



CLEARVIEW

COMMITTEE OF ADJUSTMENT

File Number: 26-B03 (2026-008)
Meeting Date: April 8, 2026
Report From: Danielle Waters, Community Planner
Application: Consent (Farm Consolidation) for 5840 County Road 9 (Stephens)

RECOMMENDATION:

Be it resolved, that the Committee of Adjustment of the Township of Clearview hereby:

Approves consent 26-B03 for the purposes of a farm consolidation, pertaining to lands at 5840 County Road 9 subject to the conditions as outlined in Appendix E of this report.

BACKGROUND:

Subject Lands

The subject lands are located at 5840 County Road 9. The lands are approximately 43.64 ha in size and maintain 650.71 m of frontage onto County Road 9. The lands contain an existing single-detached dwelling and support existing agricultural land uses. A watercourse and forested area bisect the rear portion of the lands in the northwest corner.

The Proposal

The applicant seeks to render the existing residence located on 5840 County Road 9 surplus to their farm operation and consolidate the remnant lands with a separate farm parcel in their ownership located approximately 1.5 km to the southwest being, 2976 3/4 Sideroad.

The proposed severed parcel (surplus dwelling lot) is proposed to be approximately 0.55 ha in size and maintain approximately 88 m of frontage onto County Road 9. The lot is to contain the existing single-detached dwelling as well as private septic system and water well. The remnant farmlands will encompass an area of approximately 43.09 ha and will maintain approximately 562.7 m of frontage onto County Road 9.

A conceptual sketch of the subject lands and proposed farm consolidation is contained in Appendix 'C' of this report.

Concurrent Application(s) (Zoning By-law Amendment)

To facilitate the proposed farm consolidation, a Zoning By-law Amendment application (2026-001-ZBA) has been approved to rezone the remnant farmland portion of 5840 County Road 9 from the 'Agricultural' (AG) Zone to 'Agricultural-Residential Use Exception' (AG-ER) Zone. The purpose of which is to prohibit: a single detached dwelling; farm help accommodation; an accessory apartment; an accessory bed and breakfast; a garden suite; a home occupation and a home industry.

The Consent application has been made conditional on the applicant successfully receiving approval from the municipality for the aforementioned site-specific ZBA application.

Existing Policy Framework

The subject lands are designated as 'Agricultural' in the Clearview 2024 Official Plan (OP) and are zoned 'Agricultural (AG)' and 'Environmental Protection (EP)' in the Township Zoning By-law (06-54, as amended). The subject lands are also partially within the limits of the Nottawasaga Valley Conservation Authority (NVCA) regulatory area.

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, 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 Provincial Planning Statement provides policy direction on matters of provincial interest related to land use and development. Municipal decisions on planning matters are required to be consistent with the PPS.

Section 4.3 – The 'Agriculture' section of the PPS indicates the 'use an agricultural system approach, to maintain and enhance a geographically continuous agricultural land base and support and foster the long-term economic prosperity and productive capacity of the agri-food network'. The proposed application will ensure continued agricultural use of the lands.

Section 4.3.2.3 – New land uses in prime agricultural areas, shall comply with the Minimum Distance Separation (MDS) formulae. MDS is not required for the proposed application.

Section 4.3.3 – Lot creation in prime agricultural areas through a farm consolidation is permitted, provided that new lots in the agricultural areas will: be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and the Township will ensure that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.

The proposed lands to be severed will encompass an area of approximately 0.55 ha and will be limited to the existing residential dwelling, private water well and septic system. The draft zoning By-law will prohibit residential uses on the remnant portion of 5840 County Road 9.

The proposal is consistent with the Provincial Planning Statement (2024) issued under the *Planning Act* subject to the condition of this approval and the passing of ZBA.

County of Simcoe Official Plan

The subject lands are designated as 'Agricultural' and 'Greenlands' within the County of Simcoe Official Plan (SCOP). The lands to be rendered surplus (surplus dwelling lot) are located outside the 'Greenlands' designated areas of the subject lands.

