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March 16, 2020

Mr. Paul Walsh MCIP RPP
Manager of Planning Services
Department of Development Services
The Corporation of the County of Prince Edward
332 Picton Main Street
Picton, ON
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Dear Mr. Walsh:

IBI GROUP PLANNING APPLICATION PEER REVIEW COMMENTS - PICTON TERMINALS - Z57-19 & SP-09-19

Introduction

IBI Group has been retained by the Corporation of County of Prince Edward (“PEC”) to provide planning application review and coordination services with respect to the proposal known as Picton Terminals, consisting of the following application files:

1. Z57-19 - Zoning By-law Amendment (“ZBLA”) application
2. SP-09-19 - Site Plan Control (“SPC”) application

In addition, PEC staff have requested IBI to review, consolidate and summarize stakeholder comments as well as provide draft Planning comments which can be presented to the applicant. This letter fulfills this retainer and PEC staff requests. The comments provided are based on digital application materials provided to IBI by PEC staff, as well as digital records of comments received by external agencies and stakeholders (i.e. emails, etc.) also provided to IBI by PEC staff. Supplemental review of applicable material (i.e. PEC Official Plan, PEC Zoning By-law, etc.) was conducted by IBI staff to support preparation of this document.

Understanding of Planning Applications

This comment and summary document is based on our understanding of the two active development applications pertaining to the subject lands noted above. Based on our records, we understand that two substantive application submissions have been made by the applicant, the first being the original ZBLA application submission and the second being a combined ZBLA and SPC submission package in response to a letter from PEC staff advising of incomplete

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applications. Further, we understand that the applicant has provided some material in an addendum submission following notice of complete application.

Purpose of the Applications

We understand the purpose of the ZBLA application as being parts:

1. To restore previous permissions for the Transshipment Use which apparently existed in Zoning By-laws applicable to the subject lands prior to 2006 PEC ZBL update, and which are now considered Legal Non-Conforming (“LNC”) to the current By-law (i.e. make a Legal Non-conforming use legally permitted in current Zoning).
2. In addition, to expand the express legal permissions for the existing Transshipment operation such that the use will be permitted throughout the proposed site-specific zone boundary, whereas the Revised Order of the Ontario Superior Court confirmed the LNC status of the transshipment use to limited parts of the site previously zoned MX-1
3. Introduce a new permission for a permitted use being a Tour Boat Docking use
4. Introduce a permission to recognize outdoor storage as an accessory use to permitted uses
5. Introduce provisions for landscaped berms and setbacks specific to open storage areas, for the purposes of screening to enhance land use compatibility

We understand the purpose of the SPC application is to recognize existing and implement various physical site works (escarpment excavation, access road construction, SWM infrastructure, storage areas, etc.) to support the proposed uses contemplated in the Draft ZBLA.

Proposed Development

The following excerpt is from the applicants PJL:

The applicant is proposing to construct two new floating docks on the subject site to accommodate tour boat docking and transshipping activity. The two docks will be approximately 36.5 metres (120 feet) in length and will be capable of accommodating large vessels coming from Lake Ontario which require deep-water docking facilities. The docks will be located to the north and south of the existing docking facilities, respectively. The northern floating dock will be used for the docking of passenger vessels while the southern floating dock will be used to dock tug boats which are used to haul barges to and from the site.

The northern dock is intended to enable cruise lines and tourist boats from Lake Ontario to dock at the site, at which point tourists will be carried by bus (or other form of private transportation) to their next destination in the County. Given the relative absence of deep-water docking facilities in the surrounding region this represents a unique opportunity to support tourism in Prince Edward County.

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A total of 16 parking spaces will be provided on the site to comply with the zoning by-law requirement, including 1 barrier-free parking space, located adjacent to the existing office and workshop building. Two (2) loading spaces will be provided to the south of the office and workshop building in accordance with the zoning by-law, although we note that most loading and unloading of bulk products will take place directly within the outdoor storage spaces.

Recent grading work has been undertaken to lower the grade of the northernmost bulk storage area to the level of the port facilities. The salt storage structure will be located within this area as well, although it will be at a slightly lower elevation than the port facilities to facilitate loading and unloading. As part of the excavation works to lower the grade, an access road to the port is being constructed to maintain vehicular access. Excavation of the grade requires the limited and temporary processing of excavated stone on-site. All processing activity is limited the eastern portion of the site and ensuring that significant setbacks are maintained between adjacent rural land uses.

An approximately 500-square metre gatehouse with a scale for transport trucks is proposed to be constructed adjacent to the main access driveway near the entrance to the site. The gatehouse will be located outside of the Environmental Protection (EP) zone. The existing office will be relocated to this building and the new scale will alleviate ongoing congestion and operational challenges arising from having just one scale on the site at the present time. A variety of stormwater management facilities are required on-site to protect the surrounding environment and landscape from erosion and run-off, as well as to ensure that water entering Picton Bay is controlled to the standards required by the Ministry of the Environment and Parks.

Application Processing To Date

Formal Consultation/Pre-Consultation

We are not aware of a record of a formal pre-application consultation as permitted under the Planning Act. Therefore, we are not aware of any pre-application meetings or reports which confirmed the extent of what would be considered a complete application for both the ZBLA and the SPC submissions. If such a document exists, we request a copy for our review and records.

Application for Zoning By-law Amendment

Based on our records, we understand that the ZBLA notice of technical circulation occurred on September 16, 2019.

Site Plan Control Application

Based on our records, we understand that the SPC notice of technical circulation dated September 16, 2019.

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Date of Public Notification

Based on our records, we understand that notice of the Statutory Public Meeting as required under the Planning Act for the ZBLA application occurred on October 16, 2019.

Date of Public Meeting

We understand that the Statutory Public Meeting occurred on October 24, 2019. We have not reviewed the meeting minutes, but have reviewed comments from stakeholders and the public which were submitted prior to the meeting, as provided to us by PEC staff.

First Submission

Based on our records, we understand that the First Submission was provided by the applicant and received by PEC on November 23, 2018. The material submitted is discussed below, with commentary based on our review of the material from a land use planning perspective.

The material provided in this submission included:

- 1. ZBLA Application Form**

Planning Comment: We note that the PDF copy of the application form we received was unsigned

- 2. Archaeological Assessment**, with Indigenous Consultation Summary Letter - Report dated February 6, 2018, prepared by ARA Ltd.

Planning Comment: We note that this was a Stage 1 with recommendations for Stage 2 work for portions of the site, but at time of first submission no Stage 2 report was provided, and we understand this work had not yet been completed.

- 3. Ministry of Tourism, Culture and Sport (“MOTCS”) Submission Record** re: Archaeological assessment, dated February 16, 2018

Planning Comment: The MOTCS letter indicates receipt and filing of the Stage 1 report.

- 4. Concept Plan**, Dated October 31, 2018 (note PDF file is Dated November 15, 2018), Prepared by Fotenn Planning and Design

Planning Comment: The plan utilizes a recent air photo as a base, and conceptually identifies existing and proposed site elements. We understand this plan is intended to inform the Draft ZBLA also submitted.

