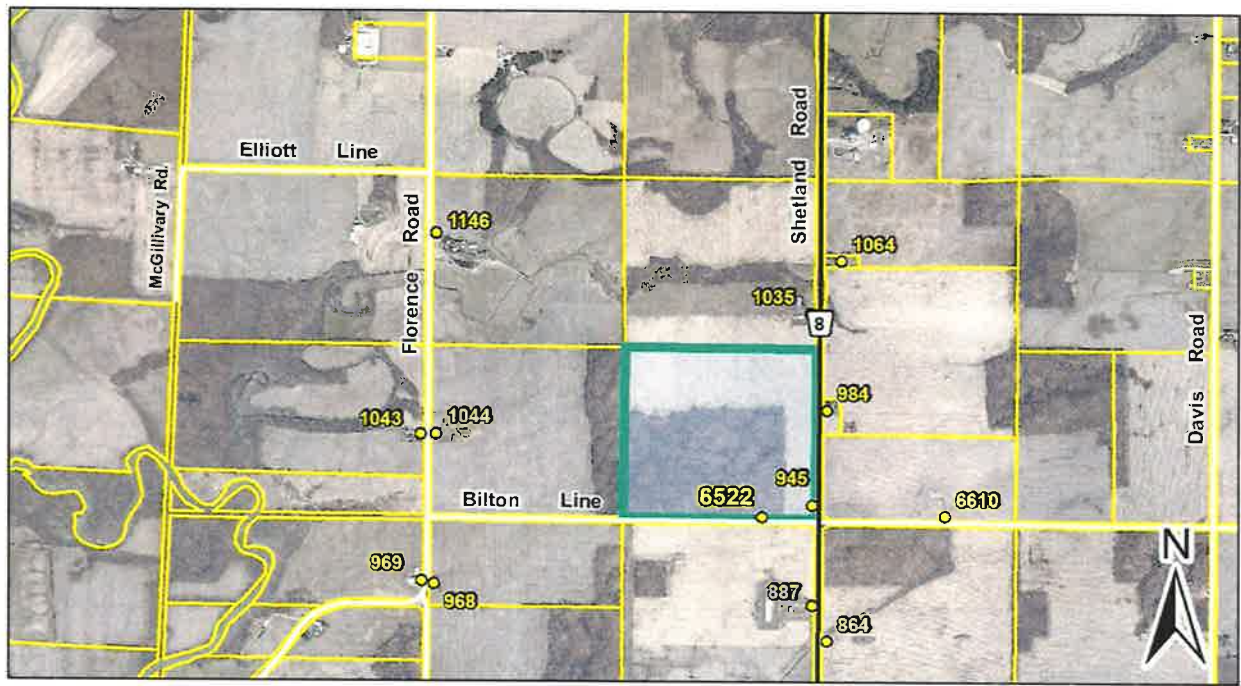
Donna Clermont
Secretary-Treasurer
Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line, RR 4
Dresden, ON N0P 1M0
Telephone: 519-692-5148
Fax: 519-692-5511

Email: clerk@dawneuphemia.on.ca

bc

	PLANNING AND DEVELOPMENT SERVICES REPORT	
REPORT TO:	TOWNSHIP OF DAWN EUPHEMIA COMMITTEE OF ADJUSTMENT	
PREPARED BY: (COUNTY)	Ezio Nadalin, Planner	
APPROVED BY: (COUNTY)	Corrine Nauta, Dipl. M.A., Dipl. M.M., CBCO Acting Manager, Planning & Development Services	
REPORT DATE:	July 22, 2024	
MEETING DATE:	August 6, 2024	
IN CAMERA:	Open Session	
SUBJECT:	Agenda Item: B-002/24 and B-006/24 Consents to Sever – 6522 Bilton Line CON 2, PT LOT 21, RP 25R11253, PT 1 Owners: Allan and Diane Bergsma	

SITE PHOTO



EXECUTIVE SUMMARY:

With regards to Application **B002/24**, the owner of 6522 Bilton Line is seeking consent to sever +/- 0.79 hectares (1.95 acres) of land. The severed property contains an institutional facility (i.e. the **Three Oaks Respite Home**). The remaining retained property has an area of +/- 39.25 hectares (97 acres) and contains both a significant forested area as well as a cleared area presently used for crop production.

