

## REPORT TO COUNTY COUNCIL

# Application for Official Plan Amendment – OP 24-20-3 Lammert and Klaasje Brons

**To:** Warden and Members of County Council

**From:** Director of Community Planning

## RECOMMENDATION

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1. That Oxford County Council not approve Application No. OP 24-20-3, submitted by Lammert and Klaasje Brons for lands legally described as Part of Lot 19, Concession 8 (East Oxford) in the Township of Norwich, to amend the Official Plan to include a site specific policy to permit the further expansion of an existing welding contractors shop located on the subject lands.

## REPORT HIGHLIGHTS

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- The Official Plan Amendment application proposes to include site-specific policies to permit the expansion of an existing contractor shop from 1,266 m<sup>2</sup> (13,627.11 ft<sup>2</sup>) gross floor area to 2,570 m<sup>2</sup> (27,663.25 ft<sup>2</sup>). The application also proposes to permit a maximum of five employees not residing on the farm.
- It is the opinion of Planning staff that the proposal would exceed the size and scale of an On Farm Diversified Use (OFDU) and is not consistent with the policies of the Provincial Policy Statement and the intent and purpose of the Official Plan with respect to permitted uses in prime agricultural areas.

## IMPLEMENTATION POINTS

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This application will be implemented in accordance with the relevant objectives, strategic initiatives and policies in the Official Plan.

## Financial Impact

Consideration of this application will have no financial impacts beyond what has been approved in the current year's budget.

## Communications

In accordance with the requirements of the Planning Act, notice of complete application regarding this proposal was provided to surrounding property owners on January 13, 2025 and notice of public meeting was issued on January 28, 2025. As of the date of this report, no comments or concerns had been received from the public.

## 2023-2026 STRATEGIC PLAN

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Oxford County Council approved the **2023-2026 Strategic Plan** on September 13, 2023. The Plan outlines 39 goals across three strategic pillars that advance Council’s vision of “Working together for a healthy, vibrant, and sustainable future.” These pillars are: (1) *Promoting community vitality*, (2) *Enhancing environmental sustainability*, and (3) *Fostering progressive government*.

The recommendation in this report support the following strategic goals.

### Strategic Plan Pillars and Goals

PILLAR 1	PILLAR 2	PILLAR 3
		
<b>Promoting community vitality</b>	<b>Enhancing environmental sustainability</b>	<b>Fostering progressive government</b>
Goal 1.3 – Community health, safety and well-being	Goal 2.2 – Preserve and enhance our natural environment	

See: [Oxford County 2023-2026 Strategic Plan](#)

## DISCUSSION

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### Background

**Owners:** Lammert and Klaasje Brons  
593981 Highway 59, Burgessville, ON N0J 1C0

**Agent:** Wesley Donker  
263629 Prouse Road, Mount Elgin, ON N0J 1N0

**Location:**

The subject lands are legally described as Part of Lot 19, Concession 8 (East Oxford). The subject lands are located on the west side of Highway 59, lying between Beaconsfield Road and Substation Road and are municipally known as 593981 Highway 59, Township of Norwich.

**County of Oxford Official Plan:**

Schedule "N-1"          Township of Norwich Land Use Plan          Agricultural Reserve

**Proposal:**

The application for Official Plan Amendment is proposing to implement site specific policies to permit an expansion to an existing Contractor's Shop (a welding operation) located on the subject agricultural property. The current zoning of the subject lands (which was approved by Township Council in September 2018) permits a Contractor's Shop, with a maximum floor area of 1,266 m<sup>2</sup> (13,627.1 ft<sup>2</sup>). The applicant has indicated that the Contractor's Shop is currently operating within a space of 1,319 m<sup>2</sup> (14,197.6 ft<sup>2</sup>), which already exceeds the current zoning permissions. The applicant is proposing to further increase the floor area of the shop to 2,570 m<sup>2</sup> (27,663.25 ft<sup>2</sup>), to provide additional space for manufacturing/fabrication, indoor storage and layout of materials, and repair of large equipment.

It is noted that the gross floor area for the contractor's shop, as stated above, does not include the floor area of the attached existing farm shop, which is approximately 558 m<sup>2</sup> (6,006 ft<sup>2</sup>) according to the sketch provided by the applicant. Based on the information submitted, it is unclear to what extent, if any, this building may be used as part of the existing or proposed welding contractors shop use.