- 5. Planning Justification Letter (“PJL”)**, Dated November 20, 2018, prepared by Fotenn Planning and Design, signed by two Registered Professional Planners (“RPP”)

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Planning Comment: This letter serves as the initial planning justification for both the ZBLA and SPC application. It primarily focuses on matters pertaining to the ZBLA, and includes:

- i. Review of the Development Applications
- ii. Discussion of the context and surroundings
- iii. Review of Some supporting studies (Note: As per comments provided later in this letter, this only includes the SWM report, Stage 1 Archaeological Assessment, and the Traffic Impact Study. This section and analysis was never updated to include additional material provided in the revised submission)
- iv. A review and analysis of the policy and regulatory context, including:
 1. Provincial Policy Statement 2014
 2. County of Prince Edward Official Plan
- v. A review and analysis of current and proposed Zoning
- vi. Conclusion

We have additional comments on the PJI and the supplementary and addendum submissions, provided later in this document.

6. **Stormwater Management and Drainage Report** (with plans as enlarged fold-outs), Dated October 4, 2018, prepared by Josselyn Engineering Inc.

Planning Comment: We note that this version has been replaced with the version dated January 24, 2019, provided through the revised submission. Therefore we have not reviewed this version.

7. **Topographic Survey**, Dated July 28, 2014 and Revised May 20, 2015, prepared by Leslie M. Higginson Surveying Ltd.

Planning Comment: We note that the survey is dated to 2015 and reflects site conditions prior to site works that we understand have preceded application submission (i.e. escarpment face excavation, structure removals, site grading, etc.). Based on this, we believe the survey should be updated to document all existing conditions to accurately reflect current property status.

We also believe it should also be updated to depict the accurate technical delineation of the hazard land areas as per QCA regulation requirements, for the entire shoreline frontage.

Further, we believe this survey should be supplemented with a legal survey and/or a Surveyors Real Property Report to confirm the exact extent and description of lands

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under application (i.e. in our review there was some confusion regarding Lots 130 and 131, and whether they are now legally part of the subject lands)

8. **Traffic Impact Study**, Dated November 2018, prepared by McIntosh Perry Consulting Engineers Ltd:

Planning Comment: We note that this report is absent any commentary on the proposed “Tour Boat Docking” use.

Note that based on the above, we understand the SPC application for the entirety of the subject lands was not originally formally submitted, as there was no completed application or provision of a non-conceptual site plan with the original ZBLA submission. However the heading for the Planning Justification Letter refers to applications for ZBLA and SPC, and we understand that a separate SPC application for portions of the lands preceded the ZBLA submission. We have not reviewed that submission.

Technical & Stakeholder Comments on First Submission

We are not aware of any formal technical comments prepared by PEC staff or stakeholders on the first submission, but understand that PEC staff requested additional information to make the submitted applications complete. This request was provided in a letter from PEC staff to the application on May 9, 2019. This letter indicates the submission of a Site Plan Control Application County File SP-03-18, which was received on October 31, 2018, and that this application was intended to address portions of the site subject to confirmation of Legal Non-Conforming Use (“LNC”). Based on this, we understand the applicant intended to make one SPC application for a portion of the lands with a concurrent ZBLA for the entirety of the lands, then follow that with a second SPC submission for remaining areas subject to ZBLA approval.

Second Submission

Based on the material provided to us, we understand the Second Submission was submitted in July, 2019. The material submitted is outlined below, with some commentary based on our review of the material from a land use planning perspective.

Material provided in this submission included:

1. **Cover Letter** (Supplemental Submission Response Letter), Dated July 26, 2019, prepared by Fotenn Planning and Design

Planning Comment: The letter provides responses to specific requests and comments from PEC staff in the May 9, 2019 letter re: Information Requirements for a Complete Application(s)

2. **SPC Application Form**

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Planning Comment: Signed and commissioned with Owners authorization page, with subject lands described generally consistent with the ZBLA submission (i.e. entirety of lands under ZBLA)

3. ZBLA Application Form

Planning Comment: Signed and commissioned

4. Supplemental Submission Response Letter, Dated July 26, 2019, prepared by Fotenn Planning and Design

Planning Comment: This letter provides review and analysis of proposed Zoning as submitted in the Draft ZBLA as part of the originally submitted PJJ. It also is intended to address the PEC staff request for Building Elevations and a Rural Design Brief.

We note the application refers to cross-sections as Attachment A to the letter. We did not receive these and thus have not reviewed.

Comments pertaining to existing and proposed buildings are captured in our redline notes on the site plan.

Comments on the planning justification and Draft ZBLA are provided in later sections of this letter.

5. Conceptual Site Plan, Dated Oct 31, 2018, prepared by Fotenn Planning and Design

Planning Comment: The notations on the plan do not indicate any revisions or update dates, so our impression is this is the same Oct 31, 2018 version provided with the first submission. The version provided to us appears scanned to 11 x 17 size, and some text is illegible, so berm identification could not be completed. Despite this, we note the submission of the Site Plan and Grading plan providing these details.

6. Site Plan, Dated May 25, 2017, Revision Date July 12, 2019, prepared by Josselyn Engineering Inc.

Planning Comment: We have provided redline comments and notes on the site plan. Please refer to that plan for review.

As noted throughout, the Site Plan is impacted by and should be coordinated with various items, such as legal and topographic survey, SWM, grading, hazard land delineation, Environmental Evaluation, etc.

7. Grading Plan, Dated May 25, 2017, Revision Date July 12, 2019, prepared by Josselyn Engineering Inc.

Planning Comment: The plan shows only a partial area for the easterly portion of the site, where presumably the applicant indicates the bulk of the site works are to occur. It does not include the area with the proposed new gate house, and portions of the plan for areas adjacent to White Chapel Road are cut-off and cannot be reviewed.

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The Grading Plan also does not show the delineated hazard lands as per Quinte Conservation Authority (“QCA”) regulations. Refer to note re: updates to the Topographic Survey and commentary below on the Erosion Hazard Assessment

We note the proposal of SWM infrastructure within what would be the hazard land area. Comments from QCA have been provided and are summarized below

It appears that the version of the Grading Plan included in the January 2019 SWM report is different than the Grading Plan provided with the SPC application (Revision Date July 12, 2019). There are some aspects of the strategy discussed in the SWM report that should be updated to reflect the current plan to confirm acceptability of the proposed approach.

We provide commentary below regarding establishing a technical review committee to ensure complete review, which would include the grading plan

8. **Stormwater Management and Drainage Report**, Dated/Revised January 24, 2019, prepared by Josselyn Engineering Inc.

Planning Comment: As noted, our review of this report indicates the grading plan and discussion is based on an older version of the Grading Plan.

We note the comments from QCA and PEC engineering staff, which are summarized below

In our opinion, with respect to public health and safety and protection of natural heritage features and functions, it is critical that this report and accompanying plans be technically reviewed in a coordinated fashion by all Qualified Professionals (“QP”) (e.g., PEC, QCA, MNRF, DFO, etc.) and that this review be the main driver in informing the Site Plan drawing and agreement. Given the small number and size of buildings and structures in the proposal, the main element of site works pertains to SWM, grading and servicing.