20

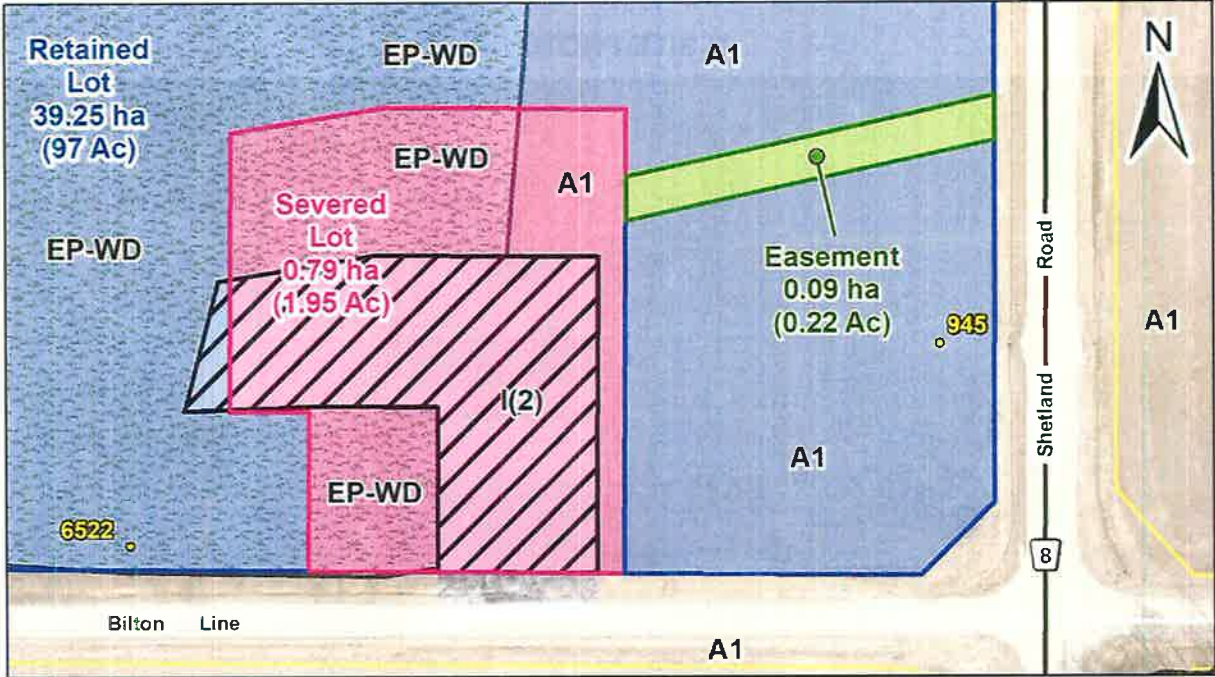
This is **not** a surplus farm dwelling severance. For this application we will refer to the “*Institutional*” severance policies of both the Official Plan and Zoning By-law. The severed parcel is primarily located within the “*Institutional - 2 (I)(2) Zone*” (see **Diagram 1**).

With regards to site history, Township Council met on November 7, 2022, and passed an Official Plan and Zoning By-law Amendment to facilitate the construction of a respite cabin. The amendments limited development to the “*Proposed Development Area (PDA)*” and created a new “*Institutional*” designation and site-specific re-zoning.

The “*Institutional*” designation typically includes any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices.

The severed lot would contain three separate zone designations (see **Diagram 1**). Due to the slight shift in facility location and the need for increased lot size to accommodate septic services, parking etc., the proposed lot will include the Institutional - 2 (I)(2), the Environmental Protection – Woodlot (EP-W) and Agricultural - 1 (A1) Zones (see **Diagram 1**).

Diagram 1: Showing the proposed Lot Area and corresponding Zones



With regards to application **B006/24**, this application would grant **Consent in favour** of the severed parcel on a small portion of lands owned by the adjacent landowner (see **Diagrams 2** and **3**). The proposed easement would allow for continued access to gas, water and hydro-electrical service across the adjacent property and to the severed lot.

This application involves the **transfer of legal rights**. The easement would recognize the parts of the subject parcel which are subject to the utility service access. The service corridor would have a **width** of +/- 9.75 metres (32 ft.), a **length** of +/- 81 metres (266 ft.) and an **area** of 0.09 hectares (0.22 acres). Using the Consent process the applicant would reserve the right-of-way in an **easement** over the subject properties in perpetuity.

