

South Central Industrial

South Central Industrial

OCTOBER 17, 2023

G. Douglas Vallee Limited

Authored by: Eldon Darbyson, BES, MCIP, RPP



Table of Contents

Table of Contents	2
Introduction	3
Background	3
Figure 1 - Subject Lands	3
Purpose	4
Site description.....	5
Surrounding Uses.....	6
Supporting Studies.....	6
Planning Review	6
Planning Act.....	6
Section 2 – Provincial Interest.....	6
Provincial Growth Plan	8
Provincial Policy Statement 2020	9
Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas	9
Niagara Region Official Plan (NROP).....	10
City of Thorold Official Plan (CTOP).....	10
City of Thorold Zoning By-law (2021-69).....	11
Parking Assessment.....	11
Land Use Compatibility	11
Conclusion	12
Appendices.....	10
Appendix A – Concept Site Plan (Part 1 and 2).....	11
Appendix B – Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas	13
<i>Table 3 - Criteria for permitted uses in prime agricultural area</i>	14
Appendix C – Provincial Policy Statement 2020 Policy Compliance.....	16
Appendix D – Niagara Region Official Plan Policy Compliance (Former Official Plan).....	20
Appendix D – Niagara Region Official Plan Policy Compliance (Current Official Plan)	21
Appendix E – City of Thorold Official Plan Policy Compliance	22

Introduction

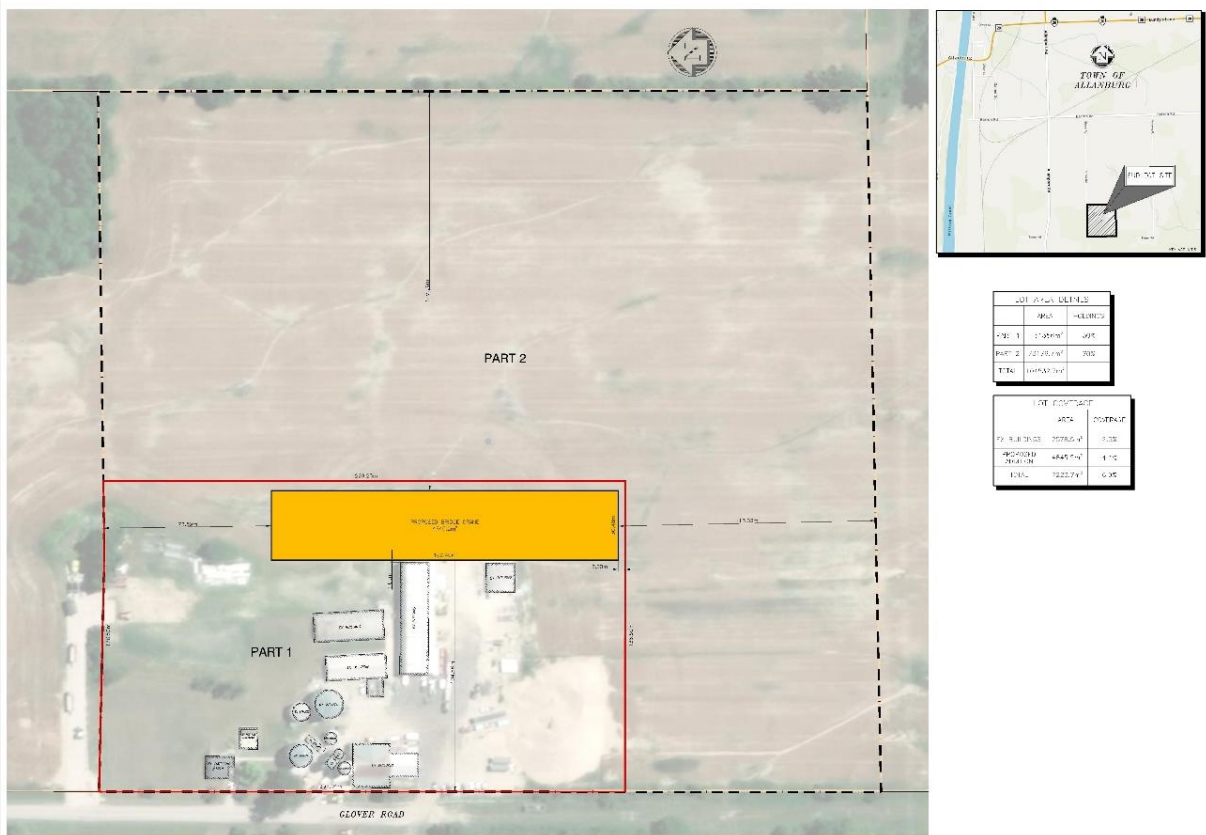
G. Douglas Vallee Limited has been retained by SCI to assist with obtaining planning approvals for the existing multi-use property located at 1914 Glover Road in Thorold. Specifically, the client's business requires the construction of a bridge crane building in order to sustain the business in today's changing market. The property is both farmed and operates as a welding and fabrication business.

Background

On November 2021 a pre-consultation meeting occurred which confirmed that a zoning by-law amendment under Official Plan Section E2.3, was appropriate and required to add a special provision to the Agricultural A Zone to permit the existing welding and fabrication business. In addition to staff support provided at this meeting, both Engineering and Planning staff indicated that if a turning circle was constructed at the dead end of Glover Road, then a formal site plan agreement could be avoided, rather a signed site plan would be appropriate. The only significant issue was identified by the Niagara Region which required a scoped archaeological assessment to occur on the area where the proposed bridge crane would be established. A second pre-consultation meeting occurred on August 16, 2023 as the general expiry for pre-consultation is 1 year. The archaeological assessment has been conducted and cleared the site of any potential.

