



Planning Justification Report

RE: Zoning Amendment Application

Address: 10158 County Road 9, Clearview

Owner: Mervin Martin

Date: 14-July-2026

Prepared by: Matt Rapke, RPP
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Summary

Cornabus Planning has been retained by Mervin Martin to provide a planning opinion in relation to his proposal to rezone a portion of his property that is municipally addressed as 10158 County Road 9, Clearview. The proposed amendment will add “On-farm Diversified Use” as a permitted use on the subject property, which will allow Mervin to establish his proposed metalworks shop. This report reviews the relevant planning considerations that relate to the application, and provides a professional planning opinion that supports the approval of the proposed zoning amendment.

Key Considerations

The new land use that is proposed is considered an “On-farm Diversified Use” by the relevant policy framework. The **Draft** Township of Clearview Zoning By-law 2025-XX proposes to permit On-farm Diversified Uses **as-of-right** within the Agricultural (AG) zone. Section 6.7 of the Draft By-law contains relevant provisions relating to On-farm Diversified Uses.

Section 3.3.3 of the Clearview Official Plan, 2024, indicates that On-farm Diversified Uses may be permitted within the Agricultural designation “without requiring an amendment to the Zoning By-law”.

Notwithstanding the direction of the Official Plan, the subject property is zoned AG and AG-22 by Clearview Zoning Bylaw 06-54. The **current** Zoning By-law does **not** permit On-farm Diversified Uses as-of-right within the AG zone. The site-specific provisions of the AG-22 zone permit a “firewood processing operation” in addition to uses that are permitted within the AG zone.

While the proposed metal works shop complies with the provisions of the Draft New Zoning By-law and the policies of the Clearview Official Plan, the use is not permitted by the in-effect provisions of Zoning By-law 06-54. A zoning by-law amendment is therefore required to permit the proposed use.

The proposed amendment will **generally** apply the On-farm Diversified Use provisions of section 6.7 of the Draft New Zoning By-law to a 5,000 square metre portion of the subject property. The proposed use will require an exception to the standard draft provisions in relation to outdoor storage. The draft

provisions do not permit outdoor storage, and the proposed land use requires a permitted outdoor storage area of 500 square metres.

The proposed metalworks shop will be subject to a subsequent site plan control approval process.

The proposed amendment has regard for provincial interests identified in section 2 of the Planning Act, is consistent with the Provincial Planning Statement, conforms to the Official Plans, and constitutes good planning.

Planning Act Requirements

Sections 2 and 5 of the Planning Act require that all municipal decisions affecting a planning matter have regard for provincial interest and be consistent with provincial policy statements. A planning decision affecting the subject property must therefore be consistent with the Provincial Planning Statement (PPS, 2024). Section 24 of the Planning Act further requires that all by-laws passed by a municipal council or planning board conform to all Official Plans. A planning decision affecting the subject property must therefore conform to the Simcoe County Official Plan and the Township of Clearview Official Plan.

Planning Analysis

Description of Subject Lands and the Proposed Use

The subject property is municipally addressed as 10158 County Road 9. The property is located at the northeast corner of the intersection of County Road 9 and County Road 124. The lot has over 500 metres of frontage on both County roads, and is roughly 38.6 hectares in area. The property contains an existing dwelling, a driveshed that is connected to a barn, and an additional shed with 285 square metres of floor area. Approximately 100 square metres of the existing shed is used for a home industry. Most of the property is workable land that is actively cash-cropped. Approximately 3,000 square metres of the property is surfaced with gravel and is used as a firewood processing yard.

To the west of the property is a farm on the opposite side of County Road 124. To the south, on the opposite side of County Road 9, is another farm and an agriculturally related commercial use. An additional farm abuts the property along the east. Immediately east of the area to be rezoned is an existing dwelling on a small rural residential lot.

