

JOHN AARDEN  
5455 CONCESSION 9 SUNNIDALE  
TOWNSHIP OF CLEARVIEW

ZONING BY-LAW AMENDMENT  
APPLICATION

PLANNING JUSTIFICATION REPORT

FEBRUARY 27, 2026



7749 County Road 9 W  
Creemore ON L0M 1G0  
705-466-6262  
info@mountain-ridge.ca

---

**TABLE OF CONTENTS**

- 1.0 OVERVIEW**
- 2.0 SUBJECT PROPERTY AND SURROUNDING USES**
- 3.0 PROPOSED SEVERANCE**
- 4.0 ZONING BY-LAW AMENDMENT AND ANALYSIS**
  - 4.1 Township of Clearview Zoning By-law 06-54**
  - 4.2 Township of Clearview Draft Zoning By-law**
- 5.0 PLANNING POLICY AND ANALYSIS**
  - 5.1 Provincial Policy Statement (2024) (PPS)**
  - 5.2 County of Simcoe Official Plan (Consolidated February 2023)**
  - 5.3 Township of Clearview Official Plan (2024)**
- 6.0 CONCLUSION**

**LIST OF MAPS**

- Figure 1: Key Map**
- Figure 2: Air Photo of Subject Property**
- Figure 3: Severance Sketch of Proposed Severed & Retained Lots**
- Figure 4: Severance Sketch of Proposed Surplus Dwelling Lot**
- Figure 5: Photo of Existing Dwelling and Barn**
- Figure 6: Map of Farms for Consolidation**
- Figure 7: Map of the Subject Property and Zoning**
- Figure 8: Map of the Subject Property and Official Plan Designation**

**APPENDICES**

- Appendix A: Draft Amending Zoning By-law**



## 1.0 OVERVIEW

Mountain Ridge Custom Homes Inc. was retained in January 2026 by John Aarden to provide planning services and drawings for a proposed severance of a farm surplus dwelling lot from his farm located at 5455 Concession 9 Sunnidale in the Township of Clearview.

John Aarden has been a Clearview farmer his entire life. Mr. Aarden's farming operations was livestock and crop production. There is a dwelling, shed, barn, and two silos on the subject property. The dwelling on the farm was built in 1983. The existing barn has not been used for livestock since 2007. The barn was damaged by a severe storm and strong winds that took off a large portion of the barn's roof. The barn is in a ruined state and Mr. Aarden is proposing to tear down the barn and the adjacent silo.

Mr. Aarden's proposal is to sever a farm surplus dwelling lot from his farm and for the retained farmland to be consolidated with the owner of the farm operation directly to the east at the address 5375 Concession 9 Sunnidale in the Township of Clearview.

The farmer to the east, Jeremy Cubitt, is a Clearview generational farmer. His family and his families before them have been farming in Clearview since the 1900s. Mr. & Mrs. Jeremy Cubitt currently own 3 farms in Clearview Township with their home farm being located at 2371 County Road 42 plus they own the farms located at 5375 Concession 9 Sunnidale and 7011 12/13 Sideroad. Their farming operations are crop production on approximately 384 hectares (950 acres) of land. Mr. Cubitt would like the additional farmland to increase his farming operations. The dwelling on Mr. Aarden's farm is surplus to Mr. Cubitt's farming operations needs.

Mr. Bart Chapman on behalf of John Aarden had submitted to the Township of Clearview a Pre-Consultation Application regarding Mr. Aarden's proposed severance of a surplus dwelling lot from his farm.

In December 2025, Township staff provided a response to their Pre-Consultation application that outlined the issues, applications, and requirements for Mr. Aarden should he wish to proceed with applications for his proposed severance.

The Township's Pre-Consultation Response outlined that a Zoning By-law Amendment application and Consent application were required, and the following prescribed information is required to accompany each application in order for it to be considered a complete application.

**ZONING BY-LAW AMENDMENT APPLICATION** (to be submitted and approved prior to the Consent Application)

1. Zoning By-law Amendment application.
2. Planning Justification Brief.
3. Conceptual Site Plan/Draft Plan of the subject property and proposed severed and retained lots, buildings, and services. As well as the lands to be consolidated.
4. MDS Calculations.

**CONSENT APPLICATION** (to follow the amending Zoning By-law approval)

1. Consent Application.
2. Planning Justification Brief.
3. Conceptual Site Plan/Draft Plan of the subject property and proposed severed and retained lots, buildings, and services. As well as the lands to be consolidated.
4. MDS Calculations.

The subject property is designated “*Agricultural*” and zoned “*Agricultural (AG)*”, with the “*Hazard Land (Overlay (FP))*” on the southern three quarters of the property. The FP (Overlay) signifies the Nottawasaga Valley Conservation Authority’s regulated area. **The proposed Zoning By-law Amendment would be to rezone the proposed retained farmland lot from “*Agricultural (AG)*” to “*Agricultural – Residential Use Exceptions (AG-ER)*” to prohibit any future residential uses on the vacant farmland.**

The Township of Clearview has a new proposed DRAFT Zoning By-law. The proposed Zoning By-law (ZBL) has the subject property mapped as being zoned “*Agricultural (AG)*” with the NVCA regulated overlay the same as the current Zoning By-law 06-54. **The proposed ZBL minimum lot area for Agricultural Uses in the AG zone is 40 hectares.**

Should the Township of Clearview’s proposed Zoning By-law be approved, as drafted prior to the completion of this ZBA application, **the proposed Zoning By-law Amendment would be to include an exception for the minimum lot area for the Proposed Retained Lot. The proposed rezoning would then be to rezone this parcel from “*Agricultural (AG)*” to “*Agricultural -Residential Use Exceptions XX (AG-ERXX)*” to prohibit any residential uses and to have the minimum lot area required to be 39 hectares.**

This Planning Justification Report is provided in support of the required Zoning By-law Amendment (ZBA) application and Consent application to follow. It demonstrates how the proposal is consistent with provincial planning policy, conforms to the County of Simcoe and Township of Clearview official plans, meets the provisions of the Township of Clearview Zoning By-law, and represents good planning.