City of Thorold supported a zoning by-law amendment in the past to permit a welding and fabrication business. The business was established for the fabrication of steel products such as field plow tools, large scale watering apparatuses, grain drying frames, structural components of buildings such as airport towers and several other forms of steel fabrication. This business has continued to operate and has become more successful since its inception. The former special provision that permitted the business was classified as an A-18 Zone.

Figure 1 - Subject Lands



South Central Industrial

This application:

- Recognizes the existing legal and legal non-conforming uses on the property;
- Is consistent with the Provincial Growth Plan and Provincial Policy Statement;
- Is in keeping with the general intent and purpose of the Guidelines for Permitted uses in Ontario's Prime Agricultural Areas;
- Maintains the general intent and purpose of the Niagara Region Official Plan;
- Complies with Section E2.3 the City of Thorold Official Plan;
- Avoids Natural Heritage Features;
- Preserves agriculture to the extent reasonably possible and does not hinder surrounding agricultural lands.
- Is supported by:
 - An archaeological assessment and addendum (prepared by ARA Associates, dated April 11, 23); and
 - Planning justification report.
- Preserves the employment base for families associated with the existing business.
- Reduces noise and improves safety of the employees.
- Represents good planning.

Purpose

It is proposed to make application for a zoning by-law amendment in accordance with Official Plan Policy E2.3. The purpose of the policy is to permit, through a zoning by-law amendment, legal non-conforming uses. The policy was created at the time the Official Plan was implemented in consideration that it is not likely that every property owner within the City of Thorold will be aware of the public process to comment on the creation of a new zoning by-law. Should someone miss the opportunity to request recognition of their land use prior to the approval of a new zoning by-law, Policy E2.3 provides the opportunity to legalize the use provided that the use passes four tests.

The welding and fabrication business was permitted by the A-18 special provision on the subject lands under Comprehensive Zoning By-law 2140(97). Over the years, the owner has improved the efficiency of the business and has a solid employee base. To remain successful and keep his employment base, a critical building is required to support the welding and fabrication use. It is proposed to add a bridge crane to the lands which has several benefits. One of those benefits is that the bridge crane will eliminate the need for the existing mobile crane which can be dangerous when moving large steel products. The mobile crane requires at least 3 employees to unload and maneuver each piece of steel. This is inefficient and requires particular attention to keeping people safe.

The bridge crane is a structure that will allow for the loading and unloading of steel products in a safe and efficient manner. The owner intends to enclose the bridge crane, essentially turning the structure into a building. This will reduce noise, dust and protect employees and equipment from the elements.

Since the business must improve efficiency and safety, and considering that there is a desire to maintain a balance between agricultural productivity and the existing permitted fabrication business, it is proposed to square off the 'disturbed' area and protect the long-term use of agriculture. More importantly, the bridge crane and the use of existing buildings is now an essential component to ensuring the success of the business and maintain the growing employment base. In order to do this, an application for a zoning by-law amendment is necessary.

South Central Industrial

Figure 1 above (and Appendix A) shows the existing layout of the property and a proposed enclosed bridge crane to serve the purposes of the welding and fabrication business. The purpose of the 'red box' is to square off the existing 'disturbed' area and demonstrate that all agricultural production lands outside of this area will be protected, and allow lands inside the box to contain the physical components of the uses of the property. The disturbed area is approximately 3.14 hectares (18%) of the total land area of approximately 17.5 ha (including a 0.93 ha farmed hydro corridor. The box represents an increase of approximately 1.8% from the former footprint of the 'disturbed' area. Contained within the 'disturbed' area is the owner's residence, amenity space, and buildings and structures associated with the farm and fabrication businesses. Details regarding the existing buildings is provided in Table 1. A small area in the south east corner is currently in agricultural production; however, to facilitate the best configuration for the future bridge crane, it is necessary to square off the 'red box'. The area being removed from agricultural production is being kept to the smallest size possible, including the area cleared of archaeological potential, in accordance with policy and guidelines.

Site description

The lands are 17.5 hectares in area with approximately 160 metres of frontage on the paved portion Glover Road. They are rectangular in shape (See Figure 1) and are within the agricultural area. The majority of the lands are currently used for farming and agricultural buildings with a portion of the land and existing buildings used for the existing welding and fabrication business.

Table 1 - Land Use Table

Existing Agricultural / Welding Land Uses	
House	Overhead Workshop Canopy
Hot Tub	Grain Bin x 4
Quonset Hut x 2	Grain Dryer
Machine Shop and Attached Frame Canopy	Overhead Loading Bins x 2
Storage Barn	Silage Storage Bin
Office	Storage
Workshop	Welding/Processing
Proposed	Bridge Crane Building

Table 2 - Approximate Building Areas of Land Uses

Building Area of Land Uses	Area m ² (Approx)
Residential	350
Agricultural/Fabrication Processing	2045
Welding and Fabrication	184
Proposed Bridge Crane Building	4645
Total	7224

Surrounding Uses

- Lands to the north, west and east are used for agricultural purposes.
- Lands adjacent to the south are a hydro corridor and additional lands of the owner used for agricultural purposes.

Supporting Studies

Studies identified through pre-consultation with the Niagara Region and City of Thorold have been completed and are submitted in support of the proposed development. These studies are summarized as follows:

- Archaeological assessment and addendum (prepared by ARA Associates, dated April 11, 23)
- Concept Site Plan with existing structures and parking plan
- Ministry acceptance letter and entered into registry June 12, 23.

