
To: Mayor and Council

From: Danielle Waters, Community Planner

Meeting Date: April 29, 2026

Subject: Technical Report for Zoning By-law Amendment Application (Aarden)

Background

A complete Zoning By-law Amendment (ZBA) application was submitted on behalf of the John Aarden by Marie Leroux of Mountain Ridge Custom Homes Inc. The application proposes to rezone the lands located at 5455 Concession 9 in support of the creation of a surplus dwelling lot from the Owners overall landholding as a result of a proposed farm consolidation.

Consent application 26-B04 has been conditionally approved (April 8th, 2026), subject to receiving approval of the subject Zoning By-law Amendment.

Property Description

The lands subject to the ZBA application, referred to as the 'subject lands' throughout this report are located at 5455 Concession 9. The lands are approximately 39.8 ha in size and maintain 307.2 m of frontage onto Concession 9 Sunnidale. The lands contain an existing single-detached dwelling, several agricultural structures, and support existing agricultural land uses. A watercourse bisects the rear portion of the lands in the south.

The subject lands are located southeast of Stayner. The following is an overview of the surrounding land uses:

North	Existing agricultural lands and uses.
East	Existing agricultural lands and uses.
South	Existing agricultural lands and uses.
West	Existing agricultural lands and uses.

Please refer to Appendix 'A' of this report for a visual description of the subject lands and surrounding land uses.

Existing Policy Framework

The subject lands are designated as 'Agricultural' in the Township of Clearview 2024 Official Plan (OP) and are zoned 'Agricultural (AG)' 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.

Proposal

The applicant seeks to render the existing residence located on 5455 Concession 9 Sunnidale surplus to their farm operation. The remnant lands will be out in the adjoining farming corporations name at 5375 Concession 9 Sunnidale.

The proposed severed parcel (surplus dwelling lot) is proposed to be approximately 0.77 ha in size and maintain approximately 46.2 m of frontage onto Concession 9 Sunnidale. 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 39.07 ha and will maintain approximately 261 m of frontage onto Concession 9 Sunnidale.

To facilitate the proposed farm consolidation, the proposed ZBA application seeks to rezone the remnant portion of 5455 Concession 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.

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

Submission & Process Details

As part of a complete application, the applicant has submitted the following materials for consideration:

Submission Item Title	Submission Item Detail
Planning Justification Report, including Draft Zoning By-law	Prepared by Marie Leroux of Mountain Ridge Custom Homes Inc.
Severance Sketch	Prepared by Marie Leroux of Mountain Ridge Custom Homes Inc.

The applicant engaged the Township in the Pre-consultation process in December 2025. Subsequently, the process relating to the formal application has proceeded as follows:

Date	Step
March 4, 2026	Submission of ZBA application package & fees
March 31, 2026	Letter of Complete (ZBA) Application issued to the applicant
March 31, 2026	Notice of Complete Application given to public via newspaper notice and mailed courtesy notice to landowners within 120 m of subject property
March 31, 2026	Request for comment to internal department and external commenting agencies issued.

Technical Review

The subject proposal is required to satisfy all development standards and policies applicable to projects within the Township of Clearview. The proposal is required to be consistent with the Provincial Planning Statement (2024) and in conformity with the County of Simcoe Official Plan, Township’s Official Plan and Zoning By-law. The application is subject to review by Township staff as well as external commenting agencies.

All applicable policies, standards, and comments will be reviewed in a future Recommendation Report. The review below describes the proposal more completely and outlines the key considerations relevant to the subject application.

Provincial Planning Statement (2024)

The Provincial Planning Statement (2024) provides policy direction on matters of provincial interest related to land use and development and has been reviewed with regard to the subject proposal. Municipal decisions on planning matters are required to be consistent with the PPS (2024).

Section 4.3 of the PPS speaks to Agriculture within the province, stating that a primary goal of the PPS is the protection of agricultural lands and areas for long-term agricultural use. Section 4.3.2.3 indicates that new land uses in prime agricultural areas, shall comply with the minimum distance separation formulae. Section 4.4.3 of the PPS goes onto provide specific direction on lot creation in the agricultural areas and states that 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 future recommendation report will assess if the proposal is consistent with the PPS (2024).

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 as a result of a farm consolidation are located outside of the areas designated as 'Greenlands' on the subject property.

Similar to the PPS, the agricultural policies under Section 3.6 of the SCOP also allow for the creation of new residential lot surplus to a farming operation as a result of a farm consolidation. Section 3.6.7 stipulates the specific criteria for which lot creation for a residence surplus to a farming operation as a result of farm consolidation is permitted.

