

MINUTES
LAND DIVISION COMMITTEE

The Land Division Committee of the County of Lambton met at the Lambton County Buildings at 9:00 a.m., Tuesday, May 11, 2004, to hold a hearing into an application for consent.

Present: Chair P. Davidson, Warden Todd Case. Members: J. Burns, Jim Foubister. Also present were Deputy-Secretary-Treasurer M. Pauschenwein and Planner Maria Cossa-Rossi.

APPLICATION B-004/04

Grant Turner/Ross Wilson for
The Estate of Ethel Turner
Concession 3, East Part Lot 30
1813 Robinson Road
Township of Dawn-Euphemia (former Twp. of Dawn)

An application has been made with the intent to sever a 40.20 ha (100a) parcel into 2 equal portions of 20.10 (50a) each. This property was acquired by two separate deeds by the husband of the late Ethel Turner and was considered by her to be two separate parcels. Ethel Turner died on October 3, 2001 and left, in her Last Will and Testament, dated February 2, 1989, equal portions of the property to two relatives.

The property contains a house, a small building housing the water pump and a hydro pole. These buildings and pole would remain on one of the proposed severed parcels and the second proposed severed parcel would contain the remainder of the vacant farmland

The Official Plan for the Township of Dawn-Euphemia designates the subject lands "Agriculture" and they are zoned "Agricultural (A1) Zone" in the Township Zoning By-law 25 of 2002.

Section 1.4 of Dawn-Euphemia's Official Plan states that the minimum size for agricultural uses shall generally be 40 hectares in order to discourage the unwarranted fragmentation of farmland. Severance policies relating to farm lot creation further state that the size of severed and retained lots shall conform to the requirements of the Zoning By-law which under the A1 Zone requires that agricultural lots be at least 38 hectares in area.

Attending the meeting were Grant Turner, Edith Wilson and Ross Wilson. Mr. Turner indicated that both he and his cousin want the property to remain in the family and neither is intending to sell or build on either proposed severed parcel. The parcel is currently and will continue to be rented as pasture for a nearby cattle operation. Don Moore rents the property. Edith Wilson stated that Ethel Turner was a first cousin who had no children and that she looked after her.

The Warden queried the applicants on whether they had thought of joint ownership. Edith Wilson stated that this generation gets along fine but she didn't know about the next generation.

The Planner read her report which did not support the application. The Deputy-Secretary-Treasurer read correspondence received from the Township of Dawn-Euphemia in support of the application.

Case/Burns: That Application B-004/04 be approved with conditions.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
4. That the applicant enter into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
5. That if either the severed portion or the retained portion does not have an access culvert after the consent, then the applicant is responsible for the cost of the Township of Dawn-Euphemia providing such access.
6. That Minor Variances are required for the undersized agricultural lots.

APPLICATION B-005/04

John and Susan Simpson
Concession 8, West Part Lot 29
1728 Oil Heritage Road
Township of Dawn-Euphemia (former Twp. of Dawn)

An application has been made with the intent to sever an approximate 40.2ha (99.22a) parcel fronting on County Road 21 (Oil Heritage Road). The proposed severed parcel would have a frontage of 90m (295.28'), a depth of 90m (295.28') and an area of 0.81ha (2a). The proposed retained portion would be approximately 39.2ha (96.86a). There is a residential dwelling, garage and storage shed on the proposed severed parcel. The applicants maintain that the residential dwelling is surplus to their needs.

The Official Plan for the Township of Dawn-Euphemia designates the subject lands "Agriculture", with a small southeastern portion designated "Woodlot". The subject lands are zoned "Agricultural (A1) Zone" in the Township Zoning By-law 25 of 2002.

The proposed severed lot appears to have sufficient area to accommodate a replacement septic system if required in the future.

The house is currently a rental property and the applicants have stated they reside in 2 other homes in Lambton County. One home (residential/farm) is located in the Township of Dawn-Euphemia and the other (residential) is located in St. Clair Township.

Attending the meeting was Mr. John Simpson who declined to speak to the application.

The Planner read her planning report which supported the application. The Deputy-Secretary-Treasurer read correspondence received from the County of Lambton requesting a 20' road dedication across the frontage of both the retained and severed portions. A letter from the Township of Dawn-Euphemia was also read requesting their standard conditions and that a site specific zoning by-law amendment is not required.

Burns/Foubister: That Application B-005/04 be approved with conditions.

Conditions:

1. That a copy of the deed and R.D. Plan or survey in a form suitable for registration be deposited with the Secretary-Treasurer.
2. That a fee of \$500.00 be paid to the County of Lambton by cash or certified cheque.
3. That all conditions be fulfilled within one year of the notice of decision of this consent. That the certificate of consent required by Sections 53(42) of the Planning Act, be obtained within one year of the notice of decision of this consent.
4. That the applicant enter into an agreement with the Township of Dawn-Euphemia for the apportionment of drainage assessments on the involved properties.
5. That any new access entrances or alterations to existing entrances, required as a result of this severance onto County Road 21 (Oil Heritage Road) will require an Entrance Permit from the County of Lambton Public Works Department.
6. That a 6.096m (20') road widening dedication across the frontage of both the retained and severed parcels be deeded to the County of Lambton.
7. That the 0.8 hectare minimum for the severed parcel excludes the 20' road widening dedication to the County of Lambton.
8. That the retained parcel be reduced to 39.14 hectares to take into account the 20' road widening dedication to the County of Lambton.

Adjournment

The Chair declared the meeting adjourned to meet again on June 8, 2004.

Time: 10:00 a.m.

Patricia Davidson

Chair

Madeline Pauschenwein

Deputy-Secretary-Treasurer