9. **Revised ZBLA schedule**, No Date, assumed prepared by Fotenn Planning and Design.

Planning Comment: We note the schedule is revised, but no date or identification of when it was prepared.

There is no update to the ZBLA text, and the applicant should review the initial submission to confirm it accurately captures the proposal illustrated in the latest material, including Conceptual Site Plan, Site Plan, etc.

We also note that the digital ZBLA schedule does not have a Title, legend or label. The Schedule also does not identify the individual zones to be rezoned from MX-1 and RU1 to MX-X.

The Schedule does not identify Hazard Lands delineated as per QCA regulations. In our experience, delineation of Hazard Lands and incorporation of such into an appropriate zoning designation is common best practice, but we acknowledge that the

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PEC Zoning By-law does not adopt this approach. Therefore, we offer this as a suggestion for a possible inclusion on a site-specific basis.

10. **Fire Safety Plan**, Dated July 2, 2019, and Fire Plan Map, Not Dated, assume prepared by Picton Terminals

Planning Comment: It does not appear that these materials incorporate Fire and Emergency considerations for the proposed Tour Boat Docking use, nor movements of passenger vehicles and/or tourist pedestrian movements through the site.

In our opinion, these materials require review by County Fire and Emergency Services staff to determine:

- How is Fire and Emergency Service currently provided to the existing site?
- Is a dedicated fire route required under OBC and if so, would the existing and proposed travel routes meet that requirement for surface and load bearing?
- Confirmation of acceptable water supply location and access for fire trucks, ambulances, etc., to portions of the site requiring access

In our review, we are not aware of any comments provided by PEC Fire and Emergency staff.

11. **Acoustic Assessment Report**, Dated June 24, 2019, prepared by Pinchin Ltd.

Planning Comment: Based on the May 9 letter from PEC staff, the applicants were required to submit a Noise and Vibration Assessment to form a complete application. The report states:

Operations at the port do not include sources of vibration such as stamping presses. Consequently, a detailed vibration impact assessment is not required. This assessment concentrates on potential noise impacts only.

The assessment does not address the introduction of the Tour Boat Docking use and whether a proposed "Tour Bus Pick-up Area" should be considered a sensitive receptor or at the very least modelled as such for consideration of potential impacts for tourists waiting at such location for defined periods of time. Further, while potentially challenging to quantify, there is no discussion on noise impacts as may be experienced by tourists moving through the site.

The report does review and assess off-site sensitive receptors against the provincial framework, including the Ministry of the Environment, Conservation and Parks ("MOECP") Publication NPC-300 "Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning", August 2013), which is the appropriate document with respect to thresholds for possible sensitive uses.

The report identifies such surrounding uses (mostly neighboring homes) and demonstrates that the port, as assessed, would operate within NPC 300 guidelines.

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Some industry best practices are recommended which may not be generally implementable through zoning or site plan measures, such as:

- maintain mufflers
- turn off equipment when not in use,
- maintain positive community relations by keeping the public informed, etc.

The assessment has incorporated a proposed 10m berm as outlined for portions of the site in the revised submission. A technical review will be necessary to determine whether the berm is required to ensure that homes on the other side of the berm are protected from above-threshold noise levels. The berm is being implemented primarily as a response to the aesthetic concerns, and may not be acceptable with respect to grading/drainage impacts on adjacent properties (subject to technical SP Review).

We note again that the proposed ZBLA (Appendix A to PJJ) is from the original submission, which only requires a 3m berm. If the berm is reduced to 3m, the acoustic assessment report must be updated to assess impacts and recommend other mitigation measures, if necessary.

We recommend that PEC consider retaining a Peer Review QP to review and comment on the acceptability of the technical aspects of the report (i.e. methods, outputs, etc.)

12. **Erosion Hazard Assessment**, dated October 17, 2017, prepared by Cambium Inc. (We note it is stated as being prepared for G.D. Jewel Engineering, which is not the engineer of record on the application nor the applicant)

Planning Comment: We are unclear what role this assessment is playing. The report dates to 2017, but does not appear to have been included in the original submission. Additionally, the scope of the assessment is restricted to a small portion of the property, without clarifying why.

The introduction to the report states that this is a QCA requirement. The report makes reference to QCA regulations to define an Erosion Hazard limit (Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Section 2.1.a.ii of O. Reg. 319/09).

The report recommends against a QCA requirement of adding 15m to the calculated stable slope and erosion allowance, saying it would be excessive.

Further, the report appears to make technical recommendations, based in part on review of aerial imagery, in which the location and extent of the shoreline is hard to observe.

Generally, there is a lack of clarity around how the recommendations of this report are being implemented, how the 30m shoreline buffer shown on the site and grading plans was established, and why this number is less the value of 34.4 m given in the report.

In our opinion, if this evaluation is intended to conclusively establish the extent of the Hazard Lands and the QCA regulated area, it should cover the entire shoreline and be based on a full technical engineering review. The findings, once accepted, should be

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transferred to the Topographic Survey and added to all prepared plans (i.e. Site Plan, Grading Plan, etc.) to clarify the nature and extent of works within the hazard area and to inform the SPC and QCA permitting process.

Lastly, we note that the QCA comments confirm that a permit will be required for shoreline/escarpment excavation works, but that this work appears to have already been completed between 2013 and 2015, based on aerial photography. We are not aware of the QCA issuing any permits nor, however, stating any objections to the works. These factors must be clarified through the technical review on the ZBLA and SPC applications.

Lastly, we recommend that PEC consider retaining peer review QP to review and comment on the acceptability of the technical aspects of the report (i.e. methods, use of aerial images, etc.)

13. **Environmental Evaluation**, dated July 26, 2019, prepared by XCG Consulting Ltd.

Planning Comment: We understand from our review that site work on the lands and along the shoreline was previously done, prior to the opportunity for Environmental Evaluation to confirm whether this was appropriate. Analysis of historic aerial images shows tree removals and a change in the shoreline between 2013 and 2015. We are not clear what assessment and/or analysis was done, nor approval/permits received, and mitigation measures implemented, prior to this work. In our opinion, the report assumes this condition as established and does not appear to sufficiently address PEC Official Plan policies for Environmentally Sensitive Areas and/or Escarpment Areas, nor for Environmental Evaluations and/or Environmental Impact Statements.

The PEC Official Plan defines an *Environmental Evaluation* as: “...an assessment of the impact on the environment that may be expected from a proposed development concept. The evaluation will include an inventory and description of a site's physical characteristics that will be affected or that might reasonably be expected to be affected directly or indirectly. The evaluation will determine the appropriateness of the development or alternatively identify actions that may be required to prevent, change, mitigate, remedy and monitor the effects upon the environment by the proposed development. The terms of reference for an environmental evaluation shall be identified by the County together with the appropriate government agencies. An Environmental Impact Study (E.I.S.) as outlined below may be required to complete the evaluation.”

On top of general provisions described in these two sections, an **Environmental Evaluation** is called for in 1.2.6.c), and 1.7.5-8.

The PEC Official Plan Escarpment Policies (1.7) describe the EE in further detail.