## 2.0 SUBJECT PROPERTY AND SURROUNDING USES

### 2.1 SUBJECT PROPERTY

The subject property is located at **5455 Concession 9 Sunnidale in Clearview Township just southeast of Stayner**. The property is legally described as Concession 8, East Part of Lot 4, former Sunnidale, and consists of approximately 307.2 metres (1007 feet) of frontage, 1376 metres (4514.4 feet) in depth, with an overall area of 39.8 hectares (98.45 acres). There is an existing dwelling in the northwest corner of the farm that was built in 1983 according to the GeoWarehouse Report on the property. The dwelling is serviced by a drilled well to the rear of the dwelling and private septic system in the front yard. There is an existing entrance onto Concession 9 Sunnidale. The entire property is farmed except for the area round the buildings. You can see in the air photo below the location of the existing dwelling and the farmed land.

The property is currently zoned “*Agricultural (AG)*” and “*Hazard Land (Overlay (FP))*” in Township of Clearview Zoning By-law 06-54. The property is designated ‘*Agricultural*’ in the Township of Clearview Official Plan (2024).

Figure 1

KEY MAP SHOWING THE LOCATION OF THE PROPERTY  
(Source: Clearview Township Interactive Mapping)

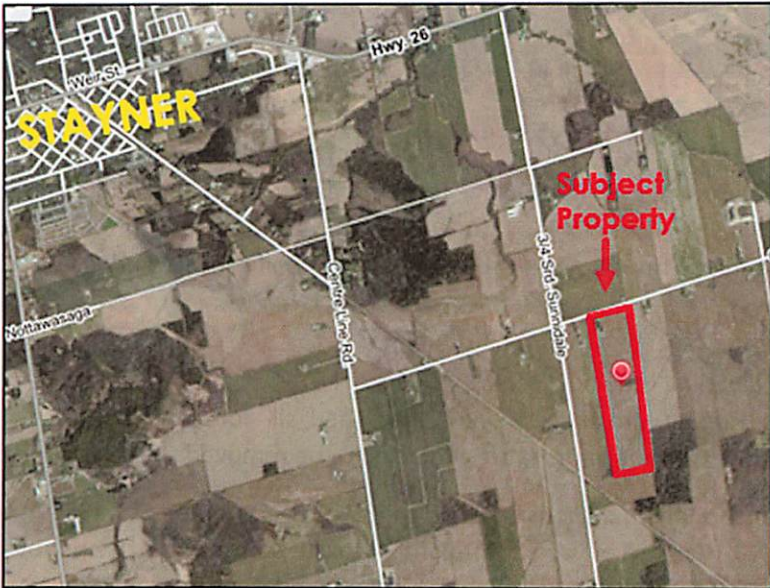
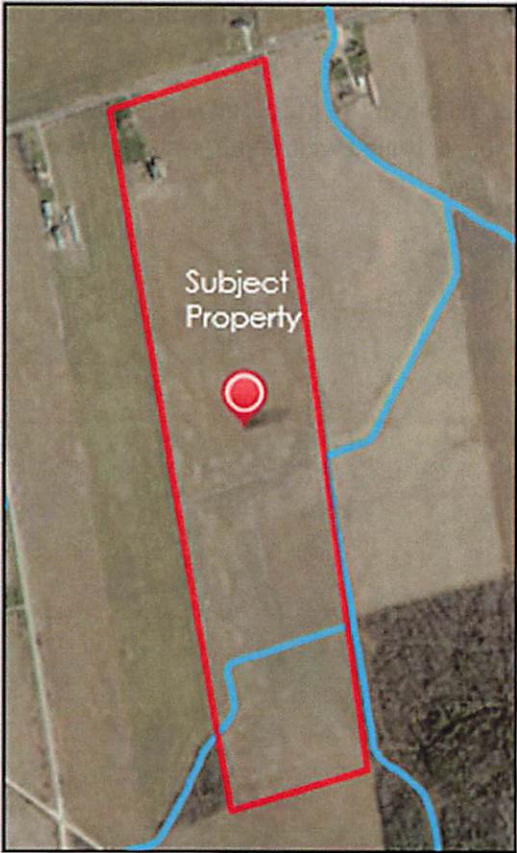


Figure 2

AIR PHOTO OF THE SUBJECT PROPERTY (Source: Clearview Township Interactive Mapping)



## **2.2 SURROUNDING LAND USES**

The subject property is surrounded by agricultural uses.

## **3.0 PROPOSED SEVERANCE**

John Aarden is proposing to sever the existing dwelling from his farm located at 5455 Concession 9 Sunnidale on a proposed farm surplus dwelling lot. The retained farmland lot is proposed to be consolidated with Jeremy Cubitt's farming operation and one of his farms is adjacent to Aarden's farm being located at 5375 Concession 9 Sunnidale.

### **3.1 PROPOSED SEVERED AND RETAINED LOTS**

The **proposed farm surplus dwelling lot** would consist of 46.2 m (151.5 ft) of frontage by 138 m (452.7 ft) in depth, with an overall area of 0.77 ha (1.9 acres) with an existing dwelling, shed, silo for storage, with a drilled well, septic system, and driveway. The existing barn and adjacent silo are proposed to be removed. The proposed use is residential.

The **proposed retained farmland lot** would consist of 261 m (856.2 ft) of frontage by 1376 m (4514.4 ft) in depth, with an overall area of 39.07 ha (96.54 acres) of vacant farmland once the barn and silo are removed. The proposed use is agricultural. There is a proposed entrance into the farmland, if needed.

Severance drawings have been prepared by Klayton Weston, Big League Blueprints, dated February 2, 2026, which are drawn to scale and have been provide as separate drawings with the Zoning By-law Amendment application.

**Figure 3 below is a portion of the Severance Sketches prepared by Big League Blueprint illustrating the Proposed and Retained Lots.**

**Figure 4 below is the detailed severance sketch of the proposed surplus dwelling lot illustrating the dwelling, shed, silo for storage, barn and silo to be removed, drilled well, septic system, the driveway, and the setbacks.**

Figure 3 – Proposed Farm Surplus Dwelling Lot and Retained Farmland Lot  
(Source: Portion of Severance Sketches prepared by Big League Blueprints)