Appendices to this report include the following:

- Appendix A – Draft Concept Plan
- Appendix B – Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas
- Appendix C - Provincial Policy Statement 2020 Policy Compliance

This application was submitted to include the information and material required under Section 34 (10.1) ‘Zoning’ of the Planning Act as part of a complete application.

Planning Review

Planning Act

Section 2	Lists matters of provincial interest to have regard to.
Section 3	Requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.
Section 34	Allows amendments to the Zoning By-law.

Section 2 – Provincial Interest

Section 2 of the Planning Act establishes matters of provincial interest. The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest. These matters are reviewed in the table below:

South Central Industrial

Matter	Comment	Complies
(a) the protection of ecological systems, including natural areas, features and functions;	The proposed development is located in the agricultural area. The lands do not contain natural features and protected vegetative species. The development does not cause negative impacts to the environment.	✓
(b) the protection of the agricultural resources of the Province;	With the exception of a small portion of the development lands, the lands that are currently cultivated, will remain in cultivation.	✓
(c) the conservation and management of natural resources and the mineral resource base;	Not applicable to the subject lands.	
(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	No archaeological resources were discovered on site.	
(e) the supply, efficient use and conservation of energy and water;	Not applicable to the proposed development.	✓
(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Private individual septic systems are in place. Should additional septic and potable water be required, the Niagara Region has a permitting system to control this.	
(g) the minimization of waste;	Not applicable to the proposed development.	
(h) the orderly development of safe and healthy communities; (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	The proposed development is limited in scale and does not jeopardize the order and safe development of the community.	
(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	Not applicable to the proposed development.	
(j) the adequate provision of a full range of housing, including affordable housing;	Not applicable to the proposed development.	
(k) the adequate provision of employment opportunities;	The existing and expanded use provides for employment of several full time employees.	
(l) the protection of the financial and economic well-being of the Province and its municipalities;	This development would provide increased tax revenue.	

South Central Industrial

(m) the co-ordination of planning activities of public bodies;	The applications will be circulated to all applicable public bodies and agencies for comments as determined by the requirements of the Planning Act and the City of Thorold.	
(n) the resolution of planning conflicts involving public and private interests;	This will be achieved through the planning approvals process.	
(o) the protection of public health and safety;	The subject lands are not located within an area of natural hazard. The bridge crane building will offer protection from the elements and better keep noise contained from within.	
(p) the appropriate location of growth and development;	The use is legal non-conforming and a growing business.	
(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	Not applicable to the proposed development.	
(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;	Not applicable to the proposed development.	
(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	Impacts are not anticipated. The reduction of some outdoor motorized vehicles are anticipated through their replacement with the bridge crane.	

It is noted that these provincial interests are from the highest level of policy being the *Planning Act*; however, the intent of the owner's application meets these interests and are demonstrated in this report.

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities "shall be consistent with the policy statements" issued under the *Act* and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be". Section 34 of the *Planning Act* allows for the consideration of amendments to the Zoning By-law.

Provincial Growth Plan

The policies of the Growth Plan include agricultural policies that are intended to achieve land use compatibility, agricultural preservation, enhancement of the agricultural system and long-term economic prosperity. The plan also recognizes the importance of natural and cultural heritage.

In this instance, the lands have been used for both agricultural, residential and non-agricultural uses for many years. It is important to preserve agriculture and thus the site development limits are proposed to be defined to 18% of the total property area which will contain all existing and proposed buildings and structures. Appendix A is a site plan concept that demonstrates the confined area for all uses. Additional buildings may be required in the future which are controlled by the zoning by-law, however, it is the owners intent that any new buildings be located within the defined 18% area.

South Central Industrial

The proposed development of the new bridge crane building does not impact any natural features. The site has been examined for indigenous artifacts and has since been cleared by the Ministry. Accordingly, the proposed amendment to permit a long-term legal non-conforming use of the property generally maintains the intent of the Growth Plan.

Provincial Policy Statement 2020

The PPS provides policy direction for appropriate land use planning and development patterns to achieve healthy, liveable, and resilient communities that will protect resources of provincial interest, public health and safety, the quality of the natural and built environment, and will facilitate economic growth.

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Under the 'Geographic Scale of Policies' the PPS states,

"Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal."

The lands have been and continue to be used for both farming and welding and fabrication. The welding and fabrication use is legal non-conforming. The PPS does not specifically address legal non-conforming uses. As such, the context of the Geographic Scale of Policies recognizes that not all policies will be applicable to every site, feature or area.

Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas

This publication (Pub 851) are guidelines on permitted uses in Ontario's Prime Agricultural Areas as they assist with implementation of the Provincial Policy Statement. Agriculturally related industry is a permitted use. The proposed welding and fabrication use is legal non-conforming, and contained within a specific area of the property. While the guidelines do not address legal non-conforming uses, the existing welding and fabrication use continues to serve the agricultural community. See Appendix B.

The guidelines discuss the importance of protecting agriculture. The welding and fabrication business does not impact nearby agricultural activities or livestock. The application proposes to protect as much on-site agriculture as possible (82%). Only a small portion of agricultural lands are required for the bridge crane building. The 'red box' discussed above, represents an increase in 1.8% of the total land area of the existing 'disturbed area' or 0.3% of the total land area. The 'red box' is proposed to contain all agricultural, residential and non-residential buildings and uses in order to preserve the agricultural land base. While the specific use of a welding and fabrication business is not specifically listed as an example in the guidelines, the legal non-conforming use is in keeping with the general purpose and intent of the criteria for permitted uses in prime agricultural areas (See Table 3).

