



REPORT

Planning & Development

Meeting: Committee of Adjustment

Date: May 27, 2025

Report No.: PLAN-17-25

RESOLUTION NO: _____ **BY-LAW NO:** _____

Subject: D10-COC-04-25 and D10-COC-12-25 – Applications for Consent – 280 Bellamy Road – Cochrane

Recommendation(s):

Based on the information available at the time of this report, application D10-COC-12-25 be approved.

If the committee supports this application, the recommended conditions are as follows:

1. Payment of municipal taxes in full.
2. Deeds must be submitted to the Township of Cramahe.
3. An electronic copy and a paper copy of the registered survey must be submitted to the Township of Cramahe.
4. Rezoning of both the retained lot and the severed/benefitting lot to the satisfaction of the Township of Cramahe.
5. Road widening (33' from centre line) on the severed and retained lots.
6. The severed parcel shall merge with the property identified by Roll Number 1411 011 020 110100 0000 to form one lot for Planning Act purposes. Evidence of the conveyance is to be in the form of a certificate from a lawyer in good standing with the Law Society of Upper Canada.

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7. That the applicant acknowledges in writing that the majority of the proposed severed lands are regulated by LTC pursuant to Ontario Regulation 41/24.

Based on the information available at the time of this report, application D10-COC-04-25 be approved.

If the committee supports this application, the recommended conditions are as follows:

1. Payment of municipal taxes in full.
2. Cash-in-Lieu of Parkland fee to be paid to the Township of Cramahe for the new lot (\$1,100).
3. Deeds must be submitted to the Township of Cramahe.
4. An electronic copy and a paper copy of the registered survey must be submitted to the Township of Cramahe.
5. Rezoning the severed and retained lot to the satisfaction of the Township of Cramahe.
6. Road widening (33' from centre line) on the severed and retained lots.
7. That an assurance letter, prepared by the Ministry of the Environment, Conservation and Parks (MECP) Species-at-Risk Branch (SARB), is submitted to the Township of Cramahe to the satisfaction of Staff.
8. That the applicant acknowledges in writing that the majority of the proposed severed lands are regulated by LTC pursuant to Ontario Regulation 41/24.

File No.'s: D10-COC-04-25 and D10-COC-12-25

Applicant: Josh Cochrane and Megan McGrath (Agent: Dale Egan, RFA Planning Consultants)

Property: 280 Bellamy Road, Concession 1, Part of Lot 19

Assessment Roll Number: 1411 011 030 22801 00000

County Official Plan Designation: Rural Area

Township Official Plan Designation: Rural and Provincially Significant Wetland

Township Zoning: Rural-240 (RU-240) and Environmental Conservation (EC) Zone

BACKGROUND

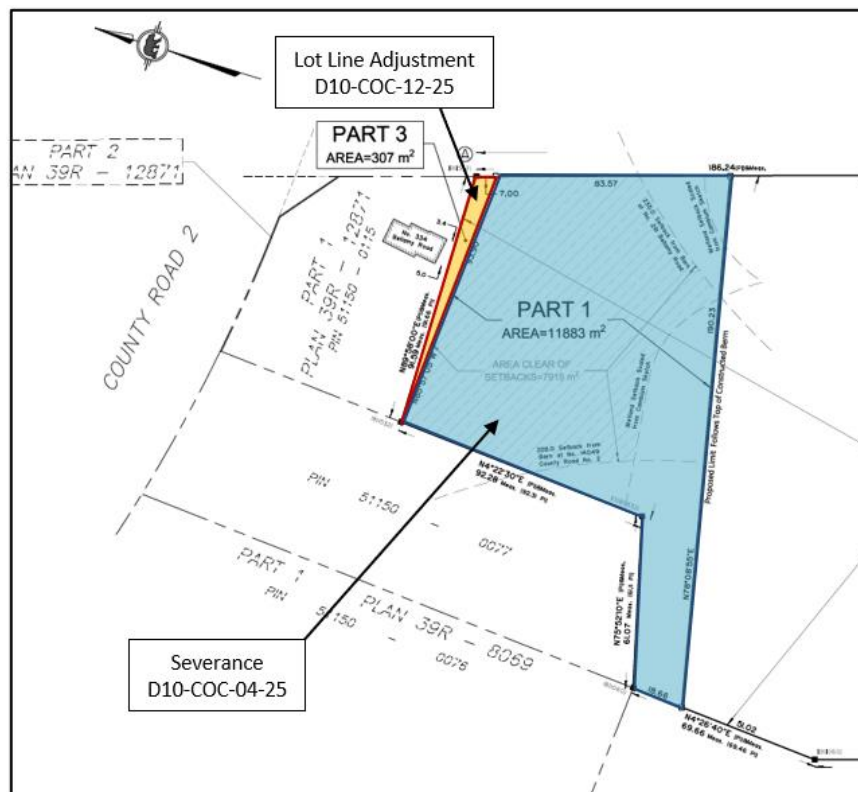
The lands subject to the proposed consent application are municipally known as Concession 1, Part of Lot 19, located at 280 Bellamy Road, Township of Cramahe (the "Subject Lands"). Figure 1 indicates the location of the Subject Lands and Figure 2 provides the Subject Lands with the proposed severance sketch. A Planning Justification Report

