



# REPORT

## Planning & Development

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**Meeting:** Committee of the Whole

**Date:** April 8, 2025

**Report No.:** PLAN-15-25

**RESOLUTION NO.:** \_\_\_\_\_ **BY-LAW NO.:** \_\_\_\_\_

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**Subject:** D14-KEO-03-25 – Zoning By-Law Amendment – 452 Tobacco Road

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**Recommendation(s):**

**BE IT RESOLVED THAT** Committee of the Whole receive Report PLAN-15-25 for information; and

**THAT** Committee of the Whole recommend to Council to direct staff to prepare a by-law to amend the Township of Cramahe's Comprehensive Zoning By-Law 08-18 to implement the recommendations of this report, for consideration.

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**File No.:** D14-KEO-03-25

**Applicant:** Bruce Voskamp

**Agent:** Andrew Keogh

**Property:** 452 Tobacco Road (CON 7, PT LOT 19, RP 38R952 ; PART 3)

**Assessment Roll Number:** 1411 011 040 005020 0000

**County Official Plan Designation:** Rural Area

**Township Official Plan Designation:** Rural

**Township Zoning:** Rural Residential – 1 (RR-1) Zone

**Background:**

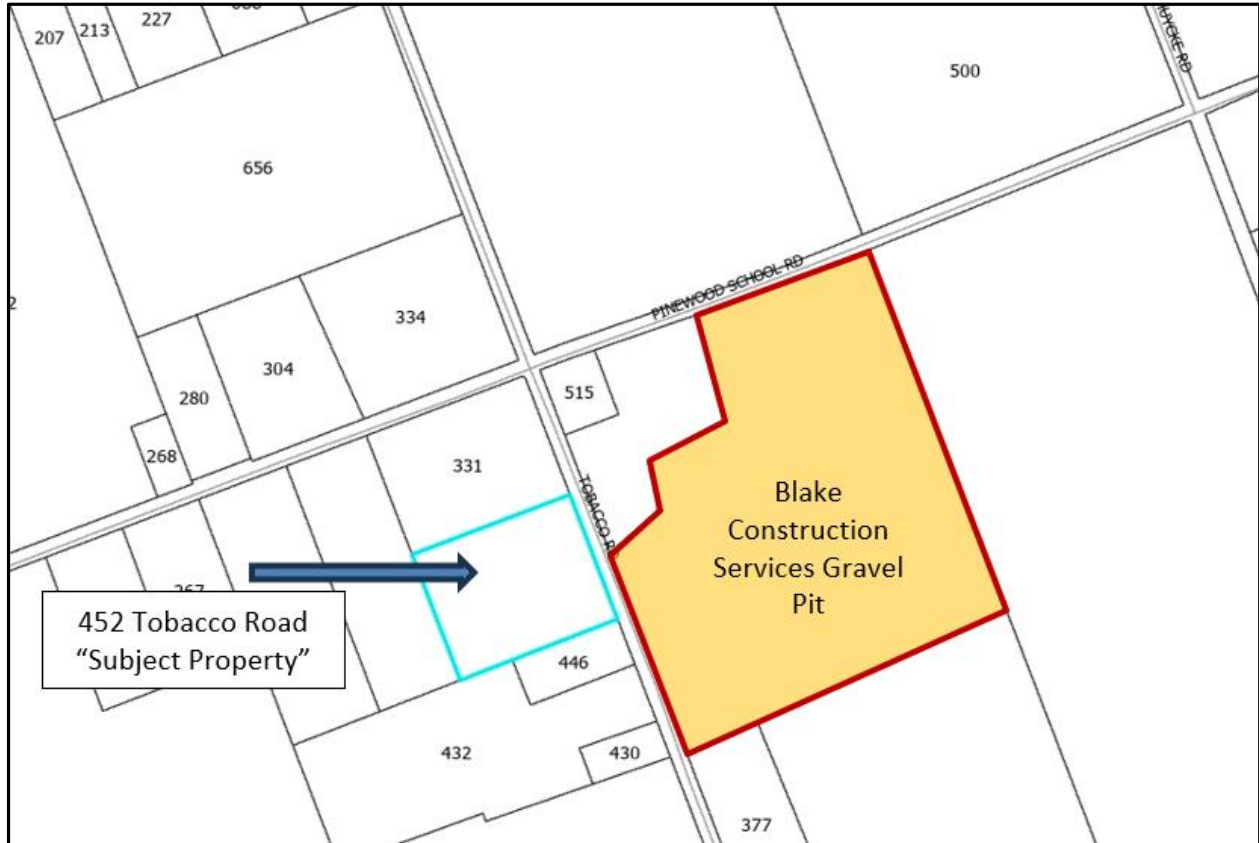
The applicant is seeking a zoning by-law amendment to request relief from the required special separation requirements from an active aggregate operation in order to construct a single-family dwelling. The lands subject to the proposed Zoning By-Law Amendment are municipally known as 452 Tobacco Road, Township of Cramahe (the "Subject Lands").