South Central Industrial

Niagara Region Official Plan (NROP)

The lands are designated Prime Agriculture Area in accordance with the NROP. The plan permits expansions to existing uses in the prime agricultural area under certain circumstances. Comments provided by the Region encourage the reduction of the size of the proposed structure and to limit the amount of active agricultural land that is impacted by its envelope. The protection of Agriculture for the long term is important.

The NROP contains policies that set out the circumstances to which non-agricultural uses may occur within the Good General Agricultural Area. As provided for in the original pre-consultation comments, relevant policies of Section 5.B.7 are discussed in Appendix D which conclude that the proposed development limits impacts to the agricultural area and adjacent land uses, does not cause conflict with the NROP resource and natural heritage policies. Similarly, the same applies to the new NROP which includes Section 4.1.10 Non-conforming agricultural uses in the Prime Agricultural Area. In this instance, the proposed application is supported by the policies of the NROP.

City of Thorold Official Plan (CTOP)

The lands are designated Agricultural in accordance with the CTOP. Section E2.3 generally discusses that existing uses that do not conform to the Official Plan may be rezoned in accordance with the present use of the lands subject to 4 criteria. The 4 criteria are as follows:

- a) The zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) The uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) The uses do not interfere with the appropriate development of the surrounding lands; and,
- d) When the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

The proposed amendment passes these tests as follows:

- a) An amendment to the zoning by-law in light of E2.3 would not change the use to facilitate impacts on adjoining uses.
- b) The use is managed well and is not a danger to surrounding land uses, humans or animals by virtue of a hazardous nature.
- c) The use is proposed to be confined to a specific area and does not interfere with the appropriate development of the surrounding lands. The surrounding lands are agricultural in nature.
- d) Not applicable as the use has not ceased.

The review of other Official Plan policies applicable to this application are located in Appendix E. The proposed application to permit the long standing legal non-conforming use and buildings, and future bridge crane building are in keeping with the general intent and purpose of the policies of the Official Plan.

The owner desires to protect as much farmland as possible which is encouraged by both Regional and City Official Plan policies. Relocation to another property is not financially viable. Other than a small area in the south east corner, the disturbed area will not significantly change and the agricultural lands remain protected. The building will also reduce noise and dust generated by the use of the property for the welding and fabrication component of the property. Existing activities from farm equipment such as combines, grain, soy and corn transportation, along with transportation of steel products will continue.

The business does not impact adjacent properties as the activities on site and transportation to and from the site are not changing. Impacts are further reduced by enclosing the bridge crane.

South Central Industrial

There are no Environmental, Safety or Hazardous concerns. The application is supported by an Archaeological Assessment which clears the scoped assessment area of any artifacts. Ministry clearances have been obtained.

Stormwater is managed through the signed site plan application process and there are no conflicts with the TransCanada Pipeline. In this instance, an application for a zoning by-law amendment to permit the legal non-conforming use, use of existing buildings and a new bridge crane building, is in keeping with the general intent and purpose of the Official Plan.

City of Thorold Zoning By-law (2021-69)

The lands are currently zoned Agriculture 'A' Zone in accordance with Zoning By-law in accordance with Zoning By-law 60-2019 (Section 6 under appeal).

The new zoning by-law allows up to 20% lot coverage. The owner is proposing approximately 4.2% lot coverage. The proposed building complies with the zoning provisions of the Agricultural Zone. The full extent of the amendment includes two uses: 1) the use of lands and buildings for agricultural and fabrication processing purposes (with existing residential); 2) for welding and fabrication and ancillary uses, buildings and structures. No other uses are proposed. No modifications to the zone provisions are proposed other than to limit the size of the proposed bridge crane and to permit ancillary uses to welding and fabrication. It is the intent to use existing buildings for both the agricultural and welding and fabrication businesses. Any required permits will be obtained after a signed site plan is approved. It is noted that the City has asked that a turning circle be constructed and conveyed to the City. The owner has agreed to construct the turning circle on behalf of the City and further has agreed to allow the City to acquire the turning circle lands once constructed.

Parking Assessment

Parking for Land Uses	# of Spaces Required
Residential	2 existing spaces in separate driveway
Agricultural/Fabrication Processing	Storage for farm vehicles within existing buildings and fabrication processing
Welding and Fabrication	$184\text{m}^2 + 4645\text{m}^2 = 4829\text{m}^2 / 100\text{m}^2 = 49\text{ spaces}$

Land Use Compatibility

The use of the lands have existed for many years and is not proposed to change. This report discusses the improved compatibility with the single detached dwelling located to the north west along Glover Road as a result of enclosing the future bridge crane into a building. Existing buildings will continue to be used for both the agricultural and welding and fabrication businesses. Transportation activities remain the same. The owner has agreed to construct a turning circle at the request of the City to ensure proper garbage and snow plowing can occur at the existing dead end of Glover Road. The building is located towards the interior of the property behind several buildings and away from the street. The agricultural land base of 82% of the farm parcel is being protected while containing all residential, agricultural and non-agricultural uses within a defined area of 18% of the total parcel area.

Conclusion

The proposed application to rezone the lands to recognize a long-standing legal non-conforming use of a welding and fabrication business conforms to Section E2.3 of the City of Thorold Official Plan. The use improves compatibility with the adjacent land uses, preserves agriculture, minimizes the extent of agricultural land loss and protects the future of agriculture, the welding and fabrication business and its employment base. The City will benefit from the construction and conveyance of the turning circle to their ownership. The proposed amendment is in keeping with the general intent and purpose of Provincial and Regional policies. There are no impacts resulting from the use of existing buildings, the construction of a future bridge crane and enclosure. The scoped archaeological assessment clears the area of artifacts and has Ministry approval. It is the author's opinion that this application can be supported and represents good planning.