1.7.6 An Environmental Evaluation shall analyze the specific limitation to and impacts of development of the subject lands as a result of the existence of the escarpment on the property. Reports will be tailored to each situation. However, an Environmental Evaluation should generally address the following matters:

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- *sewage disposal facilities/soil depth;*
- *landscaping;*
- *water supply;*
- *building envelopes;*
- *erosion control;*
- *effects on fish and wildlife habitat; and*
- *surface drainage (quantity and quality of water).*

The Environmental Evaluation prepared by XCG is provided by the applicant as a response to staff comment on the original proposal that such a report is required as per Part III sections 1.2.6 and 1.2.7. In general, the Environmental Evaluation satisfies the expectations as they are laid out in the PEC OP, although several gaps remain:

- The applicant has not demonstrated whether the MNR was consulted regarding the Terms of Reference for the Environmental Evaluation, as per PEC OP
- As per County policy, the Environmental Evaluation is meant to assess the impact on the environment that may be expected from a proposed development concept. As far as the Environmentally Sensitive Area (i.e., Picton Bay as a fishery) is concerned, the evaluation defers mostly to the DFO permit and accompanying conditions. Additionally, improved SWM techniques are discussed, which we interpreted as suggesting that instead of surface water draining at a point load into the Bay, it will slowly recharge groundwater systems. In this sense, the EE meets the expectations of Part III Section 1.2 of the PEC OP, policies for Environmentally Sensitive Areas.
- As far as the Escarpment Constraint, XCG appears to have used the sections provided in the Escarpment policies 1.7.6 a) – g) to frame the report, but the report does not consistently meet the test laid out in 1.7.6 that the report “shall analyze the specific limitation to and impacts of development [...] as a result of the existence of the escarpment on the property”. In other words, the topics laid out in 1.7.6 a) - g) are discussed generally, but not consistently described in the context of the existence of the escarpment.
- Section 3.6 of the report is titled “Surface Drainage and Erosion Control”, and focuses entirely on stormwater management measures that have been implemented in the past or will be implemented through the most recent plan. No assessment is made of how surface drainage is affecting the escarpment. Section 4.1 connects the SWM measures to erosion control generally on the site. A technical review of the SWM details will be necessary to determine whether the proposed measures are adequate; however, it appears that there has been no direct assessment of how the proposed development could impact the escarpment itself through surface drainage and erosion control measures. The only context in which erosion control is mentioned with specific reference to the escarpment is that *“the size of the active area along the shoreline escarpment is not expected to increase. Thus, the existing naturally vegetated*

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areas and areas that are being naturally reclaimed by vegetation will not be disturbed by site activities.” The proposed access road appears to cut through/across one of the areas highlighted as an area being naturally reclaimed by vegetation, and no assessment is provided as to how increases/changes in traffic or the introduction of tourists might affect the escarpment here.

- A vegetation program is discussed for the existing and newly constructed berms to control erosion. While these measures are likely good practice, it is not clarified how erosion of the berms along White Church Road relates to either the ESA or the Escarpment, which are meant to be the focus points of the Environmental Evaluation.
- The report contains conflicting information concerning the effects on habitat as it pertains to the escarpment. *“The Picton Terminals site provides [...] bird habitat along the limestone shoreline cliffs. [...] The proposed construction activities are not expected to have significant impact on the terrestrial receptors, as the areas under construction are within previously used and disturbed portions of the site”*. In section 4, Mitigation Measures, the report goes on to say *“To mitigate potential loss of nesting habitat for barn and cliff swallows due to on-site operations, artificial nesting areas were installed”* and goes on to characterize some of the measures. It is unclear why measures to mitigate loss are discussed if the proposed development will not have significant impact. Additionally, it is not clear why past measures are being discussed as a solution to a proposed development.
- Finally, no mention is made of how building envelopes should respect the escarpment.
- Policy 1.7.7 of the PEC OP states that *“The Environmental Evaluation shall detail the manner in which the development may be accommodated, if feasible and shall include a detailed lot grading plan consisting of a survey of the property identifying with contour intervals and the top of bank indicated; slope and depth of overburden; drainage course characteristics; forested areas; and the proposed buildable area and on-site services.”*

The grading plan provided with the revised submission does illustrate some of these aspects. However, depth of overburden is not shown. The grading plan does illustrate the Top of Bank. A consistent 30m setback is shown from the shoreline. This does not adhere to OP Policy 1.7.9, which states that the minimum setback from top of slope bank should be at least 15 metres. It is not clear where the 30m setback was derived from, and at many points it appears to be less than 15 m from the top of slope. As noted, above the Site Plan and Grading Plan should be coordinated with the Topographic Survey and an accepted technical delineation of Hazard Lands as per QCA requirements.

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Lastly, we recommend that PEC consider retaining peer review QP to review and comment on the acceptability of the technical aspects of the report (i.e. methods, use of aerial images, etc.)

14. **Phase 2 Interim Action Plan**, Dated July 8, 2019, and the 2018 Annual Monitoring Report, Dated January 31, 2019, prepared by XCG Consulting Ltd.

Planning Comment: We note the applicant's response letter as indicating these reports were provided to address PEC requests for a Geotechnical and Hydrogeological Assessment in the May 9, 2019 letter. It is our understanding that the PEC staff request relates to the need to understand site development related measures, including grading, SWM, groundwater, construction requirements for servicing infrastructure, and to also partly inform the Environmental Evaluation report.

In our opinion, these two reports highlight the sensitivities of this location, history of environmental impacts, and the potential impacts of the proposed development and proposed uses on natural heritage and public health and safety, including water features.

We recommend that PEC consider retaining peer review QP to review and comment on the acceptability of the technical aspects of the report (i.e. methods, use of aerial images, etc.)

15. **Stage 2 Archaeological Assessment**, Dated June 28, 2019, prepared by Abacus Archaeological Services

Planning Comment: We note that the report recommendation of:

The subject property tested during Stage 2 excavation has been assessed and found to contain no significant archaeological resources. No further work is required within the study area

Based on this recommendation, we believe no further work is required, and that a Holding Symbol as originally proposed in the applicant's draft ZBLA is no longer required for these purposes.

MOTCS acceptance/clearance letter should be obtained with respect to this report, prior to proceeding.

16. **Fisheries Act Authorization Letter from the Department of Fisheries and Oceans**, Dated May 2, 2019

Planning Comment: This letter provides authorization for "*the carrying on of your proposed work, undertaking or activity that results in serious harm to fish arising from shoreline infill in Picton Bay Terminal*".

The letter describes works as:

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Infilling a portion of a privately leased water lot to facilitate the operation of the existing port. This shall be accomplished by installing a sheet pile wall around the existing 'dolphin structures' and backfilling with clean aggregate material.

Our review indicates this work pertains to the site just northeast of the conveyor, shown as a gravel surface with temporary lighting and intended in part for Tour Boat disembarking and a Tour Bus Pick-up Area, as well as an area to facilitate loading/unloading activities.

The letter refers to Erosion and Sediment Control and Contingency Measures provided by the application through submission to the DFO. Plans and measures supporting this submission were not provided to us. The applicant should provide such information in support of the letter, to confirm that the plans and materials submitted in the ZBLA and SPC applications are consistent and coordinated with DFO approval.