An associated application for zone change is proposing to amend the existing site-specific zoning provisions that apply to the subject property to permit an increase in the maximum gross floor area of the existing welding contractor's shop, and to increase the permitted number of employees not residing on the farm from two to five.

The application indicates that the existing business conducts manufacturing and fabrication of long steel lengths into structural steel components used in the construction of large industrial and agricultural buildings, livestock barns, and farm storage buildings. Additionally, it indicates that custom welding is undertaken for decorative and farm property gates, and some other custom work. Further, the existing use provides custom welding, repairs, modifications, and engineered improvements for large farm equipment (e.g. combines, sprayers, and tractors). According to the applicant, the business is expanding and the additional floor space is needed to accommodate the needs of the operation (e.g. indoor storage of lengths of steel) and to allow the work to be conducted in one main building to utilize an overhead crane that spans the length of the building. The information provided to date does not indicate what proportion of the gross floor area of the existing and proposed buildings is utilized for each of the above noted aspects of the overall use.

The initial zone change application to permit the contractor's shop was granted by Township Council in 2018 with site-specific provisions to permit a maximum gross floor area of 1,266 m<sup>2</sup> (13,627.1 ft<sup>2</sup>), and up to two employees, beyond those residing on the property. It is noted that, at that time, the Official Plan did not contain specific policies for On-Farm Diversified Uses (OFDU) (only for home occupations) to review the proposal against. However, the Township's Zoning By-law did include provisions to limit the size of an OFDU to a maximum gross floor area of 225 m<sup>2</sup> (2,422 ft<sup>2</sup>). Although Planning staff did not recommend approval of the application at that time, the zoning amendment was approved by Township Council based on the gross floor area for the welding contractor's shop requested by the applicant.

The subject lands are approximately 39.1 ha (96.5 ac) in area and contain a hog farming operation consisting of three barns, two of which house approximately 2,500 piglets each, a dwelling accessory to the farm, a farm storage building, and the existing welding contractor's shop. The remainder of the lands are utilized for cash-cropping purposes.

The subject lands also contain an area of significant woodlands, as well as an area (to the northwest) that is regulated by Upper Thames River Conservation Authority. Staff are satisfied that the proposed development would not have any impact on these natural areas. Surrounding land uses are predominantly agricultural, with some rural residential properties to the north and south.

Plate 1, Location Map with Existing Zoning, shows the location of the subject property and the existing zoning in the immediate vicinity.

Plate 2A, Aerial Image of Subject Lands, provide an aerial view of the subject lands and surrounding uses.

Plate 2B, Close-up of Existing Development (2020 Aerial Photo), provides an aerial view of the existing development on the subject lands.

Plate 3, Proposed Development (2020 Aerial Photo), provides an aerial view of the existing development on the subject lands, associated farm buildings and the proposed expansion to the welding contractor's shop.

Plate 4, Applicant's Sketch, identifies the location of the existing and proposed structures on the subject lands and various other details of the proposed site layout for the expansion to the welding contractor's shop, as provided by the applicant.

## **Comments**

### **2024 Provincial Planning Statement**

The 2024 Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Under Section 3 of the Planning Act, where a municipality is exercising its authority affecting a planning matter, such decisions shall be consistent with all policy statements issued under the Act. The policies of the PPS represent minimum standards and planning authorities and other decision makers may go beyond these

minimum standards to address matters of local importance, unless doing so would conflict with any PPS policy.

Direction for rural areas in municipalities are found in Section 2.5 of the PPS. Rural areas are comprised of rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. In Oxford County, all lands located outside of designated settlement areas are considered to be a prime agriculture area, with the applicable policies for such areas primarily contained in Section 4.3. of the PPS.

Section 4.3 of the PPS directs that 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 of the 'agri-food network' (i.e. elements important to the viability of the agri-food sector such as agricultural operations and primary processing, infrastructure, agricultural services, farm markets, distributors etc). Further, that prime agricultural areas shall be designated and protected for long term agricultural use. In prime agricultural areas, permitted uses and activities include agricultural uses, agriculture-related uses and on-farm diversified uses.

The PPS defines agricultural uses to mean the growing of crops, including nursery, biomass and horticulture crops, as well as the raising of livestock and animals for food, fur or fibre including poultry and fish, apiaries, agro-forestry, maple syrup production and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Section 4.3.2 (Permitted Uses) of the PPS indicates that permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses based on provincial guidance. Permitted uses within prime agricultural areas 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.