The subject lands are designated Agricultural in the Simcoe County and Clearview Official Plans, and are zoned AG and AG-22 by the Clearview Zoning By-law (By-law 06-54). The property contains some wetland features and watercourses as identified in the Clearview Official Plan. The area that is proposed to be rezoned is not proximal to the wetland features; however, the area is immediately adjacent to the floodplain that is associated with the watercourse.

The proposed use is a metal works shop with a ground floor area of <600 square metres and an outdoor storage area of 500 square metres. The shop will be used to fabricate various goods that are primarily made of metal. The shop will have an associated truck yard, loading, and parking area. The proposed use

is to be located within the area that is generally already used for the existing firewood processing yard. The proposed shop and outdoor storage area will require a minor expansion of this area towards the north end of the yard.

The proposed shop and yard will be screened with a row of trees. A swale will be established along the perimeter of the use to direct stormwater flows away from the adjacent residence, around the rear of the proposed shop, and towards the cropped field to the north.

The shed in the southeast corner of the farm cluster that contains an existing home industry will be repurposed for use as general storage for the farm. Firewood processing activities may still persist in a smaller portion of the existing yard in accordance with the proposed zoning provisions that will generally permit an “On-farm Diversified Use”.

On-farm Diversified Uses

The proposed metal works shop meets the criteria to be considered an “On-farm Diversified Use” (OFDU) per the policies of the Provincial Planning Statement, 2024, the Simcoe County Official Plan (2023 Consolidation), and the Clearview Official Plan, 2024. The definitions of On-farm Diversified Use offered by the various policy documents are as follows:

PPS, 2024

means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

Simcoe County Official Plan

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Clearview Official Plan

As the name suggests, on-farm diversified uses are secondary land uses that are located on a farm and that support the primary agricultural use of the property, generally by providing an additional source of income for the owner or operator of that primary use. On-farm diversified uses are meant to be limited in area and scale, with minimal impacts on neighbouring uses, and clearly secondary to the property’s primary agricultural use.

The **Draft New Clearview Zoning By-law** defines On-farm Diversified Uses as follows:

*Means Uses that are located on a farm and are clearly secondary to the principal Agricultural Use of the property, and are limited in area and scale. On-farm Diversified Uses include, but are not limited to, accommodation for full-time farm labour, bed and breakfast establishments, greenhouses Used for growing or retailing of plants and non plant items (such as gardening supplies), value-retaining facilities for agricultural products, Uses that produce value-added agricultural products, Uses that directly relate to the primary Agricultural Use of the property, small-scale woodworking, **metalworking**, or plastic fabrication operations, Agri-Tourism Uses or farm-related tourism Uses, and Home Businesses that does not take place entirely within an Existing Dwelling.*

The Draft New Clearview Zoning By-law proposes to permit these uses as-of-right within the AG zone subject to the following provisions:

6.7 On-farm Diversified Use

Where permitted by this By-law, On-farm Diversified Use shall be subject to the provisions of the applicable Zone in addition to the following regulations:

- a) the primary Use of the property must be and shall remain for Agricultural Use;*
- b) the On-farm Diversified Use shall not occupy more than 2% of the total Lot Area;*
- c) more than one On-farm Diversified Use may be permitted on a single property, provided that those Uses comply with the maximum area of 2% for all On-farm Diversified Uses combined;*
- d) Existing laneways will not be included as part of the On-farm Diversified Use area for calculation purposes;*
- e) a Home Business that takes place entirely within an Existing Dwelling shall not be considered an On-farm Diversified Use;*
- f) a Home Business that does not take place entirely within an Existing Dwelling shall be considered an On-farm Diversified Use;*
- g) Notwithstanding the definition of an On-farm Diversified Use, in the Rural Zone, the following additional Uses are permitted as an On-farm Diversified Use:*
 - i. Veterinary Clinic (Large Animal);*
 - ii. an equestrian centre;*
 - iii. a Kennel, at least 500 metres from an Existing Kennel*