We note that some of this work would also be subject to QCA regulations and permitting, and we are again not aware if such permit has been issued.

In our opinion, this underscores the value of a technical review committee to ensure coordination of drawings and materials, consistent review process, and to determine oversight and correct sequencing order of submissions and, if warranted, approval.

17. Ministry of Natural Resources and Forestry Letter re: Aggregate Excavation

Planning Comment: The letter provides MNRF opinion with respect to temporary construction works and removal of aggregate works in relation to such. The MNRF position outlines requirements for an Aggregate Resources Act license for excavation that occurs after construction is completed or if additional material is excavated in other areas.

In our opinion, this letter matches statements in the applicants original PJL indicating that no aggregate extraction operation is proposed, nor that one previously existed. This touches on the appropriate Zoning for the lands we discuss in later sections of this letter.

Other items submitted, which we reviewed but do not have specific comments on are:

18. Occasional Use Facility Security Procedures, Revision Date July 6, 2019, prepared by Picton Terminals
19. Statement of Hours of Operation, Undated, Prepared by Picton Terminals
20. Servicing Options Report/Letter, Dated July 29, 2019, prepared by Josselyn Engineering Inc.

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Comments on Supplemental Submission

PEC Staff

Development Services Engineering

Comments were provided dated October 16, 2019. The comments state/request:

1. Provide detailed plans for tour boat access points, pedestrian access routes & access paths, parking zones, etc. as well as proposed tour boat activities, collecting local passengers, or Transport Canada Approval
2. Provide traffic impact study as it relates to tour boats activities, and updated site traffic data
3. Provide detailed drawings of proposed new buildings / new gate house
4. Provide landscaping drawing & Provide lighting drawing
5. Provide groundwater monitoring reports & ECA Application on Salt management
6. Provide proposed grading drawing – confirm no surface water migration into the Bay
7. Provide proposed protocol in event of visual acknowledgement of silts or contaminants in the Bay
8. Provide accurate OLS survey of County Road Allowance and possible encroachments
9. Public Works requires road widening

Planning Comment: The comments do not confirm the material reviewed. These comments are generally consistent with our review and comments from a land use planning perspective. The applicant should review these comments and provide a response through subsequent submissions detailing how they have been addressed.

External Agency (i.e. technical)

Quinte Conservation Authority

QCA staff provided a letter dated July 11, 2019 regarding a Section 59 clearance for source water protection. The letter concludes:

A review of the property and the proposed activities was completed by the municipally-appointed Risk Management Officials at the Quinte Conservation Office. The subject property falls within the Intake Protection Zone 3b for Picton's municipal drinking water supply. Because this zone is the least vulnerable of all zones for the Town of Picton's drinking water intake, with a vulnerability score of 6, no significant threats can occur and no clearance notice is required.

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Although no clearance notice or risk management plan is required, due to the high vulnerability of the drinking water intake, coupled with the numerous activities taking place on the subject property and surrounding area, the Source Protection department at Quinte Conservation is supportive of the greatest protection that can be purveyed on the subject property to ensure that no chemicals of concern leave the property and migrate to the intake and that no future drinking water issues are created.*

Planning Comment: It is not clear what is intended by the “greatest protection that can be purveyed on the subject property to ensure that no chemicals of concern leave the property and migrate to the intake and that no future drinking water issues are created”. While we support this general position, the request should be elaborated by QCA with specific measures relative to the property and the applicants’ technical material.

QCA staff also provided a letter dated December 18, 2019 which we understand is a response letter to the Technical Circulation sent by PEC. The letter states:

Staff reviewed the stormwater design for Picton Terminals from a Total Suspended Solids perspective. Hazardous substances and their controls should be reviewed by MECP. The stormwater controls are reasonable. The drawings should be updated to clearly indicate all details required to construct the stormwater management works. This includes but is not limited to the design, location and elevation details of the step pools, rock check dams, and details of the sediment basin catchbasin manhole with goss trap.

Planning Comment: Consistent with statements throughout this letter, these responses highlight apparent gaps in coordination and review, and the requirements the applicant must satisfy with respect to submission, review and approval processes outside of the planning applications. We believe these could be addressed through a technical review committee process.

Notwithstanding that, it should be confirmed if QCA staff have reviewed and have comments on:

1. Grading Plan
2. SWM and Drainage Report
3. Environmental Evaluation
4. Annual Monitoring Report
5. Phase 2 Interim Action Plan
6. Erosion Hazard Assessment
7. DFO Letter and accompanying applicant submission material

Transport Canada

Staff from Transport Canada provided comments via email on November 8, 2019, stating:

Transport Canada has no concerns in relation to areas within our mandate regarding the proposed by-law changes.

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However, I would like to note that Transport Canada's Navigation Protection Program (NPP) is responsible for the administration and enforcement of the Canadian Navigation Protection Act (CNWA). The primary purpose of the CNWA is to authorize and regulate works and obstructions that may risk interfering with navigation in waterways listed on the Schedule to the CNWA. If in the future, an owner of works proposes to construct, place, alter, rebuild, remove or decommission works that are in, on, over, under, through or across any navigable water, they are required under the CNWA to apply to Transport Canada for an approval or seek authorization through the public resolution process.

Planning Comment: We understand that this comment pertains to the proposed ZBLA for both the Transshipment use and the Tour Boat Docking use.

The email also states:

Please also be advised that Transport Canada's Ontario Regional Marine Safety and Security Branch has regular interactions with the subject property's owners to ensure compliance with applicable legislation and regulations.

Planning Comment: We understand that this relationship would continue if a ZBLA is approved for the uses proposed.

Mohawks of the Bay of Quinte

The Mohawks of the Bay of Quinte ("MBQ") provided comments in a letter which is undated. The letter outlines comments in more detail, but addresses:

1. Impacts on Fish and Habitat
2. Dredging
3. Contaminants Disturbance
4. Shipping
5. Goods and Materials to be Shipped
6. Storage
7. Planned Corridors and Transportation System
8. Tour Boat Docking

Planning Comment: The issues raised, while providing comments and perspective from the MBQ position, touch on various matters related to the technical matters covered through our application review. The applicant should review these comments and provide a response through subsequent submissions detailing how they have been addressed.

Public

Numerous letters and emails of support for the ZBLA have been received. All have consistent language indicating that "Rezoning would allow the company to have one, uniform zone across the entirety of their property, permitting them to conduct business activities across their entire site". This may show a lack of understanding of the extent of the proposed uses and the potential impacts of the proposed ZBLA.

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Further, there is mention of the “possibility of welcoming Great Lakes cruise ships”, citing potential positive tourism and economic impacts, despite the proposal providing limited details of this use (see above re: deficiencies in information/details).

Several comments come from organizations and members of the public not residing in the community (i.e. Kingston Economic Development, Town of Greater Napanee BIA, residents of Napanee), and speak to the Owner of the lands and not the proposal.

