



CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 26-B01 (2026-0006)
Meeting Date: April 8, 2026
Report From: Rossalyn Workman, Manager of Planning
Application: Consent for 9915 County Road 9 and 793091 County Road 124 (Ruttan)

RECOMMENDATION:

Be it resolved, that Committee of Adjustment of the Township of Clearview hereby:
Approves consent 26-B01 for the purposes of farm consolidation where no new lot is being created, pertaining to lands at 9915 County Road 9 and 793081 County Road 124 subject to the conditions outlined in 'Appendix F' to this report.

BACKGROUND:

Subject Lands

The lands subject to application 26-B01 are two separately conveyable parcels of land as outline in the table below:

Municipal Address	Assessment Roll Number (ARN)	Legal Description	Area (ha)	Existing Lands Uses
9915 County Road 9 (PIN 58224-0011)	432901001127001	Part Lot 3 Concession 12 Nottawasaga as in RO1389638: Clearview	19.507 (ha)	Existing single detached dwelling and farming.
793081 County Road 124 (PIN	432901001126800	Part Lot 2 Concession 12	79.118 (ha)	Active livestock operation,

58224-0105)		Nottawasaga and Part Lot 3 Concession 12 Nottawasaga as in Ro296820 Except Parts 1 and 2; Plan R1R40489; Township of Clearview		single detach dwelling and farming.
No frontage (PIN 58224-0105) This property is merged with 793081 County Road 124.	432901001127000	Part Lot 2 Concession 12 Nottawasaga and Part Lot 3 Concession 12 Nottawasaga as in Ro296820 Except Parts 1 and 2; Plan R1R40489; Township of Clearview	19.942(ha)	Vacant and farming.

An application for Validation Certificate was approved by the Committee of Adjustment at their June 12, 2024 meeting. The Validation Certificate validated that the legal title of the two parcels of the land list above in the table as separately conveyable parcels of land. The validation certificate was issued under Section 57(6) of the *Planning Act*.

The Proposal

The purpose of the application is to sever a portion of land with an existing single detached dwelling from 9915 County Road 9.

The effect of the application is to facilitate farm consolidation by adding the retained lands of 9915 County Road 9 with the adjacent farmland at 793081 County Road 124.

Lot Details	Retained Parcel	Proposed Severed Land
Frontage	480.8 m	118 m
Area	118 ha	0.97 ha

Existing Structures	Single detached dwelling, barns and accessory buildings	Single detached dwelling
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A conceptual sketch of the subject lands and proposed farm consolidation is contained in Appendix 'C' and 'D' of this report.

Existing Policy Framework

The subject lands are designated 'Agricultural', 'Rural', 'Greenland – Natural Heritage', and 'Niagara Escarpment – Protected Area' in the Township of Clearview Official Plan 2024. They are zoned 'Agricultural' (AG), 'Niagara Escarpment Area' (NEC), 'Rural' (RU), 'Environmental Protection' (EP) and 'Hazard Land Overlay' (FP) in the Township Zoning By-law 06-54, as amended.

COMMENTS AND ANALYSIS:

Planning Act, R.S.O. 1990, c. P.13

The Planning Act states in Section 3(5) that all decisions in respect of a planning matter shall:

- a) Be consistent with provincial policy statements, and;
- b) Conform with the provincial plans that are in effect on the date of the decision, or shall not conflict with them, as the case may be.

In considering an application for consent, a review of the Provincial Planning Statement (2024), County Official Plan, Niagara Escarpment Plan and Township Official Plan (2024) and Zoning By-law (06-54) must be undertaken. The proposed consent must be assessed for consistency, conformity and compliance.

Provincial Planning Statement

The PPS Section 4.3 states that the primary goal is the protection of agricultural lands and areas for the long-term agricultural use. Section 4.3.2.3 states that new land uses and creation of lots shall comply with minimum distance separation (MDS1). The application will not result in any new lots being created and the existing dwelling to be severed (9915 County Road 9) and the livestock facilities are located on separate lots prior to the consent. The livestock barn is located on 793091 County Road 124. Therefore, an MDS1 setback is not required for the consent application, since a potential odour conflict might already exist with the surrounding livestock facility (MDS Guideline #9). Additionally, the existing livestock facility is located greater than 750 m from the proposed consent to sever the surplus residential house (MDS Guideline #6).