The PPS provides definitions for both agriculture-related use and on-farm diversified use:

*Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.*

*On-farm diversified uses: 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.*

Section 4.3.5 (Non-Agricultural Uses in Prime Agricultural Areas) of the PPS directs that 'non-agricultural uses' in prime agricultural areas may only be permitted for the extraction of minerals, petroleum resources and mineral aggregate resources or limited non-residential uses provided that:

- the land does not comprise a specialty crop area;

- the proposed use complies with MDS;
- there is an identified need for the land to accommodate the proposed use; and
- alternative locations have been evaluated and there are no reasonable alternative locations that avoid prime agricultural areas or are on lower priority agricultural land.

Further, impacts from any new or expanding non-agricultural uses on the agricultural system are to be avoided and, where avoidance is not possible, minimized, and mitigated as determined through an agricultural impact assessment.

With respect to the above noted reference to Provincial guidance in 4.3.2 of the PPS, the province has published a document entitled 'Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas' which provides further detail and direction on appropriate types of 'agriculture-related uses' and 'on-farm diversified uses' and associated review criteria, in accordance with the PPS policies.

These review criteria indicate that on-farm diversified uses shall be located on a farm that is actively in agricultural use and be secondary to the principal agricultural use of the property, be limited in area, and be compatible with and not hinder surrounding agricultural operations.

The general intent of the limited in area criterion is to minimize the agricultural land taken out of production if any, ensure agriculture remains the main land use, and limit off-site impacts (e.g. traffic and changes to the rural character of the property) to ensure compatibility with surrounding agricultural operations. The approach to the limited in area criterion is intended to achieve a balance between farmland protection and economic opportunities for farmers, improve consistency in approach, and provide flexibility as such uses and owners change.

The guidelines indicate that the "limited in area" criterion should be based on the total area of the farm property occupied by the on-farm diversified use (i.e. buildings, outdoor storage, landscaped areas, well and septic systems, parking, new driveways etc.) and that such area not exceed 2% of the farm parcel area, to a maximum of 1 ha (2.47 ac). Municipalities may also choose to further scope the scale of on-farm diversified uses by limiting the number or place of residence of employees, number of businesses, percentage of products sold that are produced on the farm, the floor area of buildings and outdoor storage.

The guidelines indicate that, if the area of an on-farm diversified use exceeds these recommended thresholds, consideration should be given to the non-agricultural use policies and, further, that on-farm diversified uses that are proposed to grow beyond these limits, either incrementally or otherwise, are not supported.

Finally, the guidelines indicate that, since the PPS requires settlement areas to be the focus growth and development, large-scale industrial and commercial buildings that are more appropriate to locate in settlement areas are not permitted in prime agricultural areas and, as such, recommends that municipalities cap the gross floor area of buildings for on-farm diversified uses at a scale appropriate to prime agricultural areas.

### Official Plan

The subject lands are located within the Agricultural Reserve designation according to the Township of Norwich Land Use Plan, as contained in the Official Plan. The policies of the Agricultural Reserve designation permit a wide range of agricultural uses and farm buildings and

structures necessary to the farming operation, including accessory residential uses required for the farm. Agriculture-related uses and secondary uses, such as on-farm diversified uses (OFDUs) and home occupations, may also be permitted, if they comply with all applicable review criteria.

The County, as part of broader agricultural policy updates recently approved by the Province, has established comprehensive, locally tailored Official Plan policies and criteria for such uses to further clarify and expand upon the PPS policies and guidelines for such uses. As such, the review criteria for permitted uses in prime agricultural areas specified in these policies serves as the municipal approach, as set out in municipal planning documents, that achieves the same objective as province guidance with respect to such uses, as permitted by the PPS.

Section 3.1.4.3 speaks to Secondary Uses, which are comprised of on-farm diversified uses and rural home occupations, together with Agricultural Related Uses, are intended to provide opportunities to strengthen and diversify the rural economy, by allowing for the establishment of businesses and services that support or improve agriculture in the area, supplement and diversify farm incomes, and/or provide home based employment opportunities for farms and other rural residents. Such uses must be compatible with and not hinder agricultural operations, be appropriate for rural services, not undermine or conflict with the planned function of rural settlements and meet various other development criteria.

