

SUPPLEMENTAL SUBMISSION

PICTON TERMINALS – 62 WHITE CHAPEL

1

July 26, 2019

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

Via email: pwalsh@pecounty.on.ca

**RE: Zoning By-law Amendment & Site Plan Control
Response Letter
62 White Chapel Road – Picton Terminals**

Dear Mr. Walsh,

Fotenn Consultants Inc. is pleased to submit this letter on behalf of 1213427 Ontario Corporation, operating as Picton Terminals, for the property municipally known as 62 White Chapel Road, commonly known as Picton Terminals, in the County of Prince Edward. This letter represents a response to correspondence received on May 9, 2019 regarding the completeness of information provided along with previously submitted zoning by law amendment and site plan control applications. This letter addresses the comments regarding a supplemental planning justification letter as well as a rural design brief and preliminary elevations. A Cover Letter is also being provided to outline all other additional materials being submitted.

Supplemental Planning Justification

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. The proposed zoning by-law amendment would rezone the portions of the property zoned MX and RU1 to a site-specific Special Extractive Industrial (MX-X) zone. The MX-X zone will permit transshipment and tour boat docking uses as well as explicitly permitted open storage on the site, subject to performance standards that are intended to mitigate potential impacts on sensitive uses.

During the initial planning and conceptual design phase of the proposed development, the project team conducted a thorough zoning review to determine the most appropriate zoning for the subject site. In so doing, it was determined that a site-specific Extractive Industrial (MX-X) Zone would be most appropriate for the intended use of the subject site given the historic, current, and planned uses.

As discussed in the Planning Justification Letter, submitted in support of the zoning by-law amendment application and dated November 20, 2018, the current transshipment use of the site is permitted by the Official Plan designation. 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 tour boat docking uses. Although the transshipment and tour boat 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.

Permitted Uses	
MG	MX
<ul style="list-style-type: none"> • manufacturing, machining, processing, assembling, wholesaling or warehousing use in wholly enclosed buildings • transport terminals • building supply outlet • contractor's yard • farm and garden machinery sales and service • marine sales and service establishment • motor vehicle body shop • motor vehicle repair garage • motor vehicle washing establishment • mobile home and modular home construction and sales • recreational vehicles sales and service • mini storage facility • dry cleaning establishment • light and heavy equipment sales and/or rentals • printing publishing establishment • public uses and utilities in accordance with the provisions of Section 4.23 of this By-law • public works yard and/or garage • truck repair and maintenance depot • veterinary clinic • brew-your-own beer and wine making establishment • recycling depot • fuel storage depot • office, accessory to any permitted use • accessory retail commercial factory outlet up to 25% of gross floor area of building • uses, including open storage, buildings and structures accessory to the foregoing permitted uses 	<ul style="list-style-type: none"> • a pit or quarry and the crushing, screening or washing of aggregate • asphalt or concrete batching plant • aggregate processing plant • wayside pit and wayside quarry, in accordance with provisions of Section 4.21 of this By-law • uses, buildings 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 <p>Legal Non-Conforming Uses:</p> <ul style="list-style-type: none"> • Transshipment

Rural Design Brief & Preliminary Elevations

The subject site is currently screened from view from White Chapel Road by a variety of trees and plant growth. Only limited portions of the site are visible through the vegetation at certain points along the public road allowance. In order to further mitigate any potential adverse visual impacts of the site, the applicant has proposed to create a 10-metre high berm along the western and northern lot lines of the subject site. As per the conceptual site plan

submitted in support of the zoning by-law amendment application, these berms will then be seeded and vegetated with a variety of trees and shrubs. The purpose of the berms is to reinforce the visual screen between White Chapel Road and the internal areas of the site. The berms will create a naturalized visual screen between the site and adjacent lands.

The proposed development includes two primary buildings. The first building is an existing office and workshop space, located in the northern half of the site and being approximately 5 metres in height. The base of the existing office and workshop building is located at a geodetic height of approximately 99.7 metres. The second building is proposed to be constructed in the southern half of the site and will have a similar administrative function to the existing office building, with an approximate height of 3.5 metres. The base of the proposed new office building is located at a geodetic height of approximately 97.3 metres.

In order to assess the visibility of the existing and proposed buildings from White Chapel Road, Fotenn Consultants Inc. has prepared two cross-sectional diagrams of the subject site, provided in Appendix A of this letter. As can be seen on Drawing C1, the geodetic height of the berms will greatly exceed the height of the existing and proposed buildings. The vegetation covering the berms will serve to naturalize the landscape and contribute some additional height to the screening effect.

The site also contains a variety of outdoor storage areas for aggregate materials. At the time of writing, the largest resource stored on-site, in terms of quantity, is salt. On-site salt storage has historically required the creation of large mounds which, at times, have exceeded the height of the existing office and workshop building. However, as shown on the conceptual site plan, a new covered dry storage facility is under construction which will house the bulk of all salt stored on the site. This facility is being constructed well below the average geodetic elevation (approximately 98.0 metres) of the upper portion of the site. The storage facility, once complete, will store up to 120k MT of salt inside a 90-foot rock cliff, mitigating any potential visual impacts and preventing discharge of salt into Picton Bay. Other aggregate resources will continue to be stored on-site in open storage areas. However, there is typically a far lesser quantity of other aggregate resources in comparison to salt. These resources are generally stored in stockpiles no greater than three metres in height. Given that the vegetated berms around the site will be a minimum of ten metres in height, the proposed outdoor storage areas will not be visible from ground-level along White Chapel Road.

The majority of on-site machinery is either located adjacent to the docking facilities or mobile. The stationary equipment at the docks is not visible from White Chapel Road, as it is located behind a rock cliff and approximately 20 metres below the geodetic elevation of the municipal road allowance. A large conveyor is located on the upper ridge of the property but is not anticipated to be visible from White Chapel Road once the berms are in place and the plantings have matured. Smaller mobile machinery, including trucks, backhoes, and bull dozers, are not large enough to be visible from the roadway.

We trust these responses address the concerns identified in the correspondence received. If you have any questions or would like to discuss further, please feel free to contact us at 613.542.5454.

Respectfully,



Mike Keene, MCIP RPP
Principal, Planning + Development
Fotenn Consultants Inc.



Youko Leclerc-Desjardins, MCIP RPP
Senior Planner
Fotenn Consultants Inc.