

ADDENDUM TO PLANNING RATIONALE

24 WHITE CHAPEL ROAD

May 19, 2020

Mr. Paul Walsh

Manager of Planning
Corporation of the County of Prince Edward
280 Picton Main Street
Picton, ON K0K 2T0
T. 613.476.2148 x 2025

**RE: Planning Justification Report Addendum
Zoning By-law Amendment (Z57-19) & Site Plan Control (SP-09-19)
24 White Chapel Road – Picton Terminals**

Dear Mr. Walsh,

Fotenn Planning + Design is pleased to submit this Planning Addendum on behalf of ABNA Investments Ltd. (formerly 1213427 Ontario Corporation), operating as Picton Terminals, for the property municipally known as 24 White Chapel Road (formerly 62 White Chapel Road), commonly known as Picton Terminals, in the County of Prince Edward. This Addendum is submitted in response to the technical comments received from IBI Group, on behalf of the County of Prince Edward, on March 16, 2020. This report provides a synthesized assessment of the applications for zoning by-law amendment and site plan control.

Introduction

The purpose of this report is to provide a complete overview of the proposed applications for zoning by-law amendment and site plan control related to 24 White Chapel Road. This report will combine all previously submitted documents and review newly prepared and submitted material.

Applications for zoning by-law amendment and site plan control were submitted to the County of Prince Edward in November 2018. The subject site is zoned Environmental Protection (EP), Extractive Industrial (MX), and Rural 1 (RU1) in the County of Prince Edward Comprehensive Zoning By-law No. 1816-2006. Prior to 2006, the subject site was zoned A1 and M2 in the Township of Sophiasburgh Zoning By-law 1056 and zoned A1, A2, and MX-1 in the Township of Hallowell Zoning By-law 983. Through the County's last comprehensive zoning update in 2006, the portions of the site regulated by the Sophiasburgh Township Zoning By-law were rezoned to RU1 and the portions of the site regulated by the Hallowell Township Zoning By-law were rezoned to MX, RU1 and EP. As part of this process, the permitted uses no longer include the long-standing and ongoing deep water port operations on the site. In 2018, the transshipment use was confirmed as a legal non-conforming use by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. Records and photographic documentation dating back to 1954 indicate that the site has been utilized for shipping and temporary storage of iron ore, salt, gypsum, coal and sandstone.

As a result, the purpose of the submitted zoning by-law amendment and site plan control application is to recognize the historic and long standing use of the property and bring it into compliance with Comprehensive Zoning By-Law No. 1816-2006 and to consolidate the zoning with the lands owned by our client. The proposed zoning by-law amendment will also have the effect of rezoning a portion of the property zoned MX and RU1 to a site-specific Special Extractive Industrial (MX-X) zone in order to permit new uses including cruise ship docking and open storage as accessory. The MX-X zone will permit transshipment and cruise docking uses as well as explicitly permit open storage on the site, subject to performance standards that are intended to mitigate potential impacts on sensitive uses.

Subsequent technical comments and correspondence received from the County have resulted in additional supporting documents provided separately from the initial submission. These submissions include the Cover Letter and Response Letter submitted to the County dated July 26, 2019 and the Response to the County Letter (August 29, 2019), dated September 13, 2019. These submissions sought to provide clarification, justification, and additional supporting documents related to the applications for zoning by-law amendment and site plan control.

A public meeting was held on October 24, 2019 to inform the public and the Planning Committee about the proposed applications. Fotenn gave a presentation and feedback was received from both the Planning Committee and the public.

This Planning Addendum is submitted in response to the technical comments received from IBI Group, on behalf of the County of Prince Edward, on March 16, 2020.

This report provides a complete overview of the proposal as well as integrates supporting information from original submission items as well as recently updated and new supporting documents. Accordingly, the following **new documents** are submitted in support of the applications:

- / Vehicle Movement Plan, prepared by Josselyn Engineering, dated April 8, 2020;
- / Cruise Ship Docking Use Concept Plan, prepared by Fotenn Planning + Design, dated May 19, 2020;
- / PIN Map 55045-0028;
- / Ministry of Heritage, Sport, Tourism, Culture Industries Letter re Entry into the Ontario Public Register of Archaeological Reports, dated April 17, 2020;
- / Quinte Conservation Letter re Section 59 Clearance Notice for Source Water Protection, dated July 11, 2019;
- / Ministry of the Environment, Conservation and Parks Letter re Environmental Compliance Approval, dated March 2, 2020;
- / Ministry of the Environment, Conservation and Parks Letter re Compliance Confirmation, dated April 15, 2020;
- / Acoustic Assessment Report Response, prepared by Pinchin Ltd., dated April 27, 2020;
- / Letter re In Water Works and Department of Fisheries Approval, prepared by XCG, dated April 28, 2019;
- / Technical Response Letter, prepared by Fotenn Planning + Design, dated May 19, 2020;
- / This Addendum to the Planning Justification Letter.

The following **updated documents** are submitted in support of the applications:

Revised site plan

- / Revised Site Plan, prepared by Josselyn Engineering, dated May 14, 2020;
- / Revised Grading Plan, prepared by Josselyn Engineering, dated May 14, 2020;
- / Drawing C1, prepared by Fotenn, dated July 3, 2019;
- / Revised Environmental Evaluation, prepared by XCG, dated April 29, 2020;
- / Traffic Impact Study Addendum, prepared by McIntosh Perry Consulting Engineers, dated April 2020.

Responses to the technical comments received from IBI Group, on behalf of the County of Prince Edward, dated March 16, 2020, are provided in the separate response letter submitted within this Planning Addendum. The intent of providing the direct response to the technical comments is to provide a map of how all the comments received have been addressed.

1.0

OVERVIEW OF PROPOSAL

Historically, the site has operated as a transshipment destination for a wide variety of products. The site is used for the shipping and receiving of dry bulk cargo, heavy lift cargo, and specialty cargo, generally acting as an intermediate point in the shipment of goods to their ultimate destination. The site currently contains a variety of facilities and services including a deep-water dock, conveyors, outdoor stockpiling, packaging, and hauling. Shore cranes and mobile conveyors are also used on-site. As noted in the decision of the Ontario Superior Court, products prepared and loaded at the facility include dry bulk cargo such as road salt, aggregates, farming products, steel products, biomass, recycled scrap steel, wine barrels and other various bulk products.

The site contains two existing buildings. The first building is an approximately 500-square metre office and workshop space located near the centre of the site along the main access road. The second building is a small pump house which houses the shore well to service the property with drinking water, located on the eastern shoreline near the south of the site and is accessed by a secondary driveway which connects to the main access road.

The site includes three fixed conveyors and numerous mobile conveyors which facilitate the loading of goods onto shipping vessels. The largest conveyor is approximately 304 metres (1,000 feet) in length and is parallel to the shoreline. The second is a 45.7-metre (150-foot) transfer conveyor. Together, these load material through a tunnel and down a chute onto the third conveyor. The third conveyor is on the shoreline and is a ship-loading conveyor, approximately 36.5 metres (120 feet) in length, which transports material directly onto ships. An old rail trestle exists above the 304-metre conveyor and recovery tunnel, the rail system was removed in 1996.

The applicant also owns the abutting water lot in Picton Bay which has made it possible to construct the necessary docking facilities and a breakwater platform along the shoreline. The docking facilities have historically enabled the site to accommodate a variety of large shipping vessels which load and unload cargo at the site.

The existing breakwater platform is in the process of being expanded by approximately 36 metres toward the shoreline conveyor. All necessary approvals from the Ministry of the Environment (MOE), Department of Fisheries Ontario (DFO), Ministry of National Resources and Forestry (MNRF), and Quinte Conservation Authority (QCA) were obtained prior to undertaking the necessary works.

The site has continued its historic use as an international logistics facility which operates an import/export shipping and servicing port and temporary bulk storage facility. Historic photographs dating back to 1954 illustrate the shipping infrastructure in operation at the site as well as the associated bulk storage of various goods and products. A brief timeline of the on-site operations is as follows:

- / 1955: original iron ore shipping port built and operations begin to ship material from Marmora
- / 1978: last iron ore shipment from Marmora loaded at the port
- / 1984: last iron ore trans-shipment
- / 1980s: salt, gypsum, coal and sandstone were transshipped throughout the decade
- / 1993-present: salt shipping into the port and distributed by truck to local users (primarily municipalities) at an average annual rate of between 80,000 – 120,000 metric tonnes per year.



Figure 1: Aerial View of Canada Steamship Lines ship docked, April 12, 1976 (source: Queen's Archives)



Figure 2: View of Canada Steamship Lines ship docked, c.1960s (source: Queen's Archives)

The overall intent of the proposed applications is to expand the existing, long-standing deep water port to support the existing transshipment use and support cruise ship docking at the site. The applications seek to support the continued receiving and shipping of cargo at the site and improve the ability of the port to store and receive goods through the permission for outdoor storage across the entirety of the site. Support for the continued use of the

port will also occur through the permission for cruise ship docking which will allow passengers to be received at by the port and distributed throughout the County. The site will continue primarily as a bulk cargo destination, but will include a secondary and complementary cruise ship docking use. Deep water ports, such as the Toronto Port, operate similarly, in that they receive goods, cargo, and people at their port. The proposal for Picton Terminals to expand the permitted uses associated with the deep water dock is logical and common with other ports.

The applicant is proposing to construct two new floating docks on the subject site to accommodate cruise ship 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 cruise ships from Lake Ontario to dock at the site, at which point passengers will be carried by bus (or other form of private transportation) to their next destination in the County. The northernmost proposed dock will be a separate, dedicated deep-water floating dock for the exclusive use of cruise ships. Passengers will disembark, cross the passenger catwalk, load directly onto chartered buses or other means of group transportation, which will transport passengers away from the site. The deep-water dock will serve cruise ships that are designed to function on the Great Lakes, with passenger capacities of approximately 450 people. No facilities or buildings, such as boat sewage disposal, water or washroom facilities, will be provided to cruise ships. Passengers from the cruise ships will solely use the subject site to transfer between cruise ships and land-based transportation. the cruise ship docking use is a commercial activity which will benefit the tourism industry of the County. The site plan below illustrates how cruise ship docking will function on the site.

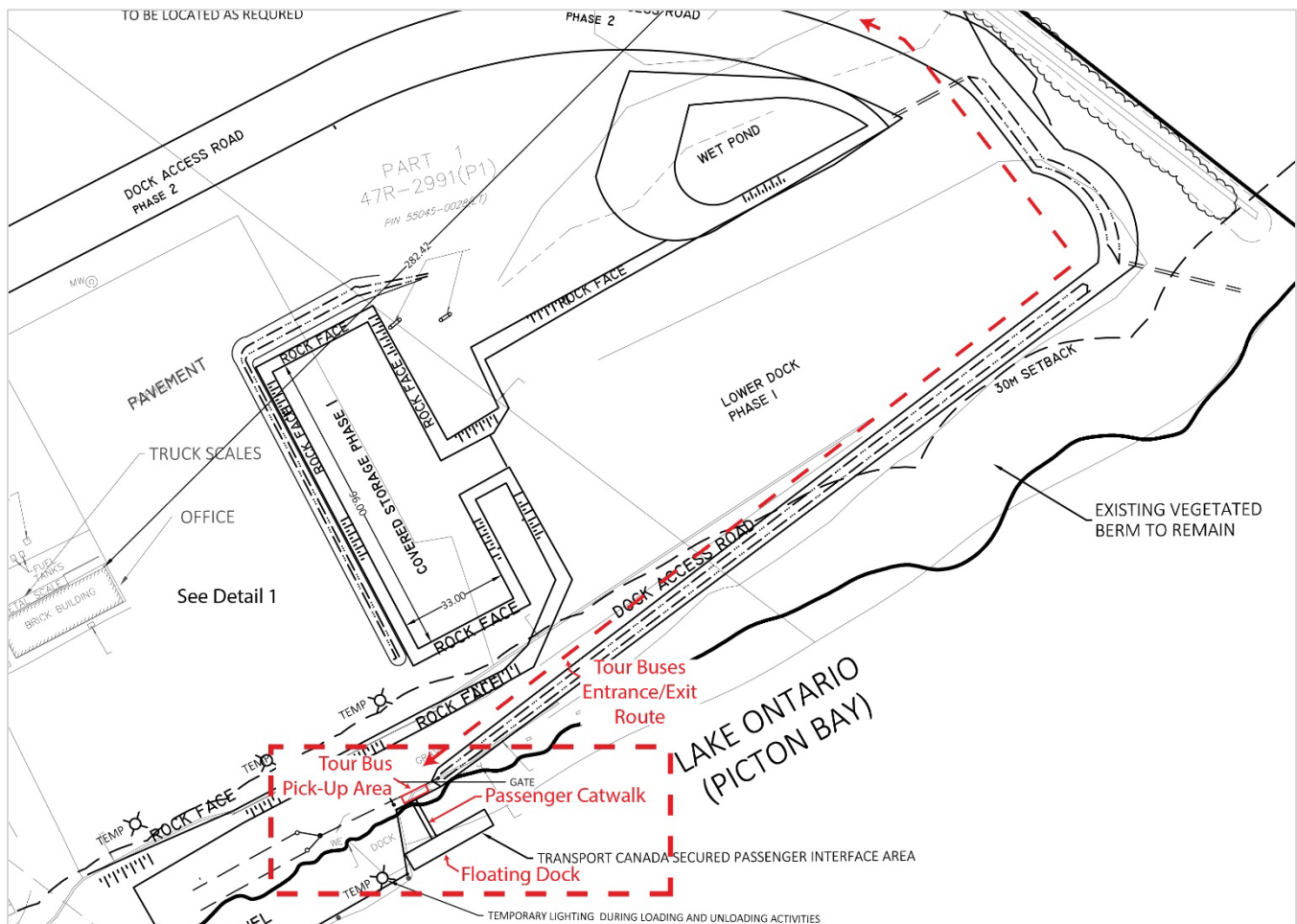


Figure 3: Picton Terminals Site Plan (Source: Josselyn Engineering, annotated in red text by Fotenn)

Given the relative absence of deep-water docking facilities in the surrounding region, the proposal represents a unique opportunity to support tourism in Prince Edward County. At an Eastern Ontario Warden's Caucus (EOWC) meeting on April 22, 2016, the Wardens "*resolved that the EOWC strongly supports the revitalization of Picton Terminals given its significant potential to create jobs and boost the regional economy*". The Lennox and Addington County Council further endorsed "*the EOWC resolution to support the proposed expansion of the Picton Terminals by ABNA Investments (the Doornekamp family)*" as noted in a staff report to County Council dated May 30, 2016. As well, "*supporting the Picton Terminals and Marmora Pump Storage projects*" was cited as a specific action for the province of Ontario in a news release by the EOWC and Eastern Ontario Mayor's Caucus (EOMC), dated October 13, 2016. These endorsements demonstrate the regional significance and importance of the deep-water docking facilities at Picton Terminals in relation to the movement of people and goods.

