



Municipality of Port Hope

Staff Report

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Report Title: Phase 5 Penryn Mason Homes Inc. – Environmental Impact Study and Heritage Impact Assessment

Report to: Planning & Development Committee

Date of meeting: April 5, 2022

Report Author:

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Department responsible:

Planning & Development

Report Number: PD-09-22

Recommendation:

Receive for information.

Highlights:

- The revised Environmental Impact Study by GHD Ltd. for Penryn Mason Homes related to phase 5 of their project has been submitted to the municipality and a preliminary peer review has been completed.
- The heritage report by Goldsmith, Borgal & Co. Ltd Architects has further been submitted to the municipality and a draft preliminary peer review has been completed.
- The completed revised studies conducted on behalf of Mason Homes have been released to the public to support the ongoing public transparency on the matter.
- This report is to inform Council and the public that this matter is beginning the process of returning to the Ontario Lands Tribunal (OLT / LPAT) for decision.

Background:

On May 19, 2021 staff provided a comprehensive report and information to Council and the public related to the proposed minutes of settlement for the Penryn Mason Homes LPAT Appeal Case #PL200619 detailed in the current planning applications section of the website under the heading SU01/2019 Mason Homes Phase 5.

The Tribunal held a Case management Conference (CMC) on May 28, 2021 regarding the development proposal for the lands known locally as Phase 5 of the Lakeside Village Development which sought an Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision approval.

In the lead up to the CMC, the Applicant and the Municipality had entered into Minutes of Settlement that proposed to separate the issues related to Phase 5 into separate

Phases 5A and 5B. Phase 5A included lands that were mutually agreed upon and both parties recognised did not contain any particularly sensitive issues and could be supported to move forward with a draft plan of sub-division. Phase 5B which included the woodlot and its buffer known as Block 272 remained outstanding. Phase 5B was requested to be adjourned sine die to enable further studies to be completed.

The Tribunal found that a phased approach was appropriate in these circumstances, as it separates the contested woodlot as found in Block 272 from the balance of the Subject Lands and does not prejudice the consideration of Block 272 at a later date.

The Tribunal allowed the appeals and approved the Draft Plan in principle subject to receiving the final version of the Draft Plan (lot 138), approved the Official Plan Amendment, the Zoning By-law Amendment, and the Conditions of Draft Plan Approval, all as set out in the Minutes of Settlement and delegated authority to the Municipality for the clearing of the Draft Plan Conditions of Approval relating to Phase 5A. Phase 5A is progressing and a pre-servicing agreement has been drafted to allow work to proceed in 2022.

The Tribunal adjourned Phase 5B of the hearing without a future date designated and provided further directions related to granting a group of citizens participant status, responsibilities for the proponent's legal counsel to update the tribunal at six months and a further responsibility to provide at minimum 60 days public notice of a return to the tribunal for decision on Phase 5B.

Discussion:

On December 17, 2021, GHD Ltd. and Penryn Mason Homes Inc. through their legal counsel provided an updated Environmental Impact Study (EIS) – Phase 5 (**Attachment 1**) to the Municipality for consideration. The Municipality contracted North-South Environmental Inc. (NSE) to peer review the document and study. The Municipalities peer review organization provided initial comments and a request for further information to GHD Ltd. In response, that information was provided to the municipality in the last week of February 2022 and has allowed NSE to complete their draft review.

A required heritage report titled Opinion Report, Penryn Mason Homes, Phase 5A (**Attachment 2**), was prepared by Goldsmith Borgal & Co. Ltd. Architects (GBCA) in place of a formal Heritage Impact Assessment (HIA) and delivered to the municipality in October 2021, also for consideration. The municipality retained Letourneau Heritage Consultants (LHC) to provide a peer review of this opinion and have received draft comments on the review.

While the peer reviews by both NSE and LHC are respectively being finalized, staff, through legal counsel, have indicated to the proponent that we are prepared to return to the OLT for decision on this matter. Mason Homes has indicated that they have instructed their legal counsel to contact the OLT (**Attachment 3**) and schedule a hearing on these matters to get to a decision. Based on the volume of cases currently at the OLT, the Municipality's legal counsel has indicated that there is the potential for this matter to be delayed to sometime near the end of 2022. In the interests of resolution for

the developer, the Municipality, and the residents with standing it is appropriate to start the process along with it being a requirement of the settlement achieved June 11, 2021. This report is to inform Council and the public that this matter is beginning the process of returning to the OLT for decision.

Staff also recognize the public interest in both the environmental and heritage reports, done by both the proponent's environmental firm GHD Ltd. and their heritage architects GBCA. To ensure that the Municipality is remaining transparent as related to process and information sharing it is the intention of this report to release both reports to the public in the current planning applications section of the Municipal website under the heading SU01/2019 Mason Homes Phase 5

Financial Considerations:

There will be further financial implications related to legal costs associated with bringing this matter forward to the OLT. At this stage, there is little ability to predict how much those costs will be and it is anticipated that a future Closed Session report to Council will be required to outline the Municipalities formal legal position and the costs associated with returning to the OLT.

Communication and Public Engagement:

Staff have posted the EIS – Phase 5 by GHD Ltd. and Opinion Report, Penryn Mason Homes, Phase 5A Goldsmith, Borgal & Co. Ltd Architects to the municipal website.

Conclusion:

This report provides the complete environmental study conducted by GHD Ltd. for Phase 5 and the heritage report prepared by GBCA for the Lakeside Village development and indicates that this matter should in fact return to the OLT for a decision. Further, considering the level of public interest and requests for access to these reports, staff are making them public in a transparent manner.

Attachments:

Attachment 1 – Environmental Impact Study – Phase 5 - December 2021

Attachment 2 – Opinion Report, Penryn Mason Homes, Phase 5A Goldsmith, Borgal & Co. Ltd Architects – October 2021

Attachment 3 – Letter to OLT to request return for decision