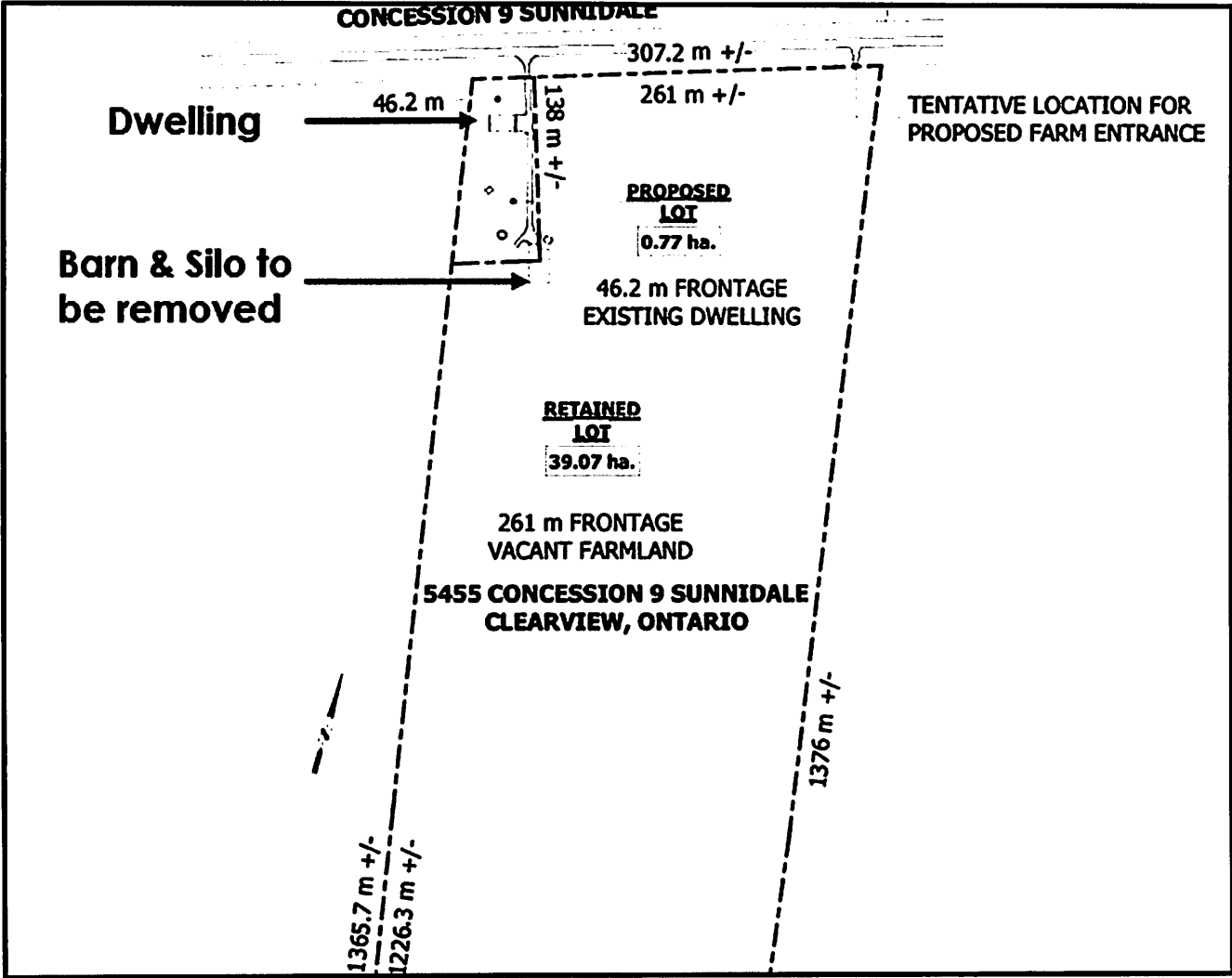
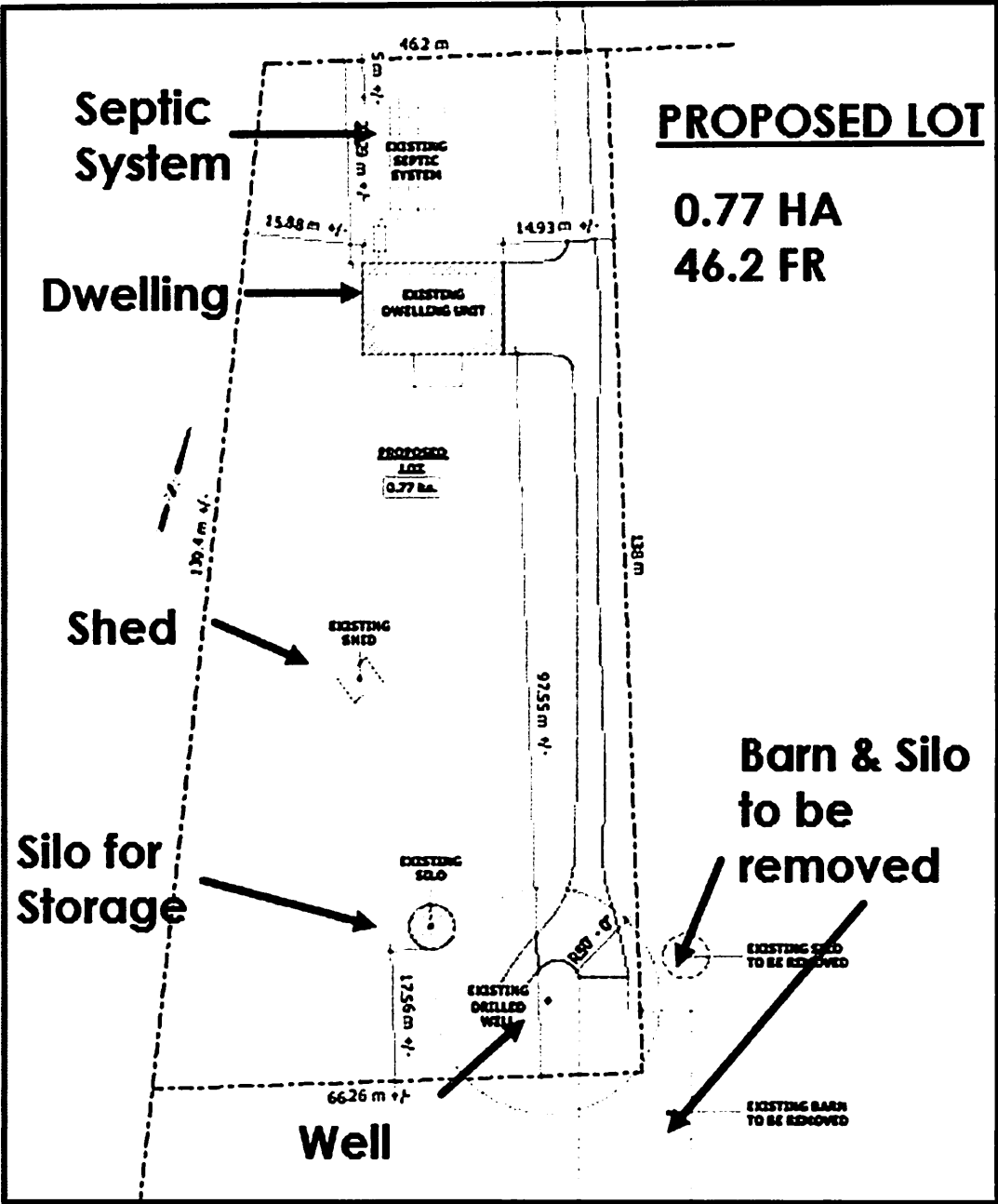
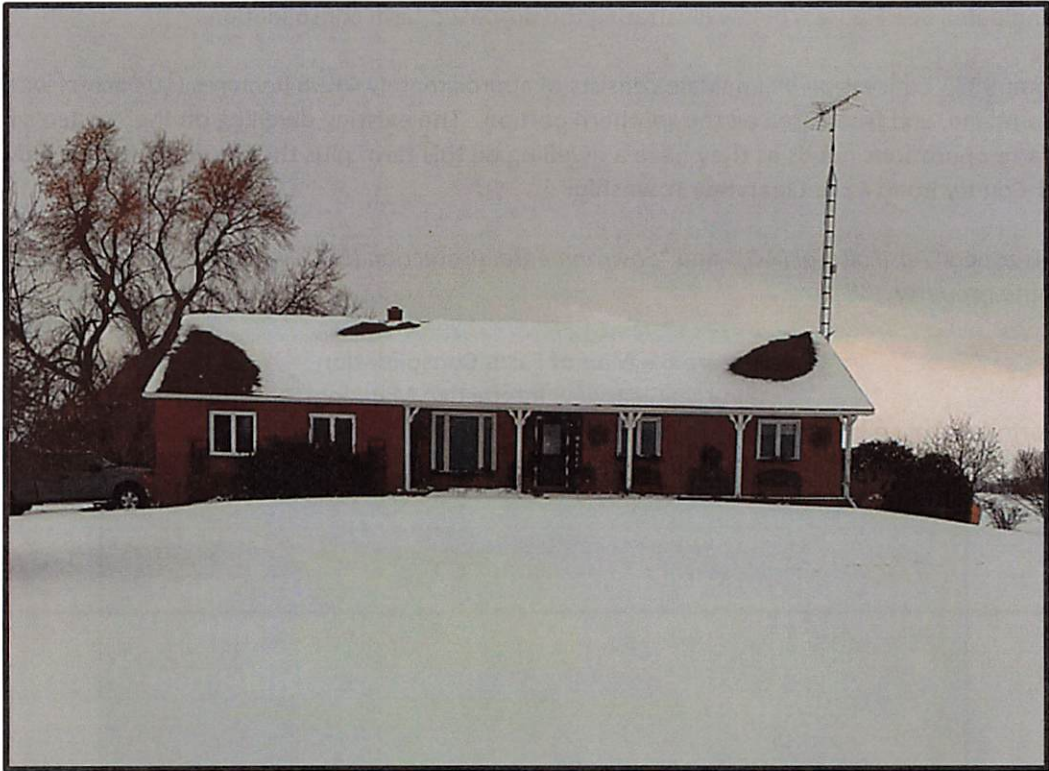