BACKGROUND/SITE CONTEXT:

The site is located within an agricultural area and fronts onto the Bilton Line. The severed parcel would retain the **Three Oaks Respite Home** facility while the retained parcel would include the adjacent forested area and agricultural land.

Diagram 2: Showing Proposed Parcel Severance and Easement – Macro View.

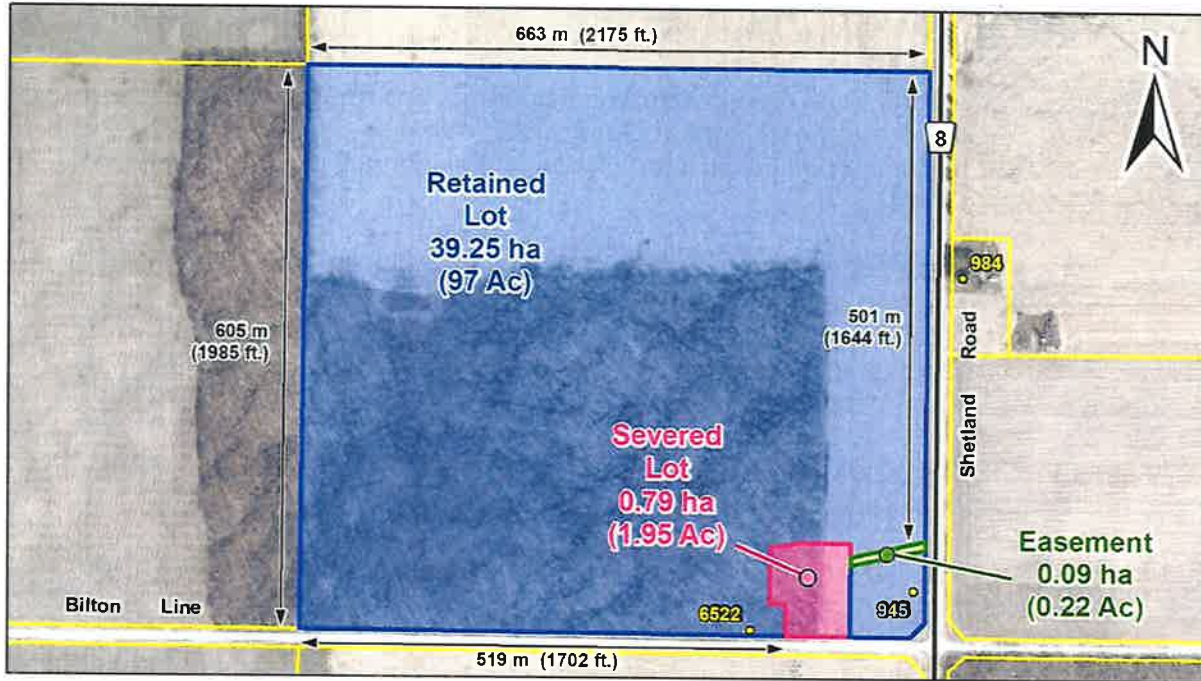
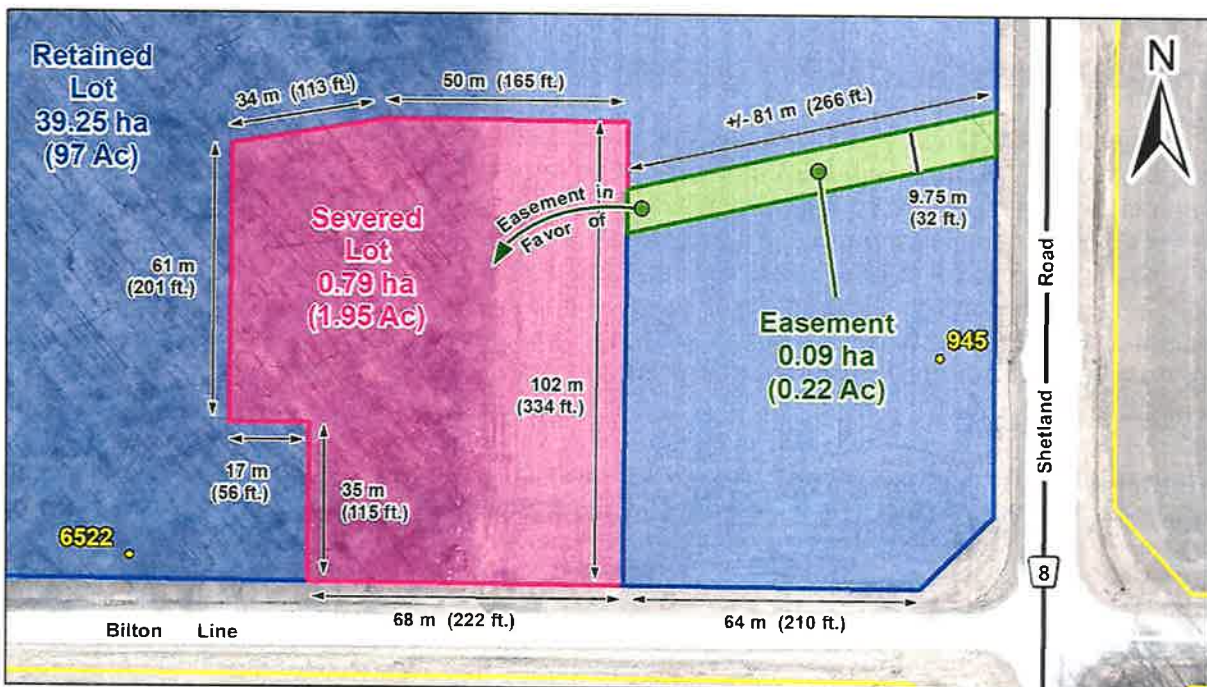