In addition to the two new proposed floating docks, outdoor storage is also proposed as a permitted use on the subject site. Currently, much of the site is used for outdoor storage within the permissions of the current zoning. The proposed amendment will allow the entire site to be utilized for the bulk storage of goods in association with the transshipment use. Outdoor storage areas will be buffered from adjacent land uses with the use of landscaped berms. The bulk storage will largely be considered open but may be covered depending on the product. Salt storage will be within a specially constructed storage area. This salt storage area will be recessed below grade so that a cover can be constructed over the top to shelter the salt from rain and prevent runoff from entering Picton Bay. This outdoor storage will be accessory to the transshipment use on the site, as bulk goods and cargo containers cannot always be offloaded from cargo ships directly onto trucks and may need to be stockpiled on-site temporarily.

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 to 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, Conservation and Parks (MECP). It should be noted that Environmental Compliance Approval was issued by the MECP in a letter dated March 2, 2020, submitted with this Planning Addendum. This letter confirms and approves the stormwater management facilities for the site per the submitted Stormwater Management and Drainage Report dated January 24, 2019.

Overall, the proposed applications for zoning by-law amendment and site plan control for the Picton Terminals property seek to improve the existing port and property.

2.0 SUPPORTING STUDIES

This section provides a review of the updated and new supporting studies submitted with this Planning Addendum.

2.1 Traffic Impact Study Addendum

McIntosh Perry Consulting Engineers Ltd. prepared an addendum to the Traffic Impact Study prepared by McIntosh Perry in November 2018. This addendum provides information regarding the use of the subject property for cruise ship docking in addition to the industrial uses of the use. This addendum has been prepared to address traffic related impacts associated with the anticipated tourism use of the proposed development. The addendum indicates that cruise ship docking is anticipated to be operational at the subject site in 2022 and it is anticipated to accommodate 10-20 cruise ship stops per year. The cruise ships may carry up to 420 passengers, with most vessels smaller. No more than one cruise ship is anticipated to use at the dock at any given time.

Site generated traffic has been forecasted based on typical operation for cruise ships docking with passengers disembarking for land tours via pre-arranged busses. Cruise ship docking at the subject site is expected to necessitate two to four busses for passenger travel to and from the surrounding area. Passengers will disembark for pre-booked tours at approximately 8:00 am and return at approximately 4:00 pm with a frequency of 10-15 minutes between buses. While within the Picton Terminals Site, busses will follow escort vehicles to and from White Chapel Road and designated passenger pick-up and drop-off area adjacent to the cruise ship dock.

For a conservative approach, the analysis of traffic impact associated with tour buses has been completed under the assumption that busses transporting cruise ship passengers will leave simultaneously and will coincide with peak hour volumes of the adjacent road network. This would translate to an addition four busses. This additional site-generated traffic volume travelling to and from the Picton Terminals site is well within the thresholds identified for LOS, delays and warrants for intersection modification. The traffic impacts of vehicles associated with the cruise ship docking use of the site are anticipated to be negligible during peak hour conditions. No traffic related concerns associated with cruise ship docking on the subject site have been identified.

2.2 Revised Environmental Evaluation

XCG Environmental Engineers and Scientists prepared a revised Environmental Evaluation dated April 29, 2020. The revised report provides additional detail related to drinking water, sewage management, soil depth, landscaping, on-site buildings, surface drainage and erosion control, and escarpment impacts.

The revised report indicates that the current potable and non-potable water supplies maintained at the site are sufficient for the planned development. The current sewage management at the site is sufficient for the planning development. Neither the water supply, nor the sewage management, represent a concern with respect to potential negative impacts to the escarpment or escarpment vegetation.

The report indicates that soil cover along the escarpment is limited, with bedrock being the predominant exposed feature. In order to put the necessary stormwater mitigation measures on-site in place, some site grade changes were completed along the escarpment in the area of the loading dock road, product storage areas, stormwater points, and exfiltration zoned. This resulted in some soil loss along the escarpment north of the loading dock. In terms of landscaping, the report indicates that while the vegetation program for the site does not have direct impact on the escarpment, there is an overall intent for re-vegetation of certain areas. Some additional landscaping with native species is required in the area north of the loading dock where escarpment vegetation was lost.

The report indicates that the proposed gate house is approximately 35 metres west of the top of slope of the escarpment and is not expected to have any negative impacts on the escarpment. As well, the on-site equipment at the loading dock is located in an area where the escarpment alterations are historic and not the result of planned changes. No new negative impacts associated with the on-site equipment at the loading dock are expected.

The report states that in order to achieve the required mitigative stormwater and erosion measures, some site grade changes were completed along the escarpment in the area of the loading dock road, product storage areas, stormwater ponds, and exfiltration zones. In terms of the escarpment impacts, the report indicates that some loss of escarpment features has occurred along approximately 100 metres of the shoreline north of the loading dock, which represents a total loss of approximately 10 percent. Through proposed site development, this area will be returned to naturally vegetated area. proposed changes to the escarpment are kept to a minimum and are required as part of the overall site redevelopment plan. These changes will not represent a significant alteration to vegetated areas along the shoreline once the planning landscaping activities are complete.

Overall, the revised report states that the current and future planned operations at the Picton Terminals site, in consideration of the mitigation measures that have been and will be put in place, are expected to maintain and/or restore environmental conditions along the escarpment.

A letter was also prepared by XCG Environmental Engineers and Scientists regarding comments received related to the completed approved in water works for the site. The letter indicates that Picton Terminals was granted authorization by the Department of Fisheries and Oceans (DFO) on May 2, 2019 to proceed with planning loading dock improvement. At the time of this letter, Picton Terminals has completed some, but not all of the required work prior to the march 14, 2020 deadline. The letter indicated that Picton Terminals has requested an extension from the DFO to complete the necessary improvements. Improvements that have been completed include the creation of 515 square metres of near shore fish habitat in July 2019, as required by the DFO. Additional improvements are planned to be completed following receipt of extension approval. The addition of a cruise ship terminal dock began in early 2020 and is ongoing at the time of this letter. The letter indicates that prior to completing any in water work associated with the cruise ship dock, Picton Terminals contacted Quinte Conservation Authority (QCA), Transport Canada, the Ministry of Natural Resources and Forestry (MNRF), and the DFO requesting approval for the installation of floating docks. QCA and Transport Canada did not have any objections and MNRF and DFO did not provide any comments. The letter indicates that the installation of floating docks is not anticipated to have any adverse effects on the escarpment or fish habitat.

2.3 Acoustic Assessment Report Response

A letter was prepared by Pinchin Ltd. to respond to comments provided by IBI Group on the submitted Acoustic Assessment Report dated June 24, 2019. The letter provides responses to comments provided regarding whether the “tour boat docking use” and “Tour Bus Pick-up Area” should be considered noise sensitive uses, industry best practices, and modelling of the earth berm around the site.

The letter indicates that no sensitive commercial or institutional purpose buildings are in proximity to the Picton Terminals site, however noise sensitive residential properties surrounding the site. As a result, a total of 12 noise sensitive receptors were selected from the nearby areas. Based on the proposed cruise ship use and their proposed operations, it was determined that cruise ships and tour buses within the Picton Terminals facility are temporary in nature and are not associated with any noise sensitive commercial or institutional purpose buildings or residential properties. Consequently, these operations were not included in the noise assessment.

Best practice recommendations were provided for construction equipment operations including, daytime hour operation, proper equipment maintenance, and administrative and proactive noise control measures. As stated in the Acoustic Assessment Report dated June 24, 2019, the assessment of construction noise and vibration is exempt from the MECP Publication NPC-300. The rationale for recommending these best practices is that MECP and/or other respective authorities acknowledge that noise emissions associated with construction activities are temporary in nature and are generally hard to control. As a result, the best practices are intended to minimize the construction noise emissions as much as possible. These best practices were provided in a proactive manner to mitigate the facility noise impacts on nearby receptors.

The letter indicates that based on the Pinchin site visit, it was observed that the earth berm meets the MECP definition of “Acoustic Barrier” and was therefore included in the modelling as a noise control measure. The letter recommends that in accordance with the MECP requirements, it is suggested that the berm be properly maintained to withstand wind and snow load, and constructed without cracks or surface gaps. Any gaps under the berm that are necessary for drainage purposes should be minimized and localized, so that the acoustical performance of the

berm is maintained. Should the height of the berm be modified in the future, the acoustic assessment should be updated accordingly. The earth berm along the property lines is also intended to mitigate the facility noise impacts on nearby noise sensitive receptors.

2.4 Quinte Conservation Authority Letter re Section 59 Clearance Notice for Source Water Protection

This letter received from the Quinte Conservation Authority dated July 11, 2019 indicates that the subject site falls within Intake Protection Zone 3b for Picton's municipal drinking water supply. This zone is the least vulnerable of all zones for the Town of Picton's drinking water intake, with a vulnerability score of 6. As a result, no significant threats can occur, and no clearance notice is required.

2.5 Ministry of the Environment, Conservation and Parks

An application under *section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act)* for approval of the establishment of stormwater management works for the approximately 25.4 ha of the existing Picton Terminals site, for the collection, treatment and disposal of stormwater run-off from the three catchment areas within the site as identified in the Stormwater Management and Drainage Report dated January 24, 2019, was submitted. Environmental Compliance Approval was received from the MECP in a letter dated March 2, 2020, subject to the terms and conditions provided. The Environmental Compliance Approval is captured on the Revised Site Plan.

Additionally, a letter received from the MECP dated April 15, 2020 indicates that Picton Terminals was issued four Provincial Officer's Orders between November 2016 and June 2019. This letter was provided as a formal response to a request to review and close all Orders issued to Picton Terminals. The letter indicates that the majority of Order items have been complied with and outstanding items relate to the prior notification of shipments arriving on-site, the requirement of salt shipments to the site be stored inside a dry storage facility, and that Picton Terminals is required to give a copy of this Director's Order to any person acquiring interest in the site.

3.0 POLICY + REGULATORY FRAMEWORK

The following section provides an updated policy analysis related to the proposed development at 24 White Chapel Road. This section provides a refreshed and comprehensive review of previously assessed policies, as well as policies identified in the technical comments received from IBI Group, on behalf of the County of Prince Edward, dated March 16, 2020. The intent of this section is to bring together all previously reviewed policies and incorporate a review of the updated 2020 Provincial Policy Statement. This section includes the review of consulted Federal Departments, consulted Provincial Ministries, the 2020 Provincial Policy Statement, and the County of Prince Edward Official Plan.

3.1 Federal Departments

Due to the nature of the existing on-site transshipment uses, the subject site and its uses are subject to federal oversight, regulation, and approval. As such, federal departments, including the Department of Fisheries and Oceans (DFO), Transport Canada, and Canada Border Services Agency (CBSA), have been circulated and consulted regarding the proposed zoning by-law amendment and site plan control applications for 24 White Chapel Road.

Department of Fisheries and Oceans (DFO)

Necessary permits have been obtained from the Department of Fisheries and Oceans dated May 2, 2019 which permits the infill of a portion of the shoreline into the Bay of Quinte near Port Picton to facilitate the operation of the existing port. This letter was submitted in support of the proposed applications in July 2019. The work on the dock improvements is ongoing but is being completed under the permitting process.

Transport Canada

As a port, the site is subject to various levels of regulation. Particularly for the cruise ship docking, Transport Canada has approved the subject site to accept cruise boats and their passengers. In order to remain compliant with Transport Canada's requirements, the movement of individuals on the site will be closely controlled.

Canada Border Services Agency (CBSA)

The site is subject to the regulations of CBSA due to the proposed cruise ship docking use. All regulations and necessary procedures required by CBSA will be implemented and conducted for the subject site and on-going operations.

3.2 Provincial Ministries

Provincial Ministries, including the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of the Environment, Conservation and Parks (MECP), have been circulated and consulted regarding the proposed zoning by-law amendment and site plan control applications for 24 White Chapel Road.

Ministry of Natural Resources and Forestry

The Ministry of Natural Resource and Forestry (MNRF) was circulated and consulted regarding the proposed applications and on-going use of the subject site. A letter received from the MNRF dated September 2, 2018 and submitted in support of the applications in July 2019 indicates that on-site aggregate extraction may occur for the purpose of construction for a period of five (5) years. For clarity, extraction is related to improvements at the port and is not under an aggregate license.

Ministry of the Environment, Conservation and Parks

The Ministry of the Environment, Conservation and Parks (MECP) was circulated and consulted regarding the proposed applications and on-going use of the subject site. A letter received from the MECP dated April 15, 2020 indicates that Picton Terminals was issued four Provincial Officer's Orders between November 2016 and June 2019. This letter was provided as a formal response to a request to review and close all Orders issued to Picton Terminals. The letter indicates that the majority of Order items have been complied with and outstanding items relate to the prior notification of shipments arriving on-site, the requirement of salt shipments to the site be stored

inside a dry storage facility, and that Picton Terminals is required to give a copy of this Director's Order to any person acquiring interest in the site. This Environmental Compliance Approval, which addresses stormwater management, is included with the Site Plan Control Application.