Report prepared and submitted by:



Eldon Darbyson, BES, MCIP, RPP

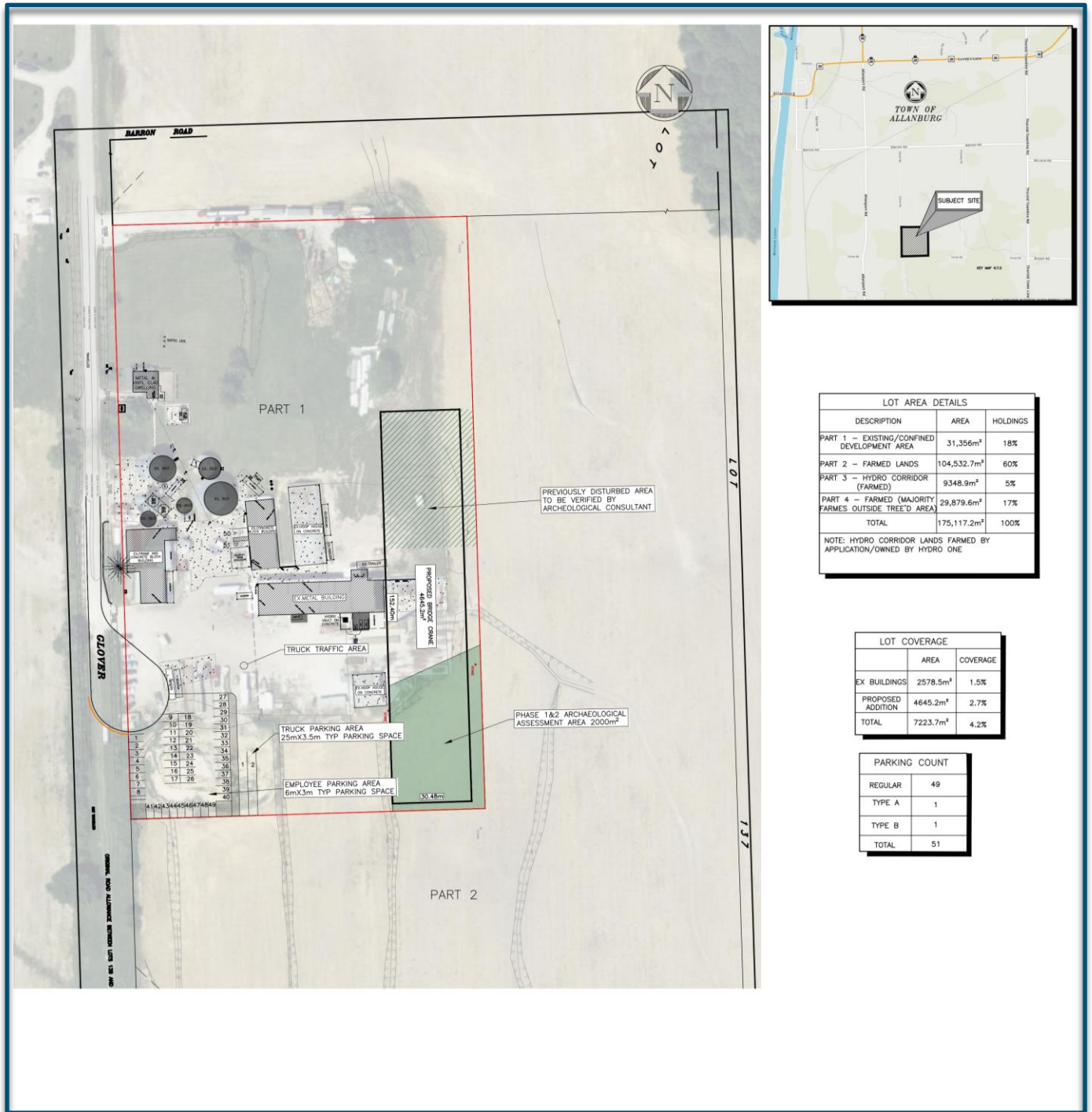
Director of Planning

G. DOUGLAS VALLEE LIMITED

Consulting Engineers, Architects & Planners

Appendices

Appendix A – Concept Site Plan (Part 1 and 2)



LOT AREA DETAILS		
DESCRIPTION	AREA	HOLDINGS
PART 1 – EXISTING/CONFINED DEVELOPMENT AREA	31,356m ²	18%
PART 2 – FARMED LANDS	104,532.7m ²	60%
PART 3 – HYDRO CORRIDOR (FARMED)	9348.9m ²	5%
PART 4 – FARMED (MAJORITY FARMER'S OUTSIDE TREE'D AREA)	29,879.6m ²	17%
TOTAL	175,117.2m²	100%

NOTE: HYDRO CORRIDOR LANDS FARMED BY APPLICATION/OWNED BY HYDRO ONE

LOT COVERAGE		
	AREA	COVERAGE
EX BUILDINGS	2578.5m ²	1.5%
PROPOSED ADDITION	4645.2m ²	2.7%
TOTAL	7223.7m²	4.2%

PARKING COUNT	
REGULAR	49
TYPE A	1
TYPE B	1
TOTAL	51

Site Plan (does not show all lands to south)

Appendix A – Concept Site Plan (All Lands)



Site Plan (all lands)

Appendix B – Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas

This appendix demonstrates how the proposed application is consistent with those applicable policies of Ministry Guidelines.