iv. A machine repair shop;

v. a small-scale Landscaping business;

vi. a small-scale woodworking, metalworking, or plastic fabrication operation that does not take place entirely within fully enclosed Buildings and Structures;

vii. Farm brewery, distillery, winery, cidery, or Meadery

viii. An Agricultural Research and Training Centre, but only if the Use does not provide on-site accommodations;

ix. Event Venues, in compliance with Minimum Distance Separation / Setback requirements for a “Type B” land use

h) the On-farm Diversified Use must comply with the Minimum Distance Separation; and,

i) a small-scale woodworking, metalworking, or plastic fabrication operation must take place entirely within fully enclosed Buildings or Structures.

The proposed amendment will define an “On-farm Diversified Use” as a permitted use within the AG-22 zone, and will generally subject the use to the same provisions that are included in the Draft New Clearview Zoning By-law. One proposed alteration to the standard OFDU provisions of the Draft Zoning By-law is the addition of an allowance for a 500 square metre outdoor storage area.

The proposed metalworking shop is otherwise permitted by the proposed draft provisions, and the proposed provisions implement the direction of the PPS and the Official Plan by subjecting OFDUs to the size limitations that are established by the **Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas, (Publication 851)**.

Provincial Planning Statement OFDU Policies

Section 4.3.2.1 of the PPS states the following with respect to permitted uses within Prime Agricultural Areas:

“In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance.

Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on provincial guidance or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”

Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas (Publication 851)

Publication 851 provides a set of detailed guidelines to be used by planning authorities as a reference for permitting and regulating OFDUs in accordance with the direction of the PPS. The Guideline establishes the following five tests that OFDUs must meet:

1. Located on a farm
2. Secondary to the principal agricultural use of the property
3. Limited in area
4. Includes, but is not limited to, home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products.
5. Shall be compatible with, and shall not hinder, surrounding agricultural operations

The proposed metalworks shop complies with these criteria as follows:

Located on a Farm

The subject property is a 38.6 hectare lot that includes approximately 37 hectares of workable land that is actively cash-cropped. The use will be located on an existing farm that will continue to be operated as a farm.

Secondary to the principal agricultural use of the property **and** limited in area

The proposal is to amend approximately 5,000 square metres of the subject property to accommodate the proposed building, outdoor storage, loading, and parking areas associated with the metalworks shop. The proposed area to be rezoned accounts for approximately 1.3% of the total area of the property, and the proposed building accounts for approximately 10% of the total area to be rezoned. Publication 851 indicates that no more than 2% of the lot area should be devoted to an OFDU, and no more than 20% of the total area should be used for buildings related to the OFDU. The proposed use and the size of the area to be rezoned are consistent with these guidelines. The size limitations within the proposed zoning provisions will ensure that the use remains secondary to the principal use and limited in area.

Includes home industries

Section 2.3.2 of Publication 851 lists “welding or woodworking shop and manufacturing/ fabrication” as specific examples of home industries that can be considered as On-farm Diversified Uses. The proposed metalworks shop is an example of a permitted home industry. The proposed use is also consistent with the OFDU provisions that are in the Draft New Zoning By-law, which have clearly contemplated consistency with the Official Plan and Publication 851.

Compatibility with surrounding agricultural operations

Publication 851 provides the following guidance with respect to this test:

“Some uses that meet other on-farm diversified uses criteria may not meet the compatibility criterion. For example, uses that attract large numbers of people onto the farm for non-farm events or for recreational purposes could result in soil compaction on the farm itself, excessive noise and trespass issues that may be incompatible with surrounding agricultural operations. Commercial or industrial uses that have a large number of employees or attract a large number of customers may also not be compatible in the prime agricultural area. In addition, some uses may be better suited to settlement areas where municipal services are available (PPS Policy 1.6.6). Municipalities should consider how effectively any impacts can be mitigated before allowing different uses in prime agricultural areas.”