3.3 Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS), coming into effect on May 1, 2020, provides high-level land use policy direction on matters of Provincial Interest as they relate to land use planning and development in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, supporting long-term economic prosperity, and preserving natural resources for future uses. The PPS recognizes that goods movement facilities and transportation infrastructure are essential to long-term economic prosperity. PPS policies that are directly relevant to the proposed development are discussed below, with the policy cited in italics:

Section 1.0 Building Strong and Healthy Communities

Section 1.0 of the PPS is directed towards the promotion of strong and healthy communities. In this section, the PPS provides policy direction for matters pertaining to the diverse population, economic activities, pace of growth, service levels, and physical and natural conditions which can be found throughout the province. Sustainable development promotes strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

As a unique facility servicing a provincially-significant infrastructure function, and serving primarily as a bulk cargo destination, the Picton Terminals site represents a development which supports and helps sustain the financial well-being of the province and municipalities over the long term. To provide a specific example: the subject site supplies numerous municipalities in the region with road salt for the winter. As a deep water port, it is capable of handling a large quantity of material and providing a more competitive rate than rail or transport truck traffic, therefore providing municipalities with a cost-effective source of road salt. Additional materials, including iron ore, aggregate, farming and steel productions, bio-mass, scrap steel and barrels, as well as many others, are shipped from and received at the site. In addition, the proposed cruise ship docking will support tourism of Prince Edward County and the surrounding region which will result in tourism revenue and financial spending in the community. The proposed cruise ship docking will be utilized by Great Lakes Cruise Ships. The Great Lakes Cruising Coalition completed an analysis of the economic impacts of cruising on the Great Lakes in 2004, with the report amended in 2012, at which time there were nine ships operating on the Great Lakes with 82 departures in total. The report indicates that the total value to Canadian ports was estimated at \$49,700,000.00 with direct spending totaling \$2,600,000.00 for cruise land packages, \$2,800,000.00 for sightseeing revenue, \$1,000,000.00 for onshore gift purchases, and \$5,400,000.00 for marine services and supplies. The 2016 Prince Edward County Community Investment Profile indicates that same day visitors spend on average \$75.00 per person per visit in the County. With an estimated 10-20 cruise ships per year, and generally four busses with up to 50 passengers leaving the subject site per cruise ship, this could conservatively result in approximately 4,000 visitors and a total of \$300,000.00 of tourism revenue for the County per year. The continued use of the deep water port will support the financial well-being of the County.

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

The proposed development will result in increased opportunities for commercial activity and tourism in the County by allowing the entire site to be utilized as part of the transshipment operations, as well as by permitting cruise ships to dock at the site. The proposal represents a relatively unique opportunity to increase commercial and

tourism activity in the region, thereby expanding the range and mix of employment and commercial opportunities available in the County.

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

Operations at the site are regulated by numerous government bodies including the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Parks, the Department of Fisheries and Oceans, Transport Canada, the Quinte Conservation Authority, and Prince Edward County. Development on the site will comply with all relevant environmental and public health regulations to ensure that the health and safety of the environment and the public are protected and promoted. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020. The environmental protection zone in the southern corner of the site will remain.

In terms of the public health or safety concerns regarding the proposed cruise ship docking use, cruise ship passengers will spend very little time at the subject site. Passengers arriving via a cruise ship to the subject site will be transferred directly from the ship onto a bus, making use of a proposed catwalk, and escorted by an authorized vehicle off the site. Passengers will be transferring directly to and from chartered buses, with no opportunity to remain on-site. This practice will prevent passengers from interacting with the transshipment activities occurring on-site. Picton Terminals will implement procedures to ensure the efficient and safe transfer of cruise ship passengers through the site does not conflict with transshipment activities, and vice versa. The importance of maintaining a single entrance for controlling access to and from the site will further enable the degree of coordination necessary to manage the relevant activities. It should be noted that the proposed cruise ship docking use will form a small, secondary function of the deep water port and as such, interactions with the on going transshipment operations is not anticipated.

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

The subject site is located outside of Picton's urban boundary. Picton Terminals and the transshipment use of the site has been in operation since the 1950s, as indicated by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. The urban boundary includes significant expanses of undeveloped rural land, agricultural land, and woodland and is therefore not expected to expand for the foreseeable future.

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

The subject site is privately serviced and is in proximity to a large cement plant, making for an appropriate clustering of similar uses. The subject property has been used as a transshipment operation since the 1950s, as indicated by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*, but has only recently been in a position to scale production and include the entire property as part of the transshipment operation. Doing so represents a cost-effective development pattern as the land which is not currently used for transshipment is immediately adjacent to the transshipment facility and is located on the same property. The proposed use of the land will also include appropriate and sufficient landscaped buffering to mitigate potential adverse effects on neighbouring properties. Utilizing the existing deep-water port to expand transshipment operations and provide docking for cruise also represents an efficient use of existing infrastructure and as the subject site abuts Picton Bay, and has the capacity to support the proposed cruise ship docking use. The establishment of a deep-water dock is associated with a difficult undertaking and few sites exist within eastern Ontario which could support or initiate the use. As such, the use of the existing Picton Terminals site offers a unique opportunity to expand the current operation for the movement of goods to also include the movement of people. The subject site is an appropriate location with existing infrastructure to support both transshipment and cruise ship docking uses.

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

The subject site will conform to AODA standards for facilities of this nature.

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

The proposed development will incorporate multiple uses which require relatively unique deep-water docking facilities on a single existing site. As such, the proposal represents an efficient use of land and will not result in any unnecessary consumption of land or servicing costs. The necessary infrastructure and servicing systems are available to meet the current and future needs of the development, although modest upgrades to the site are necessary to implement a more efficient and effective vision for the use of the lands, including the construction of two new floating docks.

h) promoting development and land use patterns that conserve biodiversity; and

Operations at the site are regulated by numerous government bodies including the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Parks, the Department of Fisheries and Oceans, Transport Canada, the Quinte Conservation Authority, and Prince Edward County. Development on the site will comply with all relevant environmental and public health regulations to ensure that the health and safety of the environment and the public are protected and promoted. The environmental protection zone in the southern corner of the site will remain. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020.

Section 1.1.4 Rural Areas in Municipalities

Although the subject site is designated Industrial in the County's Official Plan, the subject site is located outside of the urban boundary and within the rural area of Prince Edward County. Rural areas are a system of lands which are important to the economic success of the Province and to quality of life. Rural areas may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas have diverse characteristics and economies, with diverse characteristics which vary greatly across the province.

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- b) promoting regeneration, including the redevelopment of brownfield sites;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) encouraging the conservation and redevelopment of existing rural housing stock on rural lands;*
- e) using rural infrastructure and public service facilities efficiently;*
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;*
- h) conserving biodiversity and considering the ecological benefits provided by nature; and*
- i) providing opportunities for economic activities in prime agricultural areas, in accordance with policy 2.3*

The proposed development will maintain rural character in the area by maintaining a substantial berm adjacent to the road allowance and property lines to mitigate potential visual impacts that may result from outdoor storage at the site. The proposal will not result in the redevelopment of a brownfield site, residential development, or redevelopment of existing rural house stock. The development will continue to operate on private on-site services and will not require an expansion of municipal services or facilities. Transshipment operations will continue to provide a valuable service which enables the shipment of various bulk goods and materials to and from the County and surrounding region. As well, the proposed cruise ship docking use will support a unique economic and tourist industry within the County. In addition to the transshipment use, cruise ship docking facilities will enable the County to attract a new source of tourism to the region by way of passenger vessels which currently operate on Lake Ontario but which have few docking opportunities in Eastern Ontario. The proposed development will comply with all relevant environmental regulations to ensure that the health of the ecosystem is maintained and biodiversity is conserved, in part by continuing to maintain an environmental protection area on-site. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020. The subject site is not located within a prime agricultural area.

Section 1.1.5 Rural Lands in Municipalities

1.1.5.1 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.

In addition to the policies discussed above, the relevant policies of Sections 1, 2, and 3 of the PPS are discussed below.

1.1.5.2 On rural lands located in municipalities, permitted uses are:

- a) the management or use of resources;*
- b) resource-based recreational uses (including recreational dwellings);*
- c) residential development, including lot creation, that is locally appropriate;*
- d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
- e) home occupations and home industries;*
- f) cemeteries; and*
- g) other rural land uses.*

Although designated Industrial in the County's Official Plan, the subject site is located outside of the urban boundary and within the rural area of Prince Edward County. The transshipment, cruise ship docking, and accessory open storage uses are forms of resource management and are therefore appropriate for rural lands.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

Use of the deep water port and transshipment are associated with economic benefits through the ability to handle large quantities of materials which provide a more competitive rate than rail or truck traffic. Transshipment and use of the deep water port offers municipalities more cost-effective sources for their required bulk materials including aggregate or road salt. The proposed development will also promote economic and tourism opportunities. As indicated by the Cruise Ontario Economic Activity Study for the 2004 Great Lakes Cruise Season, amended March 26, 2012, passenger spending benefits the ports-of-call through the purchase of gifts and onshore excursions. At the time of this study there were nine ships operating on the Great Lakes with 82 departures in total. The report indicates that the total value to Canadian ports was estimated at \$49,700,000.00 with direct spending totaling \$2,600,000.00 for cruise land packages, \$2,800,000.00 for sightseeing revenue, \$1,000,000.00 for onshore gift purchases, and \$5,400,000.00 for marine services and supplies. The 2016 Prince Edward County Community Investment Profile indicates that same day visitors spend on average \$75.00 per person per visit in the County. With an estimated 10-20 cruise ships per year, and generally four busses with up to 50 passengers leaving the subject site per cruise ship, this could conservatively result in approximately 4,000 visitors and a total of \$300,000.00 of tourism revenue for the County per year. Overall, use of the deep water port will support economic and tourism opportunities in the County.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

The subject site currently operates on existing rural service levels and the proposed development will not require an expansion to these services. Substantial landscaped berms and vegetated buffering will help to maintain the visual character of the rural landscape.

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.

The proposed development will not require the expansion of municipal infrastructure. The subject site includes an existing transshipment use which has been in operation since the 1950s, as indicated by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. The subject site is adjacent to Picton Bay and includes existing docking facilities to support the long-standing transshipment use. Two new floating docks are proposed to support the transshipment use and proposed cruise ship docking use. This expansion is justified to support cruise ship docking on an appropriate and unique property which can facilitate the proposed use.

Section 1.2.6 Land Use Compatibility

1.2.6.1 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.

Major Facilities are defined by the PPS as “*facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities*” and Marine Facilities are defined by the PPS as “*ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.*” As a result, the existing Picton Terminals is classified as both a major facility and marine facility per the PPS. This policy highlights the desire of the province to ensure the long-term operations and economic viability of major facilities. The proposed applications seek to continue the operation of the deep water port.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

Picton Terminals and the existing, long-standing deep-water port is defined as a major facility and marine facility per the PPS. The subject site includes an existing transshipment use which has been in operation since the 1950s, as indicated by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. As well, the subject has a long-standing Industrial designation per the County’s Official Plan. The subject site and existing use are vital to the County and surrounding region’s economic vitality and an identified need for the use has been established. As indicated by this policy, the subject site and its industrial use will be protected from encroaching sensitive uses.

Section 1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
- e) ensuring the necessary infrastructure is provided to support current and projected needs.*

The existing deep water port provides employment opportunities for both on-site Picton Terminals employees as well as secondary employees involved with the shipping and receiving of this cargo. As well, the site will support the employment opportunities related to the Great Lakes Cruise industry. Through the expansion for permission of the transshipment use and outdoor storage, the operations of Picton Terminals will be increase and will thereby increase employment opportunities. The proposed expansion of the Picton Terminals site through the introduction of two new floating docks will support additional employment opportunities. The existing infrastructure on the site, as well as the proposed new docks, will support the current and projected employment needs.

Section 1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The proposal seeks to maintain and expand the existing employment use of the subject site. The existing deep port dock will be maintained, and two new floating docks are proposed to support the current and projected employment needs.

1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area. Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.

The subject site has a long standing Industrial designation in the County of Prince Edward Official Plan.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

The proposal does not include the introduction of residential or sensitive land uses. The proposal seeks to establish a substantial berm along the property's boundary to provide appropriate mitigation and separation from surrounding residential uses.

1.3.2.4 Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

The proposal does not seek to convert the employment lands to non-employment lands.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;*
- b) the proposed uses would not adversely affect the overall viability of the employment area; and*
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.*

The proposal does not seek to convert the employment lands to non-employment lands.

1.3.2.6 Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

The PPS defines "major goods movement facilities" as "transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives". This definition establishes that Picton Terminals is a major goods movement facility. The proposal seeks to protect and maintain the employment use of the subject site.

1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

The proposal seeks to maintain and continue the existing industrial and employment uses of the subject site.

Section 1.6 Infrastructure and Public Service Facilities

1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.

Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*
- b) available to meet current and projected needs.*

The subject site contains an existing deep water port. The use of ports for shipping is a sustainable means of transportation. Picton Terminals has the potential to load and unload up to 100 vessels per year which represents 35,000,000 kilometers of heavy trucking traffic removed from Ontario highways. As well, shipping by sea vessel represents only 10 percent of the carbon emissions when compared to heavy trucking. Overall, shipping vessels cost \$3.50 per metric ton, per 500 kilometers, compared to \$60 per metric ton for heavy trucking. The existing deep water port represents greener transportation infrastructure within the County, which reduces the environmental impacts and prepares for the impacts of climate change.

1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.

Due to the reduced carbon emissions associated with shipping by sea vessel compared to heavy trucking, the existing deep water port represents green transportation infrastructure within the County.

1.6.3 Before consideration is given to developing new infrastructure and public service facilities:

- a) the use of existing infrastructure and public service facilities should be optimized; and*
- b) opportunities for adaptive re-use should be considered, wherever feasible.*

The subject site contains an existing, long-standing deep water port. The proposal seeks to maintain and expand the use of the existing infrastructure through transshipment uses and the introduction of complementary cruise ship docking. Use of the existing deep water ports represents appropriate optimization and utilization of existing infrastructure and will not require new construction.

1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

The subject site is located with access to Picton Bay which represents a strategic location for transshipment, cruise ship docking, and a deep water port. The deep water port is ideally located with access to the Highway 401 and CN rail which form part of the inter-modal transportation network associated with sea vessel shipping. The subject site is strategically located to provide access to Picton and the surrounding areas of the County and to ensure the protection of public health and safety.