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**CORPORATION OF THE TOWNSHIP OF CRAMAHE**

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This report will further detail how the application meets policy requirements, ensuring it contributes positively to the rural context of the region in conformity with adjacent land uses. Figure 1 indicates the location of the Subject Lands.



**Figure 1: location of Subject Lands.**

**Proposal:**

The applicant seeks to rezone the subject property from Rural Residential (RR-1) Zone to a Rural Residential Exception Zone with a possible Holding Provision (RR-XX-H). The purpose of the rezoning application is to reduce the required separation requirement from a neighbouring aggregate operation (Blake Construction Services) located at Concession 7 Part Lot 18, 442 Tobacco Road. Frontages and vehicular entrances serving the subject lands are off Tobacco Road.

Multiple policies, including the Township’s Comprehensive Zoning By-Law, requires the protection of Mineral Aggregate Operations (such as a pit) from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact. Special Separation Requirements (Section 4.31) for pits and quarries and sensitive uses, including residential, are outlined in the Township’s Comprehensive Zoning By-Law. As the applicant wishes to develop closer to the road than what is currently permitted, a zoning by-law amendment is required.

**Analysis:**

The following is a review of the land use policy framework related to the subject lands.

**Provincial Planning Statement (PPS, 2024):**

This planning report examines the application for the rezoning of one parcel of land in order to address the setback requirements and separation distances of aggregate resources and sensitive land uses to permit the construct a single residential dwelling.

As the subject lands are located within a rural setting, the application is evaluated against Section 2.6 of the PPS, which outlines the permitted uses within rural lands within municipalities and how development can be sustained on these lands. Residential development, where site conditions are suitable for the provision of appropriate sewage and water services. As the Subject Lands are vacant, they have been examined to determine if they are suitable for private services. The Plumbing and Septic review completed by the County of Northumberland identified no issues.

The province is clear in that it feels that diversified rural economic growth should be supported through the protection of agricultural and other resource related uses and directing non-related development to areas where it will minimize constraints on these uses. As the lands are rural and the soil is of minimal agricultural value, and the lot currently exists and surrounded by other residential uses, it has been demonstrated that the development proposal for the Subject Lands will not negatively impact any surrounding farming operation. Therefore, the application is consistent with this policy.

Section 4.1 speaks to the protection of Natural Heritage features. In addition, Section 4.1.8 states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. This is being accomplished for the subject proposal as all identified features are located on adjacent lands to the east and the associated buffers do not extend onto the Subject Lands.

Section 4.5 speaks to the protection of Mineral Aggregate Resources as the province requires for the protection for long-term use for all existing operations and deposits. Specifically, Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use, including sensitive uses such as residential. Where mineral aggregate resources have been identified, development and activities which may impact its operation, development as proposed by way of this operation may only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

As there are other established residential uses in the area, and the proposed development is being setback to the same distance to the active pit as the residential dwelling located on the lands located directly south of the Subject Lands, it is expected that the proposed development will not cause greater impact on the existing operation. Therefore item a.) has been addressed. Item b.) is addressed as the proposal is meant to increase the rural development in the area to support housing targets. Lastly, item c.) has been addressed by way of the completion of a Lands Use Compatibility Assessment (LUCA) (prepared by Cambium Inc., 2024-12-12) of which identified no concerns regarding compatibility of the existing pit operation and the proposed development and use provided certain controls are implemented. The LUCA is further investigated later on in this report.