Section 3.1.4.3.2 of the Official Plan indicates that OFDUs are intended to provide reasonable opportunities for farmers to diversify their farming operation and/or supplement their income from farming, by allowing for certain small-scale business activities to be established as a secondary use on their farm. The policies further direct that such uses may be permitted on an agricultural lot in accordance with various policy criteria, including limitations on the type, size, scale, and area of such uses, primarily to ensure such uses are:

- clearly secondary to the principal agricultural operation on the lot and limited in area;
- are compatible with, and do not hinder, surrounding agricultural operations;
- protect prime agricultural areas for the long term;
- are appropriate for rural infrastructure and public services; and
- do not undermine or conflict with the planned function of settlements.

Generally, the policies contained in the Official Plan direct that OFDUs will only be permitted on an agricultural lot that is being actively farmed and must be clearly secondary to the agricultural operation on the lot in terms of size, scale and importance. The policies contained in the Official Plan permit the following uses as an OFDU, provided they meet all applicable policy criteria:

- A rural home industry;
- A value-added agricultural facility serving a number of local area farms;
- A value retaining facility;
- A farm-related tourism use;
- A smaller scale agriculture-related use;
- A farm winery; or
- A ground-mounted solar facility.

A Rural home industry is defined as a small-scale business or industry that is secondary to the agricultural or residential use on the lot, such as: small equipment repair; small scale veterinary clinic; a workshop for a building contractor, trade occupation, or welder; a studio space for a woodworker, craftsperson or artist; or other similar use.

Additionally, the Official Plan policies specifically identify the following uses that shall not be permitted as an on-farm diversified use:

- Retail uses, office, medical/dental clinics and restaurants;
- Residential uses or accommodation, except for limited, short-term accommodation, including farm vacation rental or bed and breakfast;
- Institutional uses;
- Recreational uses and special event facilities;
- Large scale commercial and industrial uses; and
- Other uses that may attract large numbers of customers or other people, generate significant traffic or not otherwise be appropriate for rural infrastructure or services, create compatibility or enforcement issues, undermine or conflict with the planned function of rural settlements, or otherwise not be consistent with the applicable policies of the Plan.

Wholesaling or retailing are permitted where it is clearly ancillary to the permitted OFDU and limited to small portion of the total gross floor area, the goods or merchandise offered for sale are produced, processed or fabricated on the farm lot, and are restricted to the sale of farm inputs (e.g. feed, seeds, or fertilizer) primarily to farm operations in the area.

The area used and/or occupied by an OFDU (including buildings, areas for loading and unloading product, driveways and parking, well and septic systems etc.) will be limited to the minimum area required for the use and will not exceed 2% of the total lot area, to a maximum of 0.8 ha (2.0 acres).

The policies state that the maximum gross floor area of all buildings and/or structures used for the purposes of an OFDU shall be regulated through the provisions of the Township Zoning By-law, provided that the cumulative gross floor area of all buildings and/or structures used or occupied by an OFDU shall not exceed 557 m<sup>2</sup> (6,000 ft<sup>2</sup>), except for limited, minor exceptions as set out in the policies. Further, proposals for such uses shall include a detailed description of the proposed use and be accompanied by a detailed site plan and such uses shall generally be subject to site plan control.

In addition to the foregoing, the OFDU shall directly involve the farmer living on the same lot as the use and may also involve any other permanent residents on the lot, and up to two employees who do not reside on the lot.

Proposals for new or expanding OFDUs which would exceed the number of employees, gross floor area or site area restrictions will not be permitted unless they comply with the agriculture-related use policies. Reasonable exceptions to the gross floor area and/or number of employees may be considered on site specific basis for a value retaining facility, value added agricultural facility, and/or smaller agriculture-related use, where Area Council is satisfied that such use could not reasonably be located within a rural settlement. Proposal that cannot comply with the agriculture-related use policies (Section 3.1.4.3.3) shall be directed to be located, or relocate, in a settlement or must comply with the applicable policies for non-agricultural uses.



Section 3.1.4.3.3 considers the objectives and criteria for agriculture-related uses within the Agricultural Reserve designation. The intent of the policies is to ensure:

- that all agriculture-related uses are directly related to farm operations in the area;
- require a location in close proximity to those farm operations;
- support agriculture;
- provide direct products and/or services to farm operations as their primary activity;
- to minimize the amount of agricultural land which is developed for agriculture-related uses;
- to ensure that new agriculture-related uses are directed to rural settlements wherever feasible to support the planned employment and/or service function of the settlements in the County; and
- to ensure that agriculture-related uses are compatible with and do not hinder surrounding agricultural operations and other nearby land uses.