1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

The subject site does not include public service facilities.

Section 1.6.6 provides policy direction related to sewage, water and stormwater services. The existing deep water port is self sufficient with on-site private services. The existing and proposed uses of the site generate little sewage and as a result, expansion of the existing system is not required. Private individual on-site services adequately provide drinking water and septic services for the existing kitchen and bathroom facilities. The Revised Environmental Evaluation prepared by XCG and dated April 29, 2020 indicates that the existing on-site private water and sewage facilities are adequate to support the site. Environmental Compliance Approval for the site was received from the MECP in a letter dated March 2, 2020, which provides approval for the stormwater management works as identified in the Stormwater Management and Drainage Report dated January 24, 2019.

Section 1.6.7 Transportation Systems

Section 1.6.7 provides direction related to transportation systems. The PPS direction for transportation systems highlights the directive that such operations are provincially significant. Per the definition of a “transportation system” from the PPS, “a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park’n’ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance”, it is understood that the subject site and the associated transshipment use of the site falls within this definition under the PPS. As well, the PPS defines a marine facility as “ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities”. As a result, the subject site and existing deep water port are defined as a transportation system and marine facility by the PPS.

1.6.7.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

The subject site includes a long-standing transshipment operation which provides for the safe movement of goods. Servicing primarily as a bulk cargo destination, the subject site and existing deep water port will support and facilitate the safe and efficient movement of goods to and from the site. The majority of the site's operation will surround the movement of goods to and from the site, however a complementary and secondary use of the site is proposed through the introduction of cruise ship docking. The introduction of this use will allow people to be loaded off and onto cruise ships from the site and will complement the existing transshipment use of the site. The proposed zoning by-law amendment will permit the movement of people, specifically tourists, through the subject site directly to the County. The cruise ship docking use of the site will function only as a small aspect of the transshipment use and safety of passengers will occur. It should be recognized that cruise ship passengers will spend very little time at the subject site as they will primarily be transferring between cruise ships and buses, making use of a proposed catwalk. Passengers will be transferring directly to and from chartered buses, with no opportunity to remain on-site. This practice will prevent passengers from interacting with the transshipment activities occurring on-site. Picton Terminals will implement procedures to ensure the efficient and safe transfer of cruise ship passengers through the site does not conflict with transshipment activities, and vice versa. The importance of maintaining a single entrance for controlling access to and from the site will further enable the degree of coordination necessary to manage the relevant activities.

1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

The subject site includes an existing and long-standing deep water port. The site includes existing infrastructure for the loading and unloading of ships and cargo. The proposed zoning by-law amendment will facilitate site improvements and expansion of the facilities in accordance with long-term planning which was endorsed by the Eastern Ontario Wardens' Caucus (EOWC) on April 22, 2016. As well, the proposed zoning by-law amendment will introduce the complementary cruise ship docking use which will appropriately utilize the long-standing deep water dock at the subject site. Similar to the loading and unloading of goods and cargo from sea vessels, cruise ship passengers will embark and disembark from the ships and be immediately removed from the subject site via buses. The cruise ship docking use of the site will represent a small portion of the operations and therefore will not interfere with the primary transshipment use. There are few deep water docks located within eastern Ontario and the proposed primary transshipment use of the site, along with the secondary and complementary cruise ship docking use, represent an efficient use of existing infrastructure.

1.6.7.3 As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

As a transshipment operation, the subject site represents one aspect of a multi-modal transportation system. Goods are generally transported to the site by boat and transferred to trucks for local distribution, or vice versa. The proposed cruise ship docking use will also represent one aspect of a multi-modal transportation system. Passengers will disembark from the cruise ships, walk across the catwalk and load onto busses which will be escorted off the subject site and will visit locations within the County. The proposed cruise ship docking use is vital to supporting the cruise ship transportation industry within the County.

Section 1.6.8 Transportation and Infrastructure Corridors:

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

The subject site represents a transportation system which plays an important role in meeting current and projected needs for Eastern Ontario, per the April 22, 2016 resolution of the EOWC. At an Eastern Ontario Warden's Caucus (EOWC) meeting on April 22, 2016, the Wardens "resolved that the EOWC strongly supports the revitalization of Picton Terminals given its significant potential to create jobs and boost the regional economy". Broadening the use of the existing port will ensure its long-term vitality and use. The proposed cruise ship docking use will also result in a boost to the County's economy through passenger spending. The Great Lakes Cruising Coalition completed an analysis of the economic impacts of cruising on the Great Lakes in 2004, with the report amended in 2012, at which time there were nine ships operating on the Great Lakes with 82 departures in total. The report indicates that the total value to Canadian ports was estimated at \$49,700,000.00 with direct spending totaling \$2,600,000.00 for cruise land packages, \$2,800,000.00 for sightseeing revenue, \$1,000,000.00 for onshore gift purchases, and \$5,400,000.00 for marine services and supplies. The 2016 Prince Edward County Community

Investment Profile indicates that same day visitors spend on average \$75.00 per person per visit in the County. With an estimated 10-20 cruise ships per year, and generally four busses with up to 50 passengers leaving the subject site per cruise ship, this could conservatively result in approximately 4,000 visitors and a total of \$300,000.00 of tourism revenue for the County per year. In accordance with section 1.6.8.1, the proposed rezoning will protect the corridor and transportation facility use of the site and will ensure that this use will be permitted on the site for the long term.

1.6.8.2 Major goods movement facilities and corridors shall be protected for the long term.

The PPS defines “major goods movement facilities and corridors” as “transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.” The deep water port at 24 White Chapel Road is an intermodal port facility which supports the inter- and intra-provincial movement of goods. The facility therefore meets the PPS definition of a major goods movement facility. In accordance with section 1.6.8.2, the proposed rezoning will protect the transshipment use of the site and will ensure that this use will be permitted on the site for the long term.

1.6.8.3 Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

The proposed zoning for the subject site will include provisions for mitigating potential adverse effects on existing sensitive uses in proximity to the subject lands. It is noted that any future development of the adjacent lands will be required to demonstrate compatibility with, and demonstrate how it supports, the long-term purpose of the existing, long-standing deep water port.

In recognition of the significant role that such facilities play in the provincial economy, the PPS provides for the protection of airports, rail and marine facilities. Marine facilities are defined as, “ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.” The subject site includes a deep water port and therefore falls within the above-noted definition. Section 1.6.9 provides policies related to airports, rail and marine facilities.

1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:

a) their long-term operation and economic role is protected; and

The proposed zoning by-law amendment will protect the long-standing transshipment operation of the subject site and will permit the expansion of the transshipment use as well as the introduction of cruise ship docking to further capitalize on the existing port infrastructure. The subject site and existing deep water dock are located within a long standing Industrial land use designation within the County of Prince Edward which recognizes transshipment as a permitted use. The proposed zoning by-law amendment seeks to bring the site’s zoning into conformity with the existing and long-standing land use designation. Both the transshipment use and cruise ship docking will support the County and surrounding region’s economy.

b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6

The proposed zoning by-law amendment includes provisions for the establishment of a landscaped berm to buffer the operations on the site from nearby sensitive land uses which consist of existing rural residential dwellings.

Section 1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) promoting the redevelopment of brownfield sites;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) providing opportunities for sustainable tourism development;*
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;*
- j) promoting energy conservation and providing opportunities for increased energy supply;*
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and*
- l) encouraging efficient and coordinated communications and telecommunications infrastructure*

The Picton Terminals will maintain and improve the availability of a significant piece of transportation infrastructure in line with this policy. The proposed development will promote long-term economic prosperity in the County by permitting transshipment use and its associated open storage areas on the majority of the subject property, as well as by permitting cruise ship docking. Reduced shipping costs associated with sea vessels compared to heavy trucking will support the reduced costs of necessary items including aggregate, road, salt, iron ore and steel. As well, the incorporation of a floating deep-water dock which can accommodate large passenger vessels will encourage increased tourism opportunities throughout the County. Cruise ship passengers will support tourism and spending within the County and surrounding region. Through increased tourism to the County, local agri-food and agri-product businesses will be promoted and supported. This goods movement facility supports long-term economic prosperity and protecting its continued use, along with expanding the uses which will efficiently and appropriately utilize this infrastructure, is consistent with the PPS.

Section 1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*

Per the PPS definition for marine facilities, “*ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities*”, the subject site is defined as a marine facility. The subject site is located in an area well served by and with access to Highway 401 and the CN Rail.

- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*

The existing marine facility use represents green infrastructure and represents lower carbon emissions compared to other transportation and shipping methods including heavy trucking or freight. The use of ports for shipping is a sustainable means of transportation. Picton Terminals has the potential to load and unload up to 100 vessels per year which represents 35,000,000 kilometers of heavy trucking traffic removed from Ontario highways. As well, shipping by sea vessel represents only 10 percent of the carbon emissions when compared to heavy trucking. Overall, shipping vessels cost \$3.50 per metric ton, per 500 kilometers, compared to \$60 per metric ton for heavy trucking. The existing deep water port represents greener transportation infrastructure with greater energy efficiency within the County.

Section 2.0 Wise Use and Management of Resources

Section 2.0 of the PPS provides policy direction for the Wise Use and Management of Resources such as natural heritage features and areas, watersheds, prime agricultural areas, mineral and petroleum resources, and significant built and cultural heritage resources. Picton Terminals and the deep water port are existing and long standing uses

and their associated expansion has complied with all federal and provincial requirements, including those of Transport Canada, the Ministry of the Environment, Conservation and Parks, the Ministry of Natural Resources, and the Department of Fisheries and Oceans. The existing Environmental Protection zoned portion of the site will remain and will not experience any changes as a result of the proposal. The proposed development will comply with all relevant environmental and public health regulations to ensure that the health and safety of the environment and the public are protected and promoted.

Section 1.2 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

The existing environmental protection zone in the south western corner of the site will remain free of industrial activity and bulk storage. No changes are proposed to the environmentally sensitive area on the subject site. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

No changes are proposed to the environmentally sensitive area on the subject site. The existing landscape features on the subject site will not be impacted by the proposal. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020.

2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

A permit was received from the Department of Fisheries and Oceans (DFO) dated May 2, 2019 which permitted the infill of a portion of the shoreline into the Bay of Quinte near Port Picton to facilitate the operation of the existing port. This permitted the destruction of a maximum of 620 square metres of fish habitat. This letter was submitted in support of the proposed applications in July 2019. As required by the DFO, 515 square metres of near shore fish habitat was created in July 2019.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

The proposal will not result in site alteration within the habitat of endangered species or threatened species. Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020. The proposal will not result in development or site alteration within coastal wetlands, wetlands, or fish habitats. As required by the Department of Fisheries and Oceans, 515 square metres of near shore fish habitat was created in July 2019.

Section 2.2 Water

2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;*
- f) implementing necessary restrictions on development and site alteration to:

 - 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
 - 2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;**
- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.*

A letter received from the Quinte Conservation Authority dated July 11, 2019 indicates that the subject site falls within Intake Protection Zone 3b for Picton's municipal drinking water supply. This zone is the least vulnerable of all zones for the Town of Picton's drinking water intake, with a vulnerability score of 6. As a result, no significant threats can occur, and no clearance notice is required. As well, Environmental Compliance Approval was received from the Ministry of the Environment, Conservation and Parks in a letter dated March 2, 2020, which approves the proposed stormwater management works for the site as identified in the Stormwater Management and Drainage Report dated January 24, 2019.

2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

The proposed development will result in two new floating docks developed in Picton Bay. The Quinte Conservation Authority and the Ministry of the Environment, Conservation and Parks have been circulated on the proposed application. The Revised Environmental Evaluation prepared by XCG dated April 29, 2020 does not anticipate any impacts to water features as a result of the proposal.

Section 2.5 Mineral Aggregate Resources

2.5.1 Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.

Aggregate Resource Inventory Paper (ARIP) 172 provides geological information related to the County of Prince Edward, including the subject property at 24 White Chapel Road. AIRP 172, Map 2 identifies that the majority of the County is underlain by bedrock with varying soil and drift thickness. The subject site is located in an area on Map 2 identified as bedrock covered by generally greater than 15 metres of soil overburden. The Revised Environmental Evaluation prepared by XCG dated April 29, 2020 indicates that the subject site is generally overlain with 0 metres to 4.9 metres of soil overburden.

2.5.2.4 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. Where the Aggregate Resources Act applies, only processes under the Aggregate Resources Act shall address the depth of extraction of new or existing mineral aggregate operations. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or*
- b) the proposed land use or development serves a greater long-term public interest; and*
- c) issues of public health, public safety and environmental impact are addressed.*

Aggregate Resource Inventory Paper (ARIP) 172 provides geological information related to the County of Prince Edward, including the subject property at 24 White Chapel Road. AIRP 172, Map 2 identifies that the majority of the County is underlain by bedrock with varying soil and drift thickness. Areas with little soil overburden and drift thickness are good potential areas for aggregate resources. Although the subject site is located in an area on Map 2 identified as bedrock covered by generally greater than 15 metres of soil overburden, the subject site has the potential for good resource extraction due to the existing site works, despite of the fact it does not meet all of the criteria. The Environmental Evaluation Addendum prepared by XCG Environmental Engineers & Scientists indicates that the subject site contains overburden which ranges from 0 metres to 4.9 metres below surface, which indicates a greater potential for future resource extraction on the site. While there are existing rural residential uses in proximity to the site, the County's Official Plan designates this area for industrial uses, therefore the long-term intent of the County is for these residential uses to be relocated. The site works that have occurred as part of the Port's improvement have proven the existence of a viable aggregate resource. Therefore, it is necessary to preserve the potential for aggregate extraction on the subject site.

Section 2.6 Cultural Heritage and Archaeology

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

No built heritage resources or cultural heritage landscapes have been identified on the subject site.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

A Stage 1-2 Archaeological Assessment, prepared by Abacus Archaeology Services dated June 28, 2019, has been conducted for the subject property. No features or material of archaeological significance was recovered during the Stage 2 excavation. The report indicates that no further work is required within the study area. A letter from the Ministry of Heritage, Sport, Tourism, Culture Industries dated April 17, 2020 was received which indicated entry of the Stage 1-2 Archaeological Assessment into the Ontario Public Register of Archaeological Reports.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The subject site is not located on lands adjacent to a heritage property.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

A Stage 1-2 Archaeological Assessment has been completed for the proposed development. A letter from the Ministry of Heritage, Sport, Tourism, Culture Industries dated April 17, 2020 was received which indicated entry of the Stage 1-2 Archaeological Assessment into the Ontario Public Register of Archaeological Reports.