The proposed metalworks shop is an example of an OFDU that is compatible with surrounding agricultural operations. The use is industrial in nature, and therefore does not inject a “sensitive” land use into the countryside that is incompatible with agricultural operations. MDS 1 calculations need not be applied to the proposed land use, and the use therefore does not impose a restriction on the expansion of neighbouring livestock operations. The use does not involve large volumes of visitors, and the shop will employ approximately five employees. The area that is to be used for the shop largely already consists of a compacted gravel yard, and the proposed building will consume a minor amount of additional tillable acres.

Simcoe and Clearview Official Plan OFDU Policies

The Simcoe County Official Plan provides limited direction in relation to OFDUs, but identifies them in section 3.6.6 as a permitted use within Agricultural Areas.

The Clearview Township Official Plan provides detailed direction in relation to OFDUs in section 3.3.3. The relevant policies of the Clearview Official Plan are assessed in the following table.

Policy	Conformity
<i>1. Any of the following may be permitted as an on-farm diversified use in the “Agricultural” designation without requiring an amendment to the Zoning By-law, although any development associated with the proposed use may be subject to site plan control:</i>	The use is a small-scale metalworks shop, which is identified as a permitted form of OFDU.

<i>(a) accommodation for full-time farm labour, subject to Policy No. 3.3.3.4 below;</i> <i>(b) bed-and-breakfast establishments;</i> <i>(c) greenhouses used for the growing or retailing of plants or of non-plant items (such as gardening supplies);</i> <i>(d) value-retaining facilities for agricultural products;</i> <i>(e) uses that produce value-added agricultural products;</i> <i>(f) uses that directly relate to the primary agricultural use of the property;</i> <i>(g) small-scale woodworking, metalworking, or plastic fabrication operations, subject to No. 3.3.3.5 below; and</i> <i>(h) agri-tourism uses or farm-related tourism uses.</i>	
<i>5. For the purposes of No. 3.3.3.1(g) above, a small-scale woodworking, metalworking, or plastic fabrication operation may be permitted as an on-farm diversified use without requiring an amendment to the Zoning By-law if:</i> <i>(a) operations associated with the use in question take place entirely within fully enclosed buildings or structures;</i> <i>(b) the use in question occupies no more than 2% of the total lot area; and</i> <i>(c) an agreement is entered into, as a condition of site plan approval, for the purpose of establishing limits on the number of customers or other members</i>	The proposed use does not take place entirely within a building, as there will be a related outdoor storage area. A zoning by-law amendment is therefore required as per the Official Plan; however, the zoning by-law has not yet been updated to implement the “as-of-right” permission for OFDUs as directed by the Official Plan, and an amendment is required regardless of the outdoor storage area. The proposed amendment will permit an outdoor storage area with a maximum area of 500 square metres. The outdoor storage area is generally screened by the existing buildings on the site, the proposed shop, and the proposed tree line. Appropriate screening will be ensured through the site plan control process.