The General Development policies specified under Section 3.3 also indicate that the creation of lots shall comply with the appropriate Minimum Distance Separation Formulae. The policies indicate that local municipalities shall determine the appropriate application of the MDS Formulae for among other items, consent applications for surplus farm dwellings.

The future recommendation report will assess if the proposal conforms to the policies of the SCOP and if conditions of approval respecting SCOP (2023) conformity should be applied.

Township of Clearview Official Plan

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

Section 11.9.8 of the Township OP outlines the policy requirements for lot creation within the 'Agricultural' designation, with Sections 11.9.8.9 to 11.9.8.26 providing specific direction for Farm Consolidation and Surplus Dwellings. Assessment of the following Township OP policies will be of a particular focus:

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.
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11.9.8.10	<p>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, in circumstances where:</p> <p>(a) prior to the creation of the new lot, the surplus dwelling was located on the same lot as an existing livestock facility or anaerobic digester; and,</p> <p>(b) following the creation of the new lot, the surplus dwelling and the existing livestock facility or anaerobic digester will be located on separate lots.</p>
11.9.8.12	<p>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> <ul style="list-style-type: none"> (i) are owned by the same farmer or farming corporation; and (ii) are located within the Township of Clearview and within a reasonable distance of the subject lands.
11.9.8.15	<p>Notwithstanding No. 11.9.8.12(c), a remnant parcel that is to be merged with an abutting parcel of land as part of a farm consolidation may be less than 39 hectares in area, provided that the farm lot resulting from the merger will have an area of 39 hectares or greater. – Not required</p>
11.9.8.16	<p>For the purposes of No. 11.9.8.12(d) above, Council or the Committee of Adjustment, as the case may be, may choose to interpret the term “reasonable distance” as referring to any distance that provides for the efficient and effective management of the consolidated farm operation as a unit.</p>

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 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.
11.9.8.22	No certificate under Subsection 53 (42) of the Planning Act shall be issued for a consent to create a new lot for a surplus dwelling until and unless the site-specific amendment to the Zoning By-law described in Policy No. 11.9.8.18 has been approved and is in force and effect.
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.

In review of the Ontario 'Minimum Distance Separation Document' it was determined that an MDS calculation is not required for this consent and the applicant has provided this opinion in their Planning Justification Report in support of the proposal. The information will be evaluated in the Recommendation Report following the Public Meeting.

The future recommendation report will assess if the proposal conforms to the Township OP (2024).

Township of Clearview Zoning By-law

The subject lands are zoned 'Agricultural' (AG) within the Township Zoning By-law (06-54, as amended).

The applicant is proposing to render an existing residence as surplus to the overall farm operation as the result of a proposed farm consolidation. The effect of the proposed ZBA is to amend the zoning on the remanent portion of the subject lands from an Agricultural (AG) Zone to an Agricultural-Residential Use Exception (AG-ER) Zone. The purpose of which is to prohibit residential uses on the remnant lands.

The pending recommendation report will assess if the proposed amendment maintains the purpose and intent of the Township's Zoning By-law 06-54, and if the other site metrics are compliant.

Site Plan Control Matters

Site Plan Control is not applicable to the current proposal.

Next Steps

In accordance with the Planning Act and Township's protocols for processing Planning Act Applications, the following outlines the next steps in the process:

Anticipated Date	Step
March 31, 2026	Notice of Public Meeting Given
April 29, 2026	Public Meeting
May 11, 2026	Recommendation Report to Council
May 25, 2026	By-law brought to Council for approval

Financial Implications

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.

Clearview's Strategic Plan

The strategic pillars of the Township of Clearview are not directly applicable to the proposed application(s).

Communication

The applications referenced herein were circulated in accordance with the Planning Act.

The public meeting is scheduled for April 29, 2026. Members of the public are welcome to attend and make oral submissions at the public meeting, or submit comments in writing prior to the public meeting. Comments received prior to the Public Meeting date will be included in the Public Meeting Council agenda package. In addition to the public notice, the Planning & Building Department also sent a request for comments to the Township's other internal departments and external commenting agencies further detailing the nature of the applications. All comments will be considered as part of the Staff Recommendation Report.

Report Appendices

- Appendix A: Orthophoto
- Appendix B: Planning Policies

Appendix C: Property Details
Appendix D: Consent Sketch
Appendix E: Comments Received

Approvals

Submitted by: Danielle Waters, MSc. MCIP, RPP,
Community Planner

Reviewed by: Rossalyn Workman, MURP, Dipl.MM, MCIP, RPP
Manager of Planning
Derek Abbotts, MCIP, RPP, PLE
Director of Planning and Building

**Financial Implications
Reviewed by:** Kelly McDonald, Treasurer

Approved by: John Ferguson, CAO