2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

The Mohawks of the Bay of Quinte (MBQ) were engaged over the course of the Stage 1 Archaeological Assessment. A dated summary of engagement events may be found in the original Record of Indigenous Engagement for the Stage 1 Archaeological Assessment report. The Indigenous Monitor concurred with the strategies, methods, and results of the assessment. The Monitor requested that an isolated sherd found on the shoreline be collected for laboratory analysis. In a subsequent teleconference, the Monitor and an MBQ contact noted concerns relating to the amount of disturbance of the land which has taken place to-date. The Mohawks of the Bay of Quinte have also been consulted as part of the zoning by-law amendment process.

Section 3.0 Protection Public Health and Safety

Section 3.0 of the PPS deals with the protection of public health and safety. The policies in this section direct development away from naturally-occurring and human-made hazard lands, such as floodplains, erosion-prone areas, former mining and aggregate extraction operations, and other types of contaminated areas. The subject site includes extensive berming along where it abuts on sensitive uses to mitigate visual and other potential impacts. Improvements and maintenance of the bedrock shore wall limit and control the erosion hazard. The transshipment use of the site is also longstanding.

Section 3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;*
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and*
- c) hazardous sites.*

The subject site is not located within an area of flood hazard or located on a hazardous site. It does however contain a large stone wall along much of the shoreline. An Erosion Hazard Assessment prepared by Cambium Inc. dated October 17, 2017 and submitted in support of the application in July 2019, which assessed the southeast shore of the site for erosion hazards. The report was requested by Quinte Conservation Authority in order to define an erosion hazard limit. The report indicates that based on the nature of the operation at site and the competency of the rock, the slope, and the overall resistance of the shoreline to erosion, a 15m buffer is excessive and should

not be included in the erosion hazard limit. The recommended erosion hazard limit is the sum of the stable slope allowance (0.75H:1V) and the toe erosion allowance (3 m). No hazard risks for the subject site were identified in this report.

3.1.2 Development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;*
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);*
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and*
- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.*

The subject site is not located within a dynamic beach hazard, a flood hazard area, or a floodway.

3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or*
- b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.*

The subject site is not located on a parcel which is prone to flooding. The subject property includes a significant elevation change between Picton Bay and the subject property which reduces the flood risk. The existing and long-standing deep water dock use of the subject property relies on its location adjacent to the Great Lake's waterway.

The MX and RU1 zones currently regulating the site are not entirely consistent with the Provincial Policy Statement as they do not permit the current and long-standing deep water port and transshipment use of the subject site. It is our professional planning opinion that a zoning by-law amendment application is necessary to bring the site into compliance with the PPS and Official Plan. The proposed amendment, which seeks to permit the transshipment use on the entirety of the subject lands as well as the introduction of cruise ship docking and accessory open storage, is consistent with the Provincial Policy Statement.

3.4 County of Prince Edward Official Plan

The County of Prince Edward Official Plan was adopted by Council in November of 1993 and approved by the Minister of Municipal Affairs and Housing in December 1998. The Official Plan is intended to guide development activities in the County through to the year 2021 and direct County initiatives and programs. The vision laid out in the Plan describes how the County intends to build on existing strengths and address its weaknesses. The Plan addresses matters pertaining to environmental resources, growth pressures, settlement patterns, economic development, agriculture, tourism, commerce and industry, social needs, and more. The relevant policy considerations of the Official Plan are discussed below (with policies cited in *italics*). The following sections of the Official Plan will be addressed:

- / Part II – A Vision for Prince Edward County
- / Part III – General Development Strategies
- / Part IV – Land Use Designation Policies

Part II - A Vision for Prince Edward County

Part II of the Official Plan provides policy direction for the long range planning of the County and sets out the characteristics of Prince Edward County which make it a special place to live and visit and provides an image of the County that is desired for the future.

Section 2.5 Economic Development

2.5.1 Employment opportunities will be provided through a balance of agriculture, tourism, service and light industry, in areas designated and determined to be best suited for each economic sector. A well-rounded, vibrant community with economic opportunities for people of all ages will be achieved in Prince Edward County. It is Council's intention to aggressively market the County as a location for business in order to retain and attract young people to the County.

The subject site is an existing deep water port which supports a wide range of employment opportunities within the region, including on-site operations as well as associated cargo movement and industries. The proposal will support tourism within the County as well as the economy through the introduction of the cruise ship docking use. Cruise ship passengers will have the opportunity to visit the County once they have disembarked the ship and taken off the subject site. The economic benefits associated with cruise ship docking have been previously identified.

2.5.2 The County of Prince Edward will foster a climate for innovative economic opportunities, with cooperation among members of the community and all levels of government. More non-residential taxable assessment will be promoted to lessen the tax burden on existing and future residents. County businesses will be encouraged to establish and expand since these are a generator of local employment.

The expansion of the deep water port will foster a climate for innovative economic opportunities by providing an efficient means of shipping goods beyond heavy trucking, particularly given the fact that the County does not directly abut a 400 series Highway. The deep water port offers the opportunity to bring cruise ships directly into the County which will support the economy and tourism. The Great Lakes cruise ship industry is an innovative economic opportunity for the County.

Section 2.7 Tourism

2.7.1 There will be a strong tourist demand in the future for the natural, historical and cultural attractions of the County. The protection and enhancement of the area's natural, historical and cultural attractions and related circulation corridor will be the focus of the County's successful tourism strategy. Tourist accommodation and support services will be expanded to complement and enhance the attractions of the County.

The proposed cruise ship docking use seeks to capitalize on and support the natural, historical and cultural attractions of the County. Passengers will have the opportunity to experience the Bay of Quinte and Great Lakes waterway along with downtown Picton and its associated historical and cultural attractions once disembarked from the ship.

Section 2.8 Commerce & Industrial

2.8.1 The commercial service sector comprised of community, business and personal services will be encouraged to expand and diversify. Major County-serving commercial services will be directed to Picton and Wellington.

The proposed cruise ship docking use is a major County-serving commercial service and it will be located within Picton.

2.8.2 A diverse, high quality and innovative service industry making full use of new technology will be established in the County.

The existing deep water port represents a unique, innovative commercial use within the County. The port offers the County the ability to accept bulk cargo shipments which enables cost-effective products and supports multiple industries throughout the region. As well, the port and transshipment via sea vessels represents a greener and lower carbon emission producing transportation method than heavy trucking or freight. This aids in recognizing the deep water port as an innovative and high quality service within the County. Eastern Ontario offers few deep water docks to be utilized for large sea vessels, transshipment, or cruise ships and this opportunity will aid in diversifying the service industry within the County and eastern Ontario.

2.8.4 The integrity of major transportation corridors and facilities which move goods, services and people such as Highway 49, Picton Airport, Mountain View Airport and Picton's deep water port will be protected and promoted.

The proposal seeks to recognize and utilize the long-standing deep water port on the subject property. Through the recognition of the long-standing transshipment use as a permitted use on the subject property, as well as the

permission for cruise ship docking, the deep water dock will be protected and its use promoted. This policy clearly indicates the intent to protect the long-term viability of the deep water port on the subject property.

Part III – General Development Strategies

Part III of the Official Plan provides policy direction for general development strategies, relating to matters including environmental/resource management, transportation and servicing strategy, economic development, and social/community development.

Section 1.0 Environmental/Resource Management

Section 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.

No changes are proposed to the environmentally sensitive areas of the subject site. A 500 square foot main gate building is proposed near the main vehicular entrance to the site and will be located outside the of the Environmental Protection Area. The Quinte Conservation Authority (QCA) and the Ministry of the Environment, Conservation and Parks (MECP) have been circulated on the proposed application. Environmental Compliance Approval was received from the MECP in a letter dated March 2, 2020, which approves the proposed stormwater management works for the site as identified in the Stormwater Management and Drainage Report dated January 24, 2019. A letter received from the QCA indicated that the subject site is located within Intake Protection Zone 3b for Picton's municipal drinking water supply and as a result no significant threats can occur, and no clearance notice is required.

1.2.5 It is intended that Environmentally Sensitive Areas be conserved and protected to the greatest extent possible, including public ownership if feasible. Where development is proposed on or adjacent to an Environmentally Sensitive Area, alternative locations for the proposal should be fully explored. Agricultural activities are not subject to this policy.

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, to the satisfaction of the County;

No changes are proposed to the environmentally sensitive areas of the subject site. A 500 square foot main gate building is proposed near the main vehicular entrance to the site and will be located outside the of the Environmental Protection Area. The deep water port is a long-standing, existing use on the subject site. The existing transshipment use of the site and the deep water dock is a legal non-conforming use as indicated by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. The establishment of a deep-water dock is a difficult undertaking and few sites exist within Ontario which could support the use. Section 1.6.8.2 of the Provincial Policy Statement (2020) states: “Major goods movement facilities and corridors shall be protected for the long term.” The PPS defines “major goods movement facilities and corridors” as “transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.” The deep water port at 24 White Chapel Road is an intermodal port facility which supports the inter- and intra-provincial movement of goods. The facility therefore meets the PPS definition of a major goods movement facility. In accordance with section 1.6.8.2, the proposed rezoning will protect the transshipment use of the site and will ensure that this use will be permitted on the site for the long term. Section 1.6.9.1.a) of the PPS (2020) states: *Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that their long-term operation and economic role is protected;*”. The proposed zoning by-law amendment will protect the long-standing transshipment operation of the subject site and will permit the expansion of the transshipment use as well as the introduction of cruise ship docking to further capitalize on the existing port infrastructure. The economic benefit of cruise ship docking should be emphasized as passengers will be supporting the County's economy and businesses when they disembark the ship and visit the County. As well, Section 2.8.4 of the County's Official Plan states: *“The integrity of major transportation corridors and facilities which move goods, services and people such as Highway 49, Picton Airport, Mountain View Airport and Picton's deep water port will be protected and*

promoted.” This policy clearly indicates the intent to protect the long-term viability of the deep water port on the subject property. The existing use of the deep water port is supported by PPS (2020) and County policies. It should also be noted, that the escarpment work was undertaken with all required permits, including from the DFO and QCA, and therefore did not precede consideration of the impacts or consideration of potential alternative locations.

b) review and consultation with the appropriate provincial agency for comment regarding the resource potential and to ensure that the impact of the development is minimized;

The Quinte Conservation Authority (QCA), the Ministry of the Environment, Conservation and Parks (MECP), and the Department of Fisheries and Oceans (DFO) have been circulated on the proposed application. Appropriate and necessary approvals have been obtained from each agency.

c) the submission of an Environmental Evaluation if deemed required by County Council or any government agency;

An Environmental Evaluation prepared by XCG Environmental Engineers and Scientists dated July 26, 2019 was submitted in support of the applications in July 2019. This report was revised and a supplementary letter addressing the cruise ship docking use were prepared and submitted in support of the subject applications.

d) consideration and appropriate utilization of development control techniques such as: holding symbol; zoning; site plan control; parkland dedication; and subdivision or other agreements to preserve and supplement existing resources; and

An application for site plan control has been submitted concurrently with the zoning by-law amendment. These applications will protect and preserve the existing, long-standing uses of the subject site and permit new appropriate, secondary uses including cruise ship docking.

e) shall be considered according to the underlying and adjacent land use designations as identified on Schedule 'E' of this Plan.

The subject site is designated Industrial on Schedule E in the Official Plan. A transportation terminal, including the proposed cruise ship dock, is a permitted use in this land use designation. The proposed cruise ship docking will rely on the permitted transportation terminal use in order to support the movement of people and will not be a tourist destination itself. The cruise ship docking use will function as a small part of the existing transshipment use and will result in people embarking and disembarking cruise ships and removed from the site on buses, similar to the loading and unloading of goods and cargo at the site.

Section 1.7 Escarpments

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.

It is important to note that on-site escarpment works were undertaken with all required permits, including those from the DFO and QCA. A permit was received from the Department of Fisheries and Oceans dated May 2, 2019 which permitted the infill of a portion of the shoreline into the Bay of Quinte near Port Picton to facilitate the operation of the existing port. This letter was submitted in support of the proposed applications in July 2019. On-site grading and landscaping works are necessary to provide at-grade vehicular access adjacent to the docks for more efficient loading and unloading. Re-vegetation will be undertaken on the proposed berms as well as along the northern edge of the escarpment where it does not interfere with the transshipment operations which rely on unimpeded access between the land and water. The proposed development is not an aggregate operation, however, a letter received from the Ministry of Natural Resources and Forestry (MNRF) dated September 2, 2018 and submitted in support of the applications in July 2019 indicates that on-site aggregate extraction may occur for the purpose of construction for a period of five (5) years.

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.

Dating back to the 1960s, historic photos show that there was little to no natural vegetation growth on the escarpment slope near the proposed and existing docking facilities. A 500 square foot main gate building is proposed near the main vehicular entrance to the site and will be located outside the of the Environmental

Protection Area and the area of the escarpment. As well, a covered, underground salt storage area will be located on the subject site and will be located outside the of the Environmental Protection Area and the area of the escarpment. As indicated by the Revised Environmental Evaluation dated April 29, 2020, the proposed gate house is approximately 35 metres west of the top of slope of the escarpment and is not expected to have any negative impacts on the escarpment. The covered salt storage will also be located approximately 35 metres from the escarpment. The underground covered salt storage area is necessary to comply with the four Provincial Officer's Orders issued between November 2016 and June 2019. Multiple items of Director's Order 7308-BC6NP2-1 requires that salt shipments be stored inside a dry storage facility and that it does not come into contact with any precipitation, ground water or stormwater run-off. A letter received from the Ministry of the Environment, Conservation and Parks dated April 15, 2020 indicates the Orders which remain in effect for Picton Terminals. An Erosion Hazard assessment prepared by Cambium Inc. dated October 17, 2017 and submitted in support of the application in July 2019, assessed the southeast shore of the site for erosion hazards. The report was requested by Quinte Conservation Authority in order to define an erosion hazard limit. The report indicates that based on the nature of the operation at the site and the competency of the rock, the slope, and the overall resistance of the shoreline to erosion, a 15m buffer is excessive and should not be included in the erosion hazard limit. The recommended erosion hazard limit is the sum of the stable slope allowance (0.75H:1V) and the toe erosion allowance (3 m). As a result, the proposed 35 metre setbacks of the main gate building and covered salt storage are outside of the escarpment erosion area identified by Cambium Inc.