(PJR) and Environmental Impact Study (EIS) were also submitted in support of the subject application.

Figure 1: Location of the Subject Lands (excerpt from PJR)



Figure 2: Subject Lands with the proposed severance sketch



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PROPOSAL

The applicant is seeking the approval of two applications for consent. One for a lot line adjustment (D10-COC-12-25). As well the applicant is seeking the approval (severance File No. D10-COC-04-25) to sever a parcel of land for the creation of a new building lot. The proposed newly created lot will measure approximately 1.19 hectares (3.0 acres) with 83.57 metres of frontage on Bellamy Road. The retained lands are to have an area of approximately 8.78 hectares with approximately 410.54 metres of frontage along Bellamy Road and contain a single residential dwelling. This is summarized in the chart below:

	Lot Addition (D10-COC-12-25)	Benefitting Lands (334 Bellamy Rd)	Severed Lands (D10-COC-04-25)	Retained Lands (280 Bellamy Rd)
Lot Frontage	7.0 m	56.6 m	83.57 m	410.54 m
Lot Area	307 m2	0.531 ha	1.188 ha	8.775 ha

Surrounding land uses, designations, and zoning include the following:

- North:** Rural and Residential uses. Lands designated Rural and Environmental Protection, and Provincially Significant Wetland, and zoned Rural (RU), Rural Residential (RR) and Environmental Conservation (EC).
- East:** Rural and Residential uses. Lands designated Rural and Environmental Protection, and Provincially Significant Wetland and zoned Rural (RU/RU-41/RU-165), Rural Residential (RR) and Environmental Conservation (EC).
- South:** Rural uses and woodlands. Lands designated Rural and Environmental Protection, and Provincially Significant Wetland and zoned Rural (RU) and Environmental Conservation (EC).
- West:** Rural and Residential uses. Lands designated Rural and Environmental Protection, and Provincially Significant Wetland and zoned Rural (RU-41), Rural Residential and Environmental Conservation (EC).

The proposed severed lot is subject to Environmental Setbacks from the Provincially Significant Wetland that extends onto the subject lands, and to Minimum Distance Separation (MDS I) Setbacks from adjacent livestock facilities. A building envelope of 0.7915 hectares has been demonstrated to be maintained that takes into account both the environmental setbacks and MDS Setbacks.

ANALYSIS

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

Provincial Planning Statement (2024) This planning report examines the application for the creation of a new lot in accordance with Ontario's new Provincial Planning Statement (PPS) 2024. Specifically, the application is evaluated against Section 2.6, which outlines the permitted uses within rural lands within municipalities and how development can be sustained on these lands.

Residential development, including lot creation, where site conditions are suitable for the provision of appropriate sewage and water services. As the severed lands are large enough to accommodate a residential dwelling and the required associated private services, the use is permitted.

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 lot being proposed is limited in size and has limited impact on the ability for the retained lands to continue any future rural uses, 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. Lower Trent Conservation noted that existing mapping indicates that the subject property contains the Spencer Point Provincially Significant Wetland (PSW), field-verified wetlands, unevaluated wetlands, and a Lake Ontario tributary stream.

Township and Lower Trent Conservation (LTC) staff did a cursory review of the Environmental Impact Study (EIS) prepared by Cambium Inc. and dated November 11, 2024. It is important to note that the report did not include soils information of which is required for wetland identification under the O.Reg. 41/24. Specific to the current proposal, the report appears to identify portions of mapped wetland north of the berm as upland communities but has not included specific vegetation and soils information from the area being 'removed' from wetland mapping. It is important to note that the more conservative wetland mapping will be used by LTC for determination of the regulatory limit until such a time that site-specific information is provided to substantiate the updated mapping. However, as noted above, there appears to be sufficient space for development outside of the features and setbacks.

Protection of these features can be accomplished for the subject proposal through a rezoning application to ensure that all identified features are placed within and will remain within a restrictive zoning that protects these features and their functions. At this time, the application is consistent with these requirements provided the restrictive zoning is put in place

Based on a review of the proposal and applicable policies of the new Provincial Planning Statement, the proposed consent is consistent with the 2024 PPS.