Figure 4 – Severance Sketch of Proposed Farm Surplus Dwelling Lot  
(Source: Klayton Weston, Big League Blueprints dated February 2, 2026)



**Figure 5 – Photo of the Existing Dwelling and Barn**  
*(Photos taken on January 17, 2026, and provided by Marie Leroux)*



### 3.2 PROPOSED FARM CONSOLIDATION

The proposed **Retained Farmland Lot** is to be consolidated with the farm operation to the east located at **5375 Concession 9 Sunnidale**. See Figure 6 below illustrating the proposed farm consolidation.

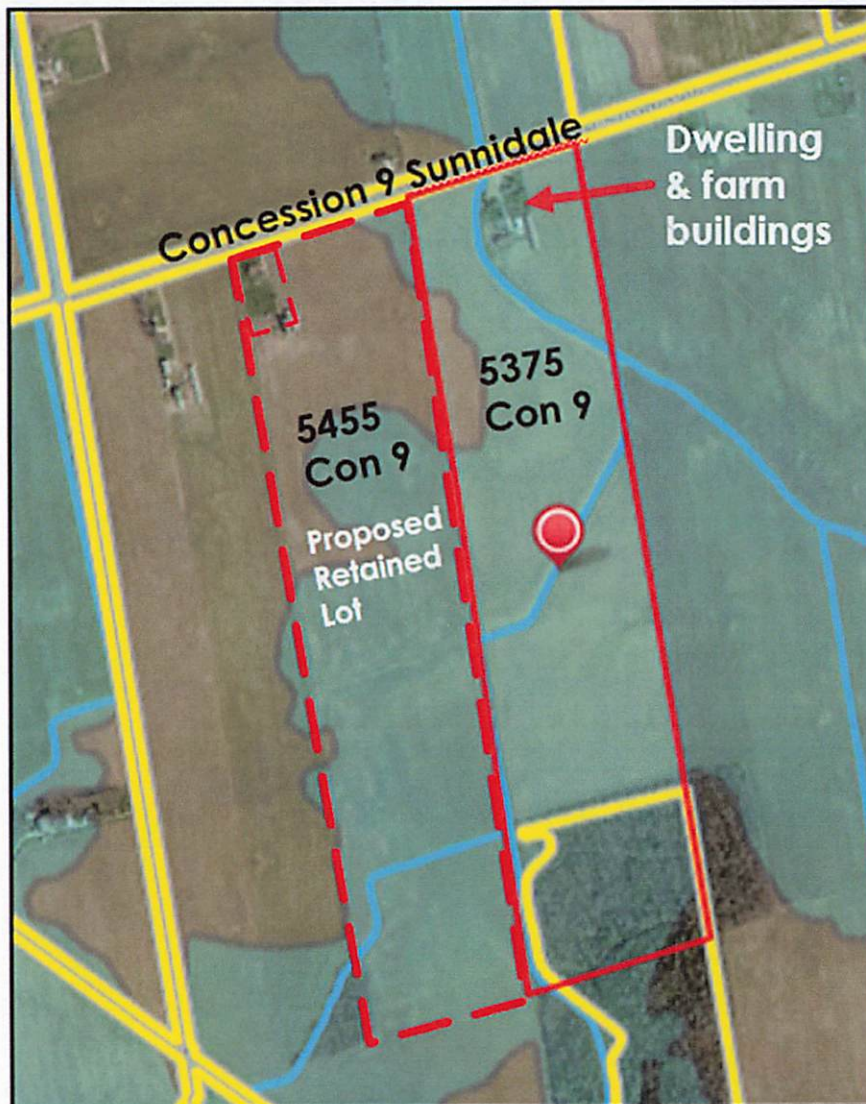
The farm located at 5375 Concession 9 Sunnidale consists of approximately 41.95 hectares (103 acres) with a dwelling, farm buildings, farmland, and treed area on the southern portion. **The existing dwelling on the Aarden's farm is surplus to Mr. Cubitt's farm operations needs as they have a dwelling on this farm plus their home farm has a dwelling where they live at 2371 County Road 42 in Clearview Township.**

The Cubitt farm is zoned "Agricultural (AG)" and "Environmental Protection (EP)", with the "Hazard Land (Overlay (FP))" on a majority of the property.