Planning Review

Summary Planning Position

Proposed Transshipment Use and Permitted Extractive Industrial Uses

We have concerns with whether the proposed expansion of the Transshipment Use will truly implement the Official Plan vision and provide the regional benefit identified by the applicant for a multi-modal port benefiting the County and a wider Region, as opposed to serving the needs of the individual business owner for storing material. This touches on the extent of outdoor storage proposed and whether this component is truly an accessory use or is in fact the main use proposed.

Further, we have concerns with ongoing/permitted/possible future aggregate operations in addition to the proposed Transshipment Use. The potential overall intensity of extractive and industrial operations which could be permitted through existing and proposed use permissions, including machinery, equipment, large vehicles (including movement on/off and through the site), noise, and emissions, could be substantial and greater than that presented in the application. This does not appear to be addressed in the justification of and proposed provisions in the ZBLA which seeks to maintain the Extractive Industrial permissions, despite confirming that no aggregate extraction was historically present nor is one proposed. This is stated in recognition of the LNC status of the Transshipment use, including outdoor storage of materials on a portion of the lands. In that sense, the real question is whether expansion of the use, including large amounts of outdoor storage, to almost the entire site is appropriate. In our view, it is a proposed expansion that is substantial and which needs to be carefully considered and managed, particularly with respect to impacts on natural hazards and public health and safety.

We note that “Transshipment” is a term not specifically defined in Provincial Policy, Official Plan Policy or ZBL provisions. Consideration should be given to clearly defining the proposed use and introducing such definition in the ZBLA as it pertains to this site-specific permission.

Further, given our concerns and the information provided by the application, we believe consideration should be given to limiting permitted uses to those only proposed and discussed in

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the submitted material. (i.e. shifting away from Extractive Industrial to General Industrial based on a port for transfer and shipment of goods to other destinations). There is no proposal in the supporting material for a specific extraction use, rather the use is storage and movement of goods.

Notwithstanding the above, we do agree that, subject to definition and a thorough planning process, and based on appropriate zoning and development controls, a Transshipment use, operating truly as a deep-water port to facilitate goods transfer and movement through the County and a wider region, would be appropriate for the subject lands and would conform to and implement the Official Plan. The key issues for implementation of such use are protection of public health and safety and protection, restoration and/or enhancement of natural heritage.

Proposed Tour Boat Docking Use

In our view, the proposed Tour Boat Docking is poorly defined and not adequately justified. On the one hand, the applicant's submission discusses potential tourism and economic impacts of this use, while at the same time limiting it to a floating dock with a bus-pick-up area and no other dedicated facilities or works. We question the ability of the site to attract high-quality tourist based cruises without any dedicated facilities that passengers and operators would require or prefer. As an example, the Planning Addendum letter provided by the applicant appears to suggest that tour buses will be travelling the dock access road through what is identified as a 2m wide flat-bottom swale. Further, there is no movement diagram showing how a vehicle such as a tour bus would navigate this area, including turnaround on the gravel area adjacent to the floating dock. Otherwise, the applicant is suggesting that this route is a pedestrian travel route for tourists disembarking ships, which would require them to walk through a swale from the platform up an access road to an undefined pick-up area above the top of slope.

Further, in our view the introduction of Tour Boat Docking uses creates conditions for compatibility concerns between the tourism use and the permitted and proposed industrial and Transshipment uses. Even with the Planning Addendum submission, it is unclear how tourists will be docking, disembarking, and moving through the site and out to the wider area (and vice versa) and whether there are health and safety risks associated with moving tourists through an active extractive and/or industrial operation. The concept plan does not address these issues and is absent any plans for tourist-specific facilities. This is discussed in the planning addendum where it is confirmed that no facilities are proposed. As a general comment, we question the desirability of a tourism use which lands, disembarks and travels through an active industrial operation. This interface could easily jeopardize the viability of the tourism operation, or vice versa reducing the claimed economic impacts from both proposed uses for the County and the wider region.

With respect to compatibility with adjacent uses, the applicant's submission refers to Part III, Section 2.4.5 of the OP, which addresses compatibility with the nearby cement operation. The submission refers to this policy to bolster the argument that proposed Transshipment use is appropriate on the subject lands. But the discussion fails to note the Tourboat Docking use, which we believe could legitimately present "(i)ncompatible development that could jeopardize the use of this land for industrial/commercial uses" which it states "shall not be permitted".

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Further, the TIS does not address the tourism use, and thus does not present the full picture of the proposed development. It does not appear to have been updated from the original submission. There is no substantial discussion of integrating the proposed tourism use with public transportation.

While we question the validity and viability of the proposed “Tour Boat Docking” use, if maintained and permitted in the ZBLA, consideration should be given to physically separating permitted and proposed uses on site, and to maintaining this separation through physical measures, zoning boundaries, and buffering.

Comments on Planning Justification Letter, Supplemental Submission Letter, and Planning Addendum

We note that none of the planning justification material appears to comprehensively review and comment on the full range of supporting studies, plans, etc. that have been submitted with the applications. For instance, the initial letter reviews and comments on the SWM and Drainage Report, Stage 1 Archaeological Assessment, and Traffic Impact Study. However, the Second Submission included additional reports such as the Environmental Evaluation, Annual Monitoring Report, Phase 2 Interim Action Plan, Acoustic Assessment, Erosion Hazard Assessment, Stage 2 Archaeological Report, Servicing Options Report, etc. Even though there is additional discussion in the Supplemental Submission Letter and Planning Addendum Letter, the applicant should provide a comprehensive Planning Justification Report which fully reviews and comments on all submitted materials with respect to applicable planning policy, regulations, etc.

Provincial Policy Statement 2014

In our review of the application material, we note the applicant has provided planning commentary with respect to consistency of the proposed ZBLA and proposed development with the PPS, specifically in the Planning Justification Letter dated November 20, 2018, and the Planning Addendum Letter dated September 13, 2019.

In our opinion, the applicant has not sufficiently addressed Sections 2.0 - Wise Use and Management of Resources nor Section 3.0 - Protecting Public Health and Safety. It appears that the PJL provides a planning opinion on these sections without specific review and reference to the supporting material which would touch on these matters (i.e. the Environmental Evaluation and Erosion Hazard Assessment were submitted after the PJL was written, and the PJL was never updated to reflect this, etc.). In addition to our comments on the acceptability of the various reports and the need to vet through peer review, the applicant’s submission leaves the impression that none of the supporting material was used to develop a comprehensive approach to the proposed development nor the ZBLA and SPC applications, but rather provided after the fact upon request.

We reiterate that the applicant should provide a comprehensive Planning Justification Report outlining how the proposed development addresses issues raised through the review of the

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applications, and which would include a more detailed and thorough review of PPS policies based on the supporting materials.

PEC Official Plan

Similar to our comments on the PPS, it is our opinion that the applicant's submission does not sufficiently consider and justify the proposal with respect to the County's Official Plan. Our greatest concerns remain the whether the proposed use truly implements the vision in the Official Plan for a deep-water port; the proposal's impacts to public health and safety and natural heritage; and the validity and compatibility of the proposed Tourboat Docking use.

With respect to the proposed Transshipment use, our comments remain that subject to a thorough planning process and the appropriate planning controls consistent with the Official Plan, such use would be supportable on the subject lands.