Diagram 3: Showing Proposed Parcel Severance and Easement – Micro View.



APPLICATION REVIEW – PLANNING ACT/PROVINCIAL POLICY STATEMENT:

With regards to **B002/24** and **B006/24** this application meets the intent and purpose of both the Ontario Planning Act and the Provincial Planning Statement (PPS).

The Provincial Policy Statement (PPS) provides overall policy related to agricultural properties, for their continued use for crop production and agricultural purposes. The PPS does provide some flexibility to consider non-agricultural uses through local policy and zoning provided that the reduction of productive farmland is minimized. This proposal is in keeping with the PPS.

The PPS generally supports Rural Area development building upon rural character and leveraging rural amenities. The **Environmental Impact Study (EIS)** that was previously done for the site should minimize and mitigate potential adverse effects to the adjacent sensitive land use (i.e. the **Significant Woodlot Area**)

The PPS lists the permitted uses for the prime agricultural areas which include agricultural uses, agricultural-related uses, and on-farm diversified uses. **Subsection 2.3.3.3** requires the creation of new lots to comply with minimum distance separation requirements (MDS). This proposal meets MDS setback requirements as established in the previous Zoning Bylaw Amendment and subsequent Building Permit approvals.

According to the PPS, the new lot must meet the minimum size requirements to accommodate the use and accommodate appropriate sewage and water services.

The proposed +/- 0.79 hectares (1.95 acres) generally meets the minimum required standard area of 0.8 ha (1.98 acres) and the severed lot meets all other **Table “A”** Regulations.

With regards to **B006/24** Planning Act, **Subsections 50(3)(a) & (f)** describe the process by which *“a consent can be given to convey, mortgage or charge the land or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land.”*

APPLICATION REVIEW – COUNTY OF LAMBTON OFFICIAL PLAN (OP):

There are very few County O.P. policies that are directly applicable in this case as it is a rather unique situation , **Subsection 4.2.2** however does appear to apply, and it requires that all non-farm lots be limited in size so that a minimum of land is taken out of agricultural production and will be located on the least productive land where possible - e.g. where the location is consistent with this Plan's natural heritage and natural hazard policies. The lot size will be limited to a minimum size needed to accommodate the use and expected current and future needs with respect to water supply and sewage disposal and should protect designated vulnerable groundwater and surface water features and their hydrologic functions and in that regard this proposal conforms.

Subsection 4.1 of The County of Lambton OP encourages the protection of prime agricultural lands and discourages the use of non-agricultural practices in farming areas which is the case here.