Section	Policy	Comments	
1.4	<p>Principles of Permitted Uses</p> <p>The intent of the PPS and these guidelines is to allow uses in prime agricultural areas that ensure settlement areas remain the focus of growth and development and:</p>		
	a) agriculture remains the principal use in prime agricultural areas	Yes. 82% of the parcel will remain in active agricultural production. Contained within the balance of the lands (18%) are existing agricultural buildings. Future agricultural buildings, if any, are intended to be located with the 18% defined area containing all uses including residential, agricultural and non-agricultural buildings.	✓
	b) prime agricultural areas are protected for future generations	Yes. 82% of the parcel will remain in active agricultural production.	✓
	c) land taken out of agricultural production, if any, is minimal	Only the portion of lands required to facilitate a proper size and location of the proposed bridge crane building is being taken out of production.	✓
	d) regard is given to the long-term (multi-generational) impact on prime agricultural areas	Yes. 82% of the parcel will remain in active agricultural production. The zoning amendment limits development to 18% of the total farmed lands.	✓
	e) normal farm practices are able to continue unhindered	Yes. 82% of the parcel will remain in active agricultural production.	✓
	f) agricultural and rural character and heritage are maintained as much as possible	Yes. 82% of the parcel will remain in active agricultural production. Existing farm buildings are intended to remain to serve agricultural purposes.	✓
	g) they make a positive contribution to the agricultural industry, either directly or indirectly	The legal non-conforming use of welding and fabrication has been used for many years to produce agricultural equipment. These services are intended to continue.	✓
	h) servicing requirements (e.g., water and wastewater, road access, fire services, policing) fit with the agricultural context")	No new servicing is intended at this time.	✓

Table 3 - Criteria for permitted uses in prime agricultural area

Agriculture-Related	Comments	
<p>a) Farm-related commercial and farm-related industrial uses</p> <p>Examples of uses:</p> <ul style="list-style-type: none"> • Commercial farm equipment repair shops • Grain drying • Industrial operations that process farm commodities from the area such as fertilizer storage and distribution facilities. 	<p>Yes. SCI provides welding and fabrication services to a variety of customers and will continue to provide commercial farm equipment welding and fabrication services to the local area.</p> <p>Grain drying, soy and corn storage and operations that process farm commodities will continue on the premises.</p>	✓
<p>b) Shall be compatible with and shall not hinder surrounding agricultural operations.</p>		
<p>a. Ensure surrounding agricultural operations are able to pursue their agricultural practices without impairment or inconvenience. (The use is limited in size and away from agricultural activities on the property.)</p>	<p>Yes. 82% of the parcel will remain in active agricultural production. Limiting development through the implementation of a zoning by-law amendment will ensure long term protection of the active farming activities. No impacts on surrounding agricultural activities will occur.</p>	✓
<p>b. Uses should be appropriate to available rural services (e.g., do not require the level of road access, water and wastewater servicing, utilities, fire protection and other public services typically found in settlement areas). Rural roads only, no need for settlement area services.</p>	<p>The existing roads are sufficient to serve the property. The City of Thorold requires the construction of a turning circle at the end of Glover Road for garbage collection and snow plowing services. This is being constructed at the owner's expense. Settlement area services are not required.</p>	✓
<p>c. Maintain the agricultural/rural character of the area (in keeping with the principles of these guidelines and PPS Policy 1.1.4). Buffering and landscaping proposed to minimize presence of use.</p>	<p>The proposed bridge crane building is located as far east within the confined 18% area, barriered by several existing buildings. There is 1 neighbour located to the north west in close proximity to the subject lands. The proposed building will be approximately 230 metres away from the dwelling. The character of the area is not in jeopardy.</p>	✓
<p>d. Meet all applicable provincial air emission, noise, water and wastewater standards and receive all relevant environmental approvals.</p>	<p>Noted.</p>	✓
<p>e. The cumulative impact of multiple uses in prime agricultural areas should be limited and not undermine the agricultural nature of the area.</p>	<p>Yes. All existing and proposed buildings and uses are to be contained within a 18% confinement area.</p>	✓
<p>c) Directly related to farm operations in the area</p>	<p>Yes. Agricultural equipment fabrication will continue.</p>	✓
<p>d) Supports agriculture</p>	<p>Yes. Agricultural equipment fabrication will continue.</p>	✓

e) Provides direct products and/or services to farm operations as a primary activity	Yes. Agricultural equipment fabrication will continue. Storage/drying continue to serve the agricultural area.	✓
f) Benefits from being in close proximity to farm operations	Yes. Close proximity to existing farm operations reduces transportation costs.	✓

Appendix C – Provincial Policy Statement 2020 Policy Compliance

This appendix demonstrates how the proposed application is consistent with the applicable policies of the PPS.