With respect to natural heritage, two features of this site trigger consideration of the County's environmental policies. First is the adjacency to Picton Bay. All of the waterbodies Shown on Schedule 'Environmentally Sensitive Areas' in the Official Plan are considered fisheries. The policies for ESAs are in provided in 1.2 of the O.P. Second is the fact that the shoreline itself is an Escarpment, which is defined in 1.7 of the O.P and shown on Schedule B, 'Environmental Constraints'.

In the Original PJJ, the applicant did not provide any comments concerning the Environmentally Sensitive Area and provided minimal comment about the Escarpment feature. Further, the discussion did not fully discuss or portray the various site works, including substantial escarpment excavation. Based on the July 26 covering letter to the Revised Submission, it appears County Staff requested an Environmental Evaluation as per 1.2.6 and 1.7.6. Given that no additional comments were provided by the applicant, the original PJJ is deficient in this manner.

1.2 Environmentally Sensitive Areas

1.2.2 "Environmentally Sensitive Areas require that proper management practices be incorporated in order to protect the resource feature or species for future generations. Owners of land denoted as an Environmentally Sensitive Area are encouraged to be good stewards of the land and to cooperate with provincial agencies in the implementation of resource management practices."

A letter from DFO is included with the revised submission, which authorizes the proposed work, and outlines conditions which must be adhered to, including a maximum disturbance area, habitat reconstruction measures, seasonal restrictions on in-water construction and monitoring. Because the existence of the fishery (i.e., Picton Bay) is what triggers Environmentally Sensitive Area considerations for this development application, the authorization from DFO outlines materials submitted by the applicant which should be provided to confirm consistency with the ZBLA and SPC submissions, and be coordinated with other required processes such as QCA permits. Further, we believe establishing a technical review committee would assist with implementing this policy.

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1.2.5 *“It is intended that Environmentally Sensitive Areas be conserved and protected to the greatest extent possible, [...] Where development is proposed on or adjacent to an Environmentally Sensitive Area, alternative locations for the proposal should be fully explored [...]”*

1.2.6 *“All applications for development on or adjacent to an Environmentally Sensitive Area shall be subject to:*

a) an investigation of alternatives to the development in the proposed location”

The applicants did not provide any commentary on how alternative locations have been explored. Given that the proposed uses of Transshipment and Tour boat docking are necessarily attached to a waterbody, and that all waterbodies in PEC are ESAs, such an exploration should be included. The related issue is the various site works which have been done (i.e. escarpment excavation) which unfortunately seems to have preceded consideration of impacts and potential alternatives prior to occurring.

1.7 Escarpments

The original PJR provided some comments pertaining to the escarpment constraint on the property:

1.7.2 *“It is important that escarpments be preserved from insensitive development and visual intrusion. Such protection also prevents erosion, drainage problems and building damage. New aggregate operations should generally be discouraged from locating on escarpments that are located close to major Provincial highways, County Roads, Lake Ontario and the Bay.”*

The applicants focused only on the latter half of the policy by providing comment on how the proposed development is not an aggregate operation. A MNRF letter authorizing aggregate extraction for the sole purpose of constructing structures associated with upgrades to the shipping terminal is included in the revised submission. However, the submission fails to comment generally on any measures being taken to preserve escarpments from insensitive development and visual intrusion. Again, we refer to the site works which have already occurred.

1.7.3 *“In order to prevent erosion, maximum vegetation and soil will be retained on escarpments. Building setbacks will be increased to prevent their loss or damage, and to soften the visual impact. New driveways accessing escarpments should be limited in length and number.”*

The applicants commented that *“Historic photos show that there was little to no natural vegetation growth on the escarpment slope near the proposed and existing docking facilities, dating back to the 1960s.”* While this is generally true, the fact that portions of the escarpment did not have vegetation in the 1960s does not preclude best management practices and acting to introduce vegetation to those portions to prevent further erosion. Site plan measures should be proposed to ensure a revegetation plan for the inactive escarpment portions, similar to that employed on the berms on the property and described in the Environmental Evaluation report. Furthermore, it is our opinion that historic aerial photos demonstrate that the current use of the property has degraded vegetation along the escarpment. In the figures provided in the attachment, aerial photos show the creation of the access ramp and ensuing loss of vegetation

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along the Escarpment. In their response to 1.7.3 the applicants state that “*work to reduce the grade at the shoreline is being undertaken in accordance with the necessary agency approvals*”. No information is provided as to the timeline of this work, or which specific agency approval has been sought or granted.

Finally, the response to 1.7.3 also states that “*No new buildings are proposed to be located adjacent to or along the escarpment*”. The current site plan shows a New Gatehouse and new Covered Storage both in relative proximity to the escarpment. Both proposed buildings are outside a 30m setback from the shoreline, but it is not clear how this 30m setback has been developed (See discussion of erosion report and redline site plan comments suggesting building siting).

The applicant’s submission notes that truck or transportation terminals are permitted in the Industrial designation, however this use/term is not defined. The Planning Addendum Letter states that this designation permits the proposed Tour Boat Docking use. With respect to this statement, we cannot agree that this is the case. We do not believe the intent behind the policy permission was to permit a commercial and/or recreational Tour Boat Docking use within designated Industrial lands. The applicant’s proposed ZBLA apparently places no restrictions on the Tour Boat Docking use. Therefore, the proposed ZBLA would not be consistent with the PPS if it were to allow for the establishment of a commercial or recreational use over the majority of the lands which are designated for employment.

However, we would agree that the permission for a Truck and/or transportation terminal would permit a port for the loading/unloading of materials for shipment to other destinations. Our review of the submitted material and the Ontario Superior Court decision indicates that the several of the historic and proposed activities are consistent with shipping activities which would be appropriate on employment lands or in employment areas which are marine-based.

Comments on the Draft Zoning By-law

We note the proposed Transshipment Use is not defined. Consideration should be given to introducing such a definition in the Draft ZBLA, on a site-specific basis.

The Site Plan and Draft Zoning By-law should be carefully reviewed to ensure all provisions required and covered in the Draft ZBLA. Refer to our redline markups on plan for comments and notes (provided as a separate supplement to this letter).

The proposed Tour Boat Docking use is also not defined. Further, it introduces what could become a non-employment use without restrictions. While we do not support it, if the extent of the Tour Boat Docking use is primarily a floating dock and transfer point, then ZBLA should limit the use to such and permit no buildings, structures or other dedicated facilities.

The Draft ZBLA Schedule does not identify the individual zones to be rezoned from MX-1 and RU1 to MX-X.

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Based on proposed uses and statements in the PJL (i.e. there is no aggregate operation or use on the subject lands), we strongly suggest utilizing the MG zone, modified on a site-specific basis, with list of permitted uses restricted to:

- Warehousing in wholly enclosed buildings
- Transport terminals;

OR

Transshipment Terminal, with provision based on continued existence of deep water port, and defined in site-specific provisions

- Contractor's Yard (subject to definition review)
- Public uses and utilities in accordance with By-law
- Office, accessory to any permitted use
- Uses, including open storage, buildings and structures accessory to permitted uses
 - Consideration for limitation on types of materials which can be stored openly

Comments on the Site Plan

We have provided a redline markup of the site plan with comments, notations and questions. Please refer to that plan.