**Figure 6 – Map of Farm Consolidation**

(Source: Clearview Interactive Mapping)

Retained Farmland Lot to be consolidated with the Farm located at 5375 Concession 9 Sunnidale in Clearview.



## 4.0 ZONING BY-LAW AMENDMENT

### **4.1 TOWNSHIP OF CLEARVIEW ZONING BY-LAW 06-54 (Consolidated April 2025)**

The subject property is zoned “**Agricultural (AG)**” with the “**Hazard Land (Overlay (FP))**” which signifies the areas that are within the Nottawasaga Valley Conservation Authority’s (NVCA) regulated area in the Township of Clearview Zoning By-law 06-54 (Consolidated April 2025). Figure 7 below illustrates the zoning on the subject property.

According to provincial, county, and local planning policies through a farm consolidation, where a residence is surplus to an agricultural operation, the resident is permitted to be severed from the farm what is referred to as a farm surplus dwelling lot, conditional on the retained farmland being prohibited any new dwellings and additional residential units.

According to the Township of Clearview Official Plan (2024), Section 11.9.1.11 it states as follows:

*“11. Where the giving of a consent requires an amendment to the Zoning By-law or the passing of a minor by-law, Council or the Committee of Adjustment, as the case may be:*

*(a) may direct the applicant to make an application requesting an amendment to the Zoning By-law or the passing of a minor by-law, as the case may be, and to obtain approval for that application before it will further consider the application for the consent; or*

*(b) may give a provisional consent with conditions imposed requiring the approval of the necessary amendment to the Zoning By-law or minor by-law, as the case may be.”*

The Township through the Pre-Consultation process advised that the proposed consent to sever a farm surplus dwelling lot from the farm would require the retained farmland to be rezoned to prohibit any new residential uses.

**The Zoning By-law Amendment application has been submitted to the Township of Clearview to rezone the retained farmland lot from “Agricultural (AG)” to “Agricultural – Residential Use Exceptions (AG-ER)”. The “Hazard Land (Overlay (FP))” will remain unchanged. A draft amending Zoning By-law is provided in Appendix A of this report.**

The AG-ER zone, Section 3.1.3, states that,

*“Notwithstanding the permitted uses of the Agricultural Zone, a single detached dwelling, farm help accommodation, an accessory dwelling unit, an accessory bed and breakfast, a garden suite, a home occupation and a home industry are prohibited uses on the following properties as identified by the symbol AG-ER on the schedules to this By-law or amendments thereto.”*

Figure 7

**Map of the Subject Property and Zoning**

(Source: Township of Clearview Interactive Mapping)

The property is outlined in red. The property is zoned AG – Agricultural. The light blue highlighted areas signify these lands are within NVCA’s regulated area.



The proposed lot and retained lot comply with the Zoning By-law AG zone provisions. The proposed lot with a dwelling will remain zoned AG which permits a single detached dwelling and accessory buildings. The vacant retained farmland lot will be zoned AG-ER which permits all uses in the AG zone and prohibits all residential uses.

Below is a Zoning Analysis setting out the AG zone provisions and confirms the compliance of the proposed and retained lots meeting the minimum lot area, frontage, and required setbacks for the dwelling and accessory buildings/structures.

Zone Provisions – Agricultural (AG) Section 3.1.2	Minimum Required	Existing/Proposed	Complies Yes/No
Lot Area – Retained Lot	35 ha	39.07 ha	Yes
Lot Frontage – Retained Lot	100 m	261 m	Yes
Lot Area – Surplus Dwelling Lot	0.3 ha	0.77 ha	Yes
Lot Frontage – Surplus Dwelling Lot	30 m	46.2 m	Yes
Front Yard Setback	10 m	27.29 m	Yes
Side Yard Setback	7.5 m	15.88 m W	Yes

Side Yard Setback	10 m	14.93 m E	Yes
Rear Yard Setback	7.5 m	97.55 m	Yes
Max. Lot Coverage	20%	0.027 %	Yes – Dwelling GFA 158.86 sq. m, shed 17.84 sq. m, silo for storage 32.14 sq. m Total GFA 208.84 sq. m
Max. Height for Non-Agricultural Building	13 m	Dwelling 5.8	Yes
Max. Height for Accessory Buildings	8 m	Shed 3m Silo 6m	Yes
<b>Zone Provisions for ACCESSORY BUILDINGS, etc.</b>			
<b>Section 2.6</b>			
2.6.1.3 In AG zone, where lot less than 2ha, accessory bldg. may be located 1.2m from rear and side lot lines, not exceed 1 storey in height and 64 sq.m.	Rear and Side Yard Setbacks 1.2m  1 storey in height  Bldg area 64 sq. m	Rear and Side Yard for Shed and Silo are great than 15m  Shed and Silo, both 1 storey  Shed 17.84 sq. m and Silo 32.14 sq. m.	Yes Accessory buildings are a shed (which is a lean-to with the south side having no wall) and a silo for storage of lawn furniture and lawn equipment.
2.6.1.4 In AG zone, where lot less than 2ha, accessory bldgs shall not exceed 200 sq. m in area.	Acc. Bldgs not to exceed 200 sq. m	Total - 49.98 sq. m	Yes

#### **4.2 TOWNSHIP OF CLEARVIEW DRAFT ZONING BY-LAW**

The Township of Clearview has a new proposed **DRAFT** Zoning By-law. The proposed Zoning By-law has the subject property mapped as being zoned “***Agricultural (AG)***” with the NVCA regulated overlay the same as the current Zoning By-law 06-54.