Section	Policy	Comments	
1.1.5	Rural Lands in Municipalities Policy 1.1.5.1 states when directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.	Section 1 of the PPS discusses the management of land uses to achieve efficient and resilient land use patterns. These policies are not impacted by the proposed application to recognize a legal non-conforming use. The existing and future activities of the property are confined to 18% of the total land area, thereby preserving 82% of the lands for active farming operations. There are no residential lands uses proposed. Environmental and public health and safety concerns are not created.	✓
1.1.5.2	Policy 1.1.5.2 On rural lands located in municipalities, permitted uses are: d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards	Yes. 82% of the parcel will remain in active agricultural production. Contained within the balance of the lands (18%) are existing agricultural buildings. Future agricultural buildings, if any, are intended to be located with the 18% defined area containing all uses including residential, agricultural and non-agricultural buildings.	✓
1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Yes. 82% of the parcel will remain in active agricultural production. The lands are permitted to be used for legal non-conforming uses that do not impact the rural landscape contained within the 18% disturbed area of the property.	✓
1.1.5.5	Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.	Only the small portion of lands required to facilitate a proper size and location of the proposed bridge crane building is being taken out of production.	✓

Section	Policy	Comments	
1.2.6	Land Use Compatibility Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	This is not considered a major facility. The proposed bridge crane building is being enclosed to provide protection of materials and employees from the elements. The enclosure also provides a barrier for any noise currently being generated outside as the activities associated with the fabrication business will be indoors. The bridge crane will remove the need for the current portable crane which requires employees to physically guide steel products. This will reduce safety risks to the employees of the business.	✓

Section	Policy	Comments	
2.1	<p>Natural Heritage These policies protect natural features, surface water and ground water features. They protect wildlife habitat and ecological functions.</p>	Development is not proposed in or near natural heritage features.	✓

Section	Policy	Comments	
2.3	<p>Agriculture</p>		
2.3.1	<p>Prime agricultural areas shall be protected for long-term use for agriculture.</p>	<p>Yes. 82% of the parcel will remain in active agricultural production. Contained within the balance of the lands (18%) are existing buildings. Future buildings, if any, are intended to be located with the 18% defined area containing all uses including residential, agricultural and non-agricultural buildings.</p>	✓
2.3.3	<p>Permitted Uses</p>		✓
2.3.3.1	<p>In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.</p> <p>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 guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.</p>	<p>The existing uses are both legal and legal non-conforming. SCI provides welding and fabrication services to a variety of customers and will continue to provide commercial farm equipment welding and fabrication services to the local area.</p> <p>Grain drying and operations that process farm commodities will continue on the premises.</p> <p>The recognition of the legal non-conforming use and the construction of the bridge crane building will not hinder surrounding agricultural operations.</p>	✓

Section	Policy	Comments	
2.3.6	Non-Agricultural Uses in Prime Agricultural Areas		
2.3.6.1	Planning authorities may only permit non-agricultural uses in prime agricultural areas for:		
	b) limited non-residential uses, provided that all of the following are demonstrated:		✓
	a) the land does not comprise a specialty crop area;	The lands are not in a specialty crop area.	✓
	b) the proposed use complies with the minimum distance separation formulae;	No sensitive land uses are proposed. The addition of the proposed bridge crane building is an enclosure which reduces any potential impacts to nearby agricultural properties. The proposed bridge crane is approximately 680 metres away from a horse barn housing 3 horses north west of the property. No impacts are generated. Existing industry on Allanport Road is located closer to the horse barn.	✓
	c) there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and	N/A	
	d) alternative locations have been evaluated, and		
	i. there are no reasonable alternative locations which avoid prime agricultural areas; and	The use is legal non-conforming. Relocating the business to an alternative location could not be financially supported.	✓
	ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.	No. Relocation of the business to other agricultural areas is not practical.	✓

<p>2.3.6.2</p>	<p>Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.</p>	<p>Yes. 82% of the parcel will remain in active agricultural production. Contained within the balance of the lands (18%) are all existing buildings. Future buildings, if any, are intended to be located with the 18% defined area containing all uses including residential, agricultural and non-agricultural buildings. The future bridge crane building is of a size necessary for the welding and fabrication use and impacts are contained to the least amount of agricultural lands as possible.</p>	<p>✓</p>
-----------------------	---	--	----------

Appendix D – Niagara Region Official Plan Policy Compliance (Former Official Plan)

Section	Policy	Comments	
5.B.7	d) There are no reasonable alternatives in Rural Areas or in Urban Areas	There are not reasonable alternatives to choose an alternative location in Rural Areas or in Urban Areas. The lands historically been permitted to be used for welding and fabrication. Relocation would not be financially feasible.	✓
	e) There are no reasonable alternative locations in other Good General Agricultural Areas with lower priority agricultural land.	There are not reasonable alternatives to choose an alternative location in Rural Areas or in Urban Areas. The lands historically been permitted to be used for welding and fabrication. Relocation would not be financially feasible.	✓
	f) The degree of conflict with surrounding agricultural uses. Any conflict should be mitigated to the extent feasible. This would depend on the size and nature of the proposed use, the existing agricultural uses, and on any buffering factors between them. For example, creeks, roadways and other prominent features would be helpful in defining and screening a non-agricultural use from surrounding farms;	The proposal ensures the protection of 82% of the actively farmed lands, and the nature of the proposed building will reduce any potential impacts on adjacent properties, protect the business from agricultural practice impacts such as dust and sprays, and the defined area of 18% ensures all buildings of a residential, agricultural and non-agricultural nature are contained in one area. There are no new impacts to creeks or roads.	✓
	g) Compliance with policies contained in Chapters 6 and 7, Environmental Policies including the Natural Heritage and Aggregate Resource Policies.	Chapter 6 contains policies on resources which do not apply to the application. Chapter 7 contains policies on natural heritage. Stormwater is managed through a grading plan subject to the review and approval by the City of Thorold. Any development is located away from a natural heritage feature and watercourse. The proposed bridge crane will be located over 100 metres from the stream (fish habitat) located to the south, and the existing disturbed area within the proposed 18% confined area is approximately 70 metres away from the stream. Policies for EIS's are triggered at 15 metre setbacks.	✓
	h) Applications must be supported by adequate technical assessment to ensure that private water supply and private sewage services can be provided.	No new septic area and water supply are being proposed at this time. Should conditions change, permits will be required.	✓

	i) Compliance with other policies contained in the Regional Official Plan.	There do not appear to be additional policies applicable to the proposed application.	✓
--	--	---	---