**Based on a review of the proposal and applicable policies of the PPS, the proposed rezoning is consistent with the PPS.**

**Northumberland County Official Plan (2016):**

The County OP designates the subject lands as “Rural Areas.” “Rural Areas” are intended to accommodate a variety of land uses that are appropriate for a rural location and a limited amount of residential development where such development will not preclude continued agricultural and non-residential uses. Such uses may consist of agriculture, rural housing, woodlots, and industrial and commercial uses. In Rural Areas, both the County OP and the Provincial Planning Statement (PPS) permits a detached dwelling on an existing lot of record.

The County OP also recognizes that limited rural residential development may be considered in Rural Areas if they can be adequately serviced and not adversely impact farming operations and natural heritage features located on or in proximity to the subject property. As such, the proposed development conforms to the County OP as it would allow limited residential development on rural lands in accordance with the Township’s Zoning By-Law.

The subject property is also in proximity to an existing Mineral Aggregate Operation located on the east side of Tobacco Road (Blake Construction Services). The County OP requires the protection of Mineral Aggregate Operations (such as a pit) from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety, or environmental impact.

New development within 300 metres of an aggregate pit must demonstrate through a Land Use Compatibility Assessment (e.g., noise, vibration, air and/or dust studies) that it is compatible with the current and future operation of the pit to the satisfaction of the Township of Cramahe. If the applicants can demonstrate that the proposed development will not adversely impact the current and future operation of the aggregate pit and has regard for potential cultural heritage features/artifacts, consistency and conformity with the PPS and the County OP will be achieved. Further discussion regarding the proximity of the pit is provided later in this report.

**Based on a review of the proposal and applicable policies of the County of Northumberland Official Plan, the proposed rezoning conforms to the County OP.**

### **Township of Cramahe Official Plan (Consolidation 2024)**

The Township of Cramahe Official Plan (the “Township OP”) guides planning and zoning decisions for the Township over the next 20 years. The Township OP sets forth several goals including, but not limited to, directing development to the Colborne urban area, encouraging commercial and industrial development, identifying and protecting agricultural lands, and maintaining the quality of the natural environment.

Section 5.1.12 outlines the policies regarding servicing in the Township. Rural lots may be serviced by individual on-site systems where the use of communal systems is not feasible and where site conditions are suitable over the long term. Northumberland County Plumbing department has determined that the Subject Lands are of sufficient size to accommodate individual onsite sewage and water services.

The Aggregate Resource Designation includes all land currently licensed under the Aggregate Resources Act, or its successors for extractive uses as well as those lands identified as areas of high potential for aggregate extraction by the Ministry of Natural Resources. Section 5.11.7 speaks to the Protection of Mineral Aggregate Resources and Operations. It states that the construction of buildings and changes of land use which are deemed to be incompatible with future aggregate extraction in and adjacent to areas designated Aggregate Resources will be discouraged, to protect such resources for development at some future time. It is recognized by this Plan, however, that extraction may not be feasible or advisable in all areas identified as Aggregate Resources. The municipality, in consultation with the Ministry of Natural Resources and Forestry, may permit non-aggregate land uses or developments in or adjacent to existing operations and areas designated for Aggregate Resources under carefully considered circumstances:

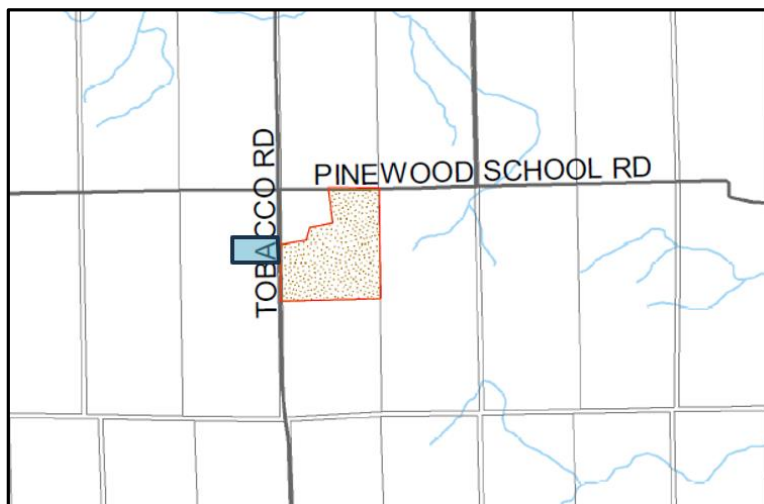
- a) Sensitive land uses should not be permitted within 300 metres of licensed sand and gravel pit operations and 500 metres of licensed quarry operations, unless studies are completed to demonstrate that the encroachment of the sensitive land uses will not be impacted by such matters as groundwater interference, noise, dust, traffic and vibration.