The Official Plan policies outline uses that shall not be permitted as agriculture-related uses:

- Retail uses, offices and restaurants, except where explicitly permitted by the Official Plan policies;
- Residential uses or accommodation;
- Institutional uses;
- Recreational uses;
- Banquet halls and special event facilities;
- Mechanics shops, automobile and recreational vehicle dealerships, distilleries, trucking operations, wrecking yards, contractors yard, landscaper business, well drillers, excavators, building suppliers and other general commercial and industrial uses; and
- Other uses that may attract large numbers of customers or other people, generate significant traffic or not otherwise be appropriate for rural infrastructure or services, create compatibility or enforcement issues, undermine or conflict with the planned function of rural settlements, or otherwise not be consistent with the applicable policies of the Plan.

Further, development criteria for agriculture-related uses shall not undermine or conflict with the planned employment and/or service functions of settlements in the County. The proponent is required to demonstrate that the proposed agriculture-related use is not suitable for, and/or cannot reasonably be accommodated within a settlement.

According to Section 3.1.5, it is an objective of the Official Plan to only permit new non-agricultural uses where such uses do not conflict with the 'Goal for Agricultural Policies', as set out in Section 3.1.1., to preserve and protect prime agricultural areas for long term viable agricultural use and avoid or minimize potential impacts on agricultural operations, and direct non-agricultural uses to settlements wherever possible.

Non-agricultural uses include commercial, industrial, institutional, infrastructure, public works yards, recreational and residential uses that are not directly related to, or supportive of agriculture. Within the Agricultural designation, the use of prime agricultural land for agricultural, mineral, petroleum and environmental resources will be given a higher priority in land use decision making than its use for non-agricultural uses.

To maintain the agricultural land resource for agriculture and related uses, and ensure new commercial, industrial and institutional uses develop on an appropriate level of services and are directed to settlements to support their planned service and employment functions, new non-agricultural commercial, industrial and institutional uses will not be permitted within the Agricultural Reserve, except in accordance with the policies of Section 3.1.7.2.

Section 3.1.7.2 directs that proposals to amend the Official Plan to permit the establishment of new non-agricultural uses in the Agricultural Reserve must provide compelling evidence to demonstrate that the proposed non-agricultural use cannot be located within a settlement and that the following considerations have been addressed:

- Justification analysis which shows that:
  - there is a demonstrated need within the planning period for additional land to be removed from agricultural production and re-designated for the proposed use, given the nature and capacity of undeveloped lands within settlements and/or within other appropriate land use designations;
  - nature of the proposal and whether the use requires special locational requirements or physical features that are only available in prime agricultural areas;
  - the amount of land proposed for the new development is the minimum required for the immediate needs of the proposed use; and,
  
- Agricultural impact analysis, which demonstrates:
  - the lands do not comprise a specialty crop area;
  - there are no reasonable alternatives which avoid prime agricultural areas;
  - there are no reasonable alternatives on lands with lesser agricultural capability or on lands left less suitable for agriculture by existing or past development;
  - MDS I is satisfied; and,
  - Impacts from the new use on nearby agricultural operations are mitigated to the extent possible.
  
- The level of servicing planned or available is consistent with the servicing hierarchy established in Section 5.5.3 of this Plan for individual on-site water and individual on-site sewage services.
- The proposed use shall be compatible with and not hinder surrounding agricultural operations and nearby land uses.
- The proposed use shall not create traffic hazards, and the road infrastructure shall be capable of accommodating the new use or expansion.
- The proposal is consistent with Environmental Resource Policies and Cultural Heritage Policies.
- The proposal will not conflict with Resource Extraction Policies.
- The proposal is acceptable regarding the ability to achieve the Goal for Agricultural Policies as set out in Section 3.1.1, the precedent to be established for other sites within the County and the ability to implement planned land uses in the vicinity.

## Zoning By-law

The subject lands are currently zoned 'General Agricultural Zone (A2-29)' according to the Township of Norwich Zoning By-law, which permits a wide range of agricultural uses, including farm buildings and an accessory dwelling. Further, the site specific zone provisions permit a welding contractor's shop accessory to the permitted use, but limits the number of off-site employees to two and the gross floor area of the building(s) used for such purpose to a maximum of 1,266 m<sup>2</sup> (13,627.1 ft<sup>2</sup>). The current zoning does not permit open storage related to the welding contractor use.

## Agency Comments

Oxford County Public Works Department, and Canada Post, indicated that they have no objections to the proposed zone change application.