Subsection 4.2.3 (f) of the County OP states that consents in the *“Agricultural Area”* may be granted to create farm parcels that are not less than 30 ha (74.13 acres). The proposed severance

complies with the County OP because the proposed retained farm parcel would be +/- 39.25 hectares (97 acres).

With regards to **B006/24**, the proposed severance complies with **Subsection 4.2.3 (a)** which allows for a Consent in the Agricultural Area for the purpose of “creating rights-of-way or easements.”

APPLICATION REVIEW – TOWNSHIP OF DAWN-EUPHEMIA OFFICIAL PLAN:

The portion of the site has a site-specific amendment which allows for “*Institutional Uses*” while the remainder of the property is designated “*Agricultural Area*” and “*Significant Woodlot*” in the Township of Dawn-Euphemia Official Plan (OP).

The applicant had submitted a “**Scoped Environmental Impact Study**” in conformity with associated Provincial technical guidelines as directed in the Provincial Policy Statement (PPS). The landowner would still be bound by the finding and recommendations of that EIS Report. The Report contained the appropriate level of detail to assess the development impacts, the features, areas, and functions to be evaluated. It has been determined that any potential impacts on the natural features and ecological functions can be mitigated and that there will be no significant negative impacts.

The remaining portion of the lot located within the “*Agricultural*” designation would permits agricultural related uses as well as non-farm diversified uses that meet specified criteria and are compatible with surrounding agricultural operations.

The **Significant Woodlot Area** of the proposed lot would not permit further development encroachment.

As for the permitted **Institutional** uses, they typically include any recognized public, non-profit or charitable organization, churches, nursing homes, libraries, municipal buildings and offices and cemeteries.

This proposal meets the general intent and purpose of the Township of Dawn-Euphemia Official Plan.

APPLICATION REVIEW – ZONING BY-LAW:

The property has a site specific “*Institutional (I)2*” zoning which allows: (a) a Minimum Lot frontage of 32.18 metres; (b) a Proposed Development Area of 0.35 hectares and (c) a Minimum Parking Space requirement of 2 spaces.

The severed lot would contain three separate zone designations (see **Diagram 1**). Due to the slight shift in facility location and the need for increased lot size to accommodate septic services, parking etc., the proposed lot will include the “*Institutional - 2 (I)2*”, the “*Environmental Protection – Woodlot (EP-W)*” and “*Agricultural - 1 (A1)*” Zones (see **Diagram 1**).

Since there are currently Official Plan provisions allowing for more than one zone on lot of record, the present proposal could be further considered as presently submitted.

However, to clean things up a bit from a Planning perspective, we do recommend that in future, if not now, that this property be re-zoned as apart of a Comprehensive Zoning By-law housecleaning exercise such that the present **(I)2 zone** be re-configured to include all the **A1** portion of the lot and a new minimum lot size be established to mimic the proposed 0.79-hectare (1.95 acre) lot size.

Please note, that this is a recommendation and **not a provisional consent requirement**.

CONCLUSION:

Planning staff supports approval of the above noted applications as each application is consistent with the applicable policies and regulations and Ontario Planning Act requirements as noted above.

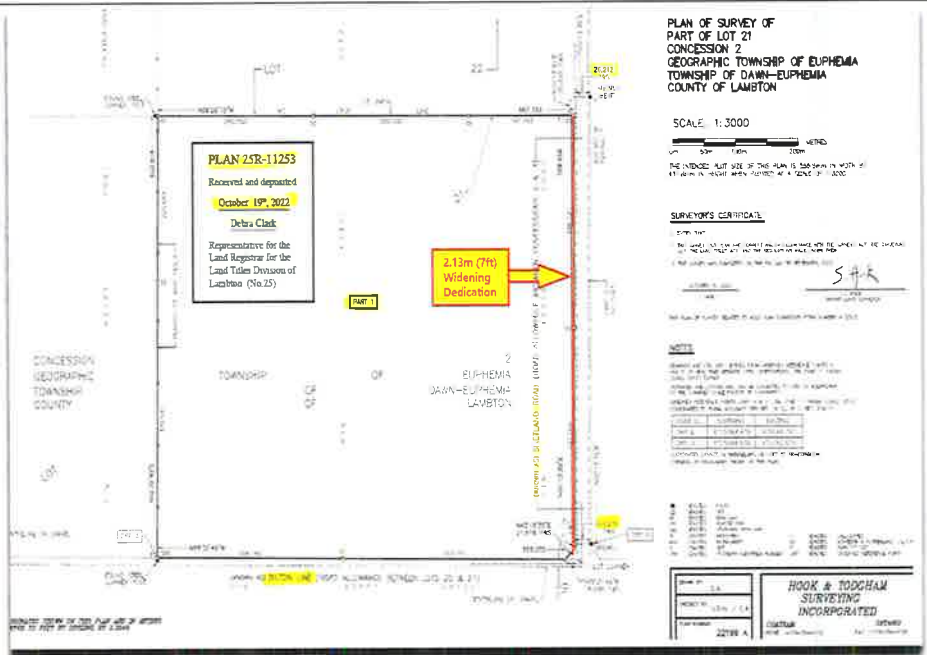
RECOMMENDATION(S):

