



Municipality of Port Hope

Staff Report

porthope.ca/agendas-and-minutes

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

Report to: Planning & Development Committee

Date of meeting: May 3, 2022

Report Author:

Todd Davis – Director, Planning and Development

Department responsible:

Planning & Development

Report Number: PD-14-22

Recommendation:

Receive for information.

Highlights:

- The peer review of the Environmental Impact Study for Penryn Mason Homes related to phase 5 of their project has been completed.
- The peer review of the heritage report titled Opinion Report, Penryn Mason Homes, Phase 5A has been completed.
- Both reviews have been reviewed by staff, circulated to the proponents and are being brought forward for release to the public given the long standing public interest in these matters and in consideration of the citizen with standing at the OLT.
- The matter related to phase 5B of the Penryn Mason Homes development is scheduled to return to the Ontario Lands Tribunal for a Case Management Conference on June 22, 2022.

Background:

On April 3, 2022 staff brought forward a report that provided an update on the Mason Homes development and in particular the portion of the development lands considered 5B. The previous report released the Environmental Impact Study (EIS) and the Heritage Impact Assessment (HIA) from the consultants for the developer. These reports were prepared as a result of the outcomes of the 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.

The Tribunal had adjourned Phase 5B of the hearing without a future date designated for resolution. It also 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 April 20, 2022, through our legal counsel Templeman, the Municipality of Port Hope provided a peer review of the previously submitted Environmental Impact Study (EIS) – Phase 5 to the developer Mason Homes. North-South Environmental Inc. (NSE) is the Municipality's environmental consultant familiar with the work provided by Mason Homes on this project. Having provided initial comments to staff and legal counsel this review (**Attachment 1**) constitutes the Municipality's response to the Mason Homes submission released to the public on April 3.

In response to the heritage report titled Opinion Report, Penryn Mason Homes, Phase 5A, the municipality retained Letourneau Heritage Consultants (LHC) to provide a peer review (**Attachment 2**). This review and report constitute the Municipality's response to the Mason Homes submission related to heritage.

The peer reviews by both NSE and LHC have been finalized, provided to staff and through our legal counsel shared with the developer. With this report these documents are now available to the public.

Staff are preparing to return to the Ontario Lands Tribunal (OLT) in the near future to begin the process of resolving this matter. There is a CMC scheduled for June 22, 2022 that will outline the process, set the dates for hearing the matter and provide a timeline to find resolution. Once the CMC is complete pending the outcome of communications between the Municipality's legal Counsel and the developer a hearing will be scheduled at a date expected to be later in the year.

To ensure that the municipality is remaining transparent as related to process and information sharing it is the intention of this report to release the peer review materials to the public. These documents will also be made public through the municipal website in the Current Planning Applications section under SU1/19 – Mason Homes Phase 5.

Financial Considerations:

There will be further financial implications related to the legal costs associated with bringing this matter forward to the OLT. Costs will be contingent on the Municipality's formal legal position and the length of time required to resolve this matter at the OLT..

Communication and Public Engagement:

Staff have posted the peer reviews of the EIS – Phase 5 and Opinion Report, Penryn Mason Homes, Phase 5A done by NSE and LHC respectively to the municipal website.

Conclusion:

This report provides the completed peer reviews of the environmental study conducted by GHD Ltd. for Phase 5 and the heritage report prepared by GBCA for the Lakeside Village development. 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 – Peer Review of Environmental Impact Study Update for a Residential Development in Port Hope (April 12, 2022)

Attachment 2 – Peer Review Opinion Report Penryn Mason Homes: Phase 5A Port Hope (April 1, 2022)