Section 3.3.14 – Indicates that the creation of lots shall comply with the appropriate MDS Formulae. MDS is not required as per #9 of the Guidelines as there is no livestock and/or anaerobic digester present.

Section 3.6.7 c) – Indicates specific criteria for lot creation of a residence surplus to a farming operation as a result of farm consolidation is permitted. New lots created via farm consolidation will be limited to the size needed to accommodate the residential use and appropriate sewage and water services; should be an approximate size of 1 ha; and the remaining agricultural parcel shall be zoned to prohibit the development of a dwelling unit.

The proposed surplus dwelling lot (0.55 ha) will contain the existing single-detached dwelling and associated private water well and septic system. The draft By-law will prohibit residential uses on the remnant portion of 5840 County Road 9, achieving conformity with the SCOP criteria for farm consolidation outlined above. The County's Transportation and Engineering department has requested a road widening along County Road 9, as well as a daylight triangle. The specifics can be found in Appendix D and E of this report.

Subject to the conditions of approval, including the applicant successfully receiving approval from the municipality for the proposed ZBA application. The proposal conforms with the policies of the County of Simcoe Official Plan (2016) issued under the *Planning Act*.

Clearview Township Official Plan

The subject lands are designated as 'Agricultural' the Clearview 2024 OP and are located in a primarily agricultural area of the Township.

The Township OP permits Farm Consolidations and Surplus Dwellings within the 'Agricultural' designated areas of the Township, subject to the specific policy direction and criteria outlined under Sections 11.9.8.9 to 11.9.8.26 of the Township OP reviewed in the table below:

Policy Test	Planning Analysis
<p>Section 11.9.8.9 – The creation of a new residential lot in the “Agricultural” designation shall only be permitted in circumstances where an existing residence has been or will be rendered surplus to a farm operation as the result of a farm consolidation.</p>	<p>This application will facilitate a concurrent zoning application, resulting in the existing dwelling being rendered surplus to the applicant’s existing overall farm operation.</p>
<p>Section 11.9.8.10 – The creation of a new lot for a surplus dwelling shall only be permitted if the surplus dwelling will comply with minimum distance separation (“MDS”) requirements</p>	<p>The subject lands do not contain existing livestock facilities and/or anaerobic digesters, therefore MDS is not required.</p>
<p>Section 11.9.8.12 – A new lot may be created for a surplus dwelling, provided that:</p> <p>(a) the surplus dwelling is no less than 15 years old;</p> <p>(b) the lot created will be limited to the minimum size needed to accommodate the surplus dwelling and associated on-site services, generally no greater than one hectare in size, subject to No. 11.9.8.13 below;</p> <p>(c) the remnant parcel will be large enough to function as a farm unit, and in no case will be any less than 39 hectares, except as permitted under No. 11.9.8.15 below; and</p> <p>(d) the other farmlands to be consolidated with the remnant parcel:</p> <p style="padding-left: 40px;">(i) are owned by the same farmer or farming corporation; and</p> <p style="padding-left: 40px;">(ii) are located within the Township of Clearview and within a reasonable distance of the subject lands.</p>	<p>(a) The dwelling was built in 2000 - conforms</p> <p>(b) 0.55 ha - conforms</p> <p>(c) 43.09 ha - conforms</p> <p>(d) (i) Ownership (Stephens & Co Glencairn Ltd) - conforms</p> <p style="padding-left: 40px;">(ii) 1.5 km - conforms</p>
<p>Section 11.9.8.17 – The lot created for a surplus dwelling:</p> <p>(a) should be rectangular or as close to rectangular in shape as possible; and</p> <p>(b) should not be a “keyhole” lot</p>	<p>The proposed surplus dwelling lot is rectangular in shape.</p>
<p>Section 11.9.8.18 – Any consent given for the purpose of creating a new lot for a surplus dwelling shall be a provisional consent subject to the condition</p>	<p>The draft By-law seeks to rezone the remnant portion of the subject lands from</p>