Figure 6: Underground, covered salt bin (outlined in red) in relation to the escarpment (Source: Doornekamp, March 24, 2020)

Work to reduce the grade at the shoreline is being undertaken in accordance with the necessary agency approvals. A permit was received from the Department of Fisheries and Oceans dated May 2, 2019 which permitted the infill of a portion of the shoreline into the Bay of Quinte near Port Picton to facilitate the operation of the existing port. This letter was submitted in support of the proposed applications in July 2019. While it is not possible to re-vegetate the entire escarpment area, the proposed berms will be vegetated along the perimeter of the site as well as the northern and southern portions of the escarpment in areas which will not impede the transshipment use. The long-standing, transshipment use requires an area of the escarpment to be used for vehicle access and this does not support the re-vegetation of this area. The eastern and western areas of the escarpment will be naturally re-vegetated and will include naturalized shoreline. The Revised Environmental Evaluation dated April 29, 2020 provides additional detail regarding the revegetation of the site.

1.7.5 Where development on or adjacent to an escarpment is proposed, the submission of an Environmental Evaluation from the proponent may be required by the County or concerned government agency.

The present application is to rezone the subject lands to permit existing uses and to permit new compatible uses on the lands. A 500 square foot main gate building is proposed near the main vehicular entrance to the site and will be located outside the of the Environmental Protection Area and the area of the escarpment. As well, an underground, covered salt storage area will be located on the subject site and will be located outside the of the Environmental Protection Area and the area of the escarpment. An Environmental Evaluation prepared by XCG Environmental Engineers and Scientists dated July 26, 2019 was submitted in support of the applications in July 2019. The report was revised, dated April 2, 2020, and prepared in response to the comments received from IBI Group dated March 16, 2020 which is submitted in support of the applications together with this Planning Addendum.

Section 2.0 Transportation and Servicing Strategy

Section 2.2 Road System

Section 2.2.6 Township Roads

2.2.6.1 Rural Service Roads This classification applies to all existing township roads, and other local roads serving the rural traffic movement needs in the County. All major non-farming type of rural development such as resort recreational areas, non-farm residential, rural industrial and other similar uses shall be encouraged to obtain access from these low volume traffic roads. Access for these roads to abutting properties shall be provided subject to the review of the local road superintendent for geometrics and safety. The minimum right-of-way width for these roads shall be 20 metres.

The subject site is located within frontage on White Chapel Road which is identified as a Rural Service Road on Schedule C Transportation and Services of the County's Official Plan. A Traffic Impact Study prepared by McIntosh Perry Consulting Engineers dated November 19, 2019 was submitted in support of the proposed applications in November 2018 and an Addendum to this study was prepared and dated April 15, 2020. Traffic impacts are not anticipated to interfere with the low volume traffic characteristics of this road.

Section 2.4 Airports and Picton Harbour

2.4.4 Larger parcels of land along Picton Harbour that offer potential for commercial or marine uses should not be designated, zoned or subdivided in such a manner as to jeopardize this potential.

The proposed zoning by-law amendment application seeks to rezone the subject property to re-establish the previously permitted transshipment use of the subject property. The proposal seeks to maintain and promote the use of the marine facilities, including the deep water dock, for transshipment and cruise ship docking uses.

2.4.5 Land near the deep water port facilities at and adjacent to the ESSROC Cement Plant should be maintained for industrial/commercial uses. Incompatible development that could jeopardize the use of this land for industrial/commercial uses shall not be permitted.

This section demonstrates that the County prioritizes the deep water port facilities and discourages incompatible development in proximity to the site, in favour of protecting the deep water port. The site is currently zoned MX and RU, neither of which permit the intended transshipment use of the deep water port. The proposed rezoning seeks to permit the transshipment, clarify the permissions for open storage on the site, and broaden the types of deep water port activities permitted on the site by allowing cruise ship docking. This policy provides a very clear policy direction from the County that uses or incompatible development and sensitive uses that could jeopardize the use of the deep water port shall not be permitted on land near the deep water port. There are existing sensitive uses in the vicinity of the site and the proposed site plan includes measures for mitigating any potential adverse effects on those existing sensitive uses.

Section 2.9 Storm Water Management

2.9.2 In the rural areas, the principle of best management practice will be incorporated, utilizing tree cover and natural vegetation to provide ground absorption of surface water and grading and drainage to control erosions and siltation.

An application under *section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act)* for approval of the establishment of stormwater management works for the approximately 25.4 ha of the existing Picton Terminals site, for the collection, treatment and disposal of stormwater run-off from the three catchment areas within the site as identified in the Stormwater Management and Drainage

Report dated January 24, 2019, was submitted. Environmental Compliance Approval was received from the MECP in a letter dated March 2, 2020, subject to the terms and conditions provided.

Section 3.0 Economic Development

Section 3.3 Tourism

3.3.3 Tourism Corridors

a) in order to stimulate greater tourism, the Official Plan identifies, protects and enhances those areas of the County having the greatest potential for tourism. Tourism corridors, as shown on Schedule 'D', were defined based on the occurrence and abundance of tourist attractions, resources and accommodations, as identified in the Background Report. These areas include the natural and cultural heritage resources and attractions of the County, such as Sandbanks Provincial Park, museums, festivals and the arts;

b) the corridor pattern on Schedule 'D' highlights the importance of the Picton and Wellington Urban Centres and the Village of Bloomfield, as well as many hamlets and tourist attractions – Consecon, Ameliasburgh, Waupoos, Milford, Cherry Valley, Lake-on-the-Mountain, Black River and West Lake - in providing services and attractions for the tourism industry. Linking these settlement areas are scenic routes and bicycle trails, the most significant being the Loyalist Parkway, along which attractions and accommodation are located. The scenic routes and bicycle trails are also identified on Schedule 'D';

c) to ensure that the tourism economic sector prospers, tourism developments shall be encouraged in suitable locations in the County, particularly in the tourism corridors shown on Schedule 'D'. The corridors form the basis for locating tourist related land uses, for building a critical mass in the tourism plant and for making associated corporate decisions related to providing programs and services;

d) the tourism corridors are intended to recognize the linkages between the public, non-profit and private sectors in supplying services related to tourism and the need to protect the natural environmental and cultural attractions of the County;

e) the tourism corridor strategic approach supports the establishment of the County in its entirety as a conference/resort community network in which meeting rooms, food service operations and overnight accommodation facilities shall be located in a variety of high quality facilities throughout the County.

f) walking and cycling/skiing facilities are encouraged in the tourism corridors so that they will link tourist attractions and accommodations.

The subject site is located within a Tourism Corridor, as shown on Schedule D Tourism and Recreation in the County's Official Plan. By permitting cruise ships to dock at this location, in proximity to Picton and Picton Harbour, it will be possible to connect tourists travelling on Lake Ontario to the diverse tourist-oriented businesses in the tourism economic sector. This will allow the subject site to contribute to the tourism network and provide a means of reaching a new tourism market that may otherwise not have had the ability to access the County. Few deep water ports exist in Eastern Ontario to support any deep water docking, therefore the proposed use is suitable and appropriate to permit on the subject site which includes a long-standing deep water port. Through the permitted cruise ship docking use, Picton and the County will set themselves apart from surrounding municipalities due to the introduction of a unique opportunity of the tourism industry.

3.3.4 Development Policies

a) new high quality attractions, facilities, services, and events are encouraged in the County to enhance and complement the existing tourism base. The development of these tourism components must be in keeping with the historic rural character and charm of the County and are encouraged to be year-round to promote longer visitor stays. In the long term, the County needs to expand its roofed accommodation sector;

The proposed development will introduce a new tourism market in the County, specifically cruise ships that require deep water docking facilities. These cruise ship operations would operate during the spring, summer and fall but would not operate during the winter. The cruise ship docking use will be in keeping with the existing transshipment use of the subject property as passengers will disembark their ships, cross the catwalk, and be loaded directly onto busses and taken to areas and sites throughout the County. No cruise ship facilities such as washrooms or sewage disposal, will be available on the subject site. The cruise ships provide all necessary passenger facilities, such as washrooms or restaurants on-board, therefore is it not necessary for the subject site or dock to provide these facilities. The dock will simply provide a point of access to allow tourists to visit the County and surrounding

region. As well, a Traffic Impact Study Addendum was prepared by McIntosh Perry to address traffic related impacts associated with the anticipated tourism use of the proposed development. The subject site is anticipated to accommodate 10-20 cruise ship stops per year with shipping carrying up to 420 passengers. For a conservative approach, the analysis of traffic impact associated with tour buses has been completed under the assumption that busses transporting cruise ship passengers will leave simultaneously and will coincide with peak hour volumes of the adjacent road network. This would translate to an additional four busses. This additional site-generated traffic volume travelling to and from the Picton Terminals site is well within the thresholds identified for level of service, delays and warrants for intersection modification. The traffic impacts of vehicles associated with the cruise ship docking use of the site are anticipated to be negligible during peak hour conditions. No traffic related concerns associated with cruise ship docking on the subject site have been identified. As such, traffic generated by the tourism use will be in keeping with the rural character.

Section 3.4 Commerce and Industrial

3.4.8 A broad range of industries may be encouraged in the County provided they do not have a significant detrimental impact on the environment or are incompatible with other uses. Industrial uses which consume or generate large quantities of water or waste or otherwise contribute noxious effluent, emissions or vibrations to the natural environment in any quantity shall not be permitted unless mitigating measures are provided to the satisfaction of the authorized approval authorities. The development of 'dry' industrial uses will be permitted in the rural areas of the County in accordance with the criteria set forth in Part IV, Section 6.

The transshipment use of the property is long-standing and represents an industrial use of the site. The proposed cruise ship docking use is compatible with the transshipment use of the site. The transshipment use of the site represents the movement of goods whereas the cruise ship docking use represents the movement of people. Passengers from the cruise ships will arrive to the subject property and immediately leave on busses. Cruise ship passengers will spend no time on the subject site beyond embarking and disembarking the cruise ships. There will be no interaction between the transshipment use and the cruise ship docking uses of the subject site. Cruise ship docking will be closely scheduled with transshipment arrivals to ensure overlap does not occur. The dedicated passenger dock will also eliminate any conflicts or safety concerns.

The transshipment operations at the site are subject to review by several government agencies and bodies, including Transport Canada, Canada Border Services Agency, the Department of Fisheries and Oceans, and the Ministry of the Environment, Conservation and Parks, and any potential environmental impacts must be addressed. The proposal includes site improvements in accordance with Environmental Compliance Approvals (ECA) required by the MECP. The site design also includes appropriate setbacks and buffering from existing land uses in the vicinity which are more sensitive in nature. The proposed development will not consume or generate large quantities of water or waste or otherwise contribute unmitigated noxious effluent, emissions or vibrations to the natural environment. The proposed development will comply with all relevant environmental and public health regulations to ensure that the health and safety of the environment and the public are protected and promoted. The existing environmental protection zone in the southwestern portion of the site will remain free of industrial activity and bulk storage.

Part IV – Land Use Designation Policies

Part IV of the Official Plan provides policy direction for matters relating to land use designations, as shown on Schedule E – Land Use Designations. The subject site is designated Industrial on Schedule E of the Official Plan.



Figure 7: Official Plan Excerpt, Schedule E Land Use (source: County of Prince Edward Official Plan)

Section 10.0 Industrial

10.2.1 The predominant uses of land in the Industrial designation shall be the following:

- a) warehousing, open storage and bulk storage operations;
- b) processing, manufacturing and assembly plants;
- c) construction yards and building supply depots;
- d) truck or transportation terminals;
- e) workshops and service shops;
- f) utility functions;
- g) research and information processing facilities; and
- h) accessory commercial uses or commercial uses primarily serving the industrial use.

The proposed development consists of a long-standing transshipment use, open storage accessory to the transshipment use, and a proposed cruise ship docking use. The transshipment use includes the handling and open storage of bulk goods, products, and people. The open storage use will be accessory to the transshipment use of the site and will be subject to specific provisions requiring that it be buffered from sensitive uses and the streetscape. The cruise ship docking use consists of tourists being transported to and from the site via the proposed cruise ship docking facility and transported by bus or other suitable means of transportation from the site to other locations within the County. The proposed use of the site for transshipment and cruise ship docking falls within the permitted “truck or transportation terminals”. Although the County’s Official Plan does not provide a definition for “truck or transportation terminals”, the Provincial Policy Statement (2020) provides a definition for “major goods movement facilities and corridors” which references truck terminals. *“Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives”*. The proposed transshipment and cruise ship docking uses fall within the transportation terminal permitted uses as they facilitate the movement of goods and people.

10.3.1 Industrial development shall be encouraged to locate in Picton and Wellington on full urban services and Rossmore on municipal water.

The proposed development is an existing operation which utilizes private services on rural lands outside of Picton's urban boundary. The activity on the site does not require significant amounts of water or sanitary waste disposal, therefore the existing shore well and septic system are sufficient to meet the needs of the existing and proposed uses.

10.3.4 Industrial sites shall be of an appropriate size for the intended use and shall be large enough to support appropriate on-site services, screening, landscaping, parking and loading facilities.

The subject site has an area of approximately 25 hectares. There is sufficient space on-site for the provision of on-site services as well as the proposed open storage which will occupy the majority of the site as an accessory to the transshipment use. Appropriate setbacks will be maintained from adjacent land uses and landscape buffers and berms will mitigate any visual impacts resulting from the bulk storage operation. The subject site is adequately sized to support the proposed cruise ship docking use. Passengers will disembark from the ship at the northern floating dock dedicated to the movement of people, walk across the catwalk, load onto busses and be immediately escorted off the site. No facilities, such as washrooms or sewage disposal, are proposed on the subject site to support the cruise ship docking use.