Upper Thames Conservation Authority (UTRCA) indicated that the lands are regulated as there is a large wetland complex on adjacent lands to the north. However, UTRCA has no objections as the proposed development is sufficiently setback from the regulated area.

Township of Norwich Fire Services provided comments in relation to the location of the dry hydrant and the proposed addition. If approved, this comment will be dealt with through the site plan approval process.

Township of Norwich Building Department provided historic building permit information for the subject lands to identify the size and permits issued for the welding contractor's shop and other buildings. While the site-specific zoning permitted a building size of 1,266 m<sup>2</sup> (13,627.11 ft<sup>2</sup>) for the welding contractors shop, the building permit was issued for the shop being 1,273.61 m<sup>2</sup> (13,709.02 ft<sup>2</sup>), which included a breezeway connection to an existing agricultural storage building.

## Township of Norwich Council

Township of Norwich Council recommended support of the proposed Official Plan Amendment, at the Township's regular meeting of Council on February 11, 2025.

## Planning Analysis

The proposed applications are intended to facilitate an expansion to an existing welding contractor's shop on an agricultural lot. The existing welding contractor's shop is approximately 1,319 m<sup>2</sup> (14,179.6 ft<sup>2</sup>). The proposed addition will be approximately 1,251 m<sup>2</sup> (13,465.65 ft<sup>2</sup>), bringing the total gross floor area of the expanded welding contractor's shop to 2,570 m<sup>2</sup> (27,663.2 ft<sup>2</sup>).

The applicant has submitted a Planning Justification Report in support of the applications, which is attached to this report.

2024 Provincial Planning Statement

Section 2.3 of the PPS directs that prime agricultural areas shall be protected for long-term use for agriculture. Permitted uses and activities within a prime agricultural area include agricultural uses, agriculture-related uses and on-farm diversified uses.

Planning staff have assessed the proposed expansion of the existing welding contractor's shop in accordance with the PPS policies and associated provincial guidelines pertaining to permitted uses in prime agricultural areas. The subject lands do not comprise a specialty crop area as defined by the PPS, but are actively farmed and located within a prime agricultural area consisting of Class 1-3 type soils based on the Canada Land Inventory. The proposed contractor's shop expansion would appear to comply with the Minimum Distance Separation (MDS) requirements and the location of expansion of the use is not anticipated to hinder surrounding livestock operations.

Staff are of the opinion that, certain aspects of the operation (i.e. farm equipment repair) could potentially be considered an agriculture-related use, if they were stand alone uses and could be demonstrated to meet all the applicable policy criteria for such use. However, the overall welding contractor's shop use would not meet the applicable criteria for an agricultural related use, or those applicable to an OFDU, particularly with respect to being limited in scale and size (i.e. gross floor area).

While the applicant has indicated that the existing and proposed welding contractor's shop provides structural steel for agricultural, commercial and industrial buildings and custom welding for farm equipment, it has not been demonstrated that the use provides direct products and/or services to farm operations as a primary activity and is required to be located in close proximity to farm operations. The Planning Justification Report has outlined that the agriculture-related use component of the business (custom welding for farm equipment) primarily serves farm implement dealers in the surrounding area or equipment is brought to the subject property for the required work. However, no justification has been provided that this proposed expanded use is required to be located on a farm or could not be reasonably located in a settlement. Further, staff are of the opinion that it would be difficult to demonstrate that the primary welding contractor's shop use (being structural steel fabrication) directly serves and provides products to farm operations in the area. As such, it is the opinion of planning staff that the existing and proposed uses would not meet the PPS definition or criteria for an agricultural related use.

The PPS policies pertaining to OFDUs require, along with other criteria, that such uses be secondary to the principal agricultural use and limited in area in order to minimize the amount of land taken out of agricultural production, ensure agriculture remains the main land use, and limit off-site impacts. The related provincial guidance indicates that the area required for the OFDU shall include all land that is removed from agricultural production for the OFDU, including buildings, outdoor storage, landscaped areas, private services, and parking. However, it is noted that, as permitted by the PPS, the County of Oxford Official Plan sets out specific, locally developed and Provincially approved, size and area criteria for such uses, which are reviewed below.