Northumberland County Official Plan (2016)

The County OP designates the subject property 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, but not limited

to, agriculture, rural housing, and woodlots. The County OP indicates that the creation of lots is governed by the policies of the Township of Cramahe's Official Plan and recognizes that rural settlement areas are to be the focus of growth. County and Provincial policies support the creation of new lots for limited rural residential development where they can be adequately serviced and not adversely impact farming operations located in proximity to the subject lands.

County Planning has no objection to the proposed severances provided that the applicant can demonstrate to the satisfaction of the Township of Cramahe, LTC and the Ministry of Environmental Conservation and Parks Species at Risk Branch that the proposed development will not create any adverse impacts on the natural heritage features on site. Prior to any development of the proposed severed parcels, the future owners will be required to obtain clearance and/or a permit from LTC.

County Planning also recommends that the applicant prepare and submit an Archaeological Site Assessment to the Ministry of Citizenship and Multiculturalism for filing into its registry in accordance with the Ontario Heritage Act.

Based on a review of the proposal and applicable policies of the County of Northumberland Official Plan, the proposed consent 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.

The Subject Lands are designated "Rural" in Schedule 'A' Land Use Plan of the Township OP. Section 5.3 outlines policies for lands designated Rural. The Rural designation recognizes lands which are of marginal value for agriculture and have the potential for nonagricultural development. Limited residential uses in the form of one single unit per lot is also permitted in the Rural designation. Section 5.3.3 requires that new non-farm development shall comply with the Minimum Distance Separation formulae. A Minimum Distance Separation (MDS1) calculation was completed and submitted with the subject application. There is a barn that was identified at 291 Bellamy Road that required a setback of 235.0 m. In addition, there was a second barn located at 14049 County Road 2 that required a setback of 228.0 m. Despite these required setbacks, the applicant has demonstrated that a building area of >7900 square metres remains on the proposed severed lot. Therefore, there are no concerns regarding meeting the MDS requirements provided development is proposed outside of these areas. Restrictive zoning can be placed on these setbacks to ensure that this policy is complied with.

Section 5.1.12 outlines the policies regarding servicing in the Township. Lot creation 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. The proposed severed and retained lots have a sufficient lot area to accommodate individual on-site systems. No

new development is proposed on the severed lot at this time and the retained lands are already developed.

Section 5.1.13 outlines the policies regarding stormwater management in the Township. It is a policy of the Township that stormwater runoff shall be controlled and the potential impact on the natural environment shall be minimized. Residential development on a new lot created by consent generally will not require the preparation of a stormwater management plan.

Section 5.1.23 recognizes the importance of cultural and heritage resources within the Township. Archaeological potential areas are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township and developed by a licensed archaeologist. This criteria includes the presence of numerous features, including proximity to water. There is a watercourse that runs through the property, however, based on its size and its small upstream catchment area, it is the opinion of staff that the lands are not considered to have a significant amount of archaeological and/or cultural heritage resource potential. Therefore, staff are not requesting an Archaeological Assessment to be submitted for the subject application.

Section 6 outlines policies on the division of land with section 6.2 providing guidance on severances. Section 6.2.1 outlines the general severance policies applicable to all designations except agricultural. The number of new lots created by consent per land holding will be three plus the retained, with a 'holding' being a parcel of land as it existed on January 1, 1985. The applicant has submitted confirmation that the Subject Lands existed prior to January 1, 1985, and that there has only been one previous severance.

Section 6.2.1.4 requires that severances which create new lots shall only be considered when both the newly created and retained lot front on an assumed public road which is currently maintained on a year-round basis by a public authority. The severed and retained lands both have frontage on a municipally maintained public road.

Section 6.2.1.5 requires that the parcel(s) of land to be created and retained by severance and the proposed use shall comply with all applicable provisions of the Township's Zoning By-law, save that the consent to sever may be granted on the condition that a Zoning Bylaw Amendment be approved. The proposed severed lot will not meet the minimum lot area provision of the "Rural" Zone. A Zoning By-law Amendment to rezone the proposed severed lot to the "Rural Residential" Zone (RR) shall be a condition of approval for this application. In addition, the lands being transferred to 334 Bellamy Road will need to be rezoned in order to ensure that the zoning is consistent for the entire lot. Lastly, the identified natural heritage features, their associated buffers, and the setback areas due to MDS calculations will need to be placed in restrictive zonings in order to protect these features and uses.