\*\*It is important to note that environmental considerations and requirements for industrial land use, sensitive lands, and land use compatibility is outlined in the guides provided by the Ministry of the Environment Conservation and Parks rather than the Ministry of Natural Resources and Forestry. These guides are known as the D Series Guidelines. This has reflected in the review of this application.

As the Subject Lands, and the proposed new development, are within 300 metres of the Blake Construction pit, the applicant was required to demonstrate through a Land Use Compatibility Assessment (LUCA) (e.g., noise, vibration, air and/or dust studies) that it is compatible with the current and future operation of the pit to the satisfaction of the Township of Cramahe. A LUCA was completed and submitted with the subject

application. An overview of the findings can be found in the section of this report that addresses the Zoning By-Law policies further below.

Section 5.13 outlines the policy regarding lands designated “Environmental Protect”. Lands designated as Environmental Protection are primarily intended for protection and conservation of the natural land and/or environment and should be managed in such a fashion as to complement adjacent land uses and protect such uses from any physical hazards. As the applicant’s proposal does not interfere with the environmentally sensitive lands and these lands and their surrounding buffer zones will be placed in an environmentally protected zone through this application there are no concerns with the proposal.



**Figure 2: Aggregate Designated Areas in Relation to the Subject Lands, Schedule “A-Aggregate”.**

**Based on a review of the proposal and applicable policies of the Township of Cramahe Official Plan, the proposed rezoning conforms to the Township OP.**

#### **Township of Cramahe Comprehensive Zoning By-Law (08-18)**

The Subject Lands are currently zoned Rural Residential -1 (RR-1) on Schedule “A” Map 19 as shown in Figure 3. The subject application has been submitted in order to address separation requirements for an existing aggregate operation on the east side of Tobacco Road and the proposed residential development for the Subject Lands.

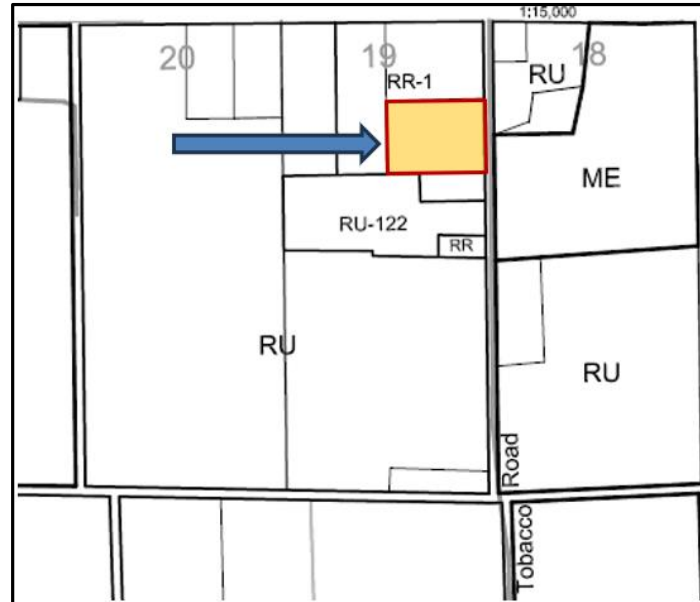
Section 4.31 outlines the Special Separation Requirements for pits and quarries and sensitive uses, including residential. Specifically, Section 4.31.2 states “No land may be zoned for residential, commercial, or institutional uses nor shall a residential dwelling be constructed which is located within 120.0 metres (393.7 feet) of an existing pit use...”. As the applicant wishes to develop closer to the road than what is currently permitted, a zoning by-law amendment is required.

The subject application is required in order to provide a property specific zoning that permits development for a residential use within the required 120.0 metre separation requirement. The applicant has requested that the setback be reduced to 95.0 metres (311.7 feet), of which is the same distance of the residential dwelling that was constructed on the adjacent lands located directly south of the Subject Lands in 2010.