That the Township of Dawn-Euphemia Committee of Adjustment **APPROVE** Consent Applications **B002/24** and **B006/24** subject to the following conditions:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, and in a form suitable for registration. This should be done for both the rural severance (**B002/24**) and the associated easement (**B006/24**).
2. The applicant enters into an agreement with the Municipality for the apportionment of drainage assessment.
3. That both the retained and severed lots have adequate access to the road allowance and that a road widening dedication to the County of Lambton Public Works Department as required.
4. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. The Township of Dawn-Euphemia will endeavor to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, each applicant is responsible for ensuring that the Provisional consent does not lapse. If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.

DEPARTMENT AND AGENCY COMMENTS:

County of Lambton Building Services	<p>The proposed severed lot is acceptable to this Department and meets the MOE “Reasonable Use Guidelines” criteria.</p> <p>The subject property does have septic records available for consideration (SL-384-89) and details were provided as part of the application and a site inspection has been conducted to confirm same and are consistent.</p> <p>The septic bed would appear to be wholly contained within the proposed new property boundaries so this Department has no concerns and the standard condition with regards to clearly identifying the site on the survey would apply.</p>
St. Clair Region Conservation Authority	<p>Portions of the subject property are regulated by the Conservation Authority Act / Ont. Reg. 41/24.</p> <p>It is our understanding that the retained lot will be re-zoned to A1-NFD, the SCRCA supports this condition. Any future development and/or site alteration within the regulated area will require written permission. The SCRCA has no concerns with the proposal as presented.</p> <p>(*Note: the A1-NFD re-zoning will not be required)</p>
Township of Dawn Euphemia Public Works Department	<p>There are no concerns with this application as submitted, provided a provisional condition is added to address the apportionment of drainage assessment.</p>
County of Lambton Public Works Department	<p>In conjunction with the County of Lambton’s long-term goal to widen the road allowance along this section of County Road 8 (Shetland Road) to a minimum 100 feet (30.4 metres), the County requests a 7-foot (2.13 metres approximate) road widening dedication along the east side of Part 1 of the most recent survey plan we have on file for this property (as identified below). Note that widening needs are identified uniform to the midpoint/centreline of the original road allowance. All lands dedicated would be free and clear of all encumbrances. This includes all mortgages, notices and other Municipal agreements etc. registered on the title to the lands.</p>



Excerpt of Recent Plan on File for this Property – 25R-11253 dated October 19, 2022

Part 1, as identified, is in keeping with a previous Severance Application (B004-22) whereby two adjacent farm parcels, described as Concession 2, East Part Lot 22 (known municipally as 1035 Shetland Road) and Concession 2 East Part Lot 21 (known subsequently as 945 Shetland Road). This previous application was to sever these lands after inadvertently being previously merged on title.

Further drafts shall be required for review and approval prior to any registration of plans. County process for the road widening dedication shall be provided to the proponent upon request.