<p>that a site-specific amendment to the Zoning By-law be approved for the purpose of prohibiting any and all residential uses on the remnant parcel.</p>	<p>‘Agricultural’ (AG) to ‘Agricultural – Residential Use Exception’ (AG-ER) to prohibit residential uses.</p>
<p>Section 11.9.8.25 – The Township may require that the applicant for a consent to create a new lot for a surplus dwelling provide an agrologist’s report, prepared by one or more qualified professionals, to ensure that the lot retained will be suitable for agricultural use and that the proposed lot creation will not have an adverse impact on agricultural operations in the surrounding area.</p>	<p>The lands to be retained will continue to be suitable for agricultural uses and the proposed lot creation will not impact existing agricultural use on the subject lands or operations on surrounding properties.</p>
<p>Section 11.9.8.26 – A consent to create a lot for a surplus dwelling will generally not be given if Council or the Committee of Adjustment, as the case may be, is of the opinion that:</p> <p>(a) the location of the surplus dwelling on the existing lot is such that the creation of a new lot would result in the fragmentation of the agricultural land base;</p> <p>(b) the creation of the new lot for the surplus dwelling would hinder or interfere with agricultural operations on the lot retained or on another property in the area, including the possible future establishment of or expansion of livestock facilities or other facilities that are required to comply with minimum distance separation formulae; or</p> <p>(c) the surplus dwelling is located on an existing small agricultural lot, as that term is defined in Policy No. 10.2.3.4 above, and the giving of the consent would therefore interfere with this Official Plan’s goal of supporting and protecting the full range and variety of farm sizes.</p>	<p>(a) The proposed surplus dwelling lot complies with maximum lot area requirements and will not limit or prevent movement or access on the remnant lands. The location of the proposed lot will not fragment the existing agricultural land base.</p> <p>(b) The creation of the surplus dwelling lot will not hinder or interfere with agricultural operations on the lot retained or on another property in the area</p> <p>(c) Not applicable. The surplus dwelling is located on an existing 43.64 ha agricultural lot.</p>

Subject to the conditions of approval, the proposal conforms to the policies of the 2024 Township Official Plan.

Clearview Zoning By-law

The subject lands are zoned ‘Agricultural’ (AG) and ‘Environmental Protection’ (EP) within the Township Zoning By-law (06-54, as amended). The portion of lands zoned ‘Environmental Protection’ (EP) are not impacted by the current proposal.

As described within Appendix ‘C’, the lands to be severed (surplus dwelling lot) will encompass an area of approximately 0.55 ha and maintain approximately 88 m of frontage on to County Road 9.

The retained lands (larger farmlands) will encompass an overall area of 43.09 ha and maintain approximately 562.7 m of frontage on to County Road 9. Both properties maintain the minimum lot area and frontage requirements of the (AG) Zone. Further, no Minimum Distance Separation conflicts with the lands to be severed exist.

Section 3.1.2 (Ag)	Surplus Dwelling Lot (5840 County Road 9)	Retained Lot (xx County Road 9)
Lot Area Proposed	Approx. 0.55 ha	Approx. 43.09 ha
Lot Frontage Proposed	Approx. 88 m	Approx. 562.7 m
Lot Area – Required	0.3 ha	35 ha
Lot Frontage - Required	30 m	100 m

It is the opinion of staff that the proposed consent conforms to the general intent and purpose of the Township’s Comprehensive Zoning By-law.

Public & Agency Comments

A complete summary of all received comments are appended to this report (refer to Appendix D).

COMMUNICATION PLAN:

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

FINANCIAL IMPACT:

Potential financial and legal implications should the decision of the Committee be appealed to the Ontario Land Tribunal (OLT) and Council chooses to defend the Committee’s decision.

REPORT SCHEDULES:

- Schedule A: Orthophoto
- Schedule B: Policy Framework
- Schedule C: Severance Sketch
- Schedule D: Comments
- Schedule E: Consent Conditions

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