Section 6.2.1.6 requires that severances may only be considered when it has been established by the approval authority that soil and drainage conditions are suitable to permit the proper siting of buildings, there is sufficient potable water, and there is an

adequate means of sewage disposal for both the severed and retained parcels. The severed and retained lots are of sufficient size to accommodate future development.

Section 6.2.1.7 outlines the policies regarding orderly and controlled development and that severances shall be encouraged as clusters of houses in rural or agricultural areas and will not result in the demand for the extension of municipal services. The proposed consent is in an area characterized by rural residential uses and will not require the extension of municipal services as development on the lot will need to be serviced privately.

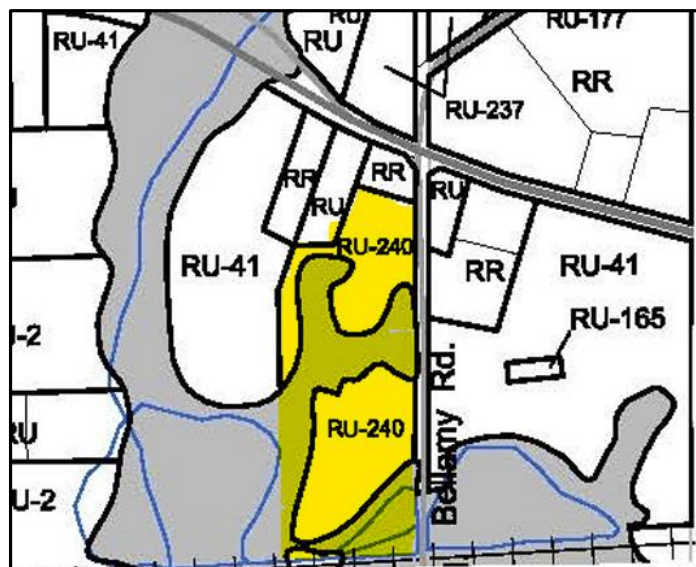
Section 6.2.1.15 requires that severances shall not be granted that would contravene the Minimum Distance Separation formulae requirements. An MDS1 calculation was completed for this application and found that a suitable building envelope was present on the proposed newly severed lot.

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

Township of Cramahe Comprehensive Zoning By-law 08-18 (Consolidation 2021)

The Subject Lands are currently zoned Rural-240 (RU-240) Zone and Environmental Conservation (EC) Zone on Schedule “A” Map 7 as shown in Figure 3. The proposed severed lot will not meet the minimum lot size standard of the Rural (RU) Zone, and it is the opinion of staff that the Rural Residential (RR) Zoning would be more appropriate. A condition of provisional approval has been included in the staff’s recommendation requiring that the severed and retained lands be rezoned to the satisfaction of the Township. In addition, the lands being transferred to 334 Bellamy Road will need to be rezoned in order to ensure that the zoning is consistent for the entire lot. Lastly, the identified natural heritage features, their associated buffers, and the setback areas due to MDS calculations will need to be placed in restrictive zonings in order to protect these features and uses.

Figure 3: Current Zoning of the Subject Lands, Schedule “A” Map 7



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Subject to the approval of a Zoning By-law Amendment to rezone the severed and retained lots, the resultant lots to be in compliance with the Township's Zoning By-law.

AGENCY COMMENTS

County of Northumberland – County Planning has no objection to the proposed severances provided that the applicant can demonstrate to the satisfaction of the Township of Cramahe, LTC and MECP SARB that the proposed development will not create any adverse impacts on the natural heritage features on site.

Lower Trent Conservation – No concerns, however an LTC permit may be required for development on the subject lands.

LUSI – No comments, Hydro One territory.

Public Works and Environmental Services – Request for road widening if necessary.

Chief Building Official – A Building Permit will be required prior to any development on the subject lands.

Fire Department – No comments at this time.

Hydro One – No concerns.

Bell Canada – None received.

Kawartha Pine Ridge District School Board (KPRDSB) – No concerns identified.

Enbridge Gas – None received.

COMMENTS FROM THE PUBLIC

Notice was initially given by pre-paid First-Class Mail to all residents within 60 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 IMPLICATIONS

There are no direct financial implications for the Township at this time.

SUMMARY

Based on the analysis outlined throughout this report, it is concluded that the proposed consent application:

- It is consistent with the Provincial Planning Statement, 2024
- It conforms to the County of Northumberland Official Plan, and the Township of Cramahe Official Plan; and,
- Is good land use planning. It is recommended that the application be approved subject to the proposed conditions of provisional consent

Concluding Comments:

The applications meet the requirements for an application for Consent to Sever a rural residential lot. Staff recommend that the lots be approved, subject to Conditions.

Prepared by:

Victoria Heffernan, Manager of Planning