Based on the site plan and information submitted by the applicant, the expanded site area associated with welding contractor's shop will be approximately 1.1 ha (2.8 ac) in size (i.e. buildings, services, access, loading and unloading areas, staff parking etc.), which equates to

2.9% of the total lot area. This exceeds the maximum 2% of the subject lands, to a maximum of 1 ha (2.47 ac), set out for such uses in the provincial guidance document. Planning staff are of the opinion that the size and scale of the operation, particularly with the proposed expansion, is more in-keeping with an industrial use that would be better suited to lands designated for industrial purposes within a designated settlement area, to both protect prime agricultural areas for long term productive agriculture use and maintain the planned function of settlement areas.

Considering the overall nature and scale of the existing and proposed welding contractor's shop use, it is the opinion of Planning staff that the use does not enhance or support the agri-food network, is not limited in scale, and could successfully operate within a settlement area. As such, it is not consistent with the PPS policies for permitted uses in a prime agricultural area and, therefore, would be considered a non-agricultural use in a prime agricultural area. Provincial policy directs that Planning authorities may only permit non-agricultural uses within prime agricultural areas for extraction of aggregates and resources or limited non-residential uses that meet specific policy criteria. In this regard, it is noted that the application for Official Plan amendment is requesting site specific policies to allow for the expanded use as an OFDU and, as such, no justification has been provided to address the PPS policy criteria that pertain to non-agricultural uses.

#### Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

Further to the policies contained in the PPS, the Province has created a guideline document to assist in interpreting and implementing the PPS policies for permitted uses in prime agricultural areas.

The guideline document provides further guidance that agriculture-related uses, being farm-related commercial and/or industrial uses, may include retailing of agriculture-related products, livestock assembly yards, and farm equipment repair shops, if they meet all the criteria for such uses. Farm-related industrial uses may include industrial uses that process farm commodities such as abattoirs, feed mills, grain dryers, cold/dry storage facilities etc. As such, the proposed custom welding for farm equipment repair aspect of the business could potentially have been considered an agriculture-related use, if it was the primary function of the welding contractor shop use and met all related criteria for such uses.

The PPS directs that agriculture-related uses shall be compatible with and shall not hinder surrounding agricultural operations. The guideline provides that this criterion will ensure surrounding operations are able to pursue their practices without impairment or inconvenience, the uses should be appropriate for available rural services, maintain the agricultural character, comply with environmental policies, and the cumulative impact of multiple uses in the prime agricultural areas should be limited. Although the farm equipment repair shop component of the use, on its own, may not hinder or impact surrounding operations, be generally appropriate for rural services (not require a level of services, access, utilities and other public services found in settlement areas), , have no anticipated environmental impact, and have a limited cumulative impact on other uses within the agricultural area, it is not the only or primary use in this case.

One of the key criteria for agriculture-related uses is that they must provide direct products and/or services to farm operations as the primary activity, which can include a farm equipment repair. The applicant has indicated that the specific welding for farm equipment repair aspect of the use benefits from its location near other farm implement dealers and Highway 59, which is designed

as a high-traffic major road and can provide space for slow-moving farm vehicles without impacting regular traffic flows. However, as noted previously, two uses (farm equipment repair and welding fabrication and manufacturing) are proposed to exist within the same building. To satisfy the criteria for an agriculture-related use, that use must be the primary activity. In this case, the farm equipment repair component of the welding contractor's shop does not appear to be the primary use. Further, since everything is located in one building, it would be difficult to determine the proportion of the overall use that is associated with farm equipment repair and, even if it could be, to ensure it remained that way. If approved, the structural steel and custom welding component of the overall welding contractors shop use is reasonably be expected to continue to be the primary use of the business and buildings, particularly if the proposed farm equipment repair component were to cease, or not take place.

The guidelines specifically indicate that a general-purpose commercial and industrial use, contractor's yard, or a building supplier is not considered an agriculture-related use. As, the applicant has proposed the expanded welding contractor's shop, which is primarily for the manufacturing and fabrication of long steel structural lengths for buildings, as an on-farm diversified use, the review of the criteria for an OFDU from the Provincial guidelines and locally established Official Plan criteria for such uses, have also been considered.

According to the guidelines, an OFDU is required to be located on a farm, secondary to the principal agricultural use, limited in area, an appropriate use, and compatible with and not hinder surrounding operations. While the proposed structural steel manufacturing and fabrication use is located on the farm and may be considered a home industry under Provincial direction, it is not clearly secondary to the primary agricultural use and is not limited in area.

#### County of Oxford Official Plan

Staff have evaluated the proposal in accordance with the review criteria in the Official Plan for OFDUs. The intent of the Official Plan policies related to OFDUs is to ensure that the use is clearly secondary to the principal agricultural operation, compatible with and does not hinder surrounding agricultural uses, protects prime agricultural areas, is appropriate for rural infrastructure, and does not undermine, or conflict with the planned function of settlements.