10.3.5 Safe access to industrial sites shall be from a public road that is of a construction and standard to adequately service the traffic associated with the use. Sites should be sought that minimize the impact of truck traffic on residential uses and avoid existing communities.

Safe access to the site is available via the existing driveway which connects to White Chapel Road. White Chapel Road is identified as a Rural Service Road on Schedule D Transportation and Services of the County's Official Plan. Given the location of the site on rural lands, potential impacts of trucks on residential uses are limited. Trucks are not required to travel through large existing communities to access the site as the entrance from White Chapel Road is less than 300 metres from Highway 49, which is a gateway into the County and a trucking route to Highway 401, in accordance with Section 2.2.3 of the Official Plan. As well, a Traffic Impact Study Addendum was prepared by McIntosh Perry to address traffic related impacts associated with the anticipated tourism use of the proposed development. The subject site is anticipated to accommodate 10-20 cruise ship stops per year with shipping carrying up to 420 passengers. For a conservative approach, the analysis of traffic impact associated with tour buses has been completed under the assumption that busses transporting cruise ship passengers will coincide with peak hour volumes of the adjacent road network. This would translate to an additional four busses. This additional site-generated traffic volume travelling to and from the Picton Terminals site is well within the thresholds identified for level of service, delays and warrants for intersection modification. The traffic impacts of vehicles associated with the cruise ship docking use of the site are anticipated to be negligible during peak hour conditions. No traffic related concerns associated with cruise ship docking on the subject site have been identified.

10.3.6 Industrial development should not detract from the rural character of the County or be incompatible with tourist attractions, uses or accommodations.

There are no identified tourist attractions, uses or accommodations in proximity to the site. A substantial berm will be located around the perimeter of the subject site to mitigate any visual impacts which might detract from the rural character of the County. The existing operation is set back and screened from the public road allowance with existing and proposed vegetation to minimize potential adverse effects on adjacent properties. The transshipment use has existed in this location since the 1950s and is an established use in this area. The cruise ship docking use consists of tourists being transported to and from the site via the proposed cruise ship docking facility and transported by bus or other suitable means of transportation from the site to other locations within the County. The cruise ship docking use will rely on the subject site for the sole use of the long-standing deep water port, and no other facilities will be located on the site for the use of the cruise ship docking use.

10.4.1 General

a) consents for commercial and industrial development may be permitted provided that no more than a total of 3 lots are created and the lots (severed and retained) are of a size and configuration that would not lend themselves to further subdivision;

The proposal does not include an application for consent.

b) commercial and industrial development which would involve more than three lots shall take place according to a registered plan of subdivision. The appropriate level of water and sewer services to be

provided shall be determined in accordance with a servicing options investigation. Once the appropriate level of servicing is determined, the services shall be provided in accordance with Part III, Section 2.6;

The proposal does not include an application for plan of subdivision.

c) all lands designated Industrial on Schedule 'E' shall be recognized in an appropriate industrial zone in the implementing Zoning Bylaw. A Holding Symbol 'H' may be used in conjunction with the industrial zone for vacant or undeveloped industrial lands where the Council wishes to review a site plan or require the installation of necessary services. The industrial zone shall include requirements for appropriate building setbacks and the outside storage of goods or materials;

The current zoning on the site does not permit the existing use and is therefore not in conformity with the Official Plan. It is proposed to amend the zoning by-law to permit the transshipment use, associated open storage on the site, and cruise ship docking, in conformity with this Official Plan policy. The existing deep-water port is permitted in the Industrial designation of the County of Prince Edward's Official Plan. The Official Plan also includes a number of policies intended to protect the deep water port in recognition of the important economic benefit of the unique facility to the County. The current zoning does not permit the existing legal non-conforming use and is therefore not in conformity with the Official Plan. It is proposed to rezone the majority of the site to a new zone that will better implement the policy direction of the Official Plan. In addition to permitting the existing transshipment use, it is further proposed to include cruise ship docking as a permitted use and to permit open storage as accessory to the permitted uses. Located within a tourism corridor and having access to existing deep water docking facilities, the subject site represents a logical location for cruise ship docking. The Official Plan encourages development which promotes tourism in the County. A small portion of the site, at the southern extent, is currently zoned 'EP' Environmental Protection, which will also remain.

d) in consideration of any Official Plan amendment applications, where deemed necessary by the County in consultation with the appropriate government agencies, studies and information prepared by competent professionals shall be required to be submitted which address the following matters:

- i) the nature of the proposed use and the need for it;*
- ii) an environmental evaluation detailing the property's topography, relief, land forms, soils and surface and groundwater characteristics;*
- iii) a hydrogeological study which demonstrates the impact of the proposed operation on ground and surface water;*
- iv) a storm water management study detailing the area's drainage requirements;*
- v) an environmental impact statement;*
- vi) the compatibility of the proposed use with the adjacent land uses and designations;*
- vii) the method to be used for fire protection;*
- viii) site plan(s) showing the dimensions of the land holding, the location of existing and proposed buildings, outdoor storage, landscaping, berming, fencing, setbacks, drainage provisions, road entrances and exits, parking and loading spaces; and*
- ix) safety and accessibility with respect to road entrances and exits, traffic volumes, trucking routes, existing development, the physical condition of the roads and improvements required to upgrade the access routes;*

The proposal does not require an application for Official Plan amendment.

e) a site plan agreement and/or a development agreement may be entered into between the developer and the County to ensure that the recommendations of any of the above required studies and any concerns of the County are implemented and addressed. The development agreement may address such matters as: the extension of services; the satisfaction of Ministry of the Environment as to water supply and disposal of waste materials and all emissions to the environment, including noise and vibration; and any provisions for the adequate protection and continued maintenance of municipal roads to ensure that roads are maintained to an acceptable municipal standard at all times;

The site is subject to site plan control and a modification to the site plan will be required to implement the revised concept plan included with this submission.

f) all industrial development shall comply with the requirements of the local Health Unit and the Ministry of the Environment regarding the disposal of wastes, the provision of an adequate quantity and quality of water, and the levels of noise, vibration and odour emanating from the proposed development. It is further

intended that any polluted effluents from an industry shall not be discharged into any creek, watercourse, or lake;

Numerous supporting studies have been prepared and submitted in support of the proposed applications for zoning by-law amendment and site plan control. Appropriate agencies have been circulated and have provided comments. The proposed development will comply with all necessary requirements of the Health Unit and MECP.

g) all industrial uses shall meet the minimum distance separation formulae of the Agricultural Code of Practice, as amended from time to time.

The site complies with Minimum Distance Separation (MDS) formulae as provided in Publication 853, as Guideline #11 states, in part, “[...] Amendments to rezone or redesignate land already zoned or designated for a non-agricultural use, shall only need to meet the MDS setbacks if the amendment(s) will permit a more sensitive land use than existed before. [...]” The proposal will rezone the site from MX and RU1 to a site-specific MX zone, and industrial land uses outside of a settlement area are the same sensitivity as rural uses (i.e. Type A) from an MDS perspective, therefore MDS setbacks are not required to be met.

It is our professional planning opinion that the current zoning is not in conformity with the Official Plan of the County of Prince Edward as it does not permit the legal non-conforming deep water port and transshipment on the subject lands. The proposed zoning by-law amendment will bring the zoning into conformity with the Official Plan.

4.0 CURRENT AND PROPOSED ZONING

The subject site is triple-zoned Environmental Protection (EP), Extractive Industrial (MX), and Rural 1 (RU1) in the County of Prince Edward Comprehensive Zoning By-law No. 1816-2006. The proposed zoning by-law amendment will rezone the entire site, excluding the area zoned EP, to a Special Extractive Industrial (MX-X) zone. The site-specific zone will recognize the existing legal non-conforming transshipment use, as well as permit accessory open storage area and cruise ship docking uses.

Although the long-standing and ongoing transshipment use, which had previously been permitted in the MX-1 zone of the Hallowell zoning by-law, is permitted by the Official Plan land use designation, it was not carried forward in the 2006 zoning of the site. In 2018, the transshipment use was confirmed as a legal non-conforming use by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*. Records and photographic documentation dating back to 1954 indicate that the site has been utilized for shipping and temporary storage of iron ore, salt, gypsum, coal and sandstone. Accordingly, the parent MX zone best reflects the planned function of the site, permitting a limited range of compatible uses.

In contrast to the MX zone, a Special General Industrial (MG-X) would not be the most appropriate zone for the subject lands. In general, permitted uses in the MG zone are intended for operations of a smaller scale and which have industrial characteristics, or which are appropriate as complementary uses in proximity to, such as a veterinary clinic or equipment sales/rental establishment. In contrast, Picton Terminals is a large outdoors transshipment site which requires heavy machinery and multi-modal transportation facilities. Furthermore, while the MG zone contemplates a broad range of general industrial uses, it fails to contemplate raw resource and extraction-related uses which have underpinned the functionality of the site since 1954.

The intent of the zoning by-law amendment application is to continue the current operation of the site while permitting new transshipment and cruise ship docking uses. Although the transshipment and cruise ship docking uses could be incorporated into a site-specific MG-X zone, the parent MG zone includes as-of-right permissions which do not reflect the current or historic use of the site. Given that the uses permitted under the MX zone best reflects the historic, current, and intended use of the site, it is our opinion that a site-specific MX-X zone is the most appropriate zoning for the subject lands.

Should the County support the rezoning of the subject site to a Special MG Zone, this could be undertaken. If the subject site was to be rezoned to an MG zone, uses including aggregate extraction, transshipment, accessory open storage, and cruise ship docking would be the proposed additional permitted uses on the site. Aggregate extraction is permitted on the subject site in the area zoned MX. Although aggregate extraction is not a proposed use on the subject property, a letter received from the Ministry of Natural Resources and Forestry (MNR) dated September 2, 2018 and submitted in support of the applications in July 2019 indicates that on-site aggregate extraction may occur for the purpose of construction for a period of five (5) years. As well, the subject site is located in an area underlain with bedrock with 0 metres to 4.9 metres of soil overburden and due to the existing industrial designation and use of the subject site, the property may have good potential for aggregate extraction in the future. If desired, a Holding symbol may be applied to the portions of the subject site which do not currently permit aggregate extraction. Lifting of the Holding symbol could be subject to obtaining the necessary provincial approval, including from the Ministry of Natural Resource and Forestry.

The table below reflects the proposed development's compliance with the provisions of the Extractive Industrial (MX) zone.

Provision	Required	Proposed	Amendment Required?
Extractive Industrial (MX) Zone			

Provision	Required	Proposed	Amendment Required?
Permitted Non-Residential Uses	<ul style="list-style-type: none"> / A pit or quarry and the crushing, screening or washing of aggregate; / Asphalt or concrete batching plant; / Wayside pit and wayside quarry; / Uses, building and structures accessory to a permitted use; / An agricultural use, conservation, forestry, reforestation, or open-air recreational uses with accessory uses and buildings, except these uses shall not include dwellings; / Public uses and utilities in accordance with the provisions of Section 4.23 of this By-law 	Transshipment Cruise Ship Docking Accessory Open Storage	Yes Yes Yes
Regulations for Permitted Uses	No pit or quarry excavation or processing, crushing or blasting of aggregate shall be: <ul style="list-style-type: none"> i. located closer than 120 m to any Residential, Commercial or Institutional Zone or use; nor ii. closer than 15 m to a lot line; nor iii. closer than 30 m to a public road allowance. 	Any aggregate processing is limited to temporary construction work in the vicinity of the port and is >120m from residential zones, >15m from side lot lines and >30m from public road allowance.	No
	The minimum yards required for any building, structure or produce stockpile of a pit or quarry shall be 30m.	No pit or quarry on-site. Building setbacks > 30m	No
	A strip of land not less than 15 m in width shall be reserved for landscaping purposes between any Industrial (MX) Zone and any adjacent Commercial or Industrial Zone or use, along any adjacent public road allowance or adjoining property line.	A minimum 15-metre wide strip of land is provided adjacent to all lot lines.	No
	Where an MX Zone abuts a Residential Zone or use, or a roadway is the only separation between two such areas, then no Extractive Industrial (MX) use shall be established within 30 m of the abutting lot line and no parking use shall be established within 7.5 m of the abutting lot line. The intervening land shall be used for landscaping purposes with grass, trees and shrubs and maintained as part of the industrial activity.	No MX use is established within 30 metres of any lot line abutting a residential zone. Landscaping will be provided in the intervening land.	No
	All extractive industrial uses shall conform to the standards and regulations of the Aggregate Resources Act, as amended and the Ministry of Natural Resources.	The proposed development conforms to the standards and regulations of the Aggregate Resources Act, as amended by the MNRF.	No
Section 4 – General provisions			
Accessory uses (4.1.2.2)	Non-residential zones No accessory building or structure shall be erected closer to the street line than the minimum required yard and setback requirements of the applicable non-residential zone.	No accessory building or structure will be erected closer to the street line than the minimum required yard and setback requirements of the MX zone.	No