The draft Zoning By-law (ZBL), Section 6.2, Agricultural (AG) Zone, sets out the regulations. **For an agricultural use the minimum lot frontage is 120 metres, and the minimum lot area is 40 hectares. For a Surplus Dwelling Lot, the minimum lot frontage is 30 metres, and the minimum lot area is 0.3 hectares.** The proposed Surplus Dwelling Lot regulations remains the same as the current Zoning and the proposed Surplus Dwelling Lot would comply with the proposed ZBL. **The proposed Retained Farmland Lot would comply with the proposed minimum lot frontage of 120 metres but would NOT meet the minimum lot area of 40 hectares as the proposed Retained Lot has 39.07 hectares.**

Should the Township of Clearview’s proposed Zoning By-law be approved, as drafted prior to the completion of this ZBA application, the proposed Zoning By-law Amendment would be to include an exception for the minimum lot area for the Proposed Retained Lot. The proposed rezoning would then be to rezone it from “***Agricultural (AG)***” to “***Agricultural -Residential Use Exceptions XX (AG-ERXX)***” to prohibit any residential uses and to have the minimum lot area required to be 39 hectares.

## 5.0 PLANNING POLICY AND ANALYSIS

The following considers all relevant provincial, county, and municipal planning policy applicable to the proposed Consent Application and proposed Zoning By-law Amendment Application on the subject property.

### **5.1 Provincial Policy Statement (2024) (PPS)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Its aim is to enable appropriate forms of development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the Planning Act requires all decisions affecting planning matters “to be consistent with” the PPS and other policy statements issued under the Act.

The subject property is designated “*Agricultural*” on the County of Simcoe Official Plan Schedule 5.1, Land Use Designations. The proposed consent is on lands in the “*Agricultural*” designation; therefore, it is the “*Agricultural*” policies of the PPS that are relevant to this proposed rezoning and consent.

**PPS Section 4.3.1, General Policies for Agriculture**, states,

*“1. Planning authorities are required to use an agricultural system approach, based on provincial guidance, 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.”*

**PPS Section 4.3.2, Permitted Uses**, states,

*“2. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.”*

*“4. A principal dwelling associated with an agricultural operation shall be permitted in prime agricultural areas as an agricultural use, in accordance with provincial guidance, except where prohibited in accordance with policy 4.3.3.1.c.”*

**Section 4.3.3, Lot Creation and Lot Adjustments**, states

*“1. Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:*

*c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:*

- 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and*
- 2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective;”*

The proposal is to sever a farm surplus dwelling, that is surplus to the Cubitt's farm operations needs, and to consolidate the retained farmland with their farm operations which includes an adjacent farm located at 5375 Concession 9 Sunnidale. This proposed consent is permitted by the PPS policies. This proposed Zoning By-law Amendment application is to rezone the remnant parcel of farmland created by the severance to prohibit any new dwellings and additional residential units or uses as required by the PPS policies.

In my professional opinion **the proposed zoning by-law amendment is consistent with the PPS policies** as the policies permit the severance of a farm surplus dwelling lot from the subject property through a farm consolidation with an agricultural operations providing the retained farmland parcel is prohibited any residential uses.

## **5.2 County of Simcoe Official Plan (Consolidated February 2023)**

The policies of the County of Simcoe Official Plan provide a policy context for land use planning taking into consideration the economic, social, and environmental impacts of land use and development decisions. The Plan applies to the sixteen Towns and Townships, the local municipalities, within the County of which Clearview Township is included. A zoning by-law amendment must conform to the policies of the County Plan.

The subject property is designated "*Agricultural*" on the County OP Schedule 5.1.

**County OP Section 3.6, Agricultural**, states the objectives are,

***"3.6.2 To enable the agricultural industry to function effectively in prime agricultural areas by minimizing conflicting and competing uses while accommodating uses and facilities which support the agricultural economy in accordance with the Planning Act and the Farm Practices Protection Act and its successors.***

***"3.6.3 To ensure the availability and sustainability of prime agricultural areas for long-term use for agriculture and support a diversified agricultural economy."***

***"3.6.4 To promote a sustainable local food system that enhances opportunities for food, agriculture and agriculture-related businesses and/or producers to deliver products locally."***

***"3.6.6 Permitted uses within the Agricultural designation are agricultural uses, agriculture related uses (PPS 2014), processing of agricultural products, on-farm diversified uses, natural heritage conservation and forestry, mineral aggregate operations subject to Section 4.4, and agricultural produce sales outlets generally marketing production from the local area."***

***"3.6.7 In the Agricultural designation lot creation is discouraged and may only be permitted for:***

***c) a residence surplus to a farming operation as a result of farm consolidation, provided that:***

***i. the new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services and should be an approximate size of 1 hectare; and***

***ii. new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. To ensure that no new residential dwellings are permitted on the remnant parcel, municipalities may use approaches such as zoning to prohibit the development of a dwelling unit(s), and/or the municipality may enter into agreements imposed as a condition to the approval of lot creation and the agreements may be registered against the land to which it applies."***

The County of Simcoe Official Plan “Agricultural” policies are very similar to the PPS “Agricultural” policies. They both permit the severance of a residence surplus to a farming operation as a result of farm consolidation providing the remnant parcel of farmland is prohibited any dwelling units. The County policies also require the surplus dwelling lot to be limited in size to approximately 1 hectare.

The County of Simcoe Official Plan objectives is to protect and enable the agricultural industry to function effectively and to ensure the availability and sustainability of the prime agricultural areas for long-term use.