PPS 4.3.3.c) allows for one new residential lot per farm consolidation for a residence surplus to an agricultural operation provided, that the proposed size is limited to what is needed to accommodate the sewage and water services and that no new dwellings would be permitted on the retained parcel of land. The proposed lot with the existing house is proposed to be .97 ha which is a sufficient size to contain the well and septic system. No new houses will be permitted on the retained lands as the retained land will be merged with the other lands

owned by the farmer located to the south, the other lands owned by the farmer contain an existing house. As the policies only permit one primary single detached dwelling on a farm parcel at a time, no additional single detached dwellings will be permitted.

The proposal is consistent with the Provincial Planning Statement (2024) issued under the *Planning Act*.

Niagara Escarpment Plan

The subject land is located within the 'Escarpment – Protection Area'. The policies of the NEP for farm consolidations 2.4.22 'Farm Consolidations, Surplus Residences and APO Lots' do not support a farm consolidation in this circumstance since the farmer has not acquired the land within the last two years. The proposed application will not result in a new building lot being created, and as a condition of the severance the retained lands will be merged with the abutting farmland to the south which will result in the enlarging of the existing farm parcel, and no new residence being permitted. Under the NEP policies Section 1.4.4.2. Lot Creation, this proposed application qualifies and complies as lot addition.

Correspondence was received from the NEC, supporting this application as a lot addition, provided a condition of the application is that approval is only valid if the applicant successfully obtains a Development Permit from the NEC.

The proposal conforms with the Niagara Escarpment Plan (2017) issued under the *Planning Act*.

Clearview Township Official Plan/ County of Simcoe Official Plan

The subject lands are designated 'Agricultural', 'Rural', 'Greenlands' and 'Niagara Escarpment Plan Area' in the 2024 Township Official Plan and in the 2016 County of Simcoe Official Plan.

Section 4.10 'Niagara Escarpment Plan Designations', and specifically 4.10.1.2 within the Township of Clearview Official Plan states that any of lands located outside of a Settlement Area of the NEP Area will be subject to the specific section of the NEP and all other applicable policies of that Plan. In this case the property is within the 'Escarpment – Protection Area' and this application is subject to the Part 1.4 of the NEP Plan. Similarly, Section 3.10 'Niagara Escarpment Plan', within the County of Simcoe Official Plan, states that all development including lot creation must comply with the NEP plan and the policies of the NEP apply.

The proposed application does comply with the both the Township of Clearview and County of Simcoe Official Plan policies associated with the farm consolidations. Since the proposed application is located within the jurisdiction of the Niagara Escarpment Commission, the policies of the NEP plan have been applied and are relevant. The NEC has provided comments relating to the applicable policies and the associated condition of the proposed severance.

Staff have received comments and several conditions from the County of Simcoe that they wished to be included in the recommendation should the application be approved, the following are a summary of the proposed conditions:

- that a road allowance widening along the frontage of the severed lot be obtained at no cost to the County, that the owner pays a fee, submit a reference plan and pay any costs associated with the road widening;

- that an entrance permit be obtained for any existing entrance from this property onto either County Road 9 or County Road 124, and further that a field entrance be removed from the existing lot of record and the boulevard be reinstated; and,
- that the retained portion of the lands are to remain agricultural use and are to be re-zoned to prohibit a new residential dwelling.

Staff have provided conditions to address the County’s comments regarding the road widening; obtaining entrances; and removing entrances. However, Staff have not included the requested comment regarding the zoning of the lands to prohibit a new residential dwelling. The reason this zoning amendment is not needed, is because the retained lands are being requested to be merged with the adjacent lands to the south as a condition of the severance. Since there is already an existing house on the lands to the south no additional residential dwellings would be permitted. A zoning amendment application is not needed to prohibit the construction of another single detached dwelling.

The proposal conforms to the 2024 Township Official Plan and 2016 County of Simcoe Official Plan.

Clearview Zoning By-law

The subject lands are zoned ‘Agricultural (AG)’, ‘Rural (RU)’, ‘Environmental Protection (EP)’ and ‘Niagara Escarpment Commission (NEC)’ and ‘Hazard Land Overlay (FP)’ in the Township Zoning By-law (06-54, as amended).

The proposed application is in the ‘Niagara Escarpment Commission (NEC)’ Zone, and the Niagara Escarpment Commission has the authority to control land use in the area and municipal land use zoning by-laws to do not apply.