Summary Recommendation

SPC Application

In our opinion, the SPC application is generally confusing and lacking detail and coordination. We do not believe there is sufficient detail in the provided plans and supporting materials to approve the SPC application. Further, we do not support the proposed Tour Boat Docking use (see above) and recommend that all proposed or required structures, facilities, and matters pertaining to the tour boat docking use be removed from the proposed plans.

ZBLA Application

In our view, there is not sufficient technical review regarding the submitted material to recommend approval. The range of outstanding comments and lack of coordinated technical review are a concern. In order to proceed with a ZBLA, the process must include a complete and thorough review to confirm compliance with all applicable policies, regulations, requirements and provisions.

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Notwithstanding the above, we strongly suggest that any ZBLA brought forward for Council enactment should:

1. Propose a scoped MG zone with permitted uses of:
 - a. Warehousing in wholly enclosed buildings
 - b. Transport terminals;

OR

Transshipment Terminal, with provision based on continued existence of deep water port, and defined in site-specific provisions

 - c. Contractor's Yard (subject to definition review)
 - d. Public uses and utilities in accordance with By-law
 - e. Office, accessory to any permitted use
 - f. Uses, including open storage, buildings and structures accessory to permitted uses
 - i. Consideration for limitation on types of materials which can be stored openly

It is our opinion that the applicant has not sufficiently justified the proposed amendment for the Tour Boat Docking use, and therefore that any ZBLA brought forward for Council enactment not include any such permissions.

Application Processing

We strongly recommend that PEC work to establish a technical review Committee to meet with the applicant and retained consultants, consisting of:

1. DFO
2. MBQ
3. QCA
4. MNRF
5. MOECP

We also strongly recommend that PEC retain a peer review consultant, or team of consultants, with expertise in natural heritage, groundwater, surface water, fish habitat, contamination, and others as relevant, to assess the historic site modifications and proposed development to ensure approvals for land use, SWM, vegetation, etc. are based in a scientific understanding and connection to all applicable requirements. Statements in the PJI that the proposal will meet all applicable requirements are not sufficient. Payment of peer review fees should be at the applicants' expense.

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The above recommendations are intended to address what we perceive as gaps in the review process, and the potential risks and damage associated with works already undertaken, the scale and nature of the open storage (including storage of potentially harmful materials), and context including escarpment, fish habitat, and the surface water feature of Picton Bay.

Please use these comments in your review and processing of the applications. Further, the comments should be forwarded directly to the applicant for their review as well. Please contact us directly with any questions or comments.

Sincerely,

A handwritten signature in black ink, consisting of a series of connected loops and curves, representing the name Mike Crough.

Mike Crough RPP MCIP
Associate, Senior Planner

A handwritten signature in black ink, consisting of a series of connected loops and curves, representing the name Jake Bastedo.

For Jake Bastedo

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Attachment A - Historic Aerial Photos



Google Earth Image - 2005



Google Earth Image - 2009

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Google Earth Image - 2013



Google Earth Image - 2015

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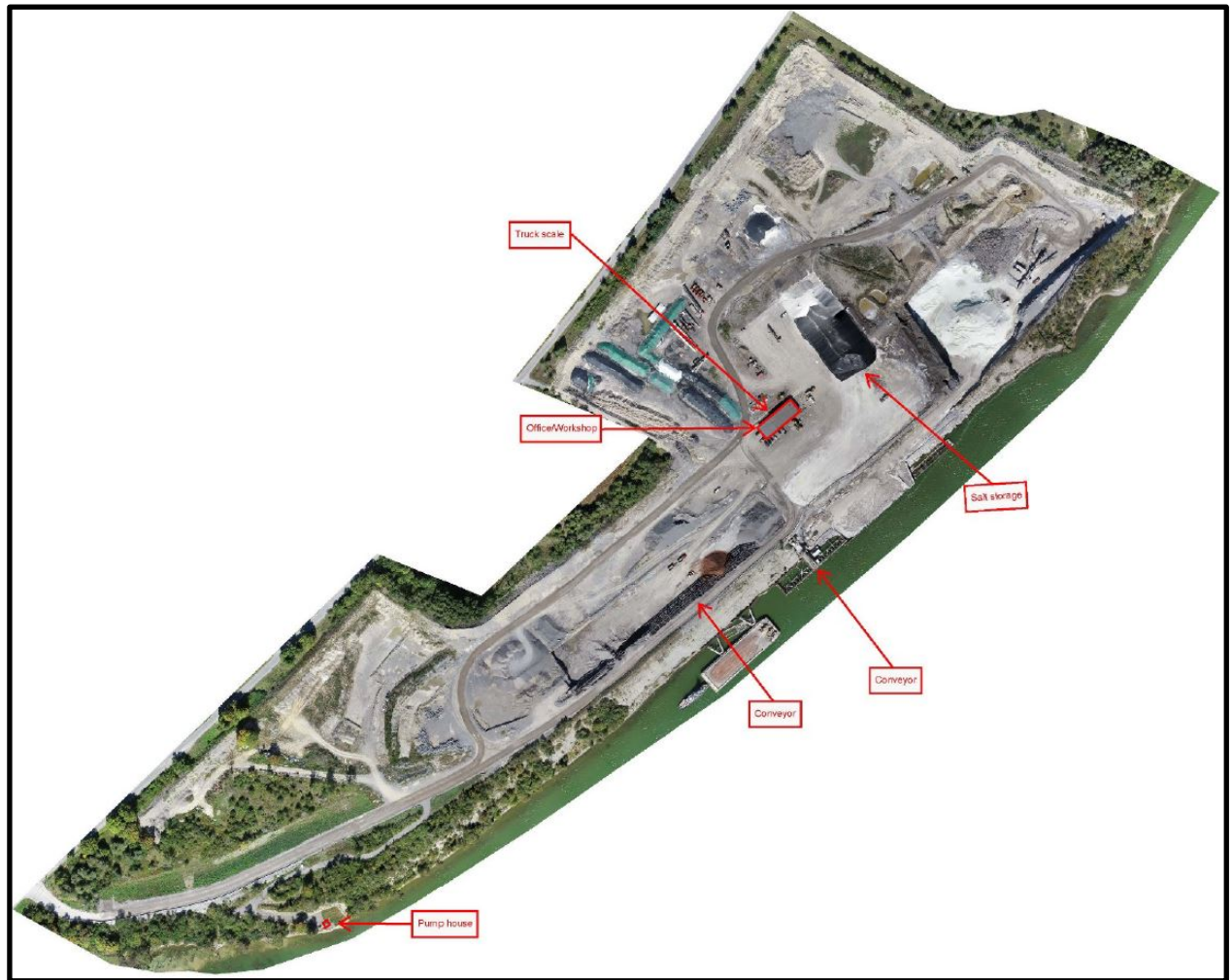


Google Earth Image - 2016



Google Earth Image - 2017

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Aerial Image from Applicants PJI - 2018

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Close ups of shoreline changes/ramp



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