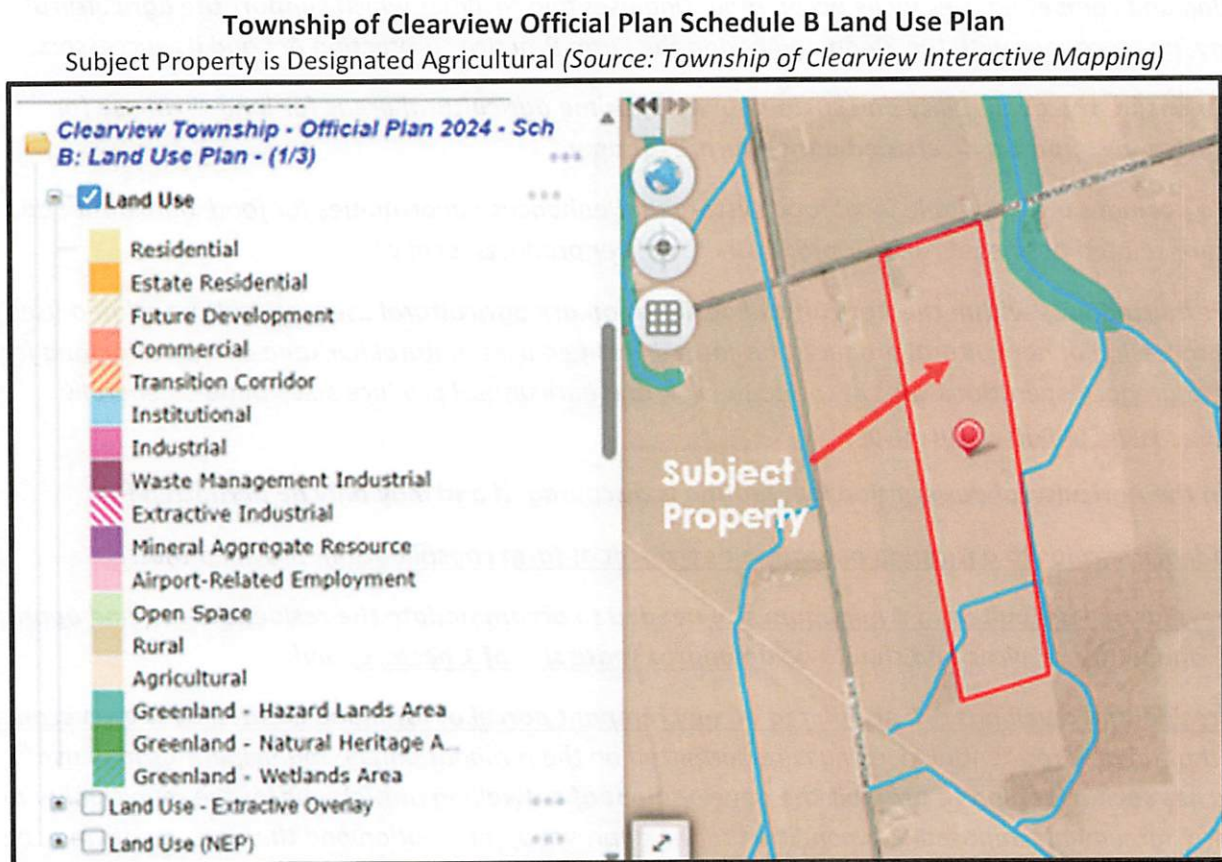
The policies permit and promote the continued growth of the agricultural industries. The policies intend to assist farmers to do this by permitting them to sever off a dwelling surplus to their needs and retain the farmland to expand their farming operations. It then allows the farmland to continue to be productive without any additional residential dwelling units being created in the prime agricultural areas.

It is in my professional opinion **the proposed consent to sever a residence surplus to a farming operation as a result of farm consolidation is permitted according to the policies in the County of Simcoe’s Official Plan.** The **proposed ZBA to rezone the remnant parcel of farmland to prohibit any dwelling units conforms with the County OP as the policies require it to allow for the consent.**

**5.3 Township of Clearview Official Plan (2024)**

The subject property is designated “Agricultural”, in the Township of Clearview Official Plan.

Figure 8



**Section 3.1, Rural & Agricultural Lands, Goals & Principles, states,**

- “1. Ensure agriculture remains the core component of the Township’s economy and a prominent feature of the rural landscape.*
- 2. Support the continuation of agricultural uses and uses related to agriculture while protecting prime agricultural areas from encroachment by incompatible land uses.*
- 3. Maintain the continuity of agricultural lands and avoid fragmentation of the rural land base.*
- 4. Promote and provide for a full range of sizes and scales for farm operations.*
- 6. Promote the diversity and viability of rural economic activities while preserving and maintaining the predominantly agricultural character of the countryside.”*

**Section 3.3.1, Agricultural Uses (Primary Uses), states,**

*“1. This Official Plan intends for **agricultural uses to be and remain the predominant land uses within the “Agricultural” designation**, and intends for agricultural uses of all types, sizes, and intensities, and all normal farm practices, to be promoted and protected in that designation.”*

**Section 3.3.6, Lot Creation, states,**

*“One main goal of the policies in this section of the Official Plan is to **maintain and preserve agriculturally viable farm units operating within the Township’s historical agricultural community**. For this reason, the creation of new lots in the “Agricultural” designation, including new lots for agricultural and agricultural-related uses, will be discouraged as a general principle.”*

*“4. The creation of a new residential lot in the “Agricultural” designation:*

*(a) shall only be permitted in circumstances where an existing residence has been rendered surplus to a farm operation as the result of a farm consolidation; and*

*(b) shall only occur in accordance with the applicable policies in Section 11.9.8 of this Official Plan.”*

**Section 11.9.8, Lot Creation in the “Agricultural” Designation, states,**

*“Lot creation in the “Agricultural” designation is generally discouraged and shall only be permitted in accordance with the policies in this section of the Official Plan.”*

**Farm Consolidations & Surplus Dwellings**

*“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.”*

*“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, in circumstances where:*

*(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,*

*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.”*



**"12. A new lot may be created for a surplus dwelling, provided that:**

**(a) the surplus dwelling is no less than 15 years old;**

**(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;**

**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**

**(d) the other farmlands to be consolidated with the remnant parcel:**

**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."**

**"15. 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."**

**"16. 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."**

**"17. The lot created for a surplus dwelling:**

**(a) should be rectangular or as close to rectangular in shape as possible; and**

**(b) should not be a "keyhole" lot (meaning a lot whose shape is such that access from the road to the portion containing the dwelling is provided over a strip of land that is much narrower than the portion of the lot that contains the dwelling)."**

**"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."**

**"19. To clarify, for the purposes of Policy No. 11.9.8.18, "residential use" includes a farm dwelling, an accessory dwelling, and accommodation for full-time farm labour or for temporary on farm workers."**

**"20. A site-specific amendment to the Zoning By-law as described in Policy No. 11.9.8.18 may be made through the passing of a minor by-law."**

**"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."**

**"23. The applicant for a consent to create a new lot for a surplus dwelling shall be required to provide such information and material as the Township deems necessary to facilitate the review of any existing buildings and structures on the subject lands associated with, or accessory to, an agricultural use, and:"**

*"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:*

*(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;*

*(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*

*(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."*

The proposed consent is permitted by the Clearview OP policies since the **existing farm dwelling** on the subject farm has been rendered surplus to Mr. Cubitt's farming operation needs. The **remnant parcel of farmland will be consolidated with Mr. Cubitt's farming operation and registered into the name of Jeremy Cubitt. The Township may as a condition of the consent require a lawyer's undertaking to ensure the registration of the retained farmland parcel is in the name of an owner of the Cubitt farming operation to fulfill this requirement. The remnant parcel of farmland is being rezoned to prohibit any residential uses.**

The proposed farm surplus dwelling lot has an **existing dwelling that was built in 1983** and meets the policy for the **dwelling to be more than 15 years old**. A copy a GeoWarehouse Report on the property indicates the dwelling was built in 1983. This information was provided to the Township with the ZBA application.