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511
Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca



PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT FOR THE TOWNSHIP OF DAWN-EUPHEMIA
(Ont. Regulation 547/96)

*** DECISION ***

FILE # B006 / 24

In the case of an application made by Allan and Diane Bergsma, requesting a severance in favour of a permanent easement in order to recognize continued access to the natural gas, waterline, and hydro-electrical services on the lands described as Concession 2 Part Lot 21, RP 25R11253 Part 1, known locally as 6522 Bilton Line, **be APPROVED subject to the following conditions:**

CONDITIONS:

1. That a copy of the deed and R.D. Plan or survey be submitted to the Secretary-Treasurer in digital format, if available, and properly georeferenced to the NAD83 UTM Zone 17 Coordinate System, in a form suitable for registration.
2. That the permanent easement be registered on title, on the retained parcel, in order to recognize the continued access to the natural gas, waterline, and hydro-electrical services.
3. That all conditions be fulfilled within two years of the notice of decision of this consent. The certificate of consent required by Section 53(42) of the Planning Act shall be obtained within two years of the notice of decision of this consent. *The Township of Dawn Euphemia will endeavour to send the applicant a reminder that the Provisional Consent is approaching its lapsing date. However, **each applicant is responsible for ensuring that the Provisional consent does not lapse.** If the Provisional Consent does lapse (meaning the deeds have not been stamped within two years of the notice of decision of the consent), a new application will be required. There is no provision in the Planning Act for extensions to Provisional Consents.*

Members concurring in the above ruling:

Alan Broad

Ann Gray

Paul LeBoeuf

Mark McGuire

Jason Meyer

***** CERTIFICATION *****

I, Donna Clermont, Secretary-Treasurer of the Committee of Adjustment for the Township of Dawn-Euphemia certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded herein which was brought before the Committee on August 6th, with the Notice of Decision being August 8th, 2024.

Donna Clermont,
Secretary-Treasurer, Committee of Adjustment
Township of Dawn-Euphemia

NOTE: The last day for appeal of the above decision is the 28th day of August, 2024



The Corporation of the Township of Dawn-Euphemia
4591 Lambton Line, RR #4, Dresden, ON N0P 1M0
Telephone: 519-692-5148 Fax: 519-692-5511
Email: clerk@dawneuphemia.on.ca Website: www.dawneuphemia.ca

**PROVISIONAL CONSENT
COMMITTEE OF ADJUSTMENT**
Application Number B006-24

A hearing was held by the Committee of Adjustment appointed by the Council of the Township of Dawn-Euphemia the Municipal Building, Rutherford, ON, on August 6, 2024, to consider Application Number B006-24, the Committee's decision being to grant the consent subject to conditions.

EFFECT OF WRITTEN AND ORAL SUBMISSIONS:

Submissions were made by Lambton County Planning and Development Services and the applicants, which assisted the committee in making an informed decision with appropriate conditions of approval.

The Planning Act states: "Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Ontario Land Tribunal by filing with the Secretary-Treasurer, a notice of appeal setting out the reasons for the appeal, accompanied by the fee prescribed under the Ontario Land Tribunal Act."

Only individuals, corporations and public bodies may appeal decisions in respect of applications for consent to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

The last day for appeal of Application Number B006-24 is the 28th day of August, 2024. The notice of appeal must be filed with the Secretary Treasurer of the Committee of Adjustment and must set out the reasons for the appeal and must be accompanied by a cheque or money order in the amount of \$400.00 for the appeal made payable to the **Minister of Finance**.

You will be entitled to receive notice of any changes to the conditions of the provisional consent if you have made a written request to be notified of changes to the conditions of the provisional consent.

No other applications are being considered at this time with respect to the subject lands.

Secretary-Treasurer, Committee of Adjustment
Township of Dawn-Euphemia
4591 Lambton Line
RR #4 Dresden, ON N0P 1M0

The Corporation of the Township of Dawn-Euphemia



RESOLUTION – COMMITTEE OF ADJUSTMENT

Date: August 6, 2024

Moved by:	Seconded by:	Recorded Vote:		
		Order	Vote	
<input type="checkbox"/> A. Broad	<input type="checkbox"/> A. Broad	_____	_____	A. Broad
<input type="checkbox"/> A. Gray	<input type="checkbox"/> A. Gray	_____	_____	A. Gray
<input type="checkbox"/> P. LeBoeuf	<input type="checkbox"/> P. LeBoeuf	_____	_____	P. LeBoeuf
<input type="checkbox"/> M. McGuire	<input type="checkbox"/> M. McGuire	_____	_____	M. McGuire
<input type="checkbox"/> J. Meyer	<input type="checkbox"/> J. Meyer	_____	_____	J. Meyer

That the Committee of Adjustment for Severance Applications #B007-24, #B002-24, and #B006-24 is hereby adjourned at the hour of _____ pm. *Carried.*