A rural home industry is a permitted use as an OFDU in the County Official Plan. A rural home industry specifically means a small-scale business or industry, examples include a small equipment repair, or a workshop for a building contractor or trades person.

Limitations on land area for the entire OFDU and building size are outlined in the Official Plan. The total land area occupied by the OFDU shall not exceed 2% of the total lot area, or 0.8 ha (2 ac), whichever is lesser. Based on the site plan and information submitted by the applicant, the total area associated with the proposed expanded contractor's shop use will be 2.9% of the total lot area and approximately 1.1 ha (2.8 ac) in size. Further, the maximum gross floor area of all buildings used for the OFDU are not permitted to exceed 557 m<sup>2</sup> (6,000 ft<sup>2</sup>). In this case, the proposed welding contractor's shop use will be approximately 2,570 m<sup>2</sup> (27,663.25 ft<sup>2</sup>), which represents a 361% increase to the permitted gross floor area.

Additionally, the subject application has requested that the number of permitted employees that do not reside on the lot be increased to five. The Official Plan directs that an OFDU shall involve the farmer living on the same lot, but may also involve any other permanent residents on the lot, and up to two employees who do not reside on the lot.

While it is recognized that the subject lands contain an existing agricultural operation and the welding contractor's business has been established via a previous Zoning By-law amendment, staff are of the opinion that an expansion to the existing welding contracting business is not appropriate as an on-farm diversified use, as the use would far exceed the size and scale criteria for such use. Further, it is also the opinion of staff that the use does not comply with the policies for agricultural related uses, as it has not been demonstrated that the use, which serves commercial, residential, industrial and agricultural needs, is directly related to agricultural uses in the area and provides direct support to farm operations as a primary activity. As such, Planning staff are of the opinion that the proposed expansion to the existing welding business would be considered a non-agricultural use and better suited to lands designated for industrial purposes in a settlement area.

In light on the foregoing, Planning staff are of the opinion that the proposed structural steel welding fabrication use does not meet the definition of an OFDU and, in particular a home industry, as it is not limited in area and small-scale as required by the Official Plan policies. Further, the proposed size and gross floor area of the contractor's shop, although it may include a farm equipment repair component, still represents a significant deviation from the applicable Official Plan policies. Justification has not been provided to demonstrate that the proposed use cannot be located within a settlement area, and requires a location in a prime agricultural area. Therefore, it is the opinion of planning staff that the expanded use would be better directed to locate/relocate on a suitable industrial site in a designated settlement area, which could accommodate both the current expansion plans, as well as potential for further growth of the business in the future.

## **CONCLUSIONS**

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In light of the foregoing, Planning staff are of the opinion that the nature, size and scale of the proposed expanded welding contractor's shop, which would comprise a total gross floor area of approximately 2,570 m<sup>2</sup> (27,663.2 ft<sup>2</sup>) is not consistent with policies of the PPS and Official Plan with respect to permitted uses in prime agricultural area and, as such, would be considered a non-agricultural use. In that regard, the application did not provide any justification to address the applicable PPS and Official Plan criteria that would apply to consideration of a non-agricultural use in a prime agricultural area.

As such, it is the opinion of staff the proposed site specific amendment to the Official Plan to allow for the expansion of the existing welding contractor's shop cannot be supported from a land use planning perspective and should not be given favourable consideration.

## SIGNATURES

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### Report author:

Original Signed By \_\_\_\_\_

Amy Hartley  
Development Planner

### Departmental approval:

Original Signed By \_\_\_\_\_

Eric Gilbert, MCIP, RPP  
Director of Community Planning

Original Signed By \_\_\_\_\_

Paul Michiels  
Director of Community Planning

### Approved for submission:

Original Signed By \_\_\_\_\_

Benjamin R. Addley  
Chief Administrative Officer

## ATTACHMENTS

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- Attachment 1 – Plate 1, Location Map with Existing Zoning
- Attachment 2 – Plate 2A, Aerial Image of Subject Lands
- Attachment 3 – Plate 2B, Close-up of Existing Development (2020 Aerial Photo)
- Attachment 4 – Plate 3, Proposed Development (2020 Aerial Photo)
- Attachment 5 – Plate 4, Applicant's Sketch
- Attachment 6 – Planning Justification Report dated December 16, 2024