The lot has been kept to a minimum and includes all of the services, ie. drilled well, septic system, driveway. **The lot is proposed to be 0.77 hectare in size and conforms with the policies for it to be limited to 1 hectare and it is rectangular in shape.**

**The MDS1** is only required for a surplus dwelling lot severance if a new situation is being created between a residential use and a livestock facility anaerobic digester on the farm. The existing barn is in ruined state and is proposed to be taken down/removed as well as the silo next to the barn. This MDS requirement is noted in the Official Plan policies, in Clearview's Zoning By-law, and in the MDS Guidelines. Since there will be no livestock facilities or anaerobic digester on the subject farm **there are no MDS1 Calculation required for this proposed consent.**

The proposed **retained farmland lot is proposed to be 39.07 hectares in size** and conforms to the size criteria to be **no less than 39 hectares to be large enough to function as a farm unit without the requirement for it to be merged with an adjacent farm so that it is at least 39 hectares as specified above in Section 11.9.8.15.**

The proposed retained farmland lot is to be consolidated with the Cubitt's farming operation which includes their farm located at 5375 Concession 9 Sunnidale which abuts the retained farmland and meets the policy for it to be within Clearview Township and within reasonable distance to the retained lot.

The new surplus dwelling lot will not hinder or impact any surrounding existing livestock facilities from future expansions than what already exists with an existing dwelling at the current location.

It is in my professional opinion the **proposed consent to sever a surplus farm dwelling lot from the subject property and for the retained farmland lot to be consolidated with the Cubitt farming operation which includes an adjacent farm located at 5375 Concession 9 Sunnidale complies with the Clearview Official Plan policies. The ZBA application to rezoning the remnant farmland lot from *Agricultural (AG)* to *Agricultural – Residential Use Exceptions (AG-ER)* will permit all agricultural uses and prohibit all residential uses will implement and conform to the OP policies.**

## 6.0 CONCLUSION

One main goal of the Agricultural policies in the Clearview Official Plan is to maintain and preserve agriculturally viable farm units operating within the Township's historical agricultural community. The Agricultural policies have continued to support the farmers needs to continue to grow their farm operations to be sustainable and viable farms and to allow the farmer through farm consolidations to sever off the surplus dwelling on a separated lot. One of Clearview's largest industries is agricultural.

The Cubitt families have been farming in Clearview Township since the early 1900s. Their farm operations include crop production. They have continued to grow their operation to sustain its viability. They currently own 3 farms in Clearview Township and farm 384 hectares of land.

The proposed consent will sever the surplus dwelling and its services on a proposed 0.77 hectare lot and the proposed retained farmland lot will be 39.07 hectares. It is my professional opinion that the proposed consent is consistent with the PPS and conforms to the County and Clearview Official Plan policies as outlined above in this report. The policies state a surplus dwelling lot severance shall be conditional on the retained farmland being prohibited any residential uses.

The proposed Zoning By-law Amendment is implementing the planning policies to prohibit any residential uses on the retained farmland lot. The retained farmland zoning will change from Agricultural (AG) to Agricultural – Residential Use Exceptions (AG-ER) to prohibit a single detached dwelling, farm help accommodation, an accessory dwelling unit, an accessory bed and breakfast, a garden suite, a home occupation, and a home industry. If the Township of Clearview new draft Zoning By-law comes into effect prior to completion of this rezoning, the amendment may also include a reduce minimum lot area for the retained lot to be 39 hectares.

The proposed applications represent good planning as the development will protect prime agricultural areas for agricultural production and enable viable farm operations to continue to grow.

On behalf of the Owners, we respectfully request the Council of the Township of Clearview to look favourably on their request.

Respectfully,

*Marie Leroux*

Marie Leroux, MCIP RPP  
Land Use Planner  
Mountain Ridge Custom Homes Inc.  
705-718-4313 cell

# APPENDIX "A"

## Draft Amending Zoning By-law

By-law Number 26-XX

The Corporation of the Township of Clearview

Being a By-law to regulate the use of land and the character, location and use of buildings and structures on the retained lot on lands municipally known as 5455 CONCESSION 9 SUNNIDALE, and legally described as CON 8 E PT LOT 4, formerly Sunnidale Township, now in the Township of Clearview

(Zoning By-law Amendment – 5455 CONCESSION 9 SUNNIDALE)

---

**Whereas** pursuant to Section 34 of the Planning Act R.S.O., 1990, c.P.13, as amended, Council of the Corporation of the Township of Clearview has passed By-law 06-54 being the comprehensive Zoning By-law for the Township of Clearview;

**And Whereas** the amendment is in conformity with the Township of Clearview Official Plan;

**And Whereas** Council deems it desirable and necessary to amend By-law 06-54;

**Now Therefore** Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That Schedule 'A2' of Zoning By-law 06-54 is hereby amended by changing the zoning on the retained lot on lands located at 5455 Concession 9 Sunnidale, being CON 8 E PT LOT 4, formerly Sunnidale, now in the Township of Clearview, from Agricultural (AG) Zone to the Agricultural – Residential Use Exceptions (AG-ER) as shown on Schedule "1" attached to this by-law.

*If the new ZBL comes into effect - Agricultural – Residential Use Exceptions XX (AG\_ERXX)*

*Notwithstanding the exceptions listed in Section 3.1.3, the following altered or additional provision shall apply to the retained lot on lands located at 5455 Concession 9 Sunnidale being CON 8 E PT LOT 4, formerly Sunnidale*

*Minimum Lot Area: 39 ha*

2. That all other provisions of By-law 06-54, as amended, which are not inconsistent with the provisions of this By-law, shall continue to apply when the By-law comes into effect.

3. This By-law shall come into force and take effect in accordance with the provisions of the Planning Act R.S.O, 1990 c. P.13.

By-law Number 26-XX read a first, second and third time and finally passed this day of \_\_\_\_\_, 2026.