<i>of the public visiting the site and on the hours of operation.</i>	
<i>12. The primary use of a property that is used for an on-farm diversified use shall be, and shall remain, an agricultural use.</i>	The property is currently a farm as is evident from the 37 hectares of active cropland. The land will continue to be farmed once the OFDU is established.
<i>14. An on-farm diversified use shall:</i> <i>(a) be appropriate to the water and wastewater services available on the site;</i> <i>(b) be compatible with, and not hinder, surrounding agricultural operations; and</i> <i>(c) be limited in area, in accordance with the lot coverage standard established in the Zoning By-law.</i>	The proposed use is appropriate for the proposed services, is compatible with surrounding agricultural operations, and is limited in area according to the Publication 851 Guidelines. A Functional Servicing Report from Cobide Engineering is provided to speak to the proposed servicing. A noise assessment is provided by CCS Engineering to demonstrate appropriate compatibility with surrounding uses.
<i>15. The compatibility considerations referred to in Clause 3.3.3.14(b) above include the collective or cumulative impact of multiple on-farm diversified uses on the overall agricultural nature of the area in which those uses are located.</i>	There is no significant accumulation of similar proximal uses to require the assessment of cumulative impacts.
<i>16. An on-farm diversified use may be required to comply with minimum separation distance formulae, depending on the nature of the use.</i>	Publication 851 advises that OFDUs do not need to comply with MDS I requirements unless the proposed use is sensitive in nature. For example, a use that has high volumes of visitors or overnight accommodations should comply with MDS. The proposed use is industrial in nature, and MDS does not need to be applied.
<i>18. The implementing Zoning By-law will establish an appropriate lot coverage standard for on farm diversified uses to ensure that each such use remains limited in area.</i>	The amendment proposes to apply the standard provisions of the Draft New Zoning By-law. The draft provisions limit the size of the OFDU to 2% of the lot area. The amendment also proposes to permit an outdoor storage area that is a maximum of 500 square metres.

19. <i>The total combined area of all on-farm diversified uses on a lot shall be no more than the lot coverage standard established by the implementing Zoning By-law.</i>	There is only one proposed OFDU, which will comply with the proposed provisions.
20. <i>Existing laneways will not be included as part of the lot covered by an on-farm diversified use.</i>	Existing laneways are excluded from the area to be rezoned.
22. <i>An on-farm diversified use may be permitted to exceed the standards established in the Zoning By-law through the passing of a minor by-law, provided that:</i> <i>(a) the extent to which the use exceeds such standards is reasonable; and</i> <i>(b) the on-farm diversified use will remain clearly secondary to the primary agricultural use of the property.</i>	The proposed amendment is requesting that an outdoor storage area be permitted. Appropriate screening is to be implemented through the site plan control process.
24. <i>The implementing Zoning By-law may establish standards for the gross floor area of on-farm diversified uses based on the percentage of the lot covered or on a specified maximum area.</i>	The standard provisions of the proposed New Zoning By-law are to be applied. The draft provisions establish a maximum OFDU size of 2% of the total lot area.

The proposed land use conforms with the relevant Clearview Official Plan OFDU policies.

Noise

Clearview Township Planning Staff provided direction that a noise study would be required as part of a complete application for the proposed zoning amendment. A noise study has been provided by CCS Engineering. As demonstrated by the noise study, calculated sound levels at all sensitive receptors are within applicable performance limits during daytime operation of the facility.

Traffic

Clearview Township Planning Staff provided direction that a traffic impact brief would be required as part of a complete application for the proposed zoning amendment. A traffic impact brief has been provided from Tatham Engineering. The brief concludes that the proposed land use will have no change with respect to the traffic that the site will generate.

Servicing and Stormwater

Clearview Township Planning Staff provided direction that a functional servicing report would be required as part of a complete application for the proposed zoning amendment. A functional servicing report and site plan are provided from Cobide Engineering. The report indicates that the site can accommodate the proposed land use with a private on-site septic system and the existing well. The report and site plans also provide a stormwater management analysis and indicate that a swale will be constructed around the yard and the building to direct stormwater flows towards the field on the subject property. The swale design will be confirmed through the site plan control approval process. The septic design will be confirmed through the building permit approval process.

Conclusion

The proposed zoning by-law amendment will permit a metalworks shop on the subject property. The proposed metalworks shop conforms to the definition of an On-farm Diversified Use, has regard for provincial interests, is consistent with the PPS, and conforms to the relevant Official Plan policies. The proposed use will generally conform to the provisions of the Draft New Clearview Zoning By-law.

The proposed amendment is supported by the policy framework and constitutes good planning. In our opinion, the proposed amendment meets the required tests of the Planning Act to warrant Council's approval.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Rapke', with a stylized flourish at the end.

Matt Rapke, RPP