Provision	Required	Proposed	Amendment Required?
	Notwithstanding the foregoing, a gatehouse or information kiosk or other similar accessory structure shall be permitted within a required front or side yard or within the area between the street line and the required setback.	A gatehouse will be located on the subject site.	
Lot Coverage and Height in Industrial Zones (4.1.4.3)	Notwithstanding the foregoing, within an Industrial Zone, the total lot coverage of all accessory buildings or structures shall not exceed ten per cent of the lot area, nor shall the height of any accessory building or structure exceed the height restriction of the respective Industrial Zone.	Lot coverage: <1% Height: No maximum.	No
Boat House, Pump house and Docking Facilities (4.1.6)	Notwithstanding the yard provisions of this By-law to the contrary, a dock, detached private boat house or pump house may be erected and used in a required yard of a lot abutting a water body, provided that such building or structure: <ul style="list-style-type: none"> i. is accessory to the principal use of the lot; ii. is not located closer than 2 m (6.6 ft) to a side lot line or a projection of the side lot line; and iii. complies with Section 4.25, SPECIAL SETBACK PROVISIONS, and all other provisions of this By-law 	<ul style="list-style-type: none"> i. Pump house is accessory. ii. +- 237m from side lot line iii. Pump house is permitted within floodplain. 	<ul style="list-style-type: none"> i. No ii. No iii. No
Other Watercourses – Regulatory Flood Plain Elevation Not Available (4.25.4)	Notwithstanding the yard and setback provisions of this By-law to the contrary, the following provisions shall apply to land within the vicinity of all other watercourses where the regulatory flood plain elevation is not available: <ul style="list-style-type: none"> i. No buildings or structures shall be permitted within 30 m of the normal high-water mark. ii. Notwithstanding the provisions of Section (i) above, an unenclosed deck, driveway, boathouse, dock, shore well, or other marine facility may be permitted within 30 m of the high-water mark, but only with the written approval of Quinte Conservation. 	No buildings or structures will be located within 30 metres of the highwater mark, with the exception of the proposed and existing marine facilities, which are subject to QCA approval.	No
Lands in the Vicinity of Escarpments (4.25.5)	Notwithstanding the yard and setback provisions of this By-law to the contrary, no buildings or structures shall be permitted closer than 30 m (100 ft.) of the top or toe of bank of any identified escarpment without written approval from Quinte Conservation.	Top of the escarpment is not identified. The gatehouse will be greater than 30m from the top of bank.	No
Section 5 – Parking, Driveway and Loading Provisions			
Parking Provisions (5.1)	Industrial uses = 5 spaces min. and 1 space for every 100m ² of GFA or portion thereof used for uses with more than 200m ² of GFA	16 parking spaces	No
Barrier-Free Parking (5.1.1.v)	1 barrier-free space per establishment plus 1 space for every 20 parking spaces	1 barrier free parking space	No

Provision	Required	Proposed	Amendment Required?
Parking Space Size (5.1.5)	i. Parking spaces shall have a minimum area of 16.7 sq. m (180 sq. ft.) and a minimum width of 2.7 m (9 ft.) ii. Driving aisles providing access to parking spaces shall have a minimum width of 6 m (20 ft.) iii. Notwithstanding the provisions of Section 5.1.5 i) barrier-free parking spaces shall have a minimum area of 24 sq. m (258 sq. ft) and a minimum width of 4 m (13 ft.)	Parking spaces = 3 x 6m Minimum aisle width of 6m Barrier-free = 4 x 6m	No
Location of Parking 5.1.6.2	i. Yards a. Non-Residential Uses: Parking may be permitted in any yard.	Parking to be located in side and rear yards.	No
	ii. Distance of Parking Area/Spaces from Street Line 3. Non-residential uses: 3 m (10ft) min. 4. Industrial Uses: 7.5 m (25 ft.) minimum	> 7.5m from street line	No
Entrance Driveways (5.1.7)	Entrance driveways shall be constructed and located so as to provide for safe ingress/egress from the property.	The existing entrance driveway provides safe ingress/egress from the site on White Chapel Rd.	No
Parking Restrictions (5.1.9)	Parking spaces required by this By-law shall be used only for the parking of passenger vehicles and vehicles used in operations incidental to the permitted uses in respect of which such parking spaces are required.	Only passenger vehicles and vehicles incidental to the operation of the site will use required parking spaces.	No
Parking Area Surface Treatment (5.1.10)	All parking areas, driveways and aisles must be constructed and maintained with a stable surface consisting of gravel, cement or asphaltic binder or other types of permanent surface treatment.	All parking areas, driveways, and aisles will be constructed and maintained with a stable gravel surface.	No
Loading Provisions (5.2)	The owner or occupant of any lot, building or structure in a Commercial or Industrial Zone, used or erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain on the lot occupied by the building or structure and not forming part of a public street or lane, within the zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces, 4.5 m (15 ft.) wide in accordance with the following requirements:	Loading spaces are 4.5 metres wide.	No
	Industrial Uses <ul style="list-style-type: none"> • 0 – 280 m² = 1 space • 281 – 2,350 m² = 2 space • 2,351 – 7,450 m² • > 7,450 m² = 3 spaces, plus 1 additional space for each additional 9,000 m² Total = (1,032m ²) 2 loading spaces	2 loading spaces	No
	Access to loading or unloading spaces shall be by means of a driveway at least 6 m (20 ft.) wide	The internal driveway is a minimum of 6 metres wide	No

Provision	Required	Proposed	Amendment Required?
	contained within the lot on which the spaces are located and leading to a public street or land located within or adjoining the Commercial or Industrial Zone. All vehicular movement required to access the loading zone shall be accommodated on private property.	at all points and connects to a public street.	
	The required loading space or spaces shall be located in the interior side or rear yard.	Loading spaces located in the rear yard.	No

Permitted Uses

Transshipment

The MX zone does not include transshipment as a permitted use. Through the County's comprehensive zoning update in 2006, the site was rezoned from the previous Township of Hallowell and Township of Sophiasburgh zones to the EP, MX, and RU1 zones. As a result of this process, the permitted uses for the subject site no longer include the long-standing and ongoing transshipment use. In 2018, the transshipment use was confirmed as a legal non-conforming use by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*.

It is proposed to formally permit the transshipment use on the subject site as it has been in operation since the mid-twentieth century and such operations continue on the site at the present time. By permitting the transshipment use in the site-specific MX-X zone, the use may continue to operate and grow within the confines of the subject site.

The following definition is proposed for a transshipment use: means the shipment of goods or containers to an intermediate destination, then to another destination, and may include bulk commodities such as iron ore, aggregate, road salt, farming and steel products, bio-mass, scrap steel and barrels together with any use or accessory use.

The following definition is proposed for a truck or transportation terminal: means the location where freight and passengers either originate, terminate, or are handled in the transportation process. Terminals are central and intermediate locations in the movement of passengers and freight.

Cruise Ship Docking

The MX zone does not permit cruise ship docking as a use. It is therefore proposed to include cruise ship docking as a permitted use within the site-specific zone. Cruise ships will dock at the northern proposed floating dock along the shoreline of the subject site. This use will enable large passenger vessels to load and unload passengers at the subject site, providing another source of tourism in the County and promoting further economic activity.

The purpose of this use is to allow the transfer of people between the cruise ship and busses only. This use will allow the site to function as a transportation terminal associated with cruise ship docking. No facilities for the cruise ships or passengers, such as washroom facilities or sewage disposal will be provided on-site.

The proposed docking is a commercial function which will be coordinated with on-site transshipping activity. Permission for cruise ship docking at the subject site will not jeopardize the use of the subject site for industrial or commercial uses, including transshipment.

The subject site is suitable for this type of use given its unique shoreline which is able to provide the deep-water docking facilities critical for large vessels, including cruise ships, to dock. Deep-water docks are uncommon in the surrounding region and few exist in Eastern Ontario, and none are as strategically located as the subject site, located within a tourism corridor and approximately three kilometers north of the Town of Picton. Tourism and economic benefits associated with the proposed use support its establishment on the subject site.

The following definition is proposed for a cruise ship docking use: means a marine facility that interfaces with cruise ships. A cruise ship dock may not include passenger facilities such as washrooms or sewage disposal.

Open Storage

The MX zone does not explicitly permit open storage on the entirety of the subject site. It is proposed to permit open storage of goods and materials as a accessory use to the transshipment use on the subject site, with specific buffering provisions that require a minimum 30-metre setback from the public road allowance or adjacent sensitive uses. This will help to mitigate any potential adverse effects resulting from the open storage.

The subject site is designated Industrial on Schedule E Land Use of the County's Official Plan. The Industrial designation permits a broad range of industrial uses such as a truck or transportation terminals, which includes the existing port. Although the County's Official Plan does not provide a definition for "truck or transportation terminals", the Provincial Policy Statement (2020) provides a definition for "major goods movement facilities and corridors" which references truck terminals. "*Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives*". As a result, the existing deep water port is permitted within the long standing Industrial designation of the subject site.

The subject site is zoned Environmental Protection (EP), Extractive Industrial (MX), and Rural 1 (RU1) in the County of Prince Edward Comprehensive Zoning By-law No. 1816-2006. Through the County's last comprehensive zoning update in 2006, the site was rezoned from A1, A2, M2, and MX-1 to MX and RU1. This process removed the permissions related to a transshipment uses on the subject property. As a result, today the subject site contains an existing, long-standing, legal non-conforming transshipment operation. In 2018, the transshipment use was confirmed as a legal non-conforming use by the Ontario Superior Court of Justice ruling in the case of *Save Picton Bay v. The Corporation of Prince Edward County, 2018 ONSC 5565*.

The applicant is seeking to rezone the portions of the site zoned Extractive Industrial (MX) and Rural 1 (RU1) to a site-specific Special Extractive Industrial (MX-X) zone. The site-specific zone will permit the existing and long-standing transshipment use as well as permit a cruise ship docking use and explicitly permit open storage on the site, subject to performance standards that are intended to protect adjacent sensitive uses.

Cruise ship docking is a use which would be introduced through this zoning by-law amendment and which is permitted by the current land use designation which includes transportation terminals. This use is compatible with the other proposed and permitted uses on the site and will be subject to further regulatory overview as required by Transport Canada. The proposed cruise ship docking use will introduce an opportunity for deep water docking to Prince Edward County at a location which is capable of accommodating the use without incurring adverse effects on adjacent land uses. This use will serve the growing market for cruises of the Great Lakes and support tourism throughout the County.

In addition to rezoning the property to allow transshipment uses, cruise ship docking and to allow open storage as an accessory use, the applicants propose to construct two new floating docks which will provide additional deep water dock facilities for a variety of large vessels, including cruise ship. A gate house will be constructed near the main vehicular entrance to the site to verify that transport trucks departing the site comply with maximum weight requirements and to alleviate on-site congestion concerns which cause operational delays. The new proposed structures will comply with the MX provisions of the zoning by-law.

The proposed applications are consistent with the policies of the Provincial Policy Statement (2020) and conform to the policies of the County of Prince Edward Official Plan. It is our professional opinion that the proposed zoning by-law amendment and site plan control application represent good land use planning. If you have any questions or should you require any additional information, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,



Mike Keene, MCIP RPP
Principal, Planning + Development
Fotenn Planning + Design



Youko Leclerc-Desjardins, MCIP RPP
Senior Planner
Fotenn Planning + Design

APPENDIX A

PROPOSED ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE COUNTY OF PRINCE EDWARD By-Law No. __-2020

A BY-LAW TO AMEND COUNTY COMPREHENSIVE ZONING BY-LAW NO. 1816-2006, AS AMENDED

WHEREAS By-law No. 1816-2006, as amended, is the Comprehensive Zoning By-law governing the lands located within the Corporation of the County of Prince Edward in the Wards of Hallowell and Sophiasburgh;

AND WHEREAS the Council of the Corporation of the County of Prince Edward, having received and reviewed an application to amend By-law No. 1816-2006 and is in agreement with the proposed changes for the lands described as described as: Lot 125, 130-131 RCP 28 Hallowell and Pt Lot 11, Con 1 SW Green Point: Sophiasburgh, Pt 1, 47R-2991;

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of the Corporation of the County of Prince Edward enacts as follows:

1. THAT By-law No. 1816-2006, as amended, is hereby amended by the addition of the following subsection 27.5.__ to Section 27.5 entitled "Special Extractive Industrial (MX) Zones" immediately after item 27.5.6 thereof:

"27.5.7 MX-X (Picton Terminals, Lot 125, 130-131 RCP 28 Hallowell and Pt Lot 11, Con 1 SW Green Point: Sophiasburgh, Pt 1, 47R-2991)

Notwithstanding any provisions of this By-law No. 1816-2006 to the contrary, within the MX-X Zone, the following special provisions shall apply:

- i. Additional Permitted Uses:
 - a) Transshipment
 - c) Cruise Ship Docking
- ii. Accessory Use
 - a) Open storage of goods and materials subject to the following provisions
 - i. 30-metre setback required from a public road allowance, or a lot which is zoned residential, commercial or institutional.
 - ii. A minimum 3.0-metre berm is required within the 30-metre setback.
- iii. The following definitions shall apply to the permitted uses of the site:
 - a) "Transshipment: means the shipment of goods or containers to an intermediate destination, then to another destination, and may include bulk commodities such as iron ore, aggregate, farming and steel products, bio-mass, scrap steel and barrels together with any use or accessory use"
 - b) "Cruise Ship Docking: means a marine facility that interfaces with cruise ships. A cruise ship dock may not include passenger facilities such as washrooms or sewage disposal"

- c) Truck or Transportation Terminal: means the location where freight and passengers either originate, terminate, or are handled in the transportation process. Terminals are central and intermediate locations in the movement of passengers and freight.

All other provisions of the MX Zone and By-law No. 1816-2006, as amended, shall apply to the lands zoned MX-X Zone”

2. **THAT** Schedule ‘A1’ to By- law No. 1816-2006 for the Picton Ward, as amended, is hereby amended by changing the zone category thereon, in accordance with Schedule ‘1’ attached hereto.
3. **THAT** Schedule ‘1’ attached hereto forms part of this by-law.
4. **THAT** this by-law shall come into force and take effect pursuant to the provisions and regulations made under the Planning Act, R.S.O., 1990, c.P.13, as amended upon the coming into force of OPA 81, By-law 2020-____. Read a first, second and third time and finally passed this ____ day of ____, 2020.

Catalina Blumenberg, **Clerk**

Steve Ferguson, **Mayor**

CORPORATION OF THE COUNTY OF PRINCE EDWARD
WARDS OF HALLOWELL AND SOPHIASBURGH
SCHEDULE '1'
BY-LAW NO. ____-2020

THIS IS SCHEDULE '1' TO BY-LAW NO. ____-2020 AMENDING COMPREHENSIVE ZONING BY-LAW NO. 1816-2006, AS AMENDED, FOR THE COUNTY OF PRINCE EDWARD

PASSED THIS _____ DAY OF _____ 2020

Catalina Blumenberg, Clerk

Steve Ferguson, Mayor

Lot 125, 130-131 RCP 28 Hallowell and Pt Lot 11, Con 1 SW Green Point: Sophiasburgh, Pt 1, 47R-2991;