Appendix D – Niagara Region Official Plan Policy Compliance (Current Official Plan)

Section	Policy	Comments	
4.1.10.1	d) This Plan shall not prohibit the continued operation of legally established uses, such as residential, commercial, employment, agricultural, and institutional uses.	The welding and fabrication business has existing for over 30 years and was included as a legal use through the City of Thorold Special Exception A-18. This policy supports the amendment.	✓
4.1.10.2	e) Expansions to existing buildings and structures, accessory structures and existing uses, as well as conversions or redevelopment of legally existing uses that bring the use more into conformity with this Plan, are permitted subject to demonstration of the following:	Expansion of former permitted use.	✓
	a. new municipal services are not required;	No new municipal services are required.	✓
	b. the proposal does not expand into key natural heritage features and key hydrologic features, unless there is no other alternative in which case any expansion shall be limited in scope and kept within close geographical proximity to the existing structure;	Does not expand into key natural heritage features and key hydrologic features.	✓
	c. if applicable, the proposed new use complies with the Specialty Crop Guidelines, as amended from time to time;	N/A	✓
	d. for conversions or redevelopments only, the completion of an agricultural impact assessment by a qualified professional;	N/A	✓
	e. the proposal does not result in the intrusion of new incompatible uses; and	No new use is proposed.	✓
	f. the proposed use is in accordance with the minimum distance separation formulae.	The use is not a sensitive land use. Horse farm is located over 680 m to the north.	✓

Appendix E – City of Thorold Official Plan Policy Compliance

Section	Policy	Comments	
B2.1.3.1 1	Non-Agricultural Uses in the Agriculture Designation Non-agricultural uses are not permitted within the Agricultural designation as such uses can have adverse impacts on both agricultural and natural resources. Where non-agricultural uses are proposed within the Agricultural designation, such applications shall be reviewed in the context of both a local Official Plan Amendment and Regional Official Plan Amendment subject to the following criteria:	Section E2.3 exempts the legal non-conforming use from this policy. However, the following addresses the criteria in support of the zoning by-law amendment application.	
	b) There are no reasonable alternatives to accommodate the proposed use in urban areas and rural areas;	There are not reasonable alternatives to choose an alternative location in Rural Areas of in Urban Areas. The lands historically been permitted to be used for welding and fabrication. Relocation would not be financially feasible.	✓
	b) There are no reasonable alternative locations to accommodate the proposed land use on land within the Agricultural designation with lower priority for protection;	There are not reasonable alternatives to choose an alternative location in Rural Areas of in Urban Areas. The lands historically been permitted to be used for welding and fabrication. Relocation would not be financially feasible.	
	c) Consideration that the proposed non-agricultural use is compatible with and will not impact the normal operation of surrounding agricultural uses;	The proposal ensures the protection of 82% of the actively farmed lands, and the nature of the proposed building will reduce any potential impacts on adjacent properties, protect the business from agricultural practice impacts such as dust and sprays, and the defined area of 18% ensures all buildings of a residential, agricultural and non-agricultural nature are contained in one area.	✓

	d) Conformity with policies contained in Section B3 Natural Heritage Designations, Part C Environment and Ground Water Management Policies and Section B2.6 Aggregate Extraction Area;	<p>Section B3 contains policies on Environmental Protection. The proposed application does not trigger these policies as there are at least 70 metres of separation to a fish habitat located towards the southwest of the defined 18% area.</p> <p>The majority of Part C Environment and Ground Water Management Policies do not apply to this application. A signed site plan application supported by a grading plan is required to address stormwater. Source water and highly vulnerable aquifers are not located on the subject lands. An EIS is not triggered as the development which is supported by the NPCA. Section B2.6 Aggregate Extraction Area, does not apply to the subject lands.</p>	✓
	e) Confirmation that a suitable private water supply and private sewage services can be provided for the proposed use; and,	No new septic area and water supply are being proposed at this time. Potential future initiatives will require permits.	✓
	f) Compliance with other policies contained in the City's Official Plan.	With the exception of Section C9 Land Use Compatibility, there do not appear to be additional policies applicable to the proposed application. The proposed bridge crane building will reduce existing potential impacts and is position interior to the property away from the single detached dwelling located to the north west on Glover Road.	✓

Section	Policy	Comments	
D3.3	Archaeological Resources These policies archaeological recourses are addressed appropriately.	A scoped archaeological assessment has been required by the Niagara Region. The archaeological assessment report was prepared in support of the proposed application which confirms the site has been cleared of archaeological resources. The Ministry has acknowledged the results of the assessment.	✓

Section	Policy	Comments	
D5.3	<p>Oil and Natural Gas Pipelines - New Buildings and Structures</p> <p>The TransCanada Pipeline is located along the west side of Glover Road. Consultation with the Pipeline is required for new development that increases population density. Approvals from the Pipeline are required within 30 metres of their right-of-way. The zoning by-law is required to include minimum setbacks of 7 metres from permanent structures and 3 metres from accessory structures to the pipeline right-of-way.</p>	<p>The proposed application complies with this policy as the new building will be located over 100 metres from the pipeline.</p>	✓