A LUCA was submitted in support of the application. This assessment is attached to this report for review. Multiple recommendations were provided by Cambium for implementation of which included:

1. Layout of the Proposed Development site may affect the environmental impacts and land use compatibility. This land use compatibility study should be updated if significant changes are made [to the] development plan.
2. The Ministry D-Series guidelines aid in minimizing the adverse effects from the encroachment of incompatible land uses. This study concludes that there is one nearby facility (F01 – Blake Construction Services Gravel Pit) that is closer than the applicable Minimum Separation Distances. Therefore, an air quality impact assessment, and a detailed noise impact assessment is required and has been undertaken within this report.
3. Detailed Noise Impact Assessment Controls:
  - a. An operations agreement is required, involving the proponent of the new noise sensitive land use, the owner of the stationary source, and the land use planning authority. As described in section 4.2.3 of this report, the agreement will specify the noise control description.
  - b. Cambium recommends application of NPC 300 warning clause Type E for Stationary Sources. The warning clause text example is provided in Appendix C.
4. It is recommended that some type of municipal procedure be in place to verify the recommendations of this report are implemented and considered during later planning stages and construction either by design team professionals, or acoustic professionals.

As a result, Staff are in support of the proposed reduction in the separation distance provided that the recommendations and controls that are outlined in Cambium's LUCA are implemented. In order for this to be done, it is being proposed by Staff that a holding (H) be placed on the property until such time as the recommendations are implemented. Items 1 and 2 are addressed in the submitted LUCA, provided the proposed development plan does not change. Item 4 is addressed by the placement of the holding (H) by the Township on the Subject Lands until such time as item 3 has been addressed. Based on Staff's review, the new zoning for the property is to be Rural Residential Exception - Holding (RR-XX-H) Zone with the exception acknowledging the reduced separation distance from the identified aggregate resource located at 449 Tobacco Road.



**Figure 3: Current Zoning of the Subject Lands, Schedule “A” Map 19**

**Subject to the approval of the Zoning By-law Amendment, the proposed residential development would comply with the Township Zoning By-law.**

**Agency Comments:**

**County of Northumberland** – No objection provided that the applicants can demonstrate that the development will not create any adverse impacts on the current and future operations of the nearby existing aggregate pit through the completion of a Land Use Compatibility Assessment,.

**Lower Trent Conservation** – No concerns.

**Public Works and Environmental Services** – No objections at this time. An entrance permit will need to be submitted prior to development of the subject property. 911 sign has already been assigned.

**Chief Building Official :**

1. A search of the Townships building records has identified that the previously constructed shed was constructed without building permissions. Should the previously constructed shed be greater than 15 square meters, a building permit shall be applied for and obtained.
2. A building permit shall be applied for and obtained prior to construction of the proposed house and detached garage.

**Fire Department** – None received.

**LUSI** – No comments, Hydro One territory.

**Hydro One** – None received.

**Bell Canada** – None received.



**Kawartha Pine Ridge District School Board (KPRDSB) – No concerns.**  
**Enbridge Gas – None received.**

**Comments from the Public:**

Notice was initially given by pre-paid First-Class Mail to all residents within 120 meters of the Subject Lands. Notice was posted on the Subject Lands (verified by staff) and notice was also posted on the Township’s website. The Planning Department did not receive any written or verbal correspondence from the public regarding this application.

**Financial:**

There are no direct financial implications for the Township.

**Summary:**

Based on the analysis outlined throughout this report staff are recommending approval of the subject zoning by-law amendment as the applicant has satisfied Planning requirements. The severed lands will be rezoned from Rural Residential-1 (RR-1) Zone to Rural Residential Exception – Holding (RR-XX-H) Zone to permit a reduced separation distance of 95 metres with a Holding. The Holding is to remain in place until such time as the following are provided to the satisfaction of the Township as per the Cambium Inc. Land Use Compatibility Assessment (LUCA), dated December 12, 2024:

1. An operations agreement is implemented and registered on title, involving the proponent of the new noise sensitive land use, the owner of the stationary source, and the land use planning authority (Township of Cramahe). As described in section 4.2.3 of the LUCA report, the agreement will specify the noise control description.
2. Application of NPC 300 warning clause Type E for Stationary Sources is registered on title for the Subject Lands. The warning clause text example is provided in Appendix C of the Cambium Inc. Land Use Compatibility Assessment dated December 12, 2024.

**Submitted by:**

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**Victoria Heffernan, Manager Planning**

**Reviewed by:**

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**Holly Grant, CAO/Clerk**