Public & Agency Comments

Comment with no objection has been received from the :

- Ministry of Transportation
- Risk Management Official, Nottawasaga Valley Conservation Authority
- Township of Clearview Building Department
- Township of Clearview Public Works Department
- Nottawasaga Valley Conservation Authority
- Bell Canada
- HydroOne

Comments have been received from the following agencies requesting the following conditions be added to any decision:

- Niagara Escarpment Commission provide the following comments:
 “The Niagara Escarpment Commission (NEC) has reviewed the application for consent to sever lands at 9915 Country Road 9, Clearview. The NEC notes that per Section 24(3) of the *Niagara Escarpment Planning and Development Act* a Development Permit must first be issued by the NEC prior to a decision of the Committee of Adjustment. In this instance, the NEC is willing to accept that any decision to conditionally approve the severance by the CoA, must include a condition that the approval is only valid if the applicant successfully obtains a Development Permit from the NEC.

The NEC also notes that a severance for a dwelling surplus to agriculture could not be supported on this property as it would not meet the Niagara Escarpment Plan policies for such a severance because the property has not been acquired by the applicant within the last two years. However, if the retained agricultural lands are merged with the adjoining properties, then the application could be supported as a lot addition.”

- County of Simcoe Transportation and Engineering comments:

“The existing right-of-way on County Road 124 adjacent to the subject property is approximately 31.0 metres wide. In accordance with Table 5.4 of the Simcoe County Official Plan, the required basic right- of-way width for County Road 124 is 36.0 metres. County staff has reviewed this requirement and feel that the full right-of-way width is necessary for future road maintenance, road improvements and stormwater flow from County Road 124.”

- County of Simcoe provide the following conditions:
 - a. The Applicant shall transfer to the Corporation of the County of Simcoe (“County”), at no cost, a fee simple, unencumbered interest in the following:
 - A road allowance widening along the entire frontage of the severed lot on subject property adjacent to County Road 124 to provide a 18.00 metre rightof-way from the centre line of County Road 124.

The applicant shall submit to the satisfaction of the County’s Transportation and Engineering Department a preliminary reference plan (1 copy and 1 electronic copy) which sets out the road widening to be transferred to the County. Upon approval, the County will instruct the surveyor to deposit the reference plan in the Land Registry Office for Simcoe County and request the surveyor provide the County with 1 copy and 1 electronic copy of the deposited reference plan.

All costs associated with the land transfer, including costs relating to surveying, legal fees, and disbursements, agreements, HST, etc. shall be fully borne by the applicant. All legal documentation is to be negotiated, prepared and registered by the Legal Services Department of the County and to be executed where required by the Applicant. The Applicant shall submit to the Legal Services Department of the County a deposit in the amount of \$1200.00 prior to the services being rendered. Invoices will be submitted on a cost recovery basis and applied against the deposit. Additional deposits may be required, and any excess over the total invoices will be refunded.

The County of Simcoe is requesting the road widening pursuant to sections 41(8) & (9) of the Planning Act and such land will form part of the highway to the extent of the designated widening in accordance with section 31(6) of the Municipal Act, 2001. The widening of County Road 124 is required pursuant to the County’s standards for the construction and is consistent with proper safety standards.

- b. The County of Simcoe Entrance By-law No 5544 regulates the construction, alteration or change in the use of any private or public entranceway, gate or other structure or facility that permits access to a County road. The County of Simcoe has no record on an

Entrance Permit being issued for any existing entrance from this property onto County Road 9 or County Road 124. If the property Owner cannot produce valid permits, the Owner will be required to apply for Entrance Permits.

Furthermore, section 2.5.5 states only one new entrance will be permitted for each existing lot of record, therefore, the field access via Country Road 9 must be removed and the boulevard reinstated.

- c. The retained portion of the lands are to remain for agricultural use and are to be rezoned to prohibit new residential dwellings.

Comments can be found attached to this report as Appendix 'E'.

COMMUNICATION PLAN:

The Notice of Decision regarding this application will be distributed in accordance with the requirements of the Planning Act.

FINANCIAL IMPACT:

This proposal has no financial impact on the municipality.

REPORT SCHEDULES:

- Appendix A: Orthophoto
- Appendix B: Policy Framework
- Appendix C: Severed Lot
- Appendix D: Retained Lot
- Appendix E: Comments Received
- Appendix